

United States District Court for the Southern District of California

Schertzer, et al. v Bank of America, N.A., et al.

Case No.: 3:19-cv-00264-DMS-MSB

If You Were Assessed Fees by Bank of America for Balance Inquiries at ATMs Owned and Operated by FCTI, Inc., Which are Located at 7-Eleven Stores, You May be Eligible to Receive Monetary Compensation from a Class Action Settlement.

A court authorized this notice. This is not a solicitation from a lawyer.

Your legal rights are affected whether you act or not. Please read this notice carefully.

A settlement (“Settlement”) has been reached in a class action lawsuit filed in the United States District Court for the Southern District of California. If the Court gives final approval of the Settlement, Bank of America, N.A., (“BANA”) will provide \$2,250,000 in a Settlement Fund¹ and you may be entitled to a portion of that Settlement Fund. The purpose of this Long Form Notice is to inform you of the Settlement so that you may decide what steps to take in relation to it.

BASIC INFORMATION

1. Why did I get this Notice?

You received this Long Form Notice because a Settlement has been reached in a class action lawsuit filed in the United States District Court for the Southern District of California. You might be a member of the Settlement Class; thus, you may be eligible for the relief detailed below.

This Long Form Notice explains the nature of the Action, the general terms of the proposed Settlement, and your legal rights and obligations. To obtain more information about the Settlement, including information about how you can see a copy of the Settlement Agreement, see Section 19 below.

2. What is a class action?

In a class action, one or more people called “Class Representative(s)” (in this case, Brittany Covell) sue on behalf of people who have similar claims. For purposes of this proposed Settlement, one court will resolve the issues for all Settlement Class Members. Since BANA was the company sued in this Action, it is called the Defendant.

3. What is the lawsuit about?

A lawsuit was filed against BANA by the Class Representative alleging that BANA breached its contract with its customers by assessing two out-of-network (“OON”) fees for balance inquiry requests when only a single balance inquiry was undertaken at FCTI-owned ATMs located in 7-Eleven stores. BANA denies that the assessment of two OON balance inquiry fees was improper, or that it has done anything wrong. No court has decided which side is right. To learn more about what has happened in this litigation to date, please see Section 19.

4. Why is there a Settlement?

Both sides agreed to the Settlement to avoid ongoing litigation costs and going to trial. As a result, the Settlement Class Members will receive relief now rather than years from now, if at all.

¹ Capitalized terms not otherwise defined herein shall have the same meaning ascribed to them in the Settlement Agreement, available at www.OONFeeSettlement.com.

5. How do I know if I am part of the Settlement?

You are a member of the Settlement Class if you fit the following description:

You are a BANA Accountholder in the United States who was assessed more than one out-of-network balance inquiry fee during the same visit to a FCTI, Inc.-owned ATM located in a 7-Eleven store from May 1, 2018, to November 16, 2021, and did not make a valid claim and receive payment in *Weiss v. FCTI, Inc.*, Case No. 37-2024-00016908-CU-BT-NC.

6. What if I am still not sure if I am included?

If you are still not sure whether you are included in the Settlement Class, you can visit the website www.OONFeeSettlement.com, call toll free (833) 447-8321, or write to the below address for additional information:

Schertzer v. Bank of America
c/o Kroll Settlement Administration
PO Box 225391
New York, NY 10150-5391

THE PROPOSED SETTLEMENT

7. What relief does the Settlement provide?

BANA has agreed to provide \$2,250,000 to the Settlement Fund. If you are a Settlement Class Member, you will receive an equal *pro-rata* share of the remainder of the Net Settlement Fund based on the number of Current Accountholders and Valid Claims submitted by Past Accountholders.

8. How to file your claim if you are a Former Accountholder

If you received an Email Notice or Postcard Notice, and are recognized as a Former Accountholder; you must file a claim to receive an equal pro-rata share of the Net Settlement Fund. To file your claim online and receive your payment via electronic transfer, you can file online at www.OOPSettlement.com. You may also request a form by calling (833) 447-8321 or by contacting the Settlement Administrator at www.OONFeeSettlement.com.

All claims must be filed by mail or online by Monday, June 29, 2026.

YOUR RIGHTS AND OPTIONS

If you are a Settlement Class Member, you must decide how you wish to handle the Settlement and exercise your options as detailed below, including meeting any associated deadline.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		
DO NOTHING	<p>If you are a Current Accountholder and received an Email Notice and/or Postcard Notice:</p> <p>If you do nothing and the Court approves the Settlement, you will receive an equal <i>pro-rata</i> distribution of the Net Settlement Fund based on the number of Current Accountholders and Past Accountholders who submitted a Valid Claim.</p>	Deadline:
SUBMIT A CLAIM FORM	<p>If you are a Past Accountholder and received an Email Notice and/or Postcard Notice:</p> <p>If you would like to submit a Claim Form, a copy of the Claim Form can be found on the Settlement Website, located at www.OONFeeSettlement.com. If you submit a Valid Claim, you will receive an equal <i>pro-rata</i> distribution of the Net Settlement Fund based on the combined total number of Current Accountholders, and the total number of Past Accountholders who submitted a Valid Claim. If you submit a Valid Claim online, you may choose electronic payment or paper check. If you do not select a payment method, a check will be mailed. Paper Claim Forms are paid by paper check.</p>	Deadline: Monday, June 29, 2026
ASK TO BE EXCLUDED	<p>Get out of this Settlement and get no money.</p> <p>If you ask to be excluded from the Settlement, you are not eligible to share in the Settlement Fund. Instead, you will keep any rights to sue BANA separately over the legal claims in this Action.</p>	Deadline: Tuesday, July 7, 2026
OBJECT	<p>Challenge the Settlement.</p> <p>You may file a written objection telling the Court why you object to (i.e., don't like) the Settlement and think it should not be approved. Submitting an objection does not exclude you from the Settlement.</p>	Deadline: Tuesday, July 7, 2026
GO TO THE FINAL FAIRNESS HEARING	<p>Go to Court.</p> <p>The Court will hold a "Final Fairness Hearing" to consider the Settlement, the request for Attorneys' Fees and Costs of the lawyers who brought the Action, and the Class Representative's request for a Service Award for bringing the Action.</p> <p>You may, but are not required to, speak at the Final Fairness Hearing about any objection you filed to the Settlement. If you intend to speak at the Final Fairness Hearing, you must also submit a "Notice of Intention to Appear" indicating your intent to do so.</p>	Date and Time: Friday, August 21, 2026, at 1:30 PT

These rights and options – **and the deadlines to exercise them** – are explained in more detail below. The Court has preliminarily approved the Settlement and must decide whether to give final approval of the Settlement. The relief provided to Settlement Class Members will be provided only if the Court gives final approval to the Settlement and, if there are any appeals, after the appeals are resolved in favor of the Settlement. *Please be patient.*

9. What happens if I do nothing at all?

If you do nothing and the Court approves the proposed Settlement, you will be releasing your claims against BANA. This generally means that you will not be able to file a lawsuit, continue prosecuting a lawsuit, or be part of any other lawsuit against BANA regarding the claims in the Action. The Settlement Agreement, available online at the following Settlement Website: www.OONFeeSettlement.com, contains the full terms of the release.

10. What happens if I exclude myself?

If you exclude yourself from the Settlement, you will be excluded from the Settlement Class, you will not receive monetary compensation from the Settlement, you will not be bound by the Judgment entered in the Action, and you will not be precluded from prosecuting any timely, individual claim against BANA based on the conduct alleged in the Action.

11. How do I request to be excluded?

To exclude yourself, you must send an opt-out request by U.S. Mail or private courier (e.g., Federal Express) to the Settlement Administrator, stating the wish to be excluded from the Settlement Class. The opt-out request must be personally signed by you and contain your name, postal address, and a statement that indicates a desire to be excluded from the Settlement Class. The opt-out request must be postmarked by the last day of the Opt-Out Deadline. If submitted by mail, the opt-out request shall be deemed to have been submitted when posted if received with a postmark date indicated on the envelope if mailed first-class postage prepaid and addressed in accordance with the instructions. If submitted by private courier (e.g., Federal Express), an exclusion request shall be deemed to have been submitted on the shipping date reflected on the shipping label.

The last day of the Opt-Out Deadline is **Tuesday, July 7, 2026**. The mailing address of the Settlement Administrator is:

Schertzer v. Bank of America
ATTN: Exclusion Request
c/o Kroll Settlement Administration
PO Box 225391
New York, NY 10150-5391

12. How do I tell the Court that I disagree with the Settlement?

To object to the Settlement, you must submit the objection no later than the last day of the Objection Deadline. The objection must be filed with Clerk of the Court and mailed to the Settlement Administrator. If submitted by mail, a written objection shall be deemed to have been submitted when posted if received with a postmark date indicated on the envelope if mailed first-class postage prepaid and addressed in accordance with the instructions. If submitted by private courier (e.g., Federal Express), an objection shall be deemed to have been submitted on the shipping date reflected on the shipping label.

Questions? Call (833) 447-8321 or visit www.OONFeeSettlement.com

For an objection to be considered by the Court, the objection must also set forth: (i) the objector's full name, address, telephone number, and e-mail address (if any); (ii) information identifying the objector as a Settlement Class Member in this Action, including evidence that the objector is a member of the Settlement Class; (iii) a written statement of all grounds for the objection, accompanied by any legal support for the objection the objector believes applicable; (iv) the identity of all counsel representing or assisting the objector, if any; (v) the identity of all counsel representing the objector who will appear at the Final Fairness Hearing, if any; (vi) a list of all persons who will be called to testify at the Final Fairness Hearing in support of the objection, if any; (vii) a statement confirming whether the objector intends to personally appear and/or testify at the Final Fairness Hearing; (viii) the objector's signature and the signature of the objector's duly authorized attorney or other duly authorized representative (along with documentation setting forth such representation), if any; (ix) a list, by case name, court, and docket number, of all other cases in which the objector (directly or through counsel) has filed an objection to any proposed class action settlement within the last three (3) years; (x) a list, by case name, court, and docket number, of all other cases in which the objector's counsel (on behalf of any person or entity) has filed an objection to any proposed class action settlement within the last 3 years; and (xi) a list, by case name, court, and docket number, of all other cases in which the objector has been a named plaintiff in any class action or served as a lead plaintiff or class representative.

The Objection Deadline is **Tuesday, July 7, 2026**. The mailing address of the Settlement Administrator is:

Schertzer v. Bank of America
c/o Kroll Settlement Administration
PO Box 225391
New York, NY 10150-5391

The mailing address for the Court is **333 W. Broadway, San Diego, CA 92101**.

13. What is the difference between excluding myself and objecting to the Settlement?

Objecting is simply telling the Court that you disagree with something about the Settlement. You can object only if you do not exclude yourself from the Settlement.

Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

THE LAWYERS REPRESENTING THE CLASS.

14. Do I have a lawyer in this case?

Yes. The Court appointed Todd D. Carpenter, (Eddie) Jae K. Kim, and Tiffine E. Malamphy of Lynch Carpenter, LLP as "Class Counsel." You do not have to pay Class Counsel. If you want to be represented by your own lawyer and have that lawyer appear in court for you in this case, you may hire one at your own expense.

15. How will the lawyers be paid?

Class Counsel will ask the Court to approve attorneys' fees up to 30% of the Settlement Amount and costs up to \$35,000, which will be paid out of the Settlement Fund. You will not be required to pay any

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attorneys' fees or costs.

16. May I get my own lawyer?

You are not required to hire your own lawyer because Class Counsel is working on your behalf. However, if you want your own lawyer, you can hire one at your own expense. For example, you can ask your lawyer to appear in court for you if you want someone other than Class Counsel to speak for you.

FINAL APPROVAL HEARING

17. What is the Final Approval Hearing?

The Court has preliminarily approved the Settlement and will hold a hearing to decide whether to give final approval to the Settlement. The purpose of the Final Fairness Hearing will be for the Court to determine whether the Settlement should be approved as fair, reasonable, adequate, and in the best interests of the Settlement Class; to consider the award of attorneys' fees and expenses to Class Counsel; and to consider the request for a Service Award to the Class Representative. At the hearing, the Court will be available to hear any objections and arguments concerning the proposed Settlement. You may attend, but you do not have to attend.

18. When and where is the Final Approval Hearing?

On **Friday, August 21, 2026, at 1:30 PT**, a hearing will be held on the fairness of the proposed Settlement. The hearing will take place before the Hon. Dana M. Sabraw in Courtroom 13A of the United States District Court for the Southern District of California, located at 333 W. Broadway, San Diego, CA 92101. The hearing may be postponed to a different date, time, or transferred to a different location without notice. Please check www.OONFeeSettlement.com for any updates about the Settlement or Final Fairness Hearing.

19. May I speak at the hearing?

You may speak at the Final Fairness Hearing if: (a) you have timely submitted an objection; and (b) you have timely provided a Notice of Intent to Appear.

If you have requested exclusion from the Settlement, you may not speak at the hearing.

GETTING MORE INFORMATION

20. Are more details available?

Visit the Settlement Website at www.OONFeeSettlement.com/documents, where you will find a copy of the Settlement Agreement, the Court's Preliminary Approval Order, Class Counsel's application for Attorneys' Fees and Costs, and the operative Complaint filed in the Action. Alternatively, you may contact the Settlement Administrator via the website: www.OONFeeSettlement.com or the U.S. postal (mailing) address:

Schertzer v. Bank of America
c/o Kroll Settlement Administration
PO Box 225391
New York, NY 10150-5391

This description of this Action is general and does not cover all of the issues and proceedings that have occurred. In order to see the complete file, you should visit the Clerk's office at 333 W. Broadway, San

Questions? Call (833) 447-8321 or visit www.OONFeeSettlement.com

Diego, CA 92101. The Clerk will tell you how to obtain the file for inspection and copying at your own expense.

21. What if my address or other information has changed?

It is your responsibility to inform the Settlement Administrator of your updated information. You may do so in the following manner: at the website: www.OONFeeSettlement.com/documents or the U.S. postal (mailing) address:

Schertzer v. Bank of America
c/o Kroll Settlement Administration
PO Box 225391
New York, NY 10150-5391

DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT OR THE JUDGE, EXCEPT FOR AS PROVIDED ABOVE.