

**If you currently or formerly (1) have a Bank of America credit card, (2) enrolled in Bank of America’s eBill AutoPay for your credit card, (3) selected the “Amount Due” payment option between June 4, 2014 and March 7, 2021, and (4) switched your payment option from “Amount Due” to “Account Balance” as of May 21, 2021, after making an “Amount Due” payment and being assessed interest, You May Be Entitled To Benefits From A Proposed Class Action Settlement.**

*A court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.*

- A proposed settlement has been reached in a class action lawsuit that may affect your rights.
- The Settlement resolves a class action lawsuit against Bank of America, N.A. (“BANA” or “Defendant”), alleging that it used misleading payment options for automatic payments through the BANA website.
- The Court has not decided whether to finally approve the Settlement. Relief will be made available only if the Court approves the Settlement and any appeals are resolved.
- Unless otherwise noted, capitalized terms have the same meaning as in the Settlement Agreement (available on the Settlement Website at [www.CreditCardAutoPaySettlement.com](http://www.CreditCardAutoPaySettlement.com)).
- **Your legal rights are affected whether you act or do not act. Read this Notice carefully.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>Do Nothing and Receive A Check</b>	Do nothing. You will receive a payment if the Settlement is approved without the need to file a claim form, and you will also release your right to sue BANA and others.
<b>Exclude Yourself From the Settlement by September 11, 2021</b>	You may request to be excluded (or “opt out”) from the Settlement, and if you do, you will receive no benefits from the Settlement. If you want to exclude yourself from the Settlement, you must send a written request for exclusion by U.S. Mail such that it is postmarked no later than <b>September 11, 2021</b> , following the instructions in Question 8.
<b>Object by September 11, 2021</b>	You must write to the Court, Plaintiff’s Counsel, and Defense Counsel about why you object to the Settlement. If you object, you will still be a Settlement Class Member. You must follow the instructions and send your objection to the addresses set forth in Question 11 such that it is filed and served no later than <b>September 11, 2021</b> .
<b>Go to a Hearing on November 17, 2021</b>	Ask to speak in court about the fairness of the Settlement. You must follow the instructions in Question 16.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this Litigation still has to decide whether to approve the Settlement of this case. Payment will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

**Questions? Call 1-855-535-1849 or Visit [CreditCardAutoPaySettlement.com](http://CreditCardAutoPaySettlement.com).**

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**Questions? Call 1-855-535-1849 or Visit  
CreditCardAutoPaySettlement.com.**

## BASIC INFORMATION

### 1. Why is there a Notice?

A Court authorized this Notice because you have a right to know about the proposed Settlement of a class action lawsuit known as *Jette v. Bank of America, N.A.*, Case No. 2:20-cv-06791-SDW-LDW, which is pending in the United States District Court for the District of New Jersey, and about all of your options before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

Magistrate Judge Leda D. Wettre of the United States District Court for the District of New Jersey is overseeing this case. The person who sued is called the “Plaintiff.” Bank of America, N.A. (hereinafter “BANA”), is the “Defendant.”

### 2. What is this Litigation about?

This class action concerns the alleged overpayment of interest based on allegedly confusing payment options. Plaintiff alleges that BANA violated the New Jersey Consumer Fraud Act, breached uniform credit card agreements, breached the covenant of good faith and fair dealing, and was unjustly enriched due to its actions in not adequately disclosing that the “Amount Due” payment option offered in connection with BANA’s eBill AutoPay for BANA credit cards was the same as paying the “Minimum Amount Due” and would result in payment of only the minimum amount due and not the full amount due, which resulted in customers choosing “Amount Due” when they intended to pay the account balance.

BANA strongly denies all of Plaintiff’s claims; denies all allegations of wrongdoing, fault, liability or damage of any kind to Plaintiff or the Settlement Class; denies that it acted improperly or wrongfully in any way; and is entering into this Settlement to avoid burdensome and costly litigation. The Settlement is not an admission of wrongdoing.

The Plaintiff’s Amended Class Action Complaint, the Class Action Settlement Agreement and Release (“Settlement Agreement”), and other case-related documents are posted on the Settlement Website at [CreditCardAutoPaySettlement.com](http://CreditCardAutoPaySettlement.com). The Settlement resolves the lawsuit. The Court has not decided who is right.

### 3. Who is included in the Settlement Class?

You are a member of the Settlement Class if you currently or formerly (1) have a Bank of America credit card, (2) enrolled in Bank of America’s eBill AutoPay for your credit card, (3) selected the “Amount Due” payment option between June 4, 2014 and March 7, 2021, and (4) as of May 21, 2021, switched your payment option from “Amount Due” to “Account Balance” after making an “Amount Due” payment and being assessed interest. You may contact the Settlement Administrator if you have any questions as to whether you are in the Settlement Class.

The following persons are excluded from the Settlement Class: Defendant; any entities in which it has a controlling interest; its agents and employees; any Judge to whom this action is assigned and any member of such Judge’s staff and immediate family; and persons who validly and timely exclude themselves using the procedure set forth in Question 8 below.

## SETTLEMENT BENEFITS – WHAT YOU MAY GET

### 4. Cash from the Settlement?

The Settlement establishes a \$5.95 million Settlement Fund for the benefit of the Settlement Class. Without the need to file a claim form, all Settlement Class Members will automatically receive a check representing a pro rata share of the Net Settlement Fund (the Settlement Fund less a service award in the sum of \$7,500 for Plaintiff, attorneys’ fees up to and not to exceed 33.33% of the Settlement Fund and costs and expenses, and Notice and Administration Expenses) based on the total number of Settlement Class Members and total amount of interest paid by Settlement Class Members from when their initial selection of “Amount Due” became effective to when their switch of payment options from “Amount Due” to “Account Balance.”

Payments to Settlement Class Members will exhaust the Net Settlement Fund. No money will be returned to BANA. Any monies left in the Settlement Fund will be donated to the Center for Responsible Lending.

**Questions? Call 1-855-535-1849 or Visit  
[CreditCardAutoPaySettlement.com](http://CreditCardAutoPaySettlement.com).**

## HOW YOU GET A CASH PAYMENT

### 5. How can I get a payment?

You do not need to return a claim form to get a cash payment because BANA's records show that you are or may be a Settlement Class Member and all Settlement Class Members will receive their pro rata share of the Net Settlement Fund. If the Court approves the Settlement and it becomes final and effective, you will automatically receive a payment.

### 6. When will I get my payment?

The Court will hold a Final Approval Hearing at 10:00 a.m. on **November 17, 2021**, in Newark, New Jersey, to decide whether to approve the Settlement. If the Court approves the Settlement, there may still be appeals. It is always uncertain whether and when these appeals can be resolved, and resolving them can take time—perhaps more than a year. If there are no appeals or other delays, you should be sent your cash payment via check within 60 days of the entry of the Final Approval Order. Please be patient and check the Settlement Website frequently for any updates.

### 7. What happens if I do nothing at all?

If you do nothing, you will still be entitled to get money from the Settlement. Unless you exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against BANA about the legal issues in this case. For more information about the release of claims, please see Question 13 below.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 8. How do I get out of the Settlement Class?

If you do not wish to be included in the Settlement Class and receive settlement benefits, you must send a letter stating that you want to be excluded from this lawsuit.

Be sure to include

- (a) your name;
- (b) your address;
- (c) your telephone number;
- (d) a statement that you are the owner of a credit card account that is part of the Settlement; and
- (e) your signature.

You must mail your exclusion request to the following address:

BANA Credit Card Auto Payment Settlement Administrator  
P.O. Box 6386  
Portland, OR 97228-6386

It must be postmarked no later than **September 11, 2021**. If you asked to be excluded, you will not get any Settlement payment and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) BANA in the future.

If you have a pending lawsuit against BANA, speak to your lawyer immediately. You may need to exclude yourself from this lawsuit in order to continue your own lawsuit. Remember, the exclusion date is **September 11, 2021**.

## THE LAWYERS REPRESENTING YOU

### 9. Do I have a lawyer in this case?

The Court appointed the law firms of Tycko & Zavareei LLP and Miller Shah LLP to represent you and other Settlement Class Members. These lawyers are called Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense.

**Questions? Call 1-855-535-1849 or Visit  
CreditCardAutoPaySettlement.com.**

## 10. How will the lawyers be paid?

Class Counsel will ask the Court to award them attorneys' fees of up to 33.33% of the Settlement Fund and will also seek reasonable expenses incurred in connection with prosecuting this case.

Plaintiff will also ask the Court to award him an amount not to exceed \$7,500 for his time and effort acting as Plaintiff and for his willingness to bring this Litigation and act on behalf of consumers.

## OBJECTING TO THE SETTLEMENT

### 11. How do I tell the Court that I do not like the Settlement?

If you are a Settlement Class Member and do not exclude yourself, you can object to the Settlement if you do not like any part of it, and the Court will consider your views. To object, you must file an objection with the Court saying that you object to the Settlement in *Jette v. Bank of America, N.A.*, Case No. 2:20-cv-06791-SDW-LDW.

The written objection must include

- (a) a heading which refers to the Action (*Jette v. Bank of America, N.A.*, No. 20-cv-06791-SDW-LDW);
- (b) your name, address, telephone number, and if represented by counsel, your counsel's information;
- (c) a statement that you are the owner of a credit card account with BANA;
- (d) a statement of whether you intend to appear at the Final Approval Hearing, either in person or through counsel;
- (e) a statement of the objection and all of the grounds supporting the objection;
- (f) copies of any papers, briefs, or other documents upon which the objection is based;
- (g) the name and case number of all objections to class action settlements made by you and/or your counsel in the past five (5) years; and
- (h) your signature.

This objection must be filed with the Court and served on Class Counsel no later than **September 11, 2021**. Send your objection to the following addresses:

Clerk of the Court	Class Counsel	Defense Counsel
United States District Court, District of New Jersey Martin Luther King Building & U.S. Courthouse 50 Walnut Street Newark, NJ 07102	Hassan A. Zavareei Tycko & Zavareei LLP 1828 L Street NW, Suite 1000 Washington, DC 20036  James C. Shah Miller Shah LLP 475 White Horse Pike Collingswood, NJ 08107	William K. Pao O'Melveny & Myers LLP 400 South Hope Street, 18th Floor Los Angeles, CA 90071

### 12. What is the difference between objecting and excluding?

Objecting is telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class or the lawsuit. You cannot request exclusion and object to the Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

## RELEASE OF CLASS MEMBERS' CLAIMS AND DISMISSAL OF LAWSUIT

### 13. In return for these benefits, what am I giving up?

If the Court approves the proposed Settlement and you do not request to be excluded from the Settlement Class, you must release (give up) all claims that are subject to the Releases described and identified in Section V of the Settlement Agreement, and the case will be dismissed on the merits and with prejudice. If you remain in the Settlement Class, you may not assert any of those claims in any other lawsuit or proceeding. This includes any other lawsuit or proceeding already in progress. Each Settlement Class Member who does not exclude himself or herself from the Settlement Class will also be bound by all of the decisions by the Court.

The Settlement Agreement provides more detail regarding the Releases and describes the Released Claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the law firms representing the Settlement Class listed in Question 9 for free, or you can, at your own expense, talk to a lawyer of your choosing if you have any questions about the Released Claims or what they mean.

## THE FINAL APPROVAL HEARING

### 14. When and where will the Court decide whether to approve the Settlement?

The Judge will hold a Final Approval Hearing at 10:00 a.m. on **November 17, 2021**, at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07102. The hearing may be moved to a different date or time without additional notice, or it may be changed to a telephonic hearing, so it is a good idea to check the Settlement Website frequently for updates.

At this hearing, the Judge will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Judge will consider them. The Judge will listen to people who have asked to speak at the hearing. After the hearing, the Judge will decide whether to approve the Settlement. We do not know how long this decision will take.

### 15. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Judge may have, but you are welcome to come at your own expense. If you submit an objection, you do not have to come to the Court to talk about it. As long as you deliver your written objection on time, the Judge will consider it. You may also pay your own lawyer to attend, but it is not necessary.

### 16. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file with the Court a Notice of Intention to Appear in *Jette v. Bank of America, N.A.*, Case No. 2:20-cv-06791-SDW-LDW.

Be sure to include your name, address, telephone number, your signature, and a statement that you are a member of the Settlement Class (i.e., that you had a Bank of America credit card, enrolled in eBill AutoPay and selected the "Amount Due" payment option, were assessed interest after making an "Amount Due" payment, and then switched your payment option to "Account Balance" during the time period set forth in Question 3 above).

Your Notice of Intention to Appear must be filed no later than **September 11, 2021**, and be provided to the Clerk of the Court, Class Counsel, and Defense Counsel at the addresses listed in Question 11 above. If the hearing will be held telephonically, a call in number will be provided for those who file a Notice of Intent to Appear.

Questions? Call 1-855-535-1849 or Visit  
[CreditCardAutoPaySettlement.com](http://CreditCardAutoPaySettlement.com).

## GETTING MORE INFORMATION

### 17. Are there more details about the settlement?

This Notice summarizes the proposed Settlement. More details can be found in the Settlement Agreement. You can get a copy of the Settlement Agreement by writing to the Settlement Administrator or on the Settlement Website at [www.CreditCardAutoPaySettlement.com](http://www.CreditCardAutoPaySettlement.com). You may contact Class Counsel and write with questions to the Settlement Administrator.

BANA Credit Card Auto Payment Settlement Administrator  
P.O. Box 6386  
Portland, OR 97228-6386

1-855-535-1849 (toll-free)

PLEASE DO NOT CALL OR WRITE TO BANA OR THE COURT FOR INFORMATION OR ADVICE.

**Questions? Call 1-855-535-1849 or Visit  
[CreditCardAutoPaySettlement.com](http://CreditCardAutoPaySettlement.com).**