

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

CHARLES DANIEL BICKERSTAFF, AS EXECUTOR OF THE
ESTATE OF JEFF BICKERSTAFF, JR., ON BEHALF OF
HIMSELF AND ALL OTHER PERSONS SIMILARLY
SITUATED,

Plaintiff,

vs.

SUNTRUST BANK,

Defendant.

CIVIL ACTION FILE
NO.: 10EV010485

JUDGE EDLEIN

ORDER PRELIMINARILY APPROVING SETTLEMENT
AND DIRECTING NOTICE

The parties to this more-than-fifteen-year-old action entered a Settlement Agreement and Release (“Settlement Agreement”) that, if finally approved by this Court, would resolve the action. Plaintiff has moved, pursuant to O.C.G.A. § 9-11-23, for an Order preliminarily approving the Settlement and directing issuance of notice of the Settlement. Having reviewed Plaintiff’s Motion for Order Preliminarily Approving Settlement and Directing Notice (“Motion”) at a hearing with all counsel, applicable law, and for good cause shown,

IT IS HEREBY ORDERED that the Motion is **GRANTED** as follows:

1. The Court **GRANTS** preliminary approval of the Settlement in this action. “Settlement” refers to the Settlement Agreement attached to the Motion as Exhibit 1 and the exhibits to that Settlement Agreement. The Court finds that the Settlement is fair, reasonable, and adequate and that notice of the Settlement should be given to the Settling Class Members.

2. On March 4, 2024, this Court defined the certified Class as follows:

Every person who was a Georgia citizen on the date Plaintiff filed this Complaint [July 12, 2010], and has thereafter continuously remained through October 6, 2017, a citizen of Georgia who had or has one or more accounts with SunTrust Bank and who, from July 12, 2006 to October 6, 2017 (i) had at least one overdraft of \$500.00 or less resulting from an ATM or debit card transaction (the “Transaction”); (ii) paid any Overdraft Fees as a result of the Transaction; and (iii) did not receive a refund of those fees.

March 4, 2024 Order at 25-26; *see* October 6, 2017 Order Granting Plaintiff’s Motion for Class Certification.¹

On appeal from this Court’s March 4, 2024 Order, the Georgia Court of Appeals held that (a) members of the certified Class who had closed their SunTrust accounts before June 1, 2010 must arbitrate their claims and (b) members of the certified Class may not assert claims based on overdraft fees charged after April 15, 2014, because of an amendment to Georgia’s usury laws. *SunTrust Bank v. Bickerstaff*, 375 Ga. App. 37 (2025).

Thus, the Settling Class Members are the members of the certified Class whose SunTrust deposit accounts were not closed before June 1, 2010, and who have qualifying claims based on overdraft fees charged between July 12, 2006 and April 15, 2014 (the “Settling Class Members” or “Settlement Class”).

3. The Court confirms that the following lawyers will remain as counsel for the Settlement Class: Michael B. Terry, Jason J. Carter, Patrick C. Fagan, Jennifer L. Peterson, and Jeffrey W. Chen of Bondurant, Mixson & Elmore, LLP; C. Ronald Ellington of C. Ronald Ellington, P.C.; and J. Benjamin Finley of The Finley Firm, P.C. (“Class Counsel”).

4. The Court will hold a hearing (“Fairness and Final Approval Hearing”) concerning final approval of the Settlement on **Tuesday, May 26, 2026, at 1:30 p.m., in Courtroom 2A,**

¹ In 2022, the Court excluded from the certified Class 158 individuals who sought exclusion. September 19, 2022 Order. Those 158 individuals are not Settling Class Members.

Justice Center Tower, State Court of Fulton County, 185 Shirley Clarke Franklin Blvd. SW, Atlanta, GA 30303. This hearing will include consideration of the fairness, reasonableness and adequacy of the Settlement and whether final approval of the Settlement should be ordered, the motion for an award of attorney's fees, costs, and expenses, and the motion for a service or incentive award for Plaintiff. The Fairness and Final Approval Hearing may, if necessary, be conducted remotely and/or held at a different date, time, or location than listed above without further notice to the Settling Class Members. Settling Class Members should check the settlement website, www.SunTrustOverdraftClassAction.com, to confirm the date, time, location, and format of this hearing. The Court will direct the Settlement Administrator to post any changes to the date, time, location, or format of the Fairness and Final Approval Hearing on the settlement website.

5. The parties shall file any written submissions in support of final approval of the Settlement, which may include responses to any objections, no later than **May 18, 2026**. Plaintiff and Plaintiff's counsel shall file motion(s) for awards of attorneys' fees, costs, expenses, and a service or incentive award no later than **March 17, 2026**.

6. The Court finds that the form and substance of the proposed notice to the Settling Class Members ("Settlement Notice"),² which is attached to the Settlement as Exhibit A, and the manner of notice set forth in the Settlement, at Section 3.2, comport with due process and O.C.G.A. § 9-11-23(c)(2), constitute the best notice practicable under the circumstances, and will provide individual notice to all Settling Class Members who can be identified through

² All notices shall reflect the Court's current mailing address: Clerk – Civil Division, State Court of Fulton County, Suite J1-G900, Attn: Adasha Battle and/or Denise Nichols, 185 Shirley Clarke Franklin Blvd. SW, Atlanta, GA 30303.

reasonable effort. Thus, the Court **APPROVES** the Settlement Notice and the manner of notice set forth in Section 3.2 of the Settlement. The Court also **APPROVES** the Claim Form attached as Exhibit C to the Settlement. The long form of the Settlement Notice that appears on the Settlement Website pursuant to Section 3.2 of the Settlement will include a copy of the full release outlined in the Settlement Agreement or a link to the full release.

7. The Court appoints **Epiq Class Action & Claims Solutions, Inc.** as the Settlement Administrator. The Settlement Administrator shall be responsible for providing the Settlement Notice in accordance with the provisions of the Settlement and this Order and for executing the responsibilities of the Settlement Administrator set forth in the Settlement. The parties shall timely provide the list of Settling Class Members to the Settlement Administrator. Defendant shall provide the Settlement Administrator with any known email addresses for the Settling Class Members, if Defendant has such information reasonably available to it, **no later than twenty (20) days after entry of this Order.**

The Settlement Administrator shall, (a) as soon as practicable after entry of this Order, establish and publish the Settlement Website required by the Settlement, and (b) within forty (40) days after entry of this Order (the “Settlement Notice Date”), make best efforts to provide the short-form Settlement Notice to the Settling Class Members via First-Class Mail and email (if an email address is available). The Settlement Administrator shall: (i) re-mail via First-Class Mail any Settlement Notice returned by the United States Postal Service as undeliverable with a forwarding address; (ii) research (on its own or through a third-party research firm) addresses for any Settlement Notice returned without a forwarding address; and (iii) re-mail via First-Class Mail a Settlement Notice to any Settling Class Member for whom an updated address is discovered through such research within ten (10) calendar days of receiving the updated

address; provided, however, that such re-mailings shall be required only if they can be accomplished at least ten (10) days before the Objection/Opt-Out Date.

8. The “Objection/Opt-Out Date” shall be forty-five (45) days after the Settlement Notice Date. Any Settling Class Member who seeks exclusion from the Settlement Class must mail a request for exclusion by the Objection/Opt-Out Date. To be effective, a request for exclusion must: (1) include the name of this case; (2) include the full name, address, telephone number, and signature of the individual requesting exclusion; (3) include the name, address, email address, telephone number, position, and signature of any person acting on behalf of the individual requesting exclusion; (4) include the words “Request for Exclusion” at the top of the document or a clear and unqualified statement in the body of the document that the individual is requesting exclusion from the Settlement Class; (5) be mailed first-class postage prepaid to the Settlement Administrator at the address listed in the Settlement Notice; (6) be postmarked by no later than the Objection/Opt-Out Date; and (7) be received by the Settlement Administrator no later than fourteen (14) days after the Objection/Opt-Out Date.

“Mass” or “class” requests for exclusion filed by third parties on behalf of a group of Settling Class Members or multiple Settling Class Members where the opt-out has not been signed by each and every individual Settling Class Member will not be allowed.

The Settlement Class will not include individuals who submit timely and valid requests for exclusion, and such individuals are not entitled to any monetary award under the Settlement. The Settlement Class will include all Settling Class Members who do not submit timely requests for exclusion or who submit invalid requests for exclusion, including requests for exclusion that fail to set forth items (1)-(4) in the first paragraph of this Section 8.

The Settlement Administrator shall, on a weekly basis, provide counsel for the parties with copies of any exclusion requests the Settlement Administrator receives. The Settlement Administrator shall also, within fifteen (15) days of the Objection/Opt-Out Date, provide counsel for the parties with a final list of all exclusion requests. Class Counsel may file that final list with the Court no later than ten (10) calendar days before the Fairness and Final Approval Hearing.

9. No later than seven (7) days before the Fairness and Final Approval Hearing, the Settlement Administrator shall file with the Court a report documenting its mailing and emailing of the short-form Settlement Notice.

10. Objection Requirements

Any Settling Class Member who seeks to object to the Settlement, Class Counsel's request for attorneys' fees, costs, and expenses, and/or the application for a service award or incentive payment to the Class Representative must file with the Court a written objection by the Objection/Opt-Out Date. Any Settling Class Member who both objects and requests exclusion will be deemed to have requested exclusion, and the objection shall be deemed null and void. For an objection to be considered by the Court, the objection **must**: (a) be electronically filed with the Court by the Objection/Opt-Out Date; or (b) mailed first-class postage prepaid to the Clerk of Court, Class Counsel and Defendant's counsel at the addresses listed in the Settlement Notice and be postmarked no later than the Objection/Opt-Out Date and received by the Clerk no later than 14 days after the Objection/Opt-Out Date.

For an objection to be considered by the Court, the objection **must also set forth**:

- The name of the lawsuit, *Bickerstaff v. SunTrust Bank*, Civil File No. 10EV010485;
- The objector's full name, address, email address, and telephone number;

- The objector's signature (the signature of counsel alone is not sufficient);
- A statement of the reasons why the objector believes they are a member of the Settlement Class;
- A statement that explains whether the objection applies only to the objector, a specific subset of the Settlement Class, or all Settling Class Members;
- A statement that the objector objects to the entire Settlement or part of the Settlement, and a statement of all grounds for the objection stated with specificity, accompanied by all legal support for the objection;
- A description of all evidence to be presented at the Fairness and Final Approval Hearing in support of the objection, including a list of any witnesses, a summary of the expected testimony from each witness, and a copy of any documents or other non-oral material to be presented;
- The identity of all counsel who represent the objector or have a financial interest in the objection, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement or fee application;
- Regarding any counsel who either drafted, edited or reviewed the objection, represents the Settling Class Member, or has a financial interest in the objection, (1) a list of cases in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the preceding five years, and (2) a copy of any orders related to or ruling upon counsel's or the firm's prior objections that were issued by the trial and appellate courts in each listed case;
- If the objector is represented by an attorney who intends to seek fees and expenses from anyone other than the objectors he or she represents, the objection must also include: (i) a description of the attorney's legal background and prior experience in connection with class action litigation; (ii) the amount of fees sought by the attorney for representing the objector and the factual and legal justification for the fees being sought; and (iii) a statement regarding how the fees being sought are calculated.
- Any and all agreements that relate to the objection or the process of objecting, whether written or verbal, between the objector or objector's counsel and any other person or entity;
- A statement by the Settling Class Member that (1) states the number of times in which the objector has objected to a class action settlement within the five years preceding the date that the objector files the objection, (2) identifies the caption of each case in which the objector has made such objection, and (3) identifies or provides a copy of any orders related to or ruling upon the objector's prior such objections that were issued by the trial or appellate courts in each listed case;

- Copies of any evidence or documents the objector wants the Court to consider; and
- The identity of all representatives (including the objector or counsel representing the objector) who will attend the Fairness and Final Approval Hearing, and if the objector (or the objector's lawyer) wants to speak at the Fairness and Final Approval Hearing, a statement that they wish to speak at the Fairness and Final Approval Hearing.

The Court may grant additional discovery of objectors, including depositions, on request of the parties.

11. The Court preliminarily finds the Distribution Plan set forth in the Settlement Agreement and in Exhibit B to the Settlement Agreement is fair, reasonable, and adequate; thus, the Court **PRELIMINARILY APPROVES** the Distribution Plan.

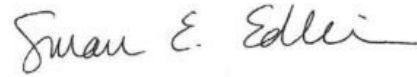
12. Any Settling Class Member may appear at the Fairness and Final Approval Hearing, in person or through counsel, to the extent permitted by the Court. Absent leave of Court, no person shall be heard in opposition to the Settlement, the Distribution Plan, the motion for an award of attorneys' fees, costs, and expenses or a service or incentive award.

13. If the Court grants final approval of the Settlement, all Settling Class Members who have not been excluded from the Settlement Class shall be bound by all provisions of the Settlement and all rulings and judgments in this case, including, but not limited to the Settlement Agreement, the Distribution Plan in the Settlement Agreement, and any Final Order and Judgment dismissing this case with prejudice, and the Released Claims of all Settling Class Members shall be barred on the date of the Final Order and Judgment as defined in the Settlement.

14. All proceedings and discovery in this case are **STAYED** until the Court issues a ruling on the Fairness and Final Approval of the Settlement, except for proceedings provided

for in the Settlement or this Order. If the Settlement is terminated, the stay of this case shall be lifted.

SO ORDERED, this 23rd day of January, 2026.

A handwritten signature in cursive script, reading "Susan E. Edlein".

Susan E. Edlein
Judge, State Court of Fulton County

Copy to all parties via eFileGA