

# NOTIFY

## COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT  
CIVIL ACTION  
NO. 2084CV01178-BLS1

DONALD HOLT,  
on behalf of himself and all others similarly situated,

Plaintiff,

vs.

THE COOPERATIVE BANK OF CAPE COD,

Defendant.

### ORDER OF APPROVAL AND FINAL JUDGMENT

**WHEREAS**, Plaintiff Donald Holt, individually and on behalf of a proposed Settlement Class, and Defendant, The Cooperative Bank of Cape Cod, all acting by and through their respective counsel, have agreed, subject to Court approval, to settle this Action upon the terms and conditions stated in the Settlement Agreement;

**NOW, THEREFORE**, the Court having conducted a hearing to determine whether the proposed Settlement described in the Settlement Agreement should be finally approved as fair, reasonable, and consistent with precedent concerning class settlements in Massachusetts, and based upon the Settlement Agreement, all of the files, records, and proceedings herein, and the statements of counsel;

#### **IT IS HEREBY ORDERED THAT:**

1. All capitalized terms herein shall have the same meanings as those in the Settlement Agreement.

2. This Court has personal jurisdiction over the subject matter of this Action and the Parties, including the Named Plaintiff and all Potential Settlement Class Members.

3. The Court approves the Settlement, finding that it is sufficiently fair, reasonable, and consistent with precedent concerning class settlements in Massachusetts, but such decision is not to be deemed a determination of fault or liability on the part of Defendant, or a finding of the validity of any claims asserted in the Action or of any wrongdoing or of any violation of law by Defendant. Defendant shall maintain all rights to assert that, but for settlement purposes, the Action should not be certified as a class action.

4. For purposes of determining whether the terms of the proposed Settlement should be finally approved as fair, reasonable, and consistent with precedent concerning class settlements in Massachusetts, the following Settlement Class is finally certified for settlement purposes only:

Those customers of Defendant who were charged Retry NSF/Overdraft Fees between June, 4, 2014, and March 29, 2021, which is the date Defendant's revised disclosure documents went into effect.

Excluded from the Settlement Class are Defendant, its parents, subsidiaries, affiliates, officers and directors, and all judges assigned to this litigation and their immediate family members.

5. The Settlement Agreement provides for certain benefits to Class Members. The Court approves those benefits and approves the distribution plan for the Settlement Fund set forth in the Settlement Agreement, and the parties are authorized to implement that distribution plan after deductions for fees, expenses, and service awards as approved by the Court herein.

6. The Court shall have continuing jurisdiction over this Action and the parties for the purpose of enforcing the Settlement Agreement and this Order.

7. Upon the occurrence of the Effective Date of the Settlement, all Class Members release and forever discharge Defendant of the claims released in the Settlement Agreement.

8. Consistent with Mass. R. Civ. P. 23(a) and (b), the Court finds that, for purposes of settlement: (a) the number of members of the Settlement Class is so numerous that joinder is impracticable; (b) there are questions of law and fact common to the members of the Settlement Class; (c) the claims of the Named Plaintiff are typical, of the claims of the members of the Settlement Class; (d) the Named Plaintiff is an adequate representative for the Settlement Class, and has retained experienced and adequate Class Counsel; (e) the questions of law and fact common to the members of the Settlement Class predominate over any questions affecting any individual members of the Class; and (f) a class action is superior to the other available methods for the fair and efficient adjudication of the controversy.

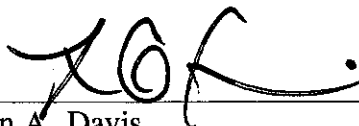
9. The Court further finds and determines that plaintiff Donald Holt has fairly and adequately represented the interests of the Class in enforcing their rights in this Action.

10. The Court awards Class Counsel, as previously appointed, the sum of \$36,666.66 (33% of the Settlement Fund) to be paid as attorneys' fees from the Settlement Fund created by the Settlement. The Court likewise approves reimbursement of expenses to Class Counsel in the amount of \$347.47, also to be paid from the Settlement Fund.

11. Courts also recognize that the plaintiff who brings a class action and recovers a benefit for the class is eligible to be recognized and rewarded for his or her services to the class. Accordingly, the Court awards the Class Representative in this Action the sum of \$2,000.00, to be paid as a class representative service award from the Settlement Fund created by the Settlement.

12. The remaining Net Settlement Fund shall be distributed to the Class in the manner provided in the Settlement Agreement, as approved by the Court.

**SO ORDERED** this 15<sup>th</sup> day of October, 2021.

A handwritten signature in black ink, appearing to read "BAD", written over a horizontal line.

Brian A. Davis  
Associate Justice of the Superior Court