



United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

Jacob Figueroa, on Behalf of Himself and
All Others Similarly Situated

Civil Action No. 18-cv-00692-JM-BGS

Plaintiff,

v.

Capital One, N.A.

JUDGMENT IN A CIVIL CASE

Defendant.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED:

Class Members are defined as:

All Capital One accountholders in the United States who, during the Class Period, incurred at least one ut of Network (“OON”) Balance Inquiry Fee. Excluded from the Settlement Class is Capital One, its parents, subsidiaries, affiliates, officers and directors; all account holders who make a timely election to be excluded; and all judges assigned to this litigation and their immediate family members.

Class period is defined as follows: For settlement Class Members whose accounts were established in Louisiana: the period from April 6, 2008 to June 30, 2020; For settlement Class Members whose accounts were established in Connecticut, New York and New Jersey: the period from April 6, 2012 to June 30, 2020; For settlement Class Members whose accounts were established in Virginia: the period from April 6, 2013 to June 30, 2020; For settlement Class Members whose accounts were established in Texas: the period from April 6, 2014 to June 30, 2020; and For settlement Class Members whose accounts were established in the District of Columbia, Maryland, and Delaware: the period from April 6, 2015 to June 30, 2020.

Date: 1/21/21

CLERK OF COURT
JOHN MORRILL, Clerk of Court
By: s/ S. Tweedle

S. Tweedle, Deputy

United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

(ATTACHMENT)

Civil Action No. 18-cv-00692-JM-BGS

This order applies to all claims or causes of action settled under the Settlement Agreement and binds all Class Members who did not affirmatively opt-out of the Settlement Agreement by submitting a timely and valid Request for Exclusion. This order does not bind persons who filed timely and valid Requests for Exclusion;

Plaintiffs and all Class Members who did not timely submit a valid Request for Exclusion are: (1) deemed to have released and discharged Defendant from any and all Released Claims accruing during the Class Period; and (2) barred and permanently enjoined from prosecuting any and all Released Claims against the Released Parties. The full terms of the releases described in this paragraph are set forth in paragraph 2.3 of the Settlement Agreement and are specifically incorporated herein by this reference;

The Settlement Administrator will issue individual settlement payments to participating Class members according to the terms and timeline stated in the Settlement Agreement;

The court GRANTS Plaintiffs' motion for attorneys' fees, costs and class representative payments (Doc. No. 81). The court GRANTS Class Counsel attorneys' fees in the amount of \$3,900,000 and \$15,686.18 in costs from the Settlement Fund. The Settlement Administrator shall pay Class Counsel from the Settlement Fund within ten (10) days of Final Approval of the Settlement, as set forth in Paragraph 3.2(b) of the Settlement Agreement;

The court GRANTS a class representative award of \$10,000 to each of the named Plaintiffs, Jacob Figueroa and Mary Jackson, to be paid from the Settlement Fund. The Settlement Administrator shall pay Plaintiffs from the Settlement Fund within ten (10) days of the Final Approval of the Settlement, as set forth in Paragraph 3.2(b) of the Settlement Agreement;

The court APPROVES settlement administrator costs not to exceed \$900,000 absent further order of the court. Payment shall be made from the Settlement Fund to BrownGreer pursuant to the timeline stated in the Settlement;

The court retains continuing jurisdiction over this Settlement solely for the purposes of enforcing the agreement, addressing settlement administration matters and addressing such post-judgment matters as may be appropriate under court rules and applicable law.