

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 1:09-MD-02036-JLK

**IN RE CHECKING ACCOUNT
OVERDRAFT LITIGATION**

**THIS DOCUMENT RELATES TO:
FIRST TRANCHE ACTION**

Tornes, et al, v, Bank of America, N.A.,
S.D. Fla. Case No. 1:08-cv-23323-JLK

Yourke, et al v. Bank of America, N.A.,
S.D. Fla. Case No. 1:09-cv-21963-JLK
N.D. Cal. Case No. 3:09-2186

NOTICE OF OBJECTION OF CLASS MEMBER JOHN FINN

Through the undersigned counsel, a member of the bar of this Court, notice is given of the written objection to the proposed class action settlement by class member John Finn, who delivered the attached written objection to this Court on September 30, 2011 and served same on counsel and the settlement administrator on September 30, 2011. See UPS and U.S.P.S. delivery receipts attached to Mr. Finn's attached objection. Mr. Finn's objection, although timely made and delivered, does not previously appear of record in this matter.

The undersigned counsel has represented Mr. Finn in one previous objection, *Credit / Debit Credit Card Tying Cases*, Case No. JCCP 4335, San Francisco County Superior Court (Kramer, J.). Mr. Finn's objection, along with others, assisted the Court in persuading the parties to modify their settlement for the benefit of the class.

Objections currently of record to the conditions designed to discourage or intimidate class member objectors or their retention of experienced counsel, all in violation or derogation of Rule 23, are incorporated herein. See e.g. Document 1936, Notice of Objection of Class Members Martin Carapia and Fatima Dorego, Section IV.

s/Steve A. Miller
Steve A. Miller (FL Bar No. 992224)
Steve A. Miller, P.C.
1625 Larimer St., Suite 2905
Denver, CO 80202
Ph. 303.892.9933
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Sampc01@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on the 17th of November, 2011, I electronically filed the foregoing with the Clerk of the Court of the United States District Court for the Southern District of Florida by using the USDC CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the USDC CM/ECF system.

s/Steve A. Miller

John Finn
1455 S. Allec St.
Anaheim, CA 92805
Ph. (714) 401-1986

September 27, 2011

Clerk of the Court
U.S. District Court for the Southern District of Florida
James Lawrence King Federal Justice Building
99 Northeast Fourth Street
Miami, FL 33132

RE: *In Re: Checking Account Overdraft Litigation*, 1:09-MD-02036-JLK


To Whom It May Concern:

I am a member of the settlement class. I had a Bank of America consumer checking account and a savings account that I could access with a Bank of America debit card, anytime between January 1, 2001 and May 24, 2011, and I was charged numerous overdraft fees as a result of Bank of America's practice of posting debit card transactions from highest to lowest dollar amount. See my attached November 3, 2010 Bank of America Combined Account Statement.

I object to this settlement for the following reasons:

1. The Notice does not tell me the amount of payments or "account credits" that I will receive. The Notice does not explain what "account credits" are or how they will be calculated. I cannot determine if this settlement is fair to me.
2. Between 5% - 14% of the \$410 million settlement fund is going to be given to unnamed nonprofit organizations. This amounts to potentially over \$50 million being given to organizations that are not even victims of Bank of America's illegal practices. This is unbelievable! I object to giving settlement money away from actual victims like me. There is no rational explanation in the Notice for why the \$50 million could not be simply spread out among all victims.
3. 30% of the \$410 million settlement fund is going to be paid to attorneys. That is a whopping \$120 million in attorneys fees. There is nothing in the notice that explains how this fee was earned, including the time spent by attorneys. I object to the size of the attorneys fees and the manner in which they are calculated.

4. Finally, I object to 32 class representatives receiving up to \$160,000 for their service as representatives on behalf of the whole class. Again, there is nothing in the Notice that explains how these fees were earned or calculated, or why the payment of these fees would be justified.



Cc:

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0731 EP
E0-4

JOHN P FINN
1445 S ALLEC ST
ANAHEIM CA 92805

**Your Bank of America
Combined Account
Statement**

Statement Date: November 3, 2010

At Your Service
Call: 714.533.4470

Written Inquiries
Bank of America
La Palma Branch
PO Box 37176
San Francisco, CA 94137-0176

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Bank of America appreciates your
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Summary of Your Deposit Accounts

Account	Account Number	Your Balance
MyAccess Checking	[REDACTED]	-\$ 265.07
Regular Savings	[REDACTED]	.00
Total Balances		-\$ 265.07

Bank of America News

Enjoy access to your money, wherever you are. Deposit checks and cash right into the ATM. No deposit slips or envelopes needed. Your checks will be scanned onto your receipt for proof of your deposit. Visit www.bankofamerica.com/solutions for more information.

Your MyAccess Checking Account

Military - Lend 1.800.698.6346 - Customer Service

Beginning Balance on 10/06/10	\$12.59
Total Deposits	+ 589.71
Total Checks, Withdrawals, Transfers, Account Fees	- 858.42
Service Charge	- 8.95
Ending Balance (Overdrawn)	-\$265.07

Account Number: [REDACTED]

Statement Period: October 6 through November 3, 2010

Number of ATM withdrawals and transfers	3
Number of purchase transactions	16
Number of 24 Hour Customer Service Calls	
Self-Service	0
Assisted	0

Important Information About Your Account

Help avoid Overdraft & NSF: Returned Item fees. Use Alerts to get messages by email or text to inform you when your balance is low. Use Overdraft Protection to transfer available funds from linked savings, credit card, or credit line to your checking account to help cover items that would overdraw your account. Call us for details.

MyAccess Checking customers who take advantage of Direct Deposit can reduce fees every month! To find out more, contact your employer or visit your local Bank of America banking center. For Social Security or SSI direct deposit, call the Social Security Administration toll-free at 1-800-772-1213.

Statement Date: November 3, 2010

Account Activity

Date Posted	Description	Reference Number	Amount
Deposits and Credits			
10/13	Savings Overdraft Coverage Transfer		\$9.95
10/18	Savings Overdraft Coverage Transfer		3.26
10/20	Savings Overdraft Coverage Transfer		12.00
10/21	Savings Overdraft Coverage Transfer		60.00
10/22	Savings Overdraft Coverage Transfer		38.77
10/25	CA Tir transfer Banking Ctr La Palma Confirmation# [REDACTED]		400.00
10/27	Check Card Purchase Cr Adj on 10/26 [REDACTED]		65.73
<i>Total Deposits and Credits</i>			<i>\$589.71</i>
Withdrawals, Transfers and Account Fees			
10/12	Balance inquiry on 10/10, Non-Bank of America ATM [REDACTED]		\$2.00
10/13	Check Card Purchase on 10/12 [REDACTED]		20.54
10/18	Check Card Purchase on 10/15 [REDACTED]		3.26
10/20	Overdraft Protection Transfer Fee		10.00
10/20	Balance inquiry on 10/20, Non-Bank of America ATM [REDACTED]		2.00
10/21	Overdraft Protection Transfer Fee		10.00
10/21	Check Card Purchase on 10/20 [REDACTED]		50.00
10/22	Overdraft Protection Transfer Fee		10.00
10/22	Check Card Purchase on 10/21 [REDACTED]		3.15
10/22	Purchase on 10/22 ([REDACTED]		25.62
10/25	Check Card Purchase on 10/21 ([REDACTED]		2.18
10/25	Check Card Purchase on 10/22 ([REDACTED]		6.41
10/25	Purchase on 10/22 ([REDACTED]		15.46
10/25	Cash withdrawal on 10/23, Bank of America ATM # [REDACTED]		40.00
10/25	Cash withdrawal on 10/25, Non-Bank of America ATM # [REDACTED]		43.00
10/25	Check Card Purchase on 10/23 [REDACTED]		65.73
10/25	Balance inquiry on 10/25, Non-Bank of America ATM # [REDACTED]		2.00
10/25	ATM withdrawal fee on 10/25, Non-Bank of America ATM # [REDACTED]		2.00
10/26	Check Card Purchase on 10/24 ([REDACTED]		107.35
10/27	Purchase on 10/26 ([REDACTED]		11.20
10/27	Cash withdrawal on 10/27, Bank of America ATM # [REDACTED]		80.00
10/28	Check Card Purchase on 10/26 ([REDACTED]		52.61

Continued on next page

California

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Statement Date: November 3, 2010

Account Activity Continued

Date Posted	Description	Reference Number	Amount
			91.00
			92.70
			94.31
			15.90
	<i>Total Withdrawals, Transfers and Account Fees</i>		<i>\$858.42</i>
11/03	Service Charge Monthly Service Charge		\$8.95

Total Overdraft Fees and NSF: Returned Item Fees

	Total for This Period	Total Year-to-Date
Total Overdraft Fees	\$0.00	\$315.00
Total NSF: Returned Item Fees	\$0.00	\$0.00

We refunded to you a total of \$140.00 in fees for Overdraft and/or NSF: Returned Items this year.

Daily Balance

Date	Amount	Date	Amount	Date	Amount
10/12	\$ 10.59	10/26	115.87	10/29	- 256.12
10/13	.00	10/27	90.40	11/03	- 265.07
10/25	223.22	10/28	- 240.22		

Overdraft Protection Plan

Savings Account [REDACTED]

Overdraft coverage available \$0.00

Your Regular Savings Account

Account Number [REDACTED]
Statement Period: October 6 through November 3, 2010

Beginning Balance on 10/06/10	\$29.03	Interest paid year-to-date	\$.05
Total Deposits	+ 815.00	Number of ATM withdrawals and transfers	4
Total Withdrawals, Transfers, Account Fees	- 839.98		
Service Charge	- 4.05		
Ending Balance	\$0.00		

Continued on next page

California

Page 3 of 4

Shipment Details

MM7TJ3KUVRXCR

The UPS Store #1024



Print Date: Thu 17 Nov 2011
 Shipper No.: 4E243F
 Rate Type: Retail
 Currency: USD
 Weight: lbs
 Dimensions: in

Shipment Information

Sender	Recipient	Shipping Information	
John Finn 1455 S allec st Anaheim, CA 92805 Tel: (714) 401-1986 Business	James Lawrence King Federal Justic Clerk of the court 99 NE 4TH ST MIAMI, FL 33132-2131 Business	Ship Date:	Tue 27 Sep 2011
		Delivery Date:	Fri 30 Sep 2011 EOD (Expected)
		Service / Zone:	UPS 3 Day Com / 307
		Package Info:	Other Packaging: 1 x 1 x 1 0.060 lbs Actual 1.00 lbs Billed
		Description:	--

Shipment Service Options	Billing	Drop-Off Location	Shipment Charges	
	Company Account(Prepaid)	The UPS Store #1024	UPS 3 Day Com	16.25
			Fuel Surcharge	2.44
			Shipping Charges:	\$ 18.69
			CMS Processing Fee	.20
			Total Charges:	\$ 18.89

Tracking Information

Tracking Information	Last Scan
Status: DELIVERED	9/30/2011 4:36:00 PM DELIVERED MIAMI, FL US
Delivery Date: Fri Sep 30 2011 4:36PM (Actual)	
Carrier Trk#: 1Z4E243F1281574269	
Shipment ID: MM7TJ3KUVRXCR	
Order/Item #:	Tracking Number: 1Z4E243F1281574269
Ref#:	
Signed By: MCGEE	
Location: GUARD	Shipment ID: MM7TJ3KUVRXCR



Shipment Details

MM7TJ3K12YEG8

The UPS Store #1024

Print Date: Thu 17 Nov 2011
 Shipper No.: 4E243F
 Rate Type: Retail
 Currency: USD
 Weight: lbs
 Dimensions: in

Shipment Information

Sender	Recipient	Shipping Information	
John Finn 1455 S allec st Anaheim, CA 92805 Tel: (714) 401-1986 Business	Leiff Cabraser Heimann Michael Sobol 275 BATTERY ST FL 30 SAN FRANCISCO, CA 94111-3308 Business	Ship Date: Tue 27 Sep 2011 Delivery Date: Fri 30 Sep 2011 EOD (Expected) Service / Zone: UPS 3 Day Com / 305 Package Info: Other Packaging: 1 x 1 x 1 0.140 lbs Actual 1.00 lbs Billed	Description: --

Shipment Service Options	Billing	Drop-Off Location	Shipment Charges	
	Company Account(Prepaid)	The UPS Store #1024	UPS 3 Day Com	11.55
			Fuel Surcharge	1.73
			Shipping Charges:	\$ 13.28
			CMS Processing Fee	.20
			Total Charges:	\$ 13.48

Tracking Information

Tracking Information	Last Scan
Status: DELIVERED	2011-09-30 12:43:00 SAN FRANCISCO CA US
Delivery Date: Fri Sep 30 2011 12:43PM (Actual)	
Carrier Trk#: 1Z4E243F1248241458	
Shipment ID: MM7TJ3K12YEG8	
Order/Item #:	
Ref#:	
Signed By: CRAWFORD	
Location: RECEIVER	
	Tracking Number: 1Z4E243F1248241458
	Shipment ID: MM7TJ3K12YEG8



Shipment Details

MM7TJ3K9BJY28

The UPS Store #1024



Print Date: Thu 17 Nov 2011
 Shipper No.: 4E243F
 Rate Type: Retail
 Currency: USD
 Weight: lbs
 Dimensions: in

Shipment Information

Sender	Recipient	Shipping Information	
John Finn 1455 S allec st Anaheim, CA 92805 Tel: (714) 401-1986 Business	Laurence Hutt 777 S FIGUEROA ST FL 44 LOS ANGELES, CA 90017-5800 Business	Ship Date: Tue 27 Sep 2011 Delivery Date: Fri 30 Sep 2011 EOD (Expected) Service / Zone: UPS 3 Day Com / 305 Package Info: Other Packaging: 1 x 1 x 1 0.140 lbs Actual 1.00 lbs Billed	Description: --

Shipment Service Options	Billing	Drop-Off Location	Shipment Charges	
	Company Account(Prepaid)	The UPS Store #1024	UPS 3 Day Com	11.55
			Fuel Surcharge	1.73
			Shipping Charges:	\$ 13.28
			CMS Processing Fee	.20
			Total Charges:	\$ 13.48

Tracking Information

Tracking Information	Last Scan
Status: DELIVERED	2011-09-30 12:12:00 LOS ANGELES CA US
Delivery Date: Fri Sep 30 2011 12:12PM (Actual)	
Carrier Trk#: 1Z4E243F1248241976	
Shipment ID: MM7TJ3K9BJY28	Tracking Number: 1Z4E243F1248241976
Order/Item #:	
Ref#:	
Signed By: LEWIS	
Location: RECEPTION	Shipment ID: MM7TJ3K9BJY28



Shipment Details

MM7TJ3K1BNNRU

The UPS Store #1024



Print Date: Thu 17 Nov 2011
 Shipper No.: 4E243F
 Rate Type: Retail
 Currency: USD
 Weight: lbs
 Dimensions: in

Shipment Information

Sender	Recipient	Shipping Information
John Finn 1455 S allec st Anaheim, CA 92805 Tel: (714) 401-1986 Business	Leif Cabraser Heimann David Stellings 250 HUDSON ST FL 8 NEW YORK, NY 10013-1413 Business	Ship Date: Tue 27 Sep 2011 Delivery Date: Fri 30 Sep 2011 EOD (Expected) Service / Zone: UPS 3 Day Com / 307 Package Info: Other Packaging: 1 x 1 x 1 0.140 lbs Actual 1.00 lbs Billed
		Description: --

Shipment Service Options	Billing	Drop-Off Location	Shipment Charges
	Company Account(Prepaid)	The UPS Store #1024	UPS 3 Day Com 16.25 Fuel Surcharge 2.44
			Shipping Charges: \$ 18.69
			CMS Processing Fee .20
			Total Charges: \$ 18.89

Tracking Information

Tracking Information	Last Scan
Status: DELIVERED	2011-09-30 13:36:00 NEW YORK NY US
Delivery Date: Fri Sep 30 2011 1:36PM (Actual)	
Carrier Trk#: 1Z4E243F1281575820	
Shipment ID: MM7TJ3K1BNNRU	Tracking Number: 1Z4E243F1281575820
Order/Item #:	
Ref#:	
Signed By: ESTELLA	
Location: MAIL ROOM	Shipment ID: MM7TJ3K1BNNRU



Shipment Details

MM7TJ3KREXUP2

The UPS Store #1024



Print Date: Thu 17 Nov 2011
 Shipper No.: 4E243F
 Rate Type: Retail
 Currency: USD
 Weight: lbs
 Dimensions: in

Shipment Information

Sender	Recipient	Shipping Information	
John Finn 1455 S allec st Anaheim, CA 92805 Tel: (714) 401-1986 Business	Grossman Roth, PA Bobby Gilbert 2525 PONCE DE LEON BLVD STE 1150 MIAMI, FL 33134-6040 Business	Ship Date: Tue 27 Sep 2011 Delivery Date: Fri 30 Sep 2011 EOD (Expected) Service / Zone: UPS 3 Day Com / 307 Package Info: Other Packaging: 1 x 1 x 1 0.140 lbs Actual 1.00 lbs Billed	
		Description: --	

Shipment Service Options	Billing	Drop-Off Location	Shipment Charges	
	Company Account(Prepaid)	The UPS Store #1024	UPS 3 Day Com	16.25
			Fuel Surcharge	2.44
			Shipping Charges:	\$ 18.69
			CMS Processing Fee	.20
			Total Charges:	\$ 18.89

Tracking Information

Tracking Information	Last Scan
Status: DELIVERED	2011-09-30 11:35:00 MIAMI FL US
Delivery Date: Fri Sep 30 2011 11:35AM (Actual)	
Carrier Trk#: 1Z4E243F1248243018	
Shipment ID: MM7TJ3KREXUP2	
Order/Item #:	Tracking Number: 1Z4E243F1248243018
Ref#:	
Signed By: FANS	Shipment ID: MM7TJ3KREXUP2
Location: FRONT DESK	





EG 716283122 US



Customer Copy
Label 11-B, March 2004

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)			
PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day	Postage \$	
Date Accepted Mo. Day Year	Scheduled Date of Delivery Month Day	Return Receipt Fee \$	
Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM	Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 3 PM	COD Fee \$	Insurance Fee \$
Flat Rate <input type="checkbox"/> or Weight lbs. ozs.	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Total Postage & Fees \$	
	Int'l Alpha Country Code	Acceptance Emp. Initials	

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		

CUSTOMER USE ONLY	
PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if customer requests waiver of signature. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
Federal Agency Acct. No. or Postal Service Acct. No.	
<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	<input type="checkbox"/> Mailer Signature

FROM: (PLEASE PRINT) PHONE ()

John Finn
1455 S Alke St.
Archeim, CA 92805

TO: (PLEASE PRINT) PHONE ()

Checking Account Overdraft
Litigation
P.O. Box 2505
Fairbault, MN 56001-9505
ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)

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You entered: EG716283122US

Status: Delivered

Your item was delivered at 11:01 am on September 30, 2011 in FARIBAULT, MN 55021. The item was signed for by K PHILLIPS. Additional information for this item is stored in files offline.

Additional information for this item is stored in files offline. You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed within four hours. This information will remain online for 30 days.

I would like to receive notification on this request

Restore

Find Another Item

What's your label (or receipt) number?

Find

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