

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

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

**IN RE: CHECKING ACCOUNT
OVERDRAFT LITIGATION**

MDL No. 2036

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

***Shane Swift v. BancorpSouth, Inc.*
N.D. Fla. Case No. 1:10-cv-00090-SPM
S.D. Fla. Case No. 1:10-cv-23872-JLK**

REDACTED ORDER APPROVING CLASS NOTICE PLAN

THIS CAUSE came before the Court on the parties' Joint Report Regarding Proposed Class Notice and Notice Plan (DE # 3338). In the Joint Report, Plaintiff Shane Swift and the certified class proposes a form for Class Notice and a Notice Plan for disseminating the Class Notice. BancorpSouth does not oppose the proposed Class Notice and Notice Plan, but notes and reasserts its objections to the certification of the certified class. Having reviewed the Joint Report and being otherwise fully advised, it is ORDERED, ADJUDGED and DECREED that the Class Notice and Notice Plan are approved and adopted as an Order of the Court. BancorpSouth's continuing objections to the certification of the certified class are noted, and this Court holds that BancorpSouth has not waived its objections, including those described in the Joint Report, by not opposing the Class Notice and Notice Plan.

The Class Notice, substantially in the form attached to the Joint Report as Exhibit A, shall be provided to the certified class as a one-time, direct mail notice to current and former BancorpSouth account holders who had one or more consumer (non-business) accounts and incurred an overdraft fee(s) during the applicable class periods as a result of BancorpSouth Bank's practice of sequencing debit card and ATM transactions from highest to lowest dollar amount, as identified by Plaintiffs' expert's analysis of BancorpSouth transaction data.

The Class Notice shall be sent by first class mail no later than May 2, 2013. As a redundancy to facilitate notice, current and former customers for whom BancorpSouth maintains and can reasonably access email addresses also will be sent a copy of the class notice via email. The email notification to current customers for whom BancorpSouth has email addresses shall be disseminated within five (5) days of dissemination of the mail notice.

Class notice dissemination and administration shall be performed by Epiq Class Action & Claims Solution, Inc. ("Epiq"). Epiq shall send the direct mail notice and email notice to all class members and administer the toll-free hotline, website and requests for exclusion as described herein. BancorpSouth shall supply mailing address information for all current and former consumer accountholders identified by Plaintiffs' expert as members of the certified class, to the extent that BancorpSouth possesses and can reasonably access such information. Epiq shall compare the addresses supplied by BancorpSouth for its current and former customers to the National Change of Address Database. For any direct mail notices that are returned as undeliverable within forty-five (45) days from mailing of the initial direct mail notice, Epiq shall promptly attempt to obtain updated addresses and re-mail the direct mail notice to those persons whose new addresses are identified.

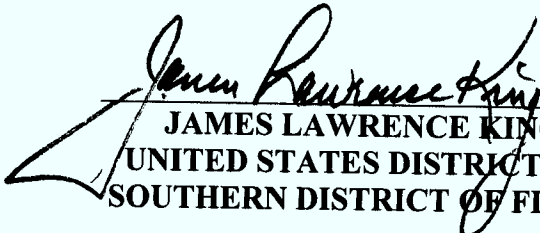
In the event that more than 10% of the total direct mail notices for any state(s) in which BancorpSouth maintained branches during the class period are returned as undeliverable within forty-five (45) days of mailing of the initial direct mail notice, a summary class notice shall be published one time in a general daily circulation newspaper(s) in each such state. The parties shall meet and confer with each other and with Epiq to determine the appropriate newspaper(s) for such publication notice.

Class members may seek additional information regarding the case by accessing a website or toll-free telephone hotline, both to be maintained by Epiq, or by requesting information by mail or email. The telephone hotline shall consist of a recorded message providing information about the case. The parties shall meet and confer with each other and with Epiq regarding the content of the website and the recorded message on the telephone hotline. A dedicated email address shall also be available for class members to make attorney-client privileged inquiries to class counsel. The telephone hotline, website, and email address shall remain operational through the conclusion of this case.

Class members are able to opt out of the class by submitting a written request to a dedicated post office box or an email address, both to be maintained by Epiq, no later than seventy-five (75) days after the initial direct mail notice. Instructions for class members to opt out are included on the Class Notice.

BancorpSouth shall be responsible for paying all fees and costs of Epiq associated with providing the class notice and for administration of the toll free hotline, website and requests for exclusion described herein. In the event that subsequent notices to the class are necessary, the parties shall meet and confer regarding cost allocation for such notice.

DONE AND ORDERED in Chambers at the James Lawrence King Federal Justice Building and United States Courthouse in Miami, Florida this 18th day of March, 2013.



JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

cc: All Counsel of Record