

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GARY CRUZ, : Case No.: 10-CV-8026 (PKC)  
Plaintiff, :  
- against - :  
TD BANK, N.A., :  
Defendant. :

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ARTHEMIO PEREZ and WILFRED :  
BUCKNOR, : Case No.: 16-cv-05375 (PKC)  
Plaintiffs, :  
- against - :  
TD BANK, N.A., :  
Defendant. :

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## PROOF OF CLAIM

**YOU MAY BE ELIGIBLE TO RECEIVE A CLAIM PAYMENT IN THE SETTLEMENT OF THE ABOVE LAWSUITS. PLEASE INSERT THE INFORMATION REQUESTED BELOW AND THEN SUBMIT THIS FORM BY FOLLOWING THE INSTRUCTIONS STATED AT THE END:**

### PART I – CLAIMANT INFORMATION

**Barcode**  
**FirstName LastName**  
**Address1**  
**Address2**  
**City, ST ZIP**

**If you address has changed, please write it here:**

_____
_____
_____

**Uncredited Restraint Fee: Check the following boxes that apply to you (you must be able to check both boxes to be eligible to receive a claim payment):**

- I certify under penalty of perjury that I am or was a valid account holder* for a TD Bank Account.
- I certify under penalty of perjury* that the TD Bank Account referenced above contained funds exempt under EIPA and was restrained by a New York garnishment order, restraining notice, levy, or other similar order between January 1, 2009 to January 26, 2017 and that I was not reimbursed for a \$125 restraint fee.

**Uncredited Overdraft Fees (complete if EIPA restraint was applied on or before September 29, 2009): If your TD Bank Account was restrained between January 1, 2009 and September 29, 2009, then check only one of the following boxes that applies to you:**

- I certify under penalty of perjury* that for the TD Bank Account identified above, I was not reimbursed for overdraft fees caused when the TD Bank Account was restrained by a New York garnishment order, restraining notice, levy, or other similar order and I am enclosing account statements showing that the Uncredited Overdraft Fees total the following:
- I certify under penalty of perjury* that for the TD Bank Account identified above, I was not reimbursed for overdraft fees caused when the TD Bank Account was restrained by a New York garnishment order, restraining notice, levy, or other similar order, **but I have no documents to prove this.**
- I am not claiming any Uncredited Overdraft Fees.*

**Last four digits of your Social Security Number**

**Your current preferred phone number and e-mail address (optional):**

Phone Number

(    )    -

E-mail Address

**Release:**

**I ACKNOWLEDGE** that by submitting this Proof of Claim, (a) I am submitting to the jurisdiction of the Court and I am consenting to having the Court hear and determine this matter for all proceedings relating to my submission; and (b) ***I am RELEASING, and will be deemed to have RELEASED***, on the Effective Date, ***the Settled Claims against the Released Parties***, pursuant to the terms of the Judgment to be entered if the Settlement Agreement and Settlement are approved and payment to me of the appropriate compensation, if any, under the terms of the Settlement Agreement.

**Declaration:**

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## PART II - INSTRUCTIONS

1. All information required to be supplied should be typed or legibly written.
2. This form must be returned by first class mail addressed as followed:

TD EIPA Claims Release  
c/o RG/2 Claims Administration LLC  
P.O. Box 59479  
Philadelphia, PA 19102-9479

Or, this form may be scanned and submitted by email to [bankfeessettlement@rg2claims.com](mailto:bankfeessettlement@rg2claims.com).

Please submit only one Proof of Claim unless contacted by the Settlement Administrator RG/2 Claims Administration LLC, who instructs you to submit a Revised Proof of Claim and, in such event, submit the Revised Proof of Claim consistent with such instructions.

3. The Proof of Claim **must** be submitted by email or mail, at the address stated above, postmarked no later than **May 12, 2017**. If you fail to timely submit your Proof of Claim, then it will be rejected and you will not be eligible to receive a Claim Payment from the Settlement.
4. All sections of the Proof of Claim **must** be fully and accurately completed and the Proof of Claim **must** be signed and dated under penalty of perjury, except for the sections seeking the current preferred phone number and e-mail address and the Uncredited Overdraft Fees if the applicable EIPA restraint was applied to your TD Bank account after September 29, 2009. Failure to do so will result in the rejection of your Proof of Claim and, unless you fail to supply your current preferred mailing address, the Settlement Administrator will contact you concerning any incomplete or inaccurate information.
5. The current preferred phone number and e-mail address and a claim for Uncredited Overdraft Fees are **not required** to be completed. The current preferred phone number and e-mail address, however, will allow the Settlement Administrator to quickly contact you, if necessary. If you are seeking an Uncredited Overdraft Fee, then you must complete the section for Uncredited Overdraft Fees.
6. All capitalized terms in this Proof of Claim that are not otherwise defined shall have the meanings ascribed to them in the Stipulation and Agreement of Settlement, dated as of December 23, 2016 executed by the Settling Parties in these Actions ("**Settlement Agreement**"). A copy of the Settlement Agreement is available on the Settlement Website at [www.bankfeessettlement.com](http://www.bankfeessettlement.com) or can be requested by contacting the Settlement Administrator by mail, e-mail or phone as follows:

TD EIPA Claims Release  
c/o RG/2 Claims Administration LLC  
P.O. Box 59479  
Philadelphia, PA 19102-9479  
Email: [bankfeessettlement@rg2claims.com](mailto:bankfeessettlement@rg2claims.com)  
Toll Free Phone: (866) 742-4955

If you choose to contact the Settlement Administrator, then please refer to either one or both of the above captioned actions and provide your full name and e-mail or mailing address.