

**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:  
THIRD TRANCHE ACTIONS**

*Mosser v. TD Bank, N.A.*  
E.D. Pa. Case No. 2:10-cv-00731  
S.D. Fla. Case No. 10-cv-21386-JLK

*Mazzadra, et al v. TD Bank, N.A.*  
S.D. Fla. Case No. 1:10-cv-21870-JLK

**JOINT NOTICE OF SETTLEMENT**

Plaintiffs, individually and as representatives of a proposed Settlement Class, and Defendant TD Bank, N.A. ("TD Bank") (Plaintiffs and TD Bank are collectively referred to as the "Parties"), through their respective undersigned counsel, notify the Court that on May 8, 2012, they executed a Summary Agreement that sets forth the material terms of the Parties' binding and enforceable agreement to fully, finally and forever resolve, discharge, and release all rights and claims in, or that could have been asserted in, the above referenced actions based on TD Bank's payment of the sum of Sixty-Two Million and 00/100 Dollars (\$62,000,000.00) (the "Settlement"), without admission of liability by TD Bank, subject to preliminary and final approval of the Settlement and dismissal of the actions with prejudice by the Court. The Settlement will be memorialized in a comprehensive written Settlement Agreement and related

documents, which the parties will endeavor to file with the Court as part of a motion for preliminary approval within 45 days.

Based on the foregoing, the Parties respectfully request that all current deadlines set forth in the Court's Scheduling Order Pertaining to "Third Tranche" Cases [DE # 973] be suspended as to TD Bank only, pending the filing of the proposed Settlement Agreement. A proposed Order is attached.

Dated: May 11, 2012.

Respectfully submitted,

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**UNITED STATES DISTRICT COURT  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 11, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Robert C. Gilbert  
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**[PROPOSED] ORDER SUSPENDING SCHEDULING ORDER  
PENDING FILING OF SETTLEMENT AGREEMENT**

**THIS CAUSE** came before the Court based on the Joint Notice of Settlement filed on May \_\_\_\_, 2012 by Plaintiffs and Defendant TD Bank, N.A. (“TD Bank”). In the Notice of Settlement, Plaintiffs and TD Bank advise the Court that on May 8, 2012, they executed a Summary Agreement that sets forth the material terms of the parties’ binding and enforceable agreement to fully, finally and forever resolve, discharge, and release all rights and claims in, or that could have been asserted in, the above referenced actions based on TD Bank’s payment of the sum of Sixty-Two Million and 00/100 Dollars (\$62,000,000.00) (the “Settlement”), without admission of liability by TD Bank, subject to preliminary and final approval of the Settlement and dismissal of the Actions with prejudice by the Court. The parties further advise that the Settlement will be memorialized in a comprehensive written Settlement Agreement and related

documents, which the parties will endeavor to file with the Court as part of a motion for preliminary approval within 45 days.

Based on the foregoing, it is hereby **ORDERED and ADJUDGED** that the Scheduling Order [**DE #973**] entered on December 2, 2010, as it pertains to the above-captioned actions brought against TD Bank only, is hereby **SUSPENDED** pending the filing of the proposed Settlement Agreement.

**DONE and ORDERED** in Chambers at the James Lawrence King Federal Courthouse in Miami, Florida, this \_\_\_ of May, 2012.

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JAMES LAWRENCE KING  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF FLORIDA

cc: All Counsel of Record