

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NICOLETTA PANTELYAT, MICHAEL
EDWARDS, and ISABELLE SCHERER,
Individually and on Behalf of All Others Similarly
Situated,

Plaintiffs,

v.

BANK OF AMERICA, N.A. and BANK OF
AMERICA CORPORATION,

Defendants

Civil Action No. 1:16-cv-08964-AJN

Honorable Alison J. Nathan

CLASS ACTION

**DECLARATION OF NICOLETTA PANTELYAT IN SUPPORT OF MOTION FOR
AWARD OF SERVICE PAYMENTS TO CLASS REPRESENTATIVES, AWARD OF
ATTORNEYS' FEES, AND REIMBURSEMENT OF EXPENSES**

I, Nicoletta Pantelyat, hereby declare as follows, pursuant to 28 U.S.C. § 1746:

1. This affidavit is made in support of the Motion for Award of Service Payments to Class Representatives, Award of Attorneys' Fees, and Reimbursement of Expenses filed by Class Counsel. I make this declaration based on my own personal knowledge and, if called upon to do so, could and would testify competently thereto.

2. I am over the age of 18 years.

3. I am one of the named Plaintiffs and Court-appointed Class Representatives in the above-captioned case.

4. When I retained Class Counsel to initiate this lawsuit on behalf of myself and

others similarly situated, I understood that the case might generate unwelcomed publicity for myself and that it would require a substantial investment of my time. I nonetheless decided to lend my name to this case, and to assist Class Counsel however I could during the litigation, because I felt that my claims against Bank of America had substantial merit and that filing them as a class action could provide meaningful relief to a lot of other people out there like me.

5. As a class representative in this case, my goal at all times has been to act in the best interest of the Class, and I believe that I have done just that.

6. Specifically, both before and after the filing of the Action, I devoted substantial time and effort to:

- (a) Retaining Class Counsel and providing them important information concerning the underlying debit card transactions and overdraft fees at issue in the case;
- (b) Thoroughly reviewing and authorizing the filing of the complaint and the amended complaint;
- (c) Gathering account statements and other important account-related documents, and providing such materials to Class Counsel for use in the Action;
- (d) Staying in regular communication with Class Counsel during the course of the litigation regarding case strategy, developments, discovery and Settlement; and
- (e) Analyzing potential settlement proposals, thoroughly reviewing the Settlement Agreement, and finally executing the Settlement Agreement on behalf of the Settlement Class.

7. Given the risks associated with continued litigation and the significant monetary recovery provided by the Settlement, I believe that the Settlement is fair, reasonable and adequate and in the best interests of the Settlement Class. I strongly support it.

8. Although I am informed that the ultimate determination of Class Counsel's request for attorneys' fees and expense awards rests with the Court and that I am a lay person, I believe that Class Counsel's motion for an award of attorneys' fees in the amount of 25% of the Settlement Fund and for reimbursement of litigation expenses is fair and reasonable. Had Class Counsel not taken on the Action, I do not believe that either I or any other member of the Settlement Class would have seen any recovery of the overdraft fees in question.

9. I further understand that the Court may also grant my request for service awards to the Class Representatives in the amount of \$2,500.00 each (\$7,500.00 in total). I believe that the requested service awards are fair, reasonable and appropriate in light of the contributions that my fellow-Class Representatives and I made in this Action.

I declare under penalty of perjury under the laws of the United States this 31st day of May, 2018 in New York, New York that the foregoing is true and correct.


Nicoletta Pantelyat (Jun 1, 2018)

Nicoletta Pantelyat

CERTIFICATE OF SERVICE

I, Tina Wolfson, hereby certify that a copy of the foregoing document, filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies shall be served by first class mail postage prepaid on all counsel who are not served through the CM/ECF system on June 1, 2018.


Tina Wolfson