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Davidson Co. Chancery Court

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT
IN NASHVILLE

AMY MORTON, on behalf of herself)
and all others similarly situated,)
)
Plaintiff)
)
v.)
)
GREENBANK,)
)
Defendant)

NF
Case No. 11-135-III

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CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C. & M.

FILED

~~PROPOSED~~ AGREED ORDER GRANTING CLASS CERTIFICATION

THIS CAUSE is before the Court upon Plaintiffs' Motion for Class Certification. The Court has carefully considered the Motion and the Parties' submissions. For good cause shown, this Court finds that the case meets the requirements to proceed as a class action pursuant to Tenn. R. Civ. P. 23.01 and 23.02(3) on behalf of the following Class:

All GreenBank customers in the United States who have one or more Accounts and who, between February 1, 2005 and January 31, 2011, inclusive, incurred an Overdraft Fee as a result of GreenBank's Debit Card Transaction processing method, including Debit Re-Sequencing, as defined below.

The Class shall consist of two sub-classes, defined as follows:

Weekend and Holiday High-to-Low Sub-class: All members of the Class who incurred an additional Overdraft Fee as a result of GreenBank's practice of Debit Re-sequencing all Debit Card Transactions received for settlement on any Saturday, Sunday, federal holiday, or weekday after GreenBank was closed, where the additional Overdraft Fee would not have been incurred if GreenBank had processed such transactions either chronologically or in order from lowest to highest dollar amount.

Weekend and Holiday Batch Processing Sub-class: All members of the Class who incurred an additional Overdraft Fee as a result of GreenBank's practice of processing together all Debit Card Transactions received for

settlement on any Saturday, Sunday, federal holiday, or weekday after GreenBank was closed with all Debit Card Transactions received for settlement on the following business day, collectively in order from highest to lowest dollar amount, where the additional Overdraft Fee would not have been incurred had GreenBank processed all such Debit Card Transactions, in order from highest to lowest dollar amount, separately in chronological date order based on the dates they were received for settlement.

For purposes of this Order, the following terms shall be defined as follows:

- a. "Overdraft Fee" means any fee assessed to a holder of an Account for items paid when the Account has insufficient funds to cover the item, even if all deposits had been considered available. Fees charged to transfer balances from other accounts are excluded.
- b. "Debit Card" means a card, sticker, tag, or other device issued or provided by GreenBank, including a debit card, check card, or automated teller machine ("ATM") card that can be used to debit funds from an Account by Point of Sale and ATM transactions.
- c. "Debit Card Transaction" means any debit transaction effectuated with a Debit Card, including Point of Sale transactions (whether pinned or pinless) and ATM transactions.
- d. "Debit Re-sequencing" means GreenBank's former practice of ordering an Account's Debit Card Transactions during overnight processing in highest to lowest dollar amount.
- e. "Account" means any consumer checking account maintained by GreenBank in the United States that may be accessed by a Debit Card.

The Court further orders that Amy Morton is appointed as Class Representative and the law firms of Chitwood Harley Hames LLP along with Kopelowitz Ostrow P.A. as Lead Counsel in the Case and the law firm of Barrett Johnston LLC as Local Counsel to the Class.

IT IS SO ORDERED. ENTER THIS ___ DAY OF _____, 2012.



ELLEN HOBBS LYLE
CHANCELLOR

Submitted By:

Dated: July 26, 2012



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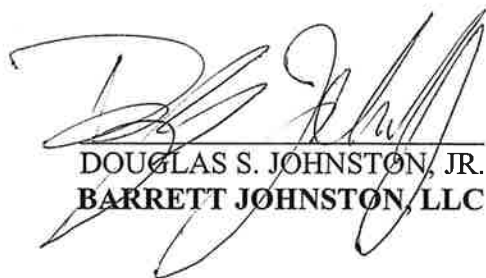
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, by agreement of the parties, a true and exact copy of the foregoing was served by email, this 26th day of July, 2012, upon the following:

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