

Notice of Proposed Settlement and Application for Attorneys' Fees

This notice is authorized by the U.S. District Court for the Southern District of New York. The Court will hold a hearing, in which you may participate, before this settlement is finally approved.

To: Holders of consumer or small business credit cards from Bank of America, Capital One, Chase, Citibank, Discover and HSBC.

If you (individuals, small businesses and agencies) hold a consumer or small business credit card issued by Bank of America, Capital One, Chase, Citibank, Discover or HSBC, your rights may be affected by the partial settlement of this class action lawsuit.

What is the proposed settlement?

The proposed settlement, which must be approved by the Court, is with the National Arbitration Forum, Inc. ("NAF"), a defendant in a lawsuit called *Ross, et al. v. Bank of America, N.A., (USA)*, No. 05-cv-7116 (S.D.N.Y.). This is the fifth settlement reached in this lawsuit. On July 22, 2010, the Court granted final approval of settlements reached with Bank of America, Chase, Capital One and HSBC.

This lawsuit claims that the defendants Bank of America, Capital One, Chase, Citibank, Discover, HSBC and the NAF violated federal law by conspiring, with each other and certain non-defendants, to require that the banks' cardholders (a) take all legal disputes to arbitration rather than court and (b) give up any right to participate in class actions against these credit card companies. This case is on behalf of cardholders who are subject to arbitration clauses. Cardholders who are not subject to arbitration clauses, including any Discover cardholders who have opted out of arbitration, are not included in the case.

All settling defendants and all non-settling defendants deny that they conspired with each other or that they violated any law, and assert that they have done nothing wrong or improper. The case will remain pending against Citibank and Discover.

The proposed settlement requires that the NAF cease administering or processing any new credit card arbitrations of disputes involving business cards for a period of 3-1/2 years. This relief compliments the relief previously obtained by the Minnesota Attorney General precluding the NAF from administering or processing any consumer credit card arbitrations. The settlement also requires the NAF, subject to court review, to pay \$125,000 to defray attorneys' fees and litigation expenses, including the cost of this notice.

If approved, the settlement will bind you. It releases the NAF from all liability stemming from the adoption or inclusion of the arbitration clauses and class action bans in the terms the defendant banks require of their consumer and small business credit card cardholders. The NAF is *NOT* being released from any claim for money damages that may allegedly arise from the *invocation or enforcement* of the defendant banks' arbitration clauses and class action bans.

Is there any payment to cardholders?

No, there is no payment to cardholders in this settlement. This lawsuit seeks only to change the defendants' alleged conduct on arbitration clauses and class action bans. No money damages were or are sought in this case.

What are my options?

If you agree with the settlement, you do not need to do anything. If you disagree with the settlement or the payment of attorneys' fees, you may object to either. You must file your written objection and proof of class membership with the Court. **The deadline for objecting is March 16, 2012.** The Court will hold a hearing to decide whether to approve the settlement on April 27, 2012 at 12:00 noon eastern at the U.S. District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007-1581. If you plan to go, check with the website at www.arbitration.ccfsettlement.com or with class counsel to confirm the time and date. The plaintiffs' papers supporting the settlement will be filed on March 2, 2012 and will be available at www.arbitration.ccfsettlement.com within 2 business days thereafter. You do not have to go to court or hire an attorney, but you can (do either or both) at your own expense.

What are the Attorneys' Fees for Plaintiffs' Counsel?

The NAF has agreed to pay a total of \$125,000 in attorneys' fees and litigation expenses, including the cost of publishing and distributing this notice. Neither you nor any class member is responsible for paying these fees and expenses, which will be paid by the NAF, and the relief to you and the class is not being reduced as a result of this payment. Plaintiffs' attorneys' fees at their regular hourly rates substantially exceed any reimbursement that may occur as a result of this settlement.

For more information...

This notice is only a summary. For answers to questions or more information, including complete copies of the settlement agreements and filings in support of the settlement, please visit www.arbitration.ccfsettlement.com. You may also call 1-800-654-4393. **Questions should not go to the Court, to the plaintiffs or to the settling or non-settling defendants.**