

LEGAL NOTICE BY ORDER OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

**If You Used a 0% Check On Your Capital One Credit Card,
You May Be Entitled To Cash From A Class Action Settlement**

Si ha aceptado una oferta de 0% de Capital One, usted puede tener derecho a dinero en efectivo de un acuerdo de demanda colectiva. Para información en español, visite la página web, www.CapitalOneZeroPercentSettlement.com

*The United States District Court for the Eastern District of Virginia authorized this Notice.
This is not a solicitation from a lawyer.*

This Notice advises you of a proposed class action Settlement.¹ The Settlement concerns alleged interest charges resulting from using a 0% Check on a Capital One credit card. Your legal rights are affected whether you act or don't act. You should read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
STAY IN THE LAWSUIT AND RECEIVE A CASH AWARD	Some people will automatically receive a Cash Award for \$5.50. Others may submit a Claim Form for Cash Awards of \$5.50 or \$2.00, with a deadline of July 1, 2015. The Cash Award categories are further described in this Notice. If you stay in the Settlement Class, you give up the right to sue Capital One separately and will be bound by the Settlement terms.
EXCLUDE YOURSELF	Get out of the lawsuit. Get no Settlement benefits.
OBJECT	Stay in the lawsuit, but tell the Court what you do not like about the Settlement.

Your rights and options – **and the deadlines to exercise them** – are explained in this Notice.

The Court in charge of this case has not yet decided whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

¹ All capitalized terms used herein have the same meaning as the terms defined in the Settlement Agreement, a copy of which can be obtained at www.CapitalOneZeroPercentSettlement.com or at the public court records on file in this Litigation.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION..... - 3 -

WHO IS IN THE SETTLEMENT..... - 3 -

THE SETTLEMENT BENEFITS - WHAT YOU GET..... - 4 -

THE LAWYERS REPRESENTING YOU - 5 -

EXCLUDING YOURSELF FROM THE SETTLEMENT..... - 6 -

OBJECTING TO THE SETTLEMENT..... - 7 -

THE FINAL APPROVAL HEARING..... - 7 -

IF YOU DO NOTHING - 8 -

GETTING MORE INFORMATION..... - 8 -

BASIC INFORMATION

1. WHAT IS THIS LAWSUIT ABOUT?

Plaintiffs Margaret Murr and David Reign filed a class action lawsuit claiming that Capital One Bank (USA), N.A.'s ("Capital One" or "Defendant") policies and practices relating to certain interest and minimum payment charges after a credit card customer uses a 0% Access Check or No Hassle Check are deceptive, constitute a breach of contract, and violate the Truth in Lending Act, including the Credit Card Accountability Responsibility and Disclosure Act of 2009. Capital One denies all allegations and has asserted many defenses. The Settlement is not an admission of wrongdoing or an indication that any law was violated. This Notice is not an expression of any opinion by the Court as to the merits of the claims or defenses asserted in the Litigation.

The Parties have agreed to settle the lawsuit on the terms explained in this Notice.

2. WHY IS THIS A CLASS ACTION?

In a class action, one or more people, called "Class Representatives" (in this case, Margaret Murr and David Reign), sue on behalf of people who have similar claims. These people are referred to as the "Class" or as "Class Members." One court resolves the issues for all Class Members, except for those who choose to exclude themselves from the Class. United States District Court Judge Leonie M. Brinkema is in charge of this class action.

3. WHY IS THERE A SETTLEMENT?

The Court did not decide in favor of Plaintiffs or Defendant. Instead, both sides agreed to the Settlement. That way, they avoid the cost of a trial, and settlement benefits go to the Settlement Class Members. The Class Representatives and the attorneys think the Settlement is best for the Class Members.

WHO IS IN THE SETTLEMENT

To see if you are eligible for benefits, you first have to determine whether you are a Settlement Class Member.

4. WHO IS INCLUDED IN THE SETTLEMENT CLASS?

You are a Settlement Class Member if you used a 0% Access Check or No Hassle Check on your Capital One credit card in the United States from August 1, 2008, through January 2, 2015.

The Settlement Class does *not* include the following persons or entities: those who submit a valid Request for Exclusion, Defendant and its officers, directors, and employees, and any Court personnel assigned to the Litigation.

5. WHAT IS A 0% CHECK?

"0% Check" means either an Access Check or a No Hassle check that Capital One mailed to its credit card customers offering a 0% APR for a certain period of time in exchange for an upfront fee.

THE SETTLEMENT BENEFITS - WHAT YOU GET

6. WHAT DOES THE SETTLEMENT PROVIDE?

Under the Settlement, Capital One will provide checks to Settlement Class Members of either \$5.50 or \$2.00 depending on whether the Settlement Class Member is in Category 1, 2, or 3 as described below. Under the Settlement, Capital One will pay at least the full Cash Awards below to all eligible Settlement Class Members. This amount will be at a minimum \$3,125,000 to Settlement Class Members. Since the lawsuit was filed, Capital One has also enhanced the disclosures concerning the Grace-Period Effect and the Payment-Allocation Effect in its offers of 0% Checks.

In addition, Capital One has agreed to pay the costs of Notice to Class Members and settlement administration, for Court-approved awards of Plaintiffs' attorneys' fees and reimbursement of expenses incurred, and service awards to the Class Representatives (described below). The Settlement distribution process will be administered by an independent settlement administrator, Dahl Administration (the "Claims Administrator") approved by the Court.

7. HOW MUCH WILL MY PAYMENT BE?

The amount of the Cash Award you may be entitled to under the proposed Settlement depends upon whether you fit within Category 1, 2, or 3 below. Settlement Class Members who used 0% Checks on multiple Capital One credit card accounts may fit within multiple categories and receive a Cash Award for each account. Additional information is provided in Section 4.02 of the Settlement Agreement, which is available for review or download at www.CapitalOneZeroPercentSettlement.com. Capital One's records will be used to confirm the category that you fit within:

Category	Description	Payment Amount	How to Receive Payment?
<u>One</u>	Customers who used only one 0% Check on an account ² and were charged interest on their purchase balance because of the 0% Check.	\$5.50	Do nothing. A check will automatically be sent to you once the Settlement becomes final.
<u>Two</u>	Customers who used more than one 0% Check on an account at least three months apart and were charged interest on their purchase balance because of the 0% Check.	\$5.50	Submit a completed Claim Form on or before July 1, 2015, to www.CapitalOneZeroPercentSettlement.com , or by mail, as indicated in Section 8 below.
<u>Three</u>	Customers who used one or more 0% Checks but were not charged interest on their purchase balance because of the 0% Check.	\$2.00	Submit a completed Claim Form on or before July 1, 2015, to www.CapitalOneZeroPercentSettlement.com , or by mail, as indicated in Section 8 below.

² Customers who used more than one 0% Check on an account, all within less than three months, are treated as if they used only one 0% Check for purposes of the Cash Awards.

8. HOW CAN I GET A CASH PAYMENT?

- **If you are a Category 1 Settlement Class Member as described above, you do not have to do anything to receive your Cash Award.** The Cash Award will be automatically sent to you after the Settlement becomes final.
- **If you are a Category 2 or 3 Settlement Class Member as described above, to receive your Cash Award you must complete and return a Claim Form on or before July 1, 2015.** The Claim Form may be: (a) mailed to Capital One 0% Check Settlement, c/o Dahl Administration, P.O. Box 3614, Minneapolis, MN 55403-0614; or (b) submitted online at www.CapitalOneZeroPercentSettlement.com. A Claim Form (for Category 2 or 3 Settlement Class Members only) is included with this Notice. Claim Forms are also available online at www.CapitalOneZeroPercentSettlement.com or by calling 1-855-853-4454. Category 1 Settlement Class Members do not need a Claim Form as the Cash Award will be sent to them automatically.

9. WHEN WOULD I GET MY CASH PAYMENT?

The Court will hold a “Final Approval Hearing” on **June 26, 2015 at 10:00 a.m.**, to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals. The appeal process can take time, often more than a year. Please be patient.

10. IN RETURN FOR THESE SETTLEMENT BENEFITS, WHAT AM I GIVING UP?

If the Court approves the proposed Settlement and you do not request to be excluded from the Settlement Class, you must release (give up) all claims concerning the “Grace-Period Effect” and the “Payment-Allocation Effect” in connection with a Capital One 0% Check used from August 1, 2008, to January 2, 2015 as covered by this Settlement, and the case will be dismissed on the merits and with prejudice.

“Grace-Period Effect” means the loss of a Settlement Class Member’s interest-free grace period on repaying purchases as a result of using a 0% Check and carrying the resulting 0% balance on a Capital One credit card account.

“Payment-Allocation Effect” means any effect on the amount of interest paid on purchases caused by Capital One’s practices of considering the balance created by a Settlement Class Member’s acceptance of a 0% Check in setting the amount of the Settlement Class Member’s monthly minimum payment, and of applying the minimum payment first to that balance or another 0% balance before the purchase balance.

If you remain in the Settlement Class, you may not assert any of those claims in any other lawsuit or proceeding. This includes any other lawsuit or proceeding already in progress. The judgment and orders entered in this Litigation, whether favorable or unfavorable, will bind all Settlement Class Members who do not request to be excluded.

The full terms of the Release are contained in the Settlement Agreement that is available at www.CapitalOneZeroPercentSettlement.com, or at the public court records on file in this Litigation.

THE LAWYERS REPRESENTING YOU

11. DO I HAVE A LAWYER IN THIS CASE?

The Court appointed the law firms of Blood Hurst & O’Reardon, LLP and Scott+Scott, Attorneys at Law, LLP to represent you and other Settlement Class Members. These lawyers are called Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense and enter an appearance through

your own counsel.

12. HOW WILL THE LAWYERS BE PAID?

Class Counsel will ask the Court to award attorneys' fees and costs not to exceed \$1,500,000. The awards will be paid by Capital One and will not impact the amount of the Cash Awards that Settlement Class Members will receive. Defendant has agreed to not to oppose these awards.

Class Counsel will petition the Court for service awards of up to \$7,500 for Class Representative Margaret Murr and \$1,500 for Class Representative David Reign. The purpose of such awards, if the Court chooses to award them, is to compensate these persons for efforts and risks taken on behalf of the Class. Defendant may oppose these awards.

EXCLUDING YOURSELF FROM THE SETTLEMENT

13. HOW DO I GET OUT OF THE SETTLEMENT?

If you do not want a payment from this Settlement, and want to keep the right to sue or continue to sue Capital One on your own about the legal issues in this Litigation, then you must take steps to get out. This is called "excluding" yourself – or is sometimes referred to as "opting out" of the Class.

If you do not want to be included in the Settlement Class and receive a Cash Award, you must send a written "Request for Exclusion" letter to the Claims Administrator postmarked or delivered no later than May 12, 2015. The Request for Exclusion *must* include: (a) your name; (b) your address; (c) your telephone number; (d) your signature; (e) a statement that you are a Settlement Class Member and that you wish to be excluded from the Settlement Class; and (f) the case name and number: *Murr v. Capital One Bank (USA), N.A.*, Case No. 1:13-cv-1091 LMB/TCB (E.D. Va.).

Your Request for Exclusion must be postmarked or delivered to the Claims Administrator no later than May 12, 2015, at the following address:

**CAPITAL ONE 0% CHECK SETTLEMENT
C/O DAHL ADMINISTRATION
PO BOX 3614
MINNEAPOLIS MN 55403-0614**

A Request for Exclusion must be written, and may not be asked for telephonically. If you ask to be excluded, you will not get any Cash Award, and you cannot object to the Settlement. However, you will not be legally bound by anything that happens in this Litigation and you will keep your right to separately pursue claims against Capital One relating to the subject matter of this Litigation.

14. IF I DON'T EXCLUDE MYSELF, CAN I SUE CAPITAL ONE FOR THE SAME THING LATER?

No. Unless you exclude yourself, you give up the right to sue Capital One for the claims that this Settlement resolves. You must exclude yourself from *this* Settlement Class to pursue your own lawsuit. Remember, your Request for Exclusion must be postmarked or delivered on or before **May 12, 2015**.

15. IF I EXCLUDE MYSELF, CAN I GET MONEY FROM THIS SETTLEMENT?

No. If you exclude yourself, you will not receive any money. Do not send in a Claim Form if you exclude yourself. But you will not lose any right you may have to sue, continue to sue, or be part of a different lawsuit against Capital One about the legal issues in this case.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the Settlement or some part of it.

16. HOW DO I TELL THE COURT THAT I DO NOT LIKE THE SETTLEMENT?

If you are a Settlement Class Member, you can object to the Settlement if you do not like any part of it and the Court will consider your views. To object, you must timely file with the Clerk of Court and timely serve on the Parties' counsel identified below by hand or first-class mail a notice of objection(s) to the Settlement in *Murr v. Capital One Bank (USA), N.A.*, Case No. 1:13-cv-1091 LMB/TCB (E.D. Va.). The letter **must** include the following information: (a) a heading which refers to the Litigation; (b) your full name, telephone number, email address and residential address (your actual residential address must be included); (c) if represented by counsel, the name, address and telephone number of all of your counsel; (d) a statement under penalty of perjury that you are a Settlement Class Member; (e) a statement whether you intend to appear at the Final Approval Hearing, either in person or through counsel; (f) all grounds for the objection, accompanied by any legal support for the objection known to you or your counsel; (g) copies of any papers, briefs, or other documents upon which the objection is based; and (h) your dated, handwritten signature (an electronic signature or signature of your attorney is not sufficient). The Parties will have the right to take discovery, including a deposition, of any objector to assess the objector's standing, motives, and intent.

On or before May 12, 2015, your objection must be delivered to these four different places:

Clerk of the Court
**United States District Court,
Eastern District of Virginia**
401 Courthouse Square
Alexandria, VA 22314

Joseph P. Guglielmo
Scott+Scott, Attorneys at Law, LLP
The Chrysler Building
405 Lexington Avenue, 40th Floor
New York, NY 10174

Timothy G. Blood
Thomas J. O'Reardon II
Blood Hurst & O'Reardon, LLP
701 B Street, Suite 1700
San Diego, CA 92101

Aaron D. Van Oort
Eileen M. Hunter
Faegre Baker Daniels LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402

17. WHAT IS THE DIFFERENCE BETWEEN OBJECTING AND EXCLUDING?

Objecting is telling the Court that you do not like something about the Settlement. You can only object if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class or the Litigation. You cannot request exclusion **and** object to the Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you. Settlement Class Members who exclude themselves may, if they wish, enter an appearance through their own counsel.

THE FINAL APPROVAL HEARING

The Court will hold a "Final Approval Hearing" to decide whether to approve the Settlement. You may attend the Final Approval Hearing, and you may ask to speak, but you do not have to.

18. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold a Final Approval Hearing on June 26, 2015, at 10:00 a.m., in the Courtroom of the Honorable Leonie M. Brinkema, United States District Court for the Eastern District of Virginia, Albert V.

Bryan U.S. Courthouse, 401 Courthouse Square, Alexandria, VA 22314. At this Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the Final Approval Hearing. After the Final Approval Hearing, the Court will decide whether to approve the Settlement. The Court may also consider Class Counsel's request for attorneys' fees and expenses, as well as the Class Representatives' requests for service awards. We do not know how long it will take for the Court to render its decision.

19. DO I HAVE TO COME TO THE FINAL APPROVAL HEARING?

No. Class Counsel will answer any of the Court's questions. You are, however, welcome to come at your own expense. If you submit an objection, you do not have to come to the Court to talk about it. As long as you delivered your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

20. MAY I SPEAK AT THE FINAL APPROVAL HEARING?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file with the Court a "Notice of Intention to Appear." Be sure to include your name, address, telephone number, and your signature. You may also be required to provide proof that you are a Settlement Class Member. Your Notice of Intention to Appear must be filed on or before May 12, 2015, and must also be served on the Clerk of the Court, Class Counsel and Defense Counsel at the four addresses listed in paragraph 16 above. You cannot speak at the Final Approval Hearing if you exclude yourself.

IF YOU DO NOTHING

21. WHAT HAPPENS IF I DO NOTHING AT ALL?

If you do nothing, you will be part of the Settlement Class. If you are a Category 1 Settlement Class Member as described above, you will automatically receive a Cash Award. If you are a Category 2 or 3 Class Member as described above, you will not receive a Cash Award unless you submit a valid and timely Claim Form by July 1, 2015. You will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant about the legal issues in this Litigation. You will be bound by the determinations in this Litigation.

GETTING MORE INFORMATION

22. ARE THERE MORE DETAILS ABOUT THE SETTLEMENT?

The Settlement Agreement contains the complete terms of the Settlement. You can get a copy of the Settlement Agreement at www.CapitalOneZeroPercentSettlement.com, or by reviewing the records on file in the Court Clerk's office, United States District Court, Eastern District of Virginia, 401 Courthouse Square, Alexandria, VA 22314. The Claim Form and other information can be reviewed and downloaded at www.CapitalOneZeroPercentSettlement.com.

PLEASE DO NOT CALL OR WRITE TO THE COURT FOR INFORMATION OR ADVICE