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## BofA Class Objects To 'Professional Objectors' In \$27M Deal

By **Kat Sieniuc**

Law360, New York (July 28, 2016, 9:27 PM ET) -- A plaintiff who has previously made objections in at least eight other cases is wrongfully trying to derail a \$27.5 million settlement between Bank of America and a proposed class of account holders who sued the bank for improperly imposing overdraft fees, a Pennsylvania federal judge was told this week.

Lawyers for the class called out objector Dawn Weaver and her lawyer Chris Bandas on Tuesday for filing what they said were baseless claims that veil a disingenuous attempt to make a profit off the settlement.

"Bandas sees the opportunity to hijack and delay a settlement with no other objectors; in that opportunity, he sees the chance to extract a fee payment from the class," class counsel said. "The court should not indulge the musings of professional objectors at the expense of the settlement class, which deserves payment now."

The class includes any holder of a Bank of America checking account since May 25, 2011, who was charged an overdraft fee on an approved transaction when sufficient funds were available to cover the transaction.

Class counsel said Weaver and Bandas have a history of selfishly delaying settlements for a personal payout, pointing out that numerous courts have criticized Bandas, and at least two courts have criticized Weaver, for filing meritless objections to class settlements.

"Courts across the country have excoriated Bandas for being a professional objector whose only goal is to cause delay for his own personal financial gain," Hassan Zavareei, an attorney representing the class, told Law360 in an email Thursday.

"We will take all appropriate measures to prevent Bandas from using a meritless objection to delay payment to these deserving class members," Zavareei added.

Bandas did not respond to a request for comment Thursday. He and his firm won't be making any court appearances related to Weaver's objection, according to court filings.

Weaver filed an objection in June and followed up with supporting arguments last week that said she didn't get a proper chance to object during settlement negotiations, and that attorneys' fees were too high.

Weaver argued the deal should be rejected because class counsel allegedly didn't give members enough information before the settlement's June 6 objection deadline to fully evaluate whether the deal was fair. She added that she was subjected to personal attacks from attorneys when she objected to the agreement's terms.

But class counsel has chalked these objections up to smoke and mirrors, reiterating Tuesday that the objection has no merit.

"Each class member, including Weaver, had a full and fair opportunity to object to the amount of

the requested fee —that amount was printed on every notice,” lawyers for the class said. The attorneys' reward of up to 33 percent of the settlement was reasonable and consistent with fees awarded in other centralized overdraft cases that all challenged the high-to-low posting overdraft fee practice, class counsel said.

The case goes back to June 2014, when Sherry L. Bodnar filed her initial complaint over the bank's practice of charging debit card users overdraft fees on authorized transactions when there were sufficient funds available in a given account to cover the purchases.

She accused Bank of America of breaching the contracts it had with account holders by automatically assessing the improper overdraft fees, along with violations of various common law duties and Pennsylvania's consumer protection statute, according to court records.

Settlement talks began in early 2015, but several months of court-supervised mediation did not yield an agreement until October. Lingering disagreements over the allocation of the proposed settlement fund to class members were finally resolved in January, according to the motion.

An attorney representing Bank of America did not immediately respond to requests for comment late Wednesday.

Plaintiffs are represented by Hassan A. Zavareei and Jeffrey Kaliel of Tycko & Zavareei LLP, Jeffrey M. Ostrow of Kopelowitz Ostrow PA, and James C. Shah of Shepherd Finkelman Miller & Shah LLP.

Bank of America is represented by Jessica Kaufman, Michael B. Miller and Andrew J. Soven of Morrison & Foerster LLP.

The case is Sherry L. Bodnar v. Bank of America NA, case number 5:14-cv-03224, in the U.S. District Court for the Eastern District of Pennsylvania.

--Editing by Jill Coffey.