

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

**DECLARATION OF CHET B. WALDMAN IN SUPPORT OF PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, CHET B. WALDMAN, ESQ., declare and state as follows:

1. I am a partner in the law firm of Wolf Popper LLP (“Wolf Popper”). I was appointed Plaintiffs’ Lead Counsel and Interim Class Counsel for the putative class and subclasses in this matter pursuant to Pretrial Order No.1 filed June 24, 2024 (ECF 6). I was conditionally appointed Plaintiffs’ Class Counsel for the Settlement Class for purposes of settlement pursuant to the Order Preliminarily Approving Class Action Settlement and Scheduling Final Approval Hearing (the “Order”) issued on June 16, 2025 (ECF 174).

2. I am a member in good standing of the Bar of the State of New York and am admitted pro hac vice before this Court. I have personal knowledge of the matters set forth herein. I respectfully submit this Declaration, together with the attached Exhibits, in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, and in support of an award of attorneys’ fees and expenses, and Plaintiffs’ Service Awards.¹

A. Relevant Background

3. On June 16, 2025, the Court issued the Order preliminarily approving the settlement

¹ All terms herein with initial caps are as defined in the Settlement Agreement unless otherwise defined. ECF 163-1.

of this Action (the “Settlement”) that provides for a Settlement Fund of \$425 million (the “Settlement Amount”) with two components: (1) a \$300 million cash Settlement Fund, and (2) \$125 million in Additional Interest payments in return for a release of claims against Defendants. ECF 174. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of the preliminary approval hearing before this Court on June 16, 2025.

4. Since the entry of the Order, Epiq Class Action & Claims Solutions, Inc. (“Epiq”), the Court-approved Settlement Administrator, has provided direct Email Notice and Postcard Notice to all Settlement Class Members via contact information contained in Capital One’s records in accordance with the Order and the Settlement Agreement.

5. The Settlement was reached after extensive arm’s-length negotiations overseen by well-respected mediators (Court-appointed Special Master Craig Seebald and Robert Meyer of JAMS (the “Mediators”). During the second face-to-face mediation session on April 18, 2025, the Mediators proposed terms that shaped the final Settlement, breaking a major impasse in the settlement negotiations. In particular, the Mediators introduced the concept of having Capital One contribute money to the 360 Savings accountholders in the form of additional interest payments, which eventually resulted in the \$125 million Additional Interest piece of the Settlement.

6. The Settlement is the result of the substantial litigation efforts of Class Counsel and the other law firms representing Plaintiffs and Settlement Class Members in this Action (collectively “Plaintiffs’ Counsel”), including, among other things: (i) conducting an extensive investigation into the claims underlying this Action; (ii) drafting the initial complaint and a comprehensive Consolidated Amended Complaint after advocating in the MDL proceeding for the transfer of all cases filed around the country, after the initial complaint was filed, to this District; (iii) negotiating a detailed discovery plan, protective order, and protocol for ESI, with assistance

and oversight of the Special Master; (iv) briefing, and largely defeating, Defendants' motion to dismiss; (v) briefing, and defeating, Defendants' motion to certify a question to the Virginia Supreme Court; (vi) reviewing approximately seventy-five thousand documents spanning approximately two million pages provided by Capital One and third parties; (vii) drafting and serving discovery requests, including four sets of interrogatories, two sets of requests for production of documents, one set of requests for admission, and five non-party subpoenas; (viii) responding to written discovery from Defendants for each of the 26 Plaintiffs comprising 27 Requests for Production per Plaintiff (or 702 total requests across all Plaintiffs) and more than 19 interrogatories per Plaintiff (495 total across all Plaintiffs) and producing documents in response; (ix) serving and negotiating responses to five non-party subpoenas to Capital One vendors; (x) preparing for, and defending, twenty-six depositions of the named Plaintiffs across the country; (xi) reviewing documents, drafting internal memoranda and preparing outlines for the depositions of twenty of Capital One's current and former employees, and taking seven of those depositions prior to the Parties' agreement to settle; (xii) meeting and conferring numerous times with Defendants' counsel on a host of discovery-related disputes relating to custodians, search terms, document repositories, deposition logistics, and the sufficiency and scope of both Capital One's and Plaintiffs' respective discovery responses, and briefing, arguing and prevailing on one such dispute before the Special Master; (xiii) retaining, and working with, three experts who filed reports, and engaging in expert discovery that included producing and reviewing documents, defending Plaintiffs' three experts at their depositions, taking the depositions of Defendants' three experts, and drafting briefs in support of three Daubert motions relating to Defendants' expert witnesses, as well as three briefs in opposition to Defendants' motions to exclude Plaintiffs' experts; (xiv) supervising dedicated teams of experienced attorneys and staff to prosecute the

claims on behalf of Plaintiffs and the Settlement Class; (xv) drafting briefs in support of Plaintiffs' Motion for Class Certification; (xvi) preparing for, and participating in, two separate face-to-face mediation sessions involving two mediators, which followed the preparation of mediation statements submitted by the Parties and two more Zoom sessions between the Parties and the Mediators to resolve stalemates in finalizing the Settlement Agreement; (xvii) negotiating and drafting appropriate documentation of the Settlement, including the Settlement Agreement and notice documents; (xviii) drafting papers and presenting at the hearing in connection with Plaintiffs' Motion for Preliminary Approval of Settlement; (xix) responding to more than 1,000 Class Member inquiries about the Settlement to date; (xx) meeting and corresponding with Epiq regarding settlement administration issues, issues raised by Class Members, including relating to the Settlement Website; and (xxi) drafting the papers in support of Plaintiffs' Motion for Final Approval of the Settlement.

7. Each Plaintiff has worked diligently in the interests of the Settlement Class, and has, among other things: (i) responded to Defendants' interrogatories, produced documents, and sat for lengthy depositions; (ii) demonstrated their knowledge about the case and their duties and responsibilities as Class Representatives; (iii) regularly kept in contact with their attorneys about the litigation; (iv) and ultimately reviewed and approved the Settlement. *See* Declaration of Settlement Class Representatives annexed hereto as Exhibits 2-27. Plaintiffs request that the Court award each Named Plaintiff a Service Award in the amount of \$10,000 from the Settlement Fund.

8. Plaintiffs also request an award of attorneys' fees for Plaintiffs' Counsel's efforts, which resulted in a substantial recovery for the Class in the face of significant risks, and for reimbursement of Plaintiffs' Counsel's litigation expenses. Specifically, Plaintiffs are applying for an attorneys' fee award of 20% of the Settlement Amount, and for reimbursement of litigation

expenses in the amount of \$1,631,120, to be paid from the Settlement Fund. The amount of the requested fee award came after Plaintiffs' Counsel consulted with Vanderbilt Law Professor - Brian Fitzpatrick - seeking advice on what would amount to a fair and reasonable fee under the specific circumstances of this case. Plaintiffs' Counsel and I believe that the requested fee is fair, reasonable, and is consistent with, or below, previous awards in other common-fund class actions in this Circuit. *See* Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Final Approval of Class Action Settlement ("Plaintiffs' MOL") at 22-25.

B. The Preliminary Approval Order

9. On June 16, 2025, the Court preliminarily approved the Settlement by entering the Order (ECF 174). In the Order, the Court approved, as to form and content, the Notice Plan to inform Class Members of, among things, (i) the Settlement; (ii) the amount Plaintiffs would be seeking in an Award of Attorneys' Fees and Expenses and Plaintiffs' Service Awards; and (iii) Settlement Class Members' opt-out and objection rights, and set a final settlement hearing for November 6, 2025 (the "Settlement Hearing"). *Id.* ¶¶ 12-14, 17.

C. Plaintiffs' Claims and the Benefits of Settlement

10. Lead Counsel believes that the claims asserted in this Action have merit and that the evidence developed to date supports Plaintiffs' claims. However, Lead Counsel recognizes and acknowledges the expense and length of continued proceedings necessary to prosecute the Action against Defendants through trial and through appeals. Lead Counsel also has taken into account the uncertain outcome and the risk of any litigation, especially in complex actions such as this Action, as well as the difficulties and delays inherent in such litigation. Lead Counsel also is mindful of the inherent problems of proof under, and possible defenses to, the claims asserted in the Action. Lead Counsel believes that the Settlement confers substantial benefits upon the Class.

Based on their evaluation, Plaintiffs' Counsel and I believe that the Settlement is in the best interests of Plaintiffs and the Class in light of the substantial risks associated with continuing litigation as detailed in Plaintiffs' MOL at 11-16. For example, on December 6, 2024, Capital One sent a marketing email to 360 Savings customers that they could earn more than the 0.5% APY interest they were earning on their 360 Savings accounts, and that the 360 Performance Savings account was available with a rate of 3.80%. *See* Exhibit 28 (which is a true and correct copy of this marketing email). According to information provided by Capital One in discovery, of the 48% of recipients who opened the email, only 0.8% switched to 360 Performance Savings by the end of January 2025.

11. The Settlement avoids all risks and uncertainties and will provide a prompt and certain benefit to the Settlement Class Members rather than the mere possibility of recovery after additional years of litigation and appeals.

12. If the Settlement receives the Court's final approval, Settlement Class Members will release the "Released Claims" in exchange for the Settlement Amount. *See* Settlement Agreement ¶ 2.39, 15.1. The release's scope is reasonable as it is limited to claims that concern, arise out of, or relate to the facts alleged in the Complaint or the Action.

13. Excluded from the Class are: (i) Capital One, any entity in which Capital One has a controlling interest, and Capital One's officers, directors, legal representatives, successors, subsidiaries, and assigns; (ii) any judge, justice, or judicial officer presiding over the Action and the members of their immediate families and judicial staff; and (iii) any individual who timely and validly opts out of the Settlement Class. *See* Settlement Agreement ¶ 2.48.

D. Compliance with the Court's Preliminary Approval Order on Notice

14. Plaintiffs have fully complied with all the requirements of the Order to date.

15. First, pursuant to the Order, Lead Counsel instructed the Court-approved Settlement Administrator, Epiq, to disseminate the Postcard Notice by mail and the Email Notice by email. Both the Postcard Notice and Email Notice informed Class Members of a summary of the terms of the Settlement and directed Class Members to the Settlement Website containing the Long Form Notice and other important documents. The Settlement Website also provided Class Members with Epiq's and Lead Counsel's contact information.

16. As reflected in the Declaration of Cameron R. Azari, Esq. Regarding Implementation and Adequacy of Notice Plan ("Azari Implementation Decl.") ¶ 9, on June 27, 2025, Epiq received a data file that was provided by counsel for the Defendants containing names, emails, and addresses of Settlement Class Members ("Accountholder Database"). On August 1, 2025, Epiq caused 4,229,403 Email Notices to be sent to the email addresses of Settlement Class Members identified in the Accountholder Database. *Id.* ¶ 11. On August 1, 2025, Epiq caused 4,685,898 Postcard Notices to be sent by U.S. Postal Service ("USPS") first-class mail, postage prepaid, to the addresses of Settlement Class Members identified in the Accountholder Database. *Id.* ¶ 13.

17. For Email Notices that were returned as undeliverable, Epiq made at least two additional attempts to deliver the Email Notice. *Id.* ¶ 12. In addition, Epiq has re-mailed Postcard Notices to persons whose original mailings were returned undeliverable by the USPS to any new address available through USPS information or better addresses found through a third-party address lookup service. *Id.* ¶ 15.

18. Also on July 31, 2025, Epiq established a toll-free telephone help line for Settlement Class Members to call and ask questions. *Id.* ¶ 21.

19. The settlement website, <https://www.capitalone360savingsaccountlitigation.com>,

became operational on July 31, 2025. *Id.* ¶ 19. As of September 8, 2025, the website has had an aggregate of 899,996 unique visitor sessions. *Id.* ¶ 19.

20. The Long Form Notice available on the Settlement Website advises members of the Settlement Class of the essential terms of the Settlement, sets forth the procedure for objecting to, opting out of, and participating in the Settlement, as well as the End Date for closing their 360 Savings Accounts in order to receive the multiple on their pro rata share of the \$300 million Settlement Fund, and provides specifics on the date, time, and place for the Settlement Hearing. The Notice also contains information regarding the request for attorneys' fees and reimbursement of expenses, the request for Service Awards, and the plan of distributing the Settlement proceeds among members of the Class.

21. Pursuant to the Class Action Fairness Act, Notice was also provided by Capital One to the pertinent federal banking regulators which was subsequently forwarded to State Attorneys General.

22. The deadline for Class Members to file objections to the Settlement, and/or Lead Plaintiffs' request for attorneys' fees and reimbursement of litigation expenses and the Plaintiff Service Awards is October 2, 2025. ECF 174.

23. Lead Counsel will file reply papers to address objections on or before October 23, 2025, as directed in the Order. *Id.* ¶¶ 19, 26.

24. The deadline for Class Members to opt out from the Settlement is October 2, 2025. *Id.* 174. As of September 8, 2025, Lead Counsel and/or Epiq have received 31 requests to opt out from the Settlement Class. *Id.* ¶ 23.

E. The Request for Attorneys' Fees and Reimbursement for Expenses

25. In addition to seeking final approval of the Settlement, Plaintiffs are applying to the

Court, on behalf of Plaintiffs' Counsel, for an award of attorneys' fees of 20% of the Settlement Amount, and for reimbursement of out-of-pocket expenses that Plaintiffs' Counsel incurred in connection with the prosecution of the Action from the Settlement Fund in the amount of \$1,631,120. Plaintiffs further request that Service Awards be paid to each Named Plaintiff in the amount of \$10,000 from the Settlement Fund.

26. In support of these applications, Plaintiffs' Counsel submits the Declaration of Professor Brian Fitzpatrick (the "Fitzpatrick Decl."), discussed below, and this Declaration, and the attached (i) Declaration of Matthew B. Kaplan, (ii) Declaration of Jeffrey D. Kaliel; (iii) Declaration of Christopher E. Stiner; (iv) Declaration of Andrew Shamis; and (v) Declaration of Scott Edelsberg (attached hereto as Exhibits 29-33). These declarations list the lodestar of each of Plaintiffs' Counsel, including the amount of time spent by each attorney and professional staff member on the case, and the expenses for which each Plaintiffs' Counsel seeks reimbursement.

27. The more than 14,000 hours Plaintiffs' Counsel collectively expended on this case were reasonably spent, especially given the high-stakes, high-risk, and accelerated Rocket Docket nature of this Action. At Plaintiffs' Counsel's currently hourly rates, which are comparable to those of other class action attorneys, Plaintiffs' Counsels' collective total lodestar for this case comes to \$11,025,444. Work was carefully allocated across the firms by Wolf Popper to maximize efficiency. Lead Counsel also distributed work to minimize the fees in this case; thus, senior attorneys did not do the work that could be accomplished by more junior attorneys, and attorneys did not do the work that could be completed by paralegals, except in extraordinary time-pressured situations (for example, the Class certification briefing). Plaintiffs' Counsel assigned tasks based on a number of considerations, with the goal of avoiding duplication of effort. If Plaintiffs' Counsel had not been stringent in these efforts, the number of hours and lodestar devoted to the case would

have been significantly higher.

28. Plaintiffs support the fee request for Plaintiffs’ Counsel. *See, e.g.*, Declaration of Settlement Class Representatives Ronald Hopkins and Amber Terrell, ¶¶ 1, 8 and 1, 8 respectively, submitted as Exhibits 2 and 3 hereto.

29. Based on the factors discussed below, the Fitzpatrick Decl. submitted herewith, and on the legal authorities discussed in the Plaintiffs’ MOL, Plaintiffs respectfully submit that the request for attorneys’ fees and expenses should be granted.

1. Wolf Popper’s Effort and Time

30. Wolf Popper, the law firm of the Court-appointed Lead Counsel, was involved in all aspects of the prosecution and resolution of the Action, as set forth in this Declaration.

31. The information set forth in this Declaration concerning Wolf Popper’s time, including in the schedule below, was prepared from daily time records regularly prepared and maintained by Wolf Popper in the ordinary course of business. I am one of the partners who oversaw Wolf Popper’s activities in the Action, and I, together with attorneys working under my direction, reviewed my firm’s daily time records to confirm their accuracy. As a result of this review, I believe that the time reflected in the firm’s lodestar calculation and the expenses and charges for which payment is sought are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the Action.

32. The time expended, hourly rates, and lodestars of Wolf Popper’s attorneys and professional support staff, up to and including September 11, 2025, are:

NAME	POSITION/TITLE	HOURS	HOURLY RATE	LODESTAR
Chet B. Waldman	Senior Partner	1051.40	\$1,150	\$1,209,110.00
Carl L. Stine	Senior Partner	733.80	\$1,150	\$843,870.00
Robert C. Finkel	Senior Partner	33.10	\$1,150	\$38,065.00

David Nicholas	Of Counsel	13.10	\$1,150	\$15,065.00
Jeffrey Chambers	Of Counsel	206.25	\$1,100	\$226,875.00
Patricia I. Avery	Senior Partner	174.60	\$1,000	\$174,600.00
Adam J. Blander	Partner	7.90	\$950	\$7,505.00
Joshua W. Ruthizer	Partner	10.50	\$950	\$9,975.00
Matthew Insley-Pruitt	Partner	449.00	\$950	\$426,550.00
Philip M. Black	Partner	2152.20	\$900	\$1,936,980.00
Emily Madoff	Senior Partner	91.70	\$800	\$73,360.00
Timothy D. Brennan	Of Counsel	1463.40	\$650	\$951,210.00
Antoinette Adesanya	Associate	114.40	\$650	\$74,360.00
Terrence Zhang	Associate	15.50	\$550	\$8,525.00
Justyn Millamena	Associate	856.30	\$500	\$428,150.00
Sasha Marseille	Associate	99.40	\$500	\$49,700.00
Emer Burke	Associate	63.10	\$500	\$31,550.00
Samuel Coffin	Associate	424.10	\$495	\$209,929.50
Sandra Vidal-Pellon	Of Counsel	731.20	\$475	\$347,320.00
Sharon Feldman	Staff Attorney	738.50	\$425	\$313,862.50
Adam Jacobs	Staff Attorney	785.50	\$425	\$333,837.50
Melissa Gianfagna	Senior Paralegal	161.50	\$400	\$64,600.00
Margaret Babikian	Legal Intern	58.50	\$320	\$18,720.00
Stephanie Bousley	Legal Intern	93.60	\$320	\$29,952.00
Karine Malina	Legal Intern	7.50	\$320	\$2,400.00
Joshua Newman	Legal Intern	2.50	\$320	\$ 800.00
Addie Nicholas	Legal Intern	63.00	\$320	\$20,160.00
TOTAL LODESTAR		10,601.55		\$7,847,031.50

33. The hourly rates shown in the table above are the current rates set by Wolf Popper for each individual. For personnel who are no longer employed by Wolf Popper, the lodestar calculation is based upon the hourly rates of such person in his or her final year of employment by Wolf Popper. The hourly rates are comparable to the regular current rates charged by Wolf Popper’s services in non-contingent matters and Wolf Popper’s fees have been approved by numerous courts in connection with class action settlements. *See e.g., Zara Leventhal v. Streamlabs, LLC*, No. 3:22-cv-01330-LB (N.D. Cal. Jan. 30, 2025) (ECF 102) (approving

attorneys' fees with Wolf Popper's then-current hourly rates); *Martel v. Fusion Sponsor LLC*, C.A. No. 2024-0329-NAC (Del. Ch. July 24, 2025) (ORDER) (same); *In re MSG Networks Inc. S'holder Class Action Litig.*, Consol. C.A. No. 2021-0575-LWW (Del. Ch. Aug. 16, 2023) (ORDER) (same).

34. Wolf Popper's lodestar figures are based upon the firm's hourly rates, which do not include expense items.

2. The Time, Labor, Difficulty, and Skill Involved Support the Requested Fee Award

35. Plaintiffs' Counsel have distinguished experience litigating and resolving complex consumer class actions, having done so throughout the country.

36. Wolf Popper is among the most experienced class action law firms in the country and has a long history of obtaining landmark results for the class members in those cases. Courts throughout the United States have repeatedly recognized Wolf Popper as adequate and qualified class counsel in class actions, and as a law firm that has achieved significant recoveries on behalf of class members. (ECF 5-3) (Wolf Popper's Resume).

37. Since the inception of this litigation, Wolf Popper and The Kaplan Law Firm, along with the other law firms constituting Plaintiffs' Counsel, have vigorously prosecuted this Action for the benefit of Plaintiffs and the Settlement Class as discussed above. The labor-intensive and accelerated nature of this case also precluded Plaintiffs' Counsel from pursuing other matters.

38. As with all contingency fee cases, Plaintiffs' Counsel faced a substantial risk that it would obtain no fee whatsoever. From the outset, Plaintiffs' Counsel understood that they were embarking on a complex, expensive, and lengthy litigation with no guarantee of ever being compensated for the substantial investment of time and money the case would require. In undertaking that responsibility, all Plaintiffs' Counsel were obligated to ensure that sufficient

resources were dedicated to the prosecution of the Action, and that funds were available to compensate staff and to cover the considerable litigation costs that a case like this requires. With an average lag time of several years for these cases to conclude, the financial burden on contingent-fee counsel is far greater than on a firm that is paid on an ongoing basis. Indeed, Plaintiffs' Counsel received no compensation related to the Action during the course of this litigation and have collectively incurred \$1,631,120 in out-of-pocket expenses in prosecuting the Action for the benefit of the Class, in addition to considerably more expenditure on overhead costs for the attorneys, staff, and resources needed for this litigation.

39. Moreover, Plaintiffs' Counsel will have substantial additional uncompensated work to do related to this Action leading up to, and even after, the Settlement Hearing. Plaintiffs' Counsel will need to draft and file a brief responding to objectors on October 23, 2025, pursuant to the Order; prepare for the Final Approval Hearing presentation; respond to numerous Class Member inquiries; review Capital One's quarterly reports relating to the status of the distribution of the \$125 million in Additional Interest payments; continue working with Epiq, defense counsel, and the Special Master on settlement administration issues; and, if there is any appeal of the Final Approval Order, brief and argue any such appeal.

3. The Reaction of the Class to the Fee and Expense Application

40. The positive reaction of the Class to the request for attorneys' fees and reimbursement of expenses to date further supports the reasonableness of the application. The Notice advised more than 4.5 million Class Members that Plaintiffs would apply for fees for Plaintiffs' Counsel not to exceed 20% of the Settlement Fund, and that the deadline for filing objections to the fee application is October 2, 2025. To date there has only been a few, non-specific objections to the fees and no objections to the request for expenses. Furthermore, of the twenty-

six Named Plaintiffs, twenty-two Named Plaintiffs agreed in their engagement letters that their counsel could seek a fee of up to 33% of any common fund resulting from any settlement or verdict, while the four remaining Named Plaintiffs have engagement letters with counsel other than Wolf Popper that are silent on the issue.

4. Awards in Similar Actions and a Lodestar Cross-Check Support the Requested Fee Award

41. As set forth more fully in the accompanying Plaintiffs' MOL and the Fitzpatrick Decl., the request for an award of 20% of the Settlement Fund for Plaintiffs' Counsel is in line with fees awarded in complex class actions in this District, Circuit, and around the country.

42. Moreover, as discussed in Plaintiffs' MOL and the Fitzpatrick Decl., even though a lodestar cross-check is not warranted under the circumstances, if used, it would confirm the reasonableness of the fee requested given the results obtained, the efforts of counsel, and the risks undertaken and of further litigation, and the percentage requested.

43. As set forth above and in the chart below, the lodestar summaries were prepared from daily time records regularly prepared and maintained in the ordinary course of business. Lead Counsel expended 10,601.55 hours, Local Counsel expended 167.10 hours, and the other Firms making up Plaintiffs' Counsel expended 3,934.75 hours, for a total of approximately 14,703.40 hours worked by all Plaintiffs' Counsel in the prosecution and investigation of this Action up through September 10, 2025. The resulting lodestar is \$11,025,444.05 (\$7,847,031.50 for Lead Counsel, \$157,074 for Local Counsel, and \$3,021,338.55 for the other Plaintiffs' Counsel). In light of this, the requested fee of 20% of the Settlement Amount yields a multiplier of 7.71. Plaintiffs' Counsel and I believe such a multiplier, although higher than average, is fair and reasonable based upon the significant risks in this Action, and by Plaintiffs' Counsel's substantial efforts to obtain the highly favorable Settlement. As previously mentioned, Plaintiffs' Counsel will also incur

substantial additional hours and resources overseeing the Settlement Administration process and preparing for, and appearing and arguing at, the Settlement Hearing, dealing with Class Member inquiries, and responding to objections and any subsequent appeals, if any. The hours expended and lodestars of each firm are:

FIRM	HOURS	LODESTAR
Wolf Popper LLP	10,601.55	\$7,847,031.50
The Kaplan Law Firm	167.10	\$157,074.00
KalielGold PLLC	784.95	\$652,226.05
Ahdoot & Wolfson, PC	924.30	\$754,565.00
Shamis & Gentile, P.A.	1092.40	\$778,515.00
Edelsberg Law, P.A.	1133.10	\$836,032.50
TOTAL	14,703.40	\$11,025,444.05

44. Additionally, many of Wolf Popper’s attorneys—at all levels—have worked for the Firm for years and have extensive experience in consumer class action litigation. *See, e.g.*, ECF 5-3 (Wolf Popper Resume). Each attorney that prosecuted this Action performed substantive work that directly benefitted the Class. The time spent by each attorney as reflected in the lodestar chart above, and the Declarations of Plaintiffs’ Counsel attached hereto, was reasonable, non-duplicative, beneficial to effective and efficient litigation, and was important to Plaintiffs’ Counsel’s ability to understand the strengths and weaknesses of the case in order to effectively prosecute the litigation and intelligently negotiate and evaluate the Settlement, which ultimately led to the successful resolution of the case.

45. In sum, based on the excellent result achieved for the Class, the quality of work performed, and the risks of prosecuting the Action against Defendants, Lead Counsel submits that

the request for a 20% award of the Settlement Amount to Plaintiffs’ Counsel is fair and reasonable.

F. The Request for Reimbursement of Litigation Expenses

46. Plaintiffs’ Counsel seeks reimbursement of \$1,631,120 in litigation expenses, \$1,623,068 incurred by Lead Counsel, \$306 incurred by Local Counsel, and \$7,746 incurred by other Plaintiffs’ Counsel. Lead Counsel respectfully submits that these expenses were reasonable and necessary considering the complexity of the Action, and that reimbursement of these expenses would be appropriate and fair to the Class. The total expenses are in line with the \$1.6 million expense number that the Long Form Notice stated Class Counsel would seek for reimbursement.

47. Courts in this Circuit have held that counsel creating a common fund for the benefit of a class are entitled to be reimbursed for reasonable expenses of the exact type incurred here, such as expert witness fees; travel for meetings and hearings; paying the mediators; and other customary expenditures. Plaintiffs’ MOL at 19-21, 29.

48. Expense items for Wolf Popper are recorded separately, and these amounts are not duplicated in any firm hourly rates. The expenses incurred from inception through September 11, 2025 by Wolf Popper in connection with the prosecution of this Action are:

CATEGORY	AMOUNT
Filing Fees	\$1,681.63
FedEx and Messenger	\$2,189.69
Document Review Database	\$6,766.88
Litigation Support	\$6,849.75
Photocopying and Printing	\$8,277.45
Investigator	\$9,750.00
Travel	\$12,990.88

Court Reporter and Subpoenas	\$62,617.61
Mediators and Special Master Fees	\$290,029.71
Experts	\$1,221,914.39
Grand Total – Paid and Unpaid Bills/Expenses	\$1,623,067.99

49. The expenses incurred in this Action are reflected in the books and records of Wolf Popper, which are regularly prepared and maintained in the ordinary course of business. These records are prepared from expense vouchers, check records, and other source materials, and are an accurate record of the expenses incurred.

50. In the declarations submitted by the other Plaintiffs’ Counsel, they each have set forth any additional expenses they incurred that are not referred to in the chart above. *See* Exhibits. 29-33 attached hereto. Those expenses, which total another \$8,052, included expenses related to travel to depositions, electronic legal research, and filing fees. In total, the expenses for which all Plaintiffs’ Counsel seeks reimbursement for amounts to \$1,631,120.

51. Wolf Popper and the other Plaintiffs’ Counsel incurred and advanced these expenses interest free at a substantial risk to themselves, and with no guarantee of receiving any reimbursement, or, indeed, any remuneration whatsoever. Plaintiffs’ Counsel could not have effectively prosecuted this Action without having incurred these expenses. For example, Plaintiffs’ Counsel incurred over \$290,000 in mediation and Special Master fees and over \$1,200,000 in expert fees related to damages analyses, consumer behavior and in order to rebut Defendants’ industry expert in support of the class certification motion and their case in chief (jointly amounting to 93% of all expenses). Moreover, Plaintiffs’ Counsel have spent over \$6,700 on the document storage platform where approximately two million pages of documents were stored and reviewed. Plaintiffs’ Counsel could not have successfully prosecuted this Action or obtained the

Settlement through mediation without such expenses.

52. Plaintiffs' damages consultant and class certification expert, David McKnight of The Brattle Group, has extensive experience providing expert testimony on damages and class certification. His services were necessary to assist Lead Counsel in evaluating damages on a class-wide basis. Plaintiffs' consumer behavior expert, Bruce Carlin of the Jones School of Business at Rice University, is a highly distinguished professor of consumer finance. His services were necessary to assist Lead Counsel in assessing the effect Capital One's conduct had on a reasonable consumer. Plaintiffs' also retained Steven Lindsey, an expert on compliance laws, rules, and regulations in the financial services industry to review and assess an expert report proffered by Defendants.

53. Moreover, Plaintiffs' Counsel have incurred related costs that they cannot recover, and have not applied for reimbursement, from the Settlement Fund. For example, Plaintiffs' Counsel have not sought to be reimbursed for their retention of Professor Fitzpatrick, a renowned class action expert, who was consulted and who put in a report relating to the reasonableness of Plaintiffs' fee award request, as directed by the Court in its Preliminary Approval Order (ECF 174 at ¶ 19).

54. Pursuant to the Order, the Special Master must file a report with the Court no later than ten days prior to the Final Approval Hearing and every six months thereafter until all payments under the Settlement Agreement have been made. ECF 174 at ¶ 10. In connection with these reports, the Special Master has sent me an estimate of his incurring additional costs in the amount of \$300,000. Under the Court's prior orders, Special Master fees must be divided evenly between the Parties. Accordingly, Plaintiffs' Counsel includes an additional \$150,000 expense for future services rendered by the Special Master as an expense for which they seek reimbursement.

To the extent the entire reimbursed amount of \$150,000 is not expended, the remaining amount will be added to the Settlement Fund and distributed to the Class.

G. Request for Plaintiff Service Awards

55. Plaintiffs' Counsel requests Service Awards to be awarded to each Plaintiff for their service on behalf of the Settlement Class, in the amount of \$10,000 to each Plaintiff.

56. Plaintiffs devoted both time and energy to this Action and have, from the outset, been fully committed to pursuing the interests of the Settlement Class. *See, e.g.*, Declaration of Settlement Class Representatives Ayal Brenner and Angela Uherbelau, ¶¶ 5-8 and 6-8, respectively, submitted as Exhibits 4 and 5 hereto.

CONCLUSION

57. I hereby declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 11th day of September, 2025 in New York, New York.

/s/Chet B. Waldman
Chet B. Waldman

EXHIBIT 1

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 Alexandria Division

4 : Civil Case
5 : No. 1:24-md-03111
6 IN RE: CAPITAL ONE 360 :
7 SAVINGS ACCOUNT INTEREST RATE :
8 LITIGATION : June 16, 2025
9 : 2:30 p.m.
10 :

11 TRANSCRIPT OF PRELIMINARY SETTLEMENT APPROVAL HEARING
12 BEFORE THE HONORABLE DAVID J. NOVAK
13 UNITED STATES DISTRICT JUDGE

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COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

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P R O C E E D I N G S

COURTROOM CLERK: Civil action 1:24-MD-3111,
In re: Capital One 360 Savings Account Interest Rate
Litigation.

Lead counsel, please introduce yourself and your
co-counsel for the Court.

MR. WALDMAN: Good afternoon, Your Honor.
Chet Waldman, lead counsel for plaintiffs and the proposed class
in this matter. With me from my firm is my partner Philip Black
and Carl Stine behind me. We have our local counsel Matt Kaplan
here, and we have Jeff Kaliel from the Kaliel & Gold firm behind
me as well.

MR. BALSER: Good afternoon, Your Honor. David Balser,
King & Spalding, on behalf of the Capital One defendants. I
have with me John Moran from McGuireWoods and John Campbell from
Capital One.

THE COURT: That's fine. All right. We also have our
special master here, who's done a terrific job.

So we're here for the preliminary approval hearing.
Before we get started, I wanted to talk to you about your
in camera submission that you sent to me. That was totally
inappropriate. You can't do that. You can't send something
without a -- it is a material issue here for this settlement, in
my mind.

As I understand it, Capital One has reserved the

1 ability to opt out of this agreement if there's 58,500 opt-outs.
2 Is that right, Mr. Balser?

3 MR. BALSER: It is, Your Honor.

4 THE COURT: I mean, why is that not on the record? To
5 me -- you know, we also have in the background now this New York
6 case that as I understand is going to be in front the MDL panel
7 on July 31st. I mean, to me, that counsels in favor of
8 consolidation, the fact that you could potentially opt out of
9 this case and we have to litigate it, don't you think?

10 MR. BALSER: Well, Your Honor, typically that provision
11 is referred to as a blow provision, a common provision in
12 settlement agreements and class actions, and we typically submit
13 those under seal. And I can't recall a circumstance in which a
14 court has unsealed it.

15 And the reason that typically they are filed under seal
16 is that there is a cottage industry of plaintiffs' firms that do
17 solicit opt-outs and try to hold up settlements in that way, so
18 we typically don't like that ilk of plaintiffs' firm to know
19 what the number is that they have to shoot for. That's why it
20 was filed under seal.

21 THE COURT: Well, it wasn't filed under seal.

22 MR. BALSER: I mean it was submitted *in camera*. I
23 misspoke. Submitted *in camera*.

24 THE COURT: Well, I mean, if anything, that's what it
25 should have been, filed under seal, and you could have filed a

1 pleading on that.

2 I don't agree with that, though. I think this is a
3 material term. There's a lot of money at stake here, there's a
4 lot of prospective plaintiffs, and I think it's certainly
5 possible you could have 58,000 opt-outs. I mean, I don't know,
6 but the class size here is how big?

7 MR. BALSER: About 4 million.

8 THE COURT: Yeah. If you distill that down, you might
9 have that possibility. I don't know. We're going to move
10 forward, though. But I think you should have filed it.

11 All right. Mr. Waldman, I've looked over these terms.
12 There's a couple of things that are -- a couple of changes I
13 would like to make here. You want to come on up and I'll give
14 you a chance to give me feedback on this.

15 So with this notion of the opt-outs that I just
16 addressed with Mr. Balser, this issue about the end date, which
17 I think is a major issue here, I think some folks are going to
18 be fighting over this going forward. And the payment issue. My
19 thought is that we should have the special master continue to
20 oversee these issues and file some reports with me just to make
21 sure we're all headed on the same page.

22 Substantively as we go through this, I'm okay with the
23 settlement as you put forward to me, so don't misinterpret
24 anything I'm saying. But I still have this New York case here
25 in the back of my mind, and I'm worried there might be other

1 states that might file stuff too. I don't know if that's going
2 to happen or not as well.

3 So it seems to me that we ought to have the special
4 master continue to oversee this, and particularly the number of
5 opt-outs, the end date as it goes to that second tier of folks,
6 the 125 million part of it, and compliance with payment. I'm
7 sure you'll be on top of that, but I think we ought to have the
8 special master do it.

9 Do you have any issues with that?

10 MR. WALDMAN: Plaintiffs do not. That's not a problem
11 for us.

12 THE COURT: All right. Mr. Balser, do you have any
13 problem with that?

14 MR. BALSER: No, Your Honor.

15 THE COURT: I think what we'll do is, I'm going to have
16 the special master file a report with me 10 days before the
17 final approval hearing and then every six months thereafter.
18 And Mr. Balser, you-all can give him quarterly reports so he can
19 take a look at it. I'm sure you're going to share it with
20 plaintiffs' counsel anyhow. But that way he can inform me as to
21 how we're doing on this, particularly if we do have a problem
22 with the opt-outs as we get closer.

23 Are you okay with that?

24 MR. BALSER: Yes, Your Honor.

25 THE COURT: All right. Mr. Waldman, are you okay with

1 that?

2 MR. WALDMAN: Sure.

3 THE COURT: You want to just put on the terms, then, of
4 the agreement and we'll kind of go through that?

5 MR. WALDMAN: So you want as part of the terms of the
6 preliminary approval order that the special master will issue a
7 report 10 days ahead of the final approval hearing?

8 THE COURT: Yeah. But in terms of the agreement that I
9 have from you is, you've got a \$525 million total settlement
10 that's in two parts, with 360 million going to the class members
11 distributed on a pro rata basis, and the fees and expenses are
12 coming out of that 360. Is that right?

13 MR. WALDMAN: It's actually 300. It's 425 together, so
14 it's 300 million in the cash fund. Yes, that's where the fees
15 will come out.

16 THE COURT: That's right.

17 MR. WALDMAN: And then 125 million in additional
18 payments that will raise the interest rates on the 360 Savings
19 account.

20 THE COURT: And that's for the current account holders.
21 Is that correct?

22 MR. WALDMAN: It's actually all the account holders as
23 of the end date.

24 THE COURT: Right.

25 MR. WALDMAN: So they're being notified of this fact.

1 If they want to leave the account by the objection opt-out date,
2 they may do so. If not, yes, they will be included.

3 THE COURT: Okay. As I understand it, we have --
4 three-quarters of the accounts remain open, which is essentially
5 almost 85 percent of the class damages. Is that correct?

6 MR. WALDMAN: That is correct. As of today.

7 THE COURT: So that portion should be a significant
8 number of people, then. Is that right?

9 MR. WALDMAN: It's a super majority of the class, yes.

10 THE COURT: All right. What else do you want? I know
11 you're using Epiq Class Action and Claims Solutions as the
12 settlement administrator. Why don't you put on the rest of the
13 terms, if there's any other material terms you want to put on
14 the record.

15 MR. WALDMAN: Sure. You've got the monetary relief,
16 which is the 300 million plus the additional 125 million in
17 interest. In addition to that, I think it's fairly unique in
18 this case that there will be no claims process. No class member
19 has to file a proof of claim. They're automatically going to
20 get their pro rata share of the settlement benefit, with one
21 minor exception.

22 That exception is if a class member, a settlement class
23 member, asks for a check and their account -- the amount to be
24 distributed is under \$5, they would not get anything. However,
25 they would still -- if they're still in the 360 Savings account,

1 they would continue to get the additional interest. And also,
2 if they ask to be paid by an electronic payment, which the
3 notice encourages all class members to do, even if their
4 pro rata amount is under \$5, they will get paid.

5 THE COURT: Okay. Anything else?

6 MR. WALDMAN: And the last thing that's a feature of
7 the settlement is the extensive comprehensive notice plan which
8 is going out. As Your Honor can see from the papers, people are
9 going to be notified by email, to the extent addresses exist.
10 And Capital One does have a large percentage of the class that
11 has direct email addresses. Everybody is going to get direct
12 mailed the postcard notice, which has two features where it
13 tells class members to look. One is a 1-800 number which they
14 can call 24 hours a day, seven days a week, where they can get
15 additional information. They can request a long form notice be
16 mailed directly to them or have questions answered.

17 The postcard notice also directs settlement class
18 members to the settlement website, which the settlement
19 administrator will maintain. On the settlement website you have
20 the long form notice which can be viewed or downloaded, as well
21 as all of the Court's relevant orders, including the preliminary
22 approval order, all of the briefs, and the settlement agreement
23 and all the exhibits. Everybody can view them, they can look at
24 them.

25 Additionally, we're also issuing press releases that

1 will go out to both regular media outlets and social media
2 outlets. So it is quite the comprehensive program which will
3 notify everybody about the terms of the settlement.

4 THE COURT: Well, it seems to me too that you-all have
5 their contact information from Capital One. Like, this is a
6 very discrete identifiable group of folks. Is that right?

7 MR. WALDMAN: That's correct. In fact, it's almost
8 extraordinary. Because as I said, three-quarters of the
9 accounts of 360 Savings are current accounts. They have all
10 that information. Of the 25 percent of the accounts that's
11 left, a good deal of those people went into the 360 Performance
12 Savings account to get a higher rate of interest. So they have
13 all those current addresses, email addresses, what have you. So
14 it's a huge percentage of the class that they have current
15 information.

16 THE COURT: I ask for two reasons. One, it's pretty
17 clear to me the notice is going to be sufficient. But secondly,
18 you don't envision any need for a cy-pres here, then? Because
19 everybody is going to get their money, then. Is that --

20 MR. WALDMAN: That's correct. There is no cy-pres
21 relief here. Everybody is getting money. If there's money left
22 over just because checks have been mailed and they haven't been
23 cashed, we have the option either, if there's enough money, we
24 make a second distribution at plaintiffs' counsel's discretion.
25 And if there's not that much money, we can put it into the

1 amount of money that will be distributed to the 360 Savings
2 account holders in the form of higher interest rates.

3 THE COURT: That's fine. Okay.

4 MR. WALDMAN: So there will be no cy-pres relief.

5 THE COURT: All right. Anything else you wanted to
6 add?

7 MR. WALDMAN: That's it for me.

8 THE COURT: Mr. Balser, anything else you want to add?

9 MR. BALSER: No, Your Honor.

10 THE COURT: All right. Well, I'm going to
11 conditionally certify the class for settlement purposes as
12 defined in the manner that's in the papers and the proposed
13 order. We'll tweak the proposed order to deal with expanding
14 the special master's duties here slightly.

15 There's one class here, then, to be certified. That
16 class is defined to include all persons or entities who
17 maintained a Capital One 360 Savings account at any time during
18 the class period, which begins on September 18th of 2019 and
19 runs through today, June 16th of 2025. This includes joint and
20 co-holders of the 360 Savings accounts. This class does not
21 include any of the following persons or entities:

22 Capital One, any entity in which Capital One has a
23 controlling interest, and Capital One's officers, directors,
24 legal representatives, successors, subsidiaries and assigns;
25 two, any judge, justice, or judicial officer presiding over the

1 action as well as members of their immediate families and
2 judicial staff; three, any individual who timely and validly
3 opts out of the settlement.

4 So I find that this class meets the Rule 23
5 requirements of numerosity, commonality, typicality, and
6 adequacy. I also find that the settlement class meets the
7 demands of Rule 23(b) (3), and that the questions of law or fact
8 common to class members predominate over questions affecting
9 individual members. Also, the class action is the superior
10 method fairly and efficiently adjudicating this controversy.

11 As to class counsel, I'm going to appoint plaintiffs'
12 counsel as class counsel under Rule 23(g). I find that both the
13 effort that plaintiffs' counsel has undertaken thus far and
14 plaintiffs' counsel's experience in class actions of this nature
15 demonstrate their ability to represent the interests of the
16 classes fairly and adequately. I therefore appoint the
17 following law firms as class counsel: Wolf Popper, LLP and the
18 Kaplan Law Firm.

19 I'm also going to appoint each of the following
20 plaintiffs as representatives of the class: Scott C. Savett,
21 Jay Sim, Amber Terrell, Angela Uherbelau - I'm not sure I said
22 that right - Gwendolyn Wright, Elizabeth Zawacki, Sheryl Barnes,
23 Alessandra Bellantoni, Ayal Brenner, Anthony Guest, Samuel Hans,
24 Ronald Hopkins, Michael Krause, Steve Lenhoff, Jerry Magaña,
25 Seth Martindale, Jennie Meresak, Gregory Mishkin, Andrew Molloy,

1 Jay Nagdimon, Neelima Panchang, Sailesh Panchang,
2 Patrick Perger, Jr., Shantell Pitts, Howard Port, and
3 Jane Rossetti.

4 I'm also going to preliminarily approve the class
5 settlement. In doing so, the Court must determine the
6 likelihood that it will be able to finally approve this
7 settlement as being fair, reasonable, and adequate using the
8 factors delineated in Rule 23 and in *In Re: Jiffy Lube*
9 *Securities Litigation*, 927 F.2d 155, Fourth Circuit 1991. I'm
10 going to address each of those factors now.

11 One, the plaintiffs and lead counsel have adequately
12 represented the class, class representatives. And class
13 counsel's litigation conduct has confirmed this. They've
14 engaged in extensive discovery, reviewing roughly two million
15 pages of discovery produced by Capital One, and engaged in
16 expert work regarding Capital One's liability as well as motions
17 practice. It was heavily briefed. Of course I issued a pretty
18 big opinion on that. The plaintiffs' counsel prevailed almost
19 entirely, not completely, over the motion to dismiss filed by
20 the defendant.

21 Class counsel also expended significant time and effort
22 engaging in difficult mediations, which leads to the next
23 factor.

24 The settlement is the product of good faith informed
25 and arm's length negotiations by experienced counsel. The

1 parties here extensively negotiated this settlement at arm's
2 length since at least March of 2025. Their negotiations have
3 involved numerous exchanges and settlement conferences involving
4 our special master, Craig P. Seebald, who has done a great job
5 here, and a private mediator that the parties selected from
6 JAMS, Robert A. Meyer.

7 The history of this case also supports preliminary
8 approval, as the parties were unsuccessful in their first
9 efforts at mediation; they reached an agreement after a second
10 all-day-long in-person mediation with Mr. Seebald and Mr. Meyer.
11 This suggests that there was no collusion in this settlement.
12 Likewise, the experience of counsel supports that I should
13 approve this settlement. Each party was represented by highly
14 skilled counsel with expertise in the field.

15 The settlement provides adequate relief to the class in
16 light of the counterbalancing factors. The Court finds that the
17 proposed settlement affords significant relief in the form of a
18 total settlement amount of \$425 million. \$300 million will be
19 used to make pro rata payments to individual settlement class
20 members and 125 million will be used to pay additional interest
21 payments to class members who continue to maintain 360 Savings
22 accounts. Payments will be processed directly to members of the
23 settlement class without the need to file any claims forms, as
24 Mr. Waldman just laid out in detail.

25 Plaintiffs also faced risks in continuing to litigate

1 this case through trial. These cases [sic] include delayed
2 certification, potential of the Court awarding summary judgment
3 to Capital One, and significant appellate risk, given the number
4 and diversity of legal issues at play and the various actions
5 under the different bodies of state law.

6 I note that just because I denied largely the motion to
7 dismiss, that doesn't mean that I would have denied a summary
8 judgment motion. Those are different standards. And there were
9 significant hurdles here that plaintiffs had to face in this
10 case. Not a foregone conclusion that the plaintiffs would have
11 prevailed, which I factored in largely. Because in a footnote
12 in their motion for approval, plaintiffs indicate that the
13 amount of damages represents roughly 14.8 percent of the
14 potential damages, but note under Capital One's model it's
15 57.2 percent.

16 I say that because usually a 14.8 percent recovery
17 would be, I think, on the lower side. 57 percent, under the
18 Capital One model, would be totally appropriate. But I think
19 due to the unique and challenging issues in this case, I believe
20 that the recovery here is appropriate, particularly what is
21 going on for the active account members in what I'm calling the
22 second tier and the additional 125 million.

23 All right. The next factor is the form and the manner
24 of the proposed notice. That's going to be approved as well.
25 I'm satisfied that the notice plan is reasonably calculated to

1 apprise the class of the pendency of the action, the proposed
2 settlement, and the class members' rights to opt out of the
3 settlement class, or they could object. The proposed notice
4 plan will provide individual direct notice, again, using the
5 manner that Mr. Waldman described in detail. I'm completely
6 satisfied with the notice. I don't think there's any issues
7 here about the quality of notice that will occur. I will have
8 the special master oversee it just to make sure everything is
9 okay. I don't want to have any drama here as well.

10 So I find that these procedures constitute the best
11 notice practicable under the circumstances and they comply with
12 due process and Rule 23. Epiq Class Action and Claims Solutions
13 will be the settlement administrator. I'm approving them.

14 Now, let's talk about the timeline here. So I looked
15 at what your timeline is, and it seems to me -- I thought there
16 was a discussion about November 6th as the final approval
17 hearing. I'm not wedded to that date. I'm a little worried
18 about whether we can get everything done by that time.

19 Mr. Waldman, what do you want to do there?

20 MR. WALDMAN: Yeah, I can walk you through the dates.
21 The dates actually came from discussions with the settlement
22 administrator. They gave us everything they needed and then we
23 agreed with defendants as to the time they needed. And we've
24 done everything by relative dates, and by that I mean 21 days
25 after this, 24 days before that. But if you actually want to go

1 through it, since you're --

2 THE COURT: No, I'm not pushing back on you, I'm just
3 asking you, particularly you have the final approval date as I
4 think you said 100 days after the notice begins. Does that get
5 us to November 6th or do we need to go to December?

6 MR. WALDMAN: Actually, it's 100 days after the CAFA
7 notice date, which is -- that's today.

8 THE COURT: Okay.

9 MR. WALDMAN: So it's at least 100 days from today.

10 THE COURT: So you still feel good about November 6th?

11 MR. WALDMAN: Yeah, we think it can be done. And
12 everything was laid out, the settlement administrator approved
13 it, defendants believe they can get everything. If anything
14 happens, we'll certainly talk to Your Honor, and if we have to
15 move it, we'll move it. But it looks like it will all happen.

16 THE COURT: That's fine. I didn't want to put undue
17 pressure on you for no reason. I don't believe in doing things
18 for artificial reasons.

19 So we'll stick to November 6th at 11:00 a.m., then?
20 We'll do it here. Does that work for you as well, Mr. Balser?

21 MR. BALSER: Yes, Your Honor.

22 THE COURT: All right. So then I have the deadline for
23 the notice to be sent is August 15th, the deadline to file the
24 motions for attorneys' fees, expenses, service awards, and final
25 approval is September 11th. Am I right about this?

1 MR. WALDMAN: That's exactly the dates we have.

2 THE COURT: Opt-out objection deadline October 2nd;
3 certification of compliance and notice of plan requirements
4 deadline is October 26th; excluded class members filing date,
5 14 days before the final approval. The deadline to respond to
6 objections or requests to intervene, that's all 14 days before
7 the final approval.

8 And I'm going to just add a special master report
9 10 days before, just to make sure we're all on the same page.

10 MR. WALDMAN: The only thing I'll note, Your Honor, is,
11 while you are correct with your math to say the deadline for the
12 settlement administrator's declaration is October 26th, that is
13 a Sunday. I don't know if you want to push that to the 27th.

14 THE COURT: Yeah, that's fine. We'll make it
15 October 27th.

16 Anything else? Any other changes you want to make?

17 MR. WALDMAN: No, everything else is exactly what we
18 said.

19 THE COURT: All right. Is there anything else I need
20 to do on this, then, from your perspective, Mr. Waldman?

21 MR. WALDMAN: Nothing from us.

22 THE COURT: Mr. Balser, anything else from you?

23 MR. BALSER: No, Your Honor.

24 THE COURT: Look, these are obviously complicated cases
25 any time you do an MDL. I just want to tell you how much I

1 appreciate your hard work going into this. I know we're still
2 going to have some wrinkles going forward. We'll deal with them
3 as they come up. And I still want to see what happens with this
4 New York case. If the case is assigned to me, I'll set it for a
5 hearing after that and we'll kind of go from there. I'm a
6 get-it-done kind of guy and that's what we want to do. Does
7 that make sense?

8 All good. Everything else good? Everybody have a good
9 day.

10 (Off the record at 2:55 p.m.)

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CERTIFICATE OF OFFICIAL COURT REPORTER

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I, Rebecca Stonestreet, certify that the foregoing is a
correct transcript from the record of proceedings in the
above-entitled matter.

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23

24 //Rebecca Stonestreet//

 6/27/25

25

SIGNATURE OF COURT REPORTER

DATE

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<p>obviously [1] - 18:24 occur [1] - 16:7 October [4] - 18:2, 18:4, 18:12, 18:15 OF [5] - 1:1, 1:7, 2:14, 19:16, 19:25 officer [1] - 11:25 officers [1] - 11:23 OFFICIAL [2] - 2:8, 19:16 ON [1] - 1:25 One [12] - 3:3, 3:14, 3:16, 3:25, 9:10, 10:5, 11:17, 11:22, 13:15, 15:3, 15:18 ONE [1] - 1:4 one [5] - 8:20, 9:13, 10:16, 11:15, 13:11 One's [3] - 11:23, 13:16, 15:14 open [1] - 8:4 opinion [1] - 13:18 opt [11] - 4:1, 4:8, 4:17, 5:5, 5:15, 6:5, 6:22, 8:1, 16:2, 18:2 opt-out [2] - 8:1, 18:2 opt-outs [6] - 4:1, 4:17, 5:5, 5:15, 6:5, 6:22 option [1] - 10:23 opts [1] - 12:3 order [4] - 7:6, 9:22, 11:13 orders [1] - 9:21 ought [2] - 6:3, 6:7 outlets [2] - 10:1, 10:2 outs [6] - 4:1, 4:17, 5:5, 5:15, 6:5, 6:22 oversee [3] - 5:20, 6:4, 16:8</p>	<p>pay [1] - 14:20 payment [3] - 5:18, 6:6, 9:2 payments [4] - 7:18, 14:19, 14:21, 14:22 Peachtree [1] - 1:22 pendency [1] - 16:1 Pennsylvania [1] - 2:5 people [3] - 8:8, 9:8, 10:11 percent [6] - 8:5, 10:10, 15:13, 15:15, 15:16, 15:17 percentage [2] - 9:10, 10:14 Performance [1] - 10:11 Perger [1] - 13:2 period [1] - 11:18 person [1] - 14:10 persons [2] - 11:16, 11:21 perspective [1] - 18:20 PHILIP [1] - 1:11 Philip [1] - 3:9 Pitts [1] - 13:2 PLAINTIFFS [1] - 1:10 plaintiffs [9] - 3:8, 5:4, 6:10, 12:20, 13:11, 14:25, 15:9, 15:10, 15:12 plaintiffs' [8] - 4:16, 4:18, 6:20, 10:24, 12:11, 12:13, 12:14, 13:18 plan [4] - 9:7, 15:25, 16:4, 18:3 play [1] - 15:4 pleading [1] - 5:1 PLLC [1] - 1:18 plus [1] - 8:16 POPPER [1] - 1:12 Popper [1] - 12:17 Port [1] - 13:2 portion [1] - 8:7 possibility [1] - 5:9 possible [1] - 5:5 postcard [2] - 9:12, 9:17 potential [2] - 15:2, 15:14 potentially [1] - 4:8 practicable [1] - 16:11 practice [1] - 13:17 predominate [1] - 12:8 preliminarily [1] - 13:4 PRELIMINARY [1] - 1:7</p>	<p>preliminary [4] - 3:19, 7:6, 9:21, 14:7 pres [3] - 10:18, 10:20, 11:4 presiding [1] - 11:25 press [1] - 9:25 pressure [1] - 17:17 pretty [2] - 10:16, 13:17 prevailed [2] - 13:18, 15:11 private [1] - 14:5 pro [4] - 7:11, 8:20, 9:4, 14:19 problem [3] - 6:10, 6:13, 6:21 procedures [1] - 16:10 proceedings [1] - 19:19 process [2] - 8:18, 16:12 processed [1] - 14:22 produced [1] - 13:15 product [1] - 13:24 program [1] - 10:2 proof [1] - 8:19 proposed [7] - 3:8, 11:12, 11:13, 14:17, 15:24, 16:1, 16:3 prospective [1] - 5:4 provide [1] - 16:4 provides [1] - 14:15 provision [3] - 4:10, 4:11 purposes [1] - 11:11 push [1] - 18:13 pushing [1] - 17:2 put [6] - 5:23, 7:3, 8:12, 8:13, 10:25, 17:16</p>	<p>Re [1] - 13:8 reached [1] - 14:9 reason [2] - 4:15, 17:17 reasonable [1] - 13:7 reasonably [1] - 15:25 reasons [2] - 10:16, 17:18 REBECCA [1] - 2:8 Rebecca [1] - 19:18 record [4] - 4:4, 8:14, 19:10, 19:19 recovery [2] - 15:16, 15:20 referred [1] - 4:11 regarding [1] - 13:16 regular [1] - 10:1 relative [1] - 16:24 releases [1] - 9:25 relevant [1] - 9:21 relief [5] - 8:15, 10:21, 11:4, 14:15, 14:17 remain [1] - 8:4 report [3] - 6:16, 7:7, 18:8 REPORTER [3] - 2:8, 19:16, 19:25 reports [2] - 5:20, 6:18 represent [1] - 12:15 representatives [3] - 11:24, 12:20, 13:12 represented [2] - 13:12, 14:13 represents [1] - 15:13 request [1] - 9:15 requests [1] - 18:6 requirements [2] - 12:5, 18:3 reserved [1] - 3:25 respond [1] - 18:5 rest [1] - 8:12 reviewing [1] - 13:14 rights [1] - 16:2 risk [1] - 15:3 risks [1] - 14:25 Road [1] - 1:15 Robert [1] - 14:6 Ronald [1] - 12:24 Rossetti [1] - 13:3 roughly [2] - 13:14, 15:13 RPR [1] - 2:8 Rule [5] - 12:4, 12:7, 12:12, 13:8, 16:12 runs [1] - 11:19</p>	<p>satisfied [2] - 15:25, 16:6 SAVAGE [1] - 2:1 Savett [1] - 12:20 SAVINGS [1] - 1:5 Savings [9] - 3:3, 7:18, 8:25, 10:9, 10:12, 11:1, 11:17, 11:20, 14:21 Scott [1] - 12:20 seal [5] - 4:13, 4:15, 4:20, 4:21, 4:25 second [4] - 6:5, 10:24, 14:9, 15:22 secondly [1] - 10:17 Securities [1] - 13:9 see [2] - 9:8, 19:3 Seebald [2] - 14:4, 14:10 SEEBALD [1] - 2:4 selected [1] - 14:5 send [1] - 3:22 sense [1] - 19:7 sent [2] - 3:21, 17:23 September [2] - 11:18, 17:25 service [1] - 17:24 set [1] - 19:4 Seth [1] - 12:25 settlement [35] - 3:23, 4:12, 5:23, 7:9, 8:12, 8:20, 8:22, 9:7, 9:17, 9:18, 9:19, 9:22, 10:3, 11:11, 12:3, 12:6, 13:5, 13:7, 13:24, 14:1, 14:3, 14:11, 14:13, 14:15, 14:17, 14:18, 14:19, 14:23, 16:2, 16:3, 16:13, 16:21, 17:12, 18:12 SETTLEMENT [1] - 1:7 settlements [1] - 4:17 seven [1] - 9:14 Shantell [1] - 13:2 share [2] - 6:19, 8:20 Sheryl [1] - 12:22 shoot [1] - 4:19 sic [1] - 15:1 side [1] - 15:17 SIGNATURE [1] - 19:25 significant [5] - 8:7, 13:21, 14:17, 15:3, 15:9 Sim [1] - 12:21 six [1] - 6:17 size [1] - 5:6 skilled [1] - 14:14</p>
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<p>slightly [1] - 11:14 social [1] - 10:1 solicit [1] - 4:17 Solutions [2] - 8:11, 16:12 SPALDING [1] - 1:22 Spalding [1] - 3:14 SPECIAL [1] - 2:4 special [10] - 3:18, 5:19, 6:3, 6:8, 6:16, 7:6, 11:14, 14:4, 16:8, 18:8 Square [1] - 2:9 staff [1] - 12:2 stake [1] - 5:3 standards [1] - 15:8 started [1] - 3:20 state [1] - 15:5 STATES [2] - 1:1, 1:8 states [1] - 6:1 STENOGRAPHIC [1] - 2:14 Steve [1] - 12:24 stick [1] - 17:19 still [6] - 5:24, 8:25, 17:10, 19:1, 19:3 STINE [1] - 1:11 Stine [1] - 3:10 Stonestreet [2] - 19:18, 19:24 STONESTREET [1] - 2:8 Street [3] - 1:19, 1:22, 2:2 stuff [1] - 6:1 submission [1] - 3:21 submit [1] - 4:12 submitted [2] - 4:22, 4:23 subsidiaries [1] - 11:24 substantively [1] - 5:22 successors [1] - 11:24 sufficient [1] - 10:17 suggests [1] - 14:11 Suite [4] - 1:16, 1:23, 2:2, 2:6 summary [2] - 15:2, 15:7 Sunday [1] - 18:13 super [1] - 8:9 superior [1] - 12:9 supports [2] - 14:7, 14:12</p>	<p>terms [7] - 5:11, 7:3, 7:5, 7:8, 8:13, 10:3 Terrell [1] - 12:21 terrific [1] - 3:18 Texas [1] - 1:13 THE [39] - 1:1, 1:8, 1:10, 1:15, 1:21, 2:1, 3:17, 4:4, 4:21, 4:24, 5:8, 6:12, 6:15, 6:25, 7:3, 7:8, 7:16, 7:20, 7:24, 8:3, 8:7, 8:10, 9:5, 10:4, 10:16, 11:3, 11:5, 11:8, 11:10, 17:2, 17:8, 17:10, 17:16, 17:22, 18:2, 18:14, 18:19, 18:22, 18:24 thereafter [1] - 6:17 therefore [1] - 12:16 they've [1] - 13:13 three [3] - 8:4, 10:8, 12:2 three-quarters [2] - 8:4, 10:8 tier [2] - 6:5, 15:22 timeline [2] - 16:14, 16:15 timely [1] - 12:2 today [4] - 8:6, 11:19, 17:7, 17:9 together [1] - 7:13 top [1] - 6:7 total [2] - 7:9, 14:18 totally [2] - 3:21, 15:18 transcript [1] - 19:19 TRANSCRIPT [1] - 1:7 TRANSCRIPTION [1] - 2:14 trial [1] - 15:1 try [1] - 4:17 tweak [1] - 11:13 two [5] - 7:10, 9:12, 10:16, 11:25, 13:14 typicality [1] - 12:5 typically [4] - 4:10, 4:12, 4:15, 4:18</p>	<p>UNITED [2] - 1:1, 1:8 unsealed [1] - 4:14 unsuccessful [1] - 14:8 up [3] - 4:17, 5:13, 19:3</p>
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	<p>VA [1] - 1:16 validly [1] - 12:2 various [1] - 15:4 view [1] - 9:23 viewed [1] - 9:20 VINSON [1] - 2:5 VIRGINIA [1] - 1:1 Virginia [1] - 2:10</p>	
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EXHIBIT 2

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE RONALD HOPKINS

1. I, Ronald Hopkins, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I have been a Certified Public Accountant for 43 years. Before I retired, I worked in the banking industry serving roles as CFO, COO, and handling regulatory matters for community banks in Texas. Specifically, part of my job was ensuring that the banks treated our customers fairly.

4. In 2002, I opened an ING Direct savings account with my wife because it offered high yield savings. When my ING Direct savings account was converted to a Capital One 360 Savings account, it continued to offer a high yield savings interest rate for several years post-merger. At that time, I had approximately \$20,000 in the account and was satisfied that I was earning a good interest rate. In fact, I encouraged my daughter to open an account with Capital One because I wanted her to benefit from the high interest rate, too. In the fall of 2022, I noticed that there was a significant difference in the interest rate paid on the new 360 Performance Savings

account and the legacy 360 Savings account. I never received any information from Capital One that the new product 360 Performance Savings offered a better interest rate. This made me angry because I felt like Capital One withheld important information that should have been disclosed to its accountholders. Shortly after discovering the difference between the interest rates, I joined this lawsuit.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One deceived 360 Savings customers by discontinuing the high interest rate on the 360 Savings account, launching a new high interest rate savings account called 360 Performance Savings, and not informing the 360 Savings customers about it. Based on my experience working in banks, I believe that Capital One treated me and the other members of the class unfairly.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with

Class Counsel's initial *Hopkins* complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on January 23, 2025, I appeared remotely for my deposition. I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 90 hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 26th day of August 2025, at Burleson, Texas.

/s/ Ronald Hopkins

Ronald Hopkins

EXHIBIT 3

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE AMBER TERRELL

1. I, Amber Terrell, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in Pace, Florida with my husband and kids. Since 2014, I have worked as a Military & Family Life Counselor for Magellan Health, where I provide therapy and nonmedical counseling to kids from military families. Since 2022, I have also worked as a contract Clinician at Vita Health, where I provide telehealth therapy services.

4. In anticipation of starting a family with my husband, I took a greater interest in our finances and researched different high-yield savings accounts at online banks. In and around 2008, I decided to open accounts with ING Direct because they offered a high interest rate and allowed you to hold multiple earmarked accounts. When my ING accounts were converted to Capital One 360 Savings accounts, I kept the 360 Savings account because I was informed that nothing would change, which gave me the impression that the new account would maintain a high yield interest rate. Based on these representations, I felt secure keeping our money in the 360 Savings accounts

to accumulate our emergency fund and for our other mid-to-longer term savings goals. On November 5, 2023, I discovered that my 360 Savings accounts were not being paid the higher savings rate advertised on Capital One's website. I had assumed that I had the newer 360 Performance Savings account because it was the only online savings account listed on their website. After speaking with a Capital One representative, I learned that I had an older savings account that paid a lower rate of interest. At the time, I had approximately \$25,000 saved in 360 Savings accounts, which made me pretty angry with Capital One. Shortly after this call, I reached out to Wolf Popper LLP and joined the lawsuit.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One tried to pull the rug out from under me by removing the 360 Savings account from their website, launching the similarly named 360 Performance Savings account that offered a higher interest rate, and not informing me of the difference between the two accounts.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These

communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's initial *Hopkins* complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on January 28, 2025, I appeared remotely for my deposition. I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 30 hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 9th day of September 2025, at Pace, Florida.



Amber Terrell

EXHIBIT 4

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE AYAL BRENNER

1. I, Ayal Brenner, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in Tel Aviv, Israel with my wife and daughter, but also spend some time each year living in New York, NY. Since 2018, I have been a self-employed management and information technology consultant for large firms in Europe and the United States.

4. In 2005, I opened an ING Direct savings account to earn a high interest rate compared to that of other savings accounts. When my ING account was converted to a Capital One 360 Savings account, I expected that the new account would still receive a relatively high interest rate based on Capital One’s representations that everything would stay the same, which would help me meet my various savings goals. I was eager to take advantage of the interest rate Capital One paid its accountholders, so I deposited considerable sums into my 360 Savings account. Around January 2024, after reading the Wall Street Journal article titled, “They Thought Their Money Was in High-Interest Accounts—They Got Paid Peanuts,” I discovered that the 360

Performance Savings and the 360 Savings account were not the same account, and that the advertised high interest rate only applied to the 360 Performance Savings account. I was shocked and felt that Capital One had stolen from me. I was particularly upset with Capital One because I continued depositing money into my 360 Savings account even after the 360 Performance Savings account became available because I trusted that Capital One was paying me a competitive interest rate. By September 2023, I had more than \$100,000 saved in my 360 Savings account.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One acted dishonestly by freezing the interest rate on the 360 Savings account while paying a high interest rate on the newer 360 Performance Savings account without informing 360 Savings accountholders or making it easy for them to switch accounts. That is why I joined this lawsuit.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with

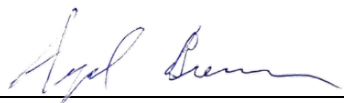
Class Counsel's initial *Hopkins* complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on March 25, 2025, I appeared remotely for my in-person deposition. I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 60 hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 8th day of Sept 2025, at Corralejo, Spain.



Ayal Brenner

EXHIBIT 5

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE
ANGELA UHERBELAU

1. I, Angela Uherbelau, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in Portland, Oregon with my husband and my two daughters. I am a self-employed freelance writer and actor, and am an unpaid, volunteer advocate with a primary focus on promoting literacy.

4. In the early to mid-2000s, I opened several accounts with ING Direct because they offered a high interest rate and allowed you to create buckets for individual savings goals. For example, if I wanted to put away money for one of my daughters, I could create a bucket specifically for her and put money she received into the bucket to earn high interest on it. I created such buckets for both of my daughters and various other savings goals. When my ING Direct accounts were converted to Capital One 360 Savings accounts, I kept my savings in the new accounts because I had the impression that it was going to be the same experience and that the accounts would remain high-yield accounts. In February 2024, I discovered that the 360

Performance Savings account was different and had a higher interest rate than the 360 Savings account after reading the Wall Street Journal article titled, “They Thought Their Money Was in High-Interest Accounts—They Got Paid Peanuts.” I was upset because I had more than \$25,000 in 360 Savings accounts. Shortly after reading the article, I contacted Wolf Popper LLP to join the lawsuit.

5. I believe that Capital One’s conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One acted dishonestly by hiding the fact that there were two savings accounts that sounded exactly the same and only offering high interest rates on one of them. By touting the high rates on the similarly sounding 360 Performance Savings account and suppressing the 360 Savings account, Capital One deceived 360 Savings customers into believing they were in a high interest savings account.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One’s deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with

Class Counsel's Amended *Hopkins* complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on January 31, 2025, I appeared remotely for my deposition. I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 40 hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 8th day of September 2025, at Portland, Oregon



Angela Uherbelau

EXHIBIT 8

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE SCOTT C. SAVETT

1. I, Scott C. Savett, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live with my wife in South Whitehall Township, Pennsylvania. Since 2000, I have been an Analyst at Thermo Fisher Scientific, where I implement laboratory information management systems.

4. On September 7, 2001, I opened an ING Direct savings account because of the high interest rate that was offered. Upon learning that my ING Direct savings account would be converted into a 360 Savings account, I did not close the ING Direct account because I was told that it would only be a name change and that I would have the same great experience as with ING Direct, including the same touted high interest rate. Based on these representations, I was content with keeping my 360 Savings account open as a rainy-day fund. Around April 2023, my brother informed me that Capital One offered another savings account called the 360 Performance Savings account that paid much higher interest than my 360 Savings account. I felt defrauded because my

360 Savings account was supposed to be a high-interest account, and I trusted my bank to do the right thing. At the time, I had approximately \$8,000 in my 360 Savings account.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One concealed the 360 Performance Savings account by naming it substantially similar to the 360 Savings account and by not proactively informing 360 Savings accountholders that it was not the same account. This is why I brought my lawsuit against Capital One.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's initial *Savett* complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on February 7, 2025, I appeared remotely for my

deposition. I devoted the entire afternoon to my deposition appearance. Although I did not keep daily records of the time I spent on this Action, I believe I spent more than thirty hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 5th day of September 2025, at South Whitehall Township, Pennsylvania.



Scott C. Savett

EXHIBIT 7

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

**DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE SAILESH
PANCHANG**

1. I, Sailesh Panchang, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live with my wife, Neelima, in Centreville, VA. Neelima is also a Class Representative in this case. Since 2002, I have worked at Deque Systems, Inc., a company that advises businesses on sustainable digital accessibility. Since 2014, I have been the Principal Accessibility Consultant.

4. In 2002, I opened an ING Direct savings account specifically because it offered a high rate of interest; that was the most important consideration for me. When my ING account was converted to a Capital One 360 Savings account, I expected the competitiveness of the rate to stay the same based on Capital One’s advertising at the time. In fact, I remember reading an email or a letter from Capital One that stated I would still enjoy “the same great benefits” that I had with ING. So, I expected that if Capital One made any changes to my account, they would notify me. This was important to my wife and me because we did not have other savings accounts with other

banks; we planned to use only our 360 Savings account to earn interest. In or about January 2024, I called Capital One to ask why the rate of interest paid on my savings account was so low by comparison to other banks. The Capital One representative with whom I spoke informed me that Capital One offered a different account called the 360 Performance Savings account, which was the first time I had heard of that type of account. I later learned that the 360 Savings account and the 360 Performance Savings account were nearly identical, except that the newer account offered a higher interest rate. I joined the lawsuit shortly after.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One misled 360 Savings accountholders by not letting them know that there was an almost identical account being offered with the exact same features absent the interest rate, which caused me to lose money. My wife and I were upset because we had saved a significant sum of money in our 360 Savings account and had expected to benefit from the high interest rate.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These

communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's *Hopkins* Amended Complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours on multiple days preparing for my deposition with Class Counsel. Then, on March 12, 2025, I traveled to the offices of McGuireWoods, LLP in Tysons Corner, Virginia, for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than eighty-five (85) hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 25th day of August 2025, at Centreville, VA.

/s/ Sailesh Panchang
Sailesh Panchang

EXHIBIT 8

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

**DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE NEELIMA
PANCHANG**

1. I, Neelima Panchang, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in Centreville, VA, with my husband, Sailesh, who is also a plaintiff in this case. Throughout my career, I have worked in finance. I am currently the Assistant VP for Finance at Infotrend, Inc., a consulting firm that serves federal agencies.

4. In 2003, my husband and I opened an ING Direct savings account specifically because it offered a high rate of interest. Earning a competitive rate of interest was the most important consideration when choosing a savings account. When my ING account was converted to a Capital One 360 Savings account, I expected the competitiveness of the interest rate to stay the same based on correspondence we received from Capital One, which said we would still enjoy the same great benefits we had with ING. This was reassuring to us because we did not have other savings accounts with other banks; we planned to use only our 360 Savings account to earn interest. In January 2024, my husband informed me that Capital One offered another online savings account

called “360 Performance Savings,” which was a nearly identical type of account except that it offered a substantially higher interest rate. I felt like Capital One had withheld important information from me, which made me very upset because we had a significant amount of our savings in our 360 Savings account at the time. I joined this lawsuit soon after.

5. I believe that Capital One’s conduct was deceptive and unfair. As I stated in my deposition, Capital One misled 360 Savings accountholders by not letting them know that there was an almost identical account being offered with the exact same features absent the interest rate because I trusted that they would treat me fairly.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One’s deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel’s *Hopkins* Amended Complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours on multiple days preparing for my deposition with Class Counsel. Then, on March 12, 2025, I traveled to the offices of

McGuireWoods, LLP in Tysons Corner, Virginia, for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than sixty-four (64) hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 25th day of August 2025, at Centreville VA, 20121

/s/ Neelima Panchang
Neelima Panchang

EXHIBIT 9

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE
GWENDOLYN WRIGHT

1. I, Gwendolyn Wright, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. On February 24, 2006, I opened an ING Direct savings account because it offered a high rate of interest. When my ING account was converted to a Capital One 360 Savings account, I expected the competitiveness of the rate to stay the same based on communications made at the time by Capital One. Around December 2023, I learned from a YouTube video that Capital One had two similarly named products, the 360 Savings and the 360 Performance Savings. I learned that Capital One’s older savings product, the 360 Savings account, was earning substantially less interest than the newer product, which made me really upset. I joined the lawsuit shortly after.

4. I believe that Capital One’s conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One misled 360 Savings accountholders by not letting them know that there was an almost identical account being offered with the exact same features absent the interest rate.

5. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

6. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's Initial *Hopkins* complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on January 30, 2025, I traveled to King & Spalding LLP's New York office for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 75 hours on it.

7. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

8. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 26th day of August 2025, at Elmont, New York.

Gwendolyn Wright

Gwendolyn Wright

EXHIBIT 10

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE
ELIZABETH ZAWACKI

1. I, Elizabeth Zawacki, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in Glen Ridge, New Jersey with my husband. I am a part-time Assistant at Sheptock & Grieves, LLC, where I help with the operations of the firm.

4. On October 13, 2003, I opened a joint ING Direct savings account with my husband for the purpose of earning a high rate of interest on a savings account. When my ING account was converted to a Capital One 360 Savings account, I expected the account to remain a competitive, high interest rate account. Around late 2023, I learned from a financial blog that there were two “360” accounts and that the 360 Performance Savings account was paying a significantly higher interest rate than the 360 Savings account. I was very upset and angry with Capital One because my husband and I had approximately \$75,000 in our 360 Savings account and thus, lost a lot of interest. Shortly thereafter, I transferred most of the money into a 360 Performance Savings account and joined the lawsuit.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's initial *Hopkins* complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on January 29, 2025, I traveled to King & Spalding LLP's New York office for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 15 hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 4th day of September 2025, at Glen Ridge, New Jersey.

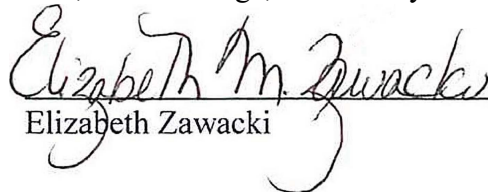

Elizabeth Zawacki

EXHIBIT 11

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE SHERYL BARNES

1. I, Sheryl Barnes, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live with my wife in Somerville, Massachusetts. I am the Director of Digital Learning in Residential Education at Massachusetts Institute of Technology, where I help MIT faculty use technology to teach more effectively.

4. I opened my first savings account with ING Direct on January 31, 2004 because it was advertised as offering a high interest rate. On December 4, 2004, I opened another ING Direct savings account jointly with my wife to build an emergency fund. Thereafter, I opened several more ING Direct savings accounts because I was happy with the interest rate offered. When my ING account was converted to a Capital One 360 Savings account, I expected the competitiveness of the rate to stay the same based on communications made at the time by Capital One. I first learned in March 2023 that Capital One offered an online savings account called the “360 Performance Savings” account, which was identical to my “360 Savings” account, except that it

offered a higher rate of interest. I was upset by this because I had approximately \$200,000 in my 360 Savings account at the time. I felt that Capital One should have notified me that the 360 Performance Savings account was available to me.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One misled 360 Savings accountholders by not letting them know that there was an almost identical account being offered with the exact same features absent the interest rate. This is why I joined the lawsuit.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's *Savett* First Amended Class Action Complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours on multiple days preparing for my deposition with Class Counsel. Then, on March 28, 2025, I appeared for my in-person deposition in Boston, MA. I devoted the entire day to my deposition appearance. While I

did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 50 hours on it in total, including travel to and from the deposition.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 9th day of September 2025, at Somerville, Massachusetts.

Sheryl Barnes

Sheryl Barnes

EXHIBIT 12

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

**DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE ALESSANDRA
BELLANTONI**

1. I, Alessandra Bellantoni, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I had a savings account opened on my behalf with ING Direct in 2001 because my family was looking for an account that offered a high interest rate. When my ING account was converted to a Capital One 360 Savings account, I expected the competitiveness of the rate to stay the same based on communications made at the time by Capital One. I first learned in late 2023 that there was an investigation into Capital One’s 360 Savings account, which is when I first learned about the different savings accounts and higher interest rates. I was upset by this because I felt that Capital One should have notified me that the 360 Performance Savings account was available to me. I joined this lawsuit soon after.

4. I believe that Capital One’s conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One misled 360 Savings account holders by

not letting them know that there was an almost identical account being offered with the exact same features absent the interest rate.

5. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

6. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's Consolidated Class Action Complaint investigation and in response to Capital One's discovery requests in the case. In addition, I spent several hours on multiple days preparing for my deposition with Counsel. Then, on March 14, 2025, I traveled to Manhattan to appear for my deposition in person. I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 36 hours on it in total.

7. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

8. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 4th day of September 2025, at Brooklyn, NY.


[alessandra bellantoni \(Sep 4, 2025 13:21:36 EDT\)](#)

Alessandra Bellantoni

EXHIBIT 13

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE ANTHONY GUEST

1. I, Anthony Guest, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in Rochester Hills, Michigan and my wife and three kids. Since 2011, I have been an Associate Professor of Theatre at Oakland University in Rochester, Michigan. Throughout the years, I have also worked as a professional actor at various theaters.

4. After taking a financial literacy course with my wife around 2008, we decided to create a budget and shop for a savings account. Around 2008 to 2012, I opened several ING Direct savings accounts because of the competitive interest rate offered and the feature that allowed you to create categories and save certain amounts each month into those categories. When my accounts were converted to Capital One 360 Savings accounts, I kept my money there because Capital One allowed me to maintain the separate accounts with different names and because I expected the interest rates offered to be similar, which they were for a while. Around May or June 2024, I learned that the 360 Performance Savings account offered a much higher rate of interest than the

interest offered on my 360 Savings account. I was frustrated that Capital One had not informed me of the higher rate and felt that they were not acting in my best interests, especially because I had held more than \$10,000 in the 360 Savings account. Shortly thereafter, I joined the lawsuit.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One deceived 360 Savings accountholders in order to keep them at the lower interest rate.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.


7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's Consolidated Amended Complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on March 21, 2025, I appeared remotely for my deposition. I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 75 hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 10th day of September 2025, at Rochester Hills, Michigan.



Anthony Gues

EXHIBIT 14

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE SAMUEL HANS

1. I, Samuel Hans, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in Mahomet, Illinois with my wife and kids. I am employed as an Assistant General Counsel for the Illinois Agricultural Association, where I provide legal services to agricultural and insurance-related entities.

4. Around 2005, when I was enrolled at the New England School of Law, I was searching for a vehicle where I could set aside money to save. In 2005, I opened an ING Direct savings account because it offered a high interest rate relative to the other features and benefits it offered. When my ING Direct savings account was converted to a Capital One 360 Savings account, I continued to use the new account because it still offered a high interest rate compared to other banking institutions. After the conversion, I monitored the interest rate offered to Capital One’s online savings account by reviewing the advertised rate on its website. In the spring of 2023, I discovered that I was not earning Capital One’s advertised interest rate for its online savings

product. After speaking with a Capital One representative, I learned that there were two similarly named accounts that were paying different interest rates and that the one I had was not paying a high interest rate. I was upset with Capital One and felt that they had treated me unfairly, especially because I had approximately \$20,000 in my 360 Savings account at the time. Shortly thereafter, I removed almost everything out of my 360 Savings account and joined the lawsuit.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One deceived 360 Savings accountholders by advertising a high rate on their website for a savings product that sounded similar to their 360 Savings product. Capital One did not inform these accountholders of the difference or proactively move them into the newer product.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's *Savett* Second Amended Complaint investigation and to produce to Capital One

as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on March 7, 2025, I traveled to Bloomington, Illinois for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 50 hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 4th day of September 2025, at Mahomet, Illinois.



Samuel Hans

EXHIBIT 15

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE MICHAEL KRAUSE

1. I, Michael Krause, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement, Award of Attorneys' Fees and Expenses, and Plaintiffs' Service Awards ("Motion").

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I opened ING Direct savings accounts because of the competitive rate offered and because of the ability to have multiple sub-accounts. When my ING Direct savings accounts were converted to Capital One 360 Savings accounts, I expected the features and the high interest rate to remain the same. In March 2024, I learned that I was not receiving a high rate of interest on my 360 Savings account. I was upset with Capital for not telling me that the 360 Savings no longer offered a high rate of interest and that there was a new online savings account available with a better rate. Shortly thereafter, I joined the lawsuit.

4. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One acted dishonestly by paying me a low interest rate, offering a new high interest savings account with a slight name change, and not informing me of the new product.

5. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

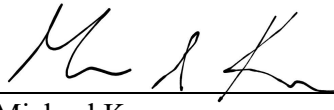
6. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's Consolidated Amended Complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on March 26, 2025, I appeared remotely for my deposition. I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 45 hours on it.

7. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

8. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 25th day of August 2025, at Lincoln, Nebraska.



Michael Krause

EXHIBIT 16

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

**DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE
STEPHEN LENHOFF**

1. I, Stephen Lenhoff, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement, Award of Attorneys' Fees and Expenses, and Plaintiffs' Service Awards ("Motion").

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in Newark, Delaware with my wife. Since 2021, I have been employed by JP Morgan Chase & Co, where I currently work as a Product Manager in the Consumer Banking division.

4. In April 2006, I opened a joint ING Direct savings account with my mother to receive a higher interest rate yield than I had been earning at the time. When my ING Direct savings account was converted to a Capital One 360 Savings account, I expected that there would be no change in the service or the high interest rate offered. In or around April 2024, I discovered that Capital One had two different online savings accounts and that the 360 Performance Savings account offered a better interest rate than the 360 Savings account. On the call, I requested that my 360 Savings account be converted into a 360 Performance Savings account, which occurred

within a day. Prior to the conversion, I held approximately \$25,000 in my 360 Savings account. Shortly thereafter, I joined the lawsuit.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One concealed the 360 Performance Savings account by not proactively notifying 360 Savings customers about the 360 Performance Savings account or automatically converting them into the new account.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's Consolidated Amended Complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on January 23, 2025, I traveled to the office of Morris James LLP in Wilmington, Delaware for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my

deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 14 hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 10th day of September 2025, at Newark, Delaware.



Stephen Lenhoff

EXHIBIT 17

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE JERRY MAGAÑA

1. I, Jerry Magaña, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in Upland, California with my wife and children. I work as a Lead Remote Pilot and Technician at CWP Project with Cal State Parks.

4. In 2004, I opened an ING Direct savings account because it offered a higher rate of interest than I was earning at the time. When my ING Direct savings account was converted to a Capital One 360 Savings account, I kept the account open because of a letter or an email I received from Capital One that said that nothing was going to change with my account and that the features of it that I liked wouldn’t change. Around January 2024, after reading the *Wall Street Journal* article titled, “They Thought Their Money Was in High-Interest Accounts—They Got Paid Peanuts,” I discovered that the 360 Performance Savings and the 360 Savings account were two different accounts and that my money was in the account that paid a low rate of interest. Shortly thereafter, I joined the lawsuit against Capital One.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One should have been more transparent and forthcoming with me by letting me know that I could earn more interest with another one of their accounts that was nearly identical to my own.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's initial *Hopkins* complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on February 5, 2025, I traveled to Los Angeles, California for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 40 hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 8th day of September 2025, at Upland, California.

/s/ Jerry Magaña
Jerry Magaña

EXHIBIT 18

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

**DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE
WILLIAM SETH MARTINDALE**

1. I, William Seth Martindale, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in Aliso Viejo, CA, with my wife and children. For the past ten years, I have worked at CBRE, Inc., a commercial real estate services firm.

4. I opened ING Direct savings accounts because they were high-yield savings accounts, and I wanted to receive a better return on my money. When my ING Direct savings accounts were converted to Capital One 360 Savings accounts, I decided to keep the account open because Capital One led me to believe that the features of the account that I liked, the high interest rate in particular, would remain the same.

5. While reviewing account statements in late 2022 or early 2023, I discovered that I was not earning high interest on the savings I had in my 360 Savings account. On February 16, 2023, I spoke with a Capital One representative who informed me of that Capital One offered another online savings account called the “360 Performance Savings” account, which I learned

had the same features as my account but paid a higher rate of interest. When I heard that, I felt like I had been taken advantage of by Capital One because I trusted that they would notify me if another one of their accounts would help me earn more interest on my savings. I joined the lawsuit shortly after.

6. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One acted dishonestly by creating a new online savings account that sounded similar to its existing legacy online savings account and paying a high rate of interest on the new account while keeping the interest rate on the legacy account low. They did not notify the legacy accountholders of the new account and I suspect Capital One hoped those accountholders wouldn't notice the difference.

7. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

8. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's initial *Hopkins* complaint investigation and to produce to Capital One as part of

the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on February 3, 2025, I traveled to an office in Los Angeles, California for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent approximately 35 hours working on it.

9. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

10. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 25th day of August 2025, at Aliso Viejo, California



William Seth Martindale

EXHIBIT 19

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE JENNIE MERESAK

1. I, Jennie Meresak, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in Saint Louis, Missouri with my husband and three kids. Since 2023, I’ve worked part-time as a Paralegal at Meresak Law, LLC, where I hold various responsibilities related to managing the operations of the firm.

4. When I started to make money from my first job out of college, I wanted to move my money out of my savings account at the time, which wasn’t earning much interest. On July 22, 2005, I opened an ING Direct savings account because of their advertised high interest rate. At the time, the ING Direct savings account offered everything that I was looking for – it would earn me more money and would allow me to build an emergency fund. When my ING Direct savings account was converted to a Capital One 360 Savings account, I kept the account because I believed that everything would be the same, including that it would remain a high interest savings account, based on communications from Capital One. For a short period after the conversion, I checked the

rate offered several times to ensure that everything was similar. In March 2024, I discovered that I was receiving a low rate of interest on my 360 Savings account. I called Capital One who informed me of the 360 Performance Savings account, which offered a higher rate of interest. I felt cheated and deceived by Capital One, especially because I held around \$50,000 in my 360 Savings account at the time. Shortly thereafter, I joined the lawsuit.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One acted deceptively by not automatically converting 360 Savings accounts into 360 Performance Savings accounts and by not informing 360 Savings accountholders that the 360 Performance Savings product would be far superior in terms of interest rates.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's Consolidated Amended Complaint investigation and to produce to Capital One as


part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on March 11, 2025, I appeared remotely for my deposition. I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 40 hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 3rd day of September 2025, at Saint Louis, MO.



Jennie Meresak

EXHIBIT 20

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

**DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE
GREGORY MISHKIN**

1. I, Gregory Mishkin, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in Cumming, Georgia with my wife and children. Since 2012, I’ve worked at Escalent, a market research and data analytics firm. I am currently a Senior Vice President with the company and am responsible for managing client relationships.

4. In and around 2000 to 2004, I learned about ING Direct from a fellow board member who expressed confidence and trust in the institution from his own experience working with various banks. After this conversation, I opened ING Direct savings accounts because I needed a place to save my money and the account offered a high rate of interest. When my ING Direct savings accounts were converted to Capital One 360 Savings accounts, I kept the accounts because I believed that I would still receive a high interest rate based on communications from Capital One that everything would be the same. In November 2023, I learned from an American Banker article that 360 Savings and 360 Performance Savings were two different products and that

only the 360 Performance Savings paid a high interest rate. I was shocked because I had deposited large sums of money into the account over the years. At the time, I had more than \$80,000 in my 360 Savings account. Shortly thereafter, I joined the lawsuit.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One acted deceptively by lowering the rates offered on its 360 Savings account, launching a similarly named 360 Performance Savings that offered a higher rate of interest, and failing to inform 360 Savings accountholders of the better product or automatically convert their accounts to 360 Performance Savings accounts.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's *Hopkins* Amended Complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on January 29, 2005, I traveled to King & Spalding


LLP's Atlanta, Georgia office for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 50 hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 4th day of September 2025, at Cumming, Georgia.



Gregory Mishkin

EXHIBIT 21

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE ANDREW MOLLOY

1. I, Andrew Molloy, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. In July 2001, I opened an ING Direct savings account because of the advertised high interest rate. When my ING Direct savings account was converted to a Capital One 360 Savings account, I expected that I would still receive a high interest, competitive rate that was based on market conditions because of communications from Capital One that nothing would change. In or around October 2022, I noticed that my Capital One 360 Savings account was not earning the high interest rate advertised for the online savings account on Capital One’s website. It was then that I discovered that Capital One had two different online savings accounts and that the 360 Performance Savings had a higher interest rate than the 360 Savings. Shortly thereafter, I joined the lawsuit.

4. I believe that Capital One’s conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One acted deceptively by not informing its

360 Savings customers about the new 360 Performance Savings account or automatically converting 360 Savings accounts to 360 Performance Savings accounts and for paying a lower rate of interest on 360 Savings accounts.

5. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

6. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's initial *Hopkins* complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours preparing on two separate occasions for my deposition with Class Counsel. Then, on January 22, 2025, I traveled to an office in Columbia, Maryland for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 50 hours on it.

7. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

8. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 26th day of August 2025, at Hanover, MD.

/s/ Andrew Molloy
Andrew Molloy

EXHIBIT 22

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE JAY NAGDIMON

1. I, Jay Nagdimon, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement, Award of Attorneys' Fees and Expenses, and Plaintiffs' Service Awards ("Motion").

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I opened an account with ING in the late-1990s or early-2000s because it had a high rate of interest. When my ING account was converted to a Capital One 360 Savings account, I expected the competitiveness of the rate to stay the same based on communications made at the time by Capital One. In December 2022, I called to ask for assistance with closing one of my Capital One accounts. During the course of that conversation, I was told that Capital One offered a different account that paid higher interest. That was the first time I learned that Capital One had two different savings accounts. I learned that Capital One's older savings product, the 360 Savings account, was earning substantially less interest than the newer product, which made me really upset. I joined the lawsuit shortly after.

4. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As stated at my deposition, Capital One should have advised me of the new 360

Performance Savings account sooner because I missed out on many months of better interest rates on my accounts.

5. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

6. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's *Hopkins* Class Action Complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours on multiple days preparing for my deposition with Class Counsel. Then, on February 6, 2025, I traveled to King & Spalding LLP's Los Angeles offices for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 25 hours on it.

7. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

8. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 23 day of August 2025, at Culver City, CA



Jay Nagdimon

EXHIBIT 23

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE JAY SIM

1. I, Jay Sim, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. In or around 2005, I opened an ING Direct savings account because it offered a high rate of interest. When my ING account was converted to a Capital One 360 Savings account, I expected the competitiveness of the rate to stay the same based on communications made at the time by Capital One. In or around January-February 2024, I first learned that Capital One had two similarly named savings account products, the 360 Savings account and the 360 Performance Saving account. I learned that Capital One’s older savings account product, the 360 Savings account, was earned substantially less interest than the newer product, which made me very upset. I joined the lawsuit shortly after.

4. I believe that Capital One’s conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe that Capital One misled 360 Savings accountholders

by not letting them know that there was an almost identical account being offered with the exact same features and a higher interest rate.

5. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.


6. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Counsel. I also searched for and obtained documents in connection with Class Counsel's Consolidated Amended Complaint investigation and to produce to Capital One as part of the discovery responses and requests in the case. In addition, I spent several hours on multiple days preparing for my deposition with my Counsel. Then, on February 24, 2025, I traveled to King & Spalding LLP's Los Angeles office for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 42 hours on it.

7. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

8. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 5 day of September 2025, at Los Angeles.


J. Sim (Sep 5, 2025 11:16:17 PDT)

Jay Sim

EXHIBIT 24

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

**DECLARATION OF SETTLEMENT CLASS
REPRESENTATIVE PATRICK PERGER JR.**

1. I, Patrick Perger Jr., am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in San Rafael, CA. I am a Senior Engineering Manager at Atlassian, a software development firm.

4. I originally opened a savings account with ING Direct in or about 2008. I opened an ING Direct savings account because it offered a high rate of interest. When my ING account was converted to a Capital One 360 Savings account, I expected the competitiveness of the rate to stay the same based on communications made at the time by Capital One. In or about May 2023, I called Capital One to ask why I was not receiving the interest rate on my savings account that was advertised on the internet. The Capital One representative with whom I spoke advised me that my account earned a lower rate of interest than a different account offered by Capital One, the “360 Performance Savings” account. This made me upset because I felt like I had been deceived. I joined this lawsuit shortly thereafter.

5. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One misled 360 Savings accountholders by not letting them know that there was an almost identical account being offered with the exact same features absent the interest rate. This was upsetting to me because I had saved a significant sum of money in my account and I trusted Capital One to treat me fairly.

6. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

7. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's *Hopkins* Class Action complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours on multiple days preparing for my deposition with Class Counsel. Then, on March 26, 2025, I appeared remotely for my deposition. I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent more than 14 hours on it.

8. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

9. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 25th day of August 2025, at San Rafael, CA.

/s/ Patrick Perger Jr.
Patrick Perger Jr.

EXHIBIT 25

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE SHANTELL PITTS

1. I, Shantell Pitts, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I first opened my Capital One account in or around June 2017. I opened that account because it offered a high rate of interest. When my ING account was converted to a Capital One 360 Savings account, I expected the competitiveness of the rate to stay the same based on communications made at the time by Capital One. In or around January-February 2024, I saw online there was an investigation into Capital One’s 360 Savings account, which is when I first learned about the two different savings accounts and higher interest rates. I felt Capital One had deceived me, so I joined this lawsuit.

4. I believe that Capital One’s conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One misled 360 Savings accountholders by not letting them know that there was an almost identical account being offered with the exact same features absent the interest rate

5. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

6. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's Consolidated Amended Complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours on multiple days preparing for my deposition with Counsel. Then, on February 6, 2025, and March 26, 2025, I appeared remotely for my deposition. I devoted two entire days to my deposition and missed work on both of those days. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent at least 34 hours on it.

7. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

8. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 4 day of September 2025, at Dayton, Ohio.



Shantell Pitts

EXHIBIT 26

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE HOWARD PORT

1. I, Howard Port, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I opened my savings account with ING Direct in or before 2010 because I was looking for an account that offered a higher interest rate than what I had at the time. When my ING account was converted to a Capital One 360 Savings account, I expected the competitiveness of the rate to stay the same based on communications made at the time by Capital One. I learned in November or December of 2022 that Capital One offered another savings account called “360 Performance Savings,” which was nearly identical to my “360 Savings” account except that it offered a higher interest rate. I was upset by this because I felt that Capital One should have notified me that the 360 Performance Savings account was available to me. I joined this lawsuit soon after.

4. I believe that Capital One’s conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe Capital One misled 360 Savings accountholders by

not letting them know that there was an almost identical account being offered with the exact same features absent the interest rate.

5. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

6. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Counsel. I also searched for and obtained documents in connection with Class Counsel's Consolidated Class Action Complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours on multiple days preparing for my deposition, including time spent preparing with my Counsel. Then, on January 28, 2025, I traveled to the offices of King & Spalding LLP in New York for my in-person deposition. Between travel to and from the deposition location, and time spent being deposed, I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent at least 80 hours on it.

7. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

8. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 8th day of September 2025, at Branchburg, New Jersey.



Howard Port (Sep 8, 2025 17:26:02 EDT)

Howard Port

EXHIBIT 27

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SETTLEMENT CLASS REPRESENTATIVE JANE ROSSETTI

1. I, Jane Rossetti, am a court-appointed Settlement Class Representative in the above-captioned litigation. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Expenses, and Plaintiffs’ Service Awards (“Motion”).

2. I make this Declaration upon personal knowledge, and in support of the Motion.

3. I live in High Point, NC, with my husband. Prior to retiring in 2019, I worked as a registered nurse, first in Pennsylvania and then here in North Carolina.

4. I opened my savings account with ING in 2004 because I was looking for an online savings account that offered a high interest rate. I considered the interest rate to be the most important factor when I was searching for a savings account. I recall receiving a letter from Capital One informing me that it had acquired ING and that my account would be converted to a Capital One 360 Savings account. I decided to keep the account open because the letter stated that features I liked about the account, including the interest rate, would remain the same.

5. I learned in January 2024 after reading an article in the *Wall Street Journal* that Capital One offered another savings account called “360 Performance Savings,” which was nearly identical to my “360 Savings” account, except that it offered a higher interest rate. I was upset by

this because I felt that Capital One should have notified me that the 360 Performance Savings account was available to me. I was upset because I kept a sum of money in my 360 Savings account that was significant for my husband and me. So, I joined this lawsuit soon after.

6. I believe that Capital One's conduct, as alleged in this case, was deceptive and unfair. As I stated in my deposition, I believe that it was wrong and unfair for Capital One to not inform 360 Savings accountholders like myself that it offered another savings account that was identical to mine, except that it paid a substantially higher interest rate.

7. My goal in this litigation was to seek compensation for 360 Savings accountholders like myself to redress Capital One's deceptive and unfair conduct. I believe this Settlement accomplishes this goal by providing \$300 million in cash to the Class and also \$125 million in additional interest to those Settlement Class members who continue to maintain their 360 Savings accounts.

8. I have devoted a significant amount of time to this lawsuit. This time included time spent communicating with Class Counsel in connection with the investigation of the case, as well as communicating with them regarding the complaints, motions, briefs, Initial Disclosures, discovery requests to Capital One and responses to discovery requests served on me by Capital One, and other documents submitted to the Court and/or served on counsel for Capital One. These communications took place via telephone calls, Zoom conference calls, and numerous email exchanges with Class Counsel. I also searched for and obtained documents in connection with Class Counsel's *Hopkins* Class Action Complaint investigation and to produce to Capital One as part of the discovery in the case. In addition, I spent several hours on multiple days preparing for my deposition with Class Counsel. Then, on March 19, 2025, I appeared for my remote deposition.

I devoted the entire day to my deposition appearance. While I did not keep daily records of the amount of time I spent on this Action, I believe I spent approximately 35 hours on it.

9. I also reviewed the Settlement Agreement and the papers in support of preliminary approval of the Settlement. In short, I provided input throughout the litigation and stayed up-to-date on the case.

10. My support for the Settlement is based on my belief that, given the risks of the case, it is a fair and appropriate settlement. The possibility of obtaining up to a \$10,000 service award did not affect my decision to support the Settlement.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 8th day of September 2025, at High Point, North Carolina.

/s/ Jane Rossetti
Jane Rossetti

EXHIBIT 28

15538

☆ Capital One

[Test]: Earn more interest with Capital One - Earn a higher interest rate with a new account.



Vicki Hottle <vicki.hottle@capitalone.com>

[Test] 1 Earn more interest with Capital One

Capital One <DoNotReply@bankmessage.capitalone.com>

Fri, Dec 6, 2024 at 5:08 PM

Reply-To: DoNotReply <reply-febf1d7073610075-50_HTML-368209106-7306172-1@bankcommunication.capitalone.com>

To: Vicki.Hottle@capitalone.com

 [Sign in](#)



Earn a higher APY with a new account today

Dear Sample1,

Saving is easy with Capital One. We have a variety of products, including a savings product that earns a higher rate than your current savings product(s). We also offer checking accounts and CDs. Check out your existing savings account(s) below, and consider whether one of our other products would be a good fit for you.

Your current savings product(s)

Account	Annual Percentage Yield (APY)
360 Savings	0.50% APY

All of our products have no fees and no minimums. And it only takes about 5 minutes to open an account.

Other available Capital One products



360 Performance Savings 360 CD (12-month)

3.80%

APY¹

Fee-free online savings with one of the nation's top savings interest rates.



4.00%

APY²

Guaranteed returns and a variety of terms to choose from.



360 Checking

0.10%

APY³

An online account with no monthly fees and a top-rated mobile app.

[Open an account](#)

You can review your existing accounts in your online account or mobile app, anytime.

Thanks,
Capital One



[Download the Capital One Mobile app.](#)



About this message

Questions? Give us a buzz at 800-655-2265 to talk to a real person. We're here 7 days a week, 8 a.m.-11 p.m. ET.

The site may be unavailable during normal maintenance or due to unforeseen circumstances.

Web access is needed to use mobile banking and the mobile app. Check with your service provider for details on specific fees and charges.

The Capital One Mobile app has a 4.8/5-star customer rating on the App Store and is in the top 10% in the Finance App category as of 9/17/2024.

The Capital One Mobile app has a 4.5/5-star customer rating on Google Play and is in the top 10% in the Finance App category as of 9/17/2024.

360 Savings

A rate of 0.50% Annual Percentage Yield (APY) applies to all account balances. Advertised rates are variable and effective as of December 6, 2024. Rates are subject to change at any time before or after account opening.

360 Performance Savings

Visit the [360 Performance Savings Account Disclosures](#) for more details.

A rate of 3.80% Annual Percentage Yield (APY) applies to all account balances. Advertised rates are variable and effective as of December 6, 2024. Rates are subject to change at any time before or after account opening.

The rate of our 360 Performance Savings account is one of the nation's top based on Curinos Inc. national percentile data for savings accounts on balances of \$1.

360 CDs

Visit the [360 CD Account Disclosures](#) for more details.

As of December 6, 2024, the advertised annual percentage yield (APY) for each certificate of deposit (CD) term is effective and applies to the entire account balance. The APY will remain fixed until the maturity date. We use the daily balance method to calculate the interest on your account. This method applies a daily periodic rate to the principal in the account each day.

We impose an early withdrawal penalty for both withdrawals made before the maturity date and after the 10-day grace period. Fees could reduce earnings.

Guaranteed Returns - Interest on your account will be compounded and credited on a monthly basis. Your account will only receive an interest posting if the amount earned during the month rounds to at least \$0.01.

The 360 CD Account has no monthly cycle service charge and no minimum balance required to open or maintain the account.

360 Checking

Visit the [360 Checking Account Disclosures](#) for more details.

A rate of 0.10% Annual Percentage Yield (APY) applies to accounts with balances between \$0-\$9,999.99, \$10,000.00-\$24,999.99, \$25,000.00-\$49,999.99, \$50,000-\$99,999.99, and \$100,000 or more. 360 Checking is a tiered-rate account. Advertised rates are variable and effective as of December 6, 2024. Rates in any tier are subject to change at any time before or after account opening.

The 360 Checking Account has no monthly cycle service charge and no minimum balance required to open or maintain the account.

This account is subject to approval.

Important information from Capital One

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TP1001

EXHIBIT 29

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF MATTHEW B. KAPLAN

I, Matthew B. Kaplan, declare as follows:

1. I am the Principal of The Kaplan Law Firm (“TKLF”), an Arlington, Virginia based law firm specializing in complex litigation and appellate litigation. On June 24, 2024, the Court appointed me as Local (Liaison) Counsel for the putative classes and subclasses in the above-captioned case, *In Re: Capital One 360 Savings Account Interest Rate Litigation*. That appointment was reconfirmed on June 16, 2025, when the court conditionally certified the proposed Settlement Class in this matter.

My Background

2. I graduated with honors from Georgetown University’s Edmond A. Walsh School of Foreign Service in 1986. From 1987 – 1988 I was employed as a Foreign Service Officer with the United States Department of State. I was posted overseas for most of this time and my duties focused on writing, analysis and negotiation.

3. I attended the George Washington University Law School while continuing to work full time at the State Department and was graduated with Highest Honors (top 3% of my class) in January 2003. While in law school I served as a volunteer with the Federal Public Defender’s Office for the Eastern District of Virginia. I was admitted to the Virginia bar in

April 2003 and have been practicing law in the private sector ever since.

4. From 2003 to 2005 I was employed as an associate attorney by White & Case, LLP, a respected global law firm. At White & Case I worked on complex civil litigation in the federal courts.

5. From 2005 to 2012 I was employed as an attorney at Cohen Milstein Sellers & Toll, PLLC, one of the nation's largest and most respected class action firms. I specialized in securities class actions and practiced in courts around the country, including in the Eastern District of Virginia. My hourly rate at Cohen Milstein, prior to my April 2012 departure on good terms from that firm, was \$495 per hour. At the time, I had been practicing law for approximately nine years. It is Cohen Milstein's practice to increase its attorneys' rates each December to reflect general inflation in the legal market and the amount of time a particular attorney has practiced law. These rates were frequently submitted in fee petitions to federal courts and, to the best of my knowledge, were never found to be unreasonable.

6. Since leaving Cohen Milstein I have established my own firm. My work focuses, in significant part, on Fair Labor Standards Act and other wage and hour claims, usually litigating these cases as collective or class actions. I am recognized by my peers as a subject matter expert in this area of the law and have given accredited CLE training sessions on wage and hour law. I have litigated numerous complex wage and hour cases in Maryland, Virginia, and the District of Columbia. I have also served as local counsel in complex nationwide class actions.

7. In addition to wage and hour matters, a considerable portion of my work is devoted to appellate litigation. I am a member of the Criminal Justice Act panels for the Fourth Circuit, the District of Columbia Circuit, and the District of Columbia Court of Appeals (which generally follows the Federal Rules of Appellate procedure). Although most of my appellate work is in court-appointed criminal matters, I also litigate civil appellate matters in state and federal appellate courts.

My Work on This Matter

8. As Local Counsel I was required by the Local Rules to sign every filing made in this matter. By signing such filings, I was, pursuant to Rule 11(b) of the Federal Rules of Civil Procedure, certifying to the Court that these filings were factually accurate, were made in good faith, and set out legal arguments that were “warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.” I take this responsibility seriously and have reviewed pre-filing drafts of Plaintiffs’ filings in this matter to ensure that I was properly fulfilling my Rule 11 responsibilities. Where appropriate, I provided substantive input into these filings. Given the volume of the filings in this case, performing this aspect of my responsibilities as Local Counsel required considerable attorney time.

9. As Local Counsel, I attended all hearings in this matter.

10. I provided extensive advice to lead counsel on the rules and practices of the Eastern District of Virginia. This was important because a number of Eastern District of Virginia practices differ significantly from those in most other District Courts. Among other things, local counsel must ensure that foreign counsel fully understand that litigation proceeds far more expeditiously in this jurisdiction than elsewhere.

11. At the invitation of Lead Counsel, I regularly provided input on issues of litigation strategy, input that I believe Lead Counsel found helpful in the prosecution of this matter.

12. I defended the deposition of two named Plaintiffs that were taken in the Eastern District of Virginia.

My Fees and Expenses In this Matter

13. For purposes of the current litigation, I am billing for my work at \$940 per hour. That is a higher rate than the rate that I would bill for my work in a lower value and less complex cases in this district that was not nationwide in scope. The present case is, however, a

highly complex nationwide class action which resulted in a \$425 million recovery for the class. Attorneys in this matter are billing for their time at rates normally billed by attorneys involved in nationwide class action litigation, rates that are understandably higher than those billed by attorneys in this district for more conventional matters. Given the nature of this case, I believe that I am billing at an appropriate and reasonable rate. I billed at the same rate in another recent class action litigated in this District, *In re IronNet, Inc. Securities Litigation*, 1:22-cv-00449-RDA-JFA, in which I served as Local Counsel. Judge Alston approved the settlement of that matter, and an associated request for an award of attorneys’ fees, in July of this year. My billing rate in this matter is significantly less than what I would normally bill in the District of Columbia, where I do considerable legal work. Much of that work involves litigating wage and hour matters as class and collective actions. By statute, D.C. Code § 32–1308(b), fee-shifting awards in such cases must be use the “Salazar” matrix. My hourly rate under the most recent Salazar Matrix is \$1,141. Consistent with the statute, I have been awarded fees at *Salazar* rates.

14. In accordance with TKLF’s normal practice, TKLF maintained accurate contemporaneous time records of my work in this matter. I performed only work that was, in my view, reasonably necessary to prosecute Plaintiffs’ claims and was not duplicative of work done by other attorneys representing Plaintiffs. I am the only professional at TKLF to perform work in connection with that litigation.

15. My work on this matter was entirely contingent—if a final judgment had been entered in favor of the Defendants I would have recovered nothing for my work.

16. A summary of rates and hours expended by TKLF’s professionals, as of September 10, 2025, is set forth as follows:

Professional	Title	Billable Rate	Billable Hours	Billable Fees
Matthew B. Kaplan	Principal	\$940	167.10	\$ 157,074.00
TOTALS:			167.10	\$ 157,074.00

17. As indicated, I billed in this matter a total of 167.10 hours for a total lodestar of

\$ 157,074.00.

18. TKLF incurred, through September 10, 2025, the out-of-pocket expenses in this matter stated in the chart below. I certify to the Court that the following expenses are correct, and have been necessarily incurred in this case:

Description	Amount
Attorney Service Fees & Messenger	\$ 0.00
Filing Fees	\$ 0.00
Mediation Fees	\$ 0.00
Electronic Legal Research (Lexis)	\$ 211.87
Postage & FedEx	\$ 0.00
Travel (Parking and Uber)	\$ 94.57
Total	\$ 306.44

19. The foregoing expenses were incurred solely in connection with this litigation. These expenses are reflected in the books and records of TKLF, which are kept in the ordinary course and prepared from expense vouchers, check records, and other documents. Certain expenses that TKLF incurred were reimbursed by Lead Counsel or other firm's representing Plaintiffs. Such expenses are not listed above.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of September 2025.

/s/ Matthew B. Kaplan
Matthew B. Kaplan

EXHIBIT 30

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF JEFFREY D. KALIEL

I, Jeffrey D. Kalien, declare as follows:

1. I am a partner of KalienGold PLLC (“KG”), a Washington, D.C.-based law firm specializing in complex and class action litigation. Since its founding in 2017, KG has served as class counsel in a wide range of consumer protection class actions vindicating the rights of millions of consumers in protracted, complex litigation, to successful results. I am a member in good standing of the California and District of Columbia Bars, and counsel of record for Plaintiffs Jay Sim, Shantell Pitts, and Alessandra Bellantoni, whose cases were consolidated with the other related cases into this MDL. I respectfully submit this declaration in support of Plaintiffs’ Motion for Final Approval. I have personal knowledge of the facts set forth in this declaration and could and will testify competently to them if called upon to do so.

2. KG’s representation of Jay Sim, Shantell Pitts and Alessandra Bellantoni and the Class was on a wholly contingent basis. The firm devoted substantial resources to this matter, and we have received no payment for any of the nearly 800 hours of services performed or the thousands of dollars in out-of-pocket costs and expenses that my firm committed to the litigation of this case. All attorneys and legal staff at KG are instructed to maintain time records reflecting the time spent on this and other matters.

3. KG made every effort to litigate this matter efficiently by coordinating the work

of KG’s attorneys and paralegals, and the other law firms involved, minimizing duplication, and assigning tasks in a time and cost-efficient manner, based on the timekeepers’ experience levels and talents.

4. A summary of rates and hours expended by KG’s professionals, as of September 10, 2025, is set forth as follows:

Professional	Title	Billable Rate	Billable Hours	Billable Fees
Jeffrey Kaliel	Partner	\$1,141	145.5	\$166,015.50
Sophia Gold	Partner	\$839	296.5	\$248,763.60
Amanda Rosenberg	Counsel	\$777	36.7	\$28,515.90
Brittany Casola	Counsel	\$777	19.0	\$14,763.00
Manfred Muecke	Counsel	\$710	217.2	\$154,212.00
Sarah Levin	Counsel	\$581	67.75	\$39,362.75
Neva Garcia	Paralegal	\$258	2.3	\$593.40
TOTALS:			784.95	\$652,226.05

5. KG attorneys spent a substantial amount of time investigating the case and drafting the complaint; briefing the opposition to the Motion to Dismiss; reviewing thousands of pages of documents; responding to discovery requests and assisting clients with gathering documents; preparing Shantell Pitts, Jay Sim, and Alessandra Bellantoni to be deposed; defending the depositions of Shantell Pitts and Jay Sim; preparing for and taking the deposition of Daniele Andreini; preparing for the deposition of 30(b)(6) designee Jennifer Windbeck; briefing class certification; preparing for and attending mediation; and finalizing the papers in support of the motion for preliminary and final approval of the class action settlement.

6. All KG attorneys and staff who worked on this matter billed a total of 784.95 hours for a total lodestar of \$652,226.05.

7. I believe that my firm’s rates are fully commensurate with the hourly rates of other nationally prominent firms performing similar work for both plaintiffs and defendants.

8. These rates are largely derived from, and in some instances less than, the rates put forth in the Adjusted Laffey Matrix, which is published by the D.C. Circuit Court, and

which measure prevailing market rates based on seniority in the D.C. area. Courts have acknowledged that the “[t]he Laffey Matrix is used as a guideline for reasonable attorneys’ fees in the Washington/Baltimore area.” *In re Neustar, Inc. Sec. Litig.*, No. 1:14cv885 (JCC/TRJ), 2015 WL 8484438, at *10 n.6 (E.D. Va. Dec. 8, 2015) (internal quotation and citation omitted); *see also Salazar ex rel. Salazar v. D.C.*, 809 F.3d 58, 64 (D.C. Cir. 2015) (confirming that the use of the Adjusted Laffey Matrix for attorneys in Washington, D.C. is appropriate).

9. KG exclusively represents clients on a contingent fee basis.

10. Courts have awarded KG attorneys’ fees at rates that are comparable to the rates applicable to this matter. The rates charged by KG are well within the range of rates charged by comparably qualifying attorneys for comparably complex work.

11. KG incurred the out-of-pocket expenses in this matter stated in the chart below.

I certify to the Court that the following expenses are correct, and have been necessarily incurred in this case.

Description	Amount
Deposition Transcripts	\$940.30
Travel to Depositions (Airfare, Ground Transport, Hotel)	\$1,974.30
Total	\$2,914.60

12. The foregoing expenses were incurred solely in connection with this litigation.

These expenses are reflected in the books and records of my firm, which are kept in the ordinary course and prepared from expense vouchers, check records, and other documents.

I declare under penalty of perjury under the laws of California and of the United States that the foregoing is true and correct. Executed this 10th day of September 2025 at Washington, D.C.



JEFFREY D. KALIEL

EXHIBIT 31

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF CHRISTOPHER E. STINER

I, Christopher E. Stiner, declare as follows:

1. I am a partner of Ahdoot & Wolfson, PC (“AW”), a Los Angeles, California based law firm specializing in complex and class action litigation and public interest litigation. Since its founding in 1998, AW has served as class counsel and in leadership positions in a wide range of consumer protection class actions vindicating the rights of millions of consumers, employees, and taxpayers in protracted, complex litigation, to successful results. I am a member in good standing of the California and New York State Bars, and counsel of record for Plaintiff Howard Port, whose case, *Port v. Capital One, N.A.*, No. 3:24-cv-01006 (D.N.J.), was consolidated with the other related cases into this MDL. I respectfully submit this declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement. I have personal knowledge of the facts set forth in this declaration and could and will testify competently to them if called upon to do so.

2. AW’s representation of Mr. Port and the Class was on a wholly contingent basis. The firm devoted substantial resources to this matter, and we have received no payment for any of the nearly thousand hours of services performed or the thousands of dollars in out of pocket costs and expenses that my firm committed to the litigation of this case. All attorneys and legal staff at AW are instructed to maintain contemporaneous time records reflecting the time spent on this and other matters.

3. AW made every effort to litigate this matter efficiently by coordinating the work of AW’s attorneys and paralegals, and the other law firms involved, minimizing duplication, and assigning tasks in a time and cost-efficient manner, based on the time keepers’ experience levels and talents.

4. A summary of rates and hours expended by AW’s professionals, as of September 8, 2025, is set forth as follows:

Professional	Title	Billable Rate	Billable Hours	Billable Fees
Robert Ahdoot	Partner	\$1,300	54.8	\$71,240.00
Christopher Stiner	Partner	\$975	173.7	\$169,357.50
Bradley King	Partner	\$900	18.4	\$16,560.00
Lauren Howard-Thompson	Associate	\$825	403.8	\$333,135.00
Alyssa Brown	Associate	\$800	46.8	\$37,440.00
Deborah De Villa	Associate	\$750	1.7	\$1,275.00
Sarper Unal	Associate	\$625	173.5	\$108,437.50
Heidi Liivamagi	Paralegal	\$350	3.7	\$1,295.00
Laura Lowe	Paralegal	\$350	3.6	\$1,260.00
Michelle Montecalvo	Paralegal	\$350	38.5	\$13,475.00
Carlos Armijo	Paralegal	\$350	0.2	\$70.00
Michelle Bui	Paralegal	\$250	1.8	\$450.00
Catherine Santos	Legal Assistant	\$150	3.8	\$570.00
TOTALS:			924.3	\$754,565.00

5. AW conducted an extensive investigation into the facts and law relating to the matters alleged in Mr. Port’s and the other plaintiffs’ respective Complaints. AW drafted Mr. Port’s initial complaint, and participated in drafting the subsequent Consolidated Amended Complaint. AW researched and analyzed legal issues raised by the Defendants’ motion to dismiss, including state consumer law claims, and assisted in drafting Plaintiffs’ opposition. AW assisted in identifying and conferring with consulting and testifying experts. Mr. Port, with AW’s assistance, drafted responses to written discovery and produced responsive documents. Attorneys from AW spent hundreds of hours reviewing documents produce by Defendants in response to plaintiffs’ written discovery requests, identifying hot documents in the production to be used at deposition, and drafting deposition document outlines. Mr. King, a

partner at AW, prepared Mr. Port for deposition and appeared in person to defended Mr. Port's deposition. Mr. Stiner, another partner at AW, prepared for offensive depositions of Defendants' employees, including reviewing relevant documents and outline preparation. After mediation resulted in settlement, AW reviewed and revised the settlement agreement, preliminary approval motion, final approval motion, and drafted related documents, including client and attorney declarations.

6. All AW attorneys and staff who worked on this matter billed a total of 924.3 hours for a total lodestar of \$754,565.00.

7. I believe that my firm's rates are fully commensurate with the hourly rates of other nationally prominent firms performing similar work for both plaintiffs and defendants.

8. AW periodically establishes hourly rates for the firm's billing personnel. AW establishes the rates based on prevailing market rates for attorneys and law firms in the Los Angeles area that have attorneys and staff of comparable skill, experience, and qualifications. AW obtains information concerning market rates from other attorneys in the area that have similar experience doing similar work, from information that occasionally appears in the local press and national bar publications, and in orders awarding attorneys' fees in similar cases.

9. AW primarily represents clients on a contingent fee basis, both in class and individual cases. However, and although it is a small portion of its practice, AW also represents clients on an hourly basis and is paid according to its then-current hourly rates. AW is currently retained at the hourly rates used to calculate its lodestar in this matter.

10. Courts have awarded AW attorneys' fees at rates that are comparable to the rates applicable to this matter. The rates charged by AW are well within the range of rates charged by comparably qualifying attorneys for comparably complex work. *See, e.g., In re LoanDepot Data Breach Litigation*, 8:24-cv-00136-DOC (C.D. Cal. August 25, 2025) (Dkt. No. 96; \$25 million data breach settlement); *Bianucci, et al, v. Rite Aid Corporation*, 2:24-cv-03356-HB (E.D. Pa. July 30, 2025) (Dkt. No. 64; \$6.8 million data breach settlement); *Elder, et al., v. Reliance Worldwide Corporation*, 1:20-cv-01596-AT (N.D. Ga.) (Dkt. No. 183; \$3.8 million

product liability settlement re: water heater connector); *Steinhardt, et al. v. Volkswagen Group of America, Inc., et al.*, No. 23-cv-02291-RK (D.N.J. Oct. 8, 2024) (Dkt. No. 76; auto defect settlement with warranty extension estimated at \$30 million value).

11. AW incurred directly the out-of-pocket expenses in this matter stated in the chart below. I certify to the Court that the following expenses are correct, and have been necessarily incurred in this case:

Description	Amount
Attorney Service Fees & Messenger	\$156.00
Filing Fees	\$405.00
Mediation Fees	\$0.00
Pacer Fees	\$273.60
Postage & Fedex	\$0.00
Travel (Airfare, Ground Transport, Hotel)	\$38.33
Total	\$872.93

12. The foregoing expenses were incurred solely in connection with this litigation. These expenses are reflected in the books and records of my firm, which are kept in the ordinary course and prepared from expense vouchers, check records, and other documents.

I declare under penalty of perjury under the laws of California and of the United States that the foregoing is true and correct. Executed this 8th day of September 2025 in Los Angeles, California.

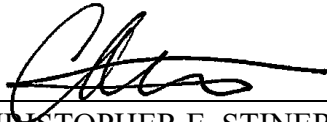

CHRISTOPHER E. STINER

EXHIBIT 32

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF ANDREW SHAMIS

I, Andrew Shamis, declare as follows:

1. I am the managing partner of Shamis & Gentile, P.A. (“SG”), class action firm that litigates cases in a broad range of industries, including banking, insurance, data privacy, deceptive and unfair trade practices.

2. SG has served as class counsel and in leadership positions in a wide range of consumer protection class actions vindicating the rights of millions of consumers in protracted, complex litigation, to successful results.

3. I am a member in good standing of the Florida, Texas, Illinois, Arizona, Ohio, Georgia, Missouri, Washington and New York State Bars, and started as counsel of record for *Jay Sim v. Capital One Financial Corp.*, *Alessandra Bellantoni v. Capital One Financial Corp.*, and *Shantell Pitts v. Capital One Financial Corp.*, which were consolidated with the other related cases into this MDL. I respectfully submit this declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement. I have personal knowledge of the facts set forth in this declaration and could and will testify competently to them if called upon to do so.

4. SG is one of the counsel of record that has been representing Mr. Sim, Ms. Bellantoni, Ms. Pitts, and the Class was on a wholly contingent basis. The firm devoted

substantial resources to this matter, and we have received no payment for any of the nearly 1,092 hours of services performed or the thousands of dollars in out of pocket costs and expenses that my firm committed to the litigation of this case. All attorneys and legal staff at SG are instructed to maintain contemporaneous time records reflecting the time spent on this and other matters.

5. SG made every effort to litigate this matter efficiently by coordinating the work of SG’s attorneys and paralegals, and the other SG firms involved, minimizing duplication, and assigning tasks in a time and cost-efficient manner, based on the time keepers’ experience levels and talents.

6. A summary of rates and hours expended by SG’s professionals, as of September 11, 2025, is set forth as follows:

Professional	Title	Billable Rate	Billable Hours	Billable Fees
Andrew Shamis	Senior Partner	\$950	210.1	\$199,595
Angelica Gentile	Partner	\$900	86.8	\$78,120.00
Carl Labrado	Associate	\$650	701	\$455,650.00
Joe Segal	Paralegal	\$650	59.5	\$38,675
Stephanie Babani	Paralegal	\$185	35	\$6,475
TOTALS:			1092.4	\$778,515

7. We invested substantial time and resources into this matter. This includes, among other things: conducting a thorough pre-suit investigation by reviewing numerous intake documents and analyzing state law relevant to the asserted claims; reviewing and revising numerous case documents, including the initial complaints, the motion to dismiss and its opposition, the reply in support of class certification, and various Daubert motions; reviewing and responding to Defendants’ discovery requests for Mr. Sim, Ms. Bellantoni, and Ms. Pitts; analyzing documents and data produced by Defendants; preparing for the depositions of Mr. Sim, Ms. Bellantoni and Ms. Pitts; preparing for depositions of Defendant’s witnesses; and preparing for and attending mediation.

8. All SG attorneys and staff who worked on this matter billed a total of 1,092.40

hours for a total lodestar of \$778,515.00.

9. I believe that my firm's rates are fully commensurate with the hourly rates of other nationally prominent firms performing similar work for both plaintiffs and defendants.

10. SG periodically establishes hourly rates for the firm's billing personnel. SG establishes the rates based on prevailing market rates for attorneys and SG firms in this legal market or similar markets that have attorneys and staff of comparable skill, experience, and qualifications. SG obtains information concerning market rates from other attorneys in the area that have similar experience doing similar work, from information that occasionally appears in the local press and national bar publications, and in orders regarding attorneys' fees in similar cases.


11. Courts have also rewarded SG attorneys' fees at rates that are comparable to the rates applicable to this matter. *See, e.g., Fischer, et al. v. Byte Federal Inc.*, No. CACE-25002678, (Fla. 17th Cir. Ct. September 7, 2025); *Volino, et al. v. Progressive Casualty Ins. Co., et al.*, No. 1:22-cv-01714-LGS, (S.D.N.Y. Mar. 7, 2025), ECF No. 400; *Brown, et al. v. Progressive Mountain Ins. Co.*, 3:21-cv-00175-TCB, (N.D. Ga. May 15, 2025), ECF No. 251. The rates charged by SG are well within the range of rates charged by comparably qualifying attorneys for comparably complex work.

12. SG incurred the out-of-pocket expenses in this matter stated in the chart below. I certify to the Court that the following expenses are correct, and have been necessarily incurred in this case:

Description	Amount
Filing Fees	\$1,403.30
Travel Costs (Transporation)	40.00
Total	\$1,443.30

13. The foregoing expenses were incurred solely in connection with this litigation. These expenses are reflected in the books and records of my firm, which are kept in the ordinary course and prepared from expense vouchers, check records, and other documents.

I declare under penalty of perjury under the law of Florida and of the United States that the foregoing is true and correct. Executed this 11th day of September 2025 in Miami, Florida.


Andrew Shamis (Sep 11, 2025 13:04:41 EDT)

Andrew Shamis

Cap One (E.D. Va.) - S&G Decl ISO Fee App

Final Audit Report

2025-09-11

Created:	2025-09-11
By:	Stephanie Ramos (stephanie@edelsberglaw.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAg2n8SI29iYL6zlx_wGu-1bWA61q1R4Q

"Cap One (E.D. Va.) - S&G Decl ISO Fee App" History






-  Document created by Stephanie Ramos (stephanie@edelsberglaw.com)
2025-09-11 - 5:01:57 PM GMT
-  Document emailed to Andrew Shamis (ashamis@shamisgentile.com) for signature
2025-09-11 - 5:02:17 PM GMT
-  Email viewed by Andrew Shamis (ashamis@shamisgentile.com)
2025-09-11 - 5:04:01 PM GMT
-  Document e-signed by Andrew Shamis (ashamis@shamisgentile.com)
Signature Date: 2025-09-11 - 5:04:41 PM GMT - Time Source: server
-  Agreement completed.
2025-09-11 - 5:04:41 PM GMT

EXHIBIT 33

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: CAPITAL ONE 360 SAVINGS
ACCOUNT INTEREST RATE LITIGATION

Case No. 1:24-md-03111-DJN-WBP

DECLARATION OF SCOTT EDELSBERG

I, Scott Edelsberg, declare as follows:

1. I am a partner of Edelsberg Law, P.A. (“EL”), class action firm that litigates cases in a broad range of industries, including banking, insurance, data privacy, deceptive and unfair trade practices, and product liability.
2. EL has served as class counsel and in leadership positions in a wide range of consumer protection class actions vindicating the rights of millions of consumers, employees, and taxpayers in protracted, complex litigation, to successful results.
3. I am a member in good standing of the Florida and California State Bars, and started as counsel of record for *Jay Sim v. Capital One Financial Corp.*, *Alessandra Bellantoni v. Capital One Financial Corp.*, and *Shantell Pitts v. Capital One Financial Corp.*, which were consolidated with the other related cases into this MDL. I respectfully submit this declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement. I have personal knowledge of the facts set forth in this declaration and could and will testify competently to them if called upon to do so.
4. EL is one of the counsel of record that has been representing Mr. Sim, Ms. Bellantoni, Ms. Pitts, and the Class was on a wholly contingent basis. The firm devoted substantial resources to this matter, and we have received no payment for any of the nearly

1,133.10 hours of services performed or the thousands of dollars in out of pocket costs and expenses that my firm committed to the litigation of this case. All attorneys and legal staff at EL are instructed to maintain contemporaneous time records reflecting the time spent on this and other matters.

5. EL made every effort to litigate this matter efficiently by coordinating the work of EL’s attorneys and paralegals, and the other EL firms involved, minimizing duplication, and assigning tasks in a time and cost-efficient manner, based on the time keepers’ experience levels and talents.

6. A summary of rates and hours expended by EL’s professionals, as of September 11, 2025, is set forth as follows:

Professional	Title	Billable Rate	Billable Hours	Billable Fees
Scott Edelsberg	Senior Partner	\$950	188.70	\$179,265.00
Gabriel Mandler	Partner	\$900	235.8	\$212,220.00
Allen Mousavi	Associate	\$650	674.10	\$438,165
Stephanie Ramos	Paralegal	\$185	34.50	\$6,382.50
TOTALS:			1133.10	\$836,032.50

7. We invested substantial time and resources into this matter. This includes, among other things: conducting a thorough pre-suit investigation by reviewing numerous intake documents and analyzing state law relevant to the asserted claims; reviewing and revising numerous case documents, including the initial complaints, the consolidated complaint, the motion to dismiss, the motion for class certification and reply in support of class certification, and various Daubert motions; reviewing and responding to Defendants’ discovery requests for various plaintiffs; reviewing and analyzing Defendants’ responses to plaintiffs’ discovery requests; analyzing documents and data produced by Defendants; preparing for and defending depositions of Mr. Sim, Ms. Bellantoni and Ms. Pitts; preparing for depositions of Defendants’ witnesses; and reviewing and editing the settlement agreement and related papers.

8. All EL attorneys and staff who worked on this matter billed a total of 1,133.10

hours for a total lodestar of \$836,032.50.

9. I believe that my firm's rates are fully commensurate with the hourly rates of other nationally prominent firms performing similar work for both plaintiffs and defendants.

10. EL periodically establishes hourly rates for the firm's billing personnel. EL establishes the rates based on prevailing market rates for attorneys and EL firms in this legal market or similar markets that have attorneys and staff of comparable skill, experience, and qualifications. EL obtains information concerning market rates from other attorneys in the area that have similar experience doing similar work, from information that occasionally appears in the local press and national bar publications, and in orders regarding attorneys' fees in similar cases.

11. Courts have also rewarded EL attorneys' fees at rates that are comparable to the rates applicable to this matter. *See, e.g., Volino, et al. v. Progressive Casualty Ins. Co., et al.*, No. 1:22-cv-01714-LGS, (S.D.N.Y. Mar. 7, 2025), ECF No. 400; *Brown, et al. v. Progressive Mountain Ins. Co.*, 3:21-cv-00175-TCB, (N.D. Ga. May 15, 2025), ECF No. 251. The rates charged by EL are well within the range of rates charged by comparably qualifying attorneys for comparably complex work.

12. EL incurred the out-of-pocket expenses in this matter stated in the chart below. I certify to the Court that the following expenses are correct, and have been necessarily incurred in this case:

Description	Amount
Filing Fees	\$1,337.25
Travel (Airfare, Ground Transport, Hotel)	\$1,177.60
Total	\$2,514.85

13. The foregoing expenses were incurred solely in connection with this litigation. These expenses are reflected in the books and records of my firm, which are kept in the ordinary course and prepared from expense vouchers, check records, and other documents.

I declare under penalty of perjury under the law of Florida and of the United States that the foregoing is true and correct. Executed this 11th day of September 2025 in Aventura, Florida.

Scott Edelsberg

SCOTT EDELSBERG