

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION

If you had a car loan with Santander Consumer USA Inc. (“SC”) and paid a fee to SC for making a car loan payment by telephone, interactive voice response (IVR), or the internet beginning on January 13, 2016, then you may be able to get a payment from this class action settlement.

The District Court for the Eastern District of Arkansas (the “Court”) authorized this notice. Please read it carefully. Your rights may be affected whether or not you act. This is **NOT** a solicitation from a lawyer.

- Subject to court approval, the proposed class action settlement (the “Settlement”) in the action styled *Wilson, et al. v. Santander Consumer USA, Inc.*, Case No. 4:20-cv-00152-KB, will provide \$800,000 (less fees and costs as discussed herein) to pay claims to class members who do not opt-out of this Settlement by **August 29, 2022** (“Settlement Class Members”).
- This notice explains what the class action is about, what the Settlement will be if it is approved, what benefits you may receive under the Settlement, and what to do if you want to (i) object to the Settlement; or (ii) exclude yourself from the Settlement. These rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court still has to decide whether to approve the Settlement. The relief provided to Settlement Class Members will be provided if the Court approves the Settlement and after appeals, if any, are resolved in favor of the Settlement. Please be patient.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING AND RECEIVE A PAYMENT	If you wish to receive money and credit repair from the Settlement, you need not do anything. By remaining in the Settlement Class, you will receive the benefits conferred by the Settlement and will be bound by any orders or judgment relating to the Settlement approved by the Court.
EXCLUDE YOURSELF FROM THE SETTLEMENT	You may ask to be excluded from the Settlement. If you do so, you will receive no money and credit repair from the Settlement. To do so, you must send a letter requesting exclusion postmarked no later than August 29, 2022 .
OBJECT TO THE SETTLEMENT	You may object to the Settlement if you do not exclude yourself and you do not agree with any aspect of the Settlement. An objection must be in writing, filed , and postmarked on or before August 29, 2022 .
PARTICIPATE IN A HEARING	If you submit a timely objection to the Settlement, you may appear in court and be heard at the time of the Final Approval Hearing. To do so, you must submit a written Notice of Intention to Appear, which must be filed and postmarked on or before August 29, 2022 .

PLEASE DO NOT TELEPHONE THE COURT OR THE CLERK’S OFFICE TO INQUIRE ABOUT THE SETTLEMENT. IF YOU HAVE QUESTIONS, CALL 1-844-202-9491 OR GO TO THE SETTLEMENT WEBSITE, WWW.TEXASFEESETTLEMENT.COM

Questions? Visit www.TexasFeeSettlement.com or call toll-free at 1-844-202-9491

BASIC INFORMATION

1. Why did I get this notice and what is this lawsuit about?

A class action lawsuit entitled, *Wilson, et al. v. Santander Consumer USA Inc.*, is pending in the United States District Court for the Eastern District of Arkansas, No. 4:20-cv-00152-KGB (the “Class Action”). The Complaint in the Class Action claims that Defendant SC violated the Texas Debt Collection Act by improperly charging customers a convenience fee each time they paid their car loan payments by telephone, IVR, or the internet. For more detailed information as to Plaintiffs’ allegations, you may review a copy of Plaintiffs’ Complaint at www.TexasFeeSettlement.com/documents.

SC denies the claims and contends its practices were proper under the law.

The Parties have now settled this lawsuit and JND Legal Administration, a Settlement Administrator, has issued this notice, which was approved by the Court. In connection with the Settlement, SC has agreed to make certain cash payments to Settlement Class Members.

You are receiving this notice because the proposed Settlement may apply to you and you have a right to know about it and all your options before the Court decides whether to grant final approval of the Settlement.

2. Why is this a class action and who is involved?

In a class action, one or more people called “Class Representatives” file a lawsuit on behalf of other people who have similar claims, the “Class”. This avoids the necessity for a large number of people to file similar individual lawsuits and enables the court system to resolve similar claims in an efficient and economical way. Here, the Class includes all persons in the U.S. who have a car loan with SC with a Texas choice of law provision who paid a convenience fee in connection with a loan payment made online, over the phone, or by IVR during the period of January 13, 2016 to the date of the approval of the Settlement.

3. Why is there a settlement?

The Settlement has been entered to resolve all claims in the Class Action and to avoid the uncertainties and costs of further litigation and a trial. The Court has not decided in either Plaintiffs or SC’s favor and will not do so if the proposed Settlement is approved. Rather, the Settlement will resolve the claims against SC on the terms described in this notice.

The proposed settlement does not suggest that SC has or has not done anything wrong, or that Plaintiffs and the proposed Class would or would not win their case if it were to go to trial.

WHO IS IN THE SETTLEMENT

4. How do I know if I am part of the Settlement?

You are a Settlement Class Member if any time since January 13, 2016:

- (a) You had a car loan with a Texas choice of law provision with SC; and
- (b) Paid a fee to SC for making a car loan payment by telephone, IVR, or the internet.

If you are not sure whether you qualify as a Settlement Class Member, you can contact JND Legal Administration, the Settlement Administrator.

WHAT YOU GET FROM THE SETTLEMENT

5. What does the Settlement provide?

The Settlement provides that, in exchange for a dismissal with prejudice of the Class Action and release of claims against SC, SC will create a fund of \$800,000 (the “Settlement Fund”). Each Settlement Class Member who does not opt out of the Settlement will receive a cash payment from the Settlement Fund (less fees and costs discussed herein) and credit repair, if the Settlement is granted final approval. If the Settlement is not approved by the Court, then Settlement Class Members will not get any benefits of the Settlement and the parties will go back to Court for further proceedings, possibly including a trial.

Cash Benefits For Settlement Class Members Who Paid Convenience Fees to SC: If you paid any convenience fees for making a car loan payment by telephone, IVR, or the internet since January 13, 2016 on a car loan with SC with a Texas choice of law provision, then you will get a cash payment from the Settlement Fund. Payments will be made from the Settlement Fund relative to the total dollar amount of convenience fees you paid to SC, after deducting any court approved settlement administrative costs, attorney’s fees, and service payment to the Class Representatives.

IF ELIGIBLE, YOU DO NOT NEED TO DO ANYTHING TO RECEIVE THESE BENEFITS.

Cy Pres: If, after all cash benefits are distributed, residual funds remain in the Settlement Fund (*e.g.*, because of uncashed checks), then such amounts shall be distributed to the following *cy pres* recipients: Arkansas Jump\$tart Coalition, a non-profit organization that seeks to improve the personal financial literacy of Arkansas’s youth.

6. When would I receive my benefits?

Once the deadlines for opting out and objecting to the Settlement set forth below have passed, the Court will hold a Final Approval Hearing on **October 13, 2022** to decide whether to finally approve the Settlement as fair, reasonable, and adequate. If the judge approves the Settlement and there are no appeals, it is estimated that checks for the cash payment benefit will be mailed around **December 26, 2022**. However, because it is always possible for there to be unexpected delays or appeals, it is possible that these benefits will be delayed, so please be patient.

For updates on the status of the Settlement, please check the Settlement Website, **www.TexasFeeSettlement.com**. If your contact information changes, please submit your new contact information to the Settlement Administrator via that website.

7. What am I giving up to get a payment and a credit repair or stay in the Settlement Class?

Unless you opt out, you are in the Settlement Class, which means that you will be deemed to have fully released, forever discharged, and are permanently barred and enjoined from maintaining, instituting, commencing, or prosecuting any claims against SC related to the payment of convenience fees for making car loan payments by telephone, IVR, or the internet during the period January 13, 2016 through to the date of the approval of the Settlement.

The Settlement Agreement is available at **www.TexasFeeSettlement.com** and provides more detail regarding the Release.

THE LAWYERS REPRESENTING YOU

8. Do I have a lawyer in this case?

The Court has appointed the law firm of Carney, Bates, & Pulliam, PLLC to represent you and all Settlement Class Members, referred to as Class Counsel. If you have any questions for Class Counsel, you may direct those

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to Randy Pulliam (rpulliam@cbplaw.com) or Lee Lowther (llother@cbplaw.com), Carney Bates & Pulliam, PLLC, 519 W. 7th St., Little Rock, AR 72201.

9. How will Class Counsel be paid?

Class Counsel will ask the Court for attorneys' fees of up to 30% of the Settlement Fund plus reimbursement of reasonable litigation expenses, and service awards of \$5,000 to each of the two named Plaintiffs for serving as the Class Representatives. The motion for fees, expenses, and service awards will be available on the Settlement Website after it is filed with the Court.

EXCLUDING YOURSELF FROM THE SETTLEMENT

10. How do I exclude myself from, or "opt out," of the Settlement?

To exclude yourself from the Settlement, you must send a letter by mail to the Settlement Administrator at the address listed below, postmarked no later than **August 29, 2022**. To be effective, the request for exclusion must include: (a) the case name; (b) the name and address of the person requesting exclusion; (c) a signature of the person requesting exclusion; and (d) a clear and unequivocal statement that indicates a desire to be excluded from the Settlement Class, such as "I hereby request that I be excluded from the proposed Settlement Class in the Action." Your exclusion must be mailed to:

Frenzetta Wilson et al. v. Santander Consumer USA Inc.
c/o JND Legal Administration
PO Box 91451
Seattle, WA 98111

If you send a timely and valid request to be excluded, you will **not** receive any settlement benefits, you **cannot** object to the Settlement, and you will not be legally bound by anything that happens in this lawsuit. **However, if your request for exclusion is late or deficient, you will be included in the Settlement Class and you will be bound by the Settlement and by all other orders and judgments in this lawsuit.**

OBJECTING TO THE SETTLEMENT

11. How do I tell the Court I do not like the Settlement?

If you do not exclude yourself, you can object to the Settlement if you don't like any part of it. You cannot ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, no settlement benefits will be conferred, and the lawsuit will continue. If that is what you want to happen, you must object. Objections to the Settlement must be submitted in writing. If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections shall be filed with the Clerk of Court either by mailing them to the US District Court, Eastern District of Arkansas, Attn: Courtroom Deputy, Courtroom 4D, 600 W Capitol Ave, Rm A149, Little Rock, AR 72201, or by filing them in person at any location of the United States District Court for the Eastern District of Arkansas, and must be filed or postmarked on or before **August 29, 2022**.

All written objections must include: (a) the case name and number; (b) the name, address, telephone number of the Settlement Class Member objecting and, if represented by counsel, of his/her counsel; (c) the basis for objection; and (d) a statement of whether he/she intends to appear at the Final Approval Hearing, either with or without counsel. If your objection does not contain all of this information, is mailed to the incorrect address, or

is filed or postmarked after **August 29, 2022**, your objection will be considered invalid, and you will be deemed to have waived your objection.

THE FINAL APPROVAL HEARING

12. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing at **10:00 am, October 13, 2022**, at the US District Court, Eastern District of Arkansas, 500 West Capitol Ave, Courtroom 4D, Little Rock, AR 72201 before the Honorable Kristine G. Baker, United States District Judge. Due to the ongoing COVID-19 pandemic, the hearing may be conducted telephonically or virtually. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may also decide Class Counsel's application for attorneys' fees and expenses and service awards for the Class Representatives. The Court may change the date or time of the Final Approval Hearing without further notice, so please check the Settlement Website, **www.TexasFeeSettlement.com**, or the Court's PACER site for any changes.

13. Do I have to come to the Final Approval Hearing?

No. Class Counsel will represent you and will answer any questions Judge Baker may have. However, you are welcome to attend at your own expense. If you submitted an objection, you do not have to come to the Court to speak about it. As long as you submitted it on time, the Court may consider it. You may also pay your own lawyer to attend, but it is not necessary.

14. May I speak at the Final Approval Hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send a letter to the Office of the Clerk at the address listed in section 12, saying that it is your "Notice of Intention to Appear at the Final Approval Hearing in *Wilson, et al. v. Santander Consumer USA Inc.*, Case. No. 4:20-cv-00152-KGB." You must include your name, address, telephone number, and signature. Your Notice of Intention to Appear must be postmarked or emailed no later than **August 29, 2022**, and must include copies of any papers, exhibits, or other evidence that you plan to present to the Court. This requirement may be excused upon a showing of good cause.

You cannot speak at the hearing if you have opted out because the case no longer affects you.

GETTING MORE INFORMATION

15. Are there more details about the Settlement?

This notice is intended to be a summary of the terms of the Settlement. For the precise terms of the Settlement, please see the Settlement Agreement available at **www.TexasFeeSettlement.com**; by accessing the Court docket in this case through the Court's Public Access to Court Electronic Records (PACER) system; by visiting the Office of the Clerk for the United States District Court for the Eastern District of Arkansas, Richard Sheppard Arnold United States Courthouse, 500 West Capitol Avenue, Little Rock, AR 72201 between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding court-observed holidays; or by contacting Class Counsel at the address provided above.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE ADMINISTRATION PROCESS.

By order of the United States District Court for the Eastern District of Arkansas.