

**IN THE FIFTH JUDICIAL CIRCUIT  
COLES COUNTY, ILLINOIS**

JAMES R. INGRAM, as Trustee of the  
Bankruptcy Estate of Brian W. Hinton, Plaintiff,  
and all others similarly situated,

Plaintiff,

Cause No. 2021-L-40

v.

FIRST MID BANK & TRUST,

Defendant.

**PLAINTIFF'S MOTION FOR CLASS CERTIFICATION  
PURSUANT TO 735 ILCS 5/2-801**

Plaintiff, by and through counsel, respectfully moves the Court to certify the following

Classes under 735 ILCS 5/2-801:

**APSN Fee Class**

All citizens of Illinois who, from December 1, 2011 to the date that First Mid purportedly stopped assessing APSN Fees, were First Mid Bank & Trust checking account holders and were assessed an overdraft fee on a debit card transaction that was authorized on sufficient funds and settled on negative funds in the same amount for which the debit card transaction was authorized and before the authorization hold expired ("APSN Fee Class").

**Multiple Fee Class**

All citizens of Illinois who, from December 1, 2011 to Present, were assessed multiple fees on the same item on a First Mid Bank & Trust checking account ("Multiple Fee Class")

Plaintiff further moves to appoint Plaintiff as named representative of the Classes and Cohen & Malad, LLP and Stranch, Jennings & Garvey PLLC as Class Counsel. In support of this Motion, Plaintiff submits the Memorandum, the Affidavit of Lynn A. Toops and accompanying exhibits, and the Affidavit Arthur Olsen and accompanying exhibits.

Dated: January 12, 2024

Respectfully submitted,

/s/ J. Gerard Stranch, IV

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*Counsel for Plaintiff and the Proposed Classes*

\* to seek admission *pro hac vice*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2024, I caused a true and correct copy of the foregoing Response to Motion to Dismiss to be served on all counsel of record in this matter.

/s/ J. Gerard Stranch, IV  
J. Gerard Stranch, IV