

**Press Release****NEW YORK COURT DENIES MOTION TO DISMISS CLAIMS THAT  
BANCO POPULAR OVERDRAFT FEE PRACTICES WERE DECEPTIVE**

February 19, 2016.

On February 18, 2016, the New York Supreme Court sustained our clients' claims that Banco Popular (now known as Popular Community Bank) engaged in deceptive practices resulting in overdraft fees charged to its banking customers' accounts. Banco Popular had moved to dismiss the claims made in an amended complaint.

The Court's ruling held that the Plaintiffs had appropriately pleaded that Banco Popular engaged in three types of deceptive practices:

- Reordering customer withdrawals to multiply the number of overdraft fees;
- Failing to notify customers *before* they completed ATM withdrawals that the withdrawal would overdraw their accounts; and
- Providing inaccurate "available balance" information during ATM transactions that resulted in customer overdrafts.

**Tusa P.C.** is co-counsel for the Plaintiffs. Joseph S. Tusa was pleased that Court's decision will allow the firm's clients to pursue their claims, and the claims of a putative class of other Banco Popular customers. He continued, "While Banco Popular denies the claims, no bank should not be permitted to charge its own customers fees as a result of deceptive or misleading practices."

If you have been a victim of these or similar practices by Banco Popular, please contact us by email at [info@tpcnylaw.com](mailto:info@tpcnylaw.com), through our website [www.tpcnylaw.com](http://www.tpcnylaw.com) or by telephone at (631) 407-5100.

**Tusa P.C.** is boutique law firm representing consumers, borrowers and shareholders in class actions. We have offices in New York City and Long Island, New York. Please visit our website, [www.tpcnylaw.com](http://www.tpcnylaw.com).