

**Press Release****NEW YORK COURT AGAIN DENIES BANCO POPULAR'S ATTEMPT TO FORCE OVERDRAFT FEE CLAIMS INTO ARBITRATION**

November 20, 2015.

The Court presiding over the case against Banco Popular (now known as Popular Community Bank) for imposing allegedly deceptive overdraft fees on its own customers has denied Banco Popular's attempt to force the case into arbitration. Plaintiffs opposed Banco Popular's motion, which would have denied recoveries to other bank customers harmed by Banco Popular's overdraft fee practices. A prior motion by Banco Popular for the same relief was denied by the New York Court in July 2015.

In denying Banco Popular's motion, Justice Anil Singh held that Banco Popular had failed to demonstrate that it had an agreement to arbitrate the claims made by the Plaintiffs, former Banco Popular customers who opened a savings account in the bank's Bronx, New York branch. The Court further held that Banco Popular could not enforce an arbitration agreement it claims to have implemented after Plaintiffs' case was filed in 2012.

[Tusa P.C.](#) is co-counsel for the Plaintiffs. Joseph S. Tusa believes that the Court reached the correct decision, "Banco Popular cannot shield itself in arbitration from providing the refunds it owes to its own customers for improperly imposing overdraft fees." Banco Popular had argued that if the case were forced into arbitration, Plaintiffs could not maintain their claims as a class action, which could benefit the bank's other customers in addition to providing a remedy to the Plaintiffs. Plaintiffs allege that they incurred improper or excess overdraft fees because Banco Popular failed to provide them with timely notice that ATM withdrawals would overdraw their account, because the bank "re-ordered" the sequence of their withdrawals to create additional overdraft fees and because Banco Popular provided them with inaccurate account balances.

If you have been a victim of these or similar practices by Banco Popular in any state, 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).