

EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION (COLUMBUS)

In re: WELLS FARGO COVID
FORBEARANCE SETTLEMENT
LITIGATION

CASE NO. 2:24-cv-01026-MHW-EPD

Judge Michael H. Watson

Magistrate Judge Elizabeth A. Preston Deavers

**DECLARATION OF CAMERON R. AZARI, ESQ. REGARDING IMPLEMENTATION
AND ADEQUACY OF NOTICE PLAN**

I, Cameron R. Azari, Esq., hereby declare and state as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a nationally recognized expert in the field of legal notice and have served as an expert in hundreds of federal and state cases involving class action notice plans.

3. I am a Senior Vice President of Epiq Class Action and Claims Solutions, Inc. (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications—a firm that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans. Hilsoft Notifications is a business unit of Epiq. References to Epiq in this declaration include Hilsoft Notifications.

4. The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Epiq.

OVERVIEW

5. This declaration describes the successful implementation of the Settlement notice plan (“Notice Plan”) and notices (the “Notice” or “Notices”) for the consolidated action in *In re Wells Fargo COVID Forbearance Settlement Litigation*, Case No. 2:24-cv-01026-MHW-EPD, currently pending in the United States District Court for the Southern District of Ohio. I previously

executed my *Declaration of Cameron R. Azari, Esq. Regarding Notice Plan* (“Notice Plan Declaration”) on April 17, 2024, which described the Notice Plan, detailed Hilsoft’s class action notice experience, and attached Hilsoft’s *curriculum vitae*. I also provided my educational and professional experience relating to class actions and my ability to render opinions on overall adequacy of notice programs.

NOTICE PLAN METHODOLOGY

6. Federal Rules of Civil Procedure, Rule 23 directs that notice must be “the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort” and that “the notice may be by one or more of the following: United States mail, electronic means, or other appropriate means.”¹ The Notice Plan as implemented satisfied these requirements.

7. The Notice Plan as designed and implemented reached the greatest practicable number of Class Members. The Notice Plan’s individual direct notice efforts (email and/or mailed notice) reached approximately 99% of the identified Class. The reach was further enhanced by a Settlement Website. In my experience, the Notice Plan was consistent with other court-approved notice plans for class action settlements, was the best notice practicable under the circumstances of this case, and satisfied the requirements of due process, including its “desire to actually inform” requirement.²

CAFA NOTICE

8. On April 26, 2024, Epiq sent 57 CAFA Notice Packages (“CAFA Notice”). The CAFA Notice was sent via United States Postal Service (“USPS”) Priority Mail to 52 officials (the

¹ Fed. R. Civ. P. 23(c)(2)(B).

² *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected . . .”).

Attorneys General of 48 states, the District of Columbia, Guam, Puerto Rico, and the U.S Virgin Islands). Per the direction of the Office of the Nevada and Connecticut Attorneys General, the CAFA Notice was sent to the Nevada and Connecticut Attorneys General electronically via email. The CAFA Notice was also sent via United Parcel Service (“UPS”) to the Attorneys General of the United States, Consumer Financial Protection Bureau, and Office of Comptroller of the Currency. Details regarding the CAFA Notice mailing are provided in the *Declaration of Kyle S. Bingham on Implementation of CAFA Notice*, dated April 26, 2024, which is included herewith as **Exhibit 1**.

NOTICE PLAN DETAIL

9. On July 29, 2024, the Court approved the Notice Plan and appointed Epiq as the Settlement Administrator in the *Order Preliminarily Approving Settlement* (“Preliminary Approval Order”).³ In the Preliminary Approval Order, the Court approved and certified, for settlement purposes, the following “Class:”

[A]ll persons in the United States who: (a) had a mortgage serviced by Wells Fargo that was placed into a COVID mortgage forbearance without adequate informed consent between March 1, 2020, and December 31, 2021 (“At-Issue Forbearance”); (b) were not a debtor or the co-borrower of a debtor in a Chapter 13 bankruptcy case on the date that the mortgage was placed into the forbearance; and (c) are not Wells Fargo’s officers, directors, and employees, Counsel for Wells Fargo, Class Counsel, or any judge involved in this action or their immediate families. The Class and Class Members include all individuals who signed the deed of trust, mortgage or other security document associated with a Mortgage even if they did not sign the underlying promissory note or loan.

NOTICE PLAN

Individual Notice

10. On July 30, 2024, Epiq received one data file from Wells Fargo with data for 404,386 Class Members (borrowers and co-borrowers). The data included full names, last known physical addresses and email addresses, if available. Subsequently, on August 5, 2024, Epiq received two additional data files containing the same records, but with updated contact

³ The Court amended the Preliminary Approval Order on August 29, 2024.

information. Epiq deduplicated and rolled-up the records and loaded the unique, identified Class Member records into its database. These efforts resulted in 376,077 unique, identified Class Member records. An Email Notice with a link to the Claim Form was sent to all identified Class Members for whom a valid email address was available. A Summary Notice and Claim Form (“Claim Package”) were sent via USPS first class mail to all identified Class Members with an associated physical address for whom a valid email address was not available, or for whom the Email Notice was not deliverable. The Email Notice and Summary Notice clearly described the settlement and the legal rights of the Class Members. In addition, the Email Notice and Summary Notice directed the recipients to a Settlement Website where they could access additional information, including the Long Form Notice.

Individual Notice – Email

11. On August 28, 2024, Epiq timely sent 286,642 Email Notices to all identified Class Members for whom a valid email address was available (many Class Members and co-borrowers have shared email addresses and were sent only one Email Notice per email address). The following industry standard best practices were followed for the Email Notice efforts. The Email Notice was drafted in such a way that the subject line, the sender, and the body of the message would ensure readership to the fullest extent reasonably practicable. For instance, the Email Notice used an embedded html text format. This format provided easy-to-read text without graphics, tables, images and other elements that in our experience would have increased the likelihood that the message would have been blocked by Internet Service Providers (ISPs) and/or SPAM filters for this type of communication. The Email Notices were sent from an IP address known to major email providers as one not used to send bulk “SPAM” or “junk” email blasts. Each Email Notice was transmitted with a digital signature to the header and content of the Email Notice, which allowed ISPs to programmatically authenticate that the Email Notices were from authorized mail servers. Each Email Notice was also transmitted with a unique message identifier. The Email Notice included an embedded link to the Settlement Website. By clicking the link, recipients were

able to access the Long Form Notice and other information about the Settlement. The Email Notice is included herewith as **Exhibit 2**.

12. If the receiving email server could not deliver the message, a “bounce code” was returned along with the unique message identifier. For any Email Notice for which a bounce code was received indicating that the message was undeliverable for reasons such as an inactive or disabled account, the recipient’s mailbox was full, technical autoreplies, etc., at least two additional attempts were made to deliver the Notice by email. If the multiple attempts to deliver the Email Notice were unsuccessful, Epiq sent Claim Packages via USPS first-class mail as described below, if a valid mailing address was available.

Individual Notice – Direct Mail

13. On September 12, 2024, Epiq timely sent 47,780 Claim Packages to all identified Class Members with an associated physical address for whom a valid email address was not available. Subsequently, Epiq sent 32,989 Claim Packages to all identified Class Members with an associated physical address for whom the Email Notice was not deliverable. The Claim Package was sent via USPS first-class mail. The Summary Notice clearly and concisely summarized the case and the legal rights of the Class Members. The Claim Form included a QR code prominently displayed on the first page. Class Members are able to use their mobile phones to scan the QR code, which then presents the claim filing module on the Settlement Website, and allows for Class Members to easily file a claim. In addition, the Summary Notice also directed the recipients to the Settlement Website where they could access the Long Form Notice and additional information about the case. The Summary Notice is included herewith as **Exhibit 3**. The Claim Form is included herewith as **Exhibit 4**.

14. Prior to sending the Claim Packages, all mailing addresses were checked against the National Change of Address (“NCOA”) database maintained by the USPS to ensure Class

Member address information was up-to-date and accurately formatted for mailing.⁴ In addition, the addresses were certified via the Coding Accuracy Support System (“CASS”) to ensure the quality of the zip code, and were verified through Delivery Point Validation (“DPV”) to verify the accuracy of the addresses. This address updating process is standard for the industry and for the majority of promotional mailings that occur today.

15. The return address on the Claim Packages was a post office box that Epiq maintains for this Settlement. The USPS automatically forwarded Claim Packages with an available forwarding address order that had not expired (“Postal Forwards”). Claim Packages returned as undeliverable were re-mailed to any new address available through USPS information, (for example, to the address provided by the USPS on returned mail pieces for which the automatic forwarding order has expired, but was still within the time period in which the USPS returned the piece with the address indicated), and to better addresses that were found using a third-party lookup service. Upon successfully locating better addresses, Claim Packages were promptly remailed. As of November 25, 2024, Epiq has remailed 1,233 Claim Packages.

16. Additionally, the Claim Package was mailed to all persons who requested one via the toll-free telephone number or by other means. As of November 25, 2024, Epiq mailed 51 Claim Packages as a result of such requests.

Notice Results

17. As of November 25, 2024, an Email Notice and/or Claim Package was successfully delivered to 375,770 of the 376,077 unique, identified Class Members. This means the individual notice efforts reached approximately 99% of the identified Class Members.

⁴ The NCOA database is maintained by the USPS and consists of approximately 160 million permanent change-of-address (COA) records consisting of names and addresses of individuals, families, and businesses who have filed a change-of-address with the Postal Service™. The address information is maintained on the database for 48 months and reduces undeliverable mail by providing the most current address information, including standardized and delivery-point-coded addresses, for matches made to the NCOA file for individual, family, and business moves.

Settlement Website

18. On August 28, 2024, Epiq timely established a dedicated website for the Settlement with an easy to remember domain name (www.WellsFargoCovidForbearanceLitigation.com). Relevant documents, including the Long Form Notice, Claim Form, Settlement Agreement, Preliminary Approval Order, Complaints, and Motions for Attorneys’ Fees and Costs are posted on the Settlement Website. The Settlement Website allows Class Members to easily file their Claim Form online and update their contact information. In addition, the Settlement Website includes relevant dates, answers to frequently asked questions (“FAQs”), instructions for how Class Members could opt-out (request exclusion) from or object to the Settlement prior to the deadlines, contact information for the Settlement Administrator, and how to obtain other case-related information. The Settlement Website address was prominently displayed in all notice documents. As of November 25, 2024, there have been 9,193 unique visitor sessions to the Settlement Website, and 26,692 web pages have been presented. The Long Form Notice is included herewith as **Exhibit 5**.

Toll-Free Telephone Number and Other Contact Information

19. On August 28, 2024, Epiq timely established a toll-free telephone number (1-888-204-8399) to allow Class Members to call for additional information. Callers are able to hear an introductory message, have the option to learn more about the Settlement in the form of recorded answers to FAQs, and request that a Notice Package be mailed to them. The automated telephone system is available 24 hours per day, 7 days per week. The toll-free telephone number was prominently displayed in all notice documents. As of November 25, 2024, there have been 625 calls to the toll-free telephone number representing 1,659 minutes of use.

20. A postal mailing address was established providing Class Members with the opportunity to request additional information or ask questions.

Requests for Exclusion and Objections

21. The deadline to request exclusion from the Settlement or to object to the Settlement was November 12, 2024. As of November 25, 2024, Epiq has received requests for exclusion that are associated with 33 Class Members. Of these, six are currently incomplete and Epiq is in the process of contacting these Class Members to obtain additional required information, as they are either missing a statement of exclusion, a telephone number, or both. As of November 25, 2024, Epiq is aware of no objections to the Settlement regarding notice or settlement administration.⁵ The Exclusion Report is included herewith as **Exhibit 6**.

Claim Submission & Distribution Options

22. In addition to an automatic payment, Class Members have the option of filing a Claim Form for a supplemental payment. With any method of filing a Claim Form, Class Members have the option of receiving a digital payment or a traditional paper check.

23. The deadline for Class Members to file a Claim Form is January 10, 2025. As of November 25, 2024, Epiq has received 503 Claim Forms (358 online and 145 paper). Since the January 10, 2025, claim filing deadline has not yet passed, these numbers are preliminary. By the deadline, I expect additional Claim Forms will be filed by Class Members. As is standard practice, Epiq is in the process of conducting a complete review and audit of all Claim Forms received. There is a likelihood that after detailed review, the total number of Claim Forms received will change due to duplicate and denied Claim Forms.

CONCLUSION

24. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by federal and local rules and statutes, and by case law pertaining to notice. This framework directs that the notice plan was designed to reach the greatest practicable number of potential class members and, in a settlement class action

⁵ Epiq received a copy of Class Representatives Brian Echard's, Heather Shimp's, and Patricia Foley's, objection to the other Class Representatives' counsel's motion for attorneys' fees. ECF No. 256.

notice situation such as this, that the notice or notice plan does not limit knowledge of the availability of benefits—nor the ability to exercise other options—to class members in any way. All of these requirements were met in this case.

25. The Notice Plan included direct individual notice (email and/or mailed notice) to the identified Class Members. With the address updating protocols that were used, the Notice Plan individual notice efforts reached approximately 99% of the identified Class Members. The reach was further enhanced by a Settlement Website. The Federal Judicial Center’s (“FJC”) Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide states that “the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between 70–95%.”⁶ Here, we have developed and implemented a Notice Plan that readily achieved a reach beyond the high end of that standard.

26. The Notice Plan followed the guidance for how to satisfy due process obligations that a notice expert gleans from the United States Supreme Court’s seminal decisions, which are: a) to endeavor to actually inform the class, and b) to demonstrate that notice is reasonably calculated to do so:

- A. “But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it,” *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950).
- B. “[N]otice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections,” *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974) citing *Mullane* at 314.

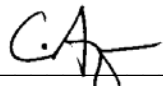
27. The Notice Plan provided for the best notice practicable under the circumstances of this case, conformed to all aspects of Federal Rule of Civil Procedure 23, comported with the

⁶ FED. JUDICIAL CTR, JUDGES’ CLASS ACTION NOTICE AND CLAIMS PROCESS CHECKLIST AND PLAIN LANGUAGE GUIDE 3 (2010), available at <https://www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0>.

guidance for effective notice articulated in the Manual for Complex Litigation 4th Ed and FJC guidance, and met the requirements of due process, including its “desire to actually inform” requirement.

28. The Notice Plan schedule afforded enough time to provide full and proper notice to the Class Members before the opt-out and objection deadlines.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 25, 2024.



Cameron R. Azari, Esq.

Exhibit 1

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRIAN ECHARD et al.,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.

Defendant.

Case No. 2:21-cv-05080-MHW-EPD

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: WELLS FARGO
FORBEARANCE LITIGATION

Case No. 2:24-cv-01026-MHW-EPD

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

I, KYLE S. BINGHAM, hereby declare and state as follows:

1. My name is KYLE S. BINGHAM. I am over the age of 25 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am the Director of Legal Noticing for Epiq Class Action & Claims Solutions, Inc. (“Epiq”), a firm that specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal notification plans. I have overseen and handled Class Action Fairness Act (“CAFA”) notice mailings for more than 400 class action settlements.

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

3. Epiq is a firm with more than 25 years of experience in claims processing and settlement administration. Epiq’s class action case administration services include coordination of all notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with the United States Postal Service (“USPS”), claims database management, claim adjudication, funds management and distribution services.

4. The facts in this Declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq.

CAFA NOTICE IMPLEMENTATION

5. At the direction of counsel for Defendants Wells Fargo Bank N.A. and Wells Fargo & Co., 57 federal and state officials (the Attorney General of the United States and the Attorneys General of each of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands, as well as the Consumer Financial Protection Bureau and the Office of Comptroller of the Currency) were identified to receive CAFA notice.

6. Epiq maintains a list of these federal and state officials with contact information for the purpose of providing CAFA notice. Prior to mailing, the names and addresses selected from Epiq’s list were verified, then run through the Coding Accuracy Support System (“CASS”) maintained by the United States Postal Service (“USPS”).¹

7. On April 26, 2024, Epiq sent 57 CAFA Notice Packages (“Notice”). The Notice was mailed via USPS Priority Mail to 52 officials (the Attorneys General of 48 states, the District of Columbia, Guam, Puerto Rico, and the U.S Virgin Islands). As per the direction of the Office of the Nevada and Connecticut Attorneys General, the Notice was sent to the Nevada

¹ CASS improves the accuracy of carrier route, 5-digit ZIP®, ZIP + 4® and delivery point codes that appear on mail pieces. The USPS makes this system available to mailing firms who want to improve the accuracy of postal codes, i.e., 5-digit ZIP®, ZIP + 4®, delivery point (DPCs), and carrier route codes that appear on mail pieces.

and Connecticut Attorneys General electronically via email. The Notice was also sent via United Parcel Service (“UPS”) to the Attorney General of the United States, the Consumer Financial Protection Bureau, and the Office of Comptroller of the Currency. The CAFA Notice Service List (USPS Priority Mail, Email, and UPS) is included as **Attachment 1**.

8. The materials sent to the federal and state officials included a Cover Letter, which provided notice of the proposed Settlement of the above-captioned case. The Cover Letter is included as **Attachment 2**.

9. The cover letter was accompanied by a CD, which included the following:

a. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:**

- Wells Fargo Forbearance Litigation Third Amended Consolidated Class Action Complaint (filed September 28, 2022); and
- Echard Third Amended Complaint (filed January 10, 2023).

b. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:**

- Notice of Settlement (*Exhibit A to the Settlement Agreement*);
- Claim Form (*Exhibit C to the Settlement Agreement*);
- Email Notice (*Exhibit G to the Settlement Agreement*); and
- Summary Mailed Notice (*Exhibit H to the Settlement Agreement*).

c. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents were included:

- Plaintiffs’ Joint Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class;
 - Settlement Agreement (*Exhibit A to Plaintiffs’ Joint Motion for Preliminary Approval of Class Action Settlement*);
 - Plan of Allocation (*Exhibit B to the Settlement Agreement*);

- Declaration of Abbas Kazerounian in Support of Plaintiffs' Joint Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class (*Exhibit D to the Settlement Agreement*);
- Declaration of Knoll Lowney Supporting Plaintiffs' Joint Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class (*Exhibit E to the Settlement Agreement*);
- Declaration of Cameron R. Azari, Esq. Regarding Notice Plan (*Exhibit F to the Settlement Agreement*); and
- [Proposed] Order Preliminarily Approving Settlement.

d. **Per 28 U.S.C. § 1715(b)(7) – Estimate of Class Members:** A Geographic Analysis of potential Class Members was included on the CD.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
April 26, 2024.


KYLE S. BINGHAM

Attachment 1

CAFA Notice Service List

USPS Priority Mail

Appropriate Official	FullName	Address1	Address2	City	State	Zip
Office of the Attorney General	Treg Taylor	1031 W 4th Ave	Suite 200	Anchorage	AK	99501
Office of the Attorney General	Steve Marshall	501 Washington Ave		Montgomery	AL	36104
Office of the Attorney General	Tim Griffin	323 Center St	Suite 200	Little Rock	AR	72201
Office of the Attorney General	Kris Mayes	2005 N Central Ave		Phoenix	AZ	85004
Office of the Attorney General	CAFA Coordinator	Consumer Protection Section	455 Golden Gate Ave Suite 11000	San Francisco	CA	94102
Office of the Attorney General	Phil Weiser	Ralph L Carr Colorado Judicial Center	1300 Broadway Fl 10	Denver	CO	80203
Office of the Attorney General	Brian Schwalb	400 6th St NW		Washington	DC	20001
Office of the Attorney General	Kathy Jennings	Carvel State Bldg	820 N French St	Wilmington	DE	19801
Office of the Attorney General	Ashley Moody	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Office of the Attorney General	Chris Carr	40 Capitol Square SW		Atlanta	GA	30334
Department of the Attorney General	Anne E Lopez	425 Queen St		Honolulu	HI	96813
Iowa Attorney General	Brenna Bird	Hoover State Office Building	1305 E Walnut St	Des Moines	IA	50319
Office of the Attorney General	Raul Labrador	700 W Jefferson St Ste 210	PO Box 83720	Boise	ID	83720
Office of the Attorney General	Kwame Raoul	100 W Randolph St		Chicago	IL	60601
Office of the Indiana Attorney General	Todd Rokita	Indiana Government Center South	302 W Washington St Rm 5	Indianapolis	IN	46204
Office of the Attorney General	Kris Kobach	120 SW 10th Ave 2nd Fl		Topeka	KS	66612
Office of the Attorney General	Russell Coleman	700 Capitol Ave Suite 118		Frankfort	KY	40601
Office of the Attorney General	Liz Murrill	PO Box 94005		Baton Rouge	LA	70804
Office of the Attorney General	Andrea Campbell	1 Ashburton Pl 20th Fl		Boston	MA	02108
Office of the Attorney General	Anthony G Brown	200 St Paul Pl		Baltimore	MD	21202
Office of the Attorney General	Aaron Frey	6 State House Station		Augusta	ME	04333
Department of Attorney General	Dana Nessel	PO BOX 30212		Lansing	MI	48909
Office of the Attorney General	Keith Ellison	445 Minnesota St Ste 1400		St Paul	MN	55101
Missouri Attorney General's Office	Andrew Bailey	207 West High Street	PO Box 899	Jefferson City	MO	65102
Mississippi Attorney General	Lynn Fitch	PO Box 220		Jackson	MS	39205
Office of the Attorney General	Austin Knudsen	215 N Sanders 3rd Fl	PO Box 201401	Helena	MT	59620
Attorney General's Office	Josh Stein	9001 Mail Service Ctr		Raleigh	NC	27699
Office of the Attorney General	Drew H Wrigley	600 E Boulevard Ave Dept 125		Bismarck	ND	58505
Nebraska Attorney General	Mike Hilgers	2115 State Capitol	PO Box 98920	Lincoln	NE	68509
Office of the Attorney General	John Formella	NH Department of Justice	33 Capitol St	Concord	NH	03301
Office of the Attorney General	Matthew J Platkin	25 Market Street	PO Box 080	Trenton	NJ	08625
Office of the Attorney General	Raul Torrez	408 Galisteo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General	CAFA Coordinator	28 Liberty Street 15th Floor		New York	NY	10005
Office of the Attorney General	Dave Yost	30 E Broad St Fl 14		Columbus	OH	43215
Office of the Attorney General	Gentner Drummond	313 NE 21st St		Oklahoma City	OK	73105
Office of the Attorney General	Ellen F Rosenblum	Oregon Department of Justice	1162 Court St NE	Salem	OR	97301
Office of the Attorney General	Michelle A Henry	16th Fl Strawberry Square		Harrisburg	PA	17120
Office of the Attorney General	Peter F Neronha	150 S Main St		Providence	RI	02903
Office of the Attorney General	Alan Wilson	PO Box 11549		Columbia	SC	29211
Office of the Attorney General	Marty Jackley	1302 E Hwy 14 Ste 1		Pierre	SD	57501
Office of the Attorney General	Jonathan Skrmetti	PO Box 20207		Nashville	TN	37202
Office of the Attorney General	Ken Paxton	PO Box 12548		Austin	TX	78711
Office of the Attorney General	Sean D Reyes	PO Box 142320		Salt Lake City	UT	84114
Office of the Attorney General	Jason S Miyares	202 N 9th St		Richmond	VA	23219
Office of the Attorney General	Charity R Clark	109 State St		Montpelier	VT	05609
Office of the Attorney General	Bob Ferguson	800 5th Ave Ste 2000		Seattle	WA	98104
Office of the Attorney General	Josh Kaul	PO Box 7857		Madison	WI	53707
Office of the Attorney General	Patrick Morrissey	State Capitol Complex Bldg 1 Room E 26	1900 Kanawha Blvd E	Charleston	WV	25305
Office of the Attorney General	Bridget Hill	109 State Capital		Cheyenne	WY	82002
Attorney General Office of Guam	Douglas Moylan	Administrative Division	590 S Marine Corps Dr Ste 901	Tamuning	GU	96913
PR Department of Justice	Domingo Emanuelli Hernández	PO Box 9020192		San Juan	PR	00902
Department of Justice	Ariel M. Smith	3438 Kronprindsens Gade Ste 2	GERS BLDG	St Thomas	VI	00802

CAFA Notice Service List

Email

Appropriate Official	Contact Format	State
Office of the Attorney General for Connecticut	All documents sent to CT AG at their dedicated CAFA email inbox.	CT
Office of the Attorney General for Nevada	All documents sent to NV AG at their dedicated CAFA email inbox.	NV

CAFA Notice Service List

UPS

Appropriate Official	FullName	Address1	Address2	City	State	Zip
US Department of Justice	Merrick B. Garland	950 Pennsylvania Ave NW		Washington	DC	20530
Consumer Financial Protection Bureau	Rohit Chopra	1700 G Street NW		Washington	DC	20552
Office of Comptroller of the Currency	Michael J. Hsu	400 7th St. SW		Washington	DC	20219

Attachment 2

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

April 26, 2024

VIA UPS OR USPS PRIORITY MAIL

Class Action Fairness Act – Notice to Federal and State Officials

Dear Federal and State Officials:

Pursuant to the Class Action Fairness Act of 2005 (“CAFA”), codified at 28 U.S.C. § 1715, please find enclosed information from Defendants Wells Fargo Bank N.A. and Wells Fargo & Co. relating to the proposed settlement of a class action lawsuit.

- **Case:** *Echard v. Wells Fargo Bank, N.A.*, Case No. 2:21-CV-05080-MHW-EPD.
In re Wells Fargo Forbearance Litigation, Case No. 2:24-cv-01026-MHW-EPD.
- **Court:** United States District Court for Southern District of Ohio Eastern Division
- **Defendants:** Wells Fargo Bank N.A. and Wells Fargo & Co.
- **Documents Enclosed:** In accordance with the requirements of 28 U.S.C. § 1715, please find copies of the following documents associated with this action on the enclosed CD:
 1. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:**
 - Wells Fargo Forbearance Litigation Third Amended Consolidated Class Action Complaint (filed September 28, 2022); and
 - Echard Third Amended Complaint (filed January 10, 2023).
 2. **Per 28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** The Court has not scheduled a preliminary approval hearing or a final approval hearing or any other judicial hearing concerning the settlement agreement at this time.
 3. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:**
 - Notice of Settlement (*Exhibit A to the Settlement Agreement*);
 - Claim Form (*Exhibit C to the Settlement Agreement*);
 - Email Notice (*Exhibit G to the Settlement Agreement*); and
 - Summary Mailed Notice (*Exhibit H to the Settlement Agreement*).
 4. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents are included:
 - Plaintiffs’ Joint Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class;

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

- Settlement Agreement (*Exhibit A to Plaintiffs' Joint Motion for Preliminary Approval of Class Action Settlement*);
 - Plan of Allocation (*Exhibit B to the Settlement Agreement*);
 - Declaration of Abbas Kazerounian in Support of Plaintiffs' Joint Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class (*Exhibit D to the Settlement Agreement*);
 - Declaration of Knoll Lowney Supporting Plaintiffs' Joint Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class (*Exhibit E to the Settlement Agreement*);
 - Declaration of Cameron R. Azari, Esq. Regarding Notice Plan (*Exhibit F to the Settlement Agreement*); and
 - [Proposed] Order Preliminarily Approving Settlement.
- 5. **Per 28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreements:** Please note that the parties to this Settlement signed a confidential supplemental letter agreement, which is referenced in Section VIII.C.2.c of the Settlement Agreement and which was not filed with the Court. The purpose of the supplemental letter agreement is to provide Wells Fargo with the option to terminate the Settlement Agreement if the members of the settlement class requesting exclusion therefrom meet the conditions set forth in the supplemental letter agreement. It is typical for agreements of this nature to remain confidential because, as explained by a leading treatise on complex litigation, “knowledge of the specific number of opt outs that will vitiate a settlement might encourage third parties to solicit class members to opt out.” Manual for Complex Litigation (4th ed.) § 21.631.
- 6. **Per 28 U.S.C. § 1715(b)(6) – Final Judgment or Notice of Dismissal:** To date, the Court has not issued a final order, judgment or dismissal in the above-referenced action.
- 7. **Per 28 U.S.C. § 1715(b)(7) – Estimate of Class Members:** A Geographic Analysis of potential Class Members is included on the enclosed CD.
- 8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** To date, the Court has not issued a final order or judgment in the above-referenced action.

If you have questions or concerns about this notice or the enclosed materials, please contact this office.

Sincerely,

CAFA Notice Administrator

Enclosures

Exhibit 2

From: noreply_WellsFargoCovidForbearance.epiqnotice
<noreply@WellsFargoCovidForbearance.epiqnotice.com>
To: [REDACTED]
Subject: Wells Fargo COVID Forbearance Litigation

Court-Approved Legal Notice

**You Have Been Identified as a Class Member in a Class Action Settlement
Involving Wells Fargo**

A federal court has authorized this Notice. This is not a solicitation from a lawyer.
Your legal rights will be affected whether you act or not. Please read this notice carefully.

Unique ID: [REDACTED]

www.WellsFargoCovidForbearanceLitigation.com

A proposed settlement has been reached in the class action lawsuit *In re Wells Fargo COVID Forbearance Settlement Litigation*, Case No. 2:24-cv-01026-MHW-EPD, pending in the United States District Court for the Southern District of Ohio.

Plaintiffs allege that Wells Fargo (“Defendant”) placed customers into forbearance without informed consent. In the earliest days of the COVID-19 pandemic, Plaintiffs allege that Wells Fargo decided to provide mortgage forbearances to certain customers who had made an inquiry or expressed hardship but had not explicitly requested a forbearance. A forbearance temporarily suspends a customer’s obligation to make payments on their mortgage. However, the lawsuits allege that some of the customers who received payment forbearances did not want them. Wells Fargo denies any wrongdoing. Both sides agreed to the Settlement. The Court still has to decide whether to approve the Settlement.

Why am I receiving this Notice? According to Wells Fargo’s records, you are a member of the Settlement Class. The Settlement Class includes all persons in the United States who (a) had a Mortgage serviced by Wells Fargo that was placed into a Forbearance Without Adequate Informed Consent between March 1, 2020, and December 31, 2021 (“At-Issue Forbearance”); (b) were not a debtor or the Co-Borrower of a debtor in a Chapter 13 bankruptcy case on the date that the Mortgage was placed into the Forbearance; and (c) are not Wells Fargo’s officers, directors, or employees, Counsel for Wells Fargo, Class Counsel, any judge involved in this action, or their immediate families. The Class and Class Members includes all individuals who signed the deed of

trust, mortgage, or other security document associated with a Mortgage even if they did not sign the underlying promissory note or loan.

What does the Settlement provide? Wells Fargo has agreed to establish a \$185 million Settlement Fund.

Automatic Payment

- \$69 million of the Settlement Fund will be distributed equally as Automatic Payments to Class Members who are not excluded from the Settlement due to a valid opt out, based on the number of mortgages placed into an At-Issue Forbearance, less mortgages excluded by opt out. This means Class Members who do not exclude themselves from the Settlement will receive an Automatic Payment in the form of a settlement check unless they (or their Co-Borrower on a given mortgage) validly exclude themselves (opt-out) from the Settlement.

Class Members who are Co-Borrowers on a Mortgage that received an At-Issue Forbearance will be treated as a single Class Member for the purpose of receiving an Automatic Payment; and

- \$83.33 will be distributed equally as Automatic Payments to each Class Member who is a Co-Borrower who is not excluded by operation of a valid opt out.

Supplemental Payment

- In addition to the Automatic Payment, Class Members who do not exclude themselves from the Settlement can receive a Supplemental Payment by submitting a Claim Form and demonstrating that the At-Issue Forbearance proximately caused: (a) delayed refinancing; (b) increased refinancing costs; (c) denial or reduction of personal credit lines and associated financial consequences; (d) inability to access existing lines of credit and costs for securing alternate funding; (e) lost income and/or lost business opportunity; and/or (f) any other damages caused by an At-Issue Forbearance.

If you feel you suffered additional harm—such as having your credit applications denied or delayed, increasing your borrowing costs, or causing other provable harm—you can ask for additional money by completing and returning a Claim Form by January 10, 2025.

The Claim Form may be submitted on the Settlement Website at www.WellsFargoCovidForbearanceLitigation.com or by downloading the Claim Form on the Settlement Website and mailing it to the Settlement Administrator at the following address:

In re Wells Fargo Forbearance Litigation Settlement Administrator
P.O. Box 2794
Portland, OR 97208-2794

The Settlement Fund will also be used to pay Attorneys' Fees and Expenses of up to twenty five percent (25%) of the Settlement Fund for attorneys' fees, plus reasonable and actual expenses, any Service Awards to the Class Representatives, and the costs of settlement administration. Any Remaining Amounts will be distributed on a *pro rata* (a legal term meaning equal share) basis to Eligible Class Members who cashed a previous check, except if the amount would be under \$10 each, then the Remaining Amount will be paid to a non-profit organization approved by the Court or treated pursuant to state unclaimed funds procedures.

How do I opt out or object to the Settlement? If you do not want to be legally bound by the Settlement and receive an Automatic Payment, you must opt out, postmarked by **November 12, 2024**. If you do not opt out, you will remain a Class Member and give up the right to sue Wells Fargo about the legal claims resolved by the Settlement.

You may object to the Settlement by **November 12, 2024**. If you object and want to speak at the Final Approval Hearing, you must file a Notice postmarked by **November 12, 2024**. Visit the website for more details on how to opt-out or object.

The Court will hold a hearing on **December 10, 2024**, to consider whether to approve the Settlement. The hearing date and time may change. Updates will be posted on the website. You may attend the Final Approval Hearing and hire an attorney at your own expense, but it is not required.

More Information: This notice is a summary. Complete information about your rights and options, as well as the Long Form Notice and Settlement Agreement, are available at www.WellsFargoCovidForbearanceLitigation.com, or by calling toll free 1-888-204-8399.

AK487 v.01

[Unsubscribe - Unsubscribe Preferences](#)

Exhibit 3

Court Approved Legal Notice

**You Have Been Identified as a Class Member in a Class Action Settlement
involving Wells Fargo.**

*A federal court has authorized this Notice. This is not a solicitation from a lawyer.
Your legal rights will be affected whether you act or not. Please read this notice carefully.*

Unique ID: [REDACTED]

A proposed settlement has been reached in the class action lawsuit *In re Wells Fargo COVID Forbearance Settlement Litigation*, Case No. 2:24-cv-01026-MHW-EPD, pending in the United States District Court for the S.D. Ohio.

Plaintiffs allege that Wells Fargo (“Defendant”), placed customers into forbearance without informed consent. In the earliest days of the COVID-19 pandemic, Plaintiffs allege that Wells Fargo decided to provide mortgage forbearances to certain customers who had made an inquiry or expressed hardship but had not explicitly requested a forbearance. A forbearance temporarily suspends a customer’s obligation to make payments on their mortgage. However, the lawsuits allege that some of the customers who received payment forbearances did not want them. Wells Fargo denies any wrongdoing. Both sides agreed to a Settlement. The Court still has to decide whether to approve the settlement.

Why am I receiving this Notice? According to Wells Fargo’s records, you are a member of the Settlement Class. The Settlement Class includes all persons in the United States who: (a) had a Mortgage serviced by Wells Fargo that was placed into a Forbearance Without Adequate Informed Consent between March 1, 2020 and December 31, 2021; and (b) were not a debtor or the Co-Borrower of a debtor in a Chapter 13 bankruptcy case on the date that the Mortgage was placed into the Forbearance; and (c) are not Wells Fargo’s officers, directors, or employees, Counsel for Wells Fargo, Class Counsel, any judge involved in this action or their immediate families. The Class and Class Members include all individuals who signed the deed of trust, mortgage or other security document associated with a Mortgage even if they did not sign the underlying promissory note or loan.

What does the Settlement provide? Wells Fargo has agreed to establish a \$185 million Settlement Fund.

Automatic Payment

- \$69 million of the Settlement Fund will be distributed equally as Automatic Payments to Class Members who are not excluded from the Settlement due to a valid opt out, based on the number of mortgages placed into an At-Issue Forbearance less mortgages excluded by opt out. This means that Class Members who do not exclude themselves from the Settlement will receive an Automatic Payment in the form of a settlement check unless they (or their Co-Borrower on a given mortgage) validly exclude themselves (opt-out) from the Settlement.

Class Members who are Co-borrowers on a Mortgage that received an At-Issue Forbearance will be treated as a single Class Member for the purpose of receiving an Automatic Payment; and

- \$83.33 will be distributed equally as Automatic Payments to each Class Member who is a Co-borrower who is not excluded by operation of a valid opt out.

Supplement Payment

- In addition to the Automatic Payment, Class Members who do not exclude themselves from the Settlement can receive a Supplemental Payment by submitting a Claim Form and demonstrating that the At-Issue Forbearance proximately caused: (a) delayed refinancing; (b) increased refinancing costs; (c) denial or reduction of personal credit lines and associated financial consequences; (d) inability to access existing lines of credit and costs for securing alternate funding; (e) lost income and/or lost business opportunity; or (f) any other damages caused by an At-Issue Forbearance.

If you feel you suffered additional harm, such as having your credit applications denied or delayed, or increasing your borrowing costs, or causing other provable harm, you can ask for additional money by completing and returning the enclosed Claim Form by January 10, 2025.

The Claim Form may be submitted on the Settlement Website at www.WellsFargoCovidForbearanceLitigation.com, or by mailing it to the Settlement Administrator at the following address:

In re Wells Fargo Forbearance Litigation Settlement Administrator
P.O. Box 2794
Portland, OR 97208-2794

You may also scan the QR Code on the Claim Form to complete and submit the Claim Form on your smartphone or tablet. If you mail the Claim Form, it must be postmarked no later than **January 10, 2025**, in order to be valid.

The Settlement Fund will also be used to pay Attorneys' Fees and Expenses of up to twenty five percent (25%) of the Settlement Fund for attorneys' fees, plus reasonable and actual expenses, any Service Awards to the Class Representatives, and the costs of settlement administration. Any Remaining Amounts will be distributed on a *pro rata* (a legal term meaning equal share) basis to Eligible Class Members who cashed a previous check, except if the amount would be under \$10 each, then the Remaining Amount will be paid to a non-profit organization approved by the Court or treated pursuant to state unclaimed funds procedures.

How do I opt-out or object to the Settlement? If you do not want to be legally bound by the Settlement and receive an Automatic Payment, you must opt out, postmarked by **November 12, 2024**. If you do not opt out, you will remain a Class Member and give up the right to sue Wells Fargo about the legal claims resolved by the Settlement.

You may object to the Settlement by **November 12, 2024**. If you object and want to speak at the Final Approval Hearing, you must file a Notice postmarked by **November 12, 2024**. Visit the website for more details on how to opt-out or object.

The Court will hold a Hearing on **December 10, 2024**, to consider whether to approve the Settlement. The hearing date and time may change. Updates will be posted on the website. You may attend the Hearing and hire an attorney at your own expense, but it is not required.

More Information: This notice is a summary. Complete information about your rights and options, as well as the Long Form Notice and Settlement Agreement are available at www.WellsFargoCovidForbearanceLitigation.com, or by calling toll free 1-888-204-8399.

Exhibit 4

CLAIM FORM

In re: WELLS FARGO COVID FORBEARANCE SETTLEMENT LITIGATION
Case No. 2:24-cv-01026-MHW-EPD
United States District Court for the Southern District of Ohio

IMPORTANT: If the Settlement is approved, all Class Members will receive an Automatic Payment from the Settlement. You may be entitled to a Supplemental Award Payment which requires successfully submitting a claim.

SECTION I: INSTRUCTIONS

Please read these instructions carefully. Failure to follow them could lead to rejection of your claim.

If you suffered additional damages from being placed into forbearance as described in Section II, you may submit a claim. The easiest way to submit a claim is at www.WellsFargoCovidForbearanceLitigation.com using your Unique ID supplied with your Notice. You may also scan the QR Code below to complete and submit the Claim Form on your smartphone or tablet.



You may also send this completed Claim Form to the administrator address below. **Your claim must be postmarked or submitted online on or before January 10, 2025.**

Wells Fargo Forbearance Litigation Settlement Administrator
P.O. Box 2794
Portland, OR 97208-2794

SECTION II: ELIGIBILITY

According to Wells Fargo's account records, you had a mortgage serviced by Wells Fargo that was placed into a COVID mortgage forbearance without adequate informed consent between March 1, 2020, and December 31, 2021 ("At-Issue Forbearance") and were not a debtor or the co-borrower of a debtor in a Chapter 13 bankruptcy case on the date that the mortgage was placed into the forbearance.

As explained in the Notice, if you do not exclude yourself from the Settlement, you will receive an Automatic Payment in the form of a settlement check from the Settlement whether you submit this Claim Form or not.

In addition to the Automatic Payment, you are eligible to claim additional compensation if the At-Issue Forbearance caused one of the following:

1. Delayed refinancing;
2. Increased refinancing costs;
3. Denial or reduction of personal credit lines and associated financial consequences;
4. Inability to access existing lines of credit and costs for securing alternate funding;
5. Lost income and/or lost business opportunity; and
6. Any other damages caused by an At-Issue Forbearance.

If you believe you suffered such damages, fully complete below Sections III, IV and V of this Claim Form.

Important Note: You only need to submit **ONE** Claim Form with aggregate totals for all the Individualized Harms you incurred regardless of the number of mortgages or which mortgage was placed into forbearance without adequate informed consent. You must provide supporting documentation for all the information provided in each section below.

SECTION V: DECLARATION

I also declare and affirm, under penalty of perjury under the laws of the United States, that the information in this Claim Form is true and correct to the best of my knowledge, information, and belief and that I am eligible to make this claim. I understand that this Claim Form is subject to audit, verification, and/or review by the Court.

<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	-	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
MM			DD			YYYY			

Signature:

Print Name:

Exhibit 5

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION

A Federal Court authorized this notice. This is not a solicitation from a lawyer.

***In re Wells Fargo COVID Forbearance Settlement Litigation, Case No. 2:24-cv-01026- MHW-EPD
United States District Court for the Southern District of Ohio***

IF YOU ARE RECEIVING THIS NOTICE BY EMAIL OR MAIL, YOU HAVE BEEN IDENTIFIED AS A CLASS MEMBER IN A CLASS ACTION SETTLEMENT

This Notice describes the above-referenced class action lawsuit and the proposed Settlement and what to do if you want to (i) receive payment; or (ii) object to the Settlement; or (iii) not participate in the Settlement and instead “opt out” of the class action.

The United States District Court for the Southern District of Ohio (the “Court”), still has to decide whether to approve the settlement. Payments will be distributed to Class Members who do not exclude themselves from the settlement (as further described below) if the Court approves the settlement or after appeals, if any, are resolved in favor of the settlement. Please be patient.

YOUR LEGAL RIGHTS WILL BE AFFECTED WHETHER YOU ACT OR DO NOT ACT. PLEASE READ THIS ENTIRE NOTICE CAREFULLY.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING AND RECEIVE A SETTLEMENT CHECK	If you do nothing, you will be included in the Settlement, and you will receive an Automatic Payment from the Settlement Fund and have an opportunity to receive a Supplemental Payment. If the Settlement is granted final approval by the Court, then you will release the claims in this litigation as described in Section 18 below.
SUBMIT A CLAIM FOR ADDITIONAL COMPENSATION BY JANUARY 10, 2025	You may request Additional Compensation if you feel that being placed into forbearance without informed consent caused your credit applications to be denied or delayed, or caused other harm. You must complete and return the Claim Form, postmarked on or before January 10, 2025 . (See Section 7). If the Settlement is granted final approval by the Court, then you will release the claims in this litigation as described in Section 18 below.
EXCLUDE YOURSELF FROM THE SETTLEMENT BY NOVEMBER 12, 2024	If you want to exclude yourself or “opt out” from the Settlement, you must submit a Request to Opt Out to the Settlement Administrator, postmarked on or before November 12, 2024 . If so, you will not receive any money from the Settlement Fund and you will not release your claims in the lawsuit. (See Section 9) If the Settlement is granted final approval by the Court and you did not timely “opt out” of the Settlement, then you will release the claims in this litigation as described in Section 18 below.

QUESTIONS? Call 1-888-204-8399 or visit www.WellsFargoCovidForbearanceLitigation.com

OBJECT TO THE SETTLEMENT BY NOVEMBER 12, 2024	If you remain in the Settlement and want to object because you believe the Settlement is unfair or inadequate, you may file a written objection to the Settlement with the Court, on or before November 12, 2024 . (See Section 15)
GO TO A HEARING	If you file an objection and also want to speak at the Final Approval Hearing, you must file a written Notice of Intention to Appear which must be filed , and postmarked on or before November 12, 2024 .

**THESE OPTIONS AND THE DEADLINES TO EXERCISE THEM
ARE FURTHER DETAILED IN THIS NOTICE.**

CONTINUED ON NEXT PAGE

QUESTIONS? Call 1-888-204-8399 or visit www.WellsFargoCovidForbearanceLitigation.com

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QUESTIONS? Call 1-888-204-8399 or visit www.WellsFargoCovidForbearanceLitigation.com

BASIC INFORMATION

1. Why am I receiving this notice?

A Court authorized this notice because you have a right to know about a proposed Settlement of the class action lawsuit and about your options before the Court decides whether to grant final approval of the Settlement.¹ This notice explains the lawsuit, the Settlement, and your legal rights. Judge Michael H. Watson of the United States District Court for the Southern District of Ohio is overseeing the case and has exclusive jurisdiction over the Settlement. The lawsuit is known as *In re Wells Fargo COVID Forbearance Settlement Litigation*, Case No. 2:24-cv-01026-MHW- EPD.

2. What is this lawsuit about?

In the earliest days of the COVID-19 pandemic, when many customers were expressing concern about financial hardship and their ability to make their next mortgage payment, Wells Fargo made a decision to provide mortgage forbearances to certain customers who had made an inquiry or expressed hardship but had not explicitly requested a forbearance. A forbearance temporarily suspends a customer's obligation to make payments on their mortgage. However, some of the customers who received payment forbearances did not want them.

Plaintiffs allege that Wells Fargo placed customers into forbearance without informed consent. Plaintiffs contend that Wells Fargo's actions harmed certain customers if, for instance, the forbearance resulted in (a) a new credit application to be denied or (b) an increased interest rate or other credit cost on a new credit application. Wells Fargo denies any and all allegations of wrongdoing and does not admit or concede any actual or potential fault, wrongdoing, or liability in connection with any facts or claims that have been or could have been alleged in the lawsuit or in any similar action.

The Complaints filed in the lawsuit, which provide greater details about Plaintiffs' claims, can be viewed on the Settlement Website at www.WellsFargoCovidForbearanceLitigation.com.

3. Why is this lawsuit a class action?

Class action lawsuits allow a large number of people with a common claim to sue collectively while being represented by members of the group called the "Class Representatives." In this case, the Class Representatives have brought the lawsuit on behalf of themselves and others with similar claims. Together, all of the individuals with similar claims (with the exception of those who request exclusion or "opt out" from the Class) are referred to as "Class Members."

4. What are the reasons for the Settlement?

Plaintiffs and Class Counsel believe this Settlement provides a fair and reasonable resolution of the claims asserted in the lawsuit for the benefit of the Class.

The Court has not ruled in favor of either the Plaintiffs or Wells Fargo. Instead, both sides agreed to a Settlement that they believe is a fair, reasonable, and adequate compromise of their respective positions. The parties reached this Settlement after litigating the case for over three years, conducting formal and informal discovery, and with the assistance of an experienced neutral mediator and former

¹ All terms contained herein shall have the same meanings as set forth in the Settlement Agreement, which is available on the Settlement Website at www.WellsFargoCovidForbearanceLitigation.com.

QUESTIONS? Call 1-888-204-8399 or visit www.WellsFargoCovidForbearanceLitigation.com

U.S. District Court judge.

By agreeing to the Settlement, the parties avoid the costs, delay, and uncertainty of further litigation, and Class Members receive the benefits described in this Notice.

Wells Fargo denies any wrongdoing and the Settlement shall in no event be construed or deemed to be evidence or an admission or concession on the part of Wells Fargo with respect to any claim or of any fault, liability, wrongdoing, or damage.

THE SETTLEMENT

5. Who is included in the Settlement Class?

According to Wells Fargo's records, you are a member of the Settlement Class and that is why you are receiving this Notice.

The "Settlement Class" or "Class" means all persons in the United States who: (a) had a mortgage serviced by Wells Fargo that was placed into a COVID mortgage forbearance without adequate informed consent between March 1, 2020, and December 31, 2021 ("At-Issue Forbearance");

(b) were not a debtor or the co-borrower of a debtor in a Chapter 13 bankruptcy case on the date that the mortgage was placed into the forbearance; and (c) are not Wells Fargo's officers, directors, and employees, Counsel for Wells Fargo, Class Counsel, or any judge involved in this action or their immediate families. The Class and Class Members include all individuals who signed the deed of trust, mortgage or other security document associated with a Mortgage even if they did not sign the underlying promissory note or loan.

"Without adequate informed consent" is defined in the Settlement Agreement.

The Settlement Class also includes a "*Stoff* Subclass," which consists of persons who are both Class Members in this Settlement Class and who are also class members in *Stoff v. Wells Fargo Bank, N.A.*, Case No. 37-2020-00020808-CU-BT-CTL, currently pending in the Superior Court of the State of California, County of San Diego (the "*Stoff* Action").

6. What benefits does the Settlement provide?

Under the Settlement, Wells Fargo has agreed to establish a Settlement Fund totaling \$185 million (\$185,000,000.00) to provide the following benefits as consideration for the resolution and release of the Class Members' claims:

- The first \$69 million (\$69,000,000.00) will be distributed equally as Automatic Payments to Class Members who do not exclude themselves from the Settlement, *pro rata* based upon the number of mortgages placed into an At-Issue Forbearance. Class Members who are co-borrowers on a Mortgage that received an At-Issue Forbearance will be treated as a single Class Member for the purposes of receiving an Automatic Payment; and
- In addition to the Automatic Payment, each Co-Borrower on a Mortgage that received an At-Issue Forbearance, and who does not exclude themselves from the Settlement, will receive an additional \$83.33 automatically ("Co-Borrower Payment"). The Co-Borrower Payment(s) shall be included in the Automatic Payment check distributed for the associated mortgage account.
- Class Members who do not exclude themselves from the Settlement can also submit a Claim Form requesting additional compensation for damages proximately caused by the At-Issue Forbearance, including: (a) delayed refinancing; (b) increased refinancing costs; (c) denial or reduction of personal credit lines and associated financial consequences; (d) inability to access existing lines of

QUESTIONS? Call 1-888-204-8399 or visit www.WellsFargoCovidForbearanceLitigation.com

credit and costs for securing alternate funding; (e) lost income and/or lost business opportunity; or (f) any other damages caused by an At-Issue Forbearance. The Settlement Administrator shall have sole and final responsibility for validating the Claim Forms and determining the amounts of payments for individualized harms identified by the Class Members (the “Supplemental Payments”).

The Settlement Fund will also be used to pay any Fee and Expense Awards to Plaintiffs’ Counsel approved by the Court; any Service Awards to the Class Representatives approved by the Court; and the Settlement Administrator’s costs and expenses to administer the Settlement.

If the Settlement Fund has Remaining Amounts after paying the Automatic Payments, Co- Borrower Payments, and Supplemental Payments to Class Members, any Fee and Expense Awards, any Service Awards, and the Settlement Administrator’s costs and expenses, the funds will be distributed on a *pro rata* basis to Eligible Class Members who cashed a previous check; except if the amount would be under \$10 each, the Remaining Amounts shall be paid to a non-profit organization (*cypres* recipient) approved by the Court or treated pursuant to state unclaimed funds procedures.

In return for the benefits in this Settlement, if the Settlement is approved, all Settlement Class Members will release Wells Fargo from the claims discussed in the Agreement, and the Action will be dismissed with prejudice, among other terms.

7. Do I need to do anything to receive a payment?

You do not need to take any action to receive the Automatic Payment or additional Co- Borrower Payment(s). If the Settlement is approved by the Court, the Settlement Administrator will mail the Automatic Payment and additional Co-Borrower Payment settlement checks to Eligible Class Members. You can request electronic payment on the Settlement Website.

If you feel that you suffered additional harm, such as by having your credit applications denied or delayed, or increasing your borrowing costs, or causing other provable harm, you can ask for additional money by completing and returning the enclosed Claim Form by January 10, 2025. The Claim Form may be submitted on the Settlement Website at www.WellsFargoCovidForbearanceLitigation.com, or by mailing it to the Settlement Administrator at the following address: In re Wells Fargo Forbearance Litigation Settlement Administrator, P.O. Box 2794, Portland, OR 97208-2794. You may also scan the QR Code on the Claim Form to complete and submit the Claim Form on your smartphone or tablet. If you mail the Claim Form, it must be postmarked no later than **January 10, 2025** in order to be valid.

8. How can I update my address or request electronic payment?

To ensure you receive your payment(s) promptly, you may use the Settlement Website to update your address or sign up for electronic payment (Venmo, Paypal, etc.).

9. How will this Settlement affect my rights?

If this Settlement is granted final approval by the Court and you do not “opt-out” or request exclusion from the Settlement, then you will release certain claims against Wells Fargo as described in Section 18 below.

However, as explained in further detail in Section 18, *Stoff* Subclass Members will not release Wells Fargo from the *Stoff* Action’s claim for violation of the California Credit Consumer Reporting Agencies Act (Cal. Civ. Code § 1785.25(a)).

QUESTIONS? Call 1-888-204-8399 or visit www.WellsFargoCovidForbearanceLitigation.com

EXCLUDING YOURSELF FROM THE SETTLEMENT

10. How do I exclude myself from the Settlement?

If you do not want to be a part of the Settlement, then you must take steps to request exclusion from the Settlement.

To request exclusion or “opt out” from the Settlement, you must mail a written Request for Exclusion to the Settlement Administrator at the following address: In re Wells Fargo Forbearance Litigation Settlement Administrator, P.O. Box 2794, Portland, OR 97208-2794. The Request for Exclusion must be post-marked on or before **November 12, 2024**.

1. Your Request for Exclusion must include the following information:
2. Your name, address, and telephone number;
3. A statement that “I do not want to be a member of the Class in *In re Wells Fargo COVID Forbearance Settlement Litigation*, Case No. 2:24-cv-01026-MHW-EPD, pending in the United States District Court for the Southern District of Ohio. I understand that I will not receive compensation under the Settlement and it will be my responsibility to pursue any claims I may have, if I so desire, on my own and at my expense”; and
4. Your signature and date.

Your Request for Exclusion must be specific to yourself. Attempts to exclude multiple individuals as part of single Request for Exclusion are not allowed and shall be of no force or effect. However, in the event that two Class Members are co-borrowers on the same Mortgage account and one Class Member opts out of the Settlement, both Class Members will be treated as opt-outs and neither Class Member will be eligible to receive a Settlement payment for that Mortgage account.

11. If I do not request exclusion, can I sue Defendants for the same claims later?

No. Unless you request exclusion from the Settlement, you will give up the right to sue Wells Fargo, individually or as part of a class action, for the Class Released Claims that this Settlement resolves as described in Section 18 below.

However, as explained in further detail in Section 18, *Stoff* Subclass Members will not release Wells Fargo from the *Stoff* Action’s claim for violation of the CCRAA.

12. If I exclude myself, may I still receive compensation from the Settlement fund?

No. If you exclude yourself from the Settlement, you will not be eligible to receive the Automatic Payment and additional Co-Borrower payment or submit a Claim for additional compensation from the Supplemental Payment Fund.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

Yes. The Court has appointed the following law firms to represent you and the other Class Members as “Interim Class Counsel.” You can contact Interim Class Counsel at the address or phone number listed below. They are:

QUESTIONS? Call 1-888-204-8399 or visit www.WellsFargoCovidForbearanceLitigation.com

Abbas Kazerounian Kazerouni Law Group APC 245 Fischer Avenue, Unit D1 Costa Mesa, CA 92626 Tel: 949-860-7377	Derek W. Loeser Keller Rohrback L.L.P. 1201 Third Avenue, Suite 3400 Seattle, WA 98101 Tel: 206-623-1900
Theodore O. Bartholow, III (“Thad”) Kellett & Bartholow PLLC 11300 N. Central Expwy. Suite 301 Dallas, TX 75243 Tel: 214-696-9000	Knoll Lowney SMITH & LOWNEY, PLLC 2317 E John Street Seattle, WA 98112 Tel: (206) 860-2976

You will not be charged for contacting these lawyers. If you want to be represented by a different lawyer, you may hire one at your own expense.

14. How will the lawyers be paid for their services?

Plaintiffs’ counsel will apply to the Court for an award of attorneys’ fees and costs to compensate them for their legal services and expenses incurred in this matter. The application for an award of attorneys’ fees and costs will be posted to the Settlement Website at www.WellsFargoCovidForbearanceLitigation.com. Pursuant to the terms of the Settlement, Plaintiffs’ Counsel intend to request an award up to twenty five percent (25%) of the Settlement Fund in legal fees, as well as reimbursement of their reasonably incurred expenses.

Any fee and expense awards approved by the Court will be paid out of the Settlement Fund.

15. Will Class Representatives receive service awards?

Plaintiffs’ Counsel will file an application for Service Awards to be paid to each of the Class Representatives in recognition of the time and effort they provided in the lawsuit on behalf of the Class. The application for Service Awards will be posted to the Settlement Website at www.WellsFargoCovidForbearanceLitigation.com. Pursuant to the terms of the Settlement, Plaintiffs’ Counsel intend to request a Service Award of up to \$12,500 for each Class Representative.

Any Service Awards approved by the Court will be paid out of the Settlement Fund.

OBJECTING TO THE SETTLEMENT

16. How do I inform the Court if I object to the Settlement?

If you are a member of the Class, and do not Request Exclusion or “opt out” from the Settlement, you can object to any part of the Settlement. You can give reasons why you think the Court should not approve the entire Settlement or parts of it.

To object, you must timely file a written objection with the Court and mail the same to the Settlement Administrator, Class Counsel, and Counsel for Wells Fargo at the following addresses:

QUESTIONS? Call 1-888-204-8399 or visit www.WellsFargoCovidForbearanceLitigation.com

Consolidated Class Counsel: Derek Loeser Keller Rohrback L.L.P. 1201 Third Avenue Suite 3400 Seattle, WA 98101	Echard Counsel: Claire Tonry Smith & Lowney PLLC 2317 E. John St. Seattle, WA 98112	Counsel for Wells Fargo: Andrew D. Atkins Troutman Pepper LLP 301 S. College Street 34th Floor Charlotte, NC 28202
Settlement Administrator In re Wells Fargo Forbearance Litigation P.O. Box 2794 Portland, OR 97208-2794	U.S. District Court - Southern District of Ohio Joseph P. Kinneary U.S. Courthouse Room 108 85 Marconi Blvd. Columbus, OH 43215	

The objection must be filed on or before **November 12, 2024**, and mailed to the Settlement Administrator, Class Counsel, and Counsel for Wells Fargo with a postmark date on or before **November 12, 2024**.

Your objection must state all of the following:

1. Your name, address, and telephone number;
2. A statement saying that you object to the Settlement in *In re Wells Fargo COVID Forbearance Settlement Litigation*, Case No. 2:24-cv-01026-MHW-EPD and describing the nature of your objection;
3. A statement describing whether your objection applies only to yourself, to a specific subset of the Class, or to the entire Class;
4. The specific grounds for your objection;
5. Any legal authority that supports your objection;
6. A list of any persons who will be called to testify at the Final Approval Hearing in support of the objection; and
7. Your signature.

If a lawyer is asserting an objection on your behalf, the lawyer must also:

1. File a notice of appearance with the Court on or before **November 12, 2024**;
2. File a sworn declaration attesting that he or she represents you; and
3. File a sworn declaration that specifies the number of times during the prior five-year period that he or she has objected to a class action settlement on his or her own behalf or on behalf of a class member.

Class Counsel and/or Counsel for Wells Fargo may file responses to any objections that are timely submitted.

If you wish to appear at the Final Approval Hearing, you (or your attorney) must file a Notice of Intention to Appear with the Court indicating that you (or your attorney) would like to speak at the hearing. The Notice of Intention to Appear must be filed with the Court on or before **November 12, 2024**. If you (or your attorney) do not file a timely Notice of Intention to Appear, you (or your attorney) will be barred from speaking or otherwise presenting any views at the Final Approval Hearing.

You (or your attorney) must file your written objection and any additional documents required above with Judge Michael H. Watson, Joseph P. Kinneary U.S. Courthouse, Room 108, 85 Marconi Blvd.,
QUESTIONS? Call 1-888-204-8399 or visit www.WellsFargoCovidForbearanceLitigation.com

Columbus, OH 43215, with copies of any submissions provided to Class Counsel and Counsel for Wells Fargo at the addresses set forth above.

17. What is the difference between objecting to the Settlement and requesting exclusion?

You can only object to the Settlement if you are a Class Member. Requesting exclusion from the Settlement is notifying the Court that you do not want to remain a Class Member. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

RELEASE OF CLAIMS

18. What claims are being released as part of the Settlement?

Upon Final Approval of the Settlement by the Court, each Class Member who does not request exclusion releases Wells Fargo from all claims asserted in the Action and from any and all past and/or present claims, lawsuits, and complaints of any kind resulting from, arising from, or relating in any way to the At-Issue Forbearances that Wells Fargo provided to the Class Members.

Notwithstanding the foregoing, *Stoff* Subclass Members will not release Wells Fargo from the *Stoff* Action's claim for violation of the CCRAA. This carve out is limited to the *Stoff* Action's claim for violation of the CCRAA. In other words, *Stoff* Subclass Members who do not exclude themselves from the Settlement will release Wells Fargo from all other claims. Additionally, Wells Fargo reserves the right to argue in the *Stoff* Action that any payments received from the Settlement Fund should offset any potential recovery in the *Stoff* Action. Plaintiff *Stoff* reserves the right to argue in the *Stoff* Action that any payments received from the Settlement Fund should not offset any potential recovery in the *Stoff* Action.

This is a summary of the settlement release. You can find the full settlement release in the Settlement Agreement, which is available on the Settlement Website at www.WellsFargoCovidForbearanceLitigation.com.

THE FINAL APPROVAL HEARING

19. When and where will the Court decide whether to grant Final Approval to the Settlement?

The Court has scheduled a Final Approval Hearing for 11:00 a.m. on December 10, 2024 at the Joseph P. Kinneary Federal Courthouse located at 85 Marconi Boulevard, Columbus, OH 43215, in Courtroom 120. The hearing date and time is subject to change. Updates to the date and time will be posted to the Settlement Website at www.WellsFargoCovidForbearanceLitigation.com.

At the Final Approval Hearing, the Court will consider granting final approval of the Settlement based on whether it is fair, reasonable, and adequate. The Court will also consider requests by Plaintiffs' Counsel for attorneys' fees and expenses related to the litigation and the Class Representative Service Awards. If there are timely and complete objections, the Court will consider those objections at the hearing as well.

At or after the hearing, a decision will be made whether to grant final approval of the Settlement. It is not known how long it will take for the Court to decide. Class Members should visit the Settlement Website at www.WellsFargoCovidForbearanceLitigation.com to stay updated about the current status of the case.

QUESTIONS? Call 1-888-204-8399 or visit www.WellsFargoCovidForbearanceLitigation.com

20. Do I have to attend the hearing?

No. Attending the hearing is not required, but you are welcome to attend at your own expense.

If you send an objection, you do not have to come to Court to talk about it. As long as your objection is timely and complies with the requirements set forth in this Notice and the Settlement Agreement, the Court will consider it. You may also pay your own lawyer to attend.

GETTING MORE INFORMATION

21. How do I get more information?

This Notice is a summary of the proposed Settlement. More details regarding the terms of the Settlement can be found in the Settlement Agreement posted on the Settlement Website at www.WellsFargoCovidForbearanceLitigation.com. Updates, including any modifications to the schedule or the Settlement Agreement, will be posted on the Settlement Website.

You may also contact the Settlement Administrator by calling the toll-free number, free 1-888-204-8399, or by writing to In re Wells Fargo Forbearance Litigation Settlement Administrator, P.O. Box 2794, Portland, OR 97208-2794.

QUESTIONS? Call 1-888-204-8399 or visit www.WellsFargoCovidForbearanceLitigation.com

Exhibit 6



Exclusion Report
Wells Fargo COVID Forbearance Litigation

Number	Name	Status
1	CECILIA COLLINS	Complete
2	TOMMY COLLINS	Complete
3	ALCIDES MASTRAPA	Complete
4	YOANNY MASTRAPA	Complete
5	DESERII STEFFAN	Complete
6	COLLEENA WOOD	Complete
7	JOSHUA WOOD	Complete
8	BECKY REMER	Complete
9	PAUL TODARO	Complete
10	TANA TODARO	Complete
11	MARILYN VERNOCY	Complete
12	THOMAS VERNOCY	Complete
13	BRIAN CONNOLLY	Complete
14	AHREN SURGENT	Complete
15	SONYA BETTIS-CADDICK	Complete
16	WILLIAM CADDICK JR	Complete
17	AARON K BRAXTON	Complete
18	PEGGY HUGHES	Complete
19	CAROL WOJAHN	Complete
20	JEANNE SUMMERSETT	Complete
21	ROBERT SUMMERSETT	Complete
22	AMBER CLARKE	Complete
23	SHANE LYNN CLARKE	Complete
24	JANET MAJER	Complete
25	WILLIAM MAJER	Complete
26	MARGARET MACK	Complete
27	EUGENE MACK	Complete
28	LORI PODSIADLIK	Incomplete
29	DARIN RAVY	Incomplete
30	GALE LANGE	Incomplete
31	BUSTER GREENE	Incomplete
32	SHIRLEY GREENE	Incomplete
33	LUDIVINE TANDAZO	Incomplete