

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Yvonne Becker, Christopher Nobles, Rosa  
Ramirez, Valerie Seyler and Jannien Weiner,

Plaintiffs,

vs.

Wells Fargo & Co.; Employee Benefit  
Review Committee; Wells Fargo Bank,  
National Association, and John and  
Jane Does, 1-20,

Defendants.

Case No. 0:20-cv-2016 (KMM/BRT)

**ANALYTICS, LLC DECLARATION OF  
JEFFREY MITCHELL IN SUPPORT  
OF PLAINTIFFS' MOTION FOR  
ATTORNEYS' FEES, EXPENSE  
REIMBURSEMENTS, SETTLEMENT  
ADMINISTRATION EXPENSES, AND  
CASE CONTRIBUTION AWARDS**

**CLASS ACTION**

I, Jeffrey Mitchell, declare and state as follows:

1. I am currently a Project Manager for Analytics Consulting, LLC (hereinafter "Analytics"), located at 18675 Lake Drive East, Chanhassen, Minnesota, 55317. Analytics provides consulting services to the design and administration of class action and mass tort litigation settlements and notice programs. The settlements Analytics has managed over the past twenty-five years range in size from fewer than 100 class members to more than 40 million, including some of the largest and most complex notice and claims administration programs in history.

2. Analytics' clients include corporations, law firms (both plaintiff and defense), the Department of Justice, the Securities and Exchange Commission, and the Federal Trade Commission, which since 1998 has retained Analytics to administer and provide expert advice regarding notice and claims processing in their settlements/distribution of funds.

3. In my capacity as Project Manager, I am responsible for matters relating to the settlement administration for the above-captioned litigation.

4. Analytics has been engaged in this matter to provide settlement administration services, including (among other things) the distribution of the Court-approved Settlement Notices, the establishment and maintenance of a Settlement Website, the establishment and operation of a telephone call center facility and email response program, and the distribution of settlement benefits to Class Members (following final approval).

5. The Court approved Analytics as the Settlement Administrator in this matter in its Order on Plaintiffs' Motion for Preliminary Approval of Class Action Settlement. ECF 256.

6. Analytics participated in a bidding process whereby it provided several estimates of the settlement administration costs associated with the notice program and distribution of recoveries for this Settlement. As part of that bidding process, Analytics agreed to "cap" settlement administration costs at \$400,000 for this Settlement to provide Class Counsel certainty.

**Class Notice**

7. On or about May 6, 2022, Analytics received data files from Defendants' counsel including Settlement Class Member names, addresses and email addresses, as well as their investment holdings data for the Class Period.

8. Analytics cross-referenced the Class Member addresses with the United States Postal Service National Change of Address database. The class list was then updated

with any new addresses that were identified, and 289 records were consolidated as duplicative, based on identical social security numbers. The class data ultimately had 575,109 unique Class Members.

9. After updating the relevant addresses, Analytics mailed or emailed the Court-approved Notices of Settlement (“Notice”) to the 575,109 Settlement Class Members. A copy of the Notice is attached hereto as **Exhibit 1**. Consistent with the Court-approved notice program, the Notices were emailed to the 507,860 Class Members that had an email address available in the Class data or mailed by first-class mail to 67,249 Class Members with no email address available on May 25, 2022.

10. Following distribution of the Notice by email, Analytics’ records found 40,493 Class Members had email addresses that appeared invalid, or had their email notice bounce back undeliverable. Analytics promptly re-sent the Notice to those Class Members by first-class mail.

11. As of June 27, 2022, 1,335 Notices to Class Members have been returned to Analytics by the U.S. Postal Service with a forwarding address. Analytics updated the class list with the forwarding address and processed a re-mail of the Notice to the updated address.

12. As of June 27, 2022, 7,388 Notices were returned to Analytics by the U.S. Postal Service without a forwarding address. Analytics conducted a skip trace in attempt to ascertain a valid address for each affected Class Member. As a result of these efforts, 5,803 new addresses were identified for Class Members. Analytics subsequently updated the class list with these new addresses and processed a re-mail of the applicable Notice to

each of those addresses.

13. In total, out of 575,109 Notices, only 1,585 were ultimately undeliverable as of June 27, 2022, according to Analytics' records, despite Analytics' efforts to verify address information in advance of mailing and to update address information and re-mail the Notices if they were initially returned. Analytics' records accordingly show a Notice delivery success rate of over 99.5%.

14. On May 25, 2022, the short-form Class Notice approved by the Court was published in USA Today and distributed to other news outlets via a PR Newswire Press Release.

**Settlement Website, Email Inquiries, and Telephone Information Line**

15. From May 25, 2022, to the present, Analytics has maintained a Settlement Website relating to this action. The internet address for this Settlement Website is <https://wellsfargoerisasettlement.com>. As of June 27, 2022, there have been 42,588 unique visitors to this website. Among other things, the Settlement Website includes: (1) a "Frequently Asked Questions" page containing a clear summary of essential case information; (2) a "Home" page and "Important Dates" page, each containing clear notice of applicable deadlines; (3) case and settlement documents for download (including, among other things, the Settlement Agreement, Settlement Notice, Amended Complaint, Plan of Allocation, and the Court's Preliminary Approval Order); (4) contact information for Class Counsel and the Defendants' Counsel; (5) email, phone, and U.S. mail contact information for Analytics; and (6) an online former participant rollover form.

16. From May 25, 2022 to the present, Analytics has also maintained a toll-free

telephone support line as a resource for Class Members seeking information about the Settlement. The toll-free telephone line employs an interactive voice response system (“IVR system”) to answer calls and provides callers the option of speaking with a live operator if they prefer. The toll-free number for the telephone support line is 1-844-485-2675. This telephone number was referenced in the Settlement Notices and also appears on the Settlement Website. As of June 27, 2022, Analytics has received 3,173 calls related to the Settlement, with 1,935 callers speaking with a Call Center Representative.

17. From May 25, 2022 to the present, Analytics has maintained an email address through which Analytics receives and responds to inquiries for Settlement Class members. The address is [info@wellsfargoerisasettlement.com](mailto:info@wellsfargoerisasettlement.com). As of June 27, 2022, Analytics has received 1,633 emails related to the Settlement.

#### **Distribution of Settlement Including Rollover Requests**

18. If the Settlement is approved and becomes final because the appeal period has passed, Analytics will administer payments to all Settlement Class members. Current Participants will have their recoveries deposited directly into their 401(k) plan account. For former participants, Analytics will review all rollover requests and coordinate distribution of payments to Class Members in the event that the Settlement receives final approval.

19. As of June 24, 2022, Analytics has received 2,632 rollover requests. Analytics has administered and effectuated a similar Rollover process for other settlements. The number of rollover requests received to date is consistent (as a percentage of the number of Former Participants) with other similar settlements Analytics has administered.

20. Former Participants who do not submit a rollover request, will receive their

recoveries directly via check. In order to help ensure that checks are sent to the best available addresses for these Settlement Class members, the following additional steps will occur: 1) the Plan's recordkeeper has already provided the mailing address for each Former Participant in its possession; 2) prior to the checks being issued, the Settlement Administrator will update all mailing addresses using the National Change of Address Database; 3) for checks that are returned as undeliverable, the Settlement Administrator shall attempt to find updated address information for the Former Participant and resend the check to the updated address if available; and 4) for each Former Participant whose check has not been returned as undeliverable but was not cashed within approximately sixty (60) days of the issue date of the check, the Settlement Administrator will a) send an email reminder to the Former Participant (if email is available) that all uncashed checks will be voided one hundred twenty (120) days after their issue date, and b) the Settlement Administrator will perform a one-time skip-trace in order to see if another mailing address is available, and, if appropriate, reissue the check.

**No Objections**

21. As of the date of this Declaration, I am not aware of any objections to the Settlement. Nor am I aware of any Class Members expressing concerns with the Settlement.

22. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: June 28, 2022

DocuSigned by:  
*Jeffrey J. Mitchell*  
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Jeffrey Mitchell  
Project Manager for Analytics Consulting, LLC