

EXHIBIT 5

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

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

Plaintiffs,

v.

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-02016 (KMM/BRT)

**DECLARATION OF NINA WASOW
IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
EXPENSE REIMBURSEMENT,
SETTLEMENT ADMINISTRATION
EXPENSES, AND CASE
CONTRIBUTION AWARDS**

CLASS ACTION

I, Nina Wasow, declare as follows:

1. This Declaration is submitted in support of Plaintiffs' Motion for Attorneys' Fees, Expense Reimbursement, Settlement Administration Expenses, and Case Contribution Awards.

2. I am a member in good standing of the State Bar of California and a partner with the law firm Feinberg, Jackson, Worthman & Wasow, LLP ("FJWW"); I was one of counsel of record representing Plaintiff Becker when the case was pending in the Northern District of California. I make these statements based on personal knowledge and would so testify if called as a witness.

3. I and my partner Todd Jackson withdrew from the litigation on April 2, 2021, after the case was transferred to the District of Minnesota and the mandamus petition was denied. However, before withdrawing, FJWW attorneys, paralegals and staff provided

legal services to Plaintiff Becker and the then putative class, including reviewing and editing the complaint, discussions with co-counsel, informal and formal discovery, reviewing and editing non-dispositive briefs and pleadings, and reviewing and editing Plaintiff Becker’s Opposition to Defendants’ Motion to Dismiss on which she ultimately prevailed. In total FJWW has expended \$67,930.00 in professional services for the work done through April 2, 2021. This value for FJWW’s professional services was arrived at by using the “lodestar” methodology, which involves determining “the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.” *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983):

Name	Title	Hour	Rate	Lodestar
Todd Jackson	Partner	38.00	\$975.00	\$37,050.00
Daniel Feinberg	Partner	0.2	\$975.00	\$195.00
Nina Wasow	Partner	36.10	\$850.00	\$30,685.00
TOTAL		74.30		\$67,930.00

4. The above totals represent the recorded hours charged in this case by FJWW attorneys, law clerks and paralegals multiplied by the customary hourly rates charged by such attorneys and professionals in pension litigation such as this.

5. The rates used in the preparation of the above are the same as the rates that FJWW charges for other class work as well as for non-class litigation on behalf of participants and beneficiaries in employee benefit plans, although depending on the financial circumstances of a client or other considerations, we will sometimes provide a

discount on rates. In several other ERISA class actions, for example *Neil v. Zell*, 753 F. Supp. 2d 724 (N.D. Ill. 2010) and *Choate v. Wilmington Trust, N.A.*, No. 17-250-RGA (D. Del.), FJWW has been awarded a percentage of the common fund that amounted to well in excess of \$1,000 per hour for partners' time. FJWW's hourly rates have been approved by numerous courts when awarding attorneys' fees in class action settlements, including in recent years. *E.g.*, *Cunningham v. Wawa, Inc.*, 2021 WL 1626482, at *8 (E.D. Pa. April 21, 2021); *Sosa v. Marriott Int'l, Inc.*, No. 18CV335342 (Cal. Super. June 25, 2021) (order finally approving class settlement including attorneys' fees, where lodestar was calculated using \$975 per hour for Todd Jackson).

6. At the time that FJWW originally agreed to take on this litigation, we were aware based on our prior experience handling ERISA class action litigation in general and these types of cases that such litigation could be expensive, hard-fought, and lengthy. Also, given the risky nature of ERISA class action litigation in general, we were aware that there was a significant likelihood that, after having invested a substantial amount of time and expense, Class Counsel together might recover nothing.

7. FJWW has expended a total of \$860 in necessary expenses in the litigation of this matter, which have been invoiced and recorded in our accounting system through June 29, 2022. The expenses that we seek to recover are Court fees, which is a type of expense that we charge fee paying clients.

8. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 29, 2022 in Berkeley, California.

By: /s/ Nina Wasow

Nina Wasow