

**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; and Wells Fargo Bank,
National Association,

Defendants.

Case No. 0:20-cv-02016 (KMM/BRT)

**SUPPLEMENTAL DECLARATION OF MICHELLE C. YAU IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND PLAINTIFFS' MOTION FOR ATTORNEYS' FEES,
EXPENSE REIMBURSEMENT, SETTLEMENT ADMINISTRATION
EXPENSES, AND CASE CONTRIBUTION AWARDS**

I, Michelle C. Yau, respectfully submit this Supplemental Declaration in Support of Plaintiffs' Motion for Final Approval of Class Action Settlement and Plaintiffs' Motion for Attorneys' Fees, Expense Reimbursement, Settlement Administration Expenses, and Case Contribution Awards.

Pursuant to 28 U.S.C. § 1746, I declare as follows:

I. INTRODUCTION

1. I am a partner in the law firm of Cohen Milstein Sellers & Toll, PLLC ("Cohen Milstein"), one of the three firms preliminarily approved as Class Counsel for the

Settlement Class certified by the Court.¹ I am a member in good standing of the Bars of Massachusetts and the District of Columbia and am admitted *pro hac vice* in the District of Minnesota for this Action. I have led the prosecution of this Action on behalf of the (then putative) class since it was filed in March 2020. I have acted as lead counsel throughout the litigation. I have personal knowledge of the facts set forth below and, if called as a witness, I could and would testify competently thereto.

2. Since the issuance of the Class Notice, Class Counsel has received twenty-one inquiries from Settlement Class members via telephone or by email requesting information about the Settlement.

3. Of these twenty-one inquiries, four were requests to update their contact information, and Class Counsel passed this information along to the Settlement Administrator, who updated the information in its files accordingly.

4. Fifteen individuals wanted to gain a clearer understanding about the lawsuit, including whether they were Class Members, how to participate in the Settlement and/or how much they would be receiving. Class Counsel responded to each of their questions.

5. Two individuals, including the one individual who filed a letter with the Court (ECF No. 259-1), both (1) asked to update their contact information and (2) requested information about the Settlement. Class Counsel spoke with each of them, including the individual who filed a letter with the Court, and passed their updated contact information along to the Settlement Administrator.

¹ See Order Preliminary Approving Class Action Settlement ¶¶ 3-4, ECF No. 256.

6. Specifically, the Court received correspondence from a class member, Mr. Eric Petty, dated May 31, 2022. ECF 259-1. Mr. Petty's handwritten letter stated, in relevant part, "I received a letter from you that I'm in a 'settlement case' with Wells Fargo . . . how much is my refund[?]" In response, Class Counsel attempted to reach Mr. Petty unsuccessfully by phone several times. After several unsuccessful calls to Mr. Petty, Class Counsel sent him an email asking him if he would like to set up a call to answer his questions. After Mr. Petty provided a new phone number, Class Counsel was able to connect with Mr. Petty by phone and answered his questions. Class Counsel also explained the next steps in the settlement process, informed Mr. Petty of the date of the Fairness Hearing, and asked him to call back if he had any additional questions. Class Counsel did not receive any further communications from Mr. Petty and thus believe that his questions were sufficiently answered.

7. None of the individuals who contacted Class Counsel objected to the Settlement or expressed any concern with its terms or the Fee Petition.

8. In support of the Fee Petition, Class Counsel reported hours and lodestar from inception until June 27, 2022. *See, e.g.*, ECF No. 270 ¶ 49. The additional hours and lodestar reported herein are for the period June 28, 2022 to July 27, 2022.

9. For the period June 28, 2022 to July 27, 2022, Class Counsel has expended approximately 97.9 additional hours of attorney and professional working with the Settlement Administrator, corresponding with the Class Representatives, responding to inquiries from the Settlement Class, and preparing submissions to the Court.

10. To date, Class Counsel has expended a total of 10,292 hours and lodestar of over \$6,827,483 in this Action, which reflects a multiplier of 1.59. This multiplier is slightly less than the multiplier at the time Plaintiffs filed the Fee Petition.

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

Executed this 29th day of July, 2022 in Arlington, VA.

By: /s/ Michelle C. Yau
Michelle C. Yau