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14
 15 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 16 **SAN FRANCISCO DIVISION**

17 ALICIA HERNANDEZ, et al.,
 18 individually and on behalf of all others
 19 similarly situated,

20 Plaintiffs,

21 v.

22 WELLS FARGO BANK, N.A.,

23 Defendant.

Case No. 3:18-cv-07354 WHA

**FINAL POST-DISTRIBUTION
 ACCOUNTING FOR SUPPLEMENTAL
 CLASS, CERTIFICATION THAT ALL
 FUNDS HAVE BEEN DISTRIBUTED, AND
 REQUEST FOR ORDER PAYING
 REMAINING ATTORNEY’S FEES AND
 CLOSING CASE**

24 Pursuant to the Court’s order granting final approval of the supplemental settlement (Dkt. 337)
 25 and the Northern District of California’s Procedural Guidance for Class Action Settlements, Plaintiffs
 26 submit this final update and post-distribution accounting.

27 On October 14, 2022, the parties filed a status report (Dkt. 343) and advised the Court that

1 distribution of all supplemental settlement funds was completed but that the parties needed additional
 2 time before the file could be closed because Wells Fargo discovered an additional class member,
 3 consisting of two co-borrowers. The parties advised that the class member would be given the
 4 opportunity to receive the same settlement benefits that other class members had already received or
 5 to opt out and pursue their own claims against Wells Fargo.

6 After that status report, class counsel worked with JND to send the co-borrowers the class
 7 notice. Class counsel also worked to communicate with the co-borrowers to answer their questions
 8 about the settlement and their legal rights. The class member chose to participate in the settlement and
 9 class counsel worked with Wells Fargo to expedite their economic damages settlement payment.

10 Further, the newly-found class member applied for a severe emotional distress award and
 11 Special Master Cathy Yanni processed this claim in the same way as other supplemental class
 12 members' claims. That process is now complete. Each co-borrower has received and deposited their
 13 economic damages and severe emotional distress checks.

14 Neither Ms. Yanni nor JND charged any additional fees to process this claim. Likewise, class
 15 counsel is not requesting any additional fees or expense awards in connection with this class member.

16 The below chart summarizes the final disposition of the Supplemental Settlement Fund,
 17 including the further payment to the recently discovered additional class member:

Total Settlement Fund	\$21,907,778
Total Number of Class Members	742 ¹
Total Number of Class Members (Including Opt-Outs) to Whom Notice Was Sent and Not Returned as Undeliverable	684
Total Number of Emotional Distress Claim Forms from Class Members	105
Percentage of Class Members Who Submitted Emotional Distress Claim Forms	14%
Number of Opt-Out Requests Received	1 ²
Percentage of Class Members Opting Out of Settlement	0.13%

26 ¹ This refers to the number of loans in the Supplemental Settlement Class. Many loans had co-
 27 borrowers on them.

28 ² While there was one borrower who opted out, the economic damages check associated with the
 opt-out's loan was distributed to the heirs of the opt-out's co-borrower.

1	Number of Objections Received	0
2	Percentage of Class Members Objecting to Settlement	0.00%
3	Average Recovery Per Class Member	\$24,545.05
4	Median Recovery Paid to a Class Member	\$14,000.00
5	Maximum Amount Paid to a Class Member	\$134,635.52
6	Minimum Amount Paid to a Class Member	\$14,000.00
7	Method of Notice	First-class mail
8	Methods of Payment to Class Members	Check or Wire
9	Number of Checks Not Cashed	108
10	Value of Checks Not Cashed (Amount Sent to Unclaimed Property Funds)	\$1,720,086.75
11	Amount Distributed to <i>Cy Pres</i> Recipient	N/A
12	Total Administration Costs	\$70,000.00
13	Approved Attorney's Fees	\$3,623,865.00
14	Attorney's Fees Paid	\$1,811,932.50
15	Approved Attorney's Expenses	\$1,483.00
16	Attorney's Expenses Paid	\$1,483.00
17	Attorney's Fees as a Percentage of Settlement Fund	16.5%
18	Class Counsel's Updated Lodestar Total	\$4,701,057.00 ³
19	Lodestar Multiplier	1.7 ⁴
20	Percentage of Class Members Participating in Settlement	100%
21	Net Settlement Fund	\$18,212,430.30
22	Percentage of Net Settlement Fund Cashied	90.6%
23	Value of Payments Cashied (by Check or Wire)	\$16,492,343.55
24	Number of Payments Cashied (by Check or Wire)	791
25	Remaining Attorney's Fees to be Paid from Supplemental Settlement Fund	\$1,811,932.50
26	Final Balance After Payment of Total Remaining Attorney's Fees	\$0.00

20 Plaintiffs previously certified all funds from the original settlement were properly distributed
21 (Dkt. 320) and now certify that all funds from the supplemental settlement have also been properly
22 distributed. (Dkt. 343 and 343-1.) Now that all funds have been properly distributed, Plaintiffs
23 respectfully request that the Court completely close this case by ordering the Settlement Administrator
24 to pay class counsel the total remaining fees awarded in connection with the original and supplemental
25 settlements.

26 _____
27 ³ This is the aggregate lodestar for the entire case.

28 ⁴ This is the updated multiplier on the aggregate lodestar for the entire case. (Dkt. 328 at 23.)

1 Dated: November 29, 2022

Respectfully submitted,

2 /s/ Michael L. Schrag

3 **GIBBS LAW GROUP LLP**

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**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

ALICIA HERNANDEZ *et al.*, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 3:18-cv-07354-WHA

**[PROPOSED] ORDER ON FINAL
STATUS REPORT RE SETTLEMENT
DISTRIBUTION**

This Court has reviewed Plaintiffs’ Certification Re Distribution of Settlement Funds (Dkt. 320), Plaintiffs’ Status Report, including the supporting Declaration of Settlement Administrator (JND) Regarding Distribution of Settlement Benefits and Final Post-Distribution Accounting for Supplemental Class (Dkt. 343 and 343-1), and Class Counsel’s Final Post-Distribution Accounting for Supplemental Class (Dkt. 344). The Court finds that all requirements as to the distribution of funds have been met and that all funds from the original and supplemental settlement have been properly distributed.

THEREFORE, IT IS HEREBY ORDERED:

1. JND shall immediately pay class counsel the remaining fees (\$4,074,432.50).
2. This case is closed in its entirety.

1 **IT IS SO ORDERED.**

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3 Dated: _____

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HON. WILLIAM H. ALSUP
U.S. DISTRICT COURT JUDGE

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