1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 8 SAN FRANCISCO DIVISION 9 Case No. 3:18-cy-07354 WHA ALICIA HERNANDEZ, et al., 10 individually and on behalf of all others 11 similarly situated, DECLARATION OF SETTLEMENT NISTRATOR JENNIFER M. 12 Plaintiffs, UGH REGARDING DISTRIBUTION OF SETTLEMENT BENEFITS AND 13 INTERIM ACCOUNTING v. 14 WELLS FARGO BANK, N.A., 15 Defendant. 16 17 I, JENNIFER M. KEOUGH, declare as follows: 18 I am the Chief Executive Officer (CEO) of JND Legal Administration, a legal 19 administration services provider with its headquarters located in Seattle, Washington. JND has 20 extensive experience with all aspects of legal administration and has administered settlements in 21 hundreds of class action cases. As CEO of JND, I am involved in all facets of our Company's 22 operations, including monitoring the implementation of our notice and claims administration 23 programs. JND was chosen as the Settlement Administrator¹ in this case after participating in a 24 competitive bidding process. 25 26 27 ¹ Capitalized terms used and not otherwise defined herein shall have the meanings given such terms in the Stipulation of Class Action Settlement. 28

- 2. This Declaration is based on my personal knowledge and information provided to me by experienced JND employees, and if called to do so, I could and would testify competently thereto.
- 3. This Declaration is intended to supplement my Declaration of Jennifer M. Keough Regarding Settlement Administration ("Administration Declaration"), dated August 10, 2020. The Administration Declaration provided details regarding, among other things, the notice mailing in this matter, claims received, exclusions received and objections received. The Administration Declaration is incorporated by reference herein and pertinent information in the Administration Declaration is summarized in the Post-Distribution Accounting, filed concurrently with this declaration, which provides the information required by the Northern District of California's *Procedural Guidance for Class Action Settlements*. See https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements, at Post-Distribution Accounting, ¶ 1 (requiring specific information about the settlement distribution process be provided in an easy-to-read chart). This chart will be posted on the Settlement Website http://www.homeloanmodificationsettlement.com as required by the *Procedural Guidance for Class Action Settlements*. See id., ¶ 1.b.

Court Approval of Distribution

- 4. On October 12, 2020, the Court entered the Order re Motion for Final Approval of Class Settlement and Motion for Attorney's Fees and Expenses ("Order"), approving the distribution of payments to Class Counsel and the Settlement Class. On January 15, 2021, the Court entered the Order Granting Unopposed Request for Supplemental Distribution to Class Members ("Supplemental Order"), approving a further distribution of \$7,500 on a pro rata basis to Settlement Class Members.
- 5. Pursuant to the Settlement Agreement, an Escrow Account was established in the amount of \$18,500,000.00. On May 7, 2020, JND received \$6,000.00 via wire transfer into the established *Hernandez v. Wells Fargo Bank* Settlement Fund ("Settlement Fund"). On November 18, 2020, JND received \$18,494,000.00 via wire transfer into the Settlement Fund.

Class Counsel Fees and Expenses

6. On October 12, 2020, the Court awarded Class Counsel \$4,525,000 in attorneys' fees and \$335,000 in expenses in its Order.

7. On December 8, 2020, pursuant to the Court's Order, JND issued payments to Class Counsel in the amounts of \$2,262,500 for fees and \$335,000 for reimbursement of expenses.² The remaining 50 percent (\$2,262,500) of awarded fees will be issued after all funds have been properly distributed and the file can be completely closed, as directed by the Court. *See* ECF No. 292.

Administrative Expenses

8. Pursuant to the Order, JND was paid \$65,000 in Administration Expenses in connection with administering the Settlement and determining validity of claims with the Special Master.

Benefit Distribution

- 9. The Economic Damages fund (\$12,575,000) was calculated by reducing the Gross Settlement Fund (\$18,500,000) by \$1,000,000 in Emotional Distress funds, \$4,525,000 in attorneys' fees, \$335,000 in attorneys' expenses, and \$65,000 in administration costs. The Economic Damages fund was distributed to 505 Class Members who did not exclude themselves from the Settlement pursuant to the allocation plan approved by the Court. The Emotional Distress fund (\$1,000,000) was distributed to 121 Class Members who filed an Emotional Distress claim form validated by the Special Master.
- 10. On December 7, 2020, JND mailed 506 Economic Damages checks and 121 Emotional Distress checks to eligible Class Members (at the request of one class member, their economic damages awards were split among separate checks to co-borrowers on the same loan; JND subsequently reissued additional split payments at Class Members' direction). Class Members were provided with a 120-day period to deposit their checks before the checks became void after April 6, 2021.
- 11. Of the 627 checks distributed, 27 were returned as undeliverable. JND undertook extensive address research and worked with Class Counsel to identify updated address information for Class Members whose payments were returned to JND as undeliverable and, to the extent updated addresses were obtained, payments were promptly reissued. JND also conducted extensive outreach via phone and e-mail to Class Members whose payments were not returned as undeliverable but had not

² Class Counsel returned \$7,500 of the cost award by wire to JND on January 15, 2021 and JND distributed this to class members pursuant to the Supplemental Order. ECF No. 305.

been deposited. JND answered Class Member questions, reminded them to cash their checks and, where appropriate, reissued payments.

- 12. On February 2, 2021, JND mailed 508 additional Economic Damages checks ("Supplemental Checks") pursuant to the Court's Supplemental Order. Class Members were provided with a 120-day period to deposit these checks before they became void after June 2, 2021.
- 13. On February 5, 2021, JND sent a reminder notice postcard ("Postcard Notice") to 120 Class Members whose Economic Damages or Emotional Distress payment was not returned to JND as undeliverable but remained uncashed. The Postcard Notice informed Class Members how they could request a replacement check and encouraged them to cash their awards.
- 14. As of the date of this Declaration, 570 payments have been cashed, totaling \$12,340,814.42 (a cash rate of 90.1%). Thus, \$1,234,194.21 remains uncashed, representing 62 payments.³ JND will continue to research current Class Member mailing addresses and conduct outreach via phone and e-mail to Class Members as needed in order to reissue payments with a void date of June 2, 2021.
- 15. JND will provide an updated accounting within three weeks following the final void date of June 2, 2021.

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

Executed on April 27, 2021 at Seattle, Washington.

Jenn M. Koash

JENNIFER M. KEOUGH

³ The totals and amounts in this paragraph include only the initial economic damages payments and emotional distress payments issued in December 2020, which voided on April 6, 2021 (these counts do not include the small checks from the \$7,500 supplemental payments which will void on June 2, 2021).