

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

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EDWARD HUYER, et al.,	*	
	*	
Plaintiffs,	*	4:08-cv-00507
	*	
v.	*	
	*	
WELLS FARGO & COMPANY and WELLS FARGO BANK, N.A.,	*	ORDER
	*	
Defendant.	*	
	*	

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Before the Court is a Motion to Modify the Plan of Allocation, filed by Plaintiffs Edward R. Huyer, Connie Huyer, Carlos Castro, and Hazel P. Navas-Castro on August 1, 2017. Clerk’s No. 359. Defendants Wells Fargo & Company and Wells Fargo Bank, N.A., filed a response on August 22, 2017, in which they state they do not oppose Plaintiffs’ motion. Clerk’s No. 365.

On February 17, 2016, this Court approved the parties’ proposed class action settlement. Clerk’s No. 294; *see* Clerk’s Nos. 262, 243-3. At that time, the Court determined the Plan of Allocation set forth in the Notice sent to the Class Members was fair and reasonable. Clerk’s No. 294 at 14–15; *see* Clerk’s No. 243-3 at 15; Clerk’s No. 243-5 at 6–8. The Court also retained jurisdiction over compliance with the terms of the settlement and expressly contemplated that it may approve a future “modification or change in the Plan of Allocation.” Clerk’s No. 294 at 15.

Plaintiffs now move to modify the Plan of Allocation in two respects according to the recommendations of the appointed Claims Administrator, Garden City Group, LLC. *See* Clerk’s No. 359-2. The Court has determined the proposed modifications to the Plan of Allocation are fair and reasonable and will “benefit the class as a whole by protecting the Net Settlement Fund

from being depleted by administrative costs without any countervailing benefit to class members.” *Id.* at 2. Therefore, the Motion to Modify the Plan of Allocation (Clerk’s No. 359) is GRANTED.

IT IS HEREBY ORDERED the Plan of Allocation is modified as follows:

- (1) Post-Sale Class Members who submitted Proofs of Claim with no or inadequate documentary evidence to support the claimed payment of property inspection charges shall receive a flat distribution of \$5.00.
- (2) All Active and Paid-in-Full Class Members shall receive a minimum distribution amount of \$1.00.

IT IS SO ORDERED.

Dated this 6th day of September, 2016.

  
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ROBERT W. PRATT, Judge  
U.S. DISTRICT COURT