

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

GREGORY YOUNG, et al.,

Plaintiffs,

v.

WELLS FARGO & COMPANY and WELLS  
FARGO BANK, N.A.,

Defendants.

Case No. 4:08-cv-00507-RP-CFB

**PLAINTIFFS' MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Come now, Plaintiffs<sup>1</sup> Edward R. Huyer, Jr., Connie Huyer, Carlos Castro, and Hazel P. Navas-Castro, by and through their undersigned attorneys, and for their Motion for Final Approval of Class Action Settlement state:

1. Plaintiffs make this Motion for Final Approval of Class Action Settlement pursuant to Federal Rule of Civil Procedure 23.

2. By this motion, Plaintiffs seek entry of the proposed Final Approval Order and Judgment of Dismissal with Prejudice attached as Exhibit 9 to the Declaration of Deborah Clark-Weintraub filed contemporaneously herewith, which, among other things: (i) grants final approval of the proposed Settlement of this class action for \$25,750,000 in cash consideration; (ii) approves the proposed Plan of Allocation as fair and reasonable; (iii) finally certifies the Class for settlement purposes only, appoints Plaintiffs as Class Representatives, and appoints Scott+Scott, Attorneys at Law, LLP, and Reese LLP as Lead Class Counsel; (iv) approves the notice program as satisfying the requirements of due process and Rule 23; and (v) dismisses the

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<sup>1</sup> Capitalized terms shall have the meaning that the Stipulation ascribes to them. (*See generally* Stip. Settlement, ECF No. 243-3.)

Action with prejudice, subject, however, to this Court retaining jurisdiction over compliance with the Stipulation and the Final Judgment.

3. Final approval of the Settlement is warranted because the Settlement is fair, reasonable, and adequate. The Settlement provides substantial benefits to the Class while avoiding the substantial risks and expense of further litigation.

4. In addition, the Settlement is the result of arm's-length negotiations between well-informed counsel after seven years of litigation and was reached with the assistance of one of the country's most highly respected mediators, the Honorable Arthur J. Boylan (Retired). The use of a mediator in settlement negotiations supports the presumption of fairness and the conclusion that the settlement is free of collusion.

5. Likewise, the proposed Plan of Allocation is fair and reasonable. The proposed Plan of Allocation has a reasonable, rational basis, is recommended by experienced and competent Class Counsel, and varies the payouts to Class members based on the strength of the claims asserted in the action.

6. By this motion, Plaintiffs also seek final certification of a Class for settlement purposes only, defined as follows:

All Persons who have or had a mortgage serviced by Wells Fargo and owe or paid a property inspection fee assessed during the period August 1, 2004 through December 31, 2013, inclusive. Excluded from the Class are Defendants, any entity in which a Defendant has a controlling interest or is a parent or subsidiary of, or any entity that is controlled by a Defendant, and any of Defendants' officers, directors, employees, affiliates, legal representatives, heirs, predecessors, successors, and assigns. Also excluded from the Class are those Persons who timely and validly request exclusion from the Class.

7. The proposed Class encompasses each of the litigation Classes the Court previously certified and satisfies the requirements of Rules 23(a) and (b)(3) of the Federal Rules

of Civil Procedure.

8. By this motion, Plaintiffs also seek final approval of the notice program, which included direct mail notice, publication in the national edition of THE WALL STREET JOURNAL and over the *PR Newswire*, and a dedicated Settlement Website and toll-free number, as consistent with due process and Federal Rule of Civil Procedure 23 and as the best notice practicable under the circumstances.

9. This motion is based on the pleadings and discovery taken in this Action to date.

10. Additionally, this motion is supported by the following documents, which Plaintiffs have filed herewith:

- a. Declaration of Deborah Clark-Weintraub in Support of Motion for Final Approval of Class Action Settlement;
- b. Declaration of Jennifer M. Keough Regarding Notice Dissemination and Publication; and
- c. Plaintiffs' Memorandum of Law in Support of Motion for Final Approval of Class Action Settlement.

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs' Motion for Final Approval of Class Action Settlement and enter the Final Approval Order and Judgment of Dismissal with Prejudice.

Date: December 8, 2015

**SCOTT+SCOTT, ATTORNEYS AT LAW, LLP**

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*Additional Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2015, the foregoing document was filed with the Clerk of the Court via the Court's CM/ECF electronic filing system and served on all counsel of record registered to receive electronic notice. Those not registered to receive electronic notice were served via regular first class mail.

/s/ Deborah Clark-Weintraub  
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