

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

GREGORY YOUNG, et al.,

Plaintiffs,

v.

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

Defendants.

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

**PLAINTIFFS' MOTION FOR DISTRIBUTION OF
NET SETTLEMENT FUND**

Come now, Plaintiffs Edward R. Huyer, Jr., Connie Huyer, Carlos Castro, and Hazel P. Navas-Castro ("Plaintiffs"), by and through their undersigned attorneys, and for their Motion for Distribution of the Net Settlement Fund state:

1. Plaintiffs respectfully request that this Court enter their Motion for Distribution of Net Settlement Fund pursuant to Federal Rule of Civil Procedure 23(e). Defendants have stated that they take no position on Plaintiffs' motion. The Distribution Order will, among other things:
 - (i) approve the administrative determinations of Garden City Group, LLC ("GCG"), which serves as the Claims Administrator for the Settlement, regarding Eligible Recipients in connection with the Settlement reached in the Action;
 - (ii) direct the Initial Distribution of the Net Settlement Fund to Eligible Recipients (after deducting the payment requested herein);
 - (iii) direct that distribution checks state that the check must be cashed within 90 days after the original check issue date;

- (iv) direct that Eligible Recipients will forfeit all recovery from the Settlement if they fail to cash their distribution checks in a timely manner;
- (v) approve the plan for re-distribution and/or donation of any funds remaining in the Net Settlement Fund following the initial distribution to Eligible Recipients;
- (vi) release claims related to the administration process;
- (vii) authorize destruction of paper copies of Claim Forms one year after the Second Distribution, and electronic copies of the same one year after all funds in the Net Settlement Fund have been distributed; and
- (viii) provide that the Court retains jurisdiction to consider any further applications concerning the administration of the Settlement, and such other and further relief as this Court deems appropriate.

2. Plaintiffs respectfully submit that the Court should grant their Motion for Distribution of Net Settlement Fund for the reasons set forth in:

- (i) the accompanying Memorandum in Support of Plaintiffs' Motion for Distribution of Net Settlement Fund;
- (ii) the accompanying Declaration of Jennifer M. Bareither in Support of Motion for Distribution of Net Settlement Fund (the "Bareither Decl."), who is the Director of Operations at GCG;
- (iii) the accompanying Declaration of Deborah Clark-Weintraub in Support of Motion for Distribution of Net Settlement Fund (the "Weintraub Decl."), who is one of the attorneys serving as Lead Counsel for the Class; and
- (iv) the accompanying Declaration of Jonathan Swerdloff in Support of Motion for Distribution of Net Settlement Fund (the "Swerdloff Decl."), who is a consultant

and Data Systems Specialist for Driven Inc. (“Driven”), who Plaintiffs retained to analyze loan data files at Wells Fargo.

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs’ Motion for Distribution of Net Settlement Fund.

A proposed Distribution Order is attached hereto as Exhibit 1.

Dated: December 5, 2017

SCOTT+SCOTT, ATTORNEYS AT LAW, LLP

/s/ Deborah Clark-Weintraub
Deborah Clark-Weintraub
The Helmsley Building
230 Park Avenue, 17th Floor
New York, NY 10169
Tel.: (212) 223-6444
Fax: (212) 223-6334
Email: dweintraub@scott-scott.com

Michael R. Reese
REESE LLP
100 West 93rd Street, 16th Floor
New York, NY 10025
Tel.: (212) 643-0500
Email: mreese@reesellp.com

Lead Class Counsel

ROXANNE CONLIN & ASSOCIATES, P.C
Roxanne Conlin
3721 S.W. 61st Street, Suite C
Des Moines, Iowa 50321
515-283-1111
Fax: 515-282-0477
Email: roxlaw@aol.com

Local Counsel for Plaintiffs

STROM LAW FIRM, L.L.C.
Mario Pacella
2110 N. Beltline Blvd., Suite A
Columbia, South Carolina 29204
803-252-4800
Fax: 803-252-4801

Email: mpacella@stromlaw.com

**FINKELSTEIN, BLANKINSHIP,
FREI-PEARSON & GARBER, LLP**

Todd S. Garber
45 Hamilton Avenue, Suite 605
White Plains, New York 10601
914-298-3281
Fax: 914-824-1561
Email: tgarber@fbfglaw.com

RICHMAN LAW GROUP

Kim Richman
81 Prospect Street
Brooklyn, NY 11201
(718) 705-4579
Email: krichman@richmanlawgroup.com

Additional Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2017, the foregoing Plaintiffs' Motion for Distribution of Net Settlement Fund was electronically filed via this Court's CM/ECF filing system, which provides electronic notice to all parties so registered. Any parties not so registered were served a copy via regular U.S. Mail.

/s/ Deborah Clark-Weintraub

Deborah Clark-Weintraub

SCOTT+SCOTT, ATTORNEYS AT LAW, LLP

The Helmsley Building

230 Park Avenue, 17th Floor

New York, NY 10169

Tel.: (212) 223-6444

Fax: (212) 223-6334

Email: dweintraub@scott-scott.com