

FILED
Superior Court of California
County of San Francisco



MAR 05 2014

CLERK OF THE COURT
BY: Craig Blackstone
Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 305

LAURIE MACEY, DANA KELLY, BABARA
L. CADMAN, LINDA SUMMERS, and JOHN
ANTHONY, individuals, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

WELLS FARGO BANK, NATIONAL
ASSOCIATION, and DOES 1-100, inclusive,

Defendants.

CLASS ACTION

Case No. JCCP 4654

**ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

COORDINATION PROCEEDING SPECIAL
TITLE (RULE 3.550(C))

WELLS FARGO BANK WAGE AND HOUR
CASES

1 Plaintiffs Laurie Macey, Dana Kelly, Barbara L. Cadman, Linda Summers, and John
2 Anthony on behalf of themselves and on behalf of a settlement class, as defined below
3 (“plaintiffs”), and defendant Wells Fargo Bank, National Association, have entered into a
4 settlement (the “Settlement”), subject to this Court’s final approval. Plaintiffs’ motion for final
5 approval of the Settlement came before the Court for hearing on February 28, 2014. The terms
6 of that Settlement are set forth fully and completely in the Stipulation of Class Settlement and
7 Release, filed in this action on August 30, 2013 as Exhibit 1 to the Declaration of Isam C.
8 Khoury (the “Settlement Agreement”).

9 On October 30, 2013, the Court issued its Order Granting Preliminary Approval Of Class
10 Action Settlement (the “Preliminary Approval Order”) conditionally certifying a settlement class
11 (the “Settlement Class”), granting preliminary approval of the Settlement, preliminarily
12 appointing Laurie Macey, Dana Kelly, Barbara L. Cadman, Linda Summers, and John Anthony
13 as class representatives, preliminarily approving Cohelan Khoury & Singer, Goldstein, Borgen,
14 Dardarian & Ho, and Mehri & Skalet, PLLC, as class counsel, appointing Rust Consulting, Inc.
15 as the Settlement Administrator, ordering the notice to be mailed to the Settlement Class, and
16 setting a briefing and hearing schedule for this final approval motion.

17 Good cause appearing, the Court now finds and orders as follows:

- 18 1. The Court approves the Settlement as fair, adequate, and reasonable.
- 19 2. The Court certifies for settlement purposes only a Settlement Class consisting of:

20 All current and former California-based employees having the job title of “Home
21 Mortgage Consultant,” “Home Mortgage Consultant-Reverse,” “Home Mortgage
22 Consultant-Team,” “Home Mortgage Consultant-Subprime,” “Home Mortgage
23 Consultant-Telesales” or “Home Mortgage Consultant Jr.” employed by Wells
24 Fargo at any time between October 30, 2008 and August 1, 2013.

25 and

26 All current and former California-based employees having the job title of “Retail
27 Sales Supervisor,” “Reverse Sales Supervisor” or “PMB Sales Supervisor”
28 employed by Wells Fargo at any time between August 1, 2007 and August 1,
2013.

1 The Court finds that the individuals identified on Exhibit A hereto have properly excluded
2 themselves from the Settlement Class.

3 3. Two members of the Settlement Class timely objected to the Settlement: Glen
4 Wilbor and Armando Sanchez. The Court has considered these objections and rejects them.

5 4. For the reasons set forth in the Preliminary Approval Order, the Court finds that
6 the applicable requirements of California Code of Civil Procedure section 382 and California
7 Rule of Court 3.769 have been satisfied in that common questions of law and fact predominate,
8 the Settlement Class is so numerous that a class action is superior to other available means for
9 the fair and efficient adjudication of the controversy, the named plaintiffs' claims are typical of
10 those of the Settlement Class, and the named plaintiffs have fairly and adequately represented
11 and protected the interests of the Settlement Class.

12 5. The Court hereby appoints plaintiffs Laurie Macey, Dana Kelly, Barbara L.
13 Cadman, Linda Summers, and John Anthony as the representatives of the Settlement Class.

14 6. The Court hereby appoints Cohelan Khoury & Singer of San Diego, CA,
15 Goldstein, Borgen, Dardarian & Ho of Oakland, CA, and Mehri & Skalet, PLLC of Washington
16 D.C. as counsel for the Settlement Class.

17 7. The manner and form of the notice as previously approved and ordered by the
18 Court in its October 30, 2013 Preliminary Approval Order was reasonably calculated to have
19 fully and accurately informed members of the Settlement Class of all material elements of the
20 Settlement and of their opportunity to object or comment thereon or to exclude themselves from
21 the Settlement Class, was the best notice practicable under the circumstances, was valid, due, and
22 sufficient notice to all members of the Settlement Class, and complied fully with California law
23 and due process. A full opportunity has been afforded to the members of the Settlement Class to
24 participate in this hearing.

25 8. The notice was mailed by the Settlement Administrator via U.S. mail to all
26 Settlement Class members. Follow-up mailings were performed for returned mail. The notice
27 program fully complied with the Preliminary Approval Order.

1 9. Each party is to bear his/her/its own costs and attorneys' fees except as otherwise
2 expressly provided in the Order Granting Plaintiffs' Motion for an Award of Attorneys' Fees and
3 Costs, filed concurrently herewith.

4 10. The Court sets a compliance hearing for August 28, 2014 at 1:30 p.m., in
5 Department 305 of this Court. At least five Court days before the compliance hearing, Plaintiffs
6 and the Administrator will submit a summary accounting, identifying distributions made as
7 ordered herein, the number of uncashed checks to be transmitted to the California Industrial
8 Relations Unpaid Wages Division with identification of the Class Member, the status of
9 unresolved issues, if any, and any other matters appropriate to evaluate the effectiveness of the
10 distribution.

11 It is so ordered.

12
13
14 Dated: March 5, 2014



John E. Munter
Judge of the San Francisco Superior Court

WELLS FARGO BANK WAGE AND HOUR CASES
J.C.C.P. No. 4654

EXHIBIT A
(List of Opt-Outs)

Macey v Wells Fargo Settlement

List of Opt Outs

As of February 27, 2014

SEQ	RUST ID	FIRST NAME	LAST NAME
001	00001960	KALE LYNN	ATENCIO
002	00003049	CYRIL BENSON	BASSETT
003	00003308	JAMES ROBERT	BECK
004	00004015	BEVERLY P	BISCOCHO
005	00004237	SASHA	BOGUNOVIC
006	00002103	HEATHER	BOSWELL
007	00006897	BELGICA MARIA	CERVANTES
008	00007832	YONG OH	CHOI
009	00008327	BERT E	COLBERT
010	00010245	VAHAN	DEROUNIAN
011	00018852	GABRIEL	IBARRA
012	00019422	SRDJAN	JENIC
013	00046596	MARK R	JOHNSON
014	00020121	PATRICIA DEE	KAMMERER
015	00020633	TIMOTHY	KEPLER
016	00027373	HOMA	MOGADDEDI
017	00027816	TERESA T	MOREL
018	00028219	CAROLE	MURILLO
019	00032919	RIAZ	QUREISHI I
020	00033640	VICKY	REESE
021	00033954	AARON	RICH
022	00035118	MARKEITA	ROUSH-WEDLAKE
023	00036016	SUSAN E	SANDHAGEN
024	00047975	FRED RICHARD	SCHECTOR
025	00039093	DAVID CARLSON	STOCKS
026	00043281	YONG S	WHANG
027	00044950	TYLER	ZIEGELER

Superior Court of California
County of San Francisco

COORDINATION PROCEEDINGS
SPECIAL TITLE

**WELLS FARGO BANK WAGE AND
HOUR CASES**

Case Number: CJC-11-004654

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))

I, Craig Blackstone, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On March 6, 2014, I electronically served the ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: March 6, 2014

T. Michael Yuen, Clerk

By: _____

Craig Blackstone

Craig Blackstone, Deputy Clerk