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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

KEVIN LOCKWOOD, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

WELLS FARGO BANK, NATIONAL
ASSOCIATION and DOES 1 through 10,
inclusive,

Defendants.

Case No. 3:15-cv-5239 JCS

**[PROPOSED] ORDER RE JOINT
STIPULATION TO AMEND CLASS
SETTLEMENT AGREEMENT**

Complaint Filed: August 25, 2015

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After consideration of the Parties' Joint Stipulation, and finding it to be supported by good cause, the Court **HEREBY ORDERS** as follows:

1. The original terms of the settlement agreement are modified to require Wells Fargo to contribute an addition \$1,900,000 to the settlement fund (raising the gross settlement amount from \$8.95 million to \$10.85 million).

2. Plaintiff will seek to have one third of this supplemental payment (\$633,333) preliminarily allocated to attorney's fees which the Court will decide when it rules on final approval.

3. The remaining portion of the \$1,900,000 supplemental payment will be allocated to the 617 settlement class members who Wells Fargo's audit revealed had experienced additional FASTMail or HMC Website charges and will be divided among this group proportionally based on the amount of additional charges each class member experienced.

4. The proposed class notice the parties submitted with their stipulation shall be issued to all settlement class members under the same procedures and timetable as the original class notice in this action that the Court approved when it originally granted preliminary approval, except that class members will have only 30 days from mailing to postmark a request for exclusion from the class settlement.

5. This notice will include revised values for each class member's anticipated share of the settlement fund that take into account this supplemental contribution to the settlement and that assume all requests for attorney's fees, costs, and incentive payments are approved in full. These amounts should be increased from the previous notice only with respect to the aforementioned 617 class members.

6. All remaining terms of the settlement agreement will remain as the Court previously preliminarily approved.

7. To the extent the Court ultimately approves less than the full requested amount of attorney's fees, costs, or class representative enhancement, the difference will be allocated among all participating class members proportionally to the size of their individual claim value.

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7. The Court sets the following dates and deadlines.

- a. The amended class notice will be mailed to the settlement class by September 4, 2020.
- b. Plaintiff's motion for attorney's fees and costs will be filed by September 4, 2020.
- c. The deadline to request exclusion from the settlement class or object to the settlement will be October 2, 2020.
- d. Plaintiff motion for final approval of the settlement will be filed by October 16, 2020.
- e. The final fairness hearing will take place November 6, 2020 at 2:00 p.m.

IT IS SO ORDERED.

Dated: August 31, 2020

By:  _____

THE HONORABLE JOSEPH C. SPERO
UNITED STATES DISTRICT COURT JUDGE