

1 MCGUIREWOODS LLP  
DAVID S. REIDY SBN #225904  
2 Two Embarcadero Center  
Suite 1300  
3 San Francisco, CA 94111-3821  
Telephone: (415) 844-9944  
4 Facsimile: (415) 844-9922

5 K. Issac deVyver (appearing *pro hac vice*)  
Karla L. Johnson (appearing *pro hac vice*)  
6 Tower Two-Sixty  
260 Forbes Avenue, Suite 1800  
7 Pittsburgh, PA 15222-3142  
Telephone: (412) 667-6000  
8 Facsimile: (412) 667-6050

9 Sara F. Holladay-Tobias (appearing *pro hac vice*)  
50 North Laura Street, Suite 3300  
10 Jacksonville, FL 32202  
Telephone: (904) 798-3200  
11 Facsimile: (904) 798-3207

12 Attorneys for Defendant  
13 Wells Fargo Bank, N.A.

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

17 VANA FOWLER, individually and on  
18 behalf of all others similarly situated,

19 Plaintiff,

20 vs.

21 WELLS FARGO BANK, N.A.,

22 Defendant.  
23  
24  
25  
26  
27  
28

CASE NO. 4:17-cv-02092-HSG

**JOINT STIPULATION TO FORM OF  
NOTICE**

The Hon. Haywood S. Gilliam, Jr.

1 Plaintiffs Vana Fowler and Michael Peters and Defendant Wells Fargo Bank, N.A. jointly  
2 stipulate to, and request the Court to approve, non-substantive revisions to the form of the short-  
3 form (“postcard”) notice approved by the Court in the Order Granting Preliminary Approval of  
4 Class Settlement (“Preliminary Approval Order”) [D.E. 85], as follows:

5 1.

6 Plaintiffs submitted a proposed postcard notice to be provided to class members as Exhibit  
7 A to the Motion for Preliminary Approval of Class Settlement (“Preliminary Approval Motion”)  
8 [D.E. 80].

9 2.

10 After filing of the Preliminary Approval Motion, the class administrator Garden City  
11 Group recommended that the notice be shortened, so as to fit on a standard postcard in 7.5 point  
12 font (compared to 7 point font).

13 3.

14 In consultation with Garden City Group, counsel agreed to non-substantive changes  
15 shortening the postcard notice and submitted a revised form of notice to the Court via e-mail on  
16 August 3, 2018. The proposed revised postcard notice is attached as Exhibit 1. A comparison of  
17 the original and revised postcard notices is attached as Exhibit 2.

18 4.

19 The Preliminary Approval Order approved the form of the original postcard notice  
20 submitted with the Preliminary Approval Motion. D.E. 85 at 12. Counsel now understand that the  
21 Court does not consider e-mail submissions.

22 5.

23 The parties file this joint stipulation for the purpose of submitting the revised postcard  
24 notice attached as Exhibit 1 for the Court’s consideration and approval for distribution to the class.

25 **IT IS SO STIPULATED.**

1 DATED: August 24, 2018

2

3

4 /s/ Adam L. Hoipkemier  
Adam L. Hoipkemier  
Epps Holloway DeLoach & Hoipkemier LLP  
5 6 Concourse Parkway, Suite 2920  
6 Atlanta, GA 30328

/s/ K. Issac deVyver  
K. Issac deVyver  
McGuireWoods LLP  
Tower Two-Sixty  
260 Forbes Avenue, Suite 1800  
Pittsburgh, PA 15222-3142

7 *Counsel for Plaintiff Vana Fowler*

*Counsel for Defendant Wells Fargo Bank, N.A.*

8


9

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

10

11

12 Dated: 8/27/2018

  
\_\_\_\_\_  
Honorable Haywood S. Gilliam, Jr.  
United States District Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**Important Notice About**  
**Mortgage Pre-Payment Settlement**

*Fowler, et al v. Wells Fargo Bank, N.A.*

c/o GCG  
PO Box 10644  
Dublin, OH 43017-9244

**If You Prepaid an FHA-Insured Loan  
With Wells Fargo on a Day Other Than  
the First of the Month, You May Be  
Eligible For a Payment from a Class  
Action Settlement.**

1234567890



***THIS NOTICE MAY AFFECT YOUR  
LEGAL RIGHTS. PLEASE READ IT  
CAREFULLY.***

Claimant ID: MMMMM011111111  
Control No: 1234567890

**This is an official court notice from the  
United States District Court for the  
Northern District of California,  
*Fowler, et al. v. Wells Fargo Bank, N.A.*,  
Case No. 4:17-cv-02092-HSG**

JANE CLAIMANT  
123 4TH AVE  
APT 5  
SEATTLE, WA 67890

***This Notice is only a summary of your legal rights and choices. For more complete information,  
please read the full Notice, which you can obtain by visiting [www.FHASettlement.com](http://www.FHASettlement.com).***

A Settlement has been reached in a class action lawsuit about the collection of interest by Wells Fargo Bank, N.A. ("WFB") on FHA-insured loans paid off early for which WFB served as mortgagee. *Fowler, et al. v. Wells Fargo Bank, N.A.*, is pending in the United States District Court ("USDC") for the Northern District of California and alleges that WFB breached the promissory notes underlying class member's FHA-insured home loans when it collected post-payment interest (i.e., interest for the remainder of the month during which the loan was paid off) without providing a certain type of disclosure to borrowers. To settle the case and avoid the costs and risks of litigation, the parties have agreed to a settlement.

**Please go to [www.FHASettlement.com](http://www.FHASettlement.com) to obtain more information about the Settlement and to see the Settlement Agreement.**

**Why am I being contacted?** WFB's records show that you are likely a member of the Settlement Class. The Class generally includes all persons nationwide who had an FHA-Insured Loan that was originated beginning June 1, 1996 and ending January 20, 2015, where (i) WFB, its agent, or its predecessor was the mortgagee as of the date the total amount due on the FHA-Insured Loan was brought to zero, (ii) WFB collected Post-Payment Interest on the FHA-insured Loan during the applicable Limitations Period, and (iii) the borrower made a prepayment inquiry, request for payoff figures, or tender of prepayment but did not receive a Payoff Statement containing certain language.

**What are the Settlement terms?** WFB has agreed to deposit \$30,000,000 into an escrow fund for payment of settlement expenses, attorneys' fees and costs, awards to class representatives, and distribution to Class Members.

**How much will my Settlement payment be?** If you do not exclude yourself from the Settlement (see **Your Rights May Be Affected**, below), you will automatically receive a check. To determine the amount of each Settlement Class Member's distribution, the "Net Settlement Fund" will be calculated by deducting the costs of settlement administration, attorneys' fees, class representative awards, and expenses authorized by the Court, from the Settlement Fund. For each Settlement Class Member, the Administrator will divide the amount of Post-Payment Interest WFB collected from that Settlement Class Member by the total amount of Post-Payment Interest that collected from all Settlement Class Members, to arrive at a pro rata percentage. For each Settlement Class Member, the Administrator will multiply the pro rata percentage by the Net Settlement Fund, with the calculation constituting the distribution for that Settlement Class Member. The Net Settlement Fund remaining following the first round of payments will be re-apportioned and distributed to Settlement Class Members who cashed their first check, again on a pro rata basis.

**Your Rights May Be Affected.** If you do not take action to exclude yourself, you will be bound by the terms of the Settlement Agreement, including its Releases. If you do not want to be legally bound by the Settlement, you must ask (in writing) to be excluded, postmarked by [date xx,xxxx]. If you stay in the Settlement Class, you may object to the settlement (in writing) by [date xx,xxxx]. The Court will schedule a hearing to consider whether to approve the Settlement and a request for attorneys' fees, costs, and expenses, plus a special payment to the Class Representatives. You can appear at the hearing, but you do not have to. You can hire your own attorney, at your own expense, to appear or speak for you at the hearing. Visit **[www.FHASettlement.com](http://www.FHASettlement.com)** to learn more about how to exclude yourself from or object to the Settlement.

**When will the hearing be held to determine approval of the Settlement, and where?** The USDC for the Northern District of California will schedule the final fairness hearing to take place at the United States Courthouse at 1301 Clay Street, Oakland, California 94612, to decide whether to approve: (1) the Settlement, (2) Class Counsel's request for attorneys' fees and expenses, and a service payment to the Class Representatives. Once the date and time are determined, it will be available on the settlement website.

**Who are the lawyers for the Class?** The Court has appointed Epps Holloway DeLoach & Hoipkemier LLP and Robins Kaplan LLP as Class Counsel.

Fowler, et al v. Wells Fargo Bank, N.A.  
[Address] c/o GCG  
PO Box 10644  
Dublin, OH 43017-9244

POSTAGE

Formatted: Different first page header

## **Important Notice About Mortgage Pre-Payment Settlement**

Address Block

**If You Prepaid an FHA-Insured Loan With  
Wells Fargo on a Day Other Than the  
First of the Month, You May Be Eligible  
For a Payment from a Class Action  
Settlement.**

***THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS. PLEASE  
READ IT CAREFULLY.***

**This is an official court notice from the United States District  
Court for the Northern District of California, *Fowler, et al. v.  
Wells Fargo Bank, N.A.,  
Case No. 3:17-cv-02092-HSG***

A Settlement has been reached in a class action lawsuit about the collection of interest by Wells Fargo Bank, N.A. ("~~Wells Fargo~~WFB") on FHA-insured loans paid off early for which ~~Wells Fargo~~WFB served as mortgagee ~~or servicer~~. ~~The lawsuit, Fowler, et al. v. Wells Fargo Bank, N.A.,~~ is pending in the United States District Court ("~~USDC~~") for the

Northern District of California—~~This lawsuit and~~ alleges that ~~Wells Fargo~~WFB breached the promissory notes underlying ~~the~~ class member's FHA-insured home loans when it collected post-payment interest (i.e., interest for the remainder of the month during which the loan was paid off) without providing a certain type of disclosure to borrowers. To settle the case and avoid the costs and risks of litigation, the parties have agreed to a settlement.

**Please go to ~~the~~webaddress [www.FHA Settlement.com](http://www.FHASettlement.com) to obtain more information about the Settlement and to see the Settlement Agreement.**

**Why am I being contacted?** ~~Wells Fargo~~WFB's records show that you are likely a member of the Settlement Class. ~~With some limited exceptions, described below,~~ ~~the~~ Class ~~generally~~ includes all persons nationwide who had an FHA-Insured Loan that was originated beginning June 1, 1996 and ending January 20, 2015, where (i) ~~Wells Fargo~~WFB, its agent, or its predecessor was the mortgagee as of the date the total amount due on the FHA-Insured Loan was brought to zero, (ii) ~~Wells Fargo~~WFB collected Post-Payment Interest on the FHA-insured Loan during the applicable Limitations Period, and (iii) the borrower made a prepayment inquiry, request for payoff figures, or tender of prepayment but did not receive a Payoff Statement containing certain language.

**What are the Settlement terms?** ~~Wells Fargo~~WFB has agreed to deposit \$30,000,000 into an escrow fund for payment of settlement expenses, attorneys' fees and costs, awards to class representatives, and distribution to Class Members ~~by Garden City Group, the Settlement Administrator.~~

**How much will my Settlement payment be?** If you do not exclude yourself from the Settlement (see **Your Rights May Be Affected**, below), you will automatically receive a check ~~from the Settlement Administrator.~~ To determine the amount of each Settlement Class Member's distribution, the ~~Settlement Administrator will calculate the~~ "Net Settlement Fund" ~~will be calculated~~ by deducting the costs of settlement administration, attorneys' fees, class representative awards, and expenses authorized by the Court, from the Settlement Fund. For each Settlement Class Member, the ~~Settlement Administrator will divide the amount of Post-Payment Interest~~ ~~Wells Fargo~~WFB collected from that Settlement Class Member by the total amount of Post-Payment Interest that ~~Wells Fargo~~WFB collected from all Settlement Class Members, to arrive at a pro rata percentage. For each Settlement Class Member, the ~~Settlement Administrator will multiply the pro rata percentage by the Net Settlement Fund, with the calculation constituting the distribution for that Settlement Class Member.~~ The Net Settlement Fund remaining following the first round of payments will be re-apportioned and distributed to Settlement Class Members who cashed their first check, again on a pro rata basis.

*~~This Notice is only a summary of your legal rights and choices. For more complete information, please read the full Notice, which you can obtain by visiting [www.FHASettlement.com](http://www.FHASettlement.com).~~*

**Your Rights May Be Affected.** If you do not take action to exclude yourself ~~from the Settlement,~~ you will be bound by the terms of the Settlement Agreement, including its Releases. If you do not want to be legally bound by the Settlement, you must ask (in writing) to be excluded ~~from the Settlement class, postmarked by~~ ~~[date xx, xxxx]~~. If you stay in the Settlement Class, you may object to the settlement (in writing) by ~~[date xx, xxxx]~~. The ~~United States District Court for the Northern District of California~~ Court will schedule a hearing to consider whether to approve the Settlement and a request for attorneys' fees, costs, and expenses, plus a special payment to the Class Representatives. You can appear at the hearing, but you do not have to. You can hire your own attorney, at your own expense, to appear or speak for you at the hearing. Visit ~~the~~webaddress [www.FHASettlement.com](http://www.FHASettlement.com) to learn more about how to exclude yourself from or object to the Settlement.

**When will the hearing be held to determine approval of the Settlement, and where?** The ~~United States District Court~~USDC for the Northern District of California will schedule the final fairness hearing to take place at the United States Courthouse at 1301 Clay Street, Oakland, California 94612, to decide whether to approve: (1) the Settlement, (2) Class Counsel's request for attorneys' fees and expenses, and a service payment to the Class Representatives. Once the date and time are determined, it will be available on the settlement website.

**Who are the lawyers for the Class?** The Court has appointed ~~the law firms of~~ Epps Holloway DeLoach & Hoipkemier LLP and Robins Kaplan LLP as Class Counsel.

*~~This Notice is only a summary of your legal rights and choices. For more complete information, please read the full Notice, which you can obtain by visiting [www.FHASettlement.com](http://www.FHASettlement.com).~~*

Document comparison by Workshare 9 on Friday, July 13, 2018 1:15:10 PM

Input:	
Document 1 ID	interwovenSite://DMSPROXY/Active/104598132/1
Description	#104598132v1<Active> - ORIGINAL - Draft Postcard Notice
Document 2 ID	interwovenSite://DMSPROXY/Active/104598139/1
Description	#104598139v1<Active> - REVISED - Draft Postcard Notice - Revised
Rendering set	Standard

Legend:	
<a href="#">Insertion</a>	
<del>Deletion</del>	
Moved from	
<a href="#">Moved to</a>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:



	Count
Insertions	21
Deletions	27
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	48