

1 Clay M. Gatens
Devon A. Gray
2 Jeffers, Danielson, Sonn & Aylward, P.S.
PO Box 1688
3 Wenatchee, WA 98807-1688
(509) 622-3685 / (509) 662-2452
4
5

6 IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

7 VALERIE RHODES, a single woman,
and on behalf of others similarly situated,

NO. 2:17-cv-0093-SMJ

8 Plaintiff,

**DECLARATION OF BETH E.
TERRELL IN SUPPORT OF
PLAINTIFF’S MOTION FOR
ATTORNEYS’ FEES AND
SERVICE AWARD**

9 vs.

10 WELLS FARGO BANK, NATIONAL
ASSOCIATION, A National Banking
Association

11 Defendant.
12
13

14 I, Beth E. Terrell, declare as follows:

15 **A. Background and Experience**

16 1. I am a member of the law firm of Terrell Marshall Law Group PLLC
17 (“TMLG”). I am admitted to practice before this Court and am a member in good
18 standing of the bars of the states of Washington and California. I respectfully
19 submit this declaration in support of Plaintiff’s Motion for Attorney’s Fees and
20 Service Award. Except as otherwise noted, I have personal knowledge of the facts

21 DECLARATION OF BETH E. TERRELL IN
SUPPORT OF PLAINTIFF’S MOTION FOR
ATTORNEYS’ FEES AND SERVICE AWARD - 1
CASE NO. 2:17-CV-0093-SMJ

1 set forth in this declaration, and could testify competently to them if called upon
2 to do so.

3 2. TMLG is a law firm in Seattle, Washington, that focuses on complex
4 civil and commercial litigation with an emphasis on consumer protection, product
5 defect, civil rights, employment, and wage and hour matters. The attorneys of
6 TMLG have extensive experience in class actions, collective actions, and other
7 complex matters. They have been appointed lead or co-lead class counsel in
8 numerous cases at both the state and federal level. They have prosecuted a variety
9 of multi-million-dollar consumer fraud, civil rights, wage and hour, and product
10 defect class actions. The defendants in these cases have included companies such
11 as Wal-Mart, Microsoft, Best Buy, Toyota, Honda, Sallie Mae, Comcast, ABM
12 Industries, Inc., AT&T, T- Mobile USA, Weyerhaeuser, Behr Products, American
13 Cemwood, Bank of America, Discover Financial Services, Capital One, and
14 HSBC.

15 3. I am the lead attorney from TMLG in the instant litigation. A
16 founding member of TMLG, I concentrate my practice in complex litigation,
17 including the prosecution of consumer, defective product, and wage and hour
18 class actions. I have served as co-lead counsel on numerous multi-state and
19 nationwide class actions. I also handle a variety of employment issues including
20

21 **DECLARATION OF BETH E. TERRELL IN
SUPPORT OF PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES AND SERVICE AWARD - 2
CASE NO. 2:17-CV-0093-SMJ**

TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.319.5450
www.terrellmarshall.com

1 employment discrimination, restrictive covenant litigation, and pre-litigation
2 counseling and advice.

3 4. I received a B.A., magna cum laude, from Gonzaga University in
4 1990. In 1995, I received my J.D. from the University of California, Davis School
5 of Law, Order of the Coif. Prior to forming TMLG in May 2008, I was a member
6 of Tousley Brain Stephens PLLC. I am a frequent speaker at legal conferences on
7 a wide variety of topics including consumer class actions, employment litigation,
8 and electronic discovery, and I have been awarded an “AV” rating in Martindale
9 Hubble by my peers.

10 5. I am actively involved in several professional organizations and
11 activities. For example, I currently am an Eagle Member of the Washington State
12 Association of Justice (“WSAJ”), and have served as the Chair of its Consumer
13 Protection Section. I am the current Chair of the Washington Employment
14 Lawyers Association and am President-elect of the Public Justice Foundation’s
15 Board of Directors. I also serve on the Foundation’s Executive and Development
16 Committees.

17 6. I have been repeatedly named to the annual Washington Super
18 Lawyers list by Washington Law & Politics Magazine. I have also been named to
19 their Top 100 Washington Super Lawyers list and their Top 50 Women Super
20 Lawyers list.

21 DECLARATION OF BETH E. TERRELL IN
SUPPORT OF PLAINTIFF’S MOTION FOR
ATTORNEYS’ FEES AND SERVICE AWARD - 3
CASE NO. 2:17-CV-0093-SMJ

1 **B. Qualifications of Other TMLG Attorneys Working on this Matter**

2 7. Blythe H. Chandler is a member of TMLG. Ms. Chandler has played
3 a lead role in numerous consumer class actions litigated by TMLG since joining
4 the firm in 2014. Ms. Chandler graduated from the University of Washington
5 School of Law with high honors, Order of the Coif, in 2010. In her third year of
6 law school, she received the Eugene A. Wright Scholar Award, which is awarded
7 by the faculty for outstanding scholarship. Prior to joining TMLG, Ms. Chandler
8 served as a law clerk to the Honorable Betty B. Fletcher, Senior United States
9 Circuit Judge for the Ninth Circuit Court of Appeals, and to the Honorable John
10 C. Coughenour, Senior United States District Judge for the Western District of
11 Washington. Ms. Chandler also served as a judicial extern to the Honorable
12 Robert S. Lasnik, United States District Judge for the Western District of
13 Washington. Ms. Chandler is a member of the Washington Employment Lawyers
14 Association (WELA) Amicus Committee. She is an Eagle member of the
15 Washington State Association for Justice (WSAJ) and currently co-chairs
16 WSAJ's Consumer Protection Section.

17 **C. The Prosecution of This Action**

18 8. TMLG has worked with our co-counsel in a primarily advisory role
19 in this matter. I attended both mediations and was actively involved in all aspects
20 of the settlement. We reasonably incurred \$27,035 in attorneys' fees in the

21 DECLARATION OF BETH E. TERRELL IN
SUPPORT OF PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES AND SERVICE AWARD - 4
CASE NO. 2:17-CV-0093-SMJ

1 prosecution of this action. Our contemporaneous time records reflecting our work
2 on the matter are attached hereto as Exhibit 1.

3 9. We reasonably incurred \$1,624.66 in costs in the litigation of this
4 action. Details regarding the litigation costs expended by TMLG are attached
5 hereto as Exhibit 2.

6 **D. TMLG's Class Action Practice**

7 10. A substantial part of TMLG's practice involves class actions brought
8 on behalf of consumers whose state and/or federal rights have been violated. We
9 have litigated, certified, and settled consumer class actions involving state
10 consumer protection statutes, the Fair Debt Collections Act, the Fair Credit
11 Reporting Act, the Truth in Lending Act, and the Telephone Consumer Protection
12 Act, among others. We routinely sue large financial institutions such as banks,
13 mortgage companies, and mortgage brokers. TMLG attorneys have been
14 appointed co-lead class counsel numerous times, including in multi-district
15 litigations. The TMLG Resume (attached as Exhibit 3) provides details about the
16 experience and qualifications of the attorneys as well as representative cases. To
17 date, our cases have returned tens, if not hundreds, of millions of dollars to
18 consumers nationwide and secured real, concrete practice changes that prevent
19 future violations.

1 I declare under penalty of perjury under the laws of the State of
2 Washington and the United States of America that the foregoing is true and
3 correct.

4 EXECUTED this 1st day of October, 2018 at Seattle, Washington.

5
6 /s/ Beth E. Terrell, WSBA #26759
Beth E. Terrell, WSBA #26759

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21 DECLARATION OF BETH E. TERRELL IN
SUPPORT OF PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES AND SERVICE AWARD - 6
CASE No. 2:17-cv-0093-SMJ

TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.319.5450
www.terrellmarshall.com

TERRELL | MARSHALL

LAW GROUP PLLC

Terrell Marshall Law Group PLLC (“TMLG”) is a Seattle, Washington based law firm that focuses on complex civil and commercial litigation with an emphasis on consumer protection, product defect, civil rights, employment, and wage and hour matters. The attorneys of TMLG have extensive experience in class actions, collective actions, and other complex matters. They have been appointed lead or co-lead class counsel in numerous cases at both the state and federal level. They have prosecuted a variety of multi-million-dollar consumer fraud, civil rights, wage and hour, and product defect class actions.

Beth E. Terrell

Beth E. Terrell is a founding member of TMLG. She concentrates her practice in complex litigation, including the prosecution of consumer protection, defective product, and wage and hour class actions. Ms. Terrell has served as co-lead counsel on numerous multi-state and nationwide class actions.

Ms. Terrell has served as co-lead counsel in multi-district litigation such as *In re Capital One Telephone Consumer Protection Act Litigation*, Master Docket No. 1:12-cv-10064, MDL No. 2416 (N.D. Ill.), which settled for \$75 million and *In re: Monitronics International, Inc., Telephone Consumer Protection Act Litigation*, No. 1:13-md-02493-IMK-JSK (D. W. Va.), which settled for \$28 million. She has litigated, certified, and settled many other consumer finance class actions, including TCPA, FDCPA, and FCRA cases.

Ms. Terrell has litigated, certified, and settled many wage and hour class actions, including *Barnett v. Wal-Mart Stores, Inc.*, where TMLG represented a certified class of 90,000 current and former employees. The case settled for \$35 million in 2009.

Ms. Terrell has tried and won cases in state and federal courts, and has also successfully briefed and argued cases before the Washington Supreme Court, the Washington State Court of Appeals, and the Ninth Circuit Court of Appeals.

Ms. Terrell serves on a number of non-profit boards and is active in the legal community both in Washington state and nationally, including President-elect of the Public Justice Foundation; Chair of the Washington Employment Lawyers Association; Chair of the Washington State Association for Justice's Consumer Protection section; Chair of the Northwest Consumer Law Center; and Member of the National Consumer Law Center's Partner's Council. Ms. Terrell also chairs and speaks at legal seminars and continuing legal education programs nationally on topics ranging from consumer class actions, ESI, and ethics. Ms. Terrell has been consistently recognized as a Washington "Super Lawyer," and named in the Top 100 Super Lawyers and Top 50 Women Super Lawyers.

Ms. Terrell received her B.A., *magna cum laude*, from Gonzaga University in 1990. In 1995, she received her J.D. from the University of California, Davis School of Law, Order of the Coif.

Toby J. Marshall

Toby J. Marshall is a founding member of TMLG and the firm's current managing member. He concentrates his practice in complex civil litigation, including the prosecution of consumer, wage and hour, and civil rights class actions. He has been actively involved in every aspect of dozens of class actions brought on behalf of consumers, employees, and others and has recovered millions of dollars and obtained substantial injunctive relief for the represented groups.

Mr. Marshall has tried and won cases in state and federal courts and has also successfully briefed and argued cases before the Washington Supreme Court, the Washington State Court of Appeals, and the Ninth Circuit Court of Appeals. In *Wilbur v. Mount Vernon* (W.D. Wash.), he was appointed co-lead class counsel for a certified class of indigent defendants in Mount Vernon and Burlington, Washington. After three years of litigation and a nine-day bench trial, he and his co-counsel prevailed and obtained substantial injunctive relief on behalf of the class. In *McGinnity v. AutoNation, Inc.* (Arbitration; Spokane County Superior Court,

Washington), he was appointed co-lead class counsel for a certified class of more than 500 AutoNation employees. After two years of litigation, he and his co-counsel prevailed at a four-day arbitration hearing and obtained an award, later reduced to judgment, in excess of \$2.6 million. That judgment was affirmed by the Washington Court of Appeals. In *Ramirez v. Precision Drywall, Inc.* (King County Superior Court, Washington), TMLG was appointed lead class counsel for a certified class of 325 Washington employees. After a five-week jury trial, the class obtained a judgment of \$4.1 million. That judgment was affirmed by the Washington Court of Appeals.

Mr. Marshall has also successfully litigated and settled many other class actions. In *Fuentes v. Benton County* (Yakima County Superior Court, Washington), for example, he served as co-lead class counsel for two certified classes of indigent people in a case in which a county was incarcerating indigent persons for non-payment of court-imposed fines, fees, and court costs. After one year of litigation, he and his co-counsel secured a court-approved settlement that obtained substantial injunctive relief on behalf of thousands of indigent people. In *Barnett v. Wal-Mart Stores, Inc.* (King County Superior Court, Washington), TMLG was appointed co-lead class counsel for a certified class of more than 88,000 current and former Wal-Mart employees in Washington who alleged wage and hour violations. After more than seven years of litigation, TMLG obtained a \$35 million settlement on behalf of the class.

Mr. Marshall is actively involved in several professional organizations and activities. For example, he serves on the amicus and legislative committees of the Washington Employment Lawyers Association, the legal committee of the ACLU Foundation of Washington, and the board of the Washington Appellate Project. He is also a member of the American Association for Justice, the Washington State Association of Justice, the Public Justice Foundation, and the National Association of Consumer Advocates. Toby served as the Chair of the Washington State Bar Association Labor & Employment Law Section Executive Committee in 2013, and he acted as the Section's Treasurer in 2011 and 2012. Mr. Marshall has been named several times to the annual Washington "Super Lawyers" list by Washington Law & Politics Magazine.

Mr. Marshall received his B.A., *cum laude*, from California State University, Sacramento in 1996. In 2002, he received his J.D. from the University of Washington School of Law, where he served on the Moot Court Honor Board and was selected to the Order of Barristers.

Jennifer Rust Murray

Jennifer Murray is a founding member of TMLG. She concentrates her practice in complex litigation, including the prosecution of consumer, defective product, and wage and hour class actions. Ms. Murray graduated *cum laude* from Whitman College in 1990 and from the University of Washington School of Law in 2005, where she was a member of the Washington Law Review. Her law review article entitled “Proving Cause in Fact under Washington’s Consumer Protection Act: The Case for a Rebuttable Presumption of Reliance” won the Carkeek prize for best submission by a student author. Before law school, Ms. Murray earned a Ph.D. in Philosophy from Emory University.

Ms. Murray has been an active member of the Washington State Bar Association since her admission to the bar in 2005. In 2010, she was admitted to the Oregon State Bar. In 2011, 2012, 2013, 2014, and 2015, she was named a Washington “Rising Star” by SuperLawyer Magazine.

Adrienne D. McEntee

Adrienne McEntee is a member of TMLG. She concentrates her practice on complex litigation, including the prosecution of class actions on behalf of consumers, actions involving vulnerable adults, trusts and estates, and real estate and commercial disputes.

Ms. McEntee has significant trial experience, having successfully tried commercial cases involving claims of breach of fiduciary duty, breach of contract, and breach of easement. Before joining TMLG, Ms. McEntee was a member of Tousley Brain Stephens PLLC, where she practiced for five years. Before entering private practice, Adrienne worked with the King County Prosecuting Attorney’s Office, where she prosecuted a broad range of cases, including fraud

and other economic crimes. Adrienne has tried approximately fifty cases and has briefed, argued, and won cases before the Washington State Court of Appeals.

Ms. McEntee graduated from the University of Washington School of Law in 2003, where she was a member of the Pacific Rim Law and Policy Journal and Moot Court Honor Board.

Amanda M. Steiner

Amanda Steiner is a member of TMLG, where she concentrates her practice on class actions and complex litigation. Ms. Steiner specializes in legal writing at the trial court and appellate levels. She has authored briefs that have resulted in numerous favorable decisions for plaintiffs in high-profile and complex securities, antitrust, consumer, and civil rights class actions throughout the United States. She has handled all aspects of class action practice, including investigations, discovery, expert work, class certification, summary judgment motions, and settlement. She has gained a diverse litigation background over her nearly twenty years of practice that includes cases involving defective products, privacy issues, civil rights, employment disputes, real estate development, construction and environmental issues, and lender-related disputes.

Ms. Steiner graduated from UC Berkeley School of Law in 1997 and is admitted in Washington, California, New York and Hawaii. She was selected for inclusion in the annual Northern California "Super Lawyers" list (2012-2016) and was named to the Top 50 Women Lawyers of Northern California. She is a member of the Legal Writing Institute and the American Bar Association's Appellate Practice Committee, and is a Fellow of the American Bar Foundation.

Blythe H. Chandler

Blythe Chandler is a member of TMLG. She concentrates her practice on consumer class actions and appeals. Before joining TMLG she served as a law clerk to the Honorable Betty B. Fletcher, Senior United States Circuit Judge for the Ninth Circuit Court of Appeals and to the

Honorable John C. Coughenour, Senior United States District Judge for the Western District of Washington. As a law student, she served as an extern to the Honorable Robert S. Lasnik, United States District Judge for the Western District of Washington and the Honorable Steven C. González in the King County Superior Court.

Erika L. Nusser

Erika Nusser is a member of TMLG. She concentrates her practice on sexual abuse, personal injury, and complex litigation, including individual and class action employment and consumer fraud litigation.

Ms. Nusser litigated and served as co-lead counsel in *Ramirez v. Precision Drywall, Inc.* (King County Superior Court). After a five-week jury trial, she obtained a judgment of \$4.1 million for the class. That judgment was affirmed by the Washington Court of Appeals.

In *Smith v. JEM Group, Inc.*, 737 F.3d 636 (9th Cir. 2013), Ms. Nusser served as co-lead counsel on behalf of a proposed consumer class alleging defendants charged fees for debt adjusting services in excess of those permitted by state consumer protection statutes. One defendant appealed the Court's denial of a motion to compel arbitration, which was decided post-*Concepcion*. She successfully briefed and argued the response before a Ninth Circuit panel, which affirmed the denial of the motion to compel arbitration. She has also litigated and tried employment and other cases in both state and federal court and has successfully briefed and argued cases before the Ninth Circuit Court of Appeals and the Washington State Court of Appeals.

Ms. Nusser is the Co-Chair of the Interpersonal Violence Section of the Washington State Association of Justice, and has previously served as the Vice-Chair of the Employment Section from 2010-2012. She is also the co-editor of the Washington State Association of Justice, Consumer Protection Law Deskbook.

Ms. Nusser received a double B.A., with distinction, from the University of Washington in 2005. In 2008, she received her J.D. from the University of San Francisco School of Law,

graduating in the top 25%. Ms. Nusser has been repeatedly named to the annual Rising Star list (2013 – 2017) by Washington Law & Politics Magazine.

Elizabeth A. Adams

Elizabeth Adams has been an associate at TMLG since 2015. She concentrates her practice on complex civil litigation including consumer protection and civil rights class actions. Ms. Adams is a 2012 graduate of the UCLA School of Law, where she received the Order of the Coif and served as a Comments Editor for the UCLA Law Review. Before joining TMLG, Ms. Adams served as a law clerk to the Honorable Dean D. Pregerson, the Honorable George Wu, and the Honorable John A. Kronstadt, all of the United States District Court for the Central District of California.

Maria C. Hoisington-Bingham

Maria Hoisington-Bingham has been an associate at TMLG since 2016. She focuses her practice on complex civil litigation. During law school, Maria focused her studies on employment and civil rights law. She was an intern with the Equal Employment Opportunity Commission, Columbia Legal Services, and the Civil Rights Justice Center. She also served as an extern to the Honorable John C. Coughenour at the U.S. District Court for the Western District of Washington.

Eric R. Nusser

Eric Nusser is an associate at Terrell Marshall Law Group, where he concentrates his practice on complex litigation, including consumer protection, workers' rights class actions, and civil rights law. He graduated *cum laude* from Seattle University School of Law where he focused his studies on labor and employment law and civil litigation. While a student, he served as a law clerk for TMLG, as an extern to the Honorable Lisa R. Worswick at the Washington Court of Appeals, Div. II, and as a summer associate for the Unemployment Law Project. He also served as president of the Seattle University Labor and Employment Law Association, was a

three-time recipient of the Presidential Law Scholarship, and contributed more than 200 hours to the Pro Bono Pledge Program.

Brittany J. Glass

Britt Glass is an associate at TMLG, where she concentrates her practice on complex civil litigation. Prior to joining TMLG, Ms. Glass was an associate at a law firm in Austin, Texas, where she represented plaintiffs in class actions and other complex litigation. She graduated from the University of Texas, School of Law where she was staff editor of the Texas International Law Journal and a Teaching Assistant for the Legal Research & Writing Program. Britt received the Dean's Achievement Award in Legal Research & Writing and Non-Profit Organizations and served as Executive Board Member of Texas Law Students for Reproductive Justice.

Benjamin M. Drachler

Ben Drachler is an associate at TMLG. He concentrates his practice on complex civil litigation, with a particular focus on consumer, product defect, and wage and hour class actions. Ben graduated from the Seattle University School of Law where he was recognized with the CALI Excellence for the Future Awards in Constitutional Law and Legal Writing and was also the Associate Editor for the Seattle University Law Review. Prior to joining TMLG, he served as law clerk to the Honorable Robert H. Whaley in the Eastern District of Washington, and to the Honorable Thomas S. Zilly in the Western District of Washington.

Representative Cases

Consumer Finance Class Actions

- *Jordan v. Nationstar Mortgage, LLC*—TMLG represents a certified class of homeowners who were improperly locked out of their homes by their mortgage lender. The case settled for \$17.5 million in 2017. TMLG represents consumers in several other similar cases against various mortgage servicers and banks.
- *Breazeale, et al v. Victim Services, Inc., et al*—TMLG currently represents a proposed class of consumers who allege violations of the FDCPA. The lawsuit is pending in U.S. District Court for the Northern District of California.

- *Dibb, et al. v. AllianceOne Receivables Management, Inc.*—TMLG represents three certified classes of Washington consumers who received unfair and deceptive debt collection notices that included threats of criminal prosecution. The case settled on a class-wide basis for \$1,900,000 in March 2017, and final approval was granted in July 2017.
- *Cavnar, et al. v. BounceBack, Inc.*—Filed in 2014 on behalf of Washington consumers who received false, misleading, and deceptive debt collection letters printed on the letter head of county prosecuting attorneys. TMLG worked to negotiate a class-wide settlement, and final approval was granted in September 2016.
- *Smith v. Legal Helpers Debt Resolution LLC*—Filed in 2011 on behalf of consumers who were charged excessive fees for debt adjusting services in violation of Washington law. Class settlements were approved by the Court in December 2012 and December 2013.
- *Brown v. Consumer Law Associates LLC, et al.*—Filed in 2011 on behalf of consumers who were charged excessive fees for debt adjusting services in violation of Washington law. A class settlement was approved by the Court in 2013.
- *Bronzich, et al. v. Persels & Associates, LLC, et al.*—Filed in 2010 on behalf of consumers who were charged excessive fees for debt adjusting services in violation of Washington law. A class settlement was approved by the Court in 2013.

Fair Credit Reporting Act Cases

- *Berg v. Equifax*—Filed in 2018 on behalf of consumers affected by Equifax’s failure to comply with FCRA section 1681c-2’s blocking requirements. The case is pending in the Western District of Washington.
- *Leo v. Appfolio*—Filed in 2017 on behalf of consumers affected by Appfolio’s failure to comply with multiple rules under FCRA. The case is pending in the Western District of Washington.
- *Miller v. On-Site Manager, Inc.*—Filed in 2017 on behalf of a plaintiff who was falsely portrayed as a criminal by On-Site Manager, Inc. on background checks for housing. The case is pending in King County Superior Court.
- *Gambles v. Sterling Infosystems, Inc.*—Filed in 2017 on behalf of consumers affected by Sterling Infosystem, Inc.’s systemic violations of the FCRA. The case is pending in the Southern District of New York.

- *Rosario v. Starbucks*—Filed in 2016 on behalf of employment applicants affected by Starbucks’ failure to comply with the FCRA’s pre-adverse action notification requirement. The case is pending in the Western District of Washington.
- *Terrell v. Costco Wholesale Corp.*—Filed in 2016 on behalf of applicants and employees who were affected by Costco’s failure to provide required disclosures prior to procuring criminal background reports on them. TMLG reached settlement with Costco, which was approved by the King County Superior Court on June 15, 2018.
- *Dougherty v. Barrett Business Services, Inc.*—Filed in 2015 on behalf of employees and job applicants who were affected by Barrett Business Services, Inc.’s failure to provide required disclosures prior to procuring criminal background reports on them. The case is pending in Clark County Superior Court.
- *Connolly v. Umpqua Bank*—Filed in 2015 on behalf of employees and job applicants affected by Umpqua Bank’s routine and systemic failure to provide required disclosures prior to procuring criminal background reports on them. The case is currently pending settlement approval in the Western District of Washington.

Product Defect Class Actions

- *Beaty v. Ford Motor Company*—Filed in 2017 on behalf of consumers who purchased vehicles with defective, spontaneously-shattering panoramic sunroofs. The case is pending in the Western District of Washington.
- *Aberin, et al. v. American Honda Motor Company, Inc.*—Filed in 2017 on behalf of consumers who purchased Acura models with the defective HandsFreeLink™ system. The case is pending in the Northern District of California.
- *Lohr v. Nissan*—Filed in 2016 on behalf of consumers who purchased vehicles with defective, spontaneously-shattering panoramic sunroofs. The case is pending in the Western District of Washington.
- *Gold, et al. v. Lumber Liquidators, Inc.*—Filed in 2014 on behalf of a certified class of consumers who purchased defective flooring. The case is pending in the United States District Court for the Northern District of California.
- *Soto v. American Honda Motor Corporation*—Filed in 2012 on behalf of owners and lessees of 2008-2010 Honda Accords that consume motor oil at a much higher rate than intended, due to a systemic design defect. The case settled on a class-wide basis and final approval was granted in March 2014.

- *Milligan, et al. v. Toyota Motor Sales, Inc.*—Filed in 2009 on behalf of owners of 2001-2003 Toyota RAV4s containing defective Electronic Computer Modules, which cause harsh shifting conditions and permanent damage to the transmissions. TMLG worked to negotiate a nationwide class action settlement, and final approval was granted in January 2012.
- *Kitec Consolidated Cases*—Served as co-counsel in a national class action lawsuit against the manufacturers of defective hydronic heating and plumbing systems. The case settled for \$125,000,000, and final approval was granted in 2011.

Civil Rights Class Actions

- *Wilbur v. Mount Vernon et al.* – TMLG was appointed co-lead class counsel for a certified class of indigent defendants in Mount Vernon and Burlington, Washington who were not being provided meaningful access to a public defender. After three years of litigation and a nine-day bench trial, TMLG prevailed and obtained substantial injunctive relief on behalf of the class.
- *Fuentes, et al. v. Benton County* – In 2015 TMLG filed a class action on behalf of indigent defendants in Benton County who were being jailed because they could not afford to pay their legal financial obligations, such as court fines, fees, penalties, or costs. The case settled in 2016, obtaining substantial injunctive relief on behalf of the class.
- *Brown et al. v. Lexington County, et al.* – in 2017 TMLG filed suit against Lexington County, South Carolina on behalf of a class of indigent defendants who were being jailed because they could not afford to pay their legal financial obligations. This case is ongoing.

Employment Class or Collective Actions

- *Mendis v. Schneider National Carriers, Inc.* — Filed in 2014, TMLG represents a certified class of approximately 900 current and former employees who allege wage and hour violations that include failure to pay for overtime, failure to pay for rest breaks, failure to pay minimum wage, and other violations of Washington wage and hour laws.
- *Helde v. Knight Transportation, Inc.*—TMLG represents a certified class of current and former truck drivers alleging violations of wage and hour laws in Washington. After several years of vigorous litigation, TMLG reached a class-wide settlement of \$1.45 million, not including attorneys' fees and costs. Final Approval is currently pending in U.S. District Court for the Western District of Washington.

- *Witschel v. IMCO General Construction, Inc.* — Filed in 2013 in Washington State Superior Court in and for Skagit County. TMLG represented current and former hourly-paid employees who alleged violations of Washington wage and hour law regarding rest breaks. The case settled on a class-wide basis for \$1.1 million. Final approval of the settlement was granted on June 16, 2016.
- *Tolliver, et al. v. Avvo, Inc.*—TMLG represented a class of current and former sales employees who alleged they were misclassified as overtime exempt. The case settled on a class-wide basis for \$1.75 million, and final approval was granted in September 2017.
- *Spencer v. FedEx Ground Package System, Inc.*—TMLG represented a certified class of current and former delivery drivers who allege violations of state wage and hour laws. The case settled on a class-wide basis for \$10,500,000, and final approval was granted in December 2016.
- *Paz v. Sakuma Brothers Farms, Inc.* — TMLG represents a class of almost 1,000 migrant and seasonal berry pickers who alleged violations of state wage and hour law and the federal Agricultural Worker Protection Act. The primary claims in the case settled for \$850,000 plus an agreement on injunctive relief in May 2014; preliminary approval of the settlement was granted by the Honorable Marsha J. Pechman in the United States District Court for the Western District of Washington in July 2014, and final approval was granted in November 2014. TMLG successfully litigated additional claims not covered by the 2014 settlement, which resulted in a unanimous opinion by the Washington Supreme Court in *Lopez Demetrio v. Sakuma Brothers Farms, Inc.*, 183 Wn.2d 649 (2015). Following the Washington Supreme Court decision, the court approved a final settlement of all claims and ordered payment of Plaintiffs’ attorneys’ fees and costs in July 2016.
- *Barnett, et al. v. Wal-Mart Stores, Inc.* — Filed in 2001 on behalf of Washington employees alleging wage and hour violations by the country’s largest private employer. After more than seven years of litigation, TMLG obtained a settlement of \$35 million on behalf of a certified class of approximately 88,000 employees. That settlement was approved in July 2009.
- *McGinnity, et al. v. AutoNation, Inc., et al.* — TMLG represented a certified class of more than 500 employees who were denied earned vacation benefits. After nearly two years of litigation before an arbitrator, the class obtained an award of \$2.34 million. The class successfully defended their award on appeal, and the Washington Supreme Court denied defendants’ petition for review. A judgment in excess of \$2,600,000 was satisfied in September 2009.

- *Ramirez, et al. v. Precision Drywall, Inc.* — TMLG represented a certified class of workers who alleged they were not paid for overtime work. The case was tried before a jury during a five-week period in 2010, and TMLG successfully obtained a judgment for the workers in excess of \$4,000,000. TMLG continues to work on enforcing the judgment against multiple defendants. An initial distribution of funds collected so far was made to eligible class members in April 2016.

Telephone Consumer Protection Act Class Actions

- *In re Capital One Telephone Consumer Protection Act Litigation*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG served as court-appointed Interim Co-Lead Counsel; final approval of the \$75,455,098.74 settlement was granted in February 2015.
- *In re Monitronics International, Inc. Telephone Consumer Protection Act Litigation*—Filed on behalf consumers who received automated, prerecorded solicitation telephone calls on their residential and business telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, the Washington Automatic Dialing and Announcing Device statute, RCW 80.36.400, and the Washington Consumer Protection Act, RCW 19.86 *et seq.* TMLG serves as co-lead counsel in the MDL. The case settled on a class-wide basis in 2017, and final approval was granted in June 2018. The case is currently on appeal.
- *Wilkins, et al. v. HSBC Bank Nevada, N.A., et al.*—Filed on behalf of individuals who alleged that HSBC made prerecorded calls using an automatic dialing system. The case settled on a class-wide basis in 2014 for \$39,975,000, and final approval was granted in March 2015.
- *Ott, et al. v. Mortgage Investors Corporation*—Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG negotiated a \$7,483,600 class-wide settlement; final approval was granted in January 2016.
- *Abante Rooter and Plumbing, Inc., et al. v. Alarm.com Incorporated, et al.*—TMLG represents two certified classes of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case, which is pending in the United States District Court for the Northern District of California, has settled and a preliminary approval hearing is scheduled for November 27, 2018.

- *Abante Rooter and Plumbing, Inc., et al. v. Pivotal Payments Inc., et al.*—Filed on behalf of consumers who received automated solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled and preliminary approval is pending in the United States District Court for the Northern District of California.
- *Snyder, et al. v. Ocwen Loan Servicing, LLC*—Filed on behalf of consumers who received automated collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2017, and final approval is pending in the United States District Court for the Northern District of Illinois.
- *Melito, et al. v. American Eagle Outfitters, Inc., et al.*—Filed on behalf of consumers who received spam text messages on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis for 14.5 million in 2016, and final approval was granted in September 2017. The case is currently on appeal with the United States Court of Appeals for the Second Circuit.
- *Booth, et al. v. AppStack, et al.*—TMLG represented a certified class of consumers who received automated, prerecorded solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016, and final approval was granted in January 2017.
- *Gehrich v. Chase Bank USA*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG worked to negotiate a \$34,000,000 nationwide settlement; final approval was granted in March 2016.
- *Chesbro v. Best Buy Stores, L.P.*—Filed on behalf of consumers who received automated, prerecorded solicitation telephone calls on their residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG negotiated a \$4.5 million settlement, which was granted final approval in September 2014.

- *Rose, et al. v. Bank of America Corp., et al.*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG worked to negotiate a nationwide settlement of \$32,083,905, which was granted final approval in August 2014.
- *Steinfeld v. Discover Financial Services, et al.*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG negotiated an \$8.7 million settlement, which was granted final approval in March 2014.
- *Hanley v. Fifth Third Bank*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG negotiated a \$4.5 million settlement, which was granted final approval in December 2013.
- *Arthur v. Sallie Mae, Inc.*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG worked to negotiate a \$24.15 million nationwide settlement, and final approval was granted in 2012.

— EXHIBIT 1 —

Terrell Marshall Law Group PLLC

Wells Fargo
Matter ID 2144-001
Fees Report

Trans No	Date	Prof	Narrative	Units	Price	Value
Statement Professional: Beth E. Terrell						
325242	11/20/2017	BET	Telephone conference with Mr. Gatens regarding becoming co-counsel and attending mediation; discussed statyus of case, mediator, opposing counsel, and mediation brief.	0.60	500.00	300.00
325244	11/22/2017	BET	Reviewed mediation brief.	0.80	500.00	400.00
325248	11/23/2017	BET	Emails regarding mediation; telephone conference with Mr. Gatens about status of Wells Fargo mediation brief.	0.40	500.00	200.00
325249	11/26/2017	BET	Analyzed Wells Fargo's mediation submission to prepare for mediation.	0.70	500.00	350.00
324999	11/27/2017	BET	Travel to San Francisco for mediation; preparation for same.	5.20	500.00	2,600.00
325000	11/28/2017	BET	Mediation with Judge Cahill; preparation for same.	12.50	500.00	6,250.00
325252	11/29/2017	BET	Correspondence with Mr. Gatens regarding mediator's proposal and status of same.	0.30	500.00	150.00
325253	11/30/2017	BET	Emails with Mr. Gatens regarding acceptance of mediator's proposal and next steps re claims administrator and settlement agreement.	0.20	500.00	100.00
325254	12/06/2017	BET	Worked on claims administration issues.	0.40	500.00	200.00
325255	01/26/2018	BET	Worked on settlement issues including damages estimates from expert; emails with Mr. Gatens regarding same.	0.50	500.00	250.00
325256	01/30/2018	BET	Emails regarding status of settlement agreement.	0.60	500.00	300.00
325257	02/01/2018	BET	Analyzed Wells Fargo's revisions to the settlement agreement and the release language; prepared for call with Mr. Gatens regarding same.	1.20	500.00	600.00
325258	02/02/2018	BET	Telephone conference with Mr. Gatens regarding revised settlement agreement and expanded release.	0.50	500.00	250.00
325259	02/05/2018	BET	Emails with Mr. Gatens regarding settlement issues and communications with Wells Fargo.	0.30	500.00	150.00

10/1/2018 12:15:48 PM

Search for: 2144 Search by: Matter ID Stage: (all) Type: Fees

Page 1 of 3

Terrell Marshall Law Group PLLC

Wells Fargo
Matter ID 2144-001
Fees Report

Trans No	Date	Prof	Narrative	Units	Price	Value
325260	02/12/2018	BET	Emails with Mr. Gatens and Mr. Englund regarding settlement documentation.	0.30	500.00	150.00
325261	02/14/2018	BET	Telephone conferences with Mr. Gatens and Mr. Englund regarding settlement documentation issues and scope of release; reviewed executed term sheet from mediation.	0.80	500.00	400.00
325264	03/01/2018	BET	Continued working on settlement issues; emails with Mr. Gatens regarding same.	0.40	500.00	200.00
325265	03/05/2018	BET	Reviewed draft stipulation extending deadline for filing motion for preliminary approval.	0.20	500.00	100.00
325266	03/18/2018	BET	Worked on scheduling second mediation; analyzed potential mediators.	0.40	500.00	200.00
325267	03/19/2018	BET	Worked on mediation issues.	0.40	500.00	200.00
325268	03/23/2018	BET	Worked on scheduling mediation with Mr. Green.	0.50	500.00	250.00
325270	03/26/2018	BET	Reviewed stipulation; worked on mediation issues.	0.40	500.00	200.00
325271	03/28/2018	BET	Analyzed motion to enforce settlement agreement and potential declaration from Judge Cahill.	0.40	500.00	200.00
325272	04/03/2018	BET	Telephone conference with Mr. Gatens regarding settlement issues.	0.30	500.00	150.00
325273	04/10/2018	BET	Emails with Mr. Gatens regarding settlement issues; analyzed status update from Mr. Englund.	0.40	500.00	200.00
325247	04/18/2018	BET	Reviewed mediation brief.	0.80	500.00	400.00
325274	04/18/2018	BET	Worked on mediation issues; reviewed mediation brief.	0.70	500.00	350.00
325276	04/19/2018	BET	Worked on mediation issues; emails with Mr. Gatens and Mr. Englund regarding same.	0.80	500.00	400.00
325277	04/20/2018	BET	Reviewed Wells Fargo mediation materials including class lists.	0.40	500.00	200.00
324997	04/22/2018	BET	Travel to Boston for mediation; prepared for same.	7.20	500.00	3,600.00

Terrell Marshall Law Group PLLC

Wells Fargo
Matter ID 2144-001
Fees Report

Trans No	Date	Prof	Narrative	Units	Price	Value
324996	04/23/2018	BET	Prepared for and attended mediation with Eric Green.	10.50	500.00	5,250.00
325278	04/25/2018	BET	Reviewed Wells Fargo's response to settlement agreement; emails with Mr. Gatens about same.	0.80	500.00	400.00
325279	06/08/2018	BET	Emails with Mr. Gatens regarding waiving of settlement contingency.	0.20	500.00	100.00
325280	06/11/2018	BET	Emails with Mr. Gatens regarding motion for preliminary approval and settlement issues.	0.30	500.00	150.00
325281	06/15/2018	BET	Reviewed and revised motion for preliminary approval.	0.80	500.00	400.00
Statement Professional: Beth E. Terrell				51.20		25,600.00
Statement Professional: Blythe H. Chandler						
324818	06/18/2018	BHC	Read and analyzed Plaintiffs' motion for preliminary approval of settlement agreement [.9]. Email to co-counsel regarding draft preliminary approval motion from related case [.2]. Telephone call with co-counsel regarding motion for preliminary approval of settlement [.4].	1.50	350.00	525.00
324727	09/25/2018	BHC	Email to co-counsel regarding declarations supporting rates and analysis of the forum rate rule [.4].	0.40	350.00	140.00
325127	09/28/2018	BHC	Worked on Plaintiffs' motion for fees and costs [2.2].	2.20	350.00	770.00
Statement Professional: Blythe H. Chandler				4.10		1,435.00
Grand Total:				55.30		\$27,035.00

— EXHIBIT 2 —

Terrell Marshall Law Group PLLC

Wells Fargo
Matter ID 2144-001
Costs Report

Trans No	Date	Prof	Narrative	Units	Price	Value
Component: Air Fare						
297998	11/27/2017		Air fare	1.00	430.41	430.41
325121	04/22/2018		Air fare	1.00	558.20	558.20
310622	04/24/2018		Air fare	1.00	88.20	88.20
				Component: Air Fare	<u>3.00</u>	<u>1,076.81</u>
Component: Hotel						
325120	11/27/2017		Hotel Charges	1.00	178.27	178.27
311764	04/22/2018		Hotel Charges	1.00	206.14	206.14
				Component: Hotel	<u>2.00</u>	<u>384.41</u>
Component: Taxi						
298492	11/27/2017		Taxi	1.00	65.35	65.35
298556	11/28/2017		Taxi	1.00	66.16	66.16
311765	04/22/2018		Taxi	1.00	30.03	30.03
				Component: Taxi	<u>3.00</u>	<u>161.54</u>
Component: Westlaw						
322924	08/01/2018		Westlaw charges	1.00	1.90	1.90
				Component: Westlaw	<u>1.00</u>	<u>1.90</u>
				Grand Total:	9.00	\$1,624.66