

HON. SALVADOR MENDOZA JR.

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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

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

11 Plaintiff,

12 vs.

13 WELLS FARGO BANK, NATIONAL
14 ASSOCIATION, A National Banking
15 Association

16 Defendant.

NO. 2:17-CV-0093-SMJ

DECLARATION OF JOSEPH JORDAN
IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEYS' FEES,
COSTS, EXPENSES, AND SERVICE
AWARD

CLASS ACTION

17 JOSEPH JORDAN, pursuant to 28 U.S.C. § 1746, declares:

18 1. I am over 18 years of age, make this declaration based upon my own personal
19 knowledge, and I am competent to testify to the matters asserted herein.

20 2. I am an attorney with Northwest Justice Project. Northwest Justice Project
is a publicly funded statewide legal aid program. Our vision is justice for all low-income
people in Washington.

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1 3. During the 2016-2017 legislative session I was invited as a homeowner and
2 consumer advocate at Northwest Justice Project to participate in the stakeholder group
3 assembled by House Representative Tina Orwall to address proposed legislation relating
4 to the non-judicial foreclosure statute, RCW 61.24 *et. seq.*, that included proposed
5 changes to allow for pre-foreclosure entries into borrowers' homes who were in default
6 on their home loan obligations.

7 4. Representative Orwall was the sponsor of these proposed amendments,
8 which became proposed House Bill 2057 for the 2016-2017 legislative session.

9 5. My role in participating in this working group was to inform the process as
10 to how the proposed amendments might affect the rights of Washington homeowners and
11 consumers. Lili Sotelo from Columbia Legal Services and Clay Gatens also participated
12 as homeowner and consumer advocates during this legislative session.

13 6. Other participants in the working group included members of and lobbyists
14 for lenders, loan servicers, local governments and property preservation interest
15 groups. These interest groups were lobbying for legislation that would allow for pre-
16 foreclosure entries into default borrowers' homes with little to no oversight or protection
17 for the homeowners.

18 7. The banking, loan servicing, and property preservation interest groups
19 specifically sought a so-called legislative "fix" to the *Jordan v. Nationstar* decision
20 issued by the Washington State Supreme Court in July 2016. Mr. Gatens was the lead

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1 plaintiff's counsel in that case and was successful in his efforts to invalidate the form
2 entry provision that lenders, loan servicers, and property preservation companies had
3 purported to rely upon to conduct pre-foreclosure lock changes and other related
4 activities prior to the *Jordan* decision. In addition to seeking unfettered access to
5 properties in foreclosure, the lender, loan servicers, and property preservation companies
6 were seeking legislation that would grant them retroactive immunity for the pre-
7 foreclosure lock changes they conducted prior to (and in some cases even after) the
8 *Jordan* decision.

9 8. These working group meetings began in November 2016 and continued
10 through the extended 2016-2017 legislative session. This session went into three
11 extended sessions and ended on June 20, 2017. In all, the 2016-2017 legislative session
12 lasted 193 days and was one of the longest legislative sessions in Washington state
13 history.

14 9. Ms. Sotelo, and Mr. Gatens, and I participated in the working group
15 meetings and were the main advocates for homeowners and consumers. We opposed
16 much of the legislation promoted by the lender, loan servicer, and property preservation
17 industries – and specifically the effort to create retro-active immunity in favor of these
18 industries at the expense of homeowners and consumers.

19 10. Our participation included not just attendance at the weekly or bi-weekly
20

1 stakeholder meetings, but also testifying in front of the Senate Judiciary Committee and
2 drafting and revising multiple proposed revisions and additions to proposed HB 2057.

3 11. These efforts were hard fought and took a considerable amount of time and
4 commitment from Ms. Sotelo, Mr. Gatens, and me over the course of 8 months.

5 12. Ultimately we were successful in our efforts and HB 2057 did not pass.

6 13. It is my opinion that a significant reason the proposed legislation did not
7 pass with the proposed retroactive immunity sought by the lender, loan servicing and
8 property preservation interest groups was because of the homeowner advocates, including
9 Mr. Gatens. Had the lender, loan servicers, and property preservation interest groups
10 been successful in their efforts to enact legislative immunity for pre-foreclosure entries
11 and lock changes in favor of lenders, loan servicers, and property preservation companies
12 these industries would have escaped the liabilities they faced for their unlawful pre-
13 foreclosure entries and lock changes and the homeowners that had been injured by these
14 actions would have lost their ability to recover any damages.

15 14. The homeowner and consumer advocates also participated in and supported
16 legislative changes that allowed for pre-foreclosure entries only when supervised by the
17 Housing Finance commissions, which provided for important safeguards and protections
18 for distressed consumers and homeowners who were in default on their home loans. While
19 this legislation was not adopted in the 2016-2107 legislation, a third-party oversight
20 structure was eventually adopted in the 2017-2018 legislative session and became law in

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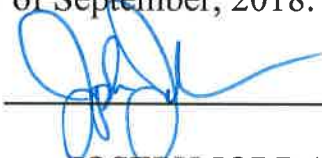
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1 June of 2018.

2 I declare under penalty of perjury under the laws of the state of Washington that the
3 foregoing is true and correct.

4 DATED this 26 day of September, 2018.

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6 JOSEPH JORDAN

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System. Notice of this filing will be sent to the parties listed below by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

Rudy A. Englund: englundr@lanepowell.com
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DATED at Wenatchee, Washington this 1st day of October, 2018.

s/CLAY M. GATENS
Clay M. Gatens, WSBA No. 34102
Attorney for Plaintiff
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