

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

GREGORY YOUNG, et al.,

Plaintiffs,

v.

WELLS FARGO & COMPANY and WELLS  
FARGO BANK, N.A.,

Defendants.

Case No. 4:08-cv-00507-RP-CFB

**PLAINTIFFS' MOTION FOR AWARD  
OF ATTORNEYS' FEES AND  
REIMBURSEMENT OF LITIGATION  
EXPENSES TO PLAINTIFFS' COUNSEL  
AND SERVICE AWARDS TO CLASS  
REPRESENTATIVES**

Come now, Plaintiffs<sup>1</sup> Edward R. Huyer, Jr., Connie Huyer, Carlos Castro, and Hazel P. Navas-Castro, by and through their undersigned attorneys, and for their Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses to Plaintiffs' Counsel and Service Awards to Class Representatives state:

1. Plaintiffs make this Motion for Award of Attorneys' Fees and Expenses to Plaintiffs' Counsel and Service Awards to Class Representatives pursuant to Rules 23 and 54 of the Federal Rules of Civil Procedure.

2. By this motion, Plaintiffs seek: (i) an award of attorneys' fees of 33-1/3% of the Settlement Fund of \$25,750,000; (ii) reimbursement of \$252,877.30 in Litigation Expenses reasonably and necessarily expended by Plaintiffs' Counsel in litigating the action; and (iii) service awards of \$10,000 to each of the Plaintiffs for their time and efforts in representing the Class in the prosecution of this Action.

3. Plaintiffs and Class Counsel respectfully submit that the attorneys' fees sought

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<sup>1</sup> Capitalized terms shall have the meaning that the Stipulation ascribes to them. (*See generally* Stip. Settlement, ECF No. 243-3.)

herein are fair and reasonable and should be approved under Rules 23(h)(1) and 54(d)(2) of the Federal Rules of Civil Procedure based on the result achieved for the Class, the extent and quality of work performed, the risks of the litigation, and the contingent nature of the representation. An award of 33-1/3% of the fund is well within, or below, the range of 25–36% typically awarded in class actions in this Circuit. The fee is also reasonable when evaluated in light of the factors set forth in *Johnson v. Georgia Highway Express*, 488 F.2d 714, 719–20 (5th Cir.1974). Further, a lodestar cross-check confirms the reasonableness of the fee.

4. Reimbursement of \$252,877.30 in Litigation Expenses reasonably and necessarily incurred in litigating the action is also fair and reasonable.

5. In satisfaction of Rule 23(h), the Claims Administrator disseminated notice of Plaintiffs' Counsel's intention to request an award of attorneys' fees not to exceed 33-1/3% of the Settlement Fund and seek reimbursement of Litigation Expenses not to exceed \$400,000 in the class notice and on the Settlement Website.

6. Finally, service awards of \$10,000 for each of the Class Representatives are reasonable and appropriate and warrant approval, based upon factors including the actions the Class Representatives took to protect the Class's interests, the degree to which the Class has benefitted from those actions, the amount of time and effort the Class Representatives expended in pursuing the litigation, and the range of awards in other cases within this Circuit.

7. This motion is based on the pleadings and discovery taken in the Action to date.

8. Additionally, this motion is supported by the following documents, which Plaintiffs have filed herewith:

- a. Declaration of Deborah Clark-Weintraub in Support of Motion for Final Approval of Class Action Settlement;
- b. Declaration of Daryl F. Scott on Behalf of Scott+Scott, Attorneys At Law,

LLP, in Support of Application for Award of Attorneys' Fees and Reimbursement of Expenses;

- c. Declaration of Michael R. Reese on Behalf of Reese LLP in Support of Application for Award of Attorneys' Fees and Reimbursement of Expenses;
- d. Declaration of Kim E. Richman in Support of Application for Award of Attorneys' Fees and Reimbursement of Expenses;
- e. Declaration of Mario A. Pacella Filed on Behalf Of Strom Law Firm, L.L.C. in Support of Application for Award of Attorneys' Fees and Reimbursement of Expenses;
- f. Declaration of Roxanne Barton Conlin Filed on Behalf of Roxanne Conlin & Associates in Support of Application for Award of Attorneys' Fees and Reimbursement of Expenses;
- g. Declaration of Howard M. Miles Filed on Behalf Of Consumer Law & Mass Tort Litigation Group, LLC, Formerly Known As Whatley Drake & Kallas, LLC in Support of Application for Award of Attorneys' Fees and Reimbursement of Expenses; and
- h. Declaration of Todd S. Garber Filed on Behalf of Finkelstein, Blankenship, Frei-Pearson, & Garber, LLP in Support of Application for Award of Attorneys' Fees and Reimbursement of Expenses; and
- i. Plaintiffs' Memorandum of Law in Support of Motion for Award of Attorneys' Fees and Expenses to Plaintiffs' Counsel and Service Awards to Class Representatives.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order:

(A) Awarding Plaintiffs' Counsel attorneys' fees in the amount of 33-1/3% of the \$25,750,000 Settlement Fund as fair and reasonable, and ordering that the attorneys' fees shall be allocated among all Plaintiffs' Counsel by Co-Lead Class Counsel in a manner which in their good faith judgment reflects each counsel's contribution to the institution, prosecution, and resolution of the Action;

(B) Awarding Plaintiffs' Counsel \$252,877.30 in reimbursement of litigation expenses;

(C) Awarding each of the Plaintiffs a service award of \$10,000 from the Settlement Fund; and

(D) Entering such other Orders as the Court deems necessary and appropriate.

Date: December 8, 2015

**SCOTT+SCOTT, ATTORNEYS AT LAW, LLP**

/s/ Deborah Clark-Weintraub  
Deborah Clark-Weintraub (*pro hac vice*)  
The Chrysler Building  
405 Lexington Avenue, 40th Floor  
New York, New York 10174  
212-223-6444  
Fax: 212-223-6334  
Email: dweintraub@scott-scott.com

**REESE LLP**

Michael R. Reese  
100 West 93rd Street, 16th Floor  
New York, New York 10025  
212-643-0500  
Fax: 212-253-4272  
Email: mreese@reesellp.com

*Lead Class Counsel*

**ROXANNE CONLIN & ASSOCIATES, P.C.**

Roxanne Conlin  
319 Seventh Street, Suite 600  
Des Moines, Iowa 50309  
515-283-1111  
Fax: 515-282-0477  
Email: roxlaw@aol.com

*Local Counsel for Plaintiffs*

**THE RICHMAN LAW GROUP**

195 Plymouth Street  
Brooklyn, New York 11201  
212-687-8291  
Fax: 212-687-8292  
Email: krichman@richmanlawgroup.com

**STROM LAW FIRM, LLC**

Mario Pacella  
2110 N. Beltline Blvd., Suite A  
Columbia, South Carolina 29204  
803-252-4800  
Fax: 803-252-4801  
Email: mpacella@stromlaw.com

**FINKELSTEIN, BLANKINSHIP,  
FREI-PEARSON & GARBER, LLP**

1311 Mamaroneck Avenue, Suite 220  
White Plains, New York 10605  
914-298-3281  
Fax: 914-824-1561  
Email: tgarber@fbfglaw.com

*Additional Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2015, the foregoing document was filed with the Clerk of the Court via the Court's CM/ECF electronic filing system and served on all counsel of record registered to receive electronic notice. Those not registered to receive electronic notice were served via regular first class mail.

/s/ Deborah Clark-Weintraub  
Deborah Clark-Weintraub (*pro hac vice*)  
**SCOTT+SCOTT,**  
**ATTORNEYS AT LAW, LLP**  
The Chrysler Building  
405 Lexington Avenue, 40th Floor  
New York, New York 10174  
212-223-6444  
Fax: 212-223-6334  
Email: dweintraub@scott-scott.com

*Lead Class Counsel*