

noted, I have personal knowledge of the facts set forth in this declaration, and could testify competently to them if called upon to do so.

Background and Experience

1. Meyer Wilson is a plaintiffs' law firm with its primary office in Columbus, Ohio. With co-counsel, Meyer Wilson handles cases across the country. In addition to its practice on behalf of individual and institutional investors in arbitrations before the Financial Industry Regulatory Authority ("FINRA"), Meyer Wilson has a robust complex litigation and class action practice involving consumer, employment, financial, and securities matters.

2. I graduated from Denison University, *magna cum laude*, in Philosophy in 1997, before graduating from the University of Virginia School of Law in 2000. I came to Meyer Wilson (then called Meyer & Associates Co., LPA) in 2006 as an associate and was promoted to named principal of the firm in 2012. Prior to coming to Meyer Wilson, I worked as an attorney at Jones Day in its Columbus office, where I defended class actions and litigated other complex civil cases. I have been the chair of the Class Action Committee of the Central Ohio Association for Justice since 2007. I am also a member of the Class Action Preservation Project committee with Public Justice. In addition to the California and Ohio state bars, I am also admitted to the Sixth, Seventh,

Ninth, and Eleventh Circuit Courts of Appeals; to the Central, Eastern, Northern, and Southern Districts of California; the Northern and Southern Districts of Ohio; the Central and Northern Districts of Illinois; and the Eastern and Western Districts of Wisconsin. As set forth below, I have significant experience litigating consumer class actions.

3. I and others at Meyer Wilson have been in the vanguard of the litigation of class action lawsuits under the Telephone Consumer Protection Act. Cases in which I have played a lead or active role include several of the largest TCPA class settlements, as well as a number of other still-pending cases that involve some of the largest banking and financial institutions in the world.

4. In particular, Meyer Wilson, in collaboration with our co-counsel, has been in active litigation against Wells Fargo with regard to the TCPA since 2012. Besides this case, Meyer Wilson has been counsel of record in other cases against Wells Fargo that have settled, or are in the process of settling, on excellent terms for consumers, including: (1) *Prather v. Wells Fargo Dealer Services*, No. 1:15-cv-4231, (N.D. Ga.) (nationwide class settlement of student loan-related calls of \$2.075 million, preliminary approval granted February 24, 2017); (2) *Cross v. Wells Fargo Bank, N.A.*, No. 1:15-cv-1270 (N.D. Ga.) (nationwide class settlement of deposit account-related calls of \$30.4 million,

approved February 10, 2017); (3) *Markos v. Wells Fargo Bank, N.A.*, No. 15-cv-1156 (N.D.Ga.) (nationwide class settlement mortgage-related calls of \$16.4 million, approved January 30, 2017); (4) *Franklin v. Wells Fargo Bank, N.A.*, No. 14-cv-2349-MMA (S.D.Cal.) (nationwide class settlement credit-card related calls of \$13.89 million, approved in January, 2016).

5. In addition, I and my co-counsel were involved in two predecessor cases to *Franklin* that involved TCPA claims against Wells Fargo: (1) *Martin v. Wells Fargo Bank, N.A.*, Case No. 3:12-cv-06030-SI (N.D. Cal.); and (2) *Heinrichs v. Wells Fargo Bank N.A.*, Case No. 3:13-cv-05434-WHA (N.D. Cal.). Although these cases did not produce a settlement, the knowledge gained in those cases was instrumental in understanding the nature and structure of Wells Fargo's calling programs. It is my belief that, absent Meyer Wilson's and our co-counsel's litigation of the *Martin*, *Heinrichs*, *Franklin*, *Markos*, and *Cross* cases, the current settlement with Wells Fargo would have been much less likely, particularly one so early in the litigation.

6. In addition to our TCPA cases against Wells Fargo, Meyer Wilson has a long track-record of successful TCPA class action cases:

- a. *Cordoba v. DIRECTV, Inc.*, Case No. 1:15-cv-3755 (N.D.Ga.)
(litigation class of consumers receiving telemarketing calls certified on July 12, 2017)
- b. *Ossola v. American Express Company*, Case No. 13-cv-04836
(N.D. Ill.) (nationwide class settlement of \$8.5 million; final approval granted in late 2016);
- c. *Smith v. State Farm Mutual Auto. Ins. Co.*, Case No. 13-cv-02018
(N.D. Ill.) (nationwide class settlement of \$7 million; final approval granted in late 2016);
- d. *Bayat v. Bank of the West*, Case 3:13-cv-02376-EMC (N.D. Cal.)
(nationwide class settlement of \$3.35 million approved in April 2015);
- e. *Connor v. JPMorgan Chase Bank*, Case No. 10 CV 1284 DMS
BGS (S.D. Cal. Mar. 12, 2012) (nationwide class settlement of \$11.67 million; final approval granted in early 2015);
- f. *In Re: Capital One Telephone Consumer Protection Act Litigation*,
MDL No. 2416 (N.D. Ill.) (nationwide settlement of more than \$75.5 million, largest TCPA class settlement in history; final approval granted February 2015);

g. *Mills v. HSBC Bank Nevada, N.A.*, Case No. 3:12-cv-04010-SI (N.D. Cal.) (nationwide settlement of over \$39.9 million; final approval granted February 2015);

h. *Wannemacher v. Carrington Mortgage Services LLC*, Case No. 8:12-cv-02016-FMO-AN (C.D. Cal.) (nationwide settlement of \$1.03 million common fund; final approval granted in December 2014);

i. *Steinfeld v. Discover Financial Services, et al.*, Case No. 3:12-cv-01118-JSW (N.D. Cal.) (nationwide settlement of \$8.7 million common fund; final approval granted in 2014);

j. *Rose v. Bank of America*, Case No. 5:11-cv-02390 (N.D. Cal.) (nationwide settlement of \$32 million common fund, at the time the largest TCPA class settlement; final approval granted in September 2014);

k. *Arthur, et al. v. Sallie Mae, Inc.*, No. C10-0198 JLR (W.D. Wash.) (nationwide class settlement of \$24.15 million; at the time the largest TCPA class settlement; final approval granted in 2012);

l. *Brown v. Directv LLC, et al.*, Case No. 2:13-cv-01170-DMG-E (C.D. Cal.);

m. *Rice-Redding, et al. v. Nationwide Mutual Automobile Ins. Co.*, Case No. 1:16-cv-03634-TCB (N.D. Ga.);

n. *Harris v. American Express Co.*, Case No. 1:17-cv-00732
(S.D.N.Y).

7. I also have significant experience in the litigation, trial, and settlement of class actions involving complex economic injury and product defects, false advertising, and breaches of medical data privacy. Cases in which I have served as Class Counsel in such actions and in which I played a lead or active role include:

a. *Yarger, et al. v. ING Bank FSB*, Case No. 1:11-cv-00154-LPS (D. Del.) (Co-Lead Class Counsel in nationwide case alleging misrepresentations related to marketing of mortgage note modifications; nationwide settlement of over \$20 million in cash relief approved October 2014.)

b. *Struck, et al. v. PNC Bank, N.A.*, Case No.2:11-cv-982 (S.D. Ohio) (Co-Lead Class Counsel in class and collective action involving alleged misclassification of mortgage loan officers; nationwide settlement of \$7 million cash approved May 2014.)

c. *Lazebnik v. Apple, Inc.*, Case No. 5:13-cv-04145-EJD (N.D. Cal.) (Co-Lead Class Counsel in nationwide class action alleging fraudulent marketing of a “season pass” of the television show *Breaking Bad* on Apple’s

iTunes service. In response to the lawsuit, Apple provided a full credit to the entire proposed class; settlement reached in October 2014.)

c. *Smith v. Regents of the University of California*, Case No. RG08-410004 (Alameda County, California, Superior Court) (Co-Lead Counsel in California statewide action alleging breaches of medical data privacy. The class was certified on July 9, 2009, and the case settled in late 2011.)

d. *Mack v. hh gregg, Inc., et al.*, Case No. 1:08-cv-664 (S.D. Ind.) (Co-Lead Counsel in putative class action involving alleged incorrect installation of dryers. Nationwide class settlement was granted final court approval on March 18, 2011.)

e. *Kaiser-Flores v. Lowe's Home Centers, Inc.*, Case No. 5:08-CV-00045 (W.D. North Carolina) (Co-Lead Counsel in putative class action involving alleged incorrect installation of dryers. Nationwide class settlement, including cash relief for class members, was granted final court approval on December 15, 2010.)

f. *Sanbrook v. Office Depot, Inc.*, Case No. 07CV096374 (N.D. Cal.) (Co-Lead Class Counsel in California statewide class action involving misleading service plan terms and other related issues. After the Court certified

a litigation class, the case settled for cash relief for class members, and was granted final approval by the Court on November 23, 2010.)

g. *Frankle v. Best Buy Stores, L.P.*, Case No. 08-5501 (D. Minn.) (Co-Lead Counsel in putative class action involving alleged incorrect installation of dryers. Nationwide class settlement was granted final court approval on November 9, 2010.)

h. *Stout v. Jeld Wen, Inc.*, Case No. 1:08-CV-652 (N.D. Ohio) (Lead Class Counsel in putative nationwide class action alleging defective windows. The court granted final approval to the nationwide settlement on August 8, 2010.)

i. *Fulford v. Logitech, Inc.*, Case No. 08-cv-02041 (N.D. Cal.) (Co-Lead Class Counsel in class action alleging deceptive advertising of a consumer product. The nationwide class action settlement was granted final Court approval on March 5, 2010.)

j. *Schweinfurth, et al. v. Motorola, Inc.*, Case No. 1:05-CV-0024 (N.D. Ohio) (Co-Lead Class Counsel in nationwide class action alleging defective cellular phones, resulting in nationwide settlement with cash relief for class members, approved by the court on January 25, 2010.)

k. *Steele v. Pergo, Inc.*, Case No. CV07-1493 (D. Oregon) (Lead Class Counsel in class action alleging defective laminate flooring. The nationwide settlement was granted final court approval in July, 2009.)

1. *Jenkins v. Hyundai Motor Finance Co.*, Case No. 2:04-cv-00720 (S.D. Ohio) (Appointed Co-Lead Class Counsel in a class action alleging defective notices in connection with the repossession and subsequent disposition of vehicles. The case settled after the court certified a litigation class, and final approval was granted by the court in July, 2009.)

8. In the *Luster v. Wells Fargo* matter, I was assisted by Michael J. Boyle, Jr., an associate attorney at Meyer Wilson. Mr. Boyle graduated *cum laude* from the University of Pennsylvania School of Law in 2008. Mr. Boyle clerked for the Honorable R. Guy Cole, Jr., of the United States Court of Appeals for the Sixth Circuit, and worked at the international law firm Covington & Burling, LLP, prior to coming to work at Meyer Wilson in early 2013. Since coming to the firm, Mr. Boyle has worked primarily with me on our firm's TCPA class action cases. In 2014, 2016, and 2017, Mr. Boyle was recognized as an Ohio Super Lawyer Rising Star. Mr. Boyle is admitted to and in good standing in the bars of California and Ohio, as well as the Sixth, Seventh, Ninth, and Eleventh Circuit Courts of Appeals, the Northern, Eastern,

Central, and Southern Districts of California, the Southern District of Ohio, the Central District of Illinois, and the Eastern and Western Districts of Wisconsin.

Work on This Matter

9. Work on this matter required Meyer Wilson to spend time that could have been spent on other matters. At various times during the litigation, this matter has consumed my time, along with the time of Meyer Wilson attorney Michael Boyle.

10. Virtually all of the work that Meyer Wilson undertakes, including its work in this case, is on a contingency fee basis. As such, Meyer Wilson shouldered the risk of expending costs and time in litigating this action without any monetary gain in the event of an adverse judgment.

11. While Meyer Wilson has achieved notable successes in its TCPA and other class action cases, we have also been involved in cases in which we have not been able to obtain any relief for class members and no fees for ourselves. In contingency fee cases, such an outcome means that all of the time and resources expended by us goes uncompensated. Examples of such cases in the TCPA class action context include: *Wolf v. Lyft, Inc.*, Case 4:15-cv-01441-JSW (N.D. Cal. Mar. 28, 2016) (dismissing case); *Aghdasi v. Mercury Insurance Group, Inc.*, Case No. 2:15-cv-04030-R-AGR (C.D. Cal. Mar. 16,

2016) (dismissing case after denial of class certification); *Ineman v. Kohl's Corp.*, Case No. Case 3:14-cv-00398-wmc (W.D. Wisc. Mar. 26, 2015) (compelling claims to arbitration on an individual basis); *Levin v. National Rifle Assoc. of Am.*, Case 1:14-cv-24163-JEM (S.D. Fla. Feb. 6, 2015) (dismissing case); *Balschmitter v. TD Auto Fin. LLC*, 303 F.R.D. 508, 530 (E.D. Wis. 2014); (denying class certification on eve of trial); *Charvat v. The Allstate Corp.*, Case No. 1:13-cv-07104 (N.D. Ill. Feb. 20, 2015) (terminating case); *Evans v. Aetna Inc.*, Case No. 2:13-cv-01039-LA (E.D. Wisc. Nov. 20, 2013) (dismissing case); *Cayanan v. Citi Holdings, Inc.*, 928 F. Supp. 2d 1182, 1208 (S.D. Cal. 2013) (compelling individual arbitration); *Brown v. DIRECTV, LLC*, 2013 U.S. Dist. LEXIS 90894 (C.D. Cal. June 26, 2013) (compelling claims to arbitration on an individual basis); and *Delgado v. US Bankcorp*, 2:12-cv-10313-SJO-AJW (C.D. Cal. Jan. 17, 2013) (dismissing case).

12. In light of the risks inherent in class action litigation, including TCPA class action litigation, as well as my experience with more than a dozen large TCPA class settlements, it is my opinion that the pending settlement is an excellent result for consumers and members of the class. The settlement is well within the range of other TCPA debt collection settlements on a dollars-per-class member basis.

13. In addition, based on my experience, class counsel's request for an attorneys' fee award of 30% of the Settlement Fund, inclusive of costs and expenses, is fair and reasonable. This Settlement provides direct, monetary benefits to Class Members, very few of whom would have filed their own individual lawsuits. Additionally, as discussed above, Class Counsel's pre-filing investigation, prior litigation against Wells Fargo, and reputation for getting results for class members in these cases, resulted in a settlement now, rather than after years of litigation. This is a strong result that was not remotely guaranteed from the outset, and thus represents a benefit to consumers that would not have been achieved absent our involvement in the litigation.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct, and that this declaration was executed at Columbus, Ohio on July 20, 2017.

/s/Matthew R. Wilson
Matthew R. Wilson