UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION

EUGENIO AND ROSA CONTRERAS, WILLIAM PHILLIPS, TERESA BARNEY, KEITH AND TERESA MARCEL, SHERLIE CHARLOT, and JENNIE MILLER, on behalf of themselves and all others similarly situated,

Plaintiff,

v.

NATIONSTAR MORTGAGE LLC, a
Delaware Limited Liability Company;
SOLUTIONSTAR HOLDINGS LLC (N/K/A
XOME HOLDINGS LLC), a Delaware Limited
Liability Company; and SOLUTIONSTAR
FIELD SERVICES LLC, a Delaware Limited
Liability Company,

Defendant.

Case No. 2:16-cv-00302-MCE-EFB

SUPPLEMENTAL DECLARATION OF MARK COWEN IN SUPPORT OF PLAINTIFFS' REPLY TO FINAL APPROVAL MOTIONS

- I, Mark Cowen, declare as follows:
- 1. I am a Project Manager with A.B. Data, Ltd. ("A.B. Data"). I am fully familiar with the facts contained herein based upon my personal knowledge, and if called as a witness, could and would testify competently thereto. I submit this Declaration at the request of Plaintiffs in connection with the above-captioned action (the "Action").
- 2. A.B. Data was authorized to act as the Settlement Administrator in connection with the Settlement in this Action. This Declaration is based upon my personal knowledge and upon information provided to me by Class Counsel, my associates, and A.B. Data staff members.

3. I submit this Declaration to supplement my earlier declaration, the September 2, 2022, Declaration of Mark Cowen in Support of Plaintiffs' Unopposed Motion for Final Approval of Settlement Agreement and Certification of Settlement Class (the "Initial Notice Declaration"), which provided the Court with information regarding the implementation of Notice to the Class.

CONTINUED DISSEMINATION OF THE NOTICE BY EMAIL

- 4. To ensure that all potential Class Members with email addresses received notice, A.B. Data sent a supplemental electronic mailing of the Notice between September 8, 2022 and September 20, 2022 to records where multiple borrower email addresses were associated with a single loan. For example, in the case of two borrowers associated with a single loan, in the first round of notice, Email Notice was sent to Borrower 1. To the extent a unique email address was also available for Borrower 2 that was different from the email address previously provided notice for Borrower 1, a supplemental Email Notice was transmitted to an additional 35,775 unique email addresses September 8, 2022 and September 20, 2022. At the conclusion of the process, 35,775 emails were sent, with 34,720 confirmed as delivered, which is a 97.05% delivery rate.
- 5. For any electronic mailing of the Notice that has been sent, only one Notice was sent to a unique email address. There were also approximately 11,156 occurrences in the database where a unique email address was associated to multiple Class Member records.
- 6. Based on the A.B. Data records, a total of 298,703 Email Notices have been sent to Class Members, which includes emails sent to an email address for Borrower 1 and Borrower 2. To date, 5,480 have been deemed undeliverable, for those records, 4,425 were sent a Postcard Notice by mail.

CONTINUED DISSEMINATION OF THE NOTICE BY MAIL

- 7. Since the execution of my Initial Notice Declaration, A.B. Data continued to resend undeliverable Postcard Notices to Class Members where an updated mailing address was available, either from a forwarding address provided by the USPS, or through a tracing effort.
- 8. As of the date of this Declaration, A.B. Data has had a total of 4,579 Notices to Class Members returned as undeliverable by the USPS. Tracing efforts to locate a better address were made, resulting in 2,245 updated addresses that were re-sent the Postcard Notice by first class mail. Of the Notices that were remailed, approximately 181 were returned a second time as undeliverable.
- 9. Based on A.B. Data records, a total of 81,483 Notices have been mailed to Class Members, which includes the initial number mailed and Postcard Notices that were re-sent to Class Members.

TELEPHONE HELPLINE AND WEBSITE

- 10. A.B. Data continues to maintain the toll-free telephone number (1-877-354-3839) and interactive voice response system to accommodate any inquiries from potential Class Members with questions about the Action and the Settlement. As of the date of this Declaration, 1,321 callers have called the toll-free number. This also provided callers the opportunity to request a copy of the Long Form Notice be sent to them by mail or email. To my knowledge there have been zero (0) requests for a Long Form Notice.
- 11. A.B. Data also continues to maintain the settlement website (www.MortgageConvenienceFeeSettlement.com) to provide detailed information regarding the Settlement to Class Members. The website has been visited 4,546 times as of the date of this declaration.

- 12. A.B. Data also set up a dedicated email address,

 info@MortgageConvenienceFeeSettlement.com, and received email inquiries from 682 persons.

 A.B. Data has responded to each inquiry.
- 13. A.B. Data will continue maintaining and, as appropriate, updating the website until the conclusion of the administration of the Settlement.

REPORT ON REQUESTS FOR EXCLUSION RECEIVED

- 14. The Class Notice informed potential members of the Class that Requests for Exclusion from the Class were to be sent in writing to A.B. Data and were to be emailed and received, or postmarked and mailed, no later than October 7, 2022. As of the date of this Declaration A.B. Data has received a total of thirty-four (34) Requests for Exclusion, and one (1) letter from an individual who did not satisfy the class definition to be a member of one of the Settlement Classes.
- 15. Of the Requests for Exclusion received, four (4) were reviewed and deemed valid by A.B. Data pursuant to Section 10.1 of the Settlement Agreement. A.B. Data sent confirmation of receipt and acceptance of the Exclusion Request by email to one (1) individual's counsel upon request. A copy of three (3) of these valid Requests for Exclusion is attached hereto as Exhibit A. These individuals are: Thomas E Vittitow (Estate of), Jackerly McFadden, and Guadalupe Vera.
- 16. One (1) individual who submitted a Request for Exclusion, David Hale, stated he had ongoing litigation against Nationstar, did not provide the same mailing address as the address listed in the Settlement Administrator's records. A.B. Data mailed this individual a letter to request additional identifying information. This was returned as undeliverable. An email was sent to a record with the same name as the requestor. The email requested a response to confirm whether a Request for Exclusion was from him. As of the date of this Declaration there has not

been response to the email. A copy of this Request for Exclusion and A.B. Data's notices are attached hereto as Exhibit B.

- 17. Of the Requests for Exclusion received, thirty (30) individuals who submitted a Request for Exclusion were not deemed valid by A.B. Data pursuant to Section 10.1 of the Settlement Agreement because the requests were prepared with electronic signatures and were presented as Mass opt-outs. A.B. Data sent confirmation of receipt by email to these thirty (30) individuals indicating that their Exclusion Request was received, but stating that it was not submitted in the proper form and the person's name would not be included on the list of individuals who had properly opted-out of the Settlement Class. A copy of these Requests for Exclusion is attached hereto as Exhibit C, along with an example email sent to these individuals by A.B. Data. To date, A.B. Data has not received any follow-up inquiries from these individuals. To the extent any information is received before the Final Approval Hearing on November 10, 2022, A.B. Data will submit a supplemental declaration so advising the Court.
- 18. David Lawson, a New Mexico resident, sent correspondence stating that he was not Settlement Class Member. Upon review of his file, it was clear that Mr. Lawson did not satisfy the class definition to be considered a member of the Illinois Settlement Class because he has never been an Illinois resident. Accordingly, Class Counsel advised me to remove him from the Illinois Settlement Class. A copy of Mr. Lawson's correspondence is attached hereto as Exhibit D.

REPORT ON OBJECTIONS

19. As of the date of this Declaration, A.B. Data has not received any written objections or comments related to the Settlement. I declare under penalty of perjury that the foregoing is true and correct.

Case 2:16-cv-00302-MCE-JDP Document 175 Filed 11/03/22 Page 6 of 6

Executed this 3rd day of November 2022.

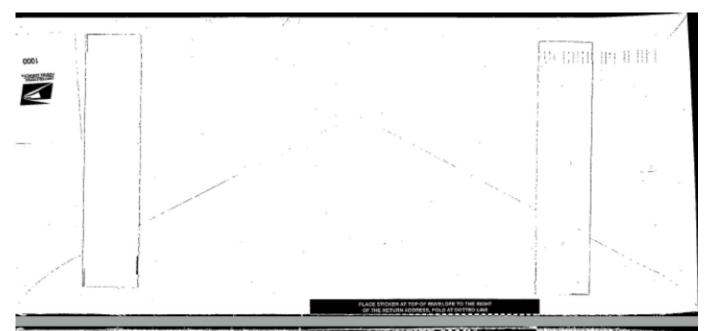
Mark Cowen

Project Manager

EXHIBIT A

Reguest to Exclude OPT out of Lawsuit

, , , , , , , , , , , , , , , , , , ,	Class
	My Reasons for Opting out of Lawsuit
	are as Follows
	AFTER spending over a year taking care of my Brothers
	Estate probate, Lossing my Job & I years Lost wages
	to see my Brothers Estate Business through, I have
	No Destre OR Extra time to Chase after
	Class action Lawsuits from Greedy Corporations Charging
	Convience fees for paying payments on line or over
	the phone, Further more on may 22 nd 2022
	my wife Had a stroke Leaving me as her
	personal health care AID and Requirer
	Full time ATTENTION to her needs, IN closing
	I would seen up by raying I don't need the
	added stress, let what few thousand dollars
1	that would or might be there stay or Divided up
	umoung the other thousands of victims!
	Exclude My Brother Thomas E. Vittitow (Estate) and me Terry M. Vittiton
·	PR From Lawsuit Estop Probate Closing in process New! Thanks! Jerry a. Villeton
	of The Thomas E. Vittitow Estate
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Terry A. Vittitow PR
For Estate of Thomas E. Vittitow
740 E. 1950 AVE.
Vandalia, IL. 62471

CERTIFIEU MAIL



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RETURN RECEIPT

REQUESTED

Mortgage Convenience Fee Class Action Settlements

C/o A.B. Data, Ltd., P.O Box 170500, Milwaukee, WI 53217

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October 5, 2022

Jackerly McFadden 1815 Adventure Place North Lauderdale, FL 33068

SENT VIA EMAIL AND FEDEX

Mortgage Convenience Fee Class Action Settlement c/o A.B. Data, Ltd., P.O. Box 170500 Milwaukee, WI 53217

Email: info@MortgageConvenienceFeeSettlement.com

Re: Contreras v. Nationstar Mortgage LLC, Case No. 2:16-cv-00302-MCE-EFB, Class Settlement Opt-Out, Account No. 0658157516

To Whom It May Concern:

I, Jackerly McFadden, wish to opt out and be excluded from the settlement in Contreras v. Nationstar Mortgage LLC, Case No. 2:16-cv-00302-MCE-EFB. I currently am a class representative plaintiff in an existing lawsuit against Nationstar, styled McFadden v. Nationstar Mortgage, LLC d/b/a Mr. Cooper. Case No. 1:20-cv-00166-EGS (D. DC).

Please confirm that this opt out has been timely received by responsive email to my counsel, James Kauffman, <u>jkauffman@baileyglasser.com</u>, and Kristen Simplicio, <u>ksimplicio@tzlegal.com</u>.

Thank you,

Jackerly McFadden
1815 Adventure Place

North Lauderdale, FL 33068

Jackly Mctalde



EUGENIO AND ROSA CONTRERAS, WILLIAM PHILLIPS, TERESA BARNEY, KEITH AND TERESA MARCEL, SHERLIE CHARLOT, and JENNIE MILLER, on behalf of themselves and all others similarly situated, NATIONSTAR MORTGAGE LLC, a Delaware Limited Liability Company; SOLUTIONSTAR HOLDINGS LLC (N/K/A XOME HOLDINGS LLC), a Delaware Limited Liability Company; and SOLUTIONSTAR FIELD SERVICES LLC, a Delaware Limited Liability Company

b) Guadalupe Vera

2803 S Trumbull Ave

Chicago IIC 60623

Duadelupe Vera

c)

Thereby request that I be excluded from the proposed Settlement Class in the Class Action Chicago, IL 60623

larena, Esq. linton, No. 132 IL 60607

edgwick Law

Mortgage Convenience Fee Cla c/o A.B. Data, Ltd. P.O. Box 170500 Milwaukee, WI 53217

Townson or Townson or

EXHIBIT B

David Hale P.O. Box 41 Palm Desert, CA. 92261

MORTGAGE CONVENIENCE CLASS ACTION SETTLEMENT % A.B. Data, LTD.
P.O. Box 170500
Milwaukee, WI., 53217

re: Contreras v. Nationstar Mortgage LLC, case no. Z:16-cv-00302-mce-EFB

To Whom it May Concern,

In regards to the above mentioned settlement case, I wish to opt out. We are currently engaged in a separate court case against Nationstar and do not wish to participate in the fee settlement case.

Thank you

David Hale P.O. Box 41

Palm Desert, CA. 92261

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Mortgage Convenience Class Action Settlement c/o A.B. DATA, LTD. P.O. Box (70500 Milwaukee, W.I., 53217

P.O. Box 41 PAIM DIELT, CA. 98661

NATIONSTAR MORTGAGE SETTLEMENT C/O A.B. DATA, LTD. P.O. BOX 173406 MILWAUKEE, WI 53217

REQUEST FOR ADDITIONAL INFORMATION

DATE: October 10, 2022

RE: Contreras v. Nationstar Mortgage Settlement

EXCLUSION NUMBER: 208882816

RESPONSE DEADLINE: October 31, 2022

Dear David Hale:

We have begun to process the Request for Exclusion ("Exclusion") that you submitted in the Nationstar Mortgage Settlement. However, we have searched our database and did not locate a record of Notice mailed for:

DAVID HALE PO Box 41 Palm Desert, CA 92261

In order to process your exclusion request, you must submit an emailed response with any required information as specified below, received no later than the response deadline printed above. Please include a copy of this notice with your response. Failure to respond to this request with the required information to cure the deficient condition(s) identified below by the response deadline will result in an invalid Exclusion.

CONFIRM BORROWER'S NAME, BORROWER'S MAILING ADDRESS (at the time of loan) AND NOTICE ID NUMBER

If you have any questions about this notice or if you want to confirm the status of your Exclusion after you submit a response to this notice, please contact us at 1-877-354-3839 or email us at info@mortgageconveniencefeesettlement.com. Please reference the exclusion number listed above in any communication.

Sincerely yours,

A.B. DATA, LTD. Claims Administrator

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From:
To: sausalitodave@yahoo.com

Subject: Contreras v. Nationstar Mortgage Settlement Date: Thursday, November 3, 2022 2:05:14 PM

Dear Filer,

We received a request postmarked on 9/1/2022 to opt- out of the case titled **Contreras v.**

Nationstar Mortgage Settlement. The request to opt-out was sent by David Hale from an address using a PO Box, with the city, state and zip code listed below.

Palm Desert, CA 92261

Please confirm by replying to this email or reaching out to me directly if the request to opt-out for **David Hale** was sent by you.

Regards,



A.B. Data, Ltd. - Class Action Administration

600 A.B. Data Drive • Milwaukee, WI 53217 <u>ABDataClassAction.com</u>

EXHIBIT C

NOTICE OF OPT OUT OF SETTLEMENT CLASS IN Contreras v. Nationstar Mortgage LLC, Case No. 2:16-CV-00302-MCE-EFB

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UNITED STATES
POSTAL SERVICE® VISIT US AT USPS.COM® ORDER FREE SUPPLIES ONLINE FOR DOMESTIC AND INTERNATIONAL USE Milwaukee, WI 53217 TO: Mortgage Convenience fee class Action settlement C/O A.B. Data LTD FLAT RATE ENVELOPE POSTAGE REQUIRED 2727 Ulmerton Rd. Ste. 270 PO BOX 170500 Consumer Law Attorneys Clearwater, FL 33762 * MAIL PRESS FIRMLY TO SEAL PRIOR Label 228, March 2016 FROM: age Pickup, s apply).* ations. overage USPS.COM/PICKUP Origin: 33630 09/30/22 1189440600-93 1004 0 Lb 5.60 Oz Retail * I B050 **US POSTAGE PAID** <u>て</u> 9505 5146 2900 2273 9833 43 PRIORITY MAIL® EXPECTED DELIVERY DAY: 10/03/22 \$8.95 USPS TRACKING®# PO BOX 170500 MILWAUKEE WI 53217-8042 OD: 12 1/2 x 9 1/2 **EP14F May 2020** POSTAL SERVICE SHP 01000014 A ıl Ma ot cc nge ntei nual live nat tic

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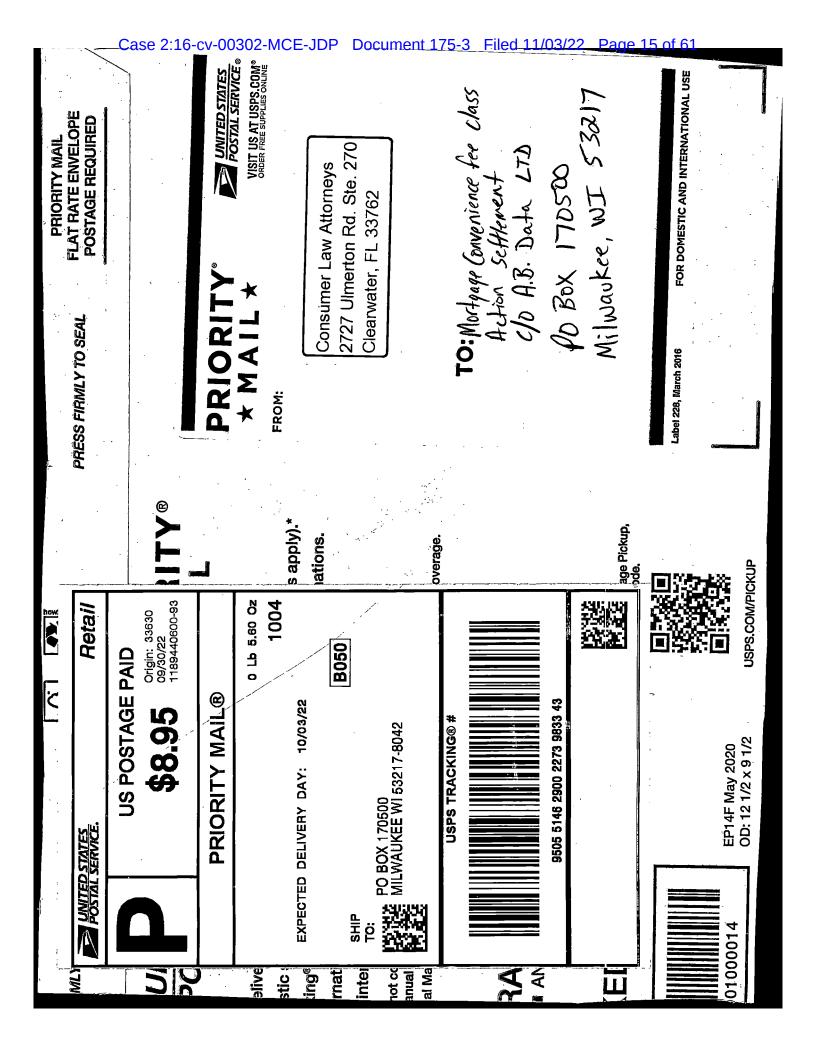
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UNITED STATES
POSTAL SERVICE® FOR DOMESTIC AND INTERNATIONAL USE VISIT US AT USPS.COM® ORDER FREE SUPPLIES ONLINE TO: Mortgage Convenience fee class Action settlement C/O A.B. Data LTD Milwaukee, WI 53217 FLAT RATE ENVELOPE POSTAGE REQUIRED 2727 Ulmerton Rd. Ste. 270 DESOL 170500 Consumer Law Attorneys Clearwater, FL 33762 * MAIL PRESS FIRMLY TO SEAL PRIOR Label 228, March 2016 FROM: age Pickup, s apply).* ations. overage. USPS.COM/PICKUP Origin: 33630 09/30/22 1189440600-93 1004 0 Lb 5.60 Oz Retail B050 **US POSTAGE PAID** _ て _ 9505 5146 2900 2273 9833 43 PRIORITY MAIL® EXPECTED DELIVERY DAY: 10/03/22 \$8.95 USPS TRACKING® # PO BOX 170500 MILWAUKEE WI 53217-8042 OD: 12 1/2 x 9 1/2 **EP14F May 2020** POSTAL SERVICE SHP 01000014 I AN al Ma ing inter not co rnat sive anna stic :

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NOTICE OF OPT OUT OF SETTLEMENT CLASS IN Contreras v. Nationstar Mortgage LLC, Case No. 2:16-CV-00302-MCE-EFB

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476 Hollywood St, Ormond Beach, FL 32176		
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2104 Drive Way, Kissimmee, FL 34746			
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Matthew L Harris ir Matthew L Harris jr (Sep 18, 2022 20:31 EDT)			
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NOTICE OF OPT OUT OF SETTLEMENT CLASS IN Contreras v. Nationstar Mortgage LLC, Case No. 2:16-CV-00302-MCE-EFB

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11028 Holly Cone Dr, Riverview, FL 33569
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FOR DOMESTIC AND INTERNATIONAL USE VISIT US AT USPS.COM® ORDER FREE SUPPLIES ONLINE UNITED STATES
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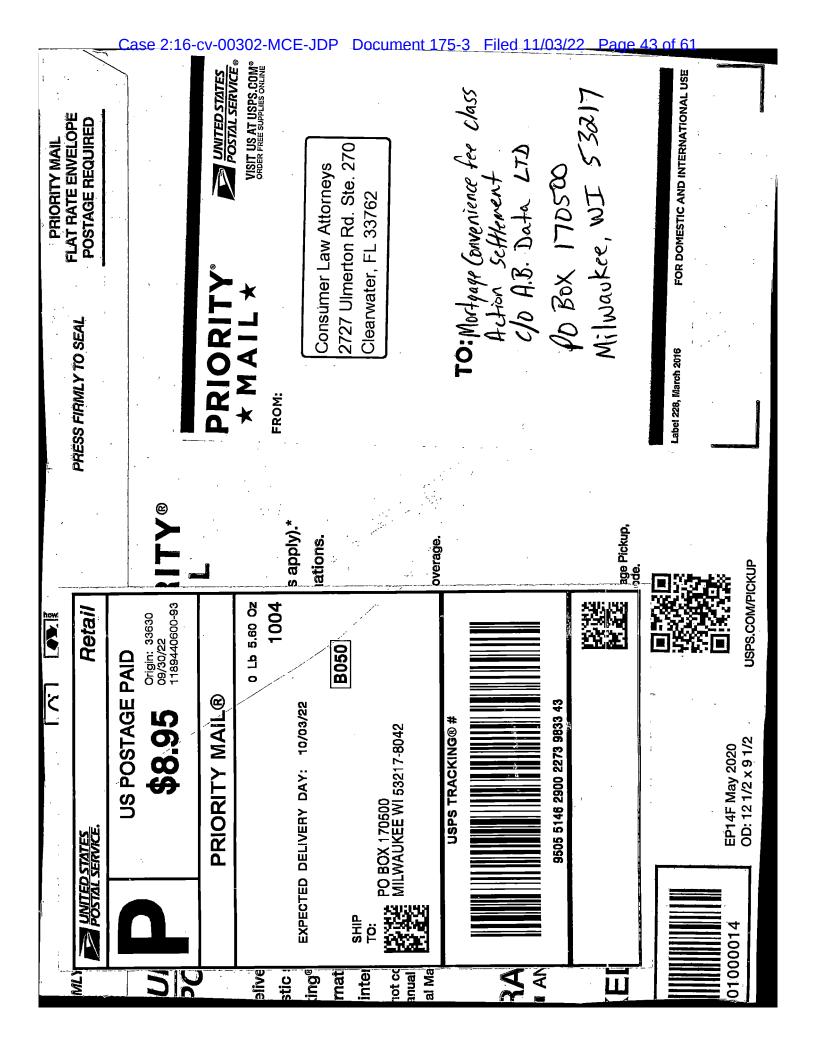
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7630 Ramona St, Miramar, FL 33023			
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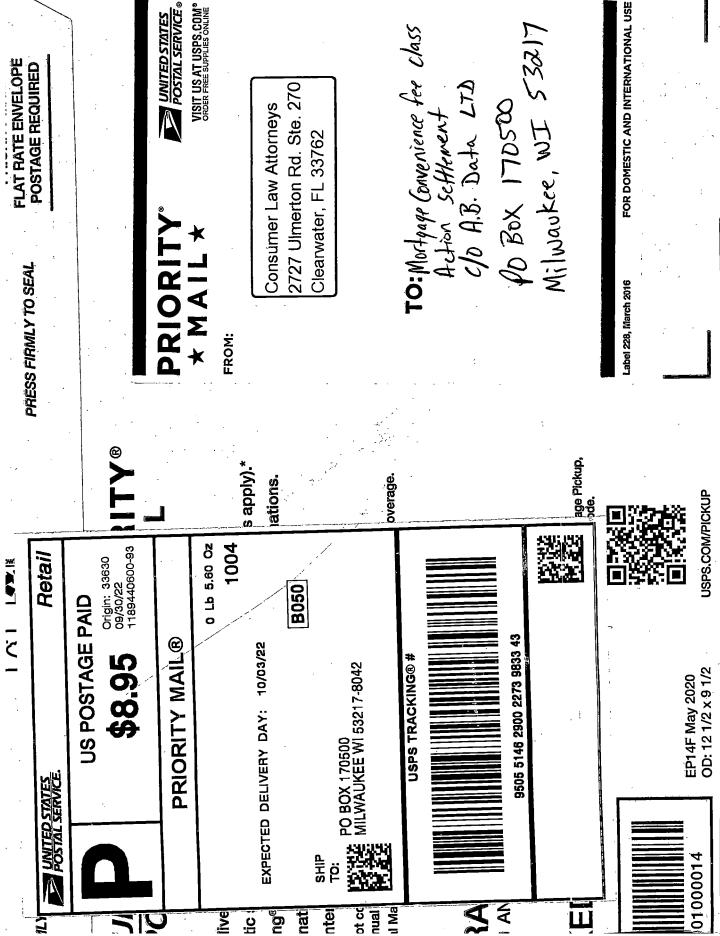
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808 Valley Dr, Brandon, FL 33510	
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NOTICE OF OPT OUT OF SETTLEMENT CLASS IN Contreras v. Nationstar Mortgage LLC, Case No. 2:16-CV-00302-MCE-EFB

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335 Buena Vista Ave, Sarasota, FL 34243	
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Tony Coit	
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<u>Tony W Colt</u> Tony W Colt (Sep 23, 2022 11:01 EDT)	
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608 NE 21 st St, Ocala, FL 34470	
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William Dyals	
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Anita Lowis (Sep 9, 2022 15:05 EDT)	
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William Goldfarb				
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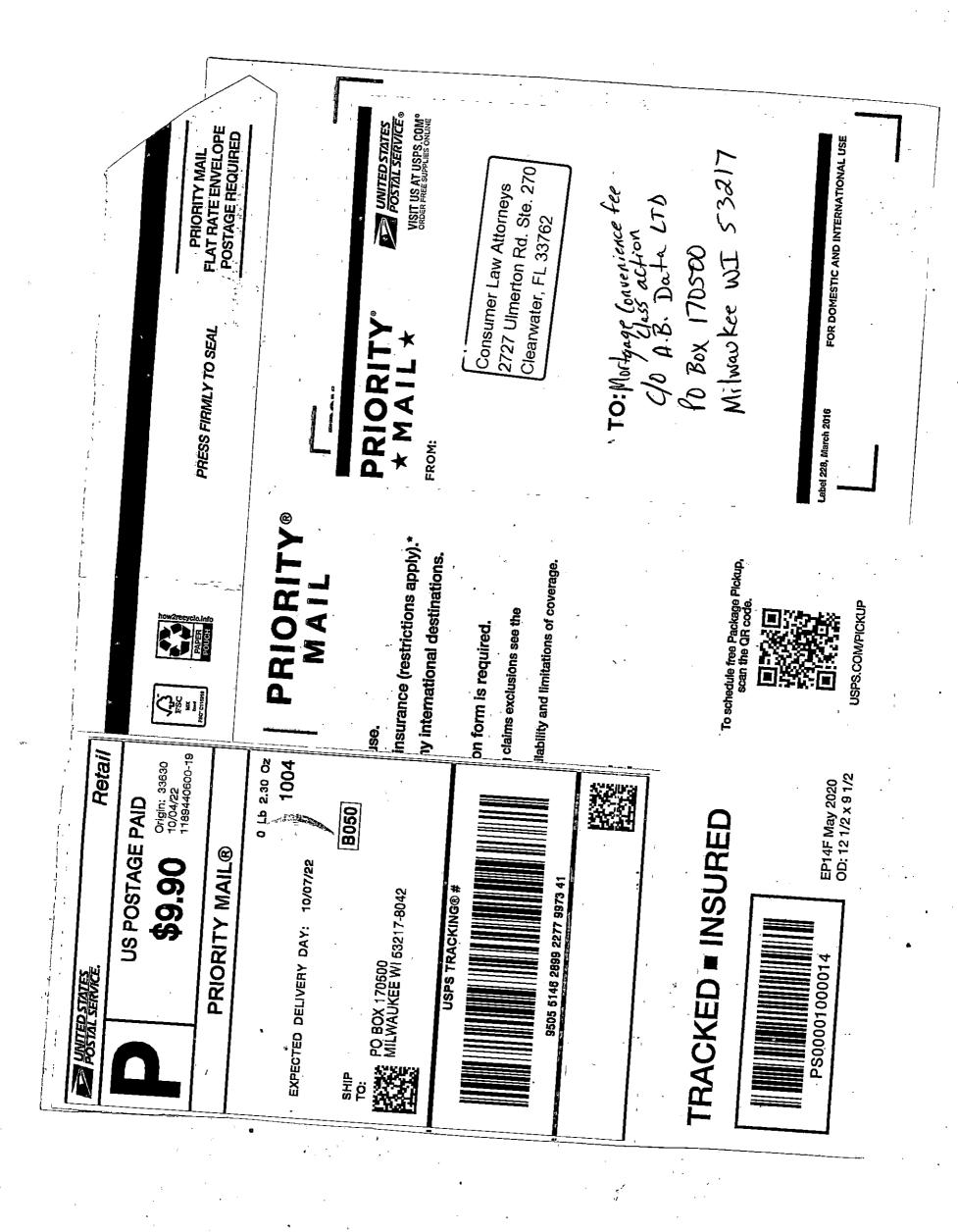
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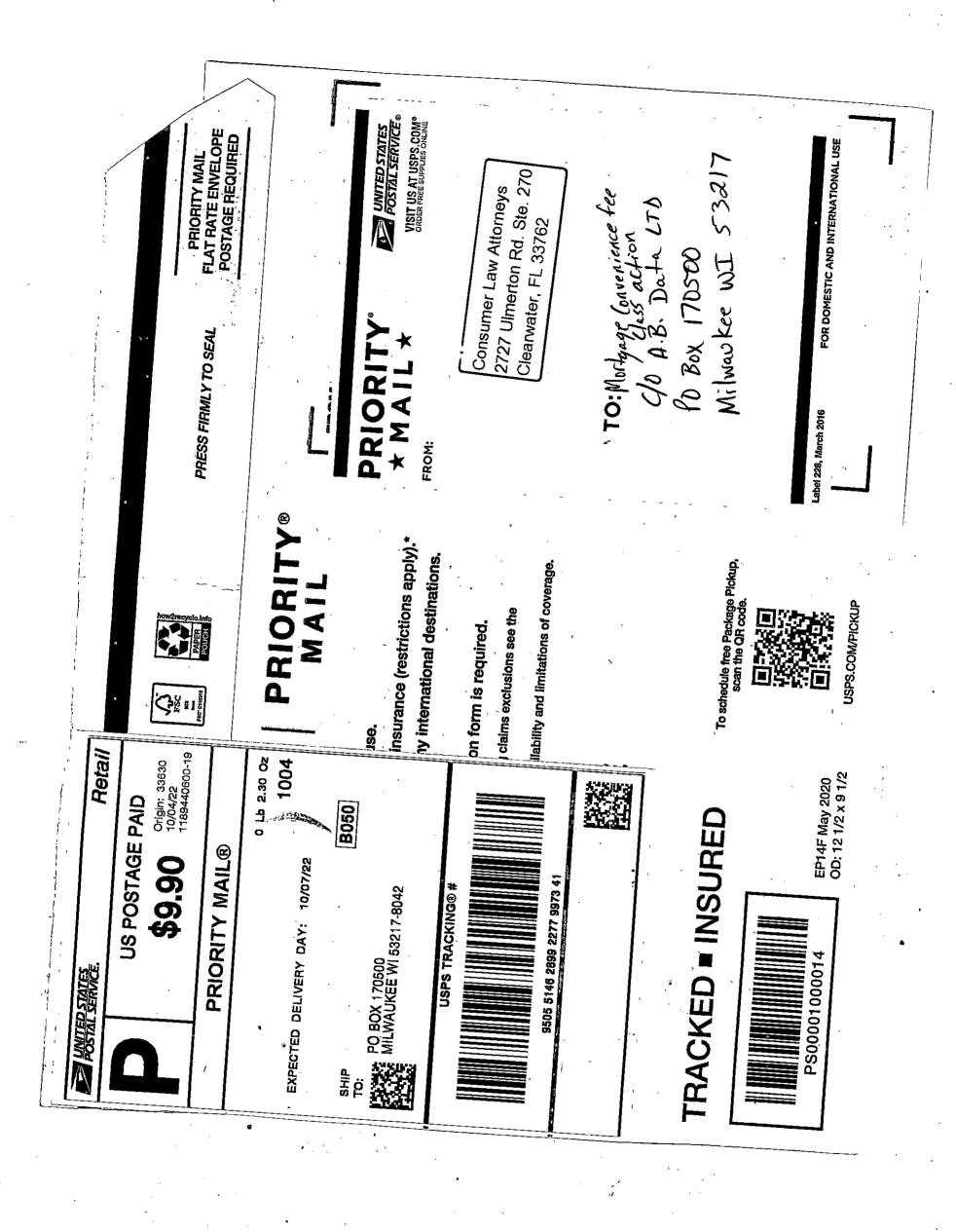
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600 Paris Ave, St. Petersburg, FL 33710	
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PRINTED FULL NAME	
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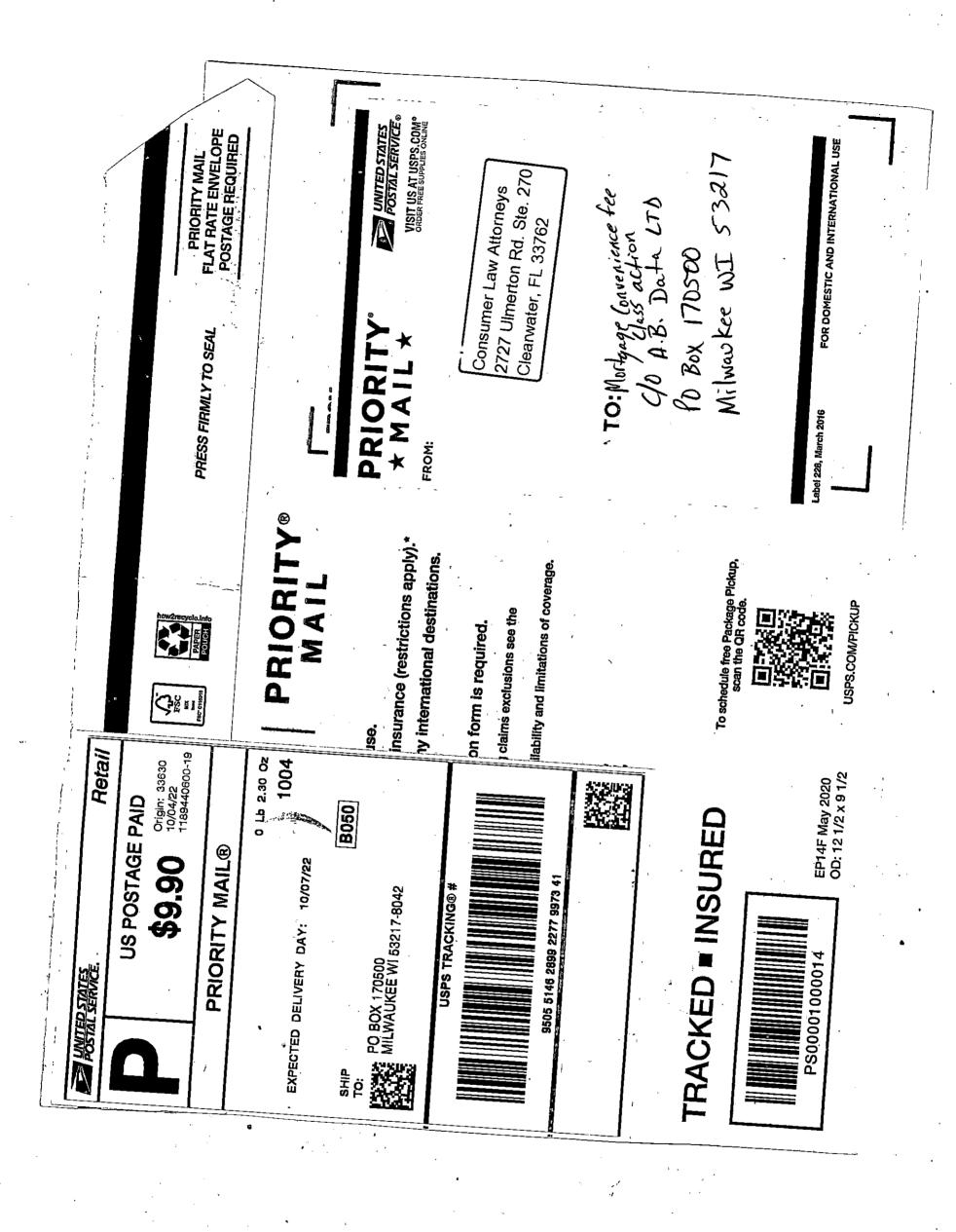
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John K Sticken III		
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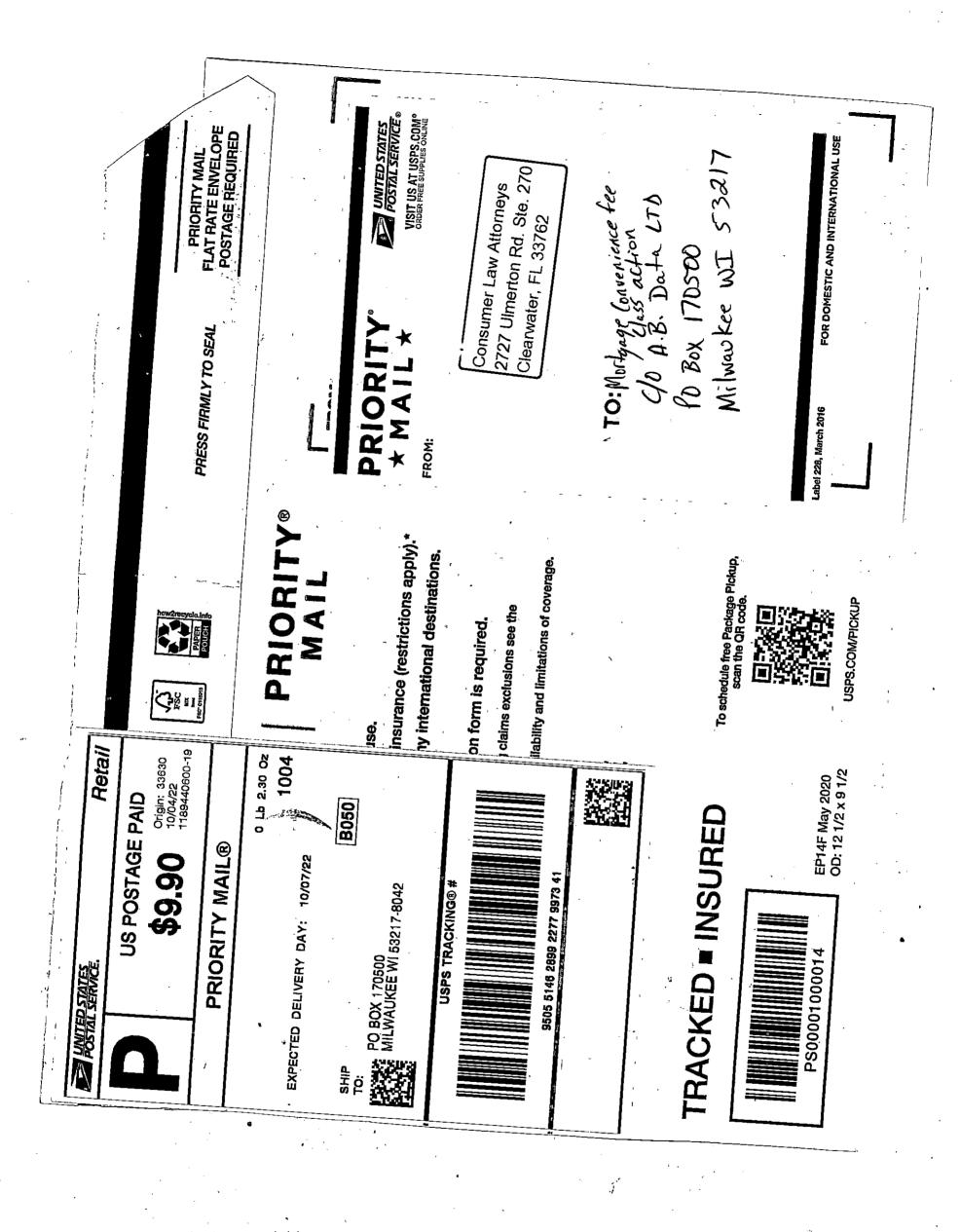
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9737 NW 6 Ln, Miami, FL 33172			
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Monica Hernandez			
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Monica Hernand 2 (Oct 3, 2022 15:23 EDT)			
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9910 SW 35 Ter, Miami, FL 33165	
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Patricia Batista	
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PATRICIA RAMIREZ BATISTA PATRICIA RAMIREZ BATISTA (Oct 3, 2022 17:09 EDT)	_
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NOTICE OF OPT OUT OF SETTLEMENT CLASS IN Contreras v. Nationstar Mortgage LLC, Case No. 2:16-CV-00302-MCE-EFB

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695 Maywood Ave, Maywood Fl	_07607		
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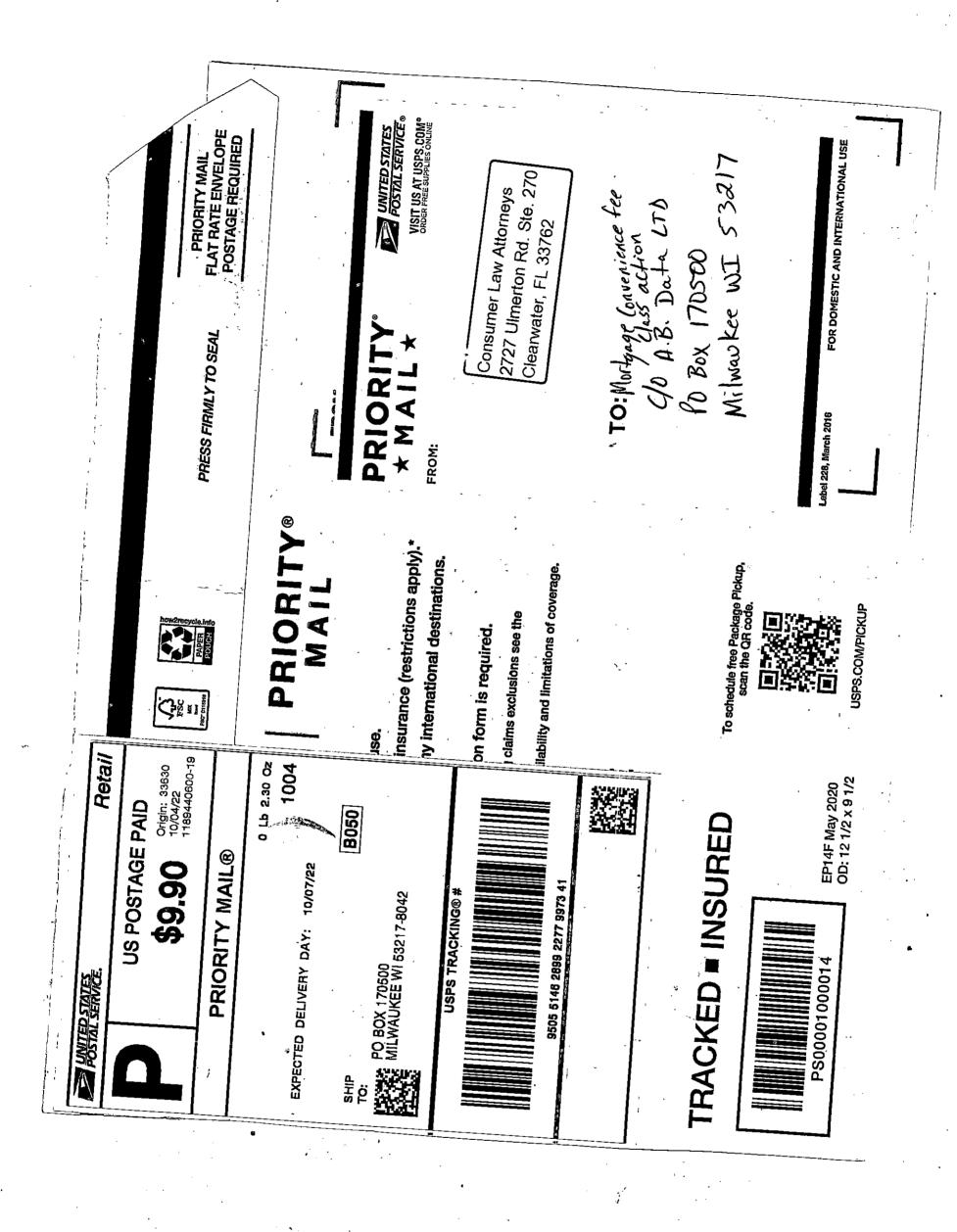


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Case 2:16-cv-00302-MCE-JDP Document 175-4 Filed 11/03/22 Page 2 of 2

From: <u>David Lawson</u>

To: <u>info@mortgageconveniencefeesettlement.com</u>

Subject: Settlement for Convenience Fee Charged By Nationstar L.L.C.

Date: Monday, August 8, 2022 10:24:17 AM

EXTERNAL SENDER

Dear sir;

I am not a Settlement Class Member for the Convenience Fee Charged by Nationstar L.L.C. The house covered by the Nationstar L.L.C. mortgage is located in Illinois and I did make all payments from February 1, 2013 through February 14, 2022 exclusively online, but I was not legally a resident of Illinois for that entire period. I was and am a resident of New Mexico for that entire period. I haven't rented the house for that entire period, but my daughter has been resident for a part of that time (paying no lease or rental fee). She is no longer my dependent.

I am informing you that I am not a Settlement Class Member to avoid automatically receiving a Settlement payment that I may not be eligible to receive. In future I suggest that your process include receiving a statement from potential class members that they meet the Class Member eligibility descriptions rather than automatically assuming that your information is adequate. If I had not received and read the notification, I would have received a payment that would be reported to the IRS, who have sufficient information to identify that I wasn't resident as described in the Class description. That could have resulted in negative consequences to me without notice, which might constitute torte caused by your firm's handling of this matter.

I am notifying you that I am not a Class Member because I was not a resident of Illinois during the entire period. I make no statement about any other aspect of this lawsuit.

David R. Lawson

Sent from Mail for Windows