

1 Laura R. Gerber, admitted *pro hac vice*
2 lgerber@kellerrohrback.com
3 **KELLER ROHRBACK L.L.P.**
4 1201 Third Avenue, Suite 3200
5 Seattle, WA 98101-3052
6 (206) 623-1900

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8 *Attorney for Plaintiffs and Settlement Classes*

9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**
11 **SACRAMENTO DIVISION**

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

17 Plaintiffs,

18 v.

19 NATIONSTAR MORTGAGE LLC, a
20 Delaware Limited Liability Company;
21 SOLUTIONSTAR HOLDINGS LLC (N/K/A
22 XOME HOLDINGS LLC), a Delaware
23 Limited Liability Company; and
24 SOLUTIONSTAR FIELD SERVICES LLC, a
25 Delaware Limited Liability Company,

26 Defendants.

No. 2:16-cv-00302-MCE-JDP

**DECLARATION OF LAURA R. GERBER IN
SUPPORT OF PLAINTIFFS' REPLY TO
FINAL APPROVAL MOTIONS**

Date: November 10, 2022
Time: 10:00 AM
Ctvm: Via Zoom Videoconference
Judge: Hon. Morrison C. England, Jr.

1 Pursuant to 28 U.S.C. § 1746, I, Laura R. Gerber, declare as follows:

2 1. I am an attorney and a Partner with the law firm Keller Rohrback L.L.P. (“Keller
3 Rohrback”), one of the two firms preliminarily approved as Class Counsel for Eugenio and Rosa
4 Contreras, Sherlie Charlot, and Jennie Miller (collectively, “Plaintiffs” or “Named Plaintiffs”) and the
5 proposed Settlement Classes by the Court. Order Granting Preliminary Approval of Class Action
6 Settlement ¶ 5, ECF No. 162. I have personal knowledge of the facts set forth below and, if called as a
7 witness, I could and would testify competently thereto.
8

9 2. Class Counsel requested that the Settlement Administrator, A.B. Data, send a
10 supplemental electronic mailing of the Email Notice between September 8, 2022 and September 20,
11 2022 to an additional 35,775 unique email addresses records where multiple borrower email addresses
12 were associated with a single loan. Supplemental Declaration of Mark Cowen in Support of Plaintiff’s
13 Reply to Final Approval Motions (“Cowan Suppl. Decl.”) ¶ 4. Based on the A.B. Data records, a total
14 of 298,703 emails have been sent to Settlement Class Members, which includes emails sent to an email
15 address for Borrower 1 and Borrower 2. *Id.* ¶ 6. To date, 5,480 have been deemed undeliverable, for
16 those records, 4,425 were sent a Postcard Notice by mail. *Id.*
17

18 3. As of November 3, 2022, A.B. Data had received a total of 4,579 Postcard Notices that
19 were returned as undeliverable by the USPS. Tracing efforts to locate a better address were made,
20 resulting in 2,245 updated addresses that were re-sent the Postcard Notice by first class mail. *Id.* ¶ 8.
21 Based on A.B. Data records, a total of 81,483 Postcard Notices have been mailed to Settlement Class
22 Members, which includes the initial number mailed and Postcard Notices that were re-sent to
23 Settlement Class Members. *Id.* ¶ 9.
24

25 4. In sum, of the 380,186 notices given, after tracing and re-mailing efforts, there were only
26 about 3,570—.93%—for which no address could be found. *See id.* ¶¶ 6, 8. The total number of records
27
28

1 for whom no addresses could be determined—3,570—is also just under one percent of the 358,727
2 unique Settlement Class Members.

3 5. By July 26, 2022, A.B. Data established the Settlement website, email address, and
4 telephone numbers set out in the Class Notices, and posted the Settlement Agreement and the Long-
5 Form Notice. Unopposed Mot. for Final Approval of Settlement Agreement & Certification of
6 Settlement Class at 8, ECF No. 163. Previously, on May 9, 2022, notice of the Settlement was properly
7 given under the Class Action Fairness Act, 28 U.S.C. § 1715(a)(1) and (b). *Id.* at 9.

9 6. Since dissemination of notice on July 26, 2022, Class Counsel has received and
10 responded to approximately 16 inquiries received by phone calls or emails from Settlement Class
11 members. Keller Rohrback maintained a log of all such calls and responses.

12 7. None of the Settlement Class members who contacted Class Counsel expressed an
13 intention to file objections with the Court.
14

15
16 Executed this 3rd day of November 2022, in Seattle, Washington.

17 By: /s/ Laura R. Gerber

18 Laura R. Gerber, admitted *pro hac vice*
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