

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Steven L. Markos, Tiffany Davis,
and Gregory Page, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

Wells Fargo Bank, N.A.,

Defendant,

Case No. 1:15-cv-01156-LMM

**PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Steven L. Markos, Tiffany Davis, and Gregory Page respectfully move the Court for preliminary approval of a nationwide class action settlement (“Settlement”) reached with Defendant Wells Fargo Bank, N.A.¹ The proposed Settlement Class is defined as:

¹ The Settlement is attached as Exhibit 1 to the Memorandum in Support of this Motion. Unless otherwise stated, all capitalized terms in this Motion carry the same meaning as defined in the Settlement.

All users or subscribers to a wireless or cellular service within the United States who used or subscribed to a phone number to which Wells Fargo made or initiated one or more Calls during the Class Period using any automated dialing technology or artificial or prerecorded voice technology, according to Wells Fargo's available records, and who are within Subclass One and/or Two.

Settlement at ¶ 2.33.

Subclass One consists of “persons who used or subscribed to a cellular phone number to which Wells Fargo made or initiated a Call or Calls in in connection with a Residential Mortgage Loan.” *Id.* at ¶ 2.33(a). Subclass Two consists of “persons who used or subscribed to a cellular phone number to which Wells Fargo made or initiated a Call or Calls in connection with a Home Equity Loan. *Id.* at ¶ 2.33(b). A person who is a member of both Subclasses is eligible to make two claims on the Settlement Fund.

As explained in the attached Memorandum and Exhibit 2, the Declaration of Daniel M. Hutchinson, the Settlement is fair, reasonable, and adequate to the Class, is the product of good-faith bargaining between the Parties, and is well within the range of possible approval. Accordingly, Plaintiffs request that the Court:

1. enter the proposed Order Granting Preliminary Approval of Class Action Settlement, Exhibit D to the Settlement Agreement;
2. certify the Rule 23(b)(3) Settlement Class and Subclasses.

3. appoint Lief Cabraser Heimann & Bernstein, LLP and Burke Law Offices, LLC as Class Counsel;
4. appoint Garden City Group as the Claims Administrator;
5. order notice of the Settlement to be provided to members of the Settlement Class;
6. enter the proposed schedule, detailed in the proposed Order Granting Preliminary Approval of Class Action Settlement, Exhibit D to the Settlement Agreement, for notice, opt-out deadlines, objections deadlines, and dates for final approval briefing and hearing.

Respectfully submitted,

Dated: June 29, 2016

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*Attorneys for Plaintiffs Steven L. Markos,
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Proposed Class*

CERTIFICATE OF COMPLIANCE

I hereby certify, pursuant to Local Rules 5.1.C and 7.1.D of the Northern District of Georgia, that the PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT was prepared in 14-point Times New Roman Font.

June 29, 2016.

/s/ Alexander H. Burke

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused the foregoing PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT to be electronically filed with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

June 29, 2016.

/s/ Alexander H. Burke