

The Honorable Thomas S. Zilly

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SARAH CONNOLLY, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

UMPQUA BANK,

Defendant.

No. 2:15-CV-00517-TSZ

DECLARATION OF JAMES E.
HOWARD REGARDING
COMPLIANCE WITH
28 U.S.C. § 1715

CLASS ACTION

I, James E. Howard, declare as follows:

1. I am one of the attorneys of record for defendant Umpqua Bank (“Umpqua”).

I have personal knowledge of the matters below.

2. I submit this declaration to confirm compliance with the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 (“CAFA”).

3. On February 9, 2018, on behalf of Umpqua, my office served a notice of proposed settlement in this matter as required by CAFA, via Certified Mail, upon the appropriate federal and state officials in the states where members of the proposed class are believed to reside.

4. On July 5, 2018, on behalf of Umpqua, my office served a supplemental CAFA notice of proposed settlement in this matter, via UPS overnight delivery or Certified Mail, upon

1 the appropriate federal and state officials in the states where members of the proposed class are
2 believed to reside.

3 5. Attached as Exhibit 1 is a true and correct copy of the July 5th supplemental
4 CAFA notice sent to the appropriate federal and state officials, including an accurate list of the
5 documents that were included with the notice and an accurate list of the officials upon whom
6 said notice was served.

7 I declare under penalty of perjury under the laws of the United States of America that
8 the foregoing is true and correct to the best of my knowledge.

9 DATED 23rd day of July, 2018.

10 Davis Wright Tremaine LLP
11 Attorneys for Defendant Umpqua Bank

12 By /s/ James Howard
13 James E. Howard, WSBA #37259
14
15
16
17
18
19
20
21
22
23
24
25
26
27

CERTIFICATE OF SERVICE

I hereby certify that on this day I caused a copy of the foregoing to be served upon the following counsel of record:

Elizabeth Ryan () By U. S. Mail
Bailey & Glasser LLP (X) By Notice of Electronic Filing
99 High Street, Suite 304 () By Facsimile
Boston, MA 02110 () By E-Mail
Email: eryan@baileyglasser.com

Michael L. Murphy () By U. S. Mail
Bailey & Glasser LLP (X) By Notice of Electronic Filing
910 17th Street, NW, Suite 800 () By Facsimile
Washington, DC 20004 () By E-Mail
Email: mmurphy@baileyglasser.com

Beth E. Terrell () By U. S. Mail
Terrell Marshall Daudt & Willie PLLC (X) By Notice of Electronic Filing
936 North 34th Street, Suite 300 () By Facsimile
Seattle, Washington 98103-8869 () By E-Mail
Email: btterrell@tmdwlaw.com

Nicholas F. Ortiz () By U. S. Mail
Law Office Of Nicholas F. Ortiz, P.C. (X) By Notice of Electronic Filing
99 High Street, Suite 304 () By Facsimile
Boston, MA 02110 () By E-Mail
Email: nfo@mass-legal.com

DATED this 23rd day of July, 2018.

/s/ James E. Howard
James E. Howard, EWSBA #37259

Exhibit 1



Suite 2200
1201 Third Avenue
Seattle, WA 98101-3045

James Howard
206.757.8336 tel
206.757.7336 fax

jimhoward@dwt.com

July 5, 2018

Via UPS or Certified Mail

The United States Attorney General, Federal Deposit Insurance Corporation,
and All State Attorneys General on the attached Service List

Re: Supplemental CAFA Notice of Revised Proposed Settlement

Dear Sir or Madam:

In accordance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715 Umpqua Bank is providing notice of a proposed revised settlement filed in connection with the below-referenced putative class action:

Case Name: *Connolly v. Umpqua Bank*
Case Number: Case No. 2:15-cv-00517
Jurisdiction: *United States District Court Western District of Washington at Seattle*
Date Settlement originally filed with the Court: *January 30, 2018*
Date Revised Settlement filed With the Court: *June 25, 2018*

As part of this notice, I have enclosed a CD-ROM containing the documents listed below:

EXHIBIT	DOCUMENT	STATUTORY NOTICE PROVISION MET
1	Plaintiffs’ Original Complaint (including any materials filed with it)	28 U.S.C. § 1715(b)(1)
2	Plaintiffs’ First Amended Complaint (including any materials filed with it)	28 U.S.C. § 1715(b)(1)
3	Minute Order Denying Motion for Preliminary Approval	

The U.S. Attorney General, FDIC, and State Attorneys General
 July 5, 2018
 Page 2

EXHIBIT	DOCUMENT	STATUTORY NOTICE PROVISION MET
	Order, without prejudice to re-filing	
4	Plaintiff's Unopposed Motion for Preliminary Approval of Revised Class-Action Settlement and for Certification of Settlement Class	28 U.S.C. § 1715(b)(2)
	Accompanying Revised Settlement Agreement and Release of Claims	28 U.S.C. § 1715(b)(4)-(5)
	Exhibit A – Claim Form	
	Exhibit B – Class Notice (including notice of right to request exclusion from the class)	28 U.S.C. § 1715(b)(3)
	Exhibit C – Proposed Order Granting Motion for Preliminary Approval of Class Action Settlement	28 U.S.C. § 1715(b)(3)-(4)
	Exhibit D – Proposed Final Approval Order	28 U.S.C. § 1715(b)(4)

An unopposed motion for preliminary approval of the settlement was filed on January 30, 2018, and was noted for consideration on March 9, 2018. On February 9, 2018, CAFA notices were mailed by Umpqua. On May 7, 2018, the Court denied the motion without prejudice to re-filing with revisions. On June 25, 2018, a revised unopposed motion for preliminary approval was filed and was noted for consideration on July 13, 2018. If preliminary approval of the settlement is granted, a hearing for final approval will be scheduled by the Court to occur at 700 Stewart Street, Courtroom 15106, Seattle, WA 98101. *See* 28 U.S.C. § 1715(b)(2).

Aside from those documents provided above, there are no other settlements or agreements contemporaneously made between class counsel and counsel for the defendants. *See* 28 U.S.C. § 1715(b)(5). There is not yet any final judgment or notice of dismissal. *See* 28 U.S.C. § 1715(b)(6). There currently are no written judicial opinions related to the material described under 28 U.S.C. section 1715(b)(3)-(6) other than those described above.

CAFA also requires a defendant, “if feasible,” to provide “the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement,” or if that is “not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement.” 28 U.S.C. § 1715(b)(7). The Plaintiff estimates that the

The U.S. Attorney General, FDIC, and State Attorneys General
July 5, 2018
Page 3

payment for each class member will be approximately \$40-\$48. The following table provides the number of class members who reside in each state:

State	Count of State
AK	1
AZ	2
CA	1115
CO	1
FL	5
GA	2
HI	2
ID	91
IL	3
IN	1
KS	1
KY	1
MA	1
ME	1
MI	1
MN	1
MO	3
MS	1
MT	1
NC	3
NE	2
NH	1
NV	67
NY	3
OH	1
OR	2001
PA	1
TX	3
UT	4
VA	2
WA	1111
WY	2

The U.S. Attorney General, FDIC, and State Attorneys General
July 5, 2018
Page 4

Umpqua will ask the Court to find that this notice complies with CAFA. Umpqua does not intend to supplement this notice. If you have questions about this notice, the lawsuit, or the enclosed materials, or if you did not receive any of the listed materials, please feel free to contact me.

Very truly yours,

Davis Wright Tremaine LLP



James Howard

Enclosures

The U.S. Attorney General, FDIC, and State Attorneys General
 July 5, 2018
 Page 5

SERVICE LIST

US Attorney General	Jeff Sessions Attorney General of the United States U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001
Federal Deposit Insurance Corporation	Kathy Moe Regional Director Federal Deposit Insurance Corporation 25 Jessie Street at Ecker Square, Ste. 2300 San Francisco, CA 94105-2780 Executive Secretary (or Designee) Federal Deposit Insurance Corporation 550 17th Street, N.W. Washington, D.C. 20429
Alaska	Jahna Lindemuth Alaska Attorney General 1031 W. 4th Avenue, Suite 200 Anchorage, AK 99501-1994
Arizona	Mark Brnovich Arizona Attorney General 1275 W. Washington St. Phoenix, AZ 85007
California	Xavier Becerra California Attorney General 1300 I St., Ste. 1740 Sacramento, CA 95814
Colorado	Cynthia H. Coffman Colorado Attorney General Ralph L. Carr Colorado Judicial Center 1300 Broadway, 10th Floor Denver, CO 80203

The U.S. Attorney General, FDIC, and State Attorneys General

July 5, 2018

Page 6

Florida	Pam Bondi Florida Attorney General The Capitol, PL 01 Tallahassee, FL 32399-1050
Georgia	Chris Carr Georgia Attorney General 40 Capitol Square, SW Atlanta, GA 30334-1300
Hawaii	Douglas S. Chin Hawaii Attorney General 425 Queen St. Honolulu, HI 96813
Idaho	Lawrence Wasden Idaho Attorney General 700 W. Jefferson Street, Suite 210 Boise, ID 83720-1000
Illinois	Lisa Madigan Illinois Attorney General James R. Thompson Ctr. 100 W. Randolph St. Chicago, IL 60601
Indiana	Curtis T. Hill, Jr. Indiana Attorney General Indiana Government Center South - 5th Floor 302 West Washington Street Indianapolis, IN 46204
Kansas	Derek Schmidt Kansas Attorney General 120 S.W. 10th Ave., 2nd Fl. Topeka, KS 66612-1597
Kentucky	Andy Beshear Kentucky Attorney General 700 Capitol Avenue, Suite 118 Frankfort, KY 40601

The U.S. Attorney General, FDIC, and State Attorneys General

July 5, 2018

Page 7

Maine	Janet T. Mills Maine Attorney General 6 State House Station Augusta, ME 04333
Massachusetts	Maura Healey Massachusetts Attorney General 1 Ashburton Place Boston, MA 02108-1698
Michigan	Bill Schuette Michigan Attorney General P.O. Box 30212, 525 W. Ottawa St. Lansing, MI 48909-0212
Minnesota	Lori Swanson Minnesota Attorney General Suite 102, State Capital 75 Dr. Martin Luther King, Jr. Blvd. Saint Paul, MN 55155
Mississippi	Jim Hood Mississippi Attorney General Department of Justice P.O. Box 220 Jackson, MS 39205
Missouri	Joshua D. Hawley Missouri Attorney General Supreme Ct. Bldg. 207 W. High St. Jefferson City, MO 65101
Montana	Tim Fox Montana Attorney General Justice Bldg., 215 N. Sanders Helena, MT 59620-1401

The U.S. Attorney General, FDIC, and State Attorneys General

July 5, 2018

Page 8

Nebraska	Doug Peterson Nebraska Attorney General State Capitol, P.O. Box 98920 Lincoln, NE 68509-8920
New Hampshire	Gordon MacDonald New Hampshire Attorney General 33 Capitol Street Concord, NH 03301
Nevada	Adam Paul Laxalt Nevada Attorney General Old Supreme Ct. Bldg., 100 N. Carson St. Carson City, NV 89701
New York	Eric Schneiderman New York Attorney General Dept. of Law - The Capitol, 2nd Fl. Albany, NY 12224
North Carolina	Josh Stein North Carolina Attorney General Dept. of Justice, P.O. Box 629 Raleigh, NC 27602-0629
Ohio	Mike DeWine Ohio Attorney General 30 E. Broad St., 14 th Floor Columbus, OH 43215
Oklahoma	Mike Hunter Oklahoma Attorney General 313 NE 21st Street Oklahoma City, OK 73105
Oregon	Ellen F. Rosenblum Oregon Attorney General Justice Bldg., 1162 Court St., NE Salem, OR 97301

The U.S. Attorney General, FDIC, and State Attorneys General

July 5, 2018

Page 9

Pennsylvania	Josh Shapiro Pennsylvania Attorney General Pennsylvania Office of Attorney General 16th Floor, Strawberry Square Harrisburg, PA 17120
Texas	Ken Paxton Texas Attorney General Capitol Station, P.O. Box 12548 Austin, TX 78711-2548
Utah	Sean Reyes Utah Attorney General State Capitol, Rm. 236 Salt Lake City, UT 84114-0810
Virginia	Mark Herring Virginia Attorney General 202 North Ninth Street Richmond, VA 23219
Washington	Bob Ferguson Washington Attorney General 1125 Washington St. SE, PO Box 40100 Olympia, WA 98504-0100
Wyoming	Peter K. Michael Wyoming Attorney General State Capitol Bldg. Cheyenne, WY 82002