

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

KEITH SNYDER and SUSAN  
MANSANAREZ, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

OCWEN LOAN SERVICING, LLC,

Defendant.

TRACEE A. BEECROFT,

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC,

Defendant.

CONSOLIDATED NO. 1:14-cv-08461

Class Action

Jury Trial Demand

Honorable Matthew F. Kennelly

Case No.: 1:16-cv-08677

**DECLARATION OF BETH E. TERRELL IN SUPPORT OF PLAINTIFFS’  
MOTION FOR ATTORNEYS’ FEES, COSTS AND SERVICE AWARDS**

I, Beth E. Terrell, declare as follows:

**A. Background and Experience**

1. I am a member of the law firm of Terrell Marshall Law Group PLLC (“TMLG”), counsel of record for Plaintiff in this matter. I am admitted to practice before this Court and am a member in good standing of the bars of the states of Washington and California. I respectfully submit this declaration in support of Plaintiffs’ Motion for Attorneys’ Fees, Costs and Service Awards of the above-captioned action. Except as otherwise 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.

2. Epiq serves as Settlement Administrator in this action. Epiq sends the parties weekly “Administration Reports,” which show the number of claims, objections, and opt out requests submitted by Class Members as of the date of the particular report. As of January 5, 2018, the Settlement Administrator had received 232,949 claims, or 13.8% of the 1,685,757 cell phone numbers Ocwen called. Only 52 Class Members have opted out. Finally, the Settlement Administrator has agreed to cap the cost of notice and claims administration at \$1,600,000.

3. TMLG is a law firm in Seattle, Washington, that focuses on complex civil and commercial litigation with an emphasis on consumer protection, product defect, civil rights, employment, wage and hour, real estate, and personal injury matters. The attorneys of TMLG have extensive experience in class actions, collective actions, and other complex matters. They have been appointed lead or co-lead class counsel in numerous cases at both the state and federal level. They have prosecuted a variety of multi-million-dollar consumer fraud, civil rights, wage and hour, and product defect class actions. The defendants in these cases have included companies such as Wal-Mart, Microsoft, Best Buy, Toyota, Honda, Sallie Mae, Comcast, ABM Industries, Inc., AT&T, T- Mobile USA, Weyerhaeuser, Behr Products, American Cemwood, Bank of America, Discover Financial Services, Capital One, and HSBC.

4. I am the lead attorney from TMLG in the instant litigation. A founding member of TMLG, I concentrate my practice in complex litigation, including the prosecution of consumer, defective product, and wage and hour class actions. I have served as co-lead counsel on numerous multi-state and nationwide class actions. I also handle a variety of employment issues including employment discrimination, restrictive covenant litigation, and pre-litigation counseling and advice.

5. I received a B.A., magna cum laude, from Gonzaga University in 1990. In 1995, I received my J.D. from the University of California, Davis School of Law, Order of the Coif. Prior to forming TMLG in May 2008, I was a member of Tousley Brain Stephens PLLC. I am a frequent speaker at legal conferences on a wide variety of topics including consumer class

actions, employment litigation, and electronic discovery, and I have been awarded an “AV” rating in Martindale Hubble by my peers.

6. I am actively involved in several professional organizations and activities. For example, I currently am an Eagle Member of the Washington State Association of Justice (“WSAJ”), and serve as the Chair of its Consumer Protection Section. I am the current Chair of the Washington Employment Lawyers Association and a member of the Public Justice Foundation’s Board of Directors. I also serve on the Foundation’s Executive and Development Committees.

7. I have been repeatedly named to the annual Washington Super Lawyers list (2005, 2010, 2011, 2012, 2013, 2014, 2015, 2016, and 2017) by Washington Law & Politics Magazine. I was also named to their Top 100 Washington Super Lawyers list (2014 and 2015) and their Top 50 Women Super Lawyers list (2012, 2013, 2014, 2015, and 2016).

**B. Qualifications of Other TMLG Attorneys**

8. Jennifer Rust Murray is a founding member of TMLG. Ms. Murray graduated from the University of Washington School of Law in 2005 where she was a member of the Washington Law Review. Ms. Murray’s law review article entitled “Proving Cause in Fact under Washington’s Consumer Protection Act: The Case for a Rebuttable Presumption of Reliance” won the Carkeek prize for best submission by a student author. Prior to law school, Ms. Murray earned a Ph.D. in Philosophy from Emory University. Ms. Murray has been an active member of the Washington State Bar Association since her admission to the bar in 2005. In 2010, Ms. Murray was admitted to the Oregon State Bar. In 2011, 2012, 2013, 2014, and 2015, Ms. Murray was named a Washington “Rising Star” by SuperLawyer Magazine. Ms. Murray focuses her practice on complex commercial litigation with an emphasis on consumer and employment issues. She has been involved in nearly every class action prosecuted by the firm.

9. Adrienne D. McEntee is a member of TMLG. Ms. McEntee graduated from the University of Washington School of Law in 2003, where she was a member of the Pacific Rim

Law and Policy Journal and Moot Court Honor Board. Prior to joining TMLG, Ms. McEntee was a member of Tousley Brain Stephens PLLC, where she practiced for five years. Before entering private practice, Ms. McEntee worked with the King County Prosecuting Attorney's Office, where she prosecuted a broad range of crimes. Ms. McEntee has tried approximately fifty cases and has briefed, argued, and won cases before the Washington State Court of Appeals. Since her admission to the bar, Ms. McEntee has been an active member of the Washington State Bar Association and Washington Women Lawyers, as a member of the Judicial Evaluation Committee.

10. Amanda Steiner is a member of TMLG with nearly twenty years of experience in class action and complex civil litigation. A 1997 graduate of UC Berkeley School of Law who is admitted in Washington, California, New York and Hawaii, she has authored briefs that have resulted in numerous favorable decisions for plaintiffs in high-profile and complex securities, antitrust, consumer and civil rights class action in federal and state courts throughout the United States. Ms. Steiner was selected for inclusion in the annual Northern California "Super Lawyers" list (2012-2016) and was named to the Top 50 Women Lawyers of Northern California. She is a member of the Legal Writing Institute and the American Bar Association's Appellate Practice Committee, and is a Fellow of the American Bar Foundation.

11. Elizabeth A. Adams is a 2012 graduate of the UCLA School of Law, where she received the Order of the Coif and served as a Comments Editor for the UCLA Law Review. Ms. Adams has been an associate with TMLG since early 2015, and she concentrates her practice in complex litigation, including consumer protection and civil rights class actions. Before joining TMLG, Ms. Adams served as a law clerk to the Honorable Dean D. Pregerson, the Honorable George Wu, and the Honorable John A. Kronstadt, all of the United States District Court for the Central District of California.

12. Samuel J. Strauss is a former associate at TMLG. Mr. Strauss graduated from the University of Washington School of Law with honors in 2013. Since his admission to the bar in 2013, Mr. Strauss has been an active member of the Washington Employment Lawyers

Association and Washington State Association for Justice, and is a member of the QLaw Foundation Board of Directors and Unemployment Law Project Board of Directors. Mr. Strauss is now a member of Turke & Strauss LLP in Madison, Wisconsin.

13. TMLG has actively and successfully litigated class action lawsuits under the Telephone Consumer Protection Act (“TCPA”). TMLG has taken the lead in some of the largest nationwide class actions filed under the TCPA, including those filed against large financial institutions such as Sallie Mae, Bank of America, Discover Financial Services, Capital One, and HSBC. I have been appointed co-lead counsel in two of the largest MDLs involving TCPA claims, *In re Capital One Telephone Consumer Protection Act Litigation*, 1:12-cv-10064 (N.D. Illinois), and *In re Monitronics International, Inc. Telephone Consumer Protection Act Litigation*, MDL No. 1:13-MD-2493 (N.D. W. Va.).

14. TMLG is litigating or has recently settled the following Telephone Consumer Protection Class Actions:

- *In re Capital One Telephone Consumer Protection Act Litigation*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* I served as court-appointed Interim Co-Lead Counsel; final approval of the \$75,455,098.74 settlement was granted in February 2015.
- *In re Monitronics International, Inc. Telephone Consumer Protection Act Litigation*—Filed on behalf consumers who received automated, prerecorded solicitation telephone calls on their residential and business telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, the Washington Automatic Dialing and Announcing Device statute, RCW 80.36.400, and the Washington Consumer Protection Act, RCW 19.86 *et seq.* I serve as co-lead counsel in the MDL. The case settled on a class-wide basis in 2017, and preliminary approval was granted in September 2017.
- *Wilkins, et al. v. HSBC Bank Nevada, N.A., et al.*—Filed on behalf of individuals who alleged that HSBC made prerecorded calls using an automatic dialing system. The case settled on a class-wide basis in 2014 for \$39,975,000, and final approval was granted in March 2015.

- *Ott, et al. v. Mortgage Investors Corporation*—Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG negotiated a \$7,483,600 class-wide settlement; final approval was granted in January 2016.
- *Abante Rooter and Plumbing, Inc., et al. v. Alarm.com Incorporated, et al.*—TMLG represents three certified classes of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case is pending in the United States District Court for the Northern District of California.
- *Abante Rooter and Plumbing, Inc., et al. v. Pivotal Payments Inc., et al.*—Filed on behalf of consumers who received automated solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case is pending in the United States District Court for the Northern District of California.
- *Charvat, et al. v. Plymouth Rock Energy, et al.*—Filed on behalf of consumers who received automated solicitation telephone calls on their cellular and residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* and/or to telephone numbers registered on the National-Do-Not-Call Registry. The case settled on a class-wide basis in 2016, and final approval is pending in the United States District Court for the Eastern District of New York.
- *Davenport v. Discover Financial Services, et al.*—Filed on behalf of consumers who received automated solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis for \$5,000,000 in 2016, and final approval was granted in December 2017.
- *Melito, et al. v. American Eagle Outfitters, Inc., et al.*—Filed on behalf of consumers who received spam text messages on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016, and final approval was granted in September 2017. The case is currently on appeal with the United States Court of Appeals for the Second Circuit.

- *Ashack v. Caliber Home Loans*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG worked to negotiate a \$2,895,000 nationwide settlement in 2016, and final approval was granted in June 2017.
- *Joseph v. TrueBlue Inc., et al.*—Filed on behalf of consumers who received spam text messages on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016, and final approval was granted in March 2017.
- *Booth, et al. v. AppStack, et al.*—TMLG represents a certified class of consumers who received automated, prerecorded solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2016, and final approval was granted in January 2017.
- *Bee, Denning, Inc., et al. v. Capital Alliance Group, et al.*—TMLG represented two certified classes of consumers who received junk faxes and automated, prerecorded solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis, and final was granted in November 2016.
- *Lushe, et al. v. Verengo, Inc.*—Filed on behalf of consumers who received automated, prerecorded solicitation telephone calls on their cellular and residential telephones without their prior express consent, within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis in 2015, and final approval was granted in May 2016.
- *Rinky Dink, et al. v. Electronic Merchant Systems, Inc., et al.*—Filed on behalf of consumers who received automated, prerecorded solicitation telephone calls on their cellular telephones and Washington landlines without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, the Washington Automatic Dialing and Announcing Device statute, RCW 80.36.400, and the Washington Consumer Protection Act, RCW 19.86 *et seq.* The case settled on a class-wide basis in 2015, and final approval was granted in April 2016.

- *Rinky Dink, et al. v. World Business Lenders, LLC*—Filed on behalf of consumers who received automated, prerecorded solicitation telephone calls on their cellular telephones and Washington landlines without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, the Washington Automatic Dialing and Announcing Device statute, RCW 80.36.400, and the Washington Consumer Protection Act, RCW 19.86 *et seq.* The case settled on a class-wide basis in 2015, and final approval was granted in May 2016.
- *Taylor v. Universal Auto Group I*—Filed on behalf of consumers who received automated, prerecorded solicitation telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* The case settled on a class-wide basis, and final approval was granted in February 2016.
- *Gehrich v. Chase Bank USA*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG worked to negotiate a \$34,000,000 nationwide settlement; final approval was granted in March 2016.
- *Chesbro v. Best Buy Stores, L.P.*—Filed on behalf of consumers who received automated, prerecorded solicitation telephone calls on their residential telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG negotiated a \$4.5 million settlement, which was granted final approval in September 2014.
- *Rose, et al. v. Bank of America Corp., et al.*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG worked to negotiate a nationwide settlement of \$32,083,905, which was granted final approval in August 2014.
- *Steinfeld v. Discover Financial Services, et al.*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG negotiated an \$8.7 million settlement, which was granted final approval in March 2014.

- *Hanley v. Fifth Third Bank*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG negotiated a \$4.5 million settlement, which was granted final approval in December 2013.
- *Arthur v. Sallie Mae, Inc.*—Filed on behalf of consumers who received automated, prerecorded collection telephone calls on their cellular telephones without their prior express consent within the meaning of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* TMLG worked to negotiate a \$24.15 million nationwide settlement, and final approval was granted in 2012.

15. TMLG is litigating or has recently settled the following consumer protection class actions:

- *Gold, et al. v. Lumber Liquidators, Inc.*—Filed in 2014 on behalf of consumers who purchased defective flooring. TMLG represents a certified nationwide class of consumers as well as six certified subclasses of consumers in the states of California, Illinois, West Virginia, Minnesota, Pennsylvania, and Florida. The case is pending in the United States District Court for the Northern District of California.
- *Jordan v. Nationstar Mortgage, LLC*—TMLG represents a certified class of homeowners who were improperly locked out of their homes by their mortgage lender. The court granted summary judgment on liability on claims for two of the classes and, subsequently, the case settled on a class-wide basis shortly before trial. The class will seek preliminary approval of the settlement in the United States District Court for the Eastern District of Washington in early 2018.
- *Breazeale, et al v. Victim Services, Inc., et al*—TMLG currently represents a proposed class of consumers who allege violations of the FDCPA. The lawsuit is pending in U.S. District Court for the Northern District of California.
- *Dibb, et al. v. AllianceOne Receivables Management, Inc.*—TMLG represents three certified classes of Washington consumers who received unfair and deceptive debt collection notices that included threats of criminal prosecution. The case settled on a class-wide basis for \$1,900,000 in March 2017, and final approval was granted in July 2017.

- *Cavnar, et al. v. BounceBack, Inc.*—Filed in 2014 on behalf of Washington consumers who received false, misleading, and deceptive debt collection letters printed on the letter head of county prosecuting attorneys. TMLG worked to negotiate a class-wide settlement, and final approval was granted in September 2016.
- *Soto v. American Honda Motor Corporation*—Filed in 2012 on behalf of owners and lessees of 2008-2010 Honda Accords that consume motor oil at a much higher rate than intended, due to a systemic design defect. The case settled on a class-wide basis and final approval was granted in March 2014.
- *Smith v. Legal Helpers Debt Resolution LLC*—Filed in 2011 on behalf of consumers who were charged excessive fees for debt adjusting services in violation of Washington law. Class settlements were approved by the Court in December 2012 and December 2013.
- *Brown v. Consumer Law Associates LLC, et al.*—Filed in 2011 on behalf of consumers who were charged excessive fees for debt adjusting services in violation of Washington law. A class settlement was approved by the Court in 2013.
- *Bronzich, et al. v. Persels & Associates, LLC, et al.*—Filed in 2010 on behalf of consumers who were charged excessive fees for debt adjusting services in violation of Washington law. A class settlement was approved by the Court in 2013.
- *Milligan, et al. v. Toyota Motor Sales, Inc.*—Filed in 2009 on behalf of owners of 2001-2003 Toyota RAV4s containing defective Electronic Computer Modules, which cause harsh shifting conditions and permanent damage to the transmissions. TMLG worked to negotiate a nationwide class action settlement, and final approval was granted in January 2012.
- *Kitec Consolidated Cases*—Served as co-counsel in a national class action lawsuit against the manufacturers of defective hydronic heating and plumbing systems. The case settled for \$125,000,000, and final approval was granted in 2011.
- *Seraphin v. AT&T Internet Services, Inc., et al.*—A multi-state class action filed in 2009 on behalf of AT&T internet customers who paid \$20 a month or less for internet service and were assessed an Early Termination Fee when they cancelled service. A class settlement was approved by the Court in 2011.

16. TMLG is litigating or has recently settled the following wage and hour class actions:

- *Helde v. Knight Transportation, Inc.*—TMLG represented a certified class of current and former truck drivers alleging violations of wage and hour laws in Washington. After several years of vigorous litigation, TMLG reached a class-wide settlement of \$1.45 million, not including attorneys' fees and costs. Final Approval is currently pending in U.S. District Court for the Western District of Washington.
- *Tolliver, et al. v. Avvo, Inc.*—TMLG represented a class of current and former sales employees who alleged they were misclassified as overtime exempt. The case settled on a class-wide basis for \$1.75 million, and final approval was granted in September 2017.
- *McCracken v. Pacific Cargo Services, LLC, et al.*—TMLG represented a certified class of truck drivers in Washington and Oregon who alleged wage and hour violations. After years of complex litigation in Washington and Oregon Courts, TMLG reached a settlement of \$475,000 on behalf of the class. King County Superior Court granted final approval of the settlement in August 2017.
- *Spencer v. FedEx Ground Package System, Inc.*—TMLG represented a certified class of current and former delivery drivers who allege violations of state wage and hour laws. The case settled on a class-wide basis for \$10,500,000, and final approval was granted in December 2016.
- *Romatka, et al. v. Brinker International Payroll Company, L.P., et al.*—Filed in 2013 on behalf of approximated 900 workers who alleged violations of Washington State wage and hour laws. The case settled on a class-wide basis, and final approval was granted in March 2015.
- *Newell v. Home Care of Washington, Inc., et al.*—TMLG represented a certified class of more than 400 in-home health care workers who alleged violations of state wage and hour laws. The case settled on a class-wide basis, and final approval was granted in January 2015.
- *Paz v. Sakuma Brothers Farms, Inc.*—Filed in 2013 on behalf of migrant and seasonal workers who alleged violations of Washington State wage and hours laws. A class-wide settlement was approved by the Court in December 2014.

- *Hill v. Xerox Business Services, LLC, et al.*, and *Douglas v. Xerox Business Services, LLC, et al.*—TMLG represents two certified classes of current and former call center workers who allege violations of state and federal wage and hour laws. Both cases were filed in 2012 and are pending in the United States District Court for the Western District of Washington.
- *Dickerson v. Cable Communications, Inc., et al.*—Filed in 2012 on behalf of approximately 500 individuals alleging their employer violated Oregon’s wage and hour laws. Defendants’ systematic scheme of wage and hour violations involved, among other things, failure to pay non-managerial installation technicians for all hours worked, including overtime. The case settled on a class-wide basis, and final approval was granted in 2013.
- *Khadera v. ABM Industries, Inc.*—TMLG represented 337 employees who alleged violations of federal and state wage and hour laws. The case settled, and final approval was granted in 2012.
- *Simpson v. ABM Industries, Inc.*—TMLG represented a CR 23 class of approximately 6,800 employees who alleged Washington State wage and hour violations. The case settled in March 2012, and final approval of the settlement was granted in September 2012.
- *Barnett, et al. v. Wal-Mart Stores, Inc.*—Filed in 2001 on behalf of Washington employees alleging wage and hour violations by the country’s largest private employer. After more than seven years of litigation, TMLG obtained a settlement of \$35 million on behalf of a certified class of approximately 88,000 employees. That settlement was approved in July 2009.
- *McGinnity, et al. v. AutoNation, Inc., et al.*—TMLG represented a certified class of more than 500 employees who were denied earned vacation benefits. After nearly two years of litigation before an arbitrator, we obtained an award of \$2.34 million on behalf of the class. We successfully defended the award on appeal, and the Washington Supreme Court denied Defendants’ petition for review. A judgment in excess of \$2,600,000 was satisfied in September 2009.
- *Ramirez, et al. v. Precision Drywall, Inc.*—TMLG represented a certified class of workers who alleged they were not paid for overtime work. The case was tried before a jury during a five-week period in 2010, and TMLG successfully obtained a judgment for the workers in excess of \$4,000,000. TMLG continues to work on enforcing the judgment against multiple defendants.

**C. The Prosecution of This Action**

17. Counsel undertook representation of this matter on a pure contingency-fee basis. In taking this case, Counsel shouldered the risk of expending substantial costs and time in litigating the action without any monetary gain in the event of an adverse judgment, all while devoting time to this case that otherwise could have been spent on other matters.

18. Plaintiffs have engaged in extensive discovery. Together, they served Ocwen with seven sets of written discovery. In response, Ocwen produced documents numbered at nearly 600,000 pages, which Plaintiffs reviewed. Plaintiffs also deposed four of Ocwen's representatives: Diksha Dutt, Marc Trees, Crystal Kearse, and Sherri Goodman. Through their review of Ocwen's voluminous production, and the depositions of Ocwen's representatives, Plaintiffs learned that prior to 2014, Ocwen had no policies, practices, or procedures for obtaining consent before it made calls to cell phones using its Aspect autodialer. As a result, Ocwen called telephone numbers logged as "home," "work," or "other" without first scrubbing to determine whether they were cell phones, and without any regard to consent. In addition, Ocwen had a practice of calling borrowers' cell phones, even after borrowers specifically asked Ocwen to stop calling. Plaintiffs hired expert Jeff Hansen to review the Aspect calling records. His analysis shows that Ocwen made over one hundred million Aspect calls to cellular telephones belonging to consumers, for whom Plaintiffs allege Ocwen had no record of consent.

19. Obtaining discovery from Ocwen was no easy feat. Ocwen resisted producing important discovery, including insurance policies, information about its proprietary systems and databases, discovery relating to when and how Ocwen tracked consent, evidence that Ocwen ever obtained consent, and discovery on Ocwen's handling of revocation requests. Ocwen's resistance to complying with discovery requests forced Plaintiffs to bring multiple motions to compel production and related discovery motions. Because of the adversarial nature of the litigation, the Parties appeared before the Court telephonically or in person on a monthly, and

sometimes weekly basis, and ultimately appeared for an evidentiary hearing to address whether the Court would impose a preliminary injunction.

20. Plaintiffs, along with their expert Jeff Hansen, also responded to written discovery propounded by Ocwen. Moreover, Ocwen deposed each Plaintiff, along with several of Plaintiffs' family members. Finally, Plaintiffs served subpoenas on the Better Business Bureau, where they obtained additional consumer complaints against Ocwen, and Ocwen's insurance broker, McGriff, Seibels & Williams, in an effort to obtain information regarding insurance coverage (if any).

21. In addition to discovery-related motions, the parties engaged in substantive motions practice. On October 4, 2016, Plaintiffs filed a motion seeking limited class certification under Rule 23(b)(2) for purposes of obtaining preliminary injunctive relief. Although Ocwen opposed this motion, on June 28, 2017, the Court held that Plaintiffs had established the basis for certification of a limited class under Rule 23(b)(2) and were entitled to preliminary injunctive relief. In addition, on May 26, 2017, Plaintiffs moved to certify damages classes under Rule 23(b)(3). Ocwen opposed this motion on July 24, 2017.

22. The Parties participated in three mediations before finally reaching an agreement. On May 25, 2016, the Parties participated in an in-person mediation session before the Honorable James Holderman (Ret.) of JAMS in Chicago. On October 14, 2016, the Parties held a second mediation with Rodney A. Max, Esq., in Florida. Finally, on July 20, 2017, the Parties participated in a third mediation before the Honorable Morton Denlow (Ret.) of JAMS in Chicago, where they came close to reaching a settlement. Several days later, the Parties reached a Settlement in principle, and ultimately finalized the terms in a Settlement Agreement.

23. By the time the Parties reached settlement—nearly three years into the litigation—they understood the risks involved in the case. The primary risk Plaintiffs faced was that they could lose on the merits. Ocwen maintains that Class members are not entitled to recover because they consented to be contacted on their cell phones by providing their phone number to Ocwen verbally or in writing. Consent is an affirmative defense for which Ocwen

carries the burden of proof, and Plaintiffs dispute that Ocwen could meet this burden at trial. However, if the trier of fact disagreed with Plaintiffs on this legal issue, Plaintiffs and the Class would receive nothing.

24. Second, Plaintiffs faced challenges identifying class members, creating a risk that their motion to certify under Rule 23(b)(3) would not succeed. Ocwen maintains that many class members consented to receive calls to their cell phones, but that determining who consented is an individualized issue that requires a loan-by-loan analysis. Although Plaintiffs believe the Court would reject Ocwen's defense as hypothetical, and that they would have successfully certified one or more Rule 23(b)(3) classes, there is a risk that the Court would decline to grant certification, leaving only the named Plaintiffs to pursue their individual claims. *Id.*

25. Third, there has been an ongoing challenge to Federal Communications Commission ("FCC") rules regarding the TCPA, including rules on what constitutes an automatic dialer. Specifically, in *ACA Int'l v. FCC*, No. 15-1211 (D.C. Cir.), the D.C. Circuit is considering a challenge to the proscription on calls initiated from a telephone dialing system when such calls are initiated manually. Many of the calls made by Ocwen were initiated manually. The outcome of this appeal could alter the legal landscape to the Settlement Class Members' detriment. Moreover, the large class size means any judgment would be in the billions; Ocwen would have a strong incentive to litigate any and all appeals as far as possible, over many years.

26. Counsel believe that incentive awards of \$25,000 for each of the named Plaintiffs is proper given the level of their involvement in this case. Plaintiffs Keith Snyder, Susan Mansanarez, and Tracee Beecroft each assisted with drafting the complaints, each provided information about their interactions with Ocwen, each responded to written discovery, and they and family members sat for contentious depositions. They were also ready to testify at trial. These awards compensate Plaintiffs for the time, effort, and risks undertaken in prosecuting the case.

27. If the claims period closed today (and assuming all claims are valid), claimants would receive approximately \$45. This amount is less than the \$60 estimate provided in the notice to Class Members, which was based on a ten percent claim rate.

28. Counsel seek \$66,780 in out of pocket expert expenses, which is less than the \$100,000 that Plaintiffs anticipated at preliminary approval. Expert, Jeffrey Hansen has submitted an invoice to Plaintiffs for 218.80 hours spent analyzing data produced by Ocwen, including call detail records and comment logs, identifying wireless numbers from the data, querying the data, and compiling his opinions into three expert reports that Plaintiffs used to support their motions to certify injunctive relief and damages classes. The reports provide additional detail regarding the extensive expert services Mr. Hansen performed. Two reports are already part of the record. *See* Dkt. Nos. 136-1, 136-2, 218-2. The third is attached here as Exhibit A. For these services, Mr. Hansen charged \$300 per hour. Mr. Hansen also sat for a three-hour deposition noted by Ocwen, for which Mr. Hansen charged Plaintiffs \$380 per hour.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

EXECUTED this 5th day of January, 2018 at Seattle, Washington.

/s/ Beth E. Terrell, WSBA #26759  
Beth E. Terrell, WSBA #26759

CERTIFICATE OF SERVICE

I, Beth E. Terrell, hereby certify that on January 5, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Chethan G. Shetty  
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DATED this 5th day of January, 2018.

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- Exhibit A -

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

KEITH SNYDER and SUSAN  
MANSANAREZ, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

OCWEN LOAN SERVICING, LLC,

Defendant.

TRACEE A. BEECROFT,

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC,

Defendant.

CONSOLIDATED NO. 1:14-cv-08461

Class Action

Jury Trial Demand

Honorable Matthew F. Kennelly

Case No.: 1:16-cv-08677

**SUPPLEMENTAL RULE 26(a)(2)(B) WRITTEN REPORT OF JEFFREY A. HANSEN**

**I. EXPERIENCE AND CREDENTIALS**

1. My name is Jeffrey A. Hansen. I am an adult over the age of 18, a resident of the state of California, and I reside at 2625 Kings View Circle, Spring Valley, CA 91977. Unless indicated otherwise, I have personal knowledge of each of the matters stated herein, and if called to testify I could and would testify competently about them.

2. I am the principal of Hansen Legal Technologies, Inc. My firm is in the business of handling Information Technology, including investigations and analysis of electronic data. I have served as an expert or consultant in more than 150 TCPA class action lawsuits, and as an expert or consultant in numerous other civil cases.

3. I previously submitted an expert report in the above-captioned litigation on January 12, 2017. My full experience and qualifications are detailed in my January 12, 2017 expert report, and my resume is attached as Exhibit A thereto.

## II. COMPENSATION

4. I have been retained in this case at a rate of \$300 per hour, for all services rendered, and \$380 per hour for depositions.

## III. INFORMATION CONSIDERED

5. In my expert report, I analyzed call detail records that contained records of calls made by Ocwen between March 31, 2011 and December 16, 2015 that I understand Ocwen produced in this litigation from its Aspect UIP dialer. *See* PROD\_ASPECT\_OUTBOUND\_1-PROD\_ASPECT\_OUTBOUND\_12 (“Call Detail Records”). I was instructed to limit my analysis to calls made between March 31, 2011 and November 30, 2014. I determined that Ocwen placed 105,435,882 dialer calls to 1,169,257 unique cell phone numbers between March 31, 2011 and November 30, 2014. I created an output file called “Total Unique Cell Phones.” *See* HANSEN\_000001. This file lists all cell phones that I identified in the Call Detail Records.

6. Since I completed my first report, Plaintiffs’ counsel has provided me with a file containing additional call detail records that I understand was just recently produced by Ocwen in this litigation. These call detail records consist of one file labeled OCWEN520306 (“Additional Call Detail Records”).

7. I understand the Additional Call Detail Records consists of calls made by Ocwen using the Aspect UIP dialer during the period October 27, 2010 through March 30, 2011. The Additional Call Detail Records contains 13,583,184 rows of calling data and 13 columns labelled “#CALLSTARTDT,” “SEQNUM,” “CALLID,” “SERVICE\_ID,” “USER\_ID,” “CallType,” “PARAM2,” “DIALEDNUM,” “STATION,” “queueenddt,” “conncleardt,” “ANI,” and “CALLACTIONDESC.”

#### IV. OPINIONS

8. I performed analyses to determine (1) the total calls; (2) the unique numbers, (3) the total calls made to wireless numbers, (4) the unique wireless numbers called, (5) the total calls made to landline (or non-wireless) numbers, and (6) the unique landline (or non-wireless) numbers called.

9. To determine the calls made to wireless numbers, I followed the same procedure described in paragraphs 47 through 54 of my January 12, 2017 expert report. To summarize, I compared all of the telephone numbers in the Additional Call Detail Records to the IMS database by simply copying the Additional Call Detail Records and IMS database into a conventional relational database program, as described in paragraphs 53-54 of my January 12, 2017 expert report, and then executing a command telling the program to compare the two lists to identify the matches. This comparison also could be performed manually (by simply looking at the two lists), but once again that would take an exceptionally long period of time given the size of the lists.

10. Then, I compared the list of phone numbers in the Additional Call Detail Records to the list of phone numbers in the Neustar database to see which ones had been reassigned from landline to cell or from cell to landline at the time of the call. This involved the same process described in paragraph 9 above. I copied the Neustar ported numbers lists into the relational database with the Additional Call Detail Records and executed a basic command telling the program to compare the lists to identify the matches, and simultaneously identify which of the telephone numbers that were reassigned were nevertheless wireless numbers at the time of the call. The ported numbers lists included a date field showing when each number was reassigned or ported, if any, allowing me to perform this analysis as of the date of the call. This comparison also could be performed manually (by simply looking at the two lists), but once again that would take an exceptionally long period of time given the size of the lists.

11. My findings are summarized below:

Total calls: 1,100,035  
Total unique numbers called: 204,203  
Total calls to cell: 395,776  
Total unique cell numbers called: 80,541  
Total calls to landline: 704,259  
Total unique landline numbers called: 123,704

I created an output file called "Additional Unique Cell Phones." See HANSEN\_000002. This file lists all cell phones that I identified in the Additional Call Detail Records.

5. I then compared the list of 80,541 unique cell numbers called from the Additional Call Detail Records to the list of 1,169,257 unique cell numbers called from the Call Detail Records in order to deduplicate the two lists, resulting in a complete list of all unique cell numbers called by Ocwen between October 27, 2010 and November 30, 2014.

6. My findings after the above-described deduplication analysis are:

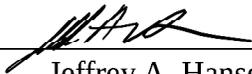
Total unique cell numbers called between 10/27/2010 and 11/30/2014: 1,178,379

I created an output file called "All Deduplicated Unique Cell Phones." See HANSEN\_000003. This file lists all cell phones that I identified in the Call Detail Records and Additional Call Detail Records and then deduplicated.

7. I reserve the right to amend, modify or supplement the statements and opinions set forth herein as appropriate.

I declare that the foregoing is true and correct, subject to the laws of perjury of the United States.

Dated this 19<sup>th</sup> day of January, 2017 at San Diego, California.

  
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Jeffrey A. Hansen