

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Jennifer M. Langston,
Plaintiff,
v.
Gateway Mortgage Group, LLC,
Defendant.

Case No.: 5:20-cvV-01902-VAP-(KKx)

Judge Virginia A. Phillips

DECLARATION OF
EDWARD DATTILO REGARDING
IMPLEMENTATION OF NOTICE AND
SETTLEMENT ADMINISTRATION

**DECLARATION OF EDWARD DATTILO REGARDING
IMPLEMENTATION OF NOTICE AND SETTLEMENT ADMINISTRATION**

I, Edward Dattilo, hereby declare and state as follows:

1. I am a Project Manager employed by Epiq Class Action & Claims Solutions, Inc. (“Epiq”). I have 4 years of experience handling all aspects of settlement administrations. The statements of fact in this declaration are based on my personal knowledge and information provided to me by my colleagues in the ordinary course of business, and if called on to do so, I could and would testify competently thereto.

2. Epiq was retained by the Parties to be the Settlement Administrator pursuant to the Court’s Preliminary Approval Order (the “Order”) dated April 25, 2022, and in accordance with the Settlement Agreement dated December 20, 2021 (the “Agreement”).¹ I submit this Declaration in order to advise the Parties and the Court regarding the implementation of the Court-approved Class Notice Program, and to report on Epiq’s handling to date of the Settlement administration, in accordance with the Order and the Agreement.

¹ All capitalized terms not otherwise defined in this document shall have the same meanings ascribed to them in the Agreement

3. Epiq was established in 1968 as a client services and data processing company. Epiq has administered bankruptcies since 1985 and settlements since 1993. Epiq has routinely developed and executed notice programs and administrations in a wide variety of mass action contexts including settlements of consumer, antitrust, products liability, and labor and employment class actions, settlements of mass tort litigation, Securities and Exchange Commission enforcement actions, Federal Trade Commission disgorgement actions, insurance disputes, bankruptcies, and other major litigation. Epiq has administered more than 4,500 settlements, including some of the largest and most complex cases ever settled. Epiq's class action case administration services include administering notice requirements, designing direct-mail notices, implementing notice fulfillment services, coordinating with the United States Postal Service ("USPS"), developing and maintaining notice websites and dedicated telephone numbers with recorded information and/or live operators, processing exclusion requests, objections, claim forms and correspondence, maintaining class member databases, adjudicating claims, managing settlement funds, and calculating claim payments and distributions. As an experienced neutral third-party administrator working with settling parties, courts, and mass action participants, Epiq has handled hundreds of millions of notices, disseminated hundreds of millions of emails, handled millions of phone calls, processed tens of millions of claims, and distributed hundreds of billions in payments.

OVERVIEW OF ADMINISTRATION

4. Pursuant to the Agreement and Order Epiq was retained to provide, and did provide, the following administrative services for the benefit of Settlement Class Members, as they are defined in the Agreement:

- Send CAFA Notice to the appropriate Federal and State government officials;
- As appropriate, email a Notice to Class Members;
- As appropriate, mail a Postcard Notice to Class Members;
- Establish and maintain an official Settlement Website containing information about the Langston v. Gateway Mortgage Group, LLC Settlement
- Establish and maintain an official toll-free number that Settlement Class Members may contact for additional information about the Settlement;
- Review and process Opt Outs sent to or received by Epiq;
- Review and track objections sent to or received by Epiq;

CLASS ACTION FAIRNESS ACT NOTICE

5. As described in the attached May 16, 2022, *Declaration of Stephanie J. Fiereck, Esq. on Implementation of CAFA Notice* (“CAFA Declaration”), on May 16, 2022, Epiq sent a CAFA notice packet (or “CAFA Notice”) to 58 federal and state officials as required by the Class Action Fairness Act of 2005 (CAFA), 28 U.S.C. § 1715. The CAFA Notice was mailed by certified mail to 54 officials, which included the Attorney General of the United States and the Attorneys General of each of the 50 states, the District of Columbia, and the United States’ Territories. Epiq also sent the CAFA Notice to the Attorney General of the United States by United Parcel Service. The CAFA Declaration is included as **Exhibit A**.

DATA TRANSFER

6. On May 25, 2022, Counsel for Defendant provided Epiq with 1 electronic file containing potential Class Member records. The file contained 95,922 records of names, addresses, and email addresses for potential Class Members (“Class Data”).

7. Epiq loaded the information provided by Counsel into a database created for the purpose of administration of the proposed Settlement. Epiq assigned unique identifiers to all the records it received in order to maintain the ability to track them throughout the Settlement administration process. Epiq combined the data and removed exact duplicate records, which resulted in 95,922 of Class Member records (the “Class List”).

DISSEMINATION OF INDIVIDUAL CLASS NOTICE VIA EMAIL

8. Pursuant to Section VI of the Agreement and Section I(D) of the Order, Epiq was to cause the Court-approved Short Form Notice to be formatted for electronic distribution by email to Class Members for whom an email address was included in the Class Data. Attached hereto as **Exhibit B** is a template of the Court-approved Short Form Notice that Epiq electronically disseminated to Class Members for whom an email address was provided in the Class Data (“Email Notice”). The Notice contained substantial, albeit easy to read, information that made potential Class Members aware of their rights under the Settlement and provided instructions on how to obtain more information by visiting the Settlement website or calling the toll-free number.

9. The Email Notice, which was formatted for distribution using imbedded html text, provided Class Members with a link to the Settlement website. The Email Notice was formatted with easy to read text without graphics, tables, images, and other elements that would increase the likelihood that the message could be blocked by Internet Service Providers and/or SPAM filters. Epiq also followed standard email protocols, including utilizing “unsubscribe” links and Epiq’s contact information in the Email Notice.

10. Epiq sent the Email Notice to the 91,450 potentially valid email addresses on June 24, 2022. Each Email Notice was transmitted with a unique message identifier. If the receiving e-

mail server could not deliver the message, a “bounce code” was returned along with the unique message identifier.

11. For all Class Members with potentially valid email addresses in the Class Data, Epiq closely monitored all deliverability attempts of the Email Notice throughout the Email Notice campaign. A total of 86,574 Email Notices were delivered. Of the 4,876 Email Notices that could not be delivered, 1,969 of them were undeliverable because the email address no longer existed, the email account was closed, or the email address had a bad domain name or address error (collectively, "Hard Bouncebacks"). After three attempts, the remaining 2,907 Email Notices could not be delivered due to an inactive or disabled account, the recipient's mailbox was full, technical auto-replies, or the recipient server was busy or unable to deliver (collectively, "Soft Bouncebacks"). Ultimately, Epiq was able to deliver direct Email Notice to 94.66% of the email addresses provided in the Class Data.

12. Pursuant to Section VI of the Agreement and Section I(D) of the Order, on July 15, 2022, Epiq sent the Postcard Notice to each of the 4,876 email addresses that “bounced” back as undeliverable in the email campaign effort and for whom Epiq had a valid physical mailing address on file.

DISSEMINATION OF THE INDIVIDUAL CLASS NOTICE BY POSTAL MAIL

13. Pursuant to Section VI of the Agreement and Section I(D) of the Order, Epiq was responsible for sending the Short Form Notice to all potential Class Members via U.S. First Class Mail (“Postcard Notice”) for whom no email address appears on the Class List, in addition to the Postcard Notice described in Section 12, above. Attached hereto as **Exhibit C** is the Postcard Notice that Epiq disseminated by mail.

14. Prior to mailing the Postcard Notice to the Class List, all mailing addresses were checked against the National Change of Address (“NCOA”) database maintained by the United States Postal Service (“USPS”).² In addition, the addresses were processed via the Coding Accuracy Support System (“CASS”) to ensure the quality of the zip code, and verified through Delivery Point Validation (“DPV”) to verify the accuracy of the addresses. To the extent that any Class Member had filed a USPS change of address request, and the address was certified and verified, the current address listed in the NCOA database was used in connection with the Postcard Notice mailing. This address updating process is standard for the industry and for the majority of promotional mailings that occur today. A total of 12,788 records in the Class List sent through the USPS NCOA, CASS, and DPV process were updated with new addresses.

15. Prior to commencing any mailings for this matter, Epiq established a dedicated post office box to mail notice from and to allow Class Members to contact the Settlement Administrator or submit documents by mail. Epiq has and will continue to maintain the P.O. Box throughout the administration process.

16. On June 24, 2022, Epiq mailed 1,297 Postcard Notices via First Class USPS Mail to potential Class Members on the Class List with a valid mailing address. In addition, a Long Form Notice has been mailed via First Class U.S. Mail to all persons who submitted a request for one. As of July 15, 2022, 20 Long Form Notices have been mailed as a result of such requests.

17. The return address on the Postcard Notices is the post office box maintained by Epiq. As of July 15, 2022, 12 Postcard Notices have been returned by the USPS with forwarding information and promptly re-mailed to the forwarding address.

² The NCOA database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated with any reported move based on a comparison with the person’s name and last known address.

18. As of July 15, 2022, a total of 46 Postcard Notices have been returned to Epiq without forwarding address information. As a result of skip trace searches performed by Epiq using a third-party lookup service, a total of 28 addresses were updated and 28 Postcard Notices were re-mailed to the updated addresses.

19. As of July 15, 2022, Epiq has mailed or emailed Notice to 92,747 Class Members, with Notice to 13 unique Class Members currently known to be undeliverable, which is a 99.98% deliverable rate to 96.69% of the Class.

SETTLEMENT WEBSITE

20. Pursuant to Section VI of the Agreement, on May 25, 2022, Epiq launched a website, www.PayToPaySettlement.com, that potential Class Members could visit to obtain additional information about the proposed Settlement, as well as important documents, including the Long Form Notice, Settlement Agreement, Preliminary Approval Order (“Website”). The Website contains a summary of options available to Class Members, deadlines to act, and provides answers to frequently asked questions. References to the Website were prominently displayed in the Email Notice and Postcard Notice.

21. As of July 15, 2022, the Website has been visited by 2,115 unique visitors and 4,161 website pages have been viewed. Epiq has maintained and will continue to maintain and update the Website throughout the administration of the proposed Settlement.

TOLL-FREE INFORMATION LINE

22. Pursuant to Section VI of the Agreement, on May 25, 2022, Epiq established and is maintaining a toll-free interactive Voice Response Unit (“VRU”), 855-604-1714, to provide information and accommodate inquiries from Class Members. Callers hear an introductory message and then are provided with scripted information about the Settlement in the form of

recorded answers to frequently asked questions. Callers also have the options of requesting a Long Form Notice by mail, leaving a voicemail for a call center representative to call them back, or speaking to a live operator during normal business hours. The toll-free number was included in the Notices sent to Class Members and the automated telephone system is available 24 hours per day, 7 days per week.

23. As of July 15, 2022, the toll-free number has received 186 calls representing 431 total minutes.

REQUESTS FOR EXCLUSION

24. Pursuant to Section VII of the Agreement, Class Members who wished to be excluded from the Settlement were required to mail a written Requests for Exclusion to Epiq postmarked on or before August 8, 2022. As of July 15, 2022, Epiq has not received any Requests for Exclusion.

OBJECTIONS RECIEVED

25. Pursuant to Section VII of the Agreement, Class Members who wished to object to the Settlement were required to submit written objections to the Clerk of the Court and Epiq, such that they were postmarked on or before the objection deadline of August 8, 2022. As of July 15, 2022, Epiq has not received any written objections to the Settlement.

COST OF NOTICE AND SETTLEMENT ADMINISTRATION

26. As of July 15, 2022, the costs of the settlement administration are approximately \$42,256.06. Based on reasonable assumptions, the cost for the remainder of the settlement administration for this Settlement is estimated to be \$124,691.38, totaling \$166,947.44 for the entire administration. This approximate cost encompasses mailed notice (including postage),

undeliverable mail processing and address research, website/phone support, associated project management, and distribution related expenses, such as checks and associated postage.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct and that this declaration was executed on July 15, 2022, in Louisville, Kentucky.

Edward Dattilo

Edward Dattilo
Project Manager
Epiq Class Action & Claims Solutions, Inc. (“Epiq”)

Exhibit A

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JENNIFER M. LANGSTON,
on behalf of herself and
all others similarly situated,

Plaintiff,

v.

GATEWAY MORTGAGE GROUP, LLC.

Defendant.

Case No. 5:20-cv-01902-VAP-KK

**DECLARATION OF STEPHANIE J. FIERECK, ESQ. ON IMPLEMENTATION OF
CAFA NOTICE**

I, STEPHANIE J. FIERECK, ESQ., hereby declare and state as follows:

1. My name is Stephanie J. Fiereck, Esq. I am over the age of 21 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am the Director of Legal Noticing for Hilsoft Notifications (“Hilsoft”), a firm that specializes in designing, developing, analyzing, and implementing large-scale legal notification plans. Hilsoft is a business unit of Epiq Class Action & Claims Solutions, Inc. (“Epiq”), the proposed class notice administrator in this case. I have overseen and handled Class Action Fairness Action (“CAFA”) notice mailings for more than 350 class action settlements.

3. Epiq is a firm with more than 25 years of experience in claims processing and settlement administration. Epiq’s class action case administration services include coordination of all notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with the United States Postal Service (“USPS”), claims database management, claim adjudication, funds management and distribution services.

4. The facts in this Declaration are based on what I personally know, as well as

1 information provided to me in the ordinary course of my business by my colleagues at Epiq.

2 **CAFA NOTICE IMPLEMENTATION**

3 5. At the direction of counsel for Defendant Gateway First Bank (“Gateway”), 58
4 officials, which included the Attorney General of the United States and the Attorneys General of
5 each of the 50 states, the District of Columbia and the United States Territories of Guam, Northern
6 Mariana Islands and Puerto Rico, and the Oklahoma Banking Department, the Federal Deposit
7 Insurance Corporation (“FDIC”), and the Consumer Financial Protection Bureau (“CFPB”) were
8 identified to receive the CAFA notice.

9 6. Epiq maintains a list of federal and state officials with contact information for the
10 purpose of providing CAFA notice. Prior to mailing, the names and addresses of the 58 officials
11 were verified, then run through the Coding Accuracy Support System (“CASS”) maintained by the
12 United States Postal Service (“USPS”).¹

13 7. On May 16, 2022, Epiq sent 58 CAFA Notice Packages (“Notice”). The Notice was
14 mailed via USPS Certified Mail to 54 officials, including the Attorneys General of each of the 50
15 states, the District of Columbia and the United States Territories of Guam, Northern Mariana
16 Islands and Puerto Rico. The Notice was also sent by United Parcel Service (“UPS”) to four (4)
17 officials, including the Attorney General of the United States, the Oklahoma Banking Department,
18 the FDIC, and the CFPB. The CAFA Notice Service List (USPS Certified Mail and UPS) is
19 included as **Attachment 1**.

20 8. The materials sent to the federal and state officials included a cover letter, which
21 provided notice of the proposed settlement of the above-captioned case. The cover letter is included
22 as **Attachment 2**.

23 9. The cover letter was accompanied by a CD, which included the following:

24 A. The Complaint and Amended Complaint.

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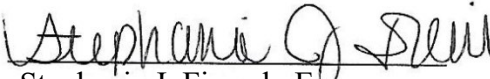
26 ¹ CASS improves the accuracy of carrier route, 5-digit ZIP®, ZIP + 4® and delivery point codes
27 that appear on mail pieces. The USPS makes this system available to mailing firms who want to
28 improve the accuracy of postal codes, i.e., 5-digit ZIP®, ZIP + 4®, delivery point (DPCs), and carrier
route codes that appear on mail pieces.

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B. Motion for Preliminary Approval of Class Action Settlement (“Motion”); Joint Declaration of Lee Lowther and James Kauffman in Support of Motion for Preliminary Approval; Settlement Agreement and Release (the “Proposed Settlement”) attached as an Exhibit to the Motion. Also included were the proposed notices to be sent to putative class members; Order Granting Motion for Preliminary Approval of Class Action Settlement; and Order Granting Stipulation to Continue Final Approval Hearing Currently Set for July 25, 2022, to August 29, 2022.

C. Class Member Geographic Location Report – an estimate of the number of class members, by state, which fall within the class, along with an estimate of the proportionate share of relief being distributed in each state.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 16, 2022.


Stephanie J. Fiereck, Esq.

Attachment 1

CAFA Notice Service List

USPS Certified Mail

Company	FullName	Address1	Address2	City	State	Zip
Office of the Attorney General	Treg Taylor	PO Box 110300		Juneau	AK	99811
Office of the Attorney General	Steve Marshall	501 Washington Ave		Montgomery	AL	36104
Office of the Attorney General	Leslie Carol Rutledge	323 Center St	Suite 200	Little Rock	AR	72201
Office of the Attorney General	Mark Brnovich	2005 N Central Ave		Phoenix	AZ	85004
Office of the Attorney General	CAFA Coordinator	Consumer Law Section	455 Golden Gate Ave Ste 11000	San Francisco	CA	94102
Office of the Attorney General	Phil Weiser	Ralph L Carr Colorado Judicial Center	1300 Broadway 10th Fl	Denver	CO	80203
Office of the Attorney General	William Tong	165 Capitol Ave		Hartford	CT	06106
Office of the Attorney General	Karl A. Racine	400 6th St NW		Washington	DC	20001
Office of the Attorney General	Kathy Jennings	Carvel State Office Bldg	820 N French St	Wilmington	DE	19801
Office of the Attorney General	Ashley Moody	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Office of the Attorney General	Chris Carr	40 Capitol Square SW		Atlanta	GA	30334
Department of the Attorney General	Holly T. Shikada	425 Queen St		Honolulu	HI	96813
Iowa Attorney General	Thomas J Miller	1305 E Walnut St		Des Moines	IA	50319
Office of the Attorney General	Lawrence G Wasden	700 W Jefferson St Ste 210	PO Box 83720	Boise	ID	83720
Office of the Attorney General	Kwame Raoul	100 W Randolph St		Chicago	IL	60601
Indiana Attorney General's Office	Todd Rokita	Indiana Government Center South	302 W Washington St 5th Fl	Indianapolis	IN	46204
Office of the Attorney General	Derek Schmidt	120 SW 10th Ave 2nd Fl		Topeka	KS	66612
Office of the Attorney General	Daniel Cameron	700 Capitol Avenue	Suite 118	Frankfort	KY	40601
Office of the Attorney General	Jeff Landry	PO Box 94005		Baton Rouge	LA	70804
Office of the Attorney General	Maura Healey	1 Ashburton Pl		Boston	MA	02108
Office of the Attorney General	Brian E. Frosh	200 St Paul Pl		Baltimore	MD	21202
Office of the Attorney General	Aaron Frey	6 State House Station		Augusta	ME	04333
Department of Attorney General	Dana Nessel	PO Box 30212		Lansing	MI	48909
Office of the Attorney General	Keith Ellison	445 Minnesota St	Suite 1400	St Paul	MN	55101
Missouri Attorney General's Office	Eric Schmitt	207 West High Street	PO Box 899	Jefferson City	MO	65102
Mississippi Attorney General	Lynn Fitch	Department of Justice	PO Box 220	Jackson	MS	39205
Office of the Attorney General	Austin Knudsen	215 N Sanders Third Floor	PO Box 201401	Helena	MT	59620
Attorney General's Office	Josh Stein	9001 Mail Service Ctr		Raleigh	NC	27699
Office of the Attorney General	Drew H. Wrigley	State Capitol	600 E Boulevard Ave Dept 125	Bismarck	ND	58505
Nebraska Attorney General	Doug Peterson	2115 State Capitol	PO Box 98920	Lincoln	NE	68509
Office of the Attorney General	John Formella	NH Department of Justice	33 Capitol St	Concord	NH	03301
Office of the Attorney General	Matthew J. Platkin	25 Market Street	PO Box 080	Trenton	NJ	08625
Office of the Attorney General	Hector Balderas	408 Galisteo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General	Aaron Ford	100 N Carson St		Carson City	NV	89701
Office of the Attorney General	CAFA Coordinator	28 Liberty Street	15th Floor	New York	NY	10005
Office of the Attorney General	Dave Yost	30 East Broad Street	14th Floor	Columbus	OH	43215
Office of the Attorney General	John O'Connor	313 NE 21st St		Oklahoma City	OK	73105
Office of the Attorney General	Ellen F Rosenblum	Oregon Department of Justice	1162 Court St NE	Salem	OR	97301
Office of the Attorney General	Josh Shapiro	16th Fl Strawberry Square		Harrisburg	PA	17120
Office of the Attorney General	Peter F Neronha	150 S Main St		Providence	RI	02903
Office of the Attorney General	Alan Wilson	PO Box 11549		Columbia	SC	29211
Office of the Attorney General	Jason Ravnsborg	1302 E Hwy 14 Ste 1		Pierre	SD	57501
Office of the Attorney General	Herbert H. Slatery III	PO Box 20207		Nashville	TN	37202
Office of the Attorney General	Ken Paxton	300 W 15th St		Austin	TX	78701
Office of the Attorney General	Sean D. Reyes	PO Box 142320		Salt Lake City	UT	84114
Office of the Attorney General	Jason S. Miyares	202 North Ninth Street		Richmond	VA	23219
Office of the Attorney General	TJ Donovan	109 State St		Montpelier	VT	05609
Office of the Attorney General	Bob Ferguson	800 Fifth Avenue	Suite 2000	Seattle	WA	98104
Office of the Attorney General	Josh Kaul	PO Box 7857		Madison	WI	53707
Office of the Attorney General	Patrick Morrissey	State Capitol Complex	Bldg 1 Room E 26	Charleston	WV	25305
Office of the Attorney General	Bridget Hill	109 State Capital		Cheyenne	WY	82002
Attorney General Office of Guam	Leevin T Camacho	Administration Division	590 S Marine Corps Dr Ste 901	Tamuning	GU	96913
Office of the Attorney General	Edward Manibusan	Administration Bldg	PO Box 10007	Saipan	MP	96950
PR Department of Justice	Domingo Emanuelli Hernández	PO Box 9020192		San Juan	PR	00902

CAFA Notice Service List

UPS

Company	FullName	Address1	Address2	City	State	Zip
US Department of Justice	Merrick B. Garland	950 Pennsylvania Ave NW		Washington	DC	20530
Oklahoma Banking Department	Mick Thompson	2900 N. Lincoln Boulevard		Oklahoma City	OK	73105
Federal Deposit Insurance Corporation	Floyd I. Robinson	Virginia Square L. Williams Seidman Center	3501 Fairfax Drive	Arlington	VA	22226
Consumer Financial Protection Bureau	Seth Frotman	1700 G Street NW		Washington	DC	20552

Attachment 2



May 16, 2022

VIA USPS CERTIFIED MAIL & UPS

Re: *Jennifer M. Langston v. Gateway First Bank*
Case No.: 5:20-cv-01902-VAP-KK
Notice of Proposed Class Action Settlement under the Class Action Fairness Act
(28 U.S.C. § 1715)

Dear Sir or Madam:

Our office represents Gateway First Bank (“Gateway”) in the above-captioned matter. This notice is to inform you of a proposed settlement of this matter pursuant to 28 U.S.C. § 1715(b).

In accordance with 28 U.S.C. § 1715(b), Gateway states as follows:

- 1) A copy of the Complaint and Amended Complaint are included in the enclosed CD. In addition, these complaints and all other pleadings and records filed in the case are available on the Internet through the federal government’s Pacer service at <https://ecf.cacd.uscourts.gov/cgi-bin/ShowIndex.pl>.
- 2) On February 22, 2022, Plaintiff Jennifer M. Langston filed a Motion for Preliminary Approval of Class Action Settlement (“Motion”). Attached as an Exhibit to the Motion is the Settlement Agreement and Release (the “Proposed Settlement”) entered into between Plaintiffs and Gateway on January 3, 2022. The Motion and Proposed Settlement are included in the accompanying CD. Also included are the proposed notices to be sent to putative class members and the April 25, 2022 order granting preliminary approval of the Proposed Settlement. The Final Approval hearing, which was rescheduled pursuant to the Court’s May 5, 2022 order, is currently scheduled for August 29, 2022, at 2:00 p.m. There have been no other settlements or agreements contemporaneously made between class counsel and counsel for Gateway.
- 3) As of the date of this letter, no final judgment or notice of dismissal has yet been entered in this matter.
- 4) Pursuant to 28 U.S.C. § 1715(b)(7), at this time it is not feasible to provide the name and state of residence for each class member covered by the proposed settlement. Gateway is, however, able to provide an estimate of the number of class members, by state, that fall within the class, along with an estimate of the proportionate share of relief being distributed in each state, which is included in the enclosed CD. The proportionate share of each individual class member will be dependent upon a number of factors that will not be known

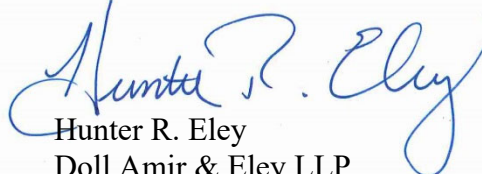
Page 2

until after the final approval hearing, including, for example, the number and identity of class members that request exclusion.

- 5) Other than what has been set forth above, there has not been any written judicial opinion relating to the materials described under 28 U.S.C. § 1715(b)(3) through (6).

The foregoing information is provided based on the data currently available to Gateway and on the status of the proceedings at the time of this notification. Gateway reserves its right to provide updated information concerning the Proposed Settlement or upon request. Please contact me if you require additional information or if you have any questions concerning this letter.

Sincerely,



Hunter R. Eley
Doll Amir & Eley LLP
Counsel for Gateway First Bank

Enclosures

Exhibit B

Important Notice About a Class Action Settlement

Langston v Gateway Settlement Administrator <noreply@paytopaysettlement.com>

Thu 6/16/2022 12:00 PM

To: Cordial, Christopher <Christopher.Cordial@epiqglobal.com>

CAUTION: This email originated from outside of Epiq. Do not click links or open attachments unless you recognize the sender and know the content is safe. Report phishing by using the "Phish Alert Report" button above.

Notice of Class Action Settlement Regarding Gateway’s Assessment of Residential Loan Convenience Fees

What is this Notice About? You are receiving this Notice because you could be affected by the settlement of a class action lawsuit against Gateway First Bank (“Gateway” or “Defendant”) involving its practice of charging fees to make residential loan payments online or over the phone, including through the telephonic automated “IVR” (interactive voice response) system (referred to as “Convenience Fees”). Gateway denies the claims and further denies that it did anything wrong. The court has not decided who is right. Plaintiff and the Defendant have agreed to settle the lawsuit to avoid the cost and uncertainty of litigation.

Who’s Included? Gateway’s records show you are a member of the Settlement Class. The Settlement Class includes all persons who (1) were borrowers on residential mortgage loans on properties in the United States and whose loans were serviced by Gateway, and (2) paid a fee to Gateway for making a residential loan payment by telephone, IVR, or the internet, between June 8, 2016 and April 25, 2022.

What does the Settlement provide? The Settlement creates a fund of \$1,175,000.00 (the “Settlement Fund”) that will first pay certain expenses, including attorney’s fees, costs, settlement administration expenses, and any service award. After the Settlement is approved and any appeal is addressed, each Settlement Class Member who does not opt out will *automatically* receive a pro rata distribution in the form of a check to the address on file. If your address has changed, contact the administrator at the toll-free number listed below, or visit the website to report your new address. Payment can take time. Please be patient. Gateway has also agreed to stop charging or collecting Convenience Fees to any Settlement Class Member and to any borrower, and will stop charging or collecting Convenience Fees from borrowers for a period of at least one year after entry of the Final Approval Order.

Your Other Options. If you do not want to be legally bound by the Settlement, you must exclude yourself by **August 8, 2022**. If you do not exclude yourself, you will release any claims you may have against Gateway as more fully described in the Settlement Agreement, available at the settlement website. You may object to the Settlement by **August 8, 2022**. The Detailed Notice available on the website listed below explains how to exclude yourself or object. The Court will hold a Hearing at **2:00 p.m. on August 29, 2022** at the United States District Court for the Central District of California, First Street Courthouse, 6th Floor, 350 West 1st Street, Los Angeles, CA 90012 to consider whether to approve the Settlement and a request for attorneys’ fees not to exceed 25% of the Gross Settlement Fund, reimbursement of litigation expenses, and a service award to the Settlement Class Representative in the amount of \$5,000. The Final Approval Hearing date and time could change without further notice, so please check the Settlement Website. Class Counsel’s application for fees and expenses will be filed at least 21 days prior to August 29, 2022 and will be posted, along with other key documents at www.PaytoPaySettlement.com. You may appear at the hearing, either yourself or through an attorney hired by you, but you don’t have to. For more information, call or visit the website below.

www.PaytoPaySettlement.com – 1-855-604-1714

AG644_v02

To unsubscribe from this list, please click on the following link: [Unsubscribe](#)

Exhibit C

**Langston v Gateway First Bank
Settlement Administrator
P.O. Box 6606
Portland, OR 97228-6606**

**BARCODE
NO-PRINT
ZONE**

FIRST-CLASS MAIL
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**Notice of Class Action
Settlement Regarding
Gateway's Assessment
of Residential Loan
Convenience Fees**

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What is this Notice About? You are receiving this Notice because you could be affected by the settlement of a class action lawsuit against Gateway First Bank (“Gateway” or “Defendant”) involving its practice of charging fees to make residential loan payments online or over the phone, including through the telephonic automated “IVR” (interactive voice response) system (referred to as “Convenience Fees”). Gateway denies the claims and further denies that it did anything wrong. The court has not decided who is right. Plaintiff and the Defendant have agreed to settle the lawsuit to avoid the cost and uncertainty of litigation.

Who’s Included? Gateway’s records show you are a member of the Settlement Class. The Settlement Class includes all persons who (1) were borrowers on residential mortgage loans on properties in the United States and whose loans were serviced by Gateway, and (2) paid a fee to Gateway for making a residential loan payment by telephone, IVR, or the internet, between June 8, 2016 and April 25, 2022.

What does the Settlement provide? The Settlement creates a fund of \$1,175,000.00 (the “Settlement Fund”) that will first pay certain expenses, including attorney’s fees, costs, settlement administration expenses, and any service award. After the Settlement is approved and any appeal is addressed, each Settlement Class Member who does not opt out will *automatically* receive a pro rata distribution in the form of a check to the address on file. If your address has changed, contact the administrator at the toll-free number listed below, or visit the website to report your new address. Payment can take time. Please be patient. Gateway has also agreed to stop charging or collecting Convenience Fees to any Settlement Class Member and to any borrower, and will stop charging or collecting Convenience Fees from borrowers for a period of at least one year after entry of the Final Approval Order.

Your Other Options. If you do not want to be legally bound by the Settlement, you must exclude yourself by **August 8, 2022**. If you do not exclude yourself, you will release any claims you may have against Gateway as more fully described in the Settlement Agreement, available at the settlement website. You may object to the Settlement by **August 8, 2022**. The Detailed Notice available on the website listed below explains how to exclude yourself or object. The Court will hold a Hearing at **2:00 p.m. on August 29, 2022** at the United States District Court for the Central District of California, First Street Courthouse, 6th Floor, 350 West 1st Street, Los Angeles, CA 90012 to consider whether to approve the Settlement and a request for attorneys’ fees not to exceed 25% of the Gross Settlement Fund, reimbursement of litigation expenses, and a service award to the Settlement Class Representative in the amount of \$5,000. The Final Approval Hearing date and time could change without further notice, so please check the Settlement Website. Class Counsel’s application for fees and expenses will be filed at least 21 days prior to August 29, 2022 and will be posted, along with other key documents at www.PaytoPaySettlement.com. You may appear at the hearing, either yourself or through an attorney hired by you, but you don’t have to. For more information, call or visit the website below.

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