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9
10 *Attorneys for Plaintiff Michael Stoff,
and the Class*

11 **SUPERIOR COURT OF CALIFORNIA**

12 **COUNTY OF SAN DIEGO**

13 MICHAEL STOFF, an individual, on behalf of
14 himself and all others similarly situated,

15 Plaintiff,

16 vs.

17 WELLS FARGO BANK, N.A.; and DOES 1
through 10,

18 Defendants.

Case No. 37-2020-00020808-CU-BT-CTL
Assigned for All Purposes to:
Hon. Katherine Bacal
Dept. C-69

**NOTICE OF CLASS ACTION AND CLASS
MEMBERS' RIGHTS**

Date: September 20, 2024
Time: 11:00 AM
Dept.: C-69

Action Filed: June 18, 2020
Trial Date: TBD

1 **This Notice of Class Action and Class Members’ Rights (“Notice”) is given pursuant to**
2 **California Rule of Court 3.766 and an Order of the Superior Court of California County of**
3 **San Diego (the “Court”).**

4 This is not an advertisement or a solicitation from a lawyer. You are not being sued.

5 **PLEASE READ THIS ENTIRE NOTICE CAREFULLY. YOUR RIGHTS MAY BE**
6 **AFFECTED BY THE PROCEEDINGS IN THE ABOVE-CAPTIONED LAWSUIT (the**
7 **“Lawsuit”). THIS NOTICE ADVISES YOU OF YOUR RIGHTS AND OPTIONS IN THIS**
8 **LAWSUIT, INCLUDING WHAT YOU MUST DO IF YOU WISH TO EXCLUDE**
9 **YOURSELF FROM THE LAWSUIT. IF YOU WISH TO BE EXCLUDED, YOU MUST**
10 **SUBMIT YOUR REQUEST FOR EXCLUSION ON OR BEFORE JULY 31, 2024.**

11 **TO: ALL MORTGAGORS WITH A MORTGAGE IN CALIFORNIA WHOSE ACCOUNTS**
12 **WERE CURRENT, WHO RECEIVED A CARES ACT FORBEARANCE ON OR AFTER**
13 **MARCH 27, 2020, AND WHOSE ACCOUNT WAS REPORTED AS ‘IN**
14 **FORBEARANCE’ (OR SOMETHING SIMILAR) BY DEFENDANT TO A CONSUMER**
15 **REPORTING AGENCY**

16 You are receiving this Notice because Wells Fargo’s records indicate that you may fall within this
17 definition and thus be a “Class Member.”

18 The purpose of this Notice is to inform you that this Lawsuit has been certified as a class action
19 against Defendant Wells Fargo Bank, N.A. (“Defendant” or “Wells Fargo”).

20 **Please do not contact the Court regarding this Notice.** Inquiries concerning this Notice, , or any
21 other questions by Class Members should be directed to:

22 Wells Fargo CARES Act Mortgage Credit Reporting Class Action
23 c/o A.B. Data, Ltd.
24 P.O. Box 173008
25 Milwaukee, WI 53217
26 Tel: 1-877-307-7268
27 Email: info@CaresActLitigation.com
28 Website: www.CaresActLitigation.com

29 The Lawsuit claims that Wells Fargo violated the California Consumer Credit Reporting Agencies
30 Act (“CCRAA”), at Cal. Civ. Code § 1785.25(a), by furnishing information to a consumer credit
31 reporting agency when it knew or should have known the information was incomplete or inaccurate.
32 More specifically, it claims that Wells Fargo, as part of its COVID-19 credit reporting, unlawfully
33 furnished information to the consumer credit reporting agencies or credit bureaus indicating that
34 consumers with current Wells Fargo mortgages were in forbearance. Wells Fargo denies the
35 allegations and asserts various defenses to the claims. The Court certified the Lawsuit as a class
36 action and appointed plaintiff Michael Stoff as the Class Representative.

37 The following table contains a summary of your rights and options in this Lawsuit:

YOUR LEGAL RIGHTS AND OPTIONS	
DO NOTHING	<p>Stay in this Lawsuit. Await the outcome. Possibly get benefits. Give up certain rights.</p> <p>By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you give up any rights to sue Wells Fargo individually and seek damages or benefits based on the credit reporting at issue. Similarly, if you do nothing and Wells Fargo wins at trial, you will lose any claims arising out of the credit reporting at issue.</p>
EXCLUDE YOURSELF	<p>Remove yourself from this class action. Get no benefits or money. Keep certain rights.</p> <p>If you wish to exclude yourself from the Lawsuit, you must submit a written request by July 31, 2024. If you exclude yourself, you will not be bound by the outcome of the Lawsuit whether by judgment or settlement. If money or benefits are recovered via either settlement or judgment, you will not be eligible to receive the payment or other benefit, but you will retain any right you have to sue based upon the credit reporting at issue. See questions 8-10.</p>
APPEAR THROUGH AN ATTORNEY	<p>You may enter an appearance through your own counsel at your own expense. See questions 11-13.</p>

These rights and options, and the deadlines to exercise them, are explained in this Notice. The capitalized terms used in this Notice are as explained or defined herein.

The Court has appointed the lawyers listed below (“Class Counsel”) to represent you and the Class in this Lawsuit:

Russell S. Thompson, IV
 Thompson Consumer Law Group, PC
 11445 E Via Linda, Ste. 2 #492
 Scottsdale, AZ 85259
 Telephone: (602) 388-8898
 Facsimile: (866) 317-2674
 rthompson@thompsonconsumerlaw.com

Andrew J. Brown
 The Law Offices of Andrew J. Brown
 501 W. Broadway, Ste. 1490
 San Diego, CA 92101
 Telephone: (619) 501-6550
 andrewb@thebrownlawfirm.com

Please regularly visit the Lawsuit Website, www.CaresActLitigation.com, for updates relating to the Lawsuit.

BASIC INFORMATION

1. What is a Class Action Lawsuit?

A class action is a lawsuit in which one or more representative plaintiffs (in this case, Mr. Stoff) bring a lawsuit on behalf of themselves and other similarly situated persons (*i.e.*, a class) who have the same or similar claims against the defendant (the “Class Representative”). The Class

1 Representative and Class Counsel have a responsibility to make sure that the interests of all class
2 members are adequately represented.

3 Class Members are not individually responsible for payment of attorneys' fees or litigation
4 expenses. In a class action, attorneys' fees and litigation expenses are paid from a settlement fund,
5 a court-awarded judgment amount, or directly by the defendant, and such payment must be approved
6 by the Court. If there is no recovery on behalf of the class, the attorneys do not get paid.

7 Should the Class Representative enter into a settlement with the defendant on behalf of the class,
8 the Court will require that Class Members be given notice of the settlement and an opportunity to
9 be heard with respect to the settlement. The Court then conducts a hearing (called a Fairness
10 Hearing) to determine, among other things, if the settlement is fair, reasonable, and adequate.

11 **2. Why Did I Get This Notice?**

12 You received this Notice because you requested it, or Wells Fargo's records indicate that you may
13 be a Class Member. As a potential Class Member, you have a right to know about the Lawsuit and
14 decide whether you wish to remain a Class Member. This Notice explains the Lawsuit and your
15 legal rights in connection with it.

16 Judge Bacal of the Superior Court for San Diego County is currently the judge overseeing this
17 Lawsuit. The case is known as *Michael Stoff v. Wells Fargo Bank, N.A.*, Case No. 37-2020-
18 00020808-CU-BT-CTL. The person who filed the class action case is called the Plaintiff. The
19 Defendant in the Lawsuit is Wells Fargo Bank, N.A.

20 **3. What is this Lawsuit About?**

21 Mr. Stoff brought this Lawsuit against Wells Fargo, a company which services California
22 mortgages, both on behalf of itself and others, and furnishes information to various consumer credit
23 reporting agencies regarding the status of such mortgages. This Lawsuit arises out of Wells Fargo's
24 furnishing of credit information to the consumer credit reporting agencies regarding borrowers
25 whose mortgages were current and received a CARES Act forbearance on or after March 27, 2020.
26 More specifically, the Lawsuit claims that, during the class period, Wells Fargo furnished
27 information indicating that Class Members' mortgages were "in forbearance" despite a legal
28 requirement that Wells Fargo continue to report them as "current."

29 The Lawsuit claims that, in early April 2020, Mr. Stoff sought and received a 3-month
30 accommodation or forbearance on his mortgage obligations from Wells Fargo, pursuant to the
31 CARES Act. Mr. Stoff alleges that, at the time he received the accommodation, his mortgage was
32 "current," and that Wells Fargo was required to continue reporting the mortgage as current. Mr.
33 Stoff claims that Wells Fargo changed the way it reported Mr. Stoff's mortgage in several key
34 respects, such that he contends it was no longer reporting his mortgage as "current," and that he
35 suffered damage as the result of Wells Fargo furnishing inaccurate or incomplete information about
36 the mortgage.

37 The Lawsuit also claims that Wells Fargo reported CARES Act accommodations in this manner on
38 a systematic basis for all Class Members, and Class Members were damaged as a result. The Lawsuit
39 seeks damages, statutory penalties, and punitive damages for California borrowers who were current
40 on their mortgage, received a CARES Act accommodation on or after March 27, 2020, and whose

1 account was reported as ‘in forbearance’ (or something similar) by Wells Fargo to a consumer credit
2 reporting agency.

3 Wells Fargo denies Mr. Stoff’s allegations. Wells Fargo claims that it continued to report his
4 mortgage as current and that it did not furnish inaccurate or incomplete information to the consumer
5 credit reporting agencies about his mortgage. Wells Fargo also claims that it continued to report
6 Class Members’ mortgages as current and that it did not furnish inaccurate or incomplete
7 information about Class Members to credit bureaus. Wells Fargo further maintains that it has a
8 number of valid defenses to the claims asserted. Wells Fargo also claims neither Mr. Stoff nor Class
9 Members were damaged by the allegedly inaccurate reporting, and they are not entitled to recover
10 any relief in this Lawsuit.

11 **4. What is the History of this Lawsuit?**

12 On June 18, 2020, Mr. Stoff filed this putative class action alleging that Wells Fargo violated the
13 CCRAA, at Cal. Civ. Code § 1785.25(a), by furnishing information on a specific transaction or
14 experience to any consumer credit reporting agency when it knew or should have known the
15 information was incomplete or inaccurate.¹ (ROA 1)². Mr. Stoff’s claims are currently set forth in
16 his third amended complaint. (ROA 221).

17 On April 14, 2023, Mr. Stoff moved for class certification. (ROA 229). After a series of hearings
18 between November 17, 2023, and January 19, 2024, the Court issued an order granting Mr. Stoff’s
19 motion for class certification in part (ROAs 416, 445). In granting Mr. Stoff’s motion for class
20 certification, the Court did not rule on whether his claims have merit. You may view the court file
21 online on the San Diego Superior Court’s Register of Actions website which may be found here:
22 www.sdcourt.ca.gov.

23 **CLASS MEMBERSHIP**

24 **5. How Do I Know If I Am A Class Member?**

25 In the Order Granting Class Certification, the Court certified the following Class:

26 All mortgagors with a mortgage in California whose accounts were current, who
27 received a CARES Act forbearance on or after March 27, 2020, and whose account
28 was reported as ‘in forbearance’ (or something similar) by Defendant to a consumer
reporting agency.

If you fall within this class definition, you are a Class Member.

6. I Am Still Not Sure If I Am Included In The Class.

¹ Mr. Stoff also asserted a claim under California Business and Professions Code § 17200, which
was later withdrawn upon filing his second amended complaint. (ROA 29).

² All document citations (“ROA #”) refer to the Court’s Register of Actions for the Lawsuit.

1 If you are still not sure whether you are included, you can ask for free help. You can call toll-free
2 1-877-307-7268 or visit www.CaresActLitigation.com for more information.

3 **7. What Do I Have To Do To Remain A Class Member?**

4 You do not have to do anything now if you want to remain a Class Member. By doing nothing, you
5 stay in the Class. If you do nothing now, regardless of whether Mr. Stoff wins or loses at trial, you
6 will not be able to sue or continue to sue Wells Fargo about its credit reporting of your loan while
it was in a CARES Act forbearance. You will also be legally bound by all the orders and judgments
the Court issues in this case.

7 **EXCLUDING YOURSELF**

8 **8. Why Would I Ask To Be Excluded?**

9 If you already have a lawsuit against Wells Fargo for similar claims and want to continue with it, or
10 if you wish to bring such a lawsuit in the future, you need to ask to be excluded from the Class. If
11 you exclude yourself from the Class – sometimes called “opting out” of the Class – you will not get
any money or benefits from this Lawsuit even if Mr. Stoff wins at trial or there is a settlement.

12 However, if you exclude yourself, you may be able to sue or continue to sue Wells Fargo on your
13 own. If you exclude yourself, you will not be legally bound by any judgment in this Lawsuit. If you
14 start your own lawsuit against Wells Fargo after you exclude yourself, you may have to hire and
15 pay for your own lawyer for that lawsuit. If you do exclude yourself so you can start your own
lawsuit against Wells Fargo, you should talk to your own lawyer soon because your claim(s) may
be subject to a statute of limitations or other time-sensitive requirements.

16 **9. If I Exclude Myself, Can I Get Money From Any Settlement Or Judgment?**

17 No. You will not get any money or benefits from any settlement or judgment if you exclude yourself
18 from this Lawsuit.

18 **10. How Do I Request To Be Excluded From The Class?**

19 You can exclude yourself by sending a written “Request for Exclusion.” You cannot exclude
20 yourself by telephone. You must send a “Request for Exclusion” in the form of a letter sent by U.S.
21 Mail stating that you want to be excluded. You must include your name, address, and telephone
22 number, and sign the letter. You must submit proof of authorization to submit the Request for
23 Exclusion, if submitted by an authorized representative. You must mail your Request, postmarked
by July 31, 2024, to Wells Fargo CARES Act Mortgage Credit Reporting Class Action, c/o A.B.
Data, Ltd., ATTN: Exclusions, P.O. Box 173001, Milwaukee, WI 53217.

24 A Request for Exclusion that does not include all of the required information, that does not contain
25 the proper signature, that is sent to an address other than the one designated above, or that is not sent
26 within the time specified may be deemed invalid and the person(s) filing such an invalid request
may be deemed a Class Member.

27 All persons who submit valid and timely Requests for Exclusion in the manner set forth above shall
28 have no rights under the Lawsuit and shall not be bound by any judgment or settlement.

1 **THE LAWYERS REPRESENTING YOU**

2 **11. Do I Have An Attorney?**

3 Yes. The Court has appointed Russell S. Thompson, IV and Andrew J. Brown to represent you as
4 “Class Counsel.” Their contact information is as follows:

5 Russell S. Thompson, IV
6 Thompson Consumer Law Group, PC
7 11445 E. Via Linda, Ste. 2 #492
8 Scottsdale, AZ 85259
9 Telephone: (602) 388-8898
10 rthompson@thompsonconsumerlaw.com

Andrew J. Brown
The Law Offices of Andrew J. Brown
501 W. Broadway, Ste. 1490
San Diego, CA 92101
Telephone: (619) 501-6550
info@thebrownlawfirm.com

9 **12. Should I Get My Own Attorney?**

10 You do not need to hire your own lawyer because Class Counsel is working on your behalf. But if
11 you want your own lawyer, you may hire one at your own expense. You can ask your attorney to
12 appear in Court for you if you want someone other than Class Counsel to speak for you, at the
13 Court’s discretion.

13 **13. How Will Class Counsel Be Paid?**

14 If Class Counsel obtains money or benefits for the Class through this Lawsuit, they will ask the
15 Court to award them attorney fees and expenses. You will not have to pay these fees and expenses.
16 If the Court grants Class Counsel’s request, the attorneys’ fees and expenses would either be
17 deducted from any money obtained for the Class or paid separately by Wells Fargo.

16 **TRIAL**

17 **14. When Is The Trial?**

18 Trial has not yet been scheduled. Information about the trial date will be posted when available at
19 www.CaresActLitigation.com. If the case is not dismissed or settled, the Plaintiff will have to prove
20 his claims at a trial that will take place at the San Diego Hall of Justice, 330 W. Broadway, San
21 Diego, CA 92101.

21 **15. Do I Have To Come To The Trial?**

22 No. Remaining a Class Member does not mean that you will be required to attend the trial. Class
23 Counsel will present the case for Mr. Stoff and the Class, and Wells Fargo will present its defenses.
24 You or your own lawyer are welcome to attend at your own expense.

24 **16. Will I Get Money After The Trial?**

25 If at some point Mr. Stoff obtains money or benefits for the Class as a result of the trial or a
26 settlement, and you did not exclude yourself from the Class, you will be notified. There could be
27 post-trial proceedings and appeals. We do not know how long this will take, and there is no
28 guarantee that any money or benefits will be obtained through this Lawsuit.

1 **17. How Do I Get More Information?**

2 Continue to regularly visit the website, www.CaresActLitigation.com, where you will find
3 important documents, including the Court's Orders certifying the Class, the operative Third
4 Amended Class Action Complaint, Wells Fargo's operative Answer to the Complaint, as well as
5 other Court filings. You may also contact the Notice Administrator by:

- 6 • Email at info@CaresActLitigation.com
- 7 • By mail to:
8 Wells Fargo CARES Act Mortgage Credit Reporting Class Action
9 c/o A.B. Data, Ltd.
10 P.O. Box 173008
11 Milwaukee, WI 53217
12 or
- 13 • Toll-free at 1-877-307-7268

14 You may also contact Class Counsel directly using the information provided in Question 11 of this
15 Notice.

16 *******Please do not contact the Court or the Clerk's Office regarding this Notice or for
17 additional information.*******