

1 **GREENFIELD & GOODMAN, LLC**

Richard D. Greenfield
2 Marguerite R. Goodman
Ann M. Caldwell
3 Ilene F. Bookler (SBN 269422)
whitehatrdg@earthlink.net
4 250 Hudson Street, 8th Floor
5 New York, NY 10013
Telephone: (917) 495-4446
6

7 **WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

8 Betsy C. Manifold (SBN 182450)
manifold@whafh.com
9 Brittany N. DeJong (SBN 258766)
dejong@whafh.com
10 Symphony Towers
11 750 B Street, Suite 1820
San Diego, CA 92101
12 Telephone: (619) 239-4599
13 Fax: (619) 234-4599

14 *Attorneys for Prospective Intervenor R.A. Feuer*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **COUNTY OF SAN FRANCISCO**

17	IN RE WELLS FARGO & COMPANY)	Lead Case No. CGC-17-561118
18	AUTO INSURANCE DERIVATIVE)	
19	LITIGATION)	SUPPLEMENTAL DECLARATION
20	_____)	OF RICHARD GREENFIELD IN
21	This Document Relates To:)	SUPPORT OF REPLY TO <i>EX PARTE</i>
22	ALL ACTIONS)	APPLICATION TO CONTINUE
23	WELLS FARGO & COMPANY,)	HEARING DATE ON PLAINTIFFS'
24	Nominal Defendant,)	MOTION FOR PRELIMINARY
25	_____)	APPROVAL
26	R.A. FEUER,)	JUDGE: Hon. Teri Jackson
27	Plaintiff/Intervenor.)	DEPT: 613
28	_____)	HEARING DATE: May 10, 2019
		TIME: 9:30 a.m.

ELECTRONICALLY

FILED

Superior Court of California,
County of San Francisco

05/09/2019

Clerk of the Court

BY: CAROL BALISTRERI

Deputy Clerk

1 I, Richard D. Greenfield, declare as follows:

2 1. I make this supplemental declaration in support of Prospective Intervenor R.A.
3 Feuer's ("Mr. Feuer") *Ex Parte* Application for a brief continuance of the hearing date on
4 Plaintiffs' Motion for Preliminary Approval from May 10, 2019 to May 31, 2019 so it can be
5 heard concurrently with Mr. Feuer's Motion to Intervene. I have personal knowledge of the facts
6 stated below and, if called upon, I could and would competently testify thereto.

7 2. If Mr. Feuer is not granted leave to intervene and present his objections to the
8 proposed settlement prior to this Court's consideration of Plaintiffs' Motion for Preliminary
9 Approval, and the proposed settlement is preliminarily approved, Mr. Feuer will suffer
10 irreparable harm because he will permanently lose the ability to assert his objections to
11 preliminary approval and will lose the right to appellate review of any decision granting
12 preliminary approval to the proposed settlement. This irreparable harm will exist because
13 preliminary approval and final approval are two separate and distinct steps with different legal
14 standards. Thus, the fact that Mr. Feuer will have an opportunity to intervene later and object to
15 final approval of the proposed settlement following preliminary approval and notice to Wells
16 Fargo shareholders does not eliminate or cure the irreparable harm should he lose the ability to
17 intervene and object prior to the Court's decision on preliminary approval.

18 3. Mr. Feuer was not able to make his request for this brief continuance of the
19 hearing on Plaintiffs' Motion for Preliminary Approval by way of a regularly noticed motion
20 under California Code of Civil Procedure 1005 because, as outlined in my initial Declaration in
21 support of this *Ex Parte* Application filed May 1, 2019, the Stipulation of Settlement and
22 Exhibits were (and still are) not publicly available on this Court's docket and although I
23 repeatedly requested a full set of settlement papers from counsel for Wells Fargo, a full set of
24 settlement papers was not provided to me until after the close of business on April 23, 2019.
25 Code of Civil Procedure section 1005 requires that noticed motions be filed at least 16 court days
26 before the noticed hearing date. It was not possible for Mr. Feuer to prepare and file his Motion
27 to Intervene for a hearing date before or on May 10, 2019, as there were not sixteen (16) court
28

1 days remaining before the May 10, 2019 hearing when Mr. Feuer was finally provided with a
2 complete set of settlement papers. Mr. Feuer moved to intervene on May 1, 2019, as soon as
3 feasibly possible following receipt of the Stipulation of Settlement and supporting exhibits from
4 Wells Fargo's counsel.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed this 8th day of May, 2019.

7
8
9
10 
11 _____
12 RICHARD D. GREENFIELD
13
14
15
16
17
18
19
20
21
22
23

24 WELLS.FARGO:25629.v2
25
26
27
28