

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KYLE J. LIGUORI and TAMMY L.  
HOFFMAN, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY, WELLS  
FARGO BANK, N.A., NORTH STAR  
MORTGAGE GUARANTY REINSURANCE  
COMPANY,

Defendants.

CIVIL ACTION  
NO. 08-cv-00479-PD

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY  
APPROVAL OF SETTLEMENT**

Plaintiffs Kyle J. Liguori and Tammy L. Hoffman (collectively, "Plaintiffs" or "Named Plaintiffs"), by and through their attorneys, hereby move for preliminary approval of the Settlement Agreement ("Agreement"), filed contemporaneously with the Court as Exhibit A to the Memorandum of Law filed in support of this Unopposed Motion. The Settlement submitted for preliminary approval to the Court was entered into between Plaintiffs and Defendants Wells Fargo & Company, Wells Fargo Bank, N.A. (together, "Wells Fargo") and North Star Mortgage Guaranty Reinsurance Company ("North Star") (collectively, "Defendants") (together with Plaintiffs, the "Parties"), is described at length in the accompanying Memorandum of Law and would fully and finally resolve this action alleging violations of Sections 8(a) and (b) of the Real Estate Settlement Procedures Act of 1974 ("RESPA"), 12 U.S.C. §§ 2607(a) and (b).

By this Motion, Plaintiffs request that the Court preliminarily approve the Settlement memorialized in the Agreement, conditionally certify the Class for settlement purposes only,

approve the Class Notice agreed to between the Parties (attached to the Agreement as Exhibit 1) and authorize its dissemination, approve the Plan of Allocation set forth in the Agreement in substantially the form attached thereto as Exhibit 2, appoint Kyle J. Liguori and Tammy L. Hoffman as class representatives, and appoint Kessler Topaz Meltzer & Check, LLP as Lead Class Counsel and Bramson, Plutzik, Mahler & Birkhaeuser, LLP, Berke, Berke & Berke and Travis, Calhoun & Conlon as Class Counsel. In support of their request, Plaintiffs assert that the proposed Settlement is fair, reasonable, more than adequate (indeed, an excellent result for the class) and is consistent with the provisions of Rule 23. Defendants do not oppose this Motion.

In further support of the Motion, Plaintiffs refer the Court to their Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Settlement filed contemporaneously herewith and the accompanying Declaration of Edward W. Ciolko, Esq. A proposed Preliminary Approval Order is attached as Exhibit 3 to the Agreement and appended hereto.

Plaintiffs request that the Court set a date for a Final Approval Hearing no earlier than ninety (90) days from the date the Class Notice is to be mailed, for the purpose of (i) determining the fairness, adequacy, and reasonableness of the Agreement terms and associated Settlement pursuant to class action procedures and requirements; (ii) determining the good faith of the Agreement and associated Settlement; and (iii) entering judgment, in substantially the form attached to the Agreement as Exhibit 5.

Plaintiffs also request that the Court order that:

(i) Class Notices be mailed as soon as practicable following the entry of the Preliminary Approval Order, but in no event any later than forty-five (45) days following the entry of such an Order;

(ii) Opt-Out requests be returned to the Settlement Administrator postmarked by no later than sixty (60) days after the Notice Mailing Date; and

(iii) Objections, if any, be postmarked by no later than sixty (60) days from the Notice Mailing Date;

WHEREFORE, Plaintiffs request that the Court grant this Motion and enter the proposed Preliminary Approval Order.

Dated: May 16, 2012

Respectfully submitted,

*/s/ Edward W. Ciolko*

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 16, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF.

*/s/ Edward W. Ciolko*

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Edward W. Ciolko