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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 DANNY LANE, BEVERLY LANE, and  
12 MERCEDES GUERRERO, individually, and  
for other persons similarly situated,

13 Plaintiffs,

14 v.

15 WELLS FARGO BANK, N.A.

16  
17 Defendant.

Case No. CV-12-4026 WHA

PLAINTIFFS' SECOND SUPPLEMENTAL  
BRIEF IN SUPPORT OF CLASS  
CERTIFICATION

Date: June 20, 2013

Time: 8:00 A.M.

Crtrm: 8

Judge: Hon. William H. Alsup

Action Filed: July 31, 2012

Trial Date: April 21, 2014

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1 The chart attached to Kai Richter’s Second Declaration as Exhibit 4 (the “chart”) is  
 2 misleading and inaccurate. The chart includes only the information that Mr. Richter chose to  
 3 provide to falsely paint Plaintiffs’ Counsel as “copycats” so that he and his co-counsel could  
 4 undertake a hostile takeover of this case. His chart misrepresents the true nature of pending  
 5 force-placed flood insurance litigation across the country, specifically in connection with cases  
 6 filed by Plaintiffs and Proposed Intervenors’ counsel.<sup>1</sup> This supplemental brief corrects these  
 7 misrepresentations.

## 8 **I. The Information Included in the Chart Does Not Tell the Whole Story**

### 9 **A. Chase Force-Placed Insurance Litigation**

10 The chart first lists Mr. Richter’s *Hofstetter* case against JPMorgan Chase Bank, N.A.  
 11 (“Chase”) *Hofstetter v. Chase Home Finance, LLC*, Case No. 3:10-cv-01313 (N.D. Cal.) and  
 12 other hand-selected Chase cases filed by Plaintiffs’ Counsel. But the chart fails to identify the  
 13 later-filed Chase cases filed by BM/NK that tell the real story of their collusive and improper  
 14 practices—which began with filing cases against Chase *on top of* cases that Plaintiffs’ counsel  
 15 had been litigating nearly a year.

16 About a year after Plaintiffs’ counsel filed their *Gordon* and *Gibson* cases on behalf of  
 17 Chase mortgage borrowers, BM/NK filed their *first* Chase cases arising out of standard  
 18 mortgages, *Scheetz v. JPMorgan Chase Bank*, Case No. 1:12-cv-04113 (S.D.N.Y.)(flood), filed  
 19 May 23, 2012; and *Leger v. JPMorgan Chase Bank*, Case No. 3:12-cv-03632 (N.D.  
 20 Cal.)(hazard), filed July 11, 2012. After filing these cases, BM/NK immediately stayed the cases  
 21 to pursue private mediation in New York City. In one of the cases stayed by BM/NK, they  
 22 advised the Court that they had begun private mediation with Chase *before the case was even*  
 23 *filed*. Given this history, it is difficult to understand how these attorneys can come before this  
 24 Court claiming an entitlement to take charge of this case—which Plaintiffs’ Counsel has  
 25 successfully and aggressively litigated for many months.

26 \_\_\_\_\_  
 27 <sup>1</sup> Plaintiffs’ counsel, Wagoner Law Firm, Owings Law Firm, and Walker Law Firm, are hereinafter referred to as  
 28 “Plaintiffs’ Counsel.” Intervenors’ counsel, Berger & Montague and Nichols Kaster, are hereinafter referred to as  
 “BM” and “NK” respectively.

1                   **1.       *Hofstetter v. Chase Home Finance is Not a First-Filed Case***

2                   The chart improperly indicates that *Hofstetter v. Chase Home Finance, LLC*, Case No.  
3 3:10-cv-01313 (N.D. Cal.), is a “first-filed” case. Although Plaintiffs’ Counsel’s cases *Gibson v.*  
4 *Chase Home Finance, LLC*, Case No. 8:11-cv-1302 (M.D. Fla.), *Gordon v. Chase Home*  
5 *Finance, LLC*, Case No. 8:11-cv-2001 (M.D. Fla.), and *Herrick v. JPMorgan Chase Bank, N.A.*,  
6 Case No. 1:13-cv-21107 (S.D. Fla.) were filed later than *Hofstetter*, the claims and the class  
7 certified in *Hofstetter* did not overlap in any manner with the later cases. *Hofstetter* addressed  
8 excess insurance claims in connection with home equity lines of credit (“HELOCs”).<sup>2</sup> In fact, the  
9 Court certified a class based on the excess insurance claims, not kickback claims like those  
10 alleged here. *See Hofstetter*, Dkt. No. 178, Order Partially Granting Motion for Class  
11 Certification. *Gibson*, *Gordon*, and *Herrick* all address force-placed insurance claims in  
12 connection with traditional mortgages, not HELOCs. If these cases did overlap with the  
13 *Hofstetter* case – as implied by Mr. Richter’s chart – they would have been dismissed as a result  
14 of the national class settlement in *Hofstetter*. *Gibson* and *Gordon*, which were filed on June 1,  
15 2011 and September 1, 2011, respectively, were actually the first cases filed in the United States  
16 concerning Chase’s force-placed flood insurance practices in connection with traditional  
17 mortgages.

18                   *Herrick* does not overlap with *Hofstetter* in any respect because *Herrick* alleges claims  
19 arising out of Chase’s force-placed hazard and wind insurance practices. *Herrick* does not even  
20 allege flood insurance claims. Thus, it should not even be included in the chart. The only  
21 similarity between Plaintiffs’ Counsel’s cases and *Hofstetter* is that they all assert claims in  
22 connection with force-placed insurance practices.

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27                   <sup>2</sup> The *Hofstetter* plaintiffs discovered Chase’s kickback scheme during discovery and included general allegations  
28 regarding kickbacks in their Second Amended Complaint, Dkt. No. 112, Nov. 1, 2010. The Court approved  
injunctive and declaratory relief in connection with the kickback claims on behalf of the California sub-class only.

1           **2.       *The Intervenors Misstate Plaintiffs’ Counsel’s Initial Involvement in Force-***  
 2           ***Placed Insurance Litigation***

3           Plaintiffs’ Counsel became involved in the force-placed insurance litigation after  
 4           Plaintiffs’ counsel, Steve Owings, was approached in early 2011 by a neighbor who had been  
 5           subjected to Chase’s excess flood insurance requirements in connection with his seventh floor  
 6           condominium unit. Mr. Owings had litigated numerous class actions prior to this time, and had  
 7           recently successfully litigated and resolved a national consumer class action against Capital One  
 8           Bank for certain credit card practices. After researching and investigating potential claims, Mr.  
 9           Owings and Plaintiffs’ other counsel discovered that Chase was earning commissions on force-  
 10          placed insurance. Plaintiffs’ counsel learned of the *Hofstetter* case through this research.  
 11          Plaintiffs’ Counsel then attempted to work with Mr. Richter and his firm, but Mr. Richter  
 12          refused.

13           **3.       *Berger & Montague and Nichols Kaster Filed Force-Placed Flood and Hazard***  
 14           ***Cases Against Chase and Immediately Moved to Stay These Cases to Pursue***  
 15           ***Private Mediation in New York City.***

16          As noted above, long after the *Gibson* and *Gordon* cases were filed, and while *Gordon*  
 17          was still pending,<sup>3</sup> BM/NK and associated counsel filed their own “copycat” cases, *Scheetz*, Case  
 18          No. 1:12-cv-04113 (S.D.N.Y.), and *Leger*, Case No. 3:12-cv-03632 (N.D. Cal.), and almost  
 19          immediately initiated private mediation with Chase. In *Leger*, BM/NK filed a Joint Stipulation to  
 20          Stay just thirty-six (36) days after filing the Complaint—before any defendant had answered—  
 21          stating that the parties had begun private mediation in New York. *Leger*, Dkt. No. 22 (Aug. 17,  
 22          2012). This mediation began *five days before the case was even filed*. Plaintiffs’ Counsel also  
 23          stayed *Gordon* for six (6) months to participate in the mediation (after fully briefing the class  
 24          certification motion), but withdrew from the mediation in the fall of 2012 because Plaintiffs’  
 25          Counsel believed the mediation was collusive and not in the best interests of the class.

26 \_\_\_\_\_  
 27 <sup>3</sup> *Gibson* was voluntarily dismissed on June 25, 2012 after the court held that Mr. Gibson lacked standing to pursue  
 28 damages because, although Chase had charged him for force-placed insurance, they ultimately refunded 100% of the  
 force-placed insurance charges. The Court did not dismiss Mr. Gibson’s claims for injunctive or declaratory relief.

1 After nearly a year in unsuccessful private mediation, BM/NK consolidated their later-  
2 filed *Leger* with *McNeary-Calloway v. JPMorgan Chase Bank, N.A.*, Case No. 3:11-cv-03058-  
3 JCS (N.D. Cal.)(Dkt. No. 71), a Chase hazard insurance case pending before Judge Spero in this  
4 District. Although *Leger* was filed on July 11, 2012, the Defendant's initial motions to dismiss  
5 were filed just a week ago—on June 10 and 11, 2013. *Id.* Dkt. Nos. 123, 124, 127, 128.

6 The *Scheetz* case followed the same pattern—just forty-three (43) days after filing the  
7 Complaint, the Southern District of New York entered an order staying the litigation for  
8 mediation—again before any defendant had answered. *Scheetz*, Dkt. No. 7 (July 6, 2012)(staying  
9 case until September 14, 2012). On September 27, 2012, the Court entered another order staying  
10 the case until December 21, 2012. *Id.*, Dkt. No. 10. On December 10, 2012, the Court extended  
11 the stay through January 30, 2013. *Id.*, Dkt. No. 14. On January 30, 2013, Chase filed a Motion  
12 to Dismiss, but on February 13, 2013, the parties stipulated to extend the time for briefing on the  
13 Motion to Dismiss through March 20, 2013. *Id.*, Dkt. No. 31. On February 12, 2013, after the  
14 case had been stayed for nearly a year, the trial judge entered an Order stating that this  
15 “adjustment to the briefing schedule is FINAL.”

16 BM/NK's chart is incomplete and therefore misleading about the exact nature of their  
17 involvement in litigation against Chase. The chart intentionally misleads the Court about their  
18 involvement as opposed to Plaintiffs' Counsel's cases filed against Chase. The chart does not  
19 even mention the *Leger* or *Scheetz* cases or any of the history set forth above. Mr. Richter did a  
20 good job in the *Hofstetter* case but this does not entitle him to intervene in all subsequent  
21 litigation asserting similar—but significantly different—claims against different defendants.

## 22 **B. Wells Fargo Cases**

23 BM/NK lists *Morris v. Wells Fargo Bank, N.A.*, Case No. 2:11-cv-474 (W.D. Pa.) and  
24 *McKenzie v. Wells Fargo Bank, N.A.*, Case No. 3:12-cv-04965 (N.D. Cal.) as “first-filed”  
25 compared to Plaintiffs' Counsel's cases *Sayago v. Wells Fargo Bank, N.A.*, Case No. 8:11-cv-  
26 2009 (M.D. Fla.), *Cannon v. Wells Fargo Bank, N.A.*, Case No. 3:12-cv-1376 (N.D. Cal.)(J.  
27 Chen), this case, *Lane v. Wells Fargo Bank, N.A.*, Case No. 3:12-cv-04026 (N.D. Cal.)(J. Alsup),  
28

1 and *Fladell v. Wells Fargo Bank, N.A.*, Case No. 1:13-cv-21108 (S.D. Fla.)(J. Moreno). As  
2 Plaintiffs have previously argued in response to the Motion to Intervene, this case has more  
3 differences than similarities with *Morris* and *McKenzie*. Specifically, *Lane* alleges claims related  
4 to force-placed flood and hazard insurance, whereas *Morris* and *McKenzie* assert claims related  
5 only to force-placed flood insurance. Additionally, *Lane*, *Cannon*, and *Fladell* allege a federal  
6 Bank Holding Company Act claim and seek a national class based on Wells Fargo’s kickback  
7 schemes, whereas *Morris* and *McKenzie* do not allege any federal claim in connection with  
8 kickbacks.<sup>4</sup>

9 The *Lane*, *Cannon*, *Sayago*, and *Fladell* plaintiffs are residents of different states than  
10 BM/NK Wells Fargo plaintiffs. BM/NK represent plaintiffs from Pennsylvania and New  
11 Mexico. Plaintiffs in *Lane*, *Cannon*, *Sayago*, and *Fladell* are residents of California, Florida,  
12 Arkansas, and Louisiana. Thus, Plaintiffs’ Counsel has asserted state-law claims based on  
13 different laws than BM/NK and Plaintiffs’ Counsel seeks to represent state classes and/or sub-  
14 classes for these states. BM/NK do not have plaintiffs with standing to raise these claims or  
15 represent these sub-classes.

16 Finally, *Lane* and *Fladell* assert claims related to both force-placed flood and hazard  
17 insurance. Hazard insurance represents as much as 90% of all force-placed insurance in the  
18 country. BM/NK overlook this important factor in their chart and improperly characterize  
19 Plaintiffs’ Counsel’s cases asserting claims for both types of insurance as “later-filed.”

### 20 C. Bank of America Cases

21 Like with Wells Fargo, NK/BM improperly claim that their cases, *Berger v. Bank of*  
22 *America*, Case No. 1:10-cv-11583 (D. Mass.), *Lass v. Bank of America, N.A.*, Case No. 1:11-cv-  
23 10570 (D. Mass.), *Arnett v. Bank of America, N.A.*, Case No. 3:11-cv-01372 (D. Or.), and  
24 *Skansgaard v. Bank of America, N.A.*, Case No. 2:11-cv-00988 (W.D. Wash.), are “first-filed”  
25 cases similar to the Plaintiffs’ Counsel’s case *Hall v. Bank of America, N.A.*, Case No. 1:12-cv-  
26 22700 (S.D. Fla.)(J. Moreno). This claim is misleading for the same reasons as BM/NK’s

27 \_\_\_\_\_  
28 <sup>4</sup> *Morris* alleges a federal claim under TILA, but TILA addresses excess insurance, not kickbacks.

1 assertions regarding Chase and Wells Fargo. First, *Hall* focuses on kickbacks in connection with  
 2 force-placed flood insurance, and asserts federal claims for violation of the BHCA and RICO in  
 3 connection with Bank of America's kickback scheme. The BM/NK cases center on excess  
 4 insurance claims and do not allege any federal claims in connection with kickback claims.  
 5 Additionally, Plaintiffs' Counsel represent plaintiffs from Florida, New York, Arkansas, and  
 6 Louisiana in *Hall* and seek to represent state sub-classes for each of these states. BM/NK  
 7 plaintiffs are from different states and thus do not have standing to raise the state-specific claims  
 8 asserted in *Hall* or to represent the state sub-classes sought by *Hall* plaintiffs. Finally, *Hall*  
 9 plaintiffs assert claims for both flood and hazard insurance kickbacks whereas BM/NK only  
 10 assert flood insurance claims.

#### 11 **D. Citibank Cases**

12 BM/NK represent New York plaintiffs in *Casey v. Citibank, N.A.*, and assert excess  
 13 insurance and kickback claims on their behalf. While *Casey* is more similar to the Plaintiffs'  
 14 Counsel's Citibank case, *Popkin v. Citibank, N.A.*, Case No. 0:13-cv-60722 (S.D. Fla.)(J.  
 15 Moreno), significant differences still exist. Again, Plaintiffs' Counsel's *Popkin* case alleges  
 16 federal claims under the BHCA and RICO for Citibank's improper kickback schemes, and the  
 17 only federal claim asserted in *Casey* is TILA, which addresses excess insurance claims only.  
 18 *Popkin* includes plaintiffs from Florida and Louisiana, whereas *Casey* includes only New York  
 19 and Maryland plaintiffs. Finally, *Popkin* asserts flood and hazard insurance claims whereas  
 20 *Casey* only asserts flood insurance claims.

#### 21 **II. The Chart Misstates Case Information Related to Plaintiffs' Southern District of** 22 **Florida Cases**

23 Plaintiffs' Counsel currently has cases pending in the Southern District of Florida against  
 24 Chase, Bank of America, Wells Fargo, Citibank, and HSBC.<sup>5</sup> The proposed Intervenor's chart  
 25 misstates the filing dates, current status, and history of these cases. Plaintiffs originally filed *Hall*  
 26

27 <sup>5</sup> *Hall v. Bank of America, N.A.*, Case No. 1:12-cv-22700; *Herrick v. JPMorgan Chase Bank, N.A.*, Case No. 1:13-  
 28 cv-21107; *Fladell v. Wells Fargo Bank, N.A.*, Case No. 0:13-cv-60721; *Popkin v. Citibank, N.A.*, Case No. 0:13-cv-  
 60722; and *Lopez v. HSBC*, Case No. 1:13-cv-21104.

1 *v. Bank of America, N.A.*, Case No. 1:12-cv-22700, on July 24, 2012, in the Southern District of  
 2 Florida. On September 28, 2012, the Judicial Panel for Multidistrict Litigation denied a Motion  
 3 to Transfer all force-placed insurance cases to one court, but recommended that counsel  
 4 voluntarily coordinate cases for easier, more streamlined case management. Plaintiffs' Counsel  
 5 and several other plaintiffs' firms with similar cases agreed to voluntarily consolidate their cases  
 6 in the Southern District of Florida and filed an Amended Complaint in *Hall* on November 12,  
 7 2012. This Amended Complaint included the *Herrick, Fladell, Popkin, Hall* and *Lopez* cases. On  
 8 March 14, 2013, Judge Moreno entered an order instructing that plaintiffs refile these cases by  
 9 bank but stated that he would utilize his powers as Chief Judge to have all five cases assigned to  
 10 himself for consolidated litigation. *Hall*, Dkt. No. 177. On March 28, 2013, plaintiffs in *Fladell*,  
 11 *Herrick, Popkin*, and *Lopez* filed new cases. Since that date, Judge Moreno has treated all five  
 12 cases as related and has held consolidated hearings for all cases.

13 BM/NK improperly list the filing date for *Fladell, Herrick*, and *Popkin* at March 28,  
 14 2013. The actual filing date of these cases is November 12, 2012, when these cases were added  
 15 to *Hall*. The refiling of separate complaints was a result of Judge Moreno's order directing the  
 16 refiling. Finally, although it is technically accurate that motions to dismiss remain pending in  
 17 these cases, at an omnibus hearing on May 16, 2013, Judge Moreno indicated on the record that  
 18 he intends to enter orders denying (at least in part) the mortgage servicers' motions to dismiss.

### 19 **III. The Chart Leaves Out Intervenor's Counsel's Later-Filed Cases**

20 The Intervenor's chart also mischaracterizes the status of force-placed insurance litigation  
 21 by selectively omitting its later-filed "me-too" cases. Numerous force-placed insurance cases  
 22 have been filed over the last few years, including several cases filed this year.<sup>6</sup> Specifically, as  
 23 noted above, BM/NK filed at least two (2) cases against Chase last summer and then  
 24 immediately stayed the cases and entered into mediation. *See Scheetz v. JPMorgan Chase Bank*,

25 \_\_\_\_\_  
 26 <sup>6</sup> BM/NK seek to prejudice the Court with pejorative claims of "copycat" litigation by Plaintiffs' Counsel. In Mr.  
 27 Richter's initial Declaration in Support of Motion to Intervene, Mr. Richter noted that the trial judge in the *Gordon*  
 28 case referred to *Gordon* as a "copycat case." What he does not tell the Court is that the *Gordon* judge was noting  
 that *Gordon* was patterned after *Gibson*, which was also filed by Plaintiffs' Counsel—not any case filed by BM/NK.  
*Gordon v. Chase Home Fin.*, Case No. 8:11-cv-2001 (M.D. Fla.) Dkt. No. 101 (June 22, 2012).



1 N.A., Case No. 1:12-cv-04113 (S.D.N.Y.); *Leger v. JPMorgan Chase Bank, N.A.*, Case No. 3:12-  
 2 cv-03632 (N.D. Cal.) Then, this year, BM/NK filed two more cases against Wells Fargo in this  
 3 district and immediately consolidated them with their *McKenzie* case. See *Leghorn v. Wells*  
 4 *Fargo Bank, N.A.*, Case No. 3:13-cv-708 (N.D. Cal.), filed February 19, 2013; *Corbin v. Wells*  
 5 *Fargo Bank, N.A.*, Case No. 3:13-cv-1353 (N.D. Cal.), filed March 26, 2013. The *Leghorn* case,  
 6 in particular, overlaps with the claims and causes of action asserted in *Lane* and *Cannon*.

7 The intentional omission of the *Leghorn* and *Corbin* cases raises serious questions about  
 8 the veracity and purpose of the chart.

9 **IV. The Chart Improperly Groups Nichols Kaster and Berger & Montague Although**  
 10 **the Firms Only Recently Associated**

11 The chart attached to Mr. Richter's Second Declaration misrepresents that Nichols Kaster  
 12 and Berger & Montague have been associated counsel on numerous cases since the original  
 13 filing date. This is not the case. Specifically, the chart lists eight (8) BM/NK cases, including  
 14 *Hofstetter*, and indicates that BM and NK are co-counsel in six (6) of these cases. While this is  
 15 true as of today, this was not always the case. As stated in previous briefing, Berger & Montague  
 16 and Nichols Kaster only recently associated as counsel on some cases. In fact, in the Wells Fargo  
 17 cases, Berger & Montague and Nichols Kaster have only been associated for the last few  
 18 months—NK joined in *McKenzie* in April 2013; BM joined in *Morris* in March 2013.<sup>7</sup> This  
 19 association in the Wells Fargo cases occurred around the same time the *McKenzie* plaintiffs  
 20 imported all *Morris* discovery into their case after failing to conduct any of their own discovery.  
 21 BM joined in at least two other NK Wells Fargo cases in March 2013 as well, *Leghorn v. Wells*  
 22 *Fargo Bank, N.A.*, Case No. 3:13-cv-708; and *Passantino-Miller v. Wells Fargo Bank, N.A.*,  
 23 Case No. 2:12-cv-00420 (E.D. Cal.)(dismissed pursuant to stipulation June 4, 2013). BM and  
 24 NK counsel associated in each other's Bank of America cases in August 2012. See *Skansgaard v.*  
 25 *Bank of America, N.A.*, Case No. 2:11-cv-00988 (W.D. Wash.)(NK filed June 13, 2011; BM  
 26 joined Aug. 2012); *Arnett v. Bank of America, N.A.*, Case No. 3:11-cv-01372 (D. Or.)(BM filed

27 <sup>7</sup> Neither BM nor NK were original counsel of record in *McKenzie*. Although *McKenzie* was originally filed on  
 28 October 7, 2011, BM did not become counsel of record until May 2012.

1 Nov. 14, 2011; NK joined Aug. 2012); *Wallace v. Bank of America, N.A.*, Case No. 3:12-cv-  
 2 00935 (D. Or.)(NK filed May 24, 2012; BM joined Aug. 2012).

3 **V. Proposed Intervenors' Chart Misrepresents Specific Case Information**

4 In addition to the omissions and misstatements detailed above, BM/NK mischaracterize  
 5 certain of Plaintiffs' Counsel's cases in their chart in a manner so as to further prejudice the  
 6 Court against Plaintiffs' counsel. In *Gordon v. Chase Home Finance, LLC*, Case No. 8:11-cv-  
 7 2001 (M.D. Fla.), plaintiffs survived two (2) motions to dismiss and prevailed on claims for  
 8 breach of contract, breach of the implied covenant of good faith and fair dealing, breach of  
 9 fiduciary duty, unconscionability, and the BHCA. *See* 2012 WL 750608 (Mar. 7, 2012); 2013  
 10 WL 256743 (Jan. 23, 2013). The chart omits these successes. Additionally, the chart states that,  
 11 in *Morris v. Wells Fargo Bank, N.A.*, Case No. 2:11-cv-474 (W.D. Pa.), a class certification  
 12 motion was filed on September 19, 2012. Although this is technically true, the Court *sua sponte*  
 13 dismissed this motion two days later, on September 21, 2012, and the motion was stricken from  
 14 the record. This motion has not been refiled and is not currently pending.<sup>8</sup>

15 **VI. Conclusion**

16 The Court should not take the chart attached as Exhibit 4 to Kai Richter's Second  
 17 Declaration at face value. The chart is intended to prejudice Plaintiffs' counsel through  
 18 misrepresentations, omissions, and misstatements. For the reasons stated above, the Court should  
 19 not accept BM/NK's arguments regarding first-filed status in any of the cases listed on the chart.  
 20

21 **Dated: June 19, 2013**

Respectfully submitted,

22 /s/ Sheri Kelly

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27 <sup>8</sup> Inaccuracies in the chart regarding *Gibson* and Plaintiffs' Counsel's Southern District of Florida cases, *Hall*,  
 28 *Fladell*, *Herrick*, *Popkin*, and *Lopez* are discussed above and are not repeated in this section.

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