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Ram Agrawal, Sarita Agrawal and All Others
Similarly Situated*

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

SHERI DODGE and NEIL DODGE,
and RAM AGRAWAL and SARITA
AGRAWAL, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

PHH CORPORATION, a Maryland
corporation; REALOGY HOLDINGS
CORP., a Delaware corporation; PHH
HOME LOANS LLC, a Delaware
limited liability company; PHH
MORTGAGE CORPORATION, a
New Jersey corporation; RMR
FINANCIAL, LLC, a California
limited liability company; NE MOVES
MORTGAGE LLC, a Massachusetts
limited liability company; PHH
BROKER PARTNER
CORPORATION, a Maryland
corporation; REALOGY GROUP
LLC, a Delaware limited liability

Case No. 8:15-CV-01973-FMO-AFM

**DECLARATION OF CARLA A. PEAK
REGARDING SETTLEMENT
NOTICE PROGRAM**

Date: September 14, 2017
Time: 10:00 a.m.

Judge: Hon. Fernando M. Olguin
Ctmm: 6D, 6th Floor – 1st Street

DECLARATION OF CARLA A. PEAK REGARDING SETTLEMENT NOTICE PROGRAM

No. 8:15-cv-01973-FMO-AFM

1 company; REALOGY
2 INTERMEDIATE HOLDINGS LLC,
3 a Delaware limited liability company;
4 TITLE RESOURCE GROUP LLC, a
5 Delaware limited liability company;
6 WEST COAST ESCROW
7 COMPANY, a California corporation;
8 TRG SERVICES ESCROW, INC., a
9 Delaware corporation; EQUITY
10 TITLE COMPANY, a California
11 corporation; NRT LLC, a Delaware
12 limited liability company; REALOGY
13 SERVICES GROUP LLC, a Delaware
14 limited liability company; REALOGY
15 SERVICES VENTURE PARTNER
16 LLC, a Delaware limited liability
17 company,

Defendants.

13 I, Carla A. Peak, declare and state as follows:

14 1. I have personal knowledge of the matters set forth herein, and I believe
15 them to be true and correct. I am a Vice President of Legal Notification Services at
16 KCC, LLC (“KCC”). KCC is a national class action notice provider and class
17 administrator with significant experience administering class action settlements.
18 KCC’s services include settlement fund escrow and reporting, class member data
19 management, legal notification, call center support, and claims administration.

20 2. KCC was retained to provide notice and administration services in this
21 matter. This declaration will describe the Notice Plan developed for the settlement in
22 *Dodge, et al. v. PHH Corporation, et al.*, Case No. 8:15-cv-01973-FMO-AFM (C.D.
23 Cal.).

24 RELEVANT EXPERIENCE

25 3. An industry leader, KCC has implemented more than 6,000 successful
26 class action notice and settlement administration matters and handled thousands of
27 distributions in other contexts. Our experience includes many of the largest and most
28

1 complex settlement administrations of both private litigation and of actions brought
2 by state and federal government regulators.

3 4. Some mortgage related case examples which KCC has been involved
4 with include: *Cassese v. Washington Mutual, Inc.*, No. 05-cv-2724 (E.D.N.Y.);
5 *Monaco v. Bear Stearns Residential Mortgage Corporation*, No. 2:09-cv-05438 (C.D.
6 Cal.); *Diaz v. HSBC Bank USA, N.A.*, No. 1:13-cv-21104 (S.D. Fla.); *Taylor v. Chase*
7 *Home Finance LLC*, No. 06-cv-01139 (S.D. Ala.); *Gutierrez v. Wells Fargo Bank,*
8 *N.A.*, No. 3:07-cv-05923 (N.D. Cal.); *Camberis v. Ocwen Loan Servicing, LLC*, No.
9 14-cv-02970 (N.D.Cal.); *Mahan v. Regions Bank*, No. 4:14-cv-321 (E.D. Ark.); *In re:*
10 *Residential Capital, LLC*, No. 12-cv-12020 (S.D.N.Y.); *Fangman v. Genuine Title,*
11 *LLC*, No. 1:14-cv-00081 (D. Md.). More information on KCC's experience can be
12 found at www.kccllc.com.

13 NOTICE PLAN SUMMARY

14 5. The Settlement Class is defined as all borrowers who, on or after
15 November 25, 2014 and on or before November 25, 2015, (1) closed on any mortgage
16 loan originated by PHH Corporation, PHH Mortgage Corporation, PHH Home Loans
17 LLC, or any of their affiliates (including loans where PHH Mortgage Corporation
18 provided origination services on behalf of any PLS Partners), and (2) paid title-,
19 escrow-, or closing-related charges in connection with that mortgage loan to Title
20 Resource Group LLC or its affiliates.

21 Individual Notice

22 6. A Long Form Notice will be sent to a comprehensive list of all Class
23 Members provided by the parties.

24 7. Prior to the mailing, the addresses will be checked against the National
25 Change of Address (NCOA)¹ database maintained by the United States Postal Service
26

27 ¹ The NCOA database contains records of all permanent change of address
28 submissions received by the USPS for the last four years. The USPS makes this data

1 (USPS); certified via the Coding Accuracy Support System (CASS);² and verified
2 through Delivery Point Validation (DPV).³

3 8. Notices returned by USPS as undeliverable will be re-mailed to any
4 address available through postal service information. For example, such notices
5 would be mailed to the address provided by the USPS on returned pieces for which
6 the automatic forwarding order has expired, but is still within the period that the USPS
7 returns the piece with a new address provided on the forwarding order expiration
8 sticker. Any returned mailing that does not contain an expired forwarding order with
9 a new address indicated will be researched through standard skip tracing and re-
10 mailed if a new address is obtained.

11 9. Factoring in return undeliverable mail, the individual mailings alone are
12 expected to reach approximately 96% of the Settlement Class.

13 ***Settlement Website***

14 10. KCC will create and maintain a dedicated settlement website. The
15 settlement website will provide Class Members with additional information about the
16 settlement, including relevant court documents, important dates and deadlines,
17 answers to frequently asked questions, Claim Form, the Request for Exclusion form
18 and other information.

19 ***Toll-Free Number***

20 11. A toll-free number will be established that will allow Class Members to
21 call to learn more about the settlement in the form of frequently asked questions. It
22

23 _____
24 available to mailing firms and lists submitted to it are automatically updated with any
25 reported move based on a comparison with the person's name and last known address.

26 ² Coding Accurate Support System is a certification system used by the USPS to
27 ensure the quality of ZIP+4 coding systems.

28 ³ Records that are ZIP+4 coded are then sent through Delivery Point Validation to
verify the address and identify Commercial Mail Receiving Agencies. DPV verifies
the accuracy of addresses and reports exactly what is wrong with incorrect addresses.

1 will also allow Settlement Class Members to request to have a Long Form Notice,
2 Claim Form or Request for Exclusion mailed directly to them.

3 PLAIN LANGUAGE NOTICE DESIGN

4 12. I worked with the parties to draft the Long Form Notice. The Notice was
5 designed to be “noticed” and understood by Class Members. It contains easy-to-read
6 summaries of all of the key information affecting Class Members’ rights and options.
7 All information required by Federal Rule of Civil Procedure 23 (Rule 23), as well as
8 the Manual for Complex Litigation, Fourth, has been incorporated into the notice.

9 13. Rule 23(c)(2) requires class action notices to be written in “plain, easily
10 understood language.” KCC is committed to adhering to the plain language
11 requirement and draws on its experience and expertise to ensure the Notice effectively
12 conveys the necessary information to Class Members. In preparing the Long Form
13 Notice for this Settlement, I have employed communication methods that are well-
14 established in my field. I have embraced the high standards embodied in the Advisory
15 Committee’s notes accompanying the 2003 changes to Rule 23(c)(2): “The direction
16 that the class-certification notice be couched in plain easily understood language is
17 added as reminder of the need to work unrelentingly at the difficult task of
18 communicating with class members.”

19 CONCLUSION

20 14. The individual notice effort alone is expected to reach approximately 96%
21 of Class Members, exceeding the 70% to 95% guideline recommended by the Federal
22 Judicial Center.⁴

23 15. At the conclusion of the Notice Plan, KCC will provide a final report
24 verifying its implementation.

25
26 ⁴ See e.g. Judges’ Class Action Notice and Claims Process Checklist and Plain
27 Language Guide, available at
28 [http://www.fjc.gov/public/pdf.nsf/lookup/NotCheck.pdf/\\$file/NotCheck.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/NotCheck.pdf/$file/NotCheck.pdf) (last
visited February 21, 2017).

1 I declare under penalty of perjury that the foregoing is true and correct.
2 Executed this 25th day of August 2017, at Sellersville, Pennsylvania.

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5 Carla A. Peak
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CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2017, I caused to be filed the foregoing DECLARATION OF CARLA A. PEAK REGARDING SETTLEMENT NOTICE PROGRAM. This document is being filed electronically using the Court's electronic case filing (ECF) system, which will automatically send a notice of electronic filing to the email addresses of all counsel of record.

Dated: August 25, 2017

/s/ Daniel S. Robinson
Daniel S. Robinson