

1 UNITED STATES DISTRICT COURT
2 NOTHERN DISTRICT OF CALIFORNIA

3)
4) Case Number: C 13-2858
5 BOBBIE PACHECO DYER and)
6 PATRICIA STALLWORTH, on behalf) DECLARATION OF BOBBIE
7 of themselves and all others similarly) PACHECO DYER
8 situated,)
9)
10 Plaintiffs,)
11)
12 vs.)
13)
14 WELLS FARGO BANK, N.A.,)
15)
16 Defendant.)
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16 I, BOBBIE PACHECO DYER under penalty of perjury declare as follows:

- 17 1. My name is Bobbie Pacheco Dyer. I am one of the named Plaintiffs in this
18 lawsuit.
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20 2. After high school I went to college for 2 years, but I have not obtained a degree. I
21 hold a Florida Real Estate license, Florida Mortgage Brokers license, and I am an
22 FHA Certified Homebuyer Counselor. I have been in the mortgage business for
23 25 years (including at Wells Fargo from 1994-2012) and I am employed as
24 Division President of Dyer Mortgage Group, a Division of Primary Residential
25 Mortgage, Inc. In addition I serve on the Board of Directors for Junior
26 Achievement, Florida Tech University Women's Business Center, Health First
27 Hospital Foundation, and Kerosene Lamp Foundation (all Board of Director
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1 service is non-paid). I also volunteer for our local Autism Center and many
2 women and children organizations.

3 3. I decided to file this case as a class action instead of as an individual action
4 because my previous employer, Wells Fargo, did not pay us as our contract said they would. This
5 affected both myself and thousands of fellow employees. I escalated this issue many times in
6 2011 and 2012 to Wells Fargo Management, however was not able to obtain a resolution. It was
7 very important for me to do the right thing and seek legal counsel to find out our rights because it
8 is not easy to take on a large corporation. I felt like if we were promised a certain amount of pay
9 for doing the job we should be paid accordingly. I took the decision to take legal action very
10 seriously, and I retained an attorney to represent both myself and all the others that were
11 affected. After extensive research with counsel and my family I decided the best, and only,
12 course of action was to file a class action lawsuit against Wells Fargo. That was the only way
13 that we would be able to get paid the money we earned.
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16 4. Before this case was filed as a class action, John Yanchunis explained to me what
17 a class action case is about and my responsibilities as a class representative. After many meetings
18 with counsel I was informed of what responsibilities would be by acting as the Lead Plaintiff in a
19 class action lawsuit. It was explained to me that I would make decisions that would affect the
20 entire group, and this was a big responsibility. I take this responsibility very seriously and I have
21 always held myself to a very high standard of integrity and "doing the right thing even when no
22 one is watching". I have never taken this type of legal action against anyone, and I wanted to be
23 100% sure that I could represent the best interests of everyone in the class. After many hours of
24 discussion with legal counsel and my family I felt strongly that I could be a good representative
25 of what is best for the class. I worked at Wells Fargo nearly 18 years and I have knowledge of
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1 how this lawsuit would affect all parties; I also knew that if the lawsuit was filed and settled with
2 class-action status I would get the same amount of money as everyone else. I spent many hours
3 putting the documentation together, reviewing every piece of evidence/motions and the
4 complaint. I also carefully reviewed the case law that the attorney's shared with me, and my
5 attorney's detailed the pros and cons of a class litigation lawsuit.
6

7 5. My attorney's explained to me that my share of the disbursement for the wages
8 would be the same as all members of the class, and I fully understand that. I have
9 not been promised any extra portion of the settlement, and that is fine with me. I
10 just want to do what is right to help a great number of people!
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12 6. I have spent at least 200 hours on the preparation of the documentation, attending
13 conferences with attorney's, organizing file documents for several years (these
14 documents are hundreds of pages), and have over 150 emails/phone calls with
15 various legal counsel. In addition to all the preparation (which took 18 months) I
16 also attended a deposition (I missed a day of work for the deposition as it was out
17 of town); I went to San Francisco for several days for the mediation (I missed 4
18 days of work and lost the income I would have received had I been working), and
19 I missed time away from my family and my business.
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21 7. I have spent over 200 hours of my time (over the past 18 months), 5 days of
22 travel, over 150 email/phone call correspondence, and personally lost income
23 from missing work from my current job. But I was confident that this investment
24 of time and resources would help so many people in the same situation as me
25 (7,787 people are affected) so I was more than willing to put the time into this
26 matter so the documentation and preparation was 100% accurate and honest.
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1 8. During the mediation (nearly 10 hours long) I actively participate with my
2 attorneys and the mediator. I explained and clarified many issues, and completed
3 timelines and documentation so all the issues were clear.

4 9. During the mediation we were able to come to a compromise and obtain a
5 settlement agreement so everyone could get a percentage of the monies owed to them. I
6 understand that life is about compromise and this litigation is no different. I wanted to be fair to
7 both the parties affected by the class action (the 7,787 home mortgage consultants and branch
8 managers) and to Wells Fargo. By agreeing to an amicable settlement all parties can walk away
9 with a positive outcome. I believe compromise and being reasonable is better than extended
10 litigation that could go on for years with no guarantee of the outcome.

11 10. I was not promised, nor did I expect, any incentive award and it was explained to
12 me from Day 1 that any incentive award would be at the Court's discretion. With or without an
13 incentive award I wanted to get the best possible result for all parties. I did not even know that an
14 incentive award was part of the mediation because that was not part of the settlement terms and
15 not a factor in the decision to come to a resolution. After we reached an agreement on the
16 amount of the award for the class then my attorney's advised me an incentive award may be
17 given to me, however at no time was this ever part of doing what was best for everyone involved.
18 I do appreciate the offer of an incentive award as I have spent a tremendous amount of time away
19 from work and I have taken a personal financial loss as a result of my participation. But doing
20 the right thing often comes with a cost, and I am more than willing to continue to invest as much
21 time as is needed so that everyone benefits.

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25 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, that the foregoing
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27 statements are true and correct.
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2 Executed this 4th day of February, 2014.

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