

Alex R. Straus (SBN 321366)
MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN PLLC
280 South Beverly Drive
Beverly Hills, CA 90212
Tel.: (917) 471-1894
Fax: (310) 496-3176
Email: astraus@milberg.com

Attorneys for Plaintiff
Additional Counsel on Signature Page

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ALFRED POPE, on behalf of himself,

Plaintiff,

v.

WELLS FARGO BANK, N.A., WELLS
FARGO & COMPANY,

Defendant.

Case No.: _____

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff alleges upon personal knowledge as to himself and his own actions, and upon information and belief, including the investigation of counsel, as follows:

I. NATURE OF THE ACTION

1. Spurred in part by the COVID-19 pandemic, low interest rates allowed American homeowners to refinance their home mortgages at more favorable interest rates from 2019 through present (the “Class Period”).

2. Plaintiff, and members of the putative Class (the “Class”), seek damages for Defendants’ -- Wells Fargo Bank, N.A. and Wells Fargo & Company (collectively, “Wells Fargo” or “WF”) -- discriminatory practices in denying their applications to refinance their Wells Fargo mortgage loans in violation of the federal Fair Housing and Fair Lending acts, as well as state consumer protection laws. Indeed, according to recent investigations of Wells Fargo’s refinance activity during the Class Period that have been publicized in the media, Wells Fargo approved white applicants’ mortgage refinance requests at twice the rate of its approval of Black and Hispanic/Latino minority applicants’ refinance requests in numerous areas across the United States.¹ Plaintiff’s own analysis of Wells Fargo’s mortgage refinance rates bears this out.

3. This is no accident. For nearly two decades, Wells Fargo exploited the American dream of home ownership through discriminatory housing practices in violation of the FHA, including by making a disproportionately higher number of subprime and higher cost mortgage loans to minorities than to white borrowers, and then discriminatorily foreclosing on minority mortgage loans in higher minority concentration neighborhoods compared to white neighborhoods. Such reprehensible conduct has stripped many Wells Fargo minority customers of their single greatest asset – the equity value in their homes.

¹ Shawn Donnan, Ann Choi, Hannah Levitt, and Christopher Cannon, “Wells Fargo Left Black Homeowners Behind in Pandemic Mortgage Refinancing Boom,” Bloomberg (Online) (March 11, 2022), at <https://www.bloomberg.com/graphics/2022-wells-fargo-black-home-loan-refinancing/>. See also J.J. McCorvey and Julia Carpenter, “Millions of Americans Refinanced Last Year – but Fewer Black and Latino Homeowners Did,” WALL STREET JOURNAL (June 25, 2021), at <https://www.wsj.com/articles/millions-of-americans-refinanced-last-year-but-fewer-black-and-latino-homeowners-did-11624440601>.

4. To add further injury to the insult Wells Fargo’s minority customers have already sustained, Wells Fargo is now discriminatorily refusing to refinance minority higher cost mortgages. Such reprehensible conduct begs the question why any minority would ever bank with this institution. Indeed, as Wells Fargo’s CEO Charles Scharf has publicly acknowledged in Congressional testimony, Wells Fargo engaged in predatory and discriminatory mortgage lending and servicing practices, as well as fraudulent customer account practices.² And, as CEO Scharf further admitted in relatively recent media reports, Wells Fargo has an institutional, discriminatory bias.³

5. Plaintiff and members of the putative Class have suffered harm due to the discriminatory tactics used by the Defendants with respect to their rejections of minority and female homeowners seeking the ability to refinance their mortgages. Due to this conduct, Plaintiff and members of the putative Class bring this Action under federal and state law against the Defendants for damages, injunctive relief, attorney’s fees, and any other relief this Court deems just and proper.

II. JURISDICTION, VENUE AND INTRADISTRICT ASSIGNMENT

6. This Court has federal question jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1332(d), and 1343, because the Plaintiff asserts federal causes of action, because Plaintiff asserts civil rights causes of action, and because at least one member of the Class is a citizen of a different state than all Defendants, and because the amount in controversy exceeds \$5,000,000.

7. Personal jurisdiction is appropriate over Defendants because Wells Fargo Bank, N.A. transacts business in the State of California and has its principal place of business in San

² Wells Fargo CEO Charles Scharf admitted these failings in congressional testimony. *See* <https://financialservices.house.gov/uploadedfiles/chrgr-116hrg428866.pdf> at 9 (last visited Jan. 13, 2022) (testifying that he did not disagree with the Report’s findings, and that “the series of behavior that is described should have never happened at the company. The failures that are described a direct result of us not managing the company properly”); *id.* at 5 (“[W]e had a flawed business model in how the company was managed”).

³ *See, e.g.*, <https://www.businesswire.com/news/home/20200923005604/en/> (last visited March 19, 2022) (discussing CEO Scharf’s unconscious bias); *see also* <https://www.charlotteobserver.com/news/business/banking/article246012155.html> (Jimmie Paschall, Wells Fargo’s head of enterprise diversity and inclusion, revealed: “There definitely is a sense that bias lives vibrantly at Wells Fargo. And I think it is around gender, gender identity, as well as race and ethnicity.”)

1 Francisco, California. Wells Fargo Home Mortgage, Inc. originates loans to California customers
2 from its California offices and maintains a systematic and continuous presence in the State.

3 8. Venue is proper in the Northern District of California pursuant to 28 U.S.C. §
4 1391(b) because Wells Fargo Bank, N.A. resides in this district, a substantial part of the events or
5 omissions giving rise to the claim occurred in this district, and Wells Fargo Bank, N.A.'s principal
6 place of business is in this district.

7 **III. PARTIES**

8
9 9. **Plaintiff.** Plaintiff Alfred Pope is a minority homeowner who owns equity in a
10 home located in Virginia Beach, Virginia. In December of 2021, Plaintiff Pope applied for a Wells
11 Fargo home refinance and his application was denied.

12 10. **Defendants.** Defendant Wells Fargo Bank, N.A. is a nationally chartered bank with
13 its principal place of business located in Sioux Falls, South Dakota and is chartered in Wilmington,
14 Delaware.

15 11. Defendant Wells Fargo & Company is Defendant Wells Fargo Bank, N.A.'s parent
16 company and is headquartered in San Francisco, California with its principal place of business
17 located in Manhattan, New York, New York.

18 **IV. FACTUAL ALLEGATIONS**

19 **A. Wells Fargo, the Home Mortgage Industry, and Home Mortgage Refinancing**

20
21 12. Wells Fargo is one of the Country's largest first and second lien mortgage lenders.
22 Included within that line of business are its new mortgages derived from refinancing existing home
23 mortgages.

24
25 13. Refinancing an existing mortgage allows a borrower to try to obtain better terms
26 including, for example, a lower interest rate. A lower mortgage interest rate enables a borrower to
27 save hundreds, if not thousands, of dollars per year on interest charges. As Wells Fargo explains
28 on "Why Refinance a Mortgage" page on its website, refinancing a mortgage enables a borrower:

(1) to tap into home equity (using the equity established in the home in order to get a cash-out refinance where the bank gives the borrower cash in exchange for that equity in order to pay other loans or credit card debt), (2) take advantage of lower [interest] rates (which reduce the monthly payments and the total interest paid out over the duration of the loan), (3) change your loan term (to shorten or lengthen the loan term length), and (4) to convert to an adjustable rate mortgage or a fixed-rate mortgage.⁴

14. Conversely, the denial of refinance applications means that a mortgage borrower must continue to pay higher mortgage costs. Brookings Institute senior fellow Andre Perry states that the inability of Black homeowners to refinance their home mortgage loans “means people have less resources to invest in their children, less resources to start businesses, less resources to renovate their homes, less resources to buy additional homes.”⁵ This, in the aggregate, widens the racial wealth gap in the United States.

B. The Pandemic-induced Interest Rates Made Mortgage Refinancing Attractive to Homeowners

15. During the Class Period, interest rates dropped substantially due to economic pressures caused by the COVID-19 pandemic – this made refinancing more attractive for mortgage holders.

16. A study by the Federal Reserve Bank of Boston concluded the following:

- a. The typical refinance during the Class Period reduced borrowers’ monthly payments by \$279 per month, leading to a total payment reduction of \$5.3 billion per year in the United States for all households that refinanced.⁶

⁴ <https://www.wellsfargo.com/mortgage/mortgage-refinance/why-refinance/>, (last accessed Mar. 7, 2022).

⁵ *Id.*

⁶ Larry Bean, “Fed study: Minority borrowers bore the brunt of COVID-19’s impact on the mortgage market,” FEDERAL RESERVE BANK OF BOSTON (June 22, 2021), at <https://www.bostonfed.org/news-and-events/news/2021/06/minority-borrowers-bear-brunt-of-covid-19-impact-on-mortgage-market.aspx>.

b. However, only \$198 million, or 3.7% of the total payment reduction of \$5.3 billion, went to Black households.⁷

c. This is especially problematic considering that Black households account for over 13% of the entire United States population and over 9% of all homeowners.⁸

d. Additionally, the study concluded that white homeowners were approved at twice the rate of Black homeowners with respect to mortgage refinancing during the Class Period.⁹

17. The study found that, “[c]ompared with white borrowers, Black borrowers on average have lower credit scores and higher loan-to-value ratios [which are] risk factors that can prevent someone from refinancing and reducing their monthly mortgage payments. However, when authors [of the study] control for these factors, they find that before the pandemic, Black and white borrowers were roughly equally likely to refinance. After the pandemic began and interest rates plummeted, Black homeowners were 40% less likely than white homeowners to finance, holding equal the risk factors for both groups.”¹⁰

18. Critically, the authors of the study concluded, “borrowers who could use the payment reductions the most moving forward may be the least likely to obtain them.”¹¹

C. Due to the Discriminatory Conduct of the Defendants, Plaintiff and the Members of the Putative Class Were Denied Refinancing Opportunities by Defendants’ Bank, Wells Fargo

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

1 19. WF has engaged in discriminatory practices that disparately reduce the number of
2 home mortgage refinance requests by minority and female applicants. With respect to minority
3 applicants. these tactics, taken generally, are called “redlining.”

4 20. The term “redlining” has its roots in New Deal-era racism, which limited minority
5 access to housing opportunities. Historically, the concept of redlining comes “from government
6 maps that outlined areas where Black residents lived and therefore were deemed more risky [real
7 estate] investments.”¹²

8
9 21. In the past, redlining took place through the use of mapping where Black
10 neighborhoods were and consisted of coloring those neighborhoods “red” as to denote that they
11 were high risk investments because of the populations that inhabited them. In the modern day,
12 redlining takes place usually though an algorithmic bias which considers multiple factors tied to
13 race (such as ZIP code, education, area code, census track, average home values, and other
14 factors) and uses them in the decision of whether to approve a home mortgage refinancing
15 application.

16 22. For example, the refinancing calculator on Wells Fargo’s website, utilizes a
17 digitized algorithmic tool that assesses creditworthiness and other factors to offer estimated
18 refinance rates. The tool asks for inputs for factors that are proxies for minority homeowner status,
19 such as geography (Wells Fargo notes: “[Refinancing] [r]ates can vary by location”)¹³ and credit
20 score (to which Wells Fargo gives four options: Excellent, Good, Fair, or Poor/Limited).¹⁴

21 23. On its refinance applications, hosted by Blend Labs, Inc., the digitized algorithmic
22 tool (which assesses creditworthiness and other factors to lock in a home mortgage refinance
23 interest rate) also asks for information that can be proxies for race, including “demographic
24
25
26

27 ¹² Candace Jackson, “What is Redlining?,” NYTIMES (ONLINE) (Aug. 17, 2021), at <https://www.nytimes.com/2021/08/17/realestate/what-is-redlining.html>.

28 ¹³ <https://www.wellsfargo.com/mortgage/mortgage-refinance/why-refinance/>, (last accessed Mar. 7, 2022).

¹⁴ *Id.*

information,” employment and income information, real estate holdings by the applicant, and other information.¹⁵

24. Wells Fargo’s use of these factors has resulted in discrimination by disparately denying minority and female applicants’ refinance applications at rates far in excess of denial rates experienced by white borrowers.

D. Due to the Discriminatory Conduct of the Defendants, Plaintiff and the Members of the Putative Class Were Harmed

25. Plaintiff and members of the putative Class were harmed because they were either denied the ability to refinance their home mortgages entirely due to Wells Fargo’s conduct described herein, or they were given less favorable terms than white borrowers who similarly refinanced their home mortgages through Wells Fargo.

26. Either way, Plaintiff and members of the putative Class were harmed in the form of higher monthly payments on their home mortgage loan payments which could have been reduced but for Wells Fargo’s discriminatory conduct.

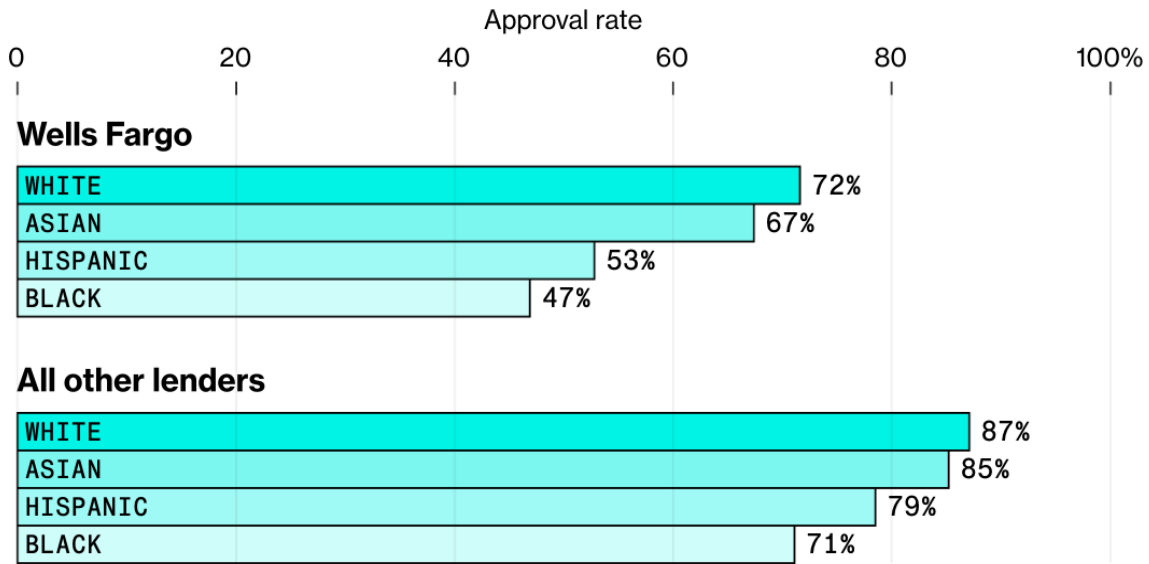
27. Indeed, an investigation by Bloomberg News further unveiled Wells Fargo’s discriminatory practices with respect to the mortgage refinancing industry.¹⁶ Statistics collected by Bloomberg show how wide Wells Fargo’s disparity in refinance approvals was in 2020 compared to all other mortgage lenders in the United States:

¹⁵ <https://yourmortgageapp.wf.com/section/Getting%20Started/task/BORROWER/3652fd6a-b3e4-4308-bfa8-a92e9f4bbb83>, (last accessed Mar. 7, 2022).

¹⁶ Shawn Donnan, Ann Choi, Hannah Levitt, and Christopher Cannon, “Wells Fargo Left Black Homeowners Behind in Pandemic Mortgage Refinancing Boom, Bloomberg (Online) (March 11, 2022), at <https://www.bloomberg.com/graphics/2022-wells-fargo-black-home-loan-refinancing/>.

Disparity by Lender

Wells Fargo approved fewer than half of Black homeowners' refinancing applications in 2020.



Source: Bloomberg analysis of Home Mortgage Disclosure Act data for 8 million completed applications to refinance conventional loans in 2020.

17

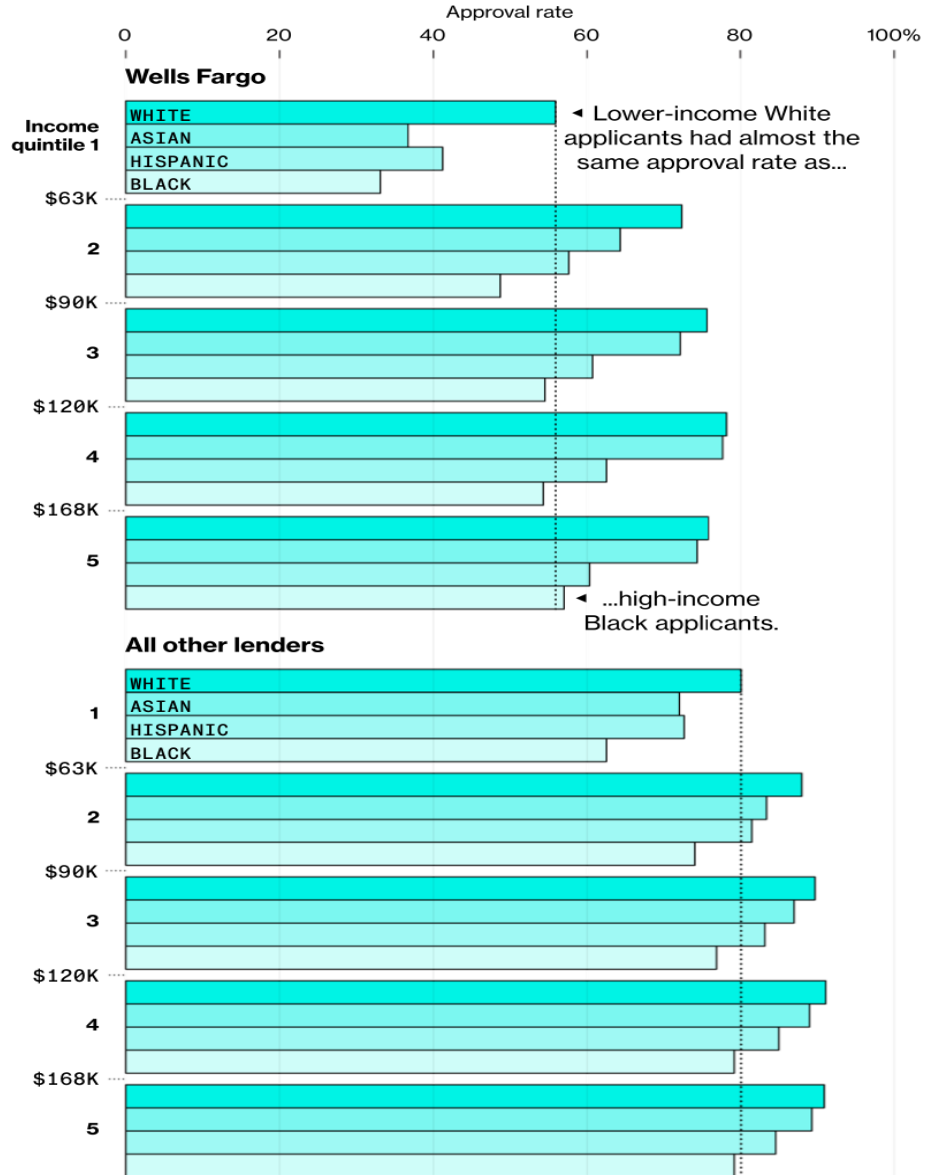
28. For example, during the time period at issue here, JP Morgan (the largest U.S. bank in terms of assets) approved 81% of mortgage refinance applications from Black homeowners, Rocket Mortgage LLC approved nearly 80% of Black applicants, and Bank of America approved 66% of Black applicants. This is in stark contrast to Wells Fargo's mere 47% approval rate of Black mortgage refinance applications.

29. Notably, Wells Fargo denied Black mortgage refinance applicants at significantly higher rates than White applicants that had significantly lower incomes:

¹⁷ *Id.*

Higher Income, Same Approval

Wells Fargo's refinancing approval rates were higher for the lowest-income White applicants in 2020 than for all but the highest-income Black applicants.



30. According to Kristy Fercho, the Wells Fargo employee responsible for overseeing Wells Fargo's home-lending line of business, lending decisions were "consistent across racial and ethnic groups" and that racial disparity in outcomes for refinancing in 2020 was the result of

variables that Wells Fargo doesn't control.¹⁸ That provides no excuse because Wells Fargo is not permitted by law to discriminate in its mortgage application process.

V. CLASS ALLEGATIONS

31. Pursuant to F.R.C.P. Rule 23(b)(2) and (b)(3), as applicable, and (c)(4), Plaintiff seeks certification of a class of all first and second lien Wells Fargo minority mortgage refinance applicants from 2019-present (the "Class Period") whose refinancing applications were discriminatorily denied (the "Class".)

32. Excluded from the Class are Defendants, their subsidiaries, affiliates, officers, directors, and employees.

33. **Numerosity: Federal Rule of Civil Procedure 23(a)(1).** The members of the Class are so numerous and geographically dispersed that individual joinder of all Class members is impracticable. Plaintiff is informed and believes—based upon the publicly-available information discussed herein—that there are tens of thousands of Class members, making joinder impracticable. Those individuals' identities are available through Defendants' records, and Class members may be notified of the pendency of this Action by recognized, Court-approved notice dissemination methods.

34. **Commonality and Predominance: Federal Rules of Civil Procedure 23(a)(2) and 23(b)(3).** Defendants have acted in a manner generally applicable to Plaintiff and the other members of the proposed Classes. There is a well-defined community of interest in the questions of law and fact involved, which affect all Class members. The questions of law and fact common to the Classes predominate over the questions that may affect individual Class members, including, *inter alia*:

¹⁸ *Id.*

- a. Whether Defendants systematically discriminated against Class members based upon their minority status;
- b. Whether minority Class members' applications to refinance a first or second lien loan were denied where similarly situated non-minority applicants were approved; and,
- c. Whether the algorithms used by Defendants unfairly discriminated against minority Class members and contained algorithmic bias.

35. **Typicality: Federal Rule of Civil Procedure 23(a)(3).** Plaintiff's claims are typical of other Class members' claims because Plaintiff and Class members were subjected to the same allegedly unlawful conduct and damaged in the same way.

36. **Adequacy of Representation: Federal Rule of Civil Procedure 23(a)(4).** Plaintiff is an adequate class representative because his interests do not conflict with the interests of Class members whom he seeks to represent, Plaintiff has retained counsel competent and experienced in complex class action litigation, and Plaintiff intends to prosecute this Action vigorously. The Class members' interests will be fairly and adequately protected by Plaintiff and his counsel.

37. **Declaratory and Injunctive Relief: Federal Rule of Civil Procedure 23(b)(2).** The prosecution of separate actions by individual Class members would create a risk of inconsistent or varying adjudications with respect to individual Class members that would establish incompatible standards of conduct for Defendants. Such individual actions would create a risk of adjudications that would be dispositive of the interests of other Class members and impair their interests. Defendants have acted and/or refused to act on grounds generally applicable to the Classes, making final, public injunctive relief or corresponding declaratory relief appropriate.

38. Injunctive relief, and specifically public injunctive relief, is necessary in this Action.

1 39. The harm that Defendants imposes on Consumers causes ripple effects for the
2 public-at-large and Plaintiff seeks injunctive relief forcing Defendants to cease and desist its
3 discriminatory practices.

4 40. **Superiority: Federal Rule of Civil Procedure 23(b)(3).** A class action is superior
5 to any other available means for the fair and efficient adjudication of this controversy, and no
6 unusual difficulties are likely to be encountered in the management of this class action. The
7 damages or other financial detriment suffered by Plaintiff and Class members are relatively small
8 compared to the burden and expense that would be required to individually litigate their claims
9 against Defendants, so it would be impracticable for Class members to individually seek redress
10 for Defendants' wrongful conduct. Even if Class members could afford litigation, the court system
11 could not. Individualized litigation creates a potential for inconsistent or contradictory judgments
12 and increases the delay and expense to all parties and the court system. By contrast, the class action
13 device presents far fewer management difficulties and provides the benefits of single adjudication,
14 economies of scale, and comprehensive supervision by a single court.
15

16
17 **VI. CAUSES OF ACTION**

18 **COUNT I**

19 **VIOLATIONS OF THE FAIR HOUSING ACT**

20 41. Plaintiff, on behalf of himself and all others similarly situated, realleges each
21 previous paragraph as if fully alleged herein.

22 42. The Fair Housing Act, 42 U.S.C. § 3605(a), prohibits any entity whose business
23 includes engaging in residential real estate-related transactions from discriminating against any
24 person in making available such a transaction on the basis of race.
25

26 43. Defendants' business includes engaging in residential real estate-related
27 transactions.
28

1 44. As set forth above, Defendants maintained a nationwide set of uniform,
2 discriminatory refinancing practices and engages in a pattern or practice of systemic discrimination
3 against Black homeowners that constitutes illegal, intentional discrimination and disparately
4 impacts Black Americans in violation of the Fair Housing Act of 1968.

5 45. Plaintiff and all those similarly situated were subjected to and harmed by
6 Defendants' systemic and individual discrimination.

7 46. On behalf of Plaintiff and the putative Class, Plaintiff seeks the relief set forth
8 below.
9

10 **COUNT II**

11 **VIOLATIONS OF THE EQUAL CREDIT OPPORTUNITY ACT**

12 47. Plaintiff, on behalf of himself and all others similarly situated, realleges each
13 previous paragraph as if fully alleged herein.

14 48. The Equal Credit Opportunity Act, 15 U.S.C. § 1691 *et seq.*, makes it unlawful for
15 a creditor to discriminate against any applicant with respect to any aspect of a credit transaction
16 on the basis of race.
17

18 49. As described above, Defendants are creditors because they regularly extend, renew,
19 and continue credit, and Plaintiff was an applicant for credit.

20 50. Defendants maintained a nationwide set of uniform, discriminatory mortgage loan
21 origination and underwriting practices and engaged in a pattern or practice of systemic race
22 discrimination against African American mortgage loan applicants that constitutes illegal
23 intentional race discrimination in violation of the Equal Credit Opportunity Act.
24

25 51. Plaintiff and all those similarly situated were subjected to and harmed by
26 Defendant's systemic and individual discrimination.

27 52. Defendants' unlawful conduct resulted in considerable harm to Plaintiff and all
28 those similarly situated.

1 53. On behalf of himself and the class he seeks to present, Plaintiff requests the relief
2 set forth below.

3
4 **COUNT THREE**

5 **VIOLATIONS OF CALIFORNIA’S UNFAIR COMPETITION LAW**

6 54. Plaintiff, on behalf of himself and all others similarly situated, realleges each
7 previous paragraph as if fully alleged herein.

8 55. California’s Unfair Competition Law defines unfair competition to include any
9 “unfair, unlawful, or fraudulent business practice and unfair, deceptive, untrue, or misleading
10 advertising and any act prohibited by Chapter 1 of Part 3 of Division 7 of [California’s] Business
11 and Professions Code.”

12 56. Defendants violated the UCL by engaging in unlawful and unfair business acts and
13 practices.

14 57. Defendants are considered “person[s]” as defined by the statute.

15 58. Pursuant to the statute, Plaintiff named herein, as well as the putative Class
16 members, have suffered injury-in-fact and have lost money or property because of the unfair
17 competition set forth herein.
18

19 59. In accordance with the liberal application and construction of the UCL, application
20 of the UCL to all Class members is appropriate given that Defendants are headquartered in this
21 District, have a forum selection clause specific to this District, and direct
22 sales/marketing/distribution of Coinbase card accounts to this District.
23

24 60. Unlawful Prong. A business act or practice is unlawful pursuant to the UCL if it
25 violates any other law or regulation.
26
27
28

1 61. Defendants' conduct violates the Fair Housing Act and the Equal Credit
2 Opportunity Act, and other applicable statutes which Plaintiffs may add upon amending this
3 Complaint.

4 62. Unfairness Prong. A business act or practice is unfair pursuant to the UCL if it is
5 immoral, unethical, oppressive, unscrupulous, or substantially injurious to consumers.

6 63. Defendants' unfair acts and practices include, but are not limited to: Plaintiff and
7 the Class are discriminated upon with respect to Defendants' discriminatory denial of Plaintiff's
8 and Class members' refinance applications during the Class Period.

9 64. Defendants' conduct described herein caused Plaintiff and members of the putative
10 Class to suffer frustration, anxiety, emotional distress, and financial hardship.

11 65. Defendants' business practices are unfair because they offend public policy; they
12 are immoral, unethical, oppressive, outrageous, unscrupulous, and substantially injurious. The
13 injuries caused by this conduct and the harm to consumers outweigh the possible utility from these
14 aforementioned practices.

15 66. Plaintiff and members of the putative Class seek all allowable damages under the
16 UCL including injunctive relief ordering Defendants to transact in a timely manner.

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18
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20 **VII. PRAYER FOR RELIEF**

21 67. WHEREFORE, Plaintiff respectfully requests that this Court find against the
22 Defendants as follows:

- 23 a. Certify this case as a class action;
- 24 b. Designate Plaintiff as a Class Representative and designate Plaintiff's counsel of
25 record as Class Counsel;
- 26 c. Declare that Defendants' acts, conduct, policies and practices are unlawful and
27 violate the Equal Credit Opportunity Act and the Fair Housing Act;
- 28

- 1 d. Declare that Wells Fargo engaged in a pattern and practice of racial discrimination
2 against minorities;
- 3 e. Award Plaintiff and all others similarly situated compensatory and punitive
4 damages;
- 5 f. Award Plaintiff and all others similarly situated prejudgment interest and attorneys
6 fees, costs and disbursements, as provided by law;
- 7 g. Award Plaintiff and all others similarly situated such other make whole equitable,
8 injunctive and legal relief as this Court deems just and proper to end the
9 discrimination and fairly compensate Plaintiff and all others similarly situated.
- 10 h. Award Plaintiff and all others similarly situated such other relief as this Court
11 deems just and proper.
12

13 **VIII. JURY TRIAL DEMAND**

- 14 68. Jury trial demanded by Plaintiffs and members of the putative Class.
15
16
17
18

19 DATED: March 21, 2021.

Respectfully submitted,

20 **MILBERG COLEMAN BRYSON**
21 **PHILLIPS GROSSMAN PLLC**

22 /s/ Alex R. Straus

23 Alex R. Straus, Esq. (SBN 321366)
24 280 South Beverly Place
25 Beverly Hills, CA 90212
26 Tel.: (917) 471-1894
27 Fax: (310) 496-3176
28 Email: astraus@milberg.com

Jennifer Kraus Czeisler*
**MILBERG COLEMAN BRYSON
PHILLIPS GROSSMAN, PLLC**
405 E. 50TH Street
New York, New York 10022
Telephone: 212-594-5300
Email: jczeisler@milberg.com

James Evangelista*
EVANGELISTA WORLEY
500 Sugar Mill Rd, Suite 245A
Atlanta, GA 30350
Telephone: (404) 205-8400
Facsimile: (404) 205-8391
Email: jim@ewlawllc.com

Attorneys for Plaintiffs and Putative Class

**Pro Hac Vice Forthcoming*

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Alfred Pope

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Alex R. Straus, MILBERG COLEMAN BRYSON PHILLIPS
GROSSMAN, PLLC, 280 South Beverly Dr., Beverly Hills, CA 90212

DEFENDANTS
Wells Fargo Bank, N.A., Wells Fargo & Company

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question
(U.S. Government Not a Party)

☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment Of Veteran's Benefits 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	<div>PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury -Medical Malpractice</div> <div>CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations 445 Amer. w/Disabilities--Employment 446 Amer. w/Disabilities--Other 448 Education</div>	<div>365 Personal Injury -- Product Liability 367 Health Care/Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability</div> <div>PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability</div> <div>PRISONER PETITIONS HABEAS CORPUS 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty</div> <div>OTHER 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee--Conditions of Confinement</div>	625 Drug Related Seizure of Property 21 USC § 881 690 Other LABOR 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act IMMIGRATION 462 Naturalization Application 465 Other Immigration Actions	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 835 Patent--Abbreviated New Drug Application 840 Trademark 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS--Third Party 26 USC § 7609	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced & Corrupt Organizations 480 Consumer Credit 485 Telephone Consumer Protection Act 490 Cable/Sat TV 850 Securities/Commodities/Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify)

☐ 6 Multidistrict Litigation--Transfer

☐ 8 Multidistrict Litigation--Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 3605(a), 15 U.S.C. § 1691 et seq.
Brief description of cause:
Defendant discriminated against Plaintiff based upon race

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)
(Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND

☐ SAN JOSE

☐ EUREKA-MCKINLEYVILLE

DATE 03/21/2022

SIGNATURE OF ATTORNEY OF RECORD /s/ Alex R. Straus

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44


Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
 - c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California 

Alfred Pope

Plaintiff(s)

v.

Wells Fargo Bank, N.A., Wells Fargo & Company

Defendant(s)

Civil Action No. 3:22-cv-1793

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*
Wells Fargo Bank, N.A.
101 N. Phillips Ave.
Sioux Falls, SD 57104

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Alex R. Straus
Milberg Coleman Bryson Phillips Grossman, PLLC
280 South Beverly Drive
Beverly Hills, CA 90212

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 3:22-cv-1793

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title


Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California 

Alfred Pope

Plaintiff(s)

v.

Wells Fargo Bank, N.A., Wells Fargo & Company

Defendant(s)

Civil Action No. 3:22-cv-1793

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420 Montgomery Street
San Francisco, CA 94104

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Alex R. Straus
Milberg Coleman Bryson Phillips Grossman, PLLC
280 South Beverly Drive
Beverly Hills, CA 90212

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

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☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

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Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: