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## Wells Fargo Inks \$16.6M Deal In Overtime Suit

By **Caleb Drickey**

Law360 (August 28, 2023, 8:13 PM EDT) -- Nearly 2,450 mortgage consultants asked a Pennsylvania federal court Monday to sign off on a \$16.6 million settlement to claims that Wells Fargo forced them to work off the clock without overtime pay.



Wells Fargo mortgage consultants asked a Pennsylvania federal court to approve a \$16 million settlement over claims that the bank forced them to perform off-the-clock tasks without overtime pay. (Photo by Robert Alexander/Getty Images)

In their Monday **motion** for preliminary settlement approval, the workers told the court that the deal, which would net them just shy of \$11 million after the payment of attorney fees, was a fair and reasonable compromise to hotly contested wage claims.

"The settlement is plainly adequate," the workers said, adding that "this is particularly true given the considerable length of time, on top of what has already been over four years of complex litigation, before the class members could reasonably expect to see any recovery."

If approved, \$10.9 million would be split among the roughly 1,950 current and former Wells Fargo mortgage consultants who opted into a Fair Labor Standards Act collective and another roughly 500 members of New York and Pennsylvania classes. Payouts received by individual class and collective members will vary according to the number of weeks worked during the settlement period.

Seven workers who took leading roles in the case would receive service awards collectively totaling

\$70,000. The workers' attorneys, meanwhile, claimed \$5.4 million in fees and expenses.

Workers told the court that the deal's gross value of \$16.6 million was a fair return on their claims. Although they said they stood to recover between \$50 million and \$60 million if they prevailed on their claims at trial, they also told the court that a total victory was by no means assured.

"Defendant has long asserted and vigorously contended that the cumulative value of the claims even if plaintiffs were to ultimately prevail is arguably less than the settlement amount," the workers said. "This recovery readily clears the threshold for approval by this court."

The consultants said their request to award roughly one-third of the settlement's total value to attorneys also was in line with court norms.

The workers are looking to close out litigation that commenced in May 2019. In her complaint, lead plaintiff Sandra Bruno alleged that Wells Fargo denied her and other mortgage consultants their \$18-per-hour overtime rate for all off-the-clock tasks.

In March 2021, U.S. District Judge Robert Colville **conditionally certified** a collective of mortgage consultants inclusive of those who signed arbitration agreements. Although Wells Fargo appealed that order, the Third Circuit announced it would **hold off** on weighing in on the case after the parties signaled their intention to settle in January.

Representatives of the parties did not immediately respond to requests for comment Monday.

The workers are represented by Jeffrey W. Chivers and Theodore Rostow of Chivers LLP, Joseph Chivers of the Employment Rights Group LLC and Dana Cimera and Brian Schaffer of Fitapelli & Schaffer LLP.

Wells Fargo is represented by Timothy Watson, Rachel Hoffer and John Phillips of Seyfarth Shaw LLP and by Shelly R. Pagac of Pietragallo Gordon Alfano Bosick & Raspanti LLP.

The case is Bruno v. Wells Fargo Bank NA, case number 2:19-cv-00587, in the U.S. District Court for the Western District of Pennsylvania.

--Additional reporting by Matt Fair and Irene Spezzamonte. Editing by Emma Brauer.