

August 1, 2017

VIA FEDERAL EXPRESS

C. Allen Parker, Esq.
Senior Executive Vice President, General Counsel
Wells Fargo & Company
420 Montgomery Street
San Francisco, CA 94104

Re: *Paul Hancock v. Wells Fargo & Company et al., Case No. 3:17-cv-04324*

Dear Mr. Parker:

As you may know, on July 30, 2017, this Firm filed a putative class action complaint against Wells Fargo & Co. and Wells Fargo Bank, N.A. (collectively “Wells Fargo”) in the Northern District of California styled *Paul Hancock v. Wells Fargo & Company et al.*, Case No. 3:17-cv-04324. A copy of the complaint is attached. The case concerns Wells Fargo’s unauthorized placement of collateral protection insurance (“CPI”) on the auto loan accounts of hundreds of thousands of unsuspecting customers.

On behalf of the Plaintiff and the putative class, Wells Fargo is hereby instructed to preserve all documents, tangible things and electronically-stored information potentially relevant to this matter. As you are likely aware, every party to a lawsuit has a duty to preserve all evidence which could be relevant to the case. This duty to preserve evidence is broad and extends to all documents and information, regardless of whether stored electronically (such as email) or in hard-copy. Furthermore, the duty to preserve such evidence extends to all documents and information in existence as of the time Wells Fargo reasonably anticipated litigation.

To ensure that all relevant documents and information are preserved, please communicate directly with all employees who have possession, custody or control of potentially relevant evidence, including, but not limited to, information technology personnel involved with email retention, deletion, and archiving, as well as Wells Fargo’s outside consulting firm, Oliver Wyman, which was reported to have prepared an internal report for Wells Fargo’s executives. All such persons should be instructed to preserve all relevant documents and information in their possession, custody or control. Furthermore, Wells Fargo should advise all such persons that any regularly scheduled or automatic deletion of email or other electronic documents must be immediately discontinued with respect to any relevant data. In addition, any document destruction must immediately cease with respect to any relevant documents. All relevant



documents and information, both electronic and paper, must be preserved for the duration of this litigation.

The destruction of evidence when litigation is anticipated or has commenced has both civil and criminal implications. Should Wells Fargo's failure to preserve potentially relevant evidence result in the corruption, loss, or delay in production of evidence to which we are entitled, such failure would constitute spoliation of evidence and we will seek all available sanctions.

Additionally, media reports suggest that Wells Fargo intends to provide refunds to auto loan customers who were charged for CPI without their knowledge. Such reports note that Wells Fargo "intends to send letters and refund checks to customers" beginning in August. Given the pendency of this litigation, we expect that Wells Fargo will not condition such refunds on a customer's waiver or release of any legal rights whatsoever. If Wells Fargo intends to do so, please inform me immediately so we can seek appropriate relief. As you may know, courts have cautioned that if the putative class and the class opponent are involved in an ongoing business relationship, unilateral communications from the class opponent to the class may be coercive and, thus, require court supervision. *See Wang v. Chinese Daily News, Inc.*, 623 F.3d 743, 755 (9th Cir. 2010) (district court may regulate communications between class opponent and class members to avoid coercive behavior); *see also Kleiner v. First National Bank of Atlanta*, 751 F.2d 1193, 1201-03 (11th Cir. 1985) (district court's power to manage a class action includes the power to prohibit a defendant from making unsupervised, unilateral communications with the plaintiff class).

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Sincerely,

/s/ Roland Tellis

Roland Tellis

Baron & Budd, P.C.