

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

T.C. KOZIARA, PLLC, FAHMIA, INC.,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

WELLS FARGO & CO., WELLS FARGO
BANK, N.A., and DOES 1 through 100,
inclusive,

Defendants.

Case No. 1:20-cv-00588

**DECLARATION OF JASON D. EVANS
IN SUPPORT OF WELLS FARGO & CO. AND WELLS FARGO
BANK, N.A.'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

I, Jason D. Evans, declare as follows:

1. I am an attorney duly licensed by the State of North Carolina and admitted to practice before this Court. I am a partner at Troutman Pepper Hamilton Sanders LLP, and I represent Defendants Wells Fargo & Co. and Wells Fargo Bank, N.A. in the above-titled action. I submit this declaration in support of Wells Fargo & Co. and Wells Fargo Bank, N.A.'s Motion to Dismiss Plaintiffs' Complaint. I am aware of the facts stated below based on my own personal knowledge.

2. Attached hereto as Exhibit 1 are true and correct excerpts from the Small Business Administration's (SBA) Standard Operating Procedure (SOP) 50 10 5(K), available at SBA's website at <https://www.sba.gov/sites/default/files/2019->

02/SOP%2050%2010%205%28K%29%20FINAL%202.15.19%20SECURED
%20copy%20paste.pdf.

3. Attached hereto as Exhibit 2 is a true and correct copy of SBA's Fee Disclosure and Compensation Agreement (SBA Form 159), available at SBA's website at <https://www.sba.gov/sites/default/files/2018-09/Form%20159%20-%20%28FINAL%29%209.10.18.pdf>.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Paycheck Protection Program (PPP) Information Sheet – Lenders issued by the Department of the Treasury, and available at its website at <https://home.treasury.gov/system/files/136/PPP%20Lender%20Information%20Fact%20Sheet.pdf?>.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Paycheck Protection Program Borrower Application Form (SBA Form 2483), available at the SBA's website at <https://www.sba.gov/sites/default/files/2020-04/PPP-Borrower-Application-Form-Fillable.pdf>.

6. Attached hereto as Exhibit 5 is a true and correct copy of the SBA's Paycheck Protection Program (PPP) Report as of August 8, 2020, available at the SBA's website at https://www.sba.gov/sites/default/files/2020-08/PPP_Report%20-%202020-08-10-508.pdf.

7. Attached hereto as Exhibit 6 is a true and correct copy of a news release issued by Wells Fargo entitled "Wells Fargo Launches \$400 Million Small Business Recovery Effort," dated July 9, 2020 and available at <https://newsroom.wf.com/press-release/community-banking-and-small-business/wells-fargo-launches-400-million-small-business>.

8. Attached hereto as Exhibit 7 is a true and correct copy of a Special Report issued by the American Institute of Certified Public Accountants' Center for Plain English

Accounting, entitled “Small Business Loans under the Payroll Protection Program – Issues Related to CPA Involvement” and dated April 22, 2020.

9. Attached hereto as Exhibit 8 is a true and correct copy of a transcript from the House Financial Services Committee’s Hearing on Oversight of the Treasury Department’s and Federal Reserve’s Pandemic Response, held on June 30, 2020. A video recording of the hearing is available at <https://www.congress.gov/event/116th-congress/house-event/110839>, and the cited testimony is at 1:32:02 to 1:33:48.

10. Attached hereto as Exhibit 9 is a true and correct copy of the SBA 7(a) Borrower Information Form (SBA Form 1919), available at the SBA’s website at <https://www.sba.gov/sites/default/files/2018-03/SBA-1919.pdf>.

11. Attached hereto as Exhibit 10 is a true and correct copy of the Paycheck Protection Program Lender Application Form – Paycheck Protection Program Loan Guaranty (SBA Form 2484), available at the SBA’s website at https://www.sba.gov/sites/default/files/2020-04/PPP%20Lender%20Application%20Form_0.pdf.

12. Attached hereto as Exhibit 11 is a true and correct copy of the SBA’s Office of Inspector General’s Report No. 19-01 entitled “Report on the Most Serious Management and Performance Challenges Facing the Small Business Administration in Fiscal Year 2019” and dated October 11, 2018, available at the SBA’s website at <https://www.sba.gov/sites/default/files/oig/SBA-OIG-Report-19-01.pdf>.

Dated: September 15, 2020

/s/ Jason D. Evans

Jason D. Evans

CERTIFICATE OF SERVICE

I certify that on September 15, 2020, all counsel of record are being served with a copy of this document via the Court's CM/ECF system.

By: /s/ Jason D. Evans
Jason D. Evans