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10 Attorneys for Defendant,
11 TOP FLITE FINANCIAL, INC.

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

14 TERRY FABRICANT, individually and on
15 behalf of all others similarly situated,

16 Plaintiffs,

17 v.

18 TOP FLITE FINANCIAL, INC.; DOES 1
19 -100, and each of them,

20 Defendants.

Case No.: 20STCV13837

[Assigned for All Purposes to:
Honorable Lawrence P. Riff, Dept. 7]

**DECLARATION OF MATTHEW
CORNETT IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL**

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DECLARATION OF MATT CORNETT

I, Matt Cornett, declare:

1. I am the Chief Operating Officer for Defendant Top Flite Financial, Inc. (“Top Flite”), defendant in the above-referenced matter. I have personal knowledge of the following facts and, if called upon as a witness, could and would competently testify thereto, except as to those matters which are explicitly set forth as based upon my information and belief and, as to such matters, I am informed and believe they are true and correct.

2. I am writing this declaration in support of Plaintiff’s Motion for Preliminary Approval in the above-captioned action, as specifically directed by this Court’s Order dated April 22, 2022.

3. Top Flite is a mortgage lender based in Williamston, Michigan. Regarding Top Flite’s financial condition, Top Flite has experienced a significant downturn in revenue in this last year. Across the board, the mortgage lending industry is on a downward precipice, as every week another lender is going under. Under the Proposed Settlement, the parties have agreed to establish a Settlement Fund in the amount of \$275,000.00, which will be funded solely by Top Flite. Top Flite does not have the financial ability to contribute additional funds beyond those it is already contributing to settlement without jeopardizing its business operations. A potential liability/judgment of \$42,500,000 would be financial ruinous to Top Flite.

4. Ahead of the mediation, I provided the sample script which was read to callers, along with the call recordings with Plaintiff, the service agreement and order form for the company that provided call services, and the call log for all calls during the relevant time period from April 8, 2019 to June 7, 2019.

6. The calls being placed by Top Flite were only in English.

7. The call log for all calls during the relevant time period includes the name and phone numbers for the Settlement Class Members.

8. Top Flite respectfully requests that the Court approve the Motion for Preliminary Approval.

I declare under penalty of perjury under the laws of California and the United States that the

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foregoing is true and correct, and that this declaration was executed on September 16, 2022 at Fort Meyers, Florida.



MATT CORNETT

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PROOF OF SERVICE

**Terry Fabricant v. Top Flite Financial, Inc
LASC Case No. 20STCV13837**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 10960 Wilshire Blvd., 18th Floor, Los Angeles, CA 92101.

On September 16, 2022, I served a copy of the document(s) entitled: **DECLARATION OF MATTHEW CORNETT IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL** in the manner described below:

SEE ATTACHED SERVICE LIST

- BY E-MAIL OR ELECTRIC TRANSMISSION:** I caused a copy of the document (s) to be sent from e-mail address kayers@wshblaw.com to the persons at the e-mail address listed on the service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 15, 2022, at Los Angeles, California.

/s/ Kamala Ayers
Kamala Ayers

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SERVICE LIST

**Terry Fabricant v. Top Flite Financial, Inc
LASC Case No. 20STCV13837**

<p>Todd M. Friedman, Esq. Adrian R. Bacon, Esq. Meghan E. George, Esq. Thomas E. Wheeler, Esq. LAW OFFICES OF TODD M. FRIEDMAN, P.C. 21550 Oxnard St. Suite 780, Woodland Hills, CA 91367 Telephone No.: 877-206-4741 Fax No.: 866-633-0228 Email: tfriedman@toddfllaw.com abacon@toddfllaw.com mgeorge@toddfllaw.com twheeler@toddfllaw.com</p> <p><i>ATTORNEYS FOR PLAINTIFF, TERRY FABRICANT</i></p>	<p>Daniel Walsh, Esq. FREEMAN MATHIS & GARY, LLP 550 S. Hope Street, Suite 2200 Los Angeles, CA 90071 Telephone No.: 213.615.7000 Fax No.: 213.615.7100 Email: dwalsh@fmglaw.com adrake@fmglaw.com</p> <p><i>CO-COUNSEL FOR DEFENDANT, TOP FLITE FINANCIAL INC.</i></p>
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