UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TRACY FRY, individually and on behalf of all other similarly situated,	Case No. 8:15-CV-2743 RAL TGW
Plaintiff,	Judge Assigned: Hon. Richard A. Lazzara
v.	
MIDFLORIDA CREDIT UNION,	
Defendant.	

DECLARATION OF ARTHUR OLSEN IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

I, Arthur Olsen, declare as follows:

1.   I have personal knowledge of the following and if called as a witness could and would testify competently thereto.

Scope of Work

2.   Based on my experience in the information technology field ("IT") and my prior work as a data management expert in other cases, I was retained by Class Counsel to analyze the class data produced in connection with this action involving MidFlorida Credit Union ("MCU").

Qualifications and Background

3.   My qualifications and background are set forth in my consultant profile ("Profile") attached hereto as **Exhibit 1**. As set forth in my Profile, I am the principal of my own IT consulting firm, Cassis Technology, LLC, and have over twenty years of professional experience in the IT field, specializing in the areas of data analysis, database development, and database administration and support.

4.   Prior to starting my own firm, I worked as a database engineer for Microsoft Corporation ("Microsoft"), and also worked under contract as a database administrator, developer, and administration support specialist for Hewlett-Packard Company ("Hewlett-Packard"). At Microsoft, I participated in the design, implementation and support of an extensive data warehousing solution for Microsoft's licensing division, managed and supported numerous databases throughout the company, and received multiple awards and recognitions for my database-related work. At Hewlett-Packard, I served as the primary database administrator for both Oracle and SQL Server systems that supported multiple Hewlett-Packard divisions, and also served as the lead analyst in charge of compiling, analyzing, and processing data from various internal database systems throughout Hewlett-Packard for use in litigation support.

5.   I have experience working on several litigation consulting projects. For example, I previously provided trial testimony and was qualified as an expert witness in a consumer lawsuit against Wells Fargo relating to its overdraft practices and fees, which ultimately resulted in a judgment of over $200 million against Wells Fargo. *See Gutierrez v. Wells Fargo Bank*, N.A., 730 F. Supp. 2d 1080 (N.D. Cal. 2010). In its Order awarding restitution to the class members, the court found that I had done a "professional and careful job" in connection with this work:

> This order finds that plaintiffs' expert Arthur Olsen has convincingly shown that it is entirely practical to re-run the computerized data in storage for each class members' account and determine how many overdrafts were added by the high-to-low practice for debit-card transactions during the class period. Indeed, he has already done so, using various alternate posting sequences. This has been done by him on an account-by-account, day-by-day, and transaction-by-transaction basis, using the bank's own real-world data. Court orders were needed to provide him access to this data, but after much work and time, this order finds that Expert Olsen has done a professional and careful job in laying out the impacts of various alternative posting protocols. This work has not only demonstrated the enormous impact of the high-to-low scheme, but it has demonstrated that it is possible, in considering relief and restitution, to add back to depositors' specific accounts the amounts that were wrongfully taken by Wells Fargo, using posting protocols that this order finds would have tracked the ordinary and reasonable expectations of depositors.

Id. at 1139.

Analysis

6.　　In connection with the present action, I have worked closely with MCU, and together we have completed a full analysis of class data covering the time period November 24, 2010 through January 15, 2016.

7.　　Specifically, the class data contained detailed information regarding all overdraft fees assessed by MCU on debit card, check, and ACH transactions between November 24, 2010, and January 15, 2016. Among other things, the information included account numbers, the date of each overdraft fee, the amount of each overdraft fee, the type of transaction which caused each overdraft fee, (either debit card, check, or ACH), and the balance of the account at the time when each transaction posted to the account.

8.　　For the time period November 24, 2010 through May 31, 2014, the MCU data originated from MCU's previous core processing system, and was available in the form of periodic system backups. MCU made the necessary system backups available, and I then performed the analysis of that data on site at the offices of MCU located in Lakeland, Florida. Upon completion of the analysis, the MCU audit team verified the results by manually comparing the results to customer bank statements for a random sampling of accounts, and subsequently confirmed that the results of the analysis were accurate.

9.　　For the time period June 1, 2014 through January 15, 2016, the MCU data originated from MCU's current core processing system. The analysis of this data was performed by MCU, who then made all of the code and results available for my review. While at the offices of MCU in Lakeland, Florida, I verified the methodology used by MCU and confirmed that the results were accurate. Furthermore, the MCU audit team performed further verification of the results by manually comparing the results to customer bank statements for a random sampling of accounts, and subsequently confirmed that the results of the analysis were accurate.

10.   Based on the data provided, I have identified 199,430 overdraft fees that were assessed when a member had a positive ledger balance in their account that was sufficient to cover the transaction at issue, for a total of $4,706,280 in damages. These totals exclude overdraft fees that were already refunded by MCU.

11.   I have also determined that 32,086 members were assessed at least one overdraft fee when the ledger balance in their account was sufficient to cover the transaction at issue. Again, this total excludes overdraft fees that were already refunded by MCU.

12.   Finally, I understand that as of January 16, 2016, MCU has changed the way that it assesses overdraft fees so that overdraft fees are assessed only when the ledger or actual balance is deficient in comparison to a requested transaction, rather than using the available balance. Based on the available data, I estimate that this change will amount to approximately $1.15 million in reduced overdraft fees for the credit union's members for the year following the change.

I declare under penalty of perjury under the laws of the United States of America and the State of Florida that the foregoing is true and correct.

Executed this 11th day of January 2018, at Seattle, Washington.
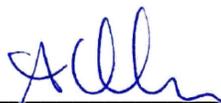
_____
Arthur Olsen

Exhibit "1"

IT CONSULTANT PROFILE: ARTHUR OLSEN

BACKGROUND

Specializing in the areas of data analysis, database development, and database administration, Mr. Olsen has nearly 20 years of professional IT experience. He has a strong background in both Oracle and Microsoft database technologies, with a focus in developing large-scale applications and designing reporting solutions for publicly traded corporations. Additionally, he has had valuable experience in analyzing and processing massive amounts of data for use in litigation support.

SKILLS

- Considerable experience compiling, analyzing and processing data in support of corporate and class-action litigation.
- Extensive training and experience creating functional designs and logical data models.
- Proficient in the wide range of database development and administration technologies including: Microsoft SQL Server; Oracle RDBMS; and Teradata RDBMS.
- Relevant experience designing, implementing and maintaining large scale database solutions on Oracle and SQL Server, including both online transaction based systems and data warehouses.
- Reporting specialist with experience developing custom reporting solutions based on financial systems such as Microsoft Dynamics and Oracle Financials, as well as custom applications.

AWARDS

- Award for Operational Excellence | Microsoft
  Recognized for outstanding contribution to the design and implementation of the data warehousing solution for the Microsoft Licensing division.

CERTIFICATIONS

- Oracle Certified Professional
- Certified Oracle Database Administrator

EXPERIENCE

Data Expert: Litigation Specialist | retained by various law firms

- ◆ Data expert supporting massive multi-district class action litigation, (MDL No. 2036 – *In Re: Checking Account Overdraft Litigation*).

- ◆ Processed and analyzed data in support of class action litigation, (*Arnett v. Bank of America, N.A.*, D. Or. Case No. 3:11-CV-01372).

- ◆ Processed and analyzed data in support of class action litigation, (*Sheila I. Hofstetter et. al. v. JP Morgan Chase Bank, N.A.,* N.D. Cal. Case No. CV-10-1313 WHA).

- ◆ Processed and analyzed data in support of class action litigation, (*Veronica Gutierrez et. al. v. Wells Fargo Bank, N.A.*, N.D. Cal. Case No. 07-05923 WHA), that resulted in a $203 million class restitution award.

Database Engineer: Reporting Specialist | under contract at various clients

- ◆ Developed a custom Chart of Accounts management solution that integrates with Microsoft Great Plains for small to mid-size companies.

- ◆ Designed and implemented several custom financial reporting solutions, including one for a Fortune 500 company, based on Microsoft Business Intelligence, MOSS, and Excel Services.

- ◆ Architected a solution for a large corporation that integrated with Oracle Financials and automated the process of calculating inventory reserves.

Database Administrator, Developer & Litigation Support Specialist | under contract at Hewlett Packard, Cupertino, CA

- ◆ Primary Database Administrator responsible for both Oracle and SQL Server support for three divisions, including 20+ applications spread out over a total of 30+ development, test and production servers.

- ◆ Lead analyst responsible for compiling, analyzing and processing data from various systems throughout HP for use in litigation support.

- ◆ Participated as the principal authority in the composition and implementation of SQL Server database standards across the three divisions, including security models, backup and recovery plans, programming standards, and general database naming conventions.

Database Engineer | Microsoft Licensing, Inc., Reno, NV

- ◆ Participated in the design, implementation and support of an extensive data warehousing solution for Microsoft's licensing division. System included nearly twenty data sources and several thousand end users, including select customers who accessed the system remotely via the Internet.

- ◆ Developed numerous DTS packages to pull delta information from various source systems, process and denormalize data and push it to one of several data repositories.

- ◆ Created and documented plans for database maintenance, backup and recovery, and high availability.

Database Engineer | under contract at Microsoft Corporation, Redmond, WA

- Lone Oracle database administrator and general Oracle resource for all teams associated with an enterprise level online end user billing system, including: Management, Development, Testing, Production Support and Infrastructure.

- Primary owner of a 24 x 7 production database that resided on a DEC Alpha failover cluster.

- Designed replication model using Oracle replication to satisfy extensive reporting requirements.

- Tuned SQL statements as written by members of the development team. Developed PL/SQL triggers, stored procedures, SQL scripts and NT scripts as needed to enhance applications and to correct problems as discovered.

- Acted as liaison between Microsoft and Oracle for all technical issues related to the databases, and between Microsoft and Digital for all technical issues related specifically to the Alpha cluster.

EDUCATION

- Microsoft Internal Training – Redmond, WA | March 2000
  Instructor led SQL Server training, including courses on Database Architecture and Administration, Database Tuning, and Microsoft's TSQL

- ARIS Education Center – Bellevue, WA | June 1996
  Oracle DBA Program, including courses on Relational Database Design, Database Architecture and Administration, SQL and PL/SQL, Application Tuning, Database Tuning, and Advanced Database Concepts

- University of Washington – Seattle, WA | June 1989
  BA in Business Administration with a concentration in Finance.

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2018 I electronically filed the foregoing with the

Clerk of the Court for the United States District Court for the Middle District of Florida by using

the CM/ECF system, which sent notification of such filing to all CM/ECF participants.

/s/ *Taras Kick*_____

Taras Kick