

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEORGE CATALANO, on behalf of himself and all others similarly situated,

Plaintiff,

v.

BMW of NORTH AMERICA, LLC, a New Jersey limited liability company; and BAYERISCHE MOTOREN WERKE AKTIENGESELLSCHAFT, a corporation organized under the laws of the Federal Republic of Germany,

Defendants.

Case No. 1:15-cv-04889-KBF

DECLARATION OF AMY E. KELLER IN SUPPORT OF PLAINTIFF'S UNOPPOSED AMENDED MOTION FOR (1) PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT; (2) PROVISIONAL CERTIFICATION OF THE SETTLEMENT CLASS; (3) APPOINTMENT OF CLASS COUNSEL; (4) APPROVAL OF CLASS NOTICE, CLAIM FORM AND DISSEMINATION OF CLASS NOTICE; AND (5) SETTING A HEARING FOR FINAL APPROVAL

I, Amy E. Keller, hereby declare as follows pursuant to 28 U.S.C. § 1746, *et seq.*:

1. I am an attorney at Wexler Wallace LLP, represent Plaintiff George Catalano, and am admitted to this Court *pro hac vice* in this matter.

2. I make this declaration in Support of the Plaintiff's Unopposed Amended Motion for (1) Preliminary Approval of Class Settlement; (2) Provisional Certification of the Settlement Class; (3) Appointment of Class Counsel; (4) Approval of Class Notice, Claim Form and Dissemination of Class Notice; and (5) Setting a Hearing for Final Approval ("Motion for Preliminary Approval").

3. Attached hereto as Exhibit 1 is a true and correct copy of the executed Settlement Agreement and Release. Exhibit A to the Settlement Agreement is the proposed Claim Form.

Exhibit B is the proposed Class Notice. Exhibit C is the proposed order granting preliminary approval. Exhibit D is an updated Service Bulletin, SI B61 13 06, dated November 2012.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection. Executed February 22, 2017 in Chicago, Illinois.

/s/ Amy E. Keller
Amy E. Keller

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed using this Court's CM/ECF notification service, which sent notification of such filing to all counsel of record February 22, 2017.

/s/ Amy E. Keller
Amy E. Keller