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Attorneys for Defendant

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION

Plaintiff,

v.

LENDINGCLUB CORPORATION,

d/b/a Lending Club,

Defendant.

CASE NO. 3:18-cv-02454-JSC

DECLARATION OF BETTY X. YANG IN SUPPORT OF LENDINGCLUB CORP'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF ITS RULE 12(B)(6) MOTION TO DISMISS

Complaint Filed Date: April 25, 2018

Judge: Hon. Jacqueline Scott Corley
Hearing Date: September 13, 2018
Time: 9:00 a.m.
Courtroom: F

I, Betty X. Yang, declare as follows:

1. I am an attorney at the law firm of Gibson, Dunn & Crutcher LLP and counsel for Defendant LendingClub Corp. ("LendingClub") in the above-captioned matter.

2. I submit this declaration in support of LendingClub's Request for Judicial Notice in Support of Its Rule 12(b)(6) Motion to Dismiss. I have personal knowledge of the matters in this declaration and am competent to testify to the matters set forth below.

3. On June 15, 2018, I accessed the WayBack Machine at web.archive.org to view and save screenshots of the following archived webpages from LendingClub's website.

4. Attached as Exhibits 1-2 are true and correct screenshots of an archived webpage from LendingClub's website dated October 26, 2016. The archived webpage is available through the Wayback Machine at http://web.archive.org/web/20161026011114/https://www.lendingclub.com/public/personal-loans.action.

5. Attached as Exhibits 3-5 are true and correct screenshots of an archived webpage from LendingClub's website dated September 28, 2017. The archived webpage is available through the Wayback Machine at http://web.archive.org/web/20170928134701/https://www.lendingclub.com/public/borrower-rates-and-fees.action.

6. Attached as Exhibits 6-9 are true and correct screenshots of an archived webpage from LendingClub's website dated May 19, 2018. The archived webpage is available through the Wayback Machine at http://web.archive.org/web/20180519013329/https://www.lendingclub.com/loans/personal-loans.

7. Attached as Exhibits 10-13 are true and correct screenshots of an archived webpage from LendingClub's website dated June 16, 2018. The archived webpage is available through the

Wayback Machine at http://web.archive.org/web/20180616033640/https://www.lendingclub.com/loans/personal-loans/rates-fees.

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed this 18th day of June, 2018, in Dallas, Texas.

DATED: June 18, 2018

Respectfully submitted,

By: */s/ Betty X. Yang*

Betty X. Yang

ECF ATTESTATION

I, M. Sean Royall, hereby attest that concurrence in the filing of this document has been obtained from Betty X. Yang.

DATED: June 18, 2018

Respectfully submitted,

By: */s/ M. Sean Royall*

M. Sean Royall