

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 1:10-cv-23235/HOEVELER

DAVID KARDONICK, individually and on behalf
of all others similarly situated and the general public,

Plaintiff,

v.

JPMORGAN CHASE & CO. and CHASE BANK
USA, N.A.

Defendants.

DECLARATION OF MARC FINK

I, Marc Fink, hereby declare as follows:

1. I am a Marketing Director for Chase Bank USA, N.A. ("Chase"). My responsibilities include managing Chase's Payment Protector product. This declaration is based upon my personal knowledge and upon my review of Chase business records.

2. Chase maintains computerized records identifying both the credit card contracts and the amendments to those contracts that it sends to its cardholders. These records were and are made at or near the time these contracts and amendments are sent. It is Chase's practice to make and keep these records as part of its regular business activity. I have reviewed Chase's records relating to the credit card account of Plaintiff David Kardonick.

3. Exhibit A is a true and accurate sample copy of the Cardmember Agreement that was in effect when Mr. Kardonick became a Chase credit card holder in November 2004. A copy of the Cardmember Agreement was sent to Mr. Kardonick at the time he became a Chase cardholder.

4. Exhibit B is a true and accurate sample copy of the Payment Protector amendment to the Cardmember Agreement that Chase sent to Mr. Kardonick in January 2005, when he enrolled in Payment Protector.

5. In December 2005, Chase sent Mr. Kardonick a change-in-terms notice enclosing a superseding version of the Payment Protector amendment to Mr. Kardonick's Cardmember Agreement. Exhibit C is a true and accurate sample copy of that amendment.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on October 27, 2010.



Marc Fink