

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

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

DAVID KARDONICK, JOHN DAVID, and  
MICHAEL CLEMINS, 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.

**MOTION TO INTERVENE**

Pursuant to Federal Rule of Civil Procedure 24(a)(2), Intervenor Ennis White and George Cleaver, plaintiffs in *White, et al. v. JPMorgan Chase & Co., et al*, Case No. 11cv297, pending in the United States District Court for the Southern District of California, Intervenor Harold Smith, Trudy Smith, and Warren Prince, plaintiffs in *Smith, et al v. JPMorgan Chase & Co., et al.*, Case No, 4:11cv102, pending in the United States District Court for the Eastern District of Arkansas, and Intervenor David Lundy (referred to herein collectively as “Intervenor”) file this motion to (1) intervene in the above-captioned class action for purposes of asserting and protecting their rights and interests and the rights and interests of other consumers who purchased Chase Payment Protector; (2) vacate the Court’s Corrected Order Conditionally Certifying a Settlement Class, Preliminarily Approving Class Action Settlement, Approving Notice Plan, and Setting Fairness Hearing, dated February 11, 2011 (“PAO”) [Dkt. No. 24]; and (3) lift the Court’s stay to permit Intervenor to take limited discovery concerning the proposed settlement of the Action as set forth in the PAO.

Pursuant to Local Rule 7.1(a)(3), counsel for Intervenor has conferred with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve the issues raised in the motion and has been unable to do so.

Dated: March 9, 2011

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## **Counsel for Intervenors**