

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

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

Plaintiff,

vs.

JPMorgan Chase & Co. and  
Chase Bank USA, N.A.,

Defendants.

**CASE NO.: 1:10-cv-23235/HOEVELER**

**CLASS ACTION**

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**[proposed] ORDER GRANTING MOTION FOR FINAL APPROVAL OF  
SETTLEMENT**

The Court, having reviewed and considered the Plaintiff's Motion for Final Approval of Settlement and Petition for Attorneys' Fees and Expenses, and having reviewed and considered the terms and conditions of the proposed Settlement as set forth in the Stipulation, a copy of which has been submitted to the Court, and having reviewed, and the Court having held a Fairness Hearing on September 9, 2011, after being satisfied that notice to the Settlement Class Members has been provided in accordance with the Court's Order Granting Preliminary Approval, the Court GRANTS Plaintiff's Motion having considered and then overruled the limited objections received, and makes the following FINDINGS:

A. This Judgment incorporates by reference the definitions set forth in the Stipulation, and all terms used herein have the same meaning as set forth in the Stipulation, unless otherwise stated.

B. This Court has jurisdiction over the subject matter over this case pursuant to the Class Action Fairness Act of 2005, specifically 28 U.S.C. § 1332(d)(2), and has supplemental

jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367. The Court has personal jurisdiction over all parties hereto, including all Class Members.

C. Notice to the members of the Class has been provided in accordance with the Notice requirement in this Court's Order Granting Preliminary Approval. Such notice is hereby found to be the best notice practicable under the circumstances, and constitutes due and sufficient notice, in full compliance with the notice requirement of Rule 23(e) of the Federal Rules of Civil Procedure. The notice procedures provided sufficient notice of the Settlement and of the Fairness Hearing to all persons affected by and/or entitled to participate in the Settlement.

D. The Court has held a hearing to consider the fairness, reasonableness, and adequacy of the Settlement.

E. The Settlement is the product of good faith, arm's length negotiations between Class Counsel and counsel for the Defendants.

F. Having considered all the relevant and necessary factors, the Settlement provided for in the Stipulation is in all respects fair, reasonable, adequate, and proper, and in the best interest of the parties.

On the basis of the foregoing findings and submissions and proceedings referred to above, NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED:

1. Pursuant to Federal Rule of Civil Procedure 23(e), this Court finds that the Settlement provides for in the Stipulation is in all respects fair, reasonable, adequate, and proper, and in the best interest of the parties. The parties are hereby ordered to perform its terms.

2. Pursuant to Federal Rule of Civil Procedure 23, and for purposes of settlement only, the Court hereby certifies this action as a class action on behalf of the following Settlement Class:

All Chase credit card holders who were enrolled in or billed for a Payment Protection Product at any time between September 1, 2004 and November 11, 2010. Excluded from the class are all Chase cardholders whose Chase credit card accounts that were enrolled or billed for a Payment Protection Product were discharged in bankruptcy.

3. The Court finds the prerequisites of class certification for a settlement class under Rule 23(a) and 23(b)(3) have been met.

4. The Court hereby appoints David Kardonick, John David, and Michael Clemins as Class Representatives of the Settlement Class.

5. Having considered the factors set forth in Rule 23(g), and having found Golomb & Honik, P.C., and Carney Williams Bates Pulliam & Bowman, PLLC to be adequate, the Court hereby appoints Golomb & Honik, P.C. and Carney Williams Bates Pulliam & Bowman, PLLC as Class Counsel to represent the Settlement Class. Class Counsel and Class Representative Plaintiffs have fairly and adequately represented the Class with respect to the Settlement and the Stipulation.

6. The Notice provided to the members of the Class was provided in accordance with the Notice requirement in this Court's Order Granting Preliminary Approval. Such notice is hereby found to be the best notice practicable under the circumstances, and constitutes due and sufficient notice, in full compliance with the notice requirement of Rule 23(e) of the Federal Rules of Civil Procedure. The notice procedures provided sufficient notice of the Settlement and of the Fairness Hearing to all persons affected by and/or entitled to participate in the Settlement.

7. The Court heard and overruled all objections to the Settlement.

8. Several Class Members have requested to opt out of the Settlement ("Opt-Out Plaintiffs"). The Opt-Out Plaintiffs have complied with the Court's procedures, and will not be bound by the terms of this settlement.

9. Any Class Member who does not seek exclusion from the Class in accordance with the terms and conditions of the Stipulation of Settlement, or does not file a conforming Proof of Claim form, will not be entitled to receive any benefits pursuant to this Stipulation of Settlement, but will otherwise be bound together with all Class Members by all of the terms of the Stipulation of Settlement, and will be barred from bringing any action against any of the Released Parties concerning the Released Claims.

10. Each and every Releasing Party shall be deemed to have, and by operation of this Final Order and Judgment shall have fully, finally and forever released, relinquished and discharged all Released Claims against the Released Parties.

11. Without affecting the finality of this Judgment in any way, this Court retains jurisdiction over: (a) implementation of this Settlement and any award or distribution of the benefits conferred to the Class; and (b) all parties hereto for the purpose of construing, enforcing, and administering the Stipulation.

12. The Court finds that during the course of this litigation the parties and their respective counsel have at all times complied with the requirements of Federal Rule of Civil Procedure 11

13. The Court, having considered Plaintiffs' Application for Attorneys' Fees and Expenses, grants Plaintiffs' requests.

IT IS SO ORDERED at Miami, Florida this \_\_\_\_ of \_\_\_\_\_, 2011

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THE HONORABLE WILLIAM M. HOEVELER  
UNITED STATES DISTRICT JUDGE