

Rev. 2/11

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT



Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: _____

Caption: DAVID KARDONICK, JOHN DAVID, and MICHAEL CLEMINS, individually and on behalf of all others similarly situated, v. JPMORGAN CHASE & CO, et al.,	District and Division: Southern District of Florida Name of Judge: William M. Hoeveler Nature of Suit: Breach of Contract Class Action
	Date Complaint Filed: 9/8/2010 District Court Docket Number: 1:10-CV-23235-WMH
	Date Notice of Appeal Filed: 10/14/2011 <input type="checkbox"/> Cross Appeal <input checked="" type="checkbox"/> Class Action
	Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: (b) Citation: (c) Docket Number:

	Attorney Name	Mailing Address	Telephone, Fax, and Email
For Appellant: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Other (Specify)	MATT WEINSTEIN, fbn 113320 Counsel for Objectors Douglas Paluczak, Chris Schulte, Laura Fortman 9200 South Dadeland Blvd.,	9200 South Dadeland Blvd., Suite 400 Miami, FL 33156	ph:305-670-5200
For Appellee: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Curtis L. Bowman Carney Williams Bates Bozeman & Pulliam, PLLC	11311 Arcade Drive, Suite 200 Little Rock, Arkansas 72212	(501)312-8500 (501)312-8505 Fax

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

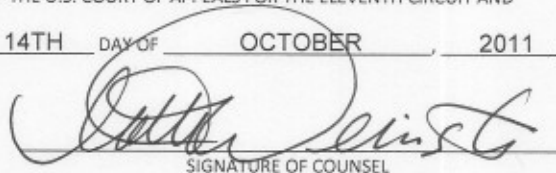
Jurisdiction	Nature of Judgment	Type of Order	Relief
Federal Question <input checked="" type="checkbox"/> Diversity US Plaintiff US Defendant	Final Judgment, 28 USC 1291 Interlocutory Order, 28 USC 1292(a)(1) Interlocutory Order Certified, 28 USC 1292(b) Interlocutory Order, Qualified Immunity Final Agency Action (Review) 54(b)	Dismissal/Jurisdiction Default Judgment Summary Judgment Judgment/Bench Trial Judgment/Jury Verdict Judgment/Directed Verdict/NOV Injunction Other <u>Approval of Settlement</u>	Amount Sought by Plaintiff: \$ <u>5,000,000 fees</u> Amount Sought by Defendant: \$ <u>No Applicable</u> Awarded: \$ <u>\$3,500,000</u> to _____ Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Preliminary <input type="checkbox"/> Granted <input type="checkbox"/> Permanent <input type="checkbox"/> Denied

- (1) Does this appeal involve a question of First Impression? Yes No
 What is the issue you claim is one of First Impression?
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? Yes No
 If Yes, provide
 (a) Case Name/Statute
 (b) Citation
 (c) Docket Number if unreported
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
 (a) Arises from substantially the same case or controversy as this appeal? Yes No
 (b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? Yes No
 If Yes, provide
 (a) Case Name
 (b) Citation
 (c) Docket Number if unreported
 (d) Court or Agency
- (4) Will this appeal involve a conflict of law
 (a) Within the Eleventh Circuit? Yes No
 (b) Among circuits? Yes No
 If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:
 Whether the class action settlement was fair and reasonable because there were not subclasses that needed to be established based on disparate treatment of class members;
 Whether the settlement was fair and reasonable even though no injunctive relief was sought to prevent the improper conduct in the future.
 Whether the award of attorneys fees of \$3,500,000 was fair based upon the lack of any meaningful litigation.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 14TH DAY OF OCTOBER, 2011.

MATT WEINSTEIN
 NAME OF COUNSEL (Print)


 SIGNATURE OF COUNSEL

Please ATTACH portion of district court, tax court, or agency record described in 11th Cir. R. 33-1(b): (a) judgments and orders appealed from or sought to be reviewed; (b) any supporting opinion, findings of fact, and conclusions of law filed by the court or the agency, board, commission, or officer; (c) any report and recommendation adopted by an order; (d) findings and conclusions of an administrative law judge when appealing a court order reviewing an agency determination; (e) any agency docket sheet or record index.