

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

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.

**PLAINTIFFS' MOTION FOR MISCELLANEOUS RELIEF AND INCORPORATED
MEMORANDUM OF LAW**

Pursuant to the Notice Plan approved by the Court on February 11, 2011, Plaintiffs hereby move for the Court's approval of payment to the court-appointed settlement administrator Heffler, Radetich & Saitta, LLP ("Heffler" or the "Settlement Administrator") in the amount of \$396,712.91, from the Settlement Fund, and in support thereof state as follows:

1. According to the Notice Plan, the Court authorized an initial payment of \$3,607,350 to the Settlement Administrator (the "Advanced Notice Costs") (Dkt. #24 at ¶¶ 9, 11) on February 11, 2011. This amount covered the initial costs related to publishing the Summary Notice, printing the Postcard Notices, and postage for the initial mailing, which totaled over \$3.1 million.

2. Subsequently, per this Court's order dated July 21, 2011, the Settlement Administrator received a second disbursement of \$340,898.18 for expenses incurred through April 30, 2011. This amount included costs related to (1) re-mailing over 650,000 notices to new addresses obtained through a locator services search; (2) developing of an electronic claim filing system for this case; (3) maintaining and monitoring the website www.kardonicksettlement.com; (4) maintaining and monitoring a toll free telephone system with automated responses ("IVR"), as well as the cost of having live operators to assist class members as needed; (5) the processing of claims received to date; and (6) the processing of returned postcards to date.
3. Since April 30, 2010, the Settlement Administrator has incurred additional fees and expenses in the administration of the Settlement Fund, leaving an outstanding balance of \$396,712.91. These additional fees and expenses were incurred in the claims administration process from May 1, 2011 through November 30, 2011 and are itemized on an invoice from Heffler, which is attached hereto as Exhibit A. As reflected in Exhibit A, the additional fees and expenses incurred by the Settlement Administrator include costs related to processing returned notices, locator services on the returned notices, re-mailing notices with updated addresses, processing claims to date, the cost of the live operator and IVR service, postage for re-mailed notices, maintenance of the website, and staff time for status reports, affidavits, conferences with counsel, and monitoring and maintaining IT compliance and security review.

4. Plaintiffs' Counsel have reviewed this bill and believe the fees and expenses are reasonable and appropriate. Accordingly, Plaintiffs' Counsel requests authorization from this Court to pay the requested Settlement Administrator's fees and expenses in the amount of \$396,712.91.

WHEREFORE, in accordance with the approved Notice Plan, Plaintiffs respectfully request that the Court grant this Motion and authorize payment to the Settlement Administrator in the amount of \$396,712.91 from the Settlement Fund for these additional claims processing and notice costs.

Dated: January 17, 2012

Respectfully submitted:

/s Brian Ku

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of January, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: /s Brian Ku
Brian Ku