

**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,

Plaintiffs,

v.

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

Defendants.

**DEFENDANTS' CROSS-MOTION TO STRIKE OR DISMISS
PLEADING FILED BY TREVOR GRANT**

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Defendants JPMorgan Chase & Co. & Chase Bank USA, N.A. (collectively, “Chase”) hereby file this cross-motion to strike the pleading recently filed by Trevor Grant in this docket (Dkt. # 451).

This action has been closed since May 2012, when the Eleventh Circuit dismissed all appeals challenging this Court’s September 2011 order granting final approval to a nationwide class action settlement. Nevertheless, Trevor Grant – who objected to and appealed this Court’s final approval order despite not being a member of the underlying class – recently filed a *pro se* pleading that purports to assert claims against Chase. Mr. Grant’s pleading appears to relate to a product that has nothing to do with the products and claims that were at issue in the underlying class-action litigation.

This Court should strike Mr. Grant’s pleading because (1) his pleading seeks to assert new claims against Chase and should be filed in a new docket, (2) Mr. Grant failed to pay the filing fee required to initiate a new action, and (3) Mr. Grant failed to sign his pleading, as required by Rule 11 of the *Federal Rules of Civil Procedure*. Alternatively, this Court should dismiss Mr. Grant’s purported claims because (1) Mr. Grant failed to serve Chase with his pleading, and (2) Mr. Grant’s pleading fails to state a claim upon which relief can be granted.

As more fully explained in the accompanying memorandum, Chase respectfully requests that the Court grant Defendants’ cross-motion.

LOCAL RULE 7.1(a)(3) CERTIFICATION

Pursuant to Local Rule 7.1(a)(3), the undersigned hereby certifies that Chase’s counsel made reasonable efforts to confer with Mr. Grant, who would be affected by the relief sought in this motion, but was unable to do so. Specifically, on July 31, 2012, Andrew Soukup

mailed a letter via first-class mail to Mr. Grant at the address listed on the first page of the pleading and invited him to call to discuss this motion. Mr. Grant did not respond to this request.

Dated: August 6, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of August, 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 identified on the attached Service List 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/ Dennis M. Campbell
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