

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

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

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

Plaintiff,

v.

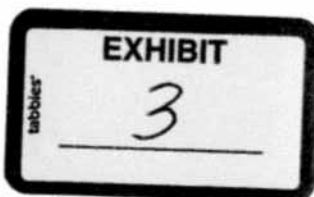
JPMORGAN CHASE & CO. and CHASE BANK
USA, N.A.

Defendants.

DECLARATION OF ANDREW SOUKUP

I, Andrew Soukup, hereby declare as follows:

1. I am an attorney at Covington & Burling LLP, which represents JPMorgan Chase & Co. and Chase Bank USA, N.A. in this litigation. This declaration is based on my personal knowledge.
2. In connection with confidential mediation and settlement communications that occurred in November and December 2010, I was the person principally responsible for providing counsel for the named plaintiffs in this litigation with extensive informal discovery. I submit this declaration to summarize the information and materials I provided on Chase's behalf.
3. Before the two-day mediation session, Chase provided information and data about, among other things, the current and historical number of Payment Protector



enrollees; the historical number of benefits requested, benefits approved, and the approval rate; a breakdown of the leading reasons why benefits are denied; and a breakdown of the number of requests for benefits that were denied because the cardmember was self-employed or retired. Chase also provided documents from 2004 to the present showing the terms and conditions of the Payment Protector program; the written disclosure materials and the telemarketing scripts associated with the Payment Protector program; and documents showing account history details for each of the named plaintiffs.

4. During the two-day mediation session, Chase provided information about, among other things, the number of cardmembers who had multiple accounts enrolled in Payment Protector; the number of credit card accounts enrolled in Payment Protector that are eventually charged off; the average length of enrollment; the average card balance for all Payment Protector enrollees; the average fee Payment Protector enrollees paid each month; the current and historical number of enrollees in all of Chase's payment protection products; and the historical benefit approval rate for all of Chase's payment protection products. Chase also provided documents about, among other things, the terms and conditions, marketing materials, and telemarketing scripts associated with other payment protection products.

5. The Settlement gave plaintiffs' counsel the right to request discovery to confirm information provided in connection with the mediation and to terminate the Settlement if confirmatory discovery did not corroborate the representations made during the mediation. In response to plaintiffs' requests, Chase provided documents about, among other things, the number of enrollees in Chase's private label products; the number of benefits requested, approved, and denied since 2004; the reasons why benefits had been denied since 2004; the current and historical enrollment figures; and the source material for average monthly fees.

Chase also provided agreements between Chase and the third-party responsible for administering Chase's payment protector programs ("Assurant") as well as documents from Assurant summarizing the process Assurant used to manage requests for benefits exemplar letters and forms mailed to Chase payment protector enrollees.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on March 31, 2011.



Andrew Soukup