

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.

**DEFENDANTS' RESPONSE TO OBJECTORS' MOTION FOR ORAL ARGUMENT**

Defendants JPMorgan Chase & Co. and Chase Bank USA, N.A. (collectively, "Chase") hereby respond to the Objectors' Motion for Oral Argument as follows:

1. Chase believes that the issues presented by Objectors' Motion to Intervene ("Motion") are straightforward and can be resolved on the briefs. (*See* Dkt. #'s 32 (Memo. in Supp. of Motion); 44 (Pls.' Resp. in Opp'n to Motion); 48 (Defs.' Resp. in Opp'n to Motion).)

However, Chase has no objection to a hearing if a hearing would be useful to the Court.

2. Objectors ask this Court to schedule a hearing before April 11, 2011, the date by which this Court ordered the parties to provide notice to the settlement class. However, the premise of Objectors' request for expedited treatment – that granting their motion would avoid

class notice costs – is mistaken. As explained below, the funds required for class notice have already been spent, notices have already been printed, and the mailing of notice is already underway.

3. The logistics of printing and mailing approximately 15 million individual notices involve a great deal of advance planning and preparation. In order to meet the April 11th deadline that applies under this Court’s preliminary approval order, the Settlement Administrator has already printed approximately 15 million notices. These notices would have to be reprinted with revised dates if the notice process were interrupted. Moreover, because it is not possible to mail 15 million notices on a single day, the Administrator began mailing notices in waves on March 31, 2011 and expects the notice process to be completed by Friday April 8, 2011 (prior to the deadline of Monday April 11, 2011).

4. Objectors’ Counsel should have filed their motion to intervene several weeks earlier and sought expedited treatment of that motion if they wished to obtain a ruling before the notice process was underway. The Settlement was filed in this Court on December 21, 2010. (Dkt. # 16.) This Court’s preliminary approval order issued on February 2, 2011. (Dkt. #23.) Objectors’ Counsel have declined to reveal to undersigned counsel when they first learned of the Settlement and this Court’s preliminary approval order, but at the latest, they knew of the Settlement and the preliminary approval order by February 12, 2011 when they were orally advised of the Settlement and the order by counsel for plaintiffs. Furthermore, on February 23 and 24, 2011, counsel for Chase advised Objectors’ Counsel that Chase would need to receive their objections by close of business on February 25, 2011 if they wanted Chase to consider their objections prior to the notice process because the process of printing the notices was scheduled to begin immediately thereafter.

5. Objectors nevertheless waited until March 9 to file the Motion detailing their objections to the Settlement; when they finally did, they failed to request a hearing or expedited treatment. *See* U.S. Dist. Ct. S.D. Fla. Local R. 7.1(b)(1) (“A party who desires oral argument or a hearing of any motion shall request it in writing by separate request accompanying the motion.”).

6. To the extent this Court decides to grant a hearing, counsel for Chase has prior commitments for court appearances, mediations, and a scheduled vacation on April 4, 5, and 11-20.

Respectfully submitted,

Robert D. Wick (admitted *pro hac vice*)  
Andrew Soukup (*pro hac vice* admission pending)  
COVINGTON & BURLING LLP  
Attorneys for Defendants  
1201 Pennsylvania Ave. N.W.  
Washington, D.C. 20004  
Telephone: (202) 662-6000  
Facsimile: (202) 778-5487

Dennis M. Campbell  
CAMPBELL LAW FIRM, PLLC  
Attorneys for Defendants  
95 Merrick Way, Suite 514  
Coral Gables, Florida 33134  
Telephone: (305) 444-6040  
Facsimile: (305) 444-6041

By: s/ Dennis M. Campbell  
Dennis M. Campbell  
Florida Bar No. 271527  
Email: dcampbell@campbelllawfirm.net

**CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2011, 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  
DENNIS M. CAMPBELL