

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JONATHAN I. GEHRICH, ROBERT LUND,
COREY GOLDSTEIN, PAUL STEMPLER and
CARRIE COUSER, individually and
on behalf of themselves and others similarly
situated,

Plaintiffs,

v.

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

Defendants.

NO. 1:12-CV-5510

Honorable Gary Feinerman

JOINT STATUS REPORT

Plaintiffs Robert Lund, Corey Goldstein, Paul Stemple, Carrie Couser and Jonathan Gehrich (together, “Plaintiffs”), on behalf of themselves and the Settlement Class, and Defendants Chase Bank USA, N.A. and JPMorgan Chase Bank, N.A. (together, “Chase” and together with Plaintiffs, the “Parties”), by and through their undersigned counsel, respectfully submit this Joint Status Report in advance of the status hearing set for April 9, 2015.

1. The Parties have been diligently researching issues concerning implementation of the Notice Plan preliminarily approved by the Court.

2. Chase has concluded that approximately 7.1 million persons in the Settlement Class, as initially identified by Chase, inadvertently were not provided direct notice by U.S. Mail or E-mail as set forth in the Settlement Agreement and the Court’s Order Preliminarily Approving Class Action Settlement, Conditionally Certifying Settlement Class, Approving

Procedure and Form of Notice, and Scheduling Final Approval Hearing, entered on August 12, 2014 (Dkt. 117) (“Preliminary Approval Order”).

3. These approximately 7.1 million Settlement Class Members were included in the Parties’ estimates provided to the Court regarding class size at the time of preliminary approval of this Settlement. In other words, the estimated class size has not changed since the Court preliminarily approved the Settlement and the Notice Plan on August 12, 2014.

4. Chase believes that its records contain E-mail or postal addresses for 99.8% of these approximately 7.1 million persons in the Settlement Class to whom direct notice was not previously provided.

5. The Parties agree that, subject to Court approval, direct notice by U.S. Mail or E-Mail must be provided pursuant to the Notice Plan preliminarily approved by the Court to these approximately 7.1 million persons in the Settlement Class who inadvertently were not previously provided direct notice of the Settlement (“Supplemental Notice Plan”). Pursuant to the Supplemental Notice Plan, these individuals will be provided an opportunity to submit claims, to object to the Settlement and to request exclusion from the Settlement, consistent with the schedule established by the Preliminary Approval Order.

6. Pursuant to the Preliminary Approval Order, the deadline to submit exclusion requests or file objections to the Settlement by persons in the Settlement Class who received notice pursuant to the Notice Plan was February 9, 2015. (*See* Preliminary Approval Order, ¶¶ 12-16.) The Parties agree that, subject to Court approval, the Settlement Class Members previously provided notice of the Settlement pursuant to the Notice Plan shall not be provided an additional opportunity to request exclusion from or object to the Settlement during the implementation of the Supplemental Notice Program. Therefore, because the February 9, 2015

deadline has passed, any person in the Settlement Class who received notice of the Settlement pursuant to the Notice Plan and failed to submit a valid and timely request for exclusion is bound as a Settlement Class Member by all the terms of the Settlement Agreement and all Orders of this Court. (*See id.* at ¶¶ 12-13.) Further, Settlement Class Members who did not timely file objections with the Court by the February 9, 2015 deadline are deemed to have waived their objections. (*See id.* at ¶¶ 15-16.) In other words, only the Settlement Class Members who received notice pursuant to the Supplemental Notice Plan may request exclusion or object pursuant to the deadlines provided herein.

7. The Parties agree that, subject to Court approval, the February 9, 2015 deadline to submit claims set forth in the Preliminary Approval Order shall be extended to the deadline set forth in Paragraph 9 below for all Settlement Class Members eligible to submit a claim. The Parties agree that the Claims Administrator shall provide additional notice via U.S. Mail or E-mail to Settlement Class Members who originally received direct notice but have not yet submitted claims reminding them of the right to claim and advising them of the new claim deadline (“Reminder Notices”). Attached hereto as Exhibit A are drafts of the proposed Reminder Notices. The Settlement Website will also be updated to remind eligible Settlement Class Members of their right to claim and advising of the new claim deadline. The cost of the reminder notice will be paid for from the Settlement Fund.

8. The Settlement Website shall be updated to reflect the deadlines set forth in Paragraph 9 below, or as otherwise ordered by this Court.

9. The Parties propose the following schedule for implementation of the Supplemental Notice Plan and final approval:

ACTION	DATE
Supplemental Notice Deadline	June 12, 2015
Class Counsel's Fee Motion Submitted	August 14, 2015
Exclusion/Objection Deadline For Persons Provided Notice through the Supplemental Notice Program <u>Only</u>	September 10, 2015
Deadline to Submit Claims for all Eligible Settlement Class Members	September 10, 2015
Final Approval Brief and Responses to Objections Due	October 8, 2015
Final Approval Hearing Date	October 22, 2015

RESPECTFULLY SUBMITTED AND DATED this 6th day of April, 2015.

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CERTIFICATE OF SERVICE

I, Beth E. Terrell, hereby certify:

1. On April 6, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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2. I further certify that on April 6, 2015, I mailed by United States Postal Service the foregoing to the following non CM/ECF participants:

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