

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 all others similarly situated,

Plaintiff,

v.

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

Defendants.

Case No. 1:12-cv-5510

Honorable Gary Feinerman

**STATEMENT OF DEFENDANTS, CHASE BANK USA, N.A. AND JPMORGAN  
CHASE BANK, N.A., IN SUPPORT OF DEDICATED *CY PRES* DISTRIBUTION**

Defendants, Chase Bank USA, N.A. and JPMorgan Chase Bank, N.A. (collectively, “Chase”), hereby respond to this Court’s inquiries during the Final Fairness Hearing, held on October 22, 2015, relating to the Dedicated *Cy Pres* Distribution.<sup>1</sup> As addressed at the Hearing, while Chase believes that the claims asserted by the Alert Call Subclass lack merit (see Dkt. No. 202 at 15), these types of claims are nonetheless asserted against Chase from time-to-time in both individual and putative class actions, requiring Chase to expend time and resources to defend itself. Accordingly, in connection with the Settlement, Chase required that the claims of the Alert Call Subclass be included within the scope of the Agreement as well as the Release even though, as a practical matter, those claims have only nuisance value.

As additional consideration to the Alert Call Subclass, the Class Notice included instructions for the benefit of Alert Call Subclass Members who are current Chase USA or JPMC

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<sup>1</sup> Terms are used herein as defined in the Agreement.

Bank customers as to how they may opt-out or withdraw their consent to receive Automatic Alerts by visiting the Chase.com website and following the procedures set forth therein. Further, Chase agreed to process all properly submitted requests in the ordinary course of business. (Agreement, Paragraph III.I.) This type of settlement structure has been explicitly approved by the Seventh Circuit. See Mirfasihi v. Fleet Mortg. Corp., 551 F.3d 682, 686 (7th Cir. 2008) (approving, \$243,000, and potentially greater, dedicated *cy pres* distribution with respect to a subclass of 1.4 million persons whose claims lacked merit).

For these reasons and as addressed in prior filings and at the Hearing, Chase respectfully requests that this Court approve the Dedicated *Cy Pres* Distribution.

Dated: November 5, 2015

Respectfully submitted,

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

STROOCK & STROOCK & LAVAN LLP  
JULIA B. STRICKLAND  
STEPHEN J. NEWMAN  
ARJUN P. RAO  
JULIETA STEPANYAN

By: /s/ Julia B. Strickland  
Julia B. Strickland  
Stephen J. Newman  
Arjun P. Rao (admitted *pro hac vice*)  
Julieta Stepanyan (admitted *pro hac vice*)  
2029 Century Park East  
Los Angeles, CA 90067-3086  
Telephone: (310) 556-5800  
Facsimile: (310) 556-5959  
Email: lalendar@stroock.com

**CERTIFICATE OF SERVICE**

I hereby certify that on November 5, 2015, a copy of the foregoing **STATEMENT OF DEFENDANTS, CHASE BANK USA, N.A. AND JPMORGAN CHASE BANK, N.A., IN SUPPORT OF DEDICATED *CY PRES* DISTRIBUTION** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System.

*/s/ Julia B. Strickland*

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Julia B. Strickland