

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 TERRE BEACH, *et al.*, individually and on behalf
 of themselves and all others similarly situated, :

Plaintiffs, : Civil Action
 17-CV-00563-JMF

v. :

JPMORGAN CHASE BANK, NATIONAL :
 ASSOCIATION, JPMORGAN CHASE & :
 COMPANY, *et al.*, :

Defendants. :

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**SUPPLEMENTAL DECLARATION OF JOSEPH H. MELTZER IN SUPPORT OF
 PLAINTIFFS’ MOTION FOR FINAL APPROVAL OF SETTLEMENT AND
 CLASS COUNSEL’S MOTION FOR ATTORNEYS’ FEES, EXPENSES AND
PLAINTIFFS’ SERVICE AWARDS**

I, Joseph H. Meltzer, on behalf of Class Counsel, respectfully submit this Supplemental Declaration of Joseph H. Meltzer In Support of Plaintiffs’ Motion for Final Approval of Settlement and Class Counsel’s Motion for Attorneys’ Fees, Expenses and Plaintiffs’ Service Awards.¹

1. I have personal knowledge of the facts set forth below and, if called as a witness, I could and would testify competently thereto.

2. Class Counsel filed the Motion for Final Approval of Settlement (ECF No. 219) and Motion for Attorneys’ Fees, Expenses and Plaintiffs’ Service Awards (ECF No. 222) on August 21, 2020 (hereinafter “the Motions”).

¹ Undefined capitalized terms herein have the same meaning as in the Settlement Agreement (*See* ECF Nos. 212-1 and 225-1).

3. In support of the Motions, I submitted the Declaration of Joseph H. Meltzer In Support Of Plaintiffs' Motion for Final Approval of Settlement and Class Counsel's Motion for Attorneys' Fees, Expenses and Plaintiffs' Service Awards (ECF No. 225). The Declarations of Plaintiffs Sean Daly, Antoinette Fondren, and William Stirsman were attached to that Declaration as Exhibits I-K.

4. Subsequent to the filing of the Motions and the Declaration, Plaintiff Ferdinand Orellana also executed a Declaration in support of the Motions.

5. Attached hereto as **Exhibit M** is a true and correct copy of the Declaration of Ferdinand Orellana In Support of Final Approval of Settlement and Award of Attorneys' Fees, Expenses, and Plaintiffs' Incentive Awards.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 18, 2020, in Ambler, Pennsylvania.



Joseph H. Meltzer (admitted *pro hac vice*)
KESSLER TOPAZ MELTZER & CHECK, LLP
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Radnor, PA 19087
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CERTIFICATE OF SERVICE

I, Joseph H. Meltzer, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's CM/ECF system. Those attorneys who are registered CM/ECF users may access these filings, and notice of these filings will be sent to those parties by operation of the CM/ECF system.

Dated: September 18, 2020

s/ Joseph H. Meltzer
Joseph H. Meltzer

EXHIBIT M

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**DECLARATION OF FERDINAND ORELLANA IN SUPPORT OF FINAL APPROVAL
OF SETTLEMENT AND AWARD OF ATTORNEYS’ FEES, EXPENSES, AND
PLAINTIFFS’ INCENTIVE AWARDS**

I, Ferdinand Orellana, declare as follows:

1. I am a named Plaintiff and a Court-appointed class representative in this case.
2. I have personal knowledge of the matters set forth in this Declaration, which I submit in support of the motion for final approval of the settlement and the motion for an award of attorneys’ fees, expenses, and Plaintiffs’ incentive awards.
3. I was employed by JPMorgan Chase Co. (“JPMorgan”) from August 2008 to January 2014. While employed by JPMorgan, I participated in the JPMorgan Chase 401(k) Savings Plan Document (“Plan”) and invested in one or more of the funds at issue in this action.

4. I understand that this case is a class action brought on behalf of participants in the Plan during the Class Period of January 25, 2011 to the present, to recover losses to the Plan and for excessive fees and expenses charged to the investment funds.

5. I agreed to be a named Plaintiff in this action, and to act as a class representative of the certified class. I understood that this would entail having my name in the publicly-filed complaint, ongoing engagement with my legal team, participating in discovery, including a possible deposition as well as a potential trial, and acting at all times in the best interest of the proposed Class.

6. I have been directly involved in monitoring and overseeing the prosecution of this action from February 2017 to the present. Since the inception of the case, I have been in regular communication with my attorneys and have actively contributed to the case. Specifically, I reviewed all relevant pleadings, briefs and orders including the following: (a) the initial complaint I filed; (b) the Consolidated Complaint; (c) briefing related to the motion to dismiss; (d) class certification briefing; and (e) the order granting the motion for class certification. I also reviewed Defendants' document requests, my responses to those document requests, and produced documents in connection with Defendants' document requests. In connection with each of these documents, I communicated about their potential impact on the case with my attorneys. Additionally, I also prepared for my deposition and provided deposition testimony in connection with the case. Specifically, my deposition was held on October 31, 2018, in New York, New York. The deposition lasted almost six hours. When the time came to discuss potential resolution, I provided input and direction regarding settlement strategy, and ultimately provided settlement authority to my attorneys, and approved the class wide settlement amount of \$9,000,000.00, which

is being presented to the court for final approval. From filing of the initial Complaint until the date of this Declaration, I have spent a significant amount of time in connection with this case.

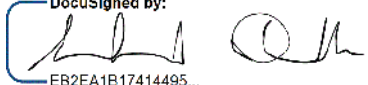
7. Based on my involvement throughout the prosecution and resolution of this case, I strongly support the settlement and believe that it provides an excellent recovery for the class, especially in view of the substantial risks I and the class faced in establishing liability and damages.

8. I have evaluated and fully support my lawyers' request for an award of attorneys' fees not to exceed 33% of the settlement fund, as well as reimbursement of their expenses, which I believe are reasonable. I also understand that the Court will make the ultimate determination of the proper amount of attorneys' fees and expenses to award to counsel.

9. In conclusion, as a named Plaintiff and class representative, I was actively involved in the prosecution of the case, and strongly endorse the settlement as fair, reasonable and adequate, and believe that it represents a significant recovery for the class. I further strongly support approval of my attorneys' application for fees and expenses, and my request for an incentive award of \$10,000.00 based on the time I spent participating in this action on behalf of the class.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 21, 2020

DocuSigned by:

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Ferdinand Orellana