

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK**

<p>RACHEL CYMBALISTA and ARIEL CYMBALISTA, on behalf of themselves and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>JPMORGAN CHASE BANK, N.A.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 2:20-CV-00456</p> <p>Hon. Rachel P. Kovner, USDJ Hon Lois Bloom, USMJ</p>
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**DECLARATION OF OREN GISKAN IN SUPPORT OF PLAINTIFFS’ MOTION FOR  
PRELIMINARY APPROVAL OF PROPOSED CLASS ACTION SETTLEMENT**

Oren Giskan, an attorney for Plaintiffs, declares as follows:

1. I am a member in good standing of the bar of the United States District Court for the Eastern District of New York and a partner in the firm Giskan, Solotaroff & Anderson LLP (“GSA”), co-counsel for Plaintiffs in this lawsuit and proposed Settlement Class Counsel. I respectfully submit this declaration in support of Plaintiffs’ *Motion for Preliminary Approval of Proposed Class Action Settlement*.

2. The primary GSA attorneys who have worked on this case are myself and Michael Jaffe, who is of counsel at my firm. Both Mr. Jaffe and I have been actively involved in all aspects of the investigation and prosecution of this case and the Parties’ settlement negotiations.

3. For the past 28 years, I have been primarily engaged in class action litigation. I founded GSA in 2002. I have served as lead class counsel in *In re Check Loan Litigation*, N.D. Cal. 09-md-02032 (\$100 million settlement of claims related to increase of minimum monthly credit card payments); *Cohen v. JP Morgan Chase & Co. and JP Morgan Chase Bank*, E.D.N.Y. 04-cv-4098 (settlement of deceptive claims related to charging of mortgage fee resulting in a recovery of 100% of damages for class members); *In re: LG Front Load Washing Machine Class Action Litig.*, 2:08-cv-00051 (MCA) (LDW) (D.N.J.) (nationwide settlement for washing machine

defect claims); *Bond v. Cricket Communications, LLC*, Civil Action No. 1:15-cv-923-GLR (D. Md.) (settlement for more than one million consumers alleging that cellular phones were defective); *Sebrow v. Allstate Insurance Company*, E.D. N.Y., CV-07-3929 (settlement of deceptive practice claims regarding non-renewal of homeowners insurance policies), *Education Station v. Yellow Book USA*, Superior Court of New Jersey (\$70 million settlement of false advertising claims); *Krobath v. South Nassau Communities Hospital*, Supreme Court of New York, Nassau County (settlement of claims related to emergency room billing of self-pay patients).

4. The firm resume of GSA is annexed hereto as **Exhibit 1**, detailing the experience of the firm in litigating consumer class action litigations.

5. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief based on the evidence and other materials cited in support.

Executed on April 9, 2021 in New York, New York.

/s/ Oren Giskan  
Giskan Solotaroff & Anderson LLP  
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***Attorney for Plaintiffs  
and Proposed Settlement Class Counsel***

# **EXHIBIT 1**

## GISKAN SOLOTAROFF & ANDERSON LLP

### Firm Biography

Giskan Solotaroff & Anderson LLP is a firm with significant experience in complex litigation involving consumer fraud, antitrust, employment discrimination and wage and hour litigation in state and federal courts, on behalf of plaintiffs and often involving class actions.

OREN GISKAN is admitted to practice in the states of New York (1993) and Illinois (1990). He received his law degree from the University of Pennsylvania in 1990 and his Bachelor of Arts from the University of Chicago in 1986.

Mr. Giskan has served as lead class counsel in *In re: LG Front Load Washing Machine Class Action Litig.*, 2:08-cv-00051 (MCA) (LDW) (D.N.J.) (nationwide settlement for washing machine defect claims); *Krobath v. South Nassau Communities Hospital*, Supreme Court of New York, Nassau County (settlement of claims related to emergency room billing of self-pay patients); *Bond v. Cricket Communications, LLC*, Civil Action No. 1:15-cv-923-GLR (D. Md.) (settlement for more than one million consumers alleging that cellular phones were defective); *In re Check Loan Litigation*, N.D. Cal. 09-md-02032 (\$100 million settlement of claims related to increase of minimum monthly credit card payments); *Cohen v. JP Morgan Chase & Co. and JP Morgan Chase Bank*, E.D.N.Y. 04-cv-4098 (settlement of deceptive claims related to charging of mortgage fee resulting in a recovery of 100% of damages for class members); *Sebrow v. Allstate Insurance Company*, E.D. N.Y., CV-07-3929 (settlement of deceptive practice claims regarding non-renewal of homeowners insurance policies), *Education Station v. Yellow Book USA*, Superior Court of New Jersey (\$70 million settlement of false advertising claims).

From 1990-92, Mr. Giskan was an associate with Jenner & Block in Chicago, Illinois where he focused on securities and general commercial litigation.

JASON L. SOLOTAROFF is admitted to practice in the State of New York. He is a 1990 graduate of Columbia Law School where he was an Editor of the Columbia Law Review and a Harlan Fiske Stone Scholar. He graduated from the Johns Hopkins University with General Honors.

Mr. Solotaroff clerked for the Hon. Eugene H. Nickerson, United States District Court for the Eastern District of New York. Following the clerkship, Mr. Solotaroff was a Staff Attorney at the Legal Aid Society, Criminal Defense Division from 1991 to 1993. In 1993, he joined the Society's Federal Defender Division. As a federal defender, Mr. Solotaroff represented clients in a wide variety of matters including complex white-collar cases. Of the nine clients he represented in criminal trials, six were acquitted and one received a partial acquittal.

Mr. Solotaroff entered private practice in 1997. Since 1997, he has devoted a substantial part of his practice to the representation of plaintiffs in class action matters. Among the cases in which he has had substantial responsibility are consumer class actions against Juno Online Inc., Lincoln Security Life Insurance of New York, Verizon Communications, American Express and antitrust class actions against Abbott Laboratories, Bristol-Myers Squibb and Astrazeneca Inc. He also represents individuals in employment discrimination and criminal defense matters.

CATHERINE E. ANDERSON is admitted to practice in the States of New York and New Jersey. She received her law degree from New York University School of Law in 1995, where she was editor of the Journal of International Law and Politics. She graduated *magna cum laude* from Colgate University in 1992, where she was elected Phi Beta Kappa. Ms. Anderson has specialized in consumer class actions and employment law.

Ms. Anderson has served as class counsel in the following notable class and collective actions which have resulted in significant settlements: *Merino v. Wells Fargo & Co.*, 2:16-cv-07840 (ES)(MAH)(D.N.J. 2020) (co-lead counsel in \$35 million wage and hour settlement on behalf of personal bankers); *Cohen v. JP Morgan Chase & Co. and JP Morgan Chase Bank*, 04-cv-4098 (ILG)(E.D.N.Y.)(lead counsel in \$20 million nationwide settlement

on behalf of homeowners); *Santos v. Carrington, et al.*, 2:16-cv-03679 (WHW)(D.N.J.) (co-lead counsel in \$8 million nationwide settlement on behalf of residential mortgage loan borrowers for force placed insurance claims); *Kent v. Hewlett-Packard Co.*, C-09-05341 (JF)(N.D. CA)(co-lead counsel in nationwide settlement valued at over \$2 million on behalf of consumers for defective product claims); *Patel, et al. v. Baluchis, et al* 08-cv-9985 (RJS)(S.D.N.Y.) (lead counsel in \$880,000 wage and hour settlement on behalf of restaurant workers); *Sebrow, et al. v. Allstate Insurance Co., et al.* 07 CV 3929 (FB)(RLM) (E.D.N.Y.) (co-lead counsel in settlement providing 100% relief to over 54,000 homeowners for claims for non-renewal of insurance); *Russo v. WholeArts Foundation, Inc., et al*, Index No. 603037/03 (KM) (New York Supreme Court) (lead counsel in nationwide settlement providing 100% payment of outstanding bills on behalf of members of defunct health plan). Ms. Anderson recently was appointed class counsel in *Gray v. CIT Bank, N.A.*, 1:18-cv-01520 (RMB) (AMD) (D.N.J.), in which a settlement fund valued at over \$8.5 million has been established for the class of reverse mortgage holders, subject to final approval.

Prior to joining Giskan Solotaroff & Anderson LLP, Ms. Anderson was associated with the firm of Wolf Popper LLP, and had substantial responsibilities in the following class cases where her prior firm was lead or co-lead counsel and which resulted in a substantial recovery for the class: *Garcia v. General Motors Corp.*, Docket No. L-4394-95, Superior Court of New Jersey, Bergen County (\$19.5 million settlement for defective brake claims); *Whipple v. Happy Kids, Inc.*, Index No. 99-603371, IAS Part 10, Supreme Court of the State of New York, New York County (obtaining a settlement providing, among other things, an increase of \$0.50 per share on behalf of the Happy Kids public shareholders in a revised buyout transaction); *In re Segue Software, Inc., Sec. Litig.*, C.A. 99-10891-RGS, United States District Court, District of Massachusetts (obtaining a cash settlement of \$1.25 million on behalf of a class of all persons who purchased the common stock of Segue Software, Inc. during the period July 14, 1998 through April 9, 1999); *Jonas v. Aspec Technology, Inc.*, Lead Case No. CV775037, Superior Court of the State of California (\$13 million cash settlement plus a stock component of 1.75 million shares); *In re Ugly Duckling Corp. Shareholders Derivative and Class Action*, Consolidated C.A. No. 18843, Delaware Court of Chancery, New Castle County (obtaining an increase from \$2.51 per share to \$3.53 per

share cash in going private transaction on behalf of a class comprised of the Company's minority shareholders, resulting in an aggregate cash benefit of more than \$4.7 million).

MICHAEL JAFFE graduated from the University of California at Berkeley (with Highest Honors) in 1982, and in 1987 from the University of California, Hastings College of Law. While in law school, Mr. Jaffe externed for the Honorable Thelton E. Henderson (N.D. Cal.) and served as a teaching assistant in the school's Legal Education and Opportunity Program. From 1988 to 2018, Mr. Jaffe was an attorney with Wolf Haldenstein Adler Freeman & Herz LLP (partner from 1999), where he specialized in plaintiff-side class action litigation on behalf of investors, employees, and consumers. Since 2018, he has been an adjunct professor of law at the CUNY School of Law, and since 2019 he has served as Of Counsel to my firm. Mr. Jaffe has engaged in various pro bono activities throughout his legal career, including work on political asylum cases for the Lawyers Committee for Human Rights. He is a member of the bars of the State of California and the State of New York, as well as the United States District Courts for the Southern, Eastern and Western Districts of New York.