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LARRY W. PROPES, CLERK
U. S. DISTRICT COURT

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

FRANKLIN E. CLARK, on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

Civil Action No. 8:00-1217-22

EXPERIAN INFORMATION SOLUTIONS,
INC.,

Defendants.

FRANKLIN E. CLARK and LATANJALA
DENISE MILLER, on behalf of themselves
And all others similarly situated,

Plaintiffs,

v.

Civil Action No. 8:00-1218-22 *

EQUIFAX INFORMATION SERVICES LLC,
Successor in interest to EQUIFAX CREDIT
INFORMATION SERVICES, INC.,

Defendants

FRANKLIN E. CLARK, on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

Civil Action No. 8:00-1219-22

TRANS UNION CORPORATION and
TRANS UNION L.L.C.,

Defendants.

**CONSOLIDATED OBJECTIONS OF MURPHY AND ZUPAN
TO MODIFIED STIPULATIONS OF SETTLEMENT**

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Objectors, Murphy and Zupan (hereinafter referred to as “ Objectors”), hereby object to the Modified Stipulations of Settlement, and in support of these Objections, state:

1. In March, 2003, this Court preliminarily approved the original Stipulation of Settlement in the above-styled cause.
2. On September 23, 2003, after published notice, this Court held a fairness hearing to determine the reasonableness, adequacy, and fairness of the proposed original Stipulation of Settlement.
3. On October 2, 2003, this Court issued an order declining to approve the proposed original Stipulation of Settlement. In its opinion, the Court provided a detailed explanation of its decision to not approve the proposed original terms of the Stipulation of Settlement.
4. On or about the 7th day of November, 2003, Class Counsel and Defendants submitted a Modified Stipulation of Settlement on behalf of each Defendant.
5. Objectors urge this Court to deny approval of these Modified Stipulations of Settlement, because of their inherent failure to meet the minimum threshold requirements of reasonableness, adequacy, and fairness. Equally significant, the terms of the proposed settlements violate fundamental procedural and substantive due process rights guaranteed by the United States Constitution and many, if not all, state constitutions.
6. Objectors incorporate by reference all previously filed objections both by them and any other absent class member, either represented or unrepresented.
7. The proposed modified stipulations of settlements, similar to the original preliminarily approved settlement, incorporate terms that release Defendants from future claims based upon future conduct. Put simply, the terms of these settlements provide blanket protection for Defendants

against claims for conduct that has yet to occur. It may be reasonable and appropriate for Defendants to negotiate releases for future claims based upon past conduct. A settlement that purports to release Defendants from future claims based upon future conduct violates fundamental procedural and substantive due process rights. Additionally, those terms of settlement which release future claims based upon future conduct render the proposed Modified Stipulations of Settlement unfair, inadequate and unreasonable.

8. The proposed Modified Stipulations of Settlement still provide for a forty-eight hour advance notice to be given by the class member. As the Modified Statement now stands, the average class member does not truly understand how, when and to whom, and in what form, said notice must be given, and Objectors contend that a large percentage of class members will fail, or be unable, to properly give the notice required. The simplest and best way to resolve this problem is to make available to the class members a simple 800 phone number that can be used to make notice orally over the phone. This 800 number could be used to provide notice to all three Defendants. Objectors have identified a class action notice company who would be willing to provide the service very inexpensively. The class member need only call the number and the trained service technician on the phone line will by e-mail make the appropriate written notice to any of the Defendants within five minutes of receiving the call. Without such a simple service being made available to complaining class members, the forty-eight hour notice requirement will render the statement unfair, inadequate and unreasonable.

9. Objectors should be awarded reasonable attorney's fees and costs for matters they brought to

the attention of the court for both their original objections and these consolidated objections.

WHEREFORE, Objectors request the Court issue an Order providing the following relief:

- A. Denying approval of these Modified Stipulations of Settlement, because of their failure to meet the minimum threshold requirements of reasonableness, adequacy, and fairness;
- B. Requiring the Release to be redrawn to eliminate the possibility that Defendants may be released from future claims based upon future conduct;
- C. Requiring the Modified Stipulations of Settlement to be amended to include an 800 number telephone service for the oral reporting of the required forty-eight hour notice;
- D. Awarding Objectors reasonable attorney's fees and costs for bringing both these objections and their original objections;
- E. Awarding such other equitable relief deemed appropriate by the Court.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that on this 24th day of November, 2003, a true copy of the foregoing
**CONSOLIDATED OBJECTIONS OF MURPHY AND ZUPAN TO MODIFIED
STIPULATIONS OF SETTLEMENT** was mailed, by regular U.S. mail, postage prepaid,
to

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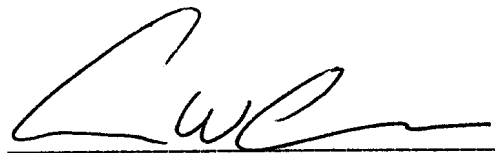
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