

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

FILED

DEC 03 2003

LARRY W. PROPES, CLERK
COLUMBIA, S.C.

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

v.)

C/A No. 8:00-1217-22

EXPERIAN INFORMATION)
SOLUTIONS, INC.)
)
Defendant.)

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

v.)

C/A No. 8:00-1218-22

EQUIFAX INFORMATION SERVICES,)
INC.)
)
Defendant.)

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

v.)

C/A No. 8:00-1219-22

TRANSUNION L.L.C.,)
)
Defendant.)

**COORDINATED OBJECTORS' RESPONSE TO
MODIFIED STIPULATIONS OF SETTLEMENT**

Objectors Denise Wilcox, Amanda Craig, Kathleen Shipley, Michael Joshua Fargnoli, Robin Rellstab, Deborah Thorson, Valetta Campbell, Frank Bellante, Victor Natividad, Sharon Davis, Beth Carrigg, Diane Jordan, Patrick York, Tae Kim, Robert M.

Hill, and Gary Barden ("Coordinated Objectors") hereby respond to the Modified Stipulations of Settlement and submit this status report on ongoing settlement negotiations.

In support of their response, Coordinated Objectors would show the following:

**I.
INTRODUCTION**

Coordinated Objectors support the progress reflected in the Modified Stipulations of Settlement. In light of ongoing settlement negotiations with defense counsel and Class Counsel to resolve remaining issues, Coordinated Objectors currently do not anticipate that it will be necessary to object to the Modified Stipulations of Settlement based on further anticipated modifications to same. If, however, any minor issue remains unresolved, Equifax has indicated that they would not oppose the filing of a belated objection by Coordinated Objectors.¹

**II.
PROCEDURAL HISTORY**

On September 23 and 24, 2003, after proper notice, this Court held a fairness hearing to determine the fairness, reasonableness, and adequacy of proposed, original Stipulations of Settlement. At the conclusion of the hearing and by Order dated October 2, 2003, the Court declined to approve the original settlements.

Soon after the hearing, Coordinated Objectors' counsel approached opposing counsel to modify the terms of the original settlement. On October 1, 2003, Coordinated Objectors sent Class Counsel and defense counsel a proposed stipulation, which eliminated the Equifax "fix," eliminated compulsory arbitration, and conferred other benefits

¹ Class Counsel and other defense counsel have not indicated any opposition to such a belated filing, if necessary.

to the Class. On October 3, 2003, at Class Counsel's request, Coordinated Objectors provided the proposed stipulation in word processing format for use in settlement negotiations.

On November 7, 2003, Class Counsel and defense counsel submitted a modified stipulation of settlement and adopted the pillars of Coordinated Objectors' proposed settlement. Over the past several weeks, Coordinated Objectors' counsel have engaged in settlement negotiations with defense counsel to resolve Coordinated Objectors' remaining concerns about the modified stipulation. Unfortunately, due to the holiday, Class Counsel and defense counsel have been unable to finalize the proposed additional modifications to which have been agreed in principle.

To date, the parties have agreed to modify the original stipulation of settlement and to confer substantial benefits to the Class. Given the tenor of ongoing settlement negotiations, Coordinated Objectors do not anticipate that it will be necessary to file an objection.

**III.
AMENDMENTS PROVIDE FAIR, REASONABLE,
AND ADEQUATE SETTLEMENT**

As amended and based on anticipated further clarifications and improvements, the Modified Stipulations of Settlement provide significant benefits to Class Members. Coordinated Objectors are prepared to offer evidence that the settlement as amended (and further supplemented by the as-yet unfiled additional modifications) is fair, reasonable, and adequate.

**IV.
NO FURTHER NOTICE REQUIRED**

In light of the fact that the Modified Stipulations of Settlement, together with the anticipated additional modifications, provide significant additional benefits to the Class and have not adversely affected the rights of the Class, Coordinated Objectors agree that no further notice to the Class is warranted. Class Counsel has agreed to post the modifications to the settlement on the class action website for an extended time period, and this will serve as an ongoing opportunity for Class Members to learn of the new benefits conferred to the Class under the Modified Stipulations.

**V.
RESERVE RIGHT TO SUPPLEMENT RESPONSE**

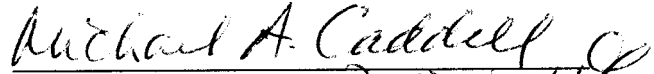
Although Coordinated Objectors have reached agreement in principle on the few additional modifications to the Modified Stipulations of Settlement, the precise language has not been finalized. Therefore, Coordinated Objectors reserve the right to supplement this Response, if necessary, once the final additional modifications have been filed with the Court.

WHEREFORE, Coordinated Objectors request the Modified Stipulations of Settlement, together with the as-yet unfiled additional modifications, be approved by the Court as fair, reasonable and adequate, and for such other relief as may be found warranted.

Respectfully submitted,



T. English McCutchen
William E. Hopkins, Jr.
McCutchen Blanton Johnson & Barnette
1414 Lady Street, P.O. Drawer 11209
Columbia SC 29211
Telephone: (803) 799-9791
Facsimile: (803) 253-6084



Michael A. Caddell *By Bryan Wilcox*
SBT No. 03576700
Caddell & Chapman
1331 Lamar, Suite 1070
Houston TX 77010-3027
Telephone: (713) 751-0400
Facsimile: (713) 751-0906

**LEAD COUNSEL FOR
COORDINATED OBJECTORS**

For Objector Denise Wilcox

T. English McCutchen
William E. Hopkins, Jr.
Matthew P. Engen
McCutchen Blanton Johnson & Barnette, LLP
1414 Lady Street, P.O. Drawer 11209
Columbia SC 29211
telephone: 803.799.9791
facsimile: 803.253.6084

Michael A. Caddell
Cynthia B. Chapman
John B. Scofield, Jr.
Caddell & Chapman
1331 Lamar, Suite 1070
Houston TX 77010-3027
telephone: 713/751.0400
facsimile: 713.751.0906

Mitchell A. Toups
Weller, Green, Toups & Terrell, L.L.P.
Texas Bar No. 20151600
Post Office Box 350
Beaumont TX 77704
telephone: 409.838.0101
facsimile: 409.832.8577

For Objector Amanda Craig

Leonard A. Bennett
12515 Warwick Boulevard
Newport News, Va 23606
telephone: 757.930.3660
facsimile: 757.930.3662

Earl P. Underwood, Jr.
PO Box 969
21 South Section Street
Fairhope, Al 36532
telephone: 251.990.5558
facsimile: 251.990.0626

Alton L. Martin, Jr.
Clarkson, Walsh, Rheney, & Turner
1164 Woodruff Road
P.O. Box 6728
Greenville, SC 29606
telephone: 864.232.4400
facsimile: 864.235.4399

For Objector Kathleen A Shipley

Paul D. Gleiberman
Seth D. Goldberg
5335 Wisconsin Avenue NW, Suite 440
Washington DC 20015
telephone: 202.243.0593 (Gleiberman)
telephone: 202.243.0594 (Goldberg)
facsimile: 202.686.5517

James M. Griffin
P.O. Box 999
Columbia SC 29202
telephone: 803.779.4600
facsimile: 803.254.8874

For Objectors Michael Joshua Fagnoli and Robin Rellstab

Cameron G. Boggs
Boggs Law Firm
P.O. Box 65
Greenville SC 29602
telephone: 864.233.8066
facsimile: 864.233.5067

Benjamin R. Bingham
Bingham & Lea, P.C.
319 Maverick Street
San Antonio TX 78212
telephone: 210.224.1819
facsimile: 210.224.0141

For Objectors Deborah Thorson, Valetta Campbell, and Frank Bellante

Daniel A. Edelman
James O. Lattuner
Heather Piccirilli
Edelman, Combs & Lattuner, LLC
120 S. LaSalle Street, 18th Floor
Chicago Illinois 60603
telephone: 312.739.4200
facsimile: 312.419.0379

Robert K. O'Reilly
Ademi & O'Reilly, LLP
3620 East Layton Avenue
Cudahy WI 53110
telephone: 414.482.8000
facsimile: 414.482.8001

James J. Raman
175 Magnolia Street, Suite 102
Spartanburg SC 29306
telephone: 864.582.6840
facsimile: 864.582.6840

For Objectors Victor Natividad, Sharon Davis, and Beth Carrigg

Mark W. Hardee
1426 Richland Street
Columbia SC 29201
telephone: 803.799.0905
facsimile: 803.799.0470

Jeff S. Daniel
P.O. Box 131323
Birmingham Al 35213
telephone: 205.531.1287
facsimile: 205.879.8982

D. W. "Bubba" Grimsley, Jr.
Grimsley & Associates, L.L.C.
2101 4th Ave South, Suite 200
Birmingham AL 35233
P.O. Box 130836
Birmingham AL 35213
telephone: 205.253.1412
facsimile: 205.327.5773

For Objector Diane Jordan

John J. Pentz
736 Boston Post Road/3
Sudbury MA 01776
telephone: 978.440.9828
facsimile: 707.276.2925

John S. "Chip" Keating
45A Whitford Circle
Marshfield MA 02050
telephone: 617.548.7205
facsimile: 781.846.0496

James M. Griffin
P.O. Box 999
Columbia SC 29202
telephone: 803.779.4600
facsimile: 803.254.8874

For Objectors Patrick York, Tae Kim, Robert M. Hill, and Gary Barden

James D. Smith
Law Offices of James D. Smith, LLC
2820 7th Street
Tuscaloosa Al 35401
telephone: 205.759.4004
facsimile: 205.752.0235

A. Todd Darwin
Holcombe, Bomar, Gunn & Bradford
P.O. Box 1897
Spartanburg SC 29304
telephone: 864.594.5300
facsimile: 864.585.3844

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was this date served upon the following counsel of record by facsimile to the following addresses:

William Douglas Smith
Johnson Smith Hibbard and Wildman
P.O. Drawer 5587
Spartanburg SC 29304-5587

***Counsel for Plaintiffs
Franklin E. Clark and Latanjala D.
Miller***

Jeffrey G. Casurella
2100 Roswell Road, Suite 200C
PMB 914
Marietta GA 30062

***Counsel for Plaintiffs
Franklin E. Clark and Latanjala D.
Miller***

L. Hunter Limbaugh
111 Clark Ridge Road
Columbia SC 29223

***Counsel for Plaintiffs
Franklin E. Clark and Latanjala D.
Miller***

Thomas C. Harney
Lewis P. Perling
Mara McRae
Cindy D. Hanson
1100 Peachtree Street, Suite 2800
Atlanta GA 30309-4530

***Counsel for Defendants
Equifax, Inc. and Equifax Credit
Information Services, Inc.***

David Horton Wilkins
Wilkins and Madden
408 East North Street
Greenville SC 29601

***Counsel for Plaintiffs
Franklin E. Clark and Latanjala D.
Miller***

William Linwood Mullen, Jr.
P.O. Box 6248
Spartanburg SC 29304

***Counsel for Plaintiffs
Franklin E. Clark and Latanjala D.
Miller***

Bernie W. Ellis
McNair Law Firm
P.O. Pox 447
Greenville SC 29602

***Counsel for Defendants
Equifax, Inc. and Equifax Credit
Information Services, Inc.***

Lewis Walter Tollison, III
Elizabeth McMillan
Rivers S. Stilwell
Nelson Mullins Riley and Scarborough
P.O. Box 10084
Greenville SC 29603-0084

***Counsel for Defendant
Experian Information Solutions, Inc.***

Harold C. Hirshman
Ronnenschein Nath and Rosenthal
Sears Tower
233 S. Wacker Drive, Suite 8000
Chicago IL 60606

***Counsel for Defendant
Experian Information Solutions, Inc.***

Frederick L. McKnight
Daniel J. McLoon
Jones Day Firm
555 West Fifth Street, Suite 4600
Los Angeles, CA 90013-1025

***Counsel for Defendant
Experian Information Solutions, Inc.***

Bruce S. Luckman
Mark E. Kogan
Stazberg Trichon Kogan and Wertheimer
1818 Market Street, 30th Floor
Philadelphia, PA 19103

***Counsel for Defendant
Trans Union Corporation and Trans
Union, LLC***

Paul D. Gleiberman
Seth D. Goldberg
5335 Wisconsin Avenue NW, Suite 440
Washington DC 20015

***Counsel for Objector
Kathleen A. Shipley***

John S. "Chip" Keating
45A Whitford Circle
Marshfield MA 02050

***Counsel for Objector
Diane Jordan***

Jerome R. Doak
Jones Day Reavls and Pogue
2727 N. Harwood Street
Dallas TX 75201-1515

***Counsel for Defendant
Experian Information Solutions, Inc.***

James Almond Merritt, Jr.
Berry Quackenbush and Stuart
P.O. Box 394, 14th Floor
Columbia SC 29202-0394

***Counsel for Defendant
Trans Union Corporation and Trans
Union, LLC***

James M. Griffin
P.O. Box 999
Columbia SC 29202

***Counsel for Objector
Kathleen A. Shipley and Diane Jordan***

John J. Pentz
736 Boston Post Road/3
Sudbury MA 01776

***Counsel for Objector
Diane Jordan***

James J. Raman
175 Magnolia Street, Suite 102
Spartanburg SC 29306

***Counsel for Objectors
Michael Joshua Fargnoli and Robin
Rellstab***

Cameron G. Boggs
Boggs Law Firm
P.O. Box 65
Greenville SC 29602

***Counsel for Objectors
Michael Joshua Fagnoli and Robin
Rellstab***

Robert K. O'Reilly
Ademi & O'Reilly, LLP
3620 East Layton Avenue
Cudahy WI 53110

***Counsel for Objectors
Michael Joshua Fagnoli and Robin
Rellstab***

D. W. "Bubba" Grimsley, Jr.
Grimsley & Associates, L.L.C.
2101 4th Ave South, Suite 200
Birmingham AL 35233
P.O. Box 130836
Birmingham AL 35213

***Counsel for Objectors
Victor Natividad, Sharon Davis, and
Beth Carrigg***

Mark W. Hardee
1426 Richland Street
Columbia SC 29201

***Counsel for Objectors
Victor Natividad, Sharon Davis, and
Beth Carrigg***

Benjamin R. Bingham
Bingham & Lea, P.C.
319 Maverick Street
San Antonio TX 78212

***Counsel for Objectors
Michael Joshua Fagnoli and Robin
Rellstab***

Daniel A. Edelman
Cathleen M. Combs
James O. Lattuner
Heather Piccirilli
Edelman, Combs & Lattuner, LLC
120 S. LaSalle Street, 18th Floor
Chicago Illinois 60603

***Counsel for Objectors
Michael Joshua Fagnoli and Robin
Rellstab***

Jeff S. Daniel
P.O. Box 131323
Birmingham AL 35213

***Counsel for Objectors
Victor Natividad, Sharon Davis, and
Beth Carrigg***

Terrance G. Lohr
92 Bethlehem Pike, Suite 200
Philadelphia PA 19118

***Counsel for Objector
Suzanne Tinari***

Stacey C. Davis
Holcombe, Bomar, Gunn & Bradford
P.O. Box 1897
Spartanburg SC 29304

***Counsel for Objector
Suzanne Tinari***

A. Todd Darwin
Holcombe, Bomar, Gunn & Bradford
P.O. Box 1897
Spartanburg SC 29304

***Counsel for Objectors
Patrick York, Tae Kim, Robert M. Hill,
and Gary Branden***

Leonard A. Bennett, Esquire
12515 Warwick Boulevard
Newport News Va 23606

***Counsel for Objector
Amanda Craig***

James D. Smith
Leon R. Storie
Law Offices of James D. Smith, LLC
2820 7th Street
Tuscaloosa Al 35401

***Counsel for Objectors
Patrick York, Tae Kim, Robert M. Hill,
and Gary Branden***

Earl P. Underwood, Jr.
PO Box 969
21 South Section Street
Fairhope Al 36532

***Counsel for Objector
Amanda Craig***

Dawn Adams Wheelahan
650 Poydras Street, Suite 1550
New Orleans LA 70130

Pro Se

Columbia, South Carolina this 3rd day of December, 2003.



Patricia Long Miller