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Main Identity

From: "McRae, Mara" <MMcRae@KilpatrickStockton.com>
To: "Hunter Limbaugh" <hlimbaugh@sc.rr.com>
Cc: "Harney, Tom" <THarney@KilpatrickStockton.com>
Sent: Monday, March 17, 2003 11:13 AM
Subject: RE: The Fix

Hunter, are you anticipating that some of them (NACA) will show up at tomorrow/s hearing? If so, perhaps we should get together for breakfast or at least sometime before 10:00 to discuss. This concern cannot be addressed by us (we don't control FICO, as you know, and many of the large creditors, as you also know, have their own scoring models that we know nothing about and have even less influence over). We don't yet know exactly what our "fix" will be but to stay even close to the July target date we can't have our hands tied about it any more than they're tied in our agreement. Tom, I'm sure you'll speak up if you disagree. Hunter, we should discuss over the telephone, anyway, because I don't want to debate this too much by email.

—Original Message—

From: Hunter Limbaugh [mailto:hlimbaugh@sc.rr.com]
Sent: Monday, March 17, 2003 8:10 AM
To: McRae, Mara
Subject: Re: The Fix

Not in principle. The argument they seem to make is that the scoring models will continue to pick up bankruptcy references (even explicit "of another" references) and treat them the same as they are currently treated. That is to say, they "see" the word **bankruptcy** and pay no attention to any clarifying words. So, the argument goes, there will not be any real benefit. Their resolution would be to delete it entirely, as they claim the defendants currently do when challenged on a case-by-case basis.

We have argued until we are blue in the face that we can't do any more than require the defendants to comply with the law (as we see it). They clearly want to fix other perceived credit reporting/scoring problems beyond what is within the scope of this suit.

That said, if this concern can be addressed, in order to strengthen the parties' ability to defend the settlement against objections (or limit opt-outs), without compromising the defendants' business interests unduly, we think that it should be considered. But, as I said, we are committed to defending the language we have.

— Original Message —

From: McRae, Mara
To: 'Hunter Limbaugh'
Sent: Monday, March 17, 2003 7:38 AM
Subject: RE: The Fix

No, I don't. If the gist of the problem here is that our reporting "included in bankruptcy" either by words or codes is misleading to creditors because they get confused, then elimination of the confusion by adding the words "of another" or "of another person" should "fix" the problem. Joanne just doesn't like the fact that co-signing with a bankrupt may be of interest to creditors; her beef, then, is with FICO and the scorers if she thinks that even this fix won't work. Do you disagree?

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