

DAWN ADAMS WHEELAHAN

ATTORNEY AND COUNSELOR AT LAW
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January 28, 2004

BY OVERNIGHT U. S. MAIL

Honorable Cameron McGowan Currie
United States District Judge
United States District for the District of South Carolina
901 Richland Streed
Columbia, South Carolina 29201

RE *Clark v. Experian Information Solutions, Inc.* No. 8:00-1217-22
Clark v. Equifax Information Services, Inc., No. 8:00-1218-22
Clark v. Trans Union LLC, No. 8:00-1219-22

Dear Judge Currie:

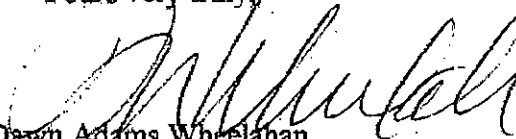
I have been advised by Mr. Toups, the Coordinated Objectors' counsel leading fee discussions, that at this time, the Coordinated Objectors' counsel have not yet reached any agreement as to a fee division with the plaintiffs' counsel. Therefore, although we have discussed possibilities for an agreement as to my proposed fees, in view of Friday's deadline for submitting fee petitions, I agreed with Mr. Toups in a conversation today that I would submit the attached fee petition separately from the Coordinated Objectors' petition, to avoid any duplication of efforts.

I stress that, as an attorney as well as a *pro se* objector, I seek fees for the additional benefit conferred upon the absent class members by my work, and not only for my work in representing myself. This is so particularly with regard to enhancements to the final Settlement Agreement with respect to provisions for litigating future claims, and for additional protections to the class members in connection with arbitrations.

At the time that objections were filed before the first hearing in September, those issues (litigating future claims and provisions for arbitrations) were not the focus of any objectors' briefs or arguments except mine. Although I am not prepared to express complete satisfaction with provisions pertaining to future claims in the final Agreement, I do believe that the objections I raised and argued led to significant improvements in the provisions for arbitrations by neutral arbitrators, paid for by the defendants; and in the provisions for litigating future claims, including attorney's fees, where arbitration is not elected.

Thank you for your attention to this matter, and with kind regards,

Yours very truly,



Dawn Adams Wheelahan

cc: Ms. McRae (for Equifax)
Mr. Hirshman (for Experian)
Mr. Kogan (for Trans Union)
Mr. Smith (for Class Counsel)
Mr. McCutchen (for Objectors)
(By Facsimile Transmission)

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION**

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

Civil Action No.
8:00-1217-24

Versus

EXPERIAN INFORMATION SOLUTIONS, INC.,
Defendant

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

Civil Action No.
8:00-1218-24

Versus

EQUIFAX INFORMATION SERVICES, LLC
Defendant

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

Civil Action No.
8:00-1219-24

Versus

TRANS UNION L.L.C.
Defendant


**FEE PETITION
OF DAWN ADAMS WHEELAHAN**

Undersigned counsel, Dawn Adams Wheelahan ("Counsel"), hereby petitions this Honorable Court for attorney's fees and expenses incurred in this action, in that additional benefits have been conferred upon absent class members in the final Settlement Agreement, as a result of Counsel's advocacy on their behalf.

Counsel notes that her efforts conferred a benefit on absent class members, particularly with respect to enhanced provisions in the final Settlement Agreement for arbitrations by *neutral* arbitrators, paid for by the defendants, and for improved terms where class members elect to litigate rather than arbitrate. At the time that objections were filed before the first hearing in September, those issues (litigating future claims and provisions for arbitrations) were not the focus of any other objectors' briefs. Nor were these issues the focus of any objector's argument at the first Fairness Hearing in September, 2003.

Further, Counsel's continued objection in her second brief, filed after the proposed Modified Settlement Agreement was published, led to further improvements with respect to the election to litigate claims by absent class members. Therefore, because Counsel's briefing and arguments led to significantly better terms in the later Settlement Agreements for the absent class members, it is fair and just that Counsel should be compensated for her efforts on behalf of the absent class members, as set forth in the attached affidavits and contemporaneous account of hours and expenses.

Respectfully submitted,



DAWN ADAMS WHEELAHAN (La Bar No. 19263)
650 Poydras Street, Suite 1550
New Orleans, Louisiana, 70130
Telephone: (504) 522-0495
Facsimile: (504) 581-1624

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that a copy of the foregoing has been served on the following listed counsel, by facsimile transmission, this 28th day of January, 2004.



DAWN ADAMS WHEELAHAN

AFFIDAVIT

**State of Louisiana
Parish of Orleans**

Before Me, the undersigned authority, personally came and appeared:

Dawn Adams Wheelahan

who, after being duly sworn, did depose and state as follows:

Affiant has personal knowledge and is competent to testify to the matters set forth herein;

Affiant has been admitted to practice law since 1988, and has served as lead counsel in numerous class action matters since 1995, including *LeBlanc v. Trans Union*, No. 98-2081, in which Affiant represented a class of forty million consumers in a Fair Credit Reporting Act class action which was certified and settled;

Affiant's usual billing rate as lead counsel in a class action matter, and as counsel associated by other counsel to assist in appellate proceedings related to class action matters, has ranged, during the past three years, from \$425 to \$550 per hour.

Affiant has been engaged in opposing settlement terms, in an effort to obtain better settlement terms, in the consolidated matter known as "Clark v. Experian;" Affiant has kept contemporaneous time records and accounts of her expenses in the matter, per the attached Exhibit 1.



Dawn Adams Wheelahan

Sworn to and subscribed before me
this 28th day of January, 2004.

Notary Public

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EXHIBIT 1**CLARK HOURS AND EXPENSES**

<u>Date</u>	<u>Activity</u>	<u>Hours</u>
05/07/03	Obtain 3 stipulations of settlement, consent orders, various other pleadings from docket and study; study certification order	8.00
08/01/03	Receive and study mailed notice; compare with stipulations of settlement;	1.00
9/11/03	Study stipulations and mailed notice for objections; research case law and computer research; study cases, obtain and study declarations and fee requests	9.50
9/12/03	Draft and revise Objection to Settlement and Notice of Appearance	9.75
9/13/03	Revisions to Objection; overnight mail	4.00
9/14/03	Note omissions in Objection; computer research re: statutory fee awards in 4 th Cir.	3.00
9/15/03	Reconstruct and review file and review objection re: other omissions and defects in settlement	1.50
9/15/03	Computer research and study cases re: future claims; non-justiciable claims issue	3.00
9/16/03	Calls to Clerk of Court, Judge Seymour re: correction to Objection (omission of Service List); correspondence to Judge, Clerk and all counsel	.75
9/16/03	Review computer docket; obtain newly filed documents; study Objection of Denise Wilcox	1.00
	Retrieve cases cited in Wilcox Objection	.50
	Computer research for other suits on same issue; consent orders	1.00
9/17/03	Email seeking info on consent orders entered into with regulators; Docket check re: Objections; retrieve docs and review	.75
9/18/03	Teleconf. John Scofield (Caddell & Chapman)	.25
	Study file materials	1.00
	Teleconf. w/ all counsel (and file notes)	1.50

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	Receive Proposal from Objectors; review	.50
	Receive Letter from Caddell firm; letter in response to Judge;	.75
	Call and Email to D. at MotleyRice	.50
	Emails to John Scofield (x3)	.75
	Study settlement Principles of Agreement; study other options	2.50
9/19/03	Search docket; call court re: objection not filed; study email Containing revised settlement proposition; study other options; Study reasons why revisions are lacking;	2.00
	Telephone conference	2.00
	Email docs to Ben B.; Find LeBlanc orders and email to Mike Caddell Read emails from other objectors' counsel	.50
	Study LeBlanc settlement stipulation and consent orders re: dismissing class claims w/o prejudice	1.00
9/20/03	Various emails to and from objecting counsel, defense counsel; study Objections and class counsel memoranda and declarations for hearing	4.50
9/21/03	Research, Richard LeFebvre (class counsel expert); emails to and from objecting counsel. Continue Prep for hearing	2.00 1.00 1.50
9/22/03	Travel to Greenville, S.C. for hearing, meeting with counsel, prep for hearing	14.00
9/23/03	Travel from Greenville to Spartanburg for hearing, attend hearing; Stay over second day; study notes from day's hearing, prep for Tomorrow's hearing	24.00
9/24/03	Prep for hearing; prep argument; attend hearing; travel Spartanburg home	13.00
9/25/03	Review and study notes; telephone call Ben Bingham re: result; Teleconf HMW re: result; study possible course of action after rejection of settlement;	2.00
	Telephone Conference	1.00

9/26/03	Emails to Ben Bingham; Lattner, Keating Teleconfs. HMW re: possible strategies	.50 1.00
9/29/03	Reassemble file and review notes after hearing; various emails from counsel re: strategy; emails back to counsel; email to defendant's Counsel (Hirshman)	2.50
	Additional emails from and to Hirshman	.75
	Study various pleadings in file re: fees; supplemental proposals; Letter from Caddell	1.00
9/30/03	Email correspondence with Terry Lohr; group of objectors; Len Bennett; Motley Rice	3.00
9/30/03	Receive and study transcript of judge's ruling	1.00
	Multiple emails and responses with counsel	4.00
10/01/03	Emails to and from objecting counsel; teleconf. Len Bennett study settlement revisions from Len Bennett	2.00
10/02/03	Study alternative settlement options	1.00
	Email to Len Bennett (and group) outlining problems with his proposal	1.00
	Teleconf. HMW (x2) and Nancy (Stephen Rue) re: new client/class member	.50
	Study decisions re: injunction against other actions; letter to Judge Currie seeking clarification	1.50
10/03/03	Study Court's formal Order re: fairness hearing	1.00
	Emails from and to Ben Bingham	.50
	Review letter from Walt Tollison to Judge Currie; check fax numbers; call to Tollison	.25
10/08/03	Review various letters, orders, and confidentiality order, receive and skim transcript	1.00
10/16/03	Check entries on PACER docket	.50

	Telephone conference Paul Rothstein, Ed Cochran (Ed Cole is their local counsel in S. Ca.) Re: objection based on future claims	1.00
10/19/03	Receive and review emails from objector and McCutchen w/docs	.50
10/20/03	Review Order from Judge Currie and attached letter; study Order, letter and options	1.00
10/21/03	Draft letter to Judge Currie; revise; send to Judge and all counsel	2.50
10/21/03	Fax from Kogan; and to Kogan	.25
10/22/03	Multiple Email correspondence received and sent; Review letter from Grimsley to Court	1.25
10/23/03	Study letter from Caddell to Court; review materials in file	1.00
10/28/03	Review pleadings filed (Declaration of Doug Smith, with pages from website; motion to have time records filed not under seal by John Pentz)	1.00
10/30/03	Check dockets each day for court orders, download orders (multiple, for 2 weeks)	1.00
11/18/03	Teleconf. Mike Crowe (re: possible participation in case)	.75
11/19/03	Email sending docs to M. Crowe	.50
12/14/03	Study various filings; review previous objections; review modifications to Modified Stipulation of Settlement	2.00
	Call from and to John Pentz discussing "mutuality" of sunset provisions in Modified Stip.; review Stips.	1.00
1/10/04	Study Filings, prepare for Second Settlement Hearing	9.00
1/11/04	Travel to South Carolina (via Charlotte) for hearing	6.50
1/12/04	Travel to and Attend Second Settlement Hearing in Columbia, S.C.	4.00
	Travel back to Charlotte	2.00
1/13/04	Travel from Charlotte	2.00

1/15/04	Emails from English McCutcheon; obtain Order from PACER Study Order	2.00
1/23/04	Teleconf. Ed. Cochran	.25

182.5 Total Hours

@ Lodestar rate of \$450 per hour = \$82, 125.00
 (Plus any multiplier or percentage of the fund enhancement that the Court may find appropriate to award in this action, based on this number of lodestar hours)

Costs:

Airfare	\$1079.00 (First hearing)
	\$1079.00 (Second hearing)
Rental Car	\$ 495.00 (First hearing)
	\$ 135.00 (Second hearing)
Hotels	\$ 487.00 (First hearing)
	\$ 267.00 (Second hearing)
Transcript	\$ 395.00 (First hearing)
Misc.	\$ 260.00 (costs to obtain documents, copies, etc.)

Total Costs = \$ 4,197.00

AFFIDAVIT

**State of Louisiana
Parish of Orleans**

Before Me, the undersigned authority, personally came and appeared:

Michael G. Crow

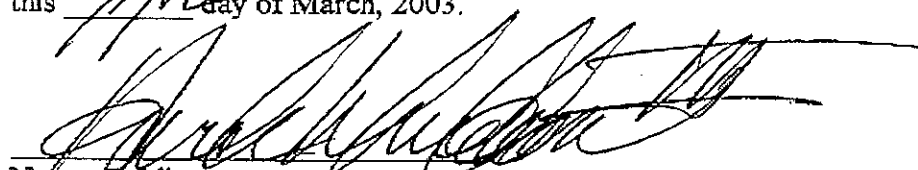
who, after being duly sworn, did depose and state as follows:

1. Affiant has personal knowledge of the matters set forth herein, and is competent to testify thereto.
2. Affiant is an attorney who has been practicing law since 1973, and who practiced at the firm, Adams & Reese, L.L.P. until 2002.
3. Affiant has served as lead and co-lead counsel in numerous class action matters in federal state courts.
4. In Affiant's experience, the usual hourly billing rates for lead counsel in class action matters ranges from \$375 to \$650 per hour.



 Michael G. Crow

Sworn to and subscribed before me
this 17th day of March, 2003.



 Notary Public