

CONSTANTINE CANNON

Jeffrey I. Shinder  
Attorney at Law  
212-350-2709  
jshinder@constantinecannon.com

NEW YORK WASHINGTON

October 4, 2005

**BY FACSIMILE & ECF**

The Honorable John Gleeson  
United States District Court Judge  
U.S. District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Visa Check/MasterMoney Antitrust Litigation (CV-96-5238)(JG)(RLM)

Dear Judge Gleeson:

Lead Counsel respectfully responds to the letter submitted today by counsel for Spectrum Settlement Recovery, LLC ("Spectrum"), requesting amendments above and beyond Lead Counsel's September 29, 2005 letter application to the Court requesting that the Plan of Allocation (the "Plan") be amended to enlarge the time for Class Members to submit challenges from 30 days to 90 days.

Spectrum is a so-called class action settlement recovery firm, which has admitted to using misleading, false and fraudulent solicitations to scare Class Members into believing that they need Spectrum to protect their interests. Spectrum, for example, has falsely questioned the accuracy of the Visa Transactional Database and impugned the integrity of Garden City Group to attract business. To protect the administration of the settlement and the Plan, Lead Counsel has requested that the Court void Spectrum's contracts with Class Members and/or require Spectrum to correct its misrepresentations.

Regarding the instant application, Spectrum has no standing to petition the Court to amend the Plan because it represents not the Class, but individual Class Members. *See* Plan Section 13 ("Lead Counsel may in the interests of justice apply to the Court to modify th[e] Amended Plan of Allocation."). To entertain such an application would invite an unnecessary barrage of similar individual requests to the Court for class-wide extension. As for any individual Class Member, to the extent that Spectrum reasonably requests additional time for any of its individual clients, it may request such an extension from Lead Counsel. *See e.g.*, Plan Section 8.8 ("At Lead Counsel's discretion, the deadlines outlined in Section 8.5 and 8.6 may be extended another 30 days without approval of, but with notice to, the Court. Lead Counsel may seek further extensions of these deadlines from the Court."). For each of these reasons, Spectrum's application should be summarily denied.

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If the Court would like Lead Counsel to respond further to the substance of Spectrum's letter, we would appreciate the opportunity to do so.

Respectfully submitted,

Handwritten signature of Jeffrey I. Shinder in cursive script, followed by the initials "mr" in a smaller font.

Jeffrey I. Shinder

cc: Wendy H. Schwartz, Esq.  
Special Master Robin Wilcox