

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE TJX COMPANIES RETAIL
SECURITY BREACH LITIGATION

)
)
)
) CIVIL ACTION
) NO. 07-10162-WGY
)

MEMORANDUM AND ORDER

YOUNG, D.J.

December 18, 2007

I. THE MOTIONS TO AMEND

On October 25, 2007, Amerifirst and SELCO Community Credit Union (collectively, "Amerifirst") moved for leave to amend their consolidated class action complaint against Fifth Third Bank and Fifth Third Bancorp ("Fifth Third"). On that same date, Amerifirst, three bankers' associations, Eagle Bank, Saugusbank, and Collinsville Savings Society (collectively, the "issuing banks") sought leave to amend their consolidated class action complaint against TJX Companies, Inc. ("TJX").¹

¹ Amerifirst and the issuing banks have also recently filed motions for reconsideration of the Court's decision to deny class certification in this action. This Court has reviewed the filings related to that decision; those motions are without merit. As an initial matter, this Court respectfully disagrees with plaintiffs' counsel that reliance is irrelevant to the chapter 93A cause of action. As this Court previously explained, while reliance is not generally an element that must be proven in order to prevail on a chapter 93A claim, in some cases - including this one - it forms an "essential link" in the chain of

The proposed amendments were virtually identical and had the primary objective of adding new theories of liability with regard to Fifth Third and TJX; one asserted a cause of action for conversion.² Amerifirst and the issuing banks based this claim on the premise that they have a "protectable property interest" in cardholder information and data, Proposed Fifth Third Am. Compl. [Doc. 201 Ex. 1] ¶¶ 121, 126; Proposed TJX Am. Compl. [Doc. 202 Ex. 1] ¶¶ 136, 140, and that "by failing to safeguard and by storing the cardholder information and data, [the defendants] knowingly and wrongfully exceeded [their] authorized use of the Plaintiff Banks' property and wrongfully exercised control and dominion over this property." Proposed Fifth Third Am. Compl. ¶ 124; Proposed TJX Am. Compl. ¶ 139. Amerifirst and the issuing banks argued that the authorized scope of the data's storage and retention is outlined by the Visa and MasterCard Card Operating Regulations and the Payment

causation that must be demonstrated. In re TJX Cos. Retail Sec. Breach Litig., — F.R.D. —, 2007 WL 4199597, at *8 (D. Mass. Nov. 29, 2007) (quoting Trifiro v. New York Life Ins. Co., 845 F.2d 30, 33 n.1 (1st Cir. 1988)); see also Massachusetts Laborers' Health & Welfare Fund v. Philip Morris, Inc., 62 F. Supp. 2d 236, 242 n.3 (D. Mass. 1999) (O'Toole, J.).

That said, even were the Court to accept the narrowed class definition proposed by Amerifirst and the issuing banks, the individualized issues of reliance and comparative fault would still remain and predominate, rendering this action inappropriate for class certification.

² Amerifirst and the issuing banks also sought to add a new basis for liability under Massachusetts General Laws chapter 93A, but the Court concludes that ground is without merit in light of this Court's previous rulings in this action. Accordingly, this memorandum will be limited to the conversion claim.

Card Industry Data Security Standards. Proposed Fifth Third Am. Compl. ¶¶ 122-124; Proposed TJX Am. Compl. ¶¶ 137-139.

Assuming for the purpose of this analysis that Amerifirst and the issuing banks have a protectable property interest in cardholder and account data, the nature of that property is intangible. At common law a plaintiff can recover for conversion only in cases involving tangible chattels. See Harvard Apparatus, Inc. v. Cowen, 130 F. Supp. 2d 161, 164 (D. Mass. 2001) (Bowler, M.J.) (noting the traditional scope of the common law tort of conversion). Entertaining the proposed conversion claim, therefore, would require the conclusion that Massachusetts would be amenable to the expansion of the scope of this tort.

In arguing that this is the case, Amerifirst and the issuing banks rely on a decision of the Court of Appeals of New York, Thyroff v. Nationwide Mutual Insurance Co., 864 N.E. 2d 1272 (N.Y. 2007). Nationwide employed Thyroff as an insurance agent and leased him computer hardware and software. Thyroff then stored personal correspondence and documents, as well as business-related information, on that computer. Id. at 1273. When Nationwide terminated Thyroff, it repossessed Thyroff's computer system, denying Thyroff access to the personal information stored upon it. Id. Thyroff sued, asserting several causes of action including conversion. Id. The Second Circuit Court of Appeals certified the following question to the Court of Appeals of New York: "is a

claim for conversion of electronic data cognizable under New York law?" Id. at 1273.

In answering, the Court of Appeals of New York noted that conversion has historically been limited to physical chattels. Id. at 1275-76. Nonetheless, the court "believe[d] that the tort of conversion must keep pace with the contemporary realities of widespread computer use." Id. at 1278. Because a document's method of creation - electronically or with quill and parchment - does not alter the value of the information it contains, the court concluded that "the protections of the law should apply equally to both forms - physical and virtual." Id. Thus, the court held that "electronic records that were stored on a computer and were indistinguishable from printed documents [are] subject to a claim of conversion in New York." Id.

Citing Quincy Cablesystems, Inc. v. Sully's Bar, Inc., 650 F. Supp. 838 (D. Mass. 1986) (Caffrey, S.J.), Amerifirst and the issuing banks argue that Massachusetts is predisposed to follow New York's lead and thus that the intangible nature of the property here does not render their claims futile. In Quincy, a cable system and a network brought suit against bars that were intercepting satellite signals and showing the network's programming to bar patrons without paying the subscription fee. Id. at 840. The court held that the cable system had a proprietary interest in the satellite signals insofar as it had paid the network for the exclusive right to carry the network's

programming and that the cable system had the right to "possession of the transmissions." Id. at 848. As a result, the court ruled that the plaintiff's complaint stated a claim for conversion sufficient to survive a motion to dismiss. Id.

More recently, however, the District of Massachusetts has consistently noted that in Massachusetts "the general rule is that conversion . . . relate[s] to interference with tangible rather than intangible property." John G. Danielson, Inc. v. Winchester-Conant Props., Inc., 186 F. Supp. 2d 1, 28 (D. Mass. 2002) (suggesting that Quincy is "contrary to the usual view of conversion"); see also Portfolioscope, Inc. v. I-Flex Solutions Ltd., 473 F. Supp. 2d 252, 256 (D. Mass. 2007) (Tauro, J.) (noting that conversion and replevin claims "require an allegation of wrongful possession of tangible property"); Jayson Assocs., Inc. v. United Parcel Serv. Co., 2004 WL 1576725, at *2 (D. Mass. 2004) (Zobel, J.) ("[The defendant] properly asserts that a cause of action for conversion . . . does not apply to intangible items."); Patricia Kennedy & Co. v. Zam-Cul Enterprises, Inc., 830 F. Supp. 53, 59 (D. Mass. 1993) (stating that a claim for conversion in Massachusetts requires an allegation that "personal tangible property" was taken by the defendant) (quoting Evergreen Marine Corp. v. Six Consignments of Frozen Scallops, 806 F. Supp. 291, 296 (D. Mass. 1992)).

Furthermore, in the 21 years since Quincy, the courts of Massachusetts have declined to adopt its reasoning, instead

adhering to a more traditional view of conversion.³ See, e.g., Export Lobster Co. v. Bay State Lobster Co., 1994 WL 902930, at *6 (Mass. Super. 1994) (Doerfer, J.) (Because "conversion is an intentional exercise of dominion or control over a chattel . . . intangibles . . . may not be the subject of a conversion action.") (internal quotation marks and citation omitted); Wozniak & Padula, P.C. v. Gilmore, Rees, Carlson, & Cataldo, P.C., 2005 Mass. App. Div. 49, at *2 (2005) ("Generally, intangible property not merged in, or evidenced by, a document may not be the proper subject matter of conversion."); Discover Realty Corp. v. David, 2003 Mass. App. Div. 172, at *3 (2003). Taken as a whole, the treatment of conversion by both the District Court and the courts of the Commonwealth before and after Quincy strongly suggests that the District Court's ruling in Quincy that a conversion claim based on intangible property did not fail to state a claim upon which relief could be granted under Massachusetts law was in error. This Court follows the law as stated by the vast majority

³ In addition to claims with regard to tangible property, Massachusetts courts have entertained claims for conversion for intangible property in limited circumstances in which the so-called "merger doctrine" is satisfied. Under the merger doctrine, intangible property rights may be the subject of conversion if they "customarily merge in or identify with certain kinds of documents." Commonwealth v. Rizzuto, 1980 WL 4637, at *3 (Mass. Super. 1980). In order for the doctrine to apply, "the right [must] so inhere[] in the document that possession of the latter controls or precludes the exercise of the former." One example is a bank passbook, as a depositor cannot withdraw their balance without it. Id. The application of this doctrine is not appropriate in this case; Amerifirst and the issuing banks do not argue to the contrary.

of courts that have addressed the issue and concludes that a claim for conversion based on the type of intangible property at issue here likely is not cognizable in Massachusetts.⁴

Moreover, even if Massachusetts courts were to follow Thyroff, Amerifirst and the issuing banks may still be without a colorable claim. Thyroff's holding was limited. It did not expand the scope of conversion to cover any electronic data, but instead permitted an action only where the electronic data, such as Thyroff's, was "indistinguishable from printed documents."⁵ Thyroff, 864 N.E.2d at 1278. It is not difficult to understand why the Court of Appeals of New York characterized Thyroff's data this way. The correspondence or personal records maintained by Thyroff on his computer have ready analogues in the physical world - a printed email, a handwritten letter, an address book. On the other hand, TJX contends that "[i]t would be impossible to access

⁴ Amerifirst and the issuing banks attempt to rebut this conclusion by pointing out that the legislature has passed a criminal larceny statute that defines "property" to include "electronically processed or stored data, either tangible or intangible, [and] data while in transit." Mass. Gen. L. ch. 266 § 30. This Court greets with skepticism the notion that the scope of a common-law tort is defined by reference to a statutory crime. Furthermore, the Court notes that the relevant portion of the larceny statute was passed in 1983, but state and federal courts - with the exception of Quincy - have nonetheless continued to apply the traditional definition of conversion. As such, the argument made by Amerifirst and the issuing banks is unpersuasive.

⁵ The court specifically indicated that it "[did] not consider whether any of the myriad other forms of virtual information should be protected by the tort [of conversion]." Thyroff, 864 N.E.2d at 1278.

TJX's computer system and simply print out reports replete with the information that is the subject of [the plaintiffs'] claim."⁶ TJX Mem. in Opp. [Doc. 229] at 9. To the extent this is the case, the data at issue here may very well fall outside the scope of conversion even as delineated by Thyroff.

Accordingly, this Court denies without prejudice the motions for leave to amend the consolidated class complaints [Doc. 201 & 202]. This decision brings this Court's involvement in this case to an end - at least temporarily. Because class certification was denied, the minimal diversity requirement accorded such actions no longer applies and, as the named parties are not completely diverse, the Court is without subject matter jurisdiction.⁷ See In re TJX Cos. Retail Sec. Breach Litig., - F.R.D. -, 2007 WL 4199597, at *10 (D. Mass. Nov. 29, 2007). Because everyone agrees the Court no longer has subject matter jurisdiction, Tr. of Oral Arg. at 4, 12, the proper course requires dismissal. Nevertheless . . .

II. Transfer and Dismissal

⁶ TJX asserts that this is due both to the nature of the information and because the information may have been masked, encrypted, or embedded with other data. TJX Mem. in Opp. at 9.

⁷ Of course, the Court still has jurisdiction to determine its own jurisdiction, see, e.g., Chicot Cty. Drainage Dist. v. Baxter State Bank, 308 U.S. 371, 376 (1940), and on this basis the Court entertained the motion for reconsideration, see supra note 1, and the motion to amend (which could have laid a fresh groundwork for class certification), both denied herein.

All parties agree that this case involves some complex issues concerning the common law of the Commonwealth of Massachusetts - issues the plaintiffs seek to have certified to the Supreme Judicial Court of Massachusetts. Mot. to Cert. Question [Doc. 190] at 1. "The great trial court of the Commonwealth," the Massachusetts Superior Court, McArthur Bros. Co. v. Commonwealth, 197 Mass. 137, 139 (1908) (Rugg, J.); Pinnick v. Cleary, 360 Mass. 1, 41 n.3 (1971) (Tauro, C.J., concurring); Irwin v. Commissioner of the Department of Youth Servs., 388 Mass. 810, 815 (1983) (Lynch, J.); Pierce v. Dew, 626 F. Supp. 386, 387 (D. Mass. 1986); Roy v. Bolens Corp., 629 F. Supp. 1070, 1072 (D. Mass. 1986), "is very likely the finest common law trial court in America today." William G. Young, John Pollets & Christopher Poreda, Massachusetts Evidentiary Standards xi (2007 ed.). As Fifth Third has raised no objection to personal jurisdiction in this Court and has purposefully availed itself of the privilege of doing business in Massachusetts, it would appear to be subject to personal jurisdiction in the courts of the Commonwealth, see Mass. Gen. L. ch. 223A § 3 (Massachusetts long-arm statute); Burger King Corp. v. Rudzewicz, 471 U.S. 462, 475-76 (1985) , and as TJX is headquartered in Framingham, Massachusetts, venue would appear to be proper in the Massachusetts Superior Court sitting in and for the County of Middlesex. See Mass. Gen. L. ch. 223 § 8.⁸

⁸ From there, the case might be transferred to the distinguished Business Law Session of the Superior Court sitting

Transferring this case to the Massachusetts Superior Court has enormous practical advantages: the Superior Court is intimately familiar the state law issues upon which liability will turn, see Cumis Ins. Soc., Inc. v. BJ's Wholesale Club, Inc. and Fifth Third Bancorp, No. 05-1158 (Mass. Super. Dec. 1, 2005) (Quinlan, J.); it is a common law court able to fashion relief coincident with the needs of society even absent controlling precedent (this Court may not); the enormous transaction costs already incurred in the prosecution and defense of this action will not be wasted⁹; Fifth Third is waiting to be heard on a fully briefed motion for summary judgment; and, not the least important, should the Superior Court choose to revisit the rulings already made by this Court (all of which this Court has declared to be "without prejudice" to reexamination in the courts of the Commonwealth), either side - armed with a ruling on Massachusetts law which this Court will treat as "law of the case" - can remove the action and return to this Court upon a well pleaded motion for class certification (with its attendant minimal diversity requirements).

in Suffolk County. See In re TJX, 2007 WL 4199597 at *11.

⁹ But see Highfields Capital Ltd. v. SCOR, S.A., No. 04-10624, slip op. at 5-6 (D. Mass. Aug. 1, 2006) (Wolf, C.J.) (opining that the Superior Court was "likely" to allow use of discovery previously taken in federal court when declining to "refer" the case to state court rather than to dismiss it).

Seeing the doors of the federal courthouse closing in their faces, the plaintiffs favor this course. Fifth Third is neutral, perhaps scenting victory on its motion for summary judgment. Only TJX obdurately opposes such a transfer, arguing that this Court can do nothing more than dismiss this action, citing dicta in Mills v. State of Maine, 118 F.3d 37, 51 (1st Cir. 1997), and Pallazola v. Rucker, 797 F.2d 1116, 1128-29 (1st Cir. 1986). TJX Mem. in Supp. Mot. to Stay Remand/Transfer [Doc. 283] at 2-3. TJX's stance is not hard to understand. It has prevailed upon significant issues in the litigation, see, e.g., In re TJX Retail Sec. Breach Litig., - F. Supp. 2d -, 2007 WL 982994 (D. Mass. Oct. 12, 2007) (granting TJX's motion to dismiss in part), and naturally opposes watering these decisions down to rulings "without prejudice." Moreover, now that the motion for class certification has been denied, TJX faces liability measured in the thousands rather than the millions of dollars. Rendering useless the extensive discovery and transaction costs already incurred may give TJX the leverage it needs to resolve fully this action through settlement with the named plaintiffs, who may elect not to press on in the face of such daunting repetitive costs.

TJX's quarrel, however, is not with this Court over federal law. After all, this court is dismissing the action not on the merits but for lack of subject matter jurisdiction, just as TJX wishes. This dismissal - a final order in federal court - sets

the stage for appeal to the United States Court of Appeals for the First Circuit.

This Court is also transferring the docket and papers to the Massachusetts Superior Court sitting in and for the County of Middlesex just as it would do in the usual "remand" situation. This is the practice followed by this Court for 22 years in instances where federal claims are resolved prior to trial and supplementary state claims remain. For over two decades, the Massachusetts Superior Court without exception has accepted such transfers and has continued to handle the transferred cases without missing a beat. In each of these cases, however, no objection to the transfer was raised by any party.

Apparently TJX objects to this longstanding practice. It may, of course, raise its objections in the Superior Court as its concerns go to the exercise of that court's common law

jurisdiction.¹⁰ While I express no opinion, I have every

¹⁰ Comparatively little today is being written about America's courts of general common law jurisdiction. This is a shame because these courts are the true backbone of the country's justice system. Today, with the executive ascendant, the legislature divided and distrustful of the federal courts, and military commissions claiming the prerogative to dispose of those whom society most fears, it is little wonder that the press views all courts as nothing more than a "parallel track," Thanassis Cambanis, New Federal Security Act Remains Largely Unused, Boston Globe, June 23, 2002, at B1; Adam Liptak, Accord Suggests U.S. Prefers to Avoid Courts, N.Y. Times, July 16, 2002, at A14 (both cited in United States v. Reid, 214 F. Supp. 2d 84, 98 n.11 (D. Mass. 2002)), to the (apparently more important) military commissions.

In truth, courts of general common law jurisdiction most closely reflect society's needs, values, concerns, and mores. The Massachusetts Superior Court is such a court. Although created by statute, it has been granted by the legislature the common law authority to fashion a remedy for every ill. For example, the Massachusetts Superior Court recognized a cause of action for loss of consortium from the injury of a child well before Massachusetts statutes were amended to create such an action. Compare Prince-Jackson v. Children's Hospital Medical Center, No. 72769 (Mass. Super. April 8, 1985) (recognizing parent's right at common law to sue for loss of consortium arising out of injuries to a minor child) with Mass. Gen. L. ch. 231 § 85X (enacted July 24, 1989 and providing statutory recognition of same cause of action). Its ability to fashion a fair and just procedure to handle this matter is beyond doubt.

Indeed, common law courts hark back to the middle ages and came to full flower during the reign of Edward I, a true warrior king and capacious legalist. Hear, for example, what one scholar has to say about the Statute of Rhuddlan, March 19, 1284:

[T]he judges were keenly aware of social grievances and were anxious to make the law an instrument of reform. The professionals took pride in the fact that a writ could be devised for any circumstance, and by the early decades of the thirteenth century, they had standardized writs "of course," each of which would cover a problem likely to recur in the courts. . . . [I]n pleadings, the objective is to arrive at the truth, and the court must not work following that hard rule [which TJX seems to advocate here], "He who fails in a syllable fails in the whole cause."

David Walker, *Medieval Wales* 139, 141, 142 (Cambridge Univ. Press, 1990).

confidence that the Massachusetts Superior Court will do justice in the premises.

III. CONCLUSION

For all of the reasons stated above, the case is transferred to the Massachusetts Superior Court sitting in and for the County of Middlesex.¹¹ This case is dismissed in this federal court, not based on the merits, but because this Court, after denying class certification, lacks subject matter jurisdiction.

SO ORDERED

By the Court,

/s/ William G. Young

WILLIAM G. YOUNG
DISTRICT JUDGE

It is worthy of note that the flowering of the system of common law courts depended on society's reliance on the jury system, a reliance which in the Wales of Llewelyn ap Gruffydd (to which the Statute of Rhuddlan was applied) excluded "trial by battle and recourse to the grand assize, [which] were not available in Wales." Id. at 143.

¹¹ This Court announced its intention to transfer and explained the grounds therefore at the hearing on December 11, 2007. This Court also stated it would wait seven days in order to allow any party further to brief the matter or to seek a stay. On the sixth day, TJX did so, seeking a stay of any transfer order. TJX Mot. to Stay Remand/Transfer [Doc. 282]. That motion is denied.

Publisher Information

**Note* This page is not part of the opinion as entered by the court.
The docket information provided on this page is for the benefit
of publishers of these opinions.**

07cv-10162-WGY In Re: TJX Companies Retail Security Breach Litigation

William G. Young, presiding

Date filed: 01/29/2007

Date of last filing: 12/18/2007

Attorneys

Janet G Abaray Lopez, Hodes, Restaino, representing Anita Taliaferro (Consolidated Plaintiff)
Milman & Skikos Suite 2090 312 Walnut
Street Cincinnati, OH 45202 513-852-5600
513-852-5611 (fax)
jabaray@burgsimpson.com Assigned:
08/10/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

William A. Baird Milstein, Adelman & representing Sara Keen (Consolidated Plaintiff)
Kreger LLP 2800 Donald Douglas Loop Angie Lemley (Consolidated Plaintiff)
North Santa Monica, CA 90405 310-396-
9600 310-396-9635 (fax)
tbaird@maklawyers.com Assigned:
08/09/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

John Michael Barclay Whatley Drake & representing Amerifirst Bank (Consolidated Plaintiff)
Kallas LLC 2001 Park Place North Suite
1000 Birmingham, AL 35203 205-328-9576
205-328-9669 (fax)
jmbarcly@wdklaw.com Assigned:
05/31/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

Ben Barnow Barnow & Associates, P.C. 1 representing Kathleen Robinson (Consolidated Plaintiff)
North LaSalle Street Suite 4600 Chicago,
IL 60602 312-621-2000 312-641-5504 (fax)
b.barnow@barnowlaw.com Assigned:
08/10/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

Richard D. Batchelder, Jr. Ropes & Gray representing TJX Companies, Inc. (Consolidated
LLP One International Place Boston, MA Defendant)
02110 617-951-7515 617-951-7050 (fax)
rbatchelder@ropesgray.com Assigned:
04/04/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

Brian R. Blais Ropes & Gray LLP One representing TJX Companies, Inc. (Defendant)
International Place Boston, MA 02110 617-
951-7186 617-951-7050 (fax)
bblais@ropesgray.com Assigned:
03/12/2007 ATTORNEY TO BE NOTICED

TJ Maxx (Consolidated Defendant)

James R. Byrne Tyler, Cooper & Alcorn
LLP CityPlace, 35th Floor 185 Asylum
Street Hartford, CT 06103-3488 860-725-
6201 860-278-3802 (fax)
jbyrne@tylercooper.com Assigned:
04/25/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

representing

TJX Companies, Inc. (Consolidated
Defendant)
Collinsville Savings Society (Consolidated
Plaintiff)

Michael G. Caldwell Tyler Cooper & Alcorn representing
LLP 205 Church Street New Haven, CT
06509-0906 203-784-8200 203-777-1181
(fax) mcaldwell@tylercooper.com
Assigned: 06/06/2007 LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Connecticut Bankers Association
(Consolidated Plaintiff)
Eagle Bank (Consolidated Plaintiff)
Maine Association of Community Banks
(Consolidated Plaintiff)
Massachusetts Bankers Association
(Consolidated Plaintiff)
Saugusbank (Consolidated Plaintiff)
Amerifirst Bank (Consolidated Plaintiff)
Collinsville Savings Society (Consolidated
Plaintiff)

James R. Carroll Skadden, Arps, Slate,
Meagher & Flom One Beacon Street 31st
Floor Boston, MA 02108 617-573-4800
617-573-4822 (fax) jcarroll@skadden.com
Assigned: 04/04/2007 LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing

Connecticut Bankers Association
(Consolidated Plaintiff)
Eagle Bank (Consolidated Plaintiff)
Maine Association of Community Banks
(Consolidated Plaintiff)
Massachusetts Bankers Association
(Consolidated Plaintiff)
Saugusbank (Consolidated Plaintiff)
Amerifirst Bank (Consolidated Plaintiff)
Fifth Third Bancorp (Consolidated
Defendant)

William H. Champlin, III Tyler, Cooper &
Alcorn LLP CityPlace, 35th Floor 185
Asylum Street Hartford, CT 06103 860-
725-6200 860-278-3802 (fax)
wchamplin@tylercooper.com Assigned:
05/04/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

representing

Fifth Third Bank (Consolidated Defendant)
Collinsville Savings Society (Consolidated
Plaintiff)

Connecticut Bankers Association
(Consolidated Plaintiff)
Eagle Bank (Consolidated Plaintiff)
Maine Association of Community Banks
(Consolidated Plaintiff)
Massachusetts Bankers Association
(Consolidated Plaintiff)

Richard L. Coffman The Collins Law Firm 2804 Remington Green Circle Suite 3 Tallahassee, FL 32308 409-832-4767 409- 832-4768 (fax) Assigned: 08/10/2007 TERMINATED: 08/21/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED	representing	Saugusbank (Consolidated Plaintiff) Beth Loftus (Consolidated Plaintiff)
Richard Lyle Coffman The Coffman Law Firm 1240 Orleans Beaumont, TX 77701 409-832-4767 409-832-4768 (fax) Assigned: 08/13/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED	representing	Calyne Hill (Consolidated Plaintiff) Amber Lack (Consolidated Plaintiff)
Christopher P. Connors Skadden, Arps, Slate, Meagher & Flom 333 West Wacker Drive Suite 2100 Chicago, IL 60606 312- 407-0700 Assigned: 08/13/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED	representing	Elaina M Sims (Consolidated Plaintiff) Beth Loftus (Consolidated Plaintiff) Calyne Hill (Consolidated Plaintiff) Fifth Third Bank (Consolidated Defendant)
Michael G. Crow Crow Law Firm, LLC 1100 Poydras Street Suite 1175 New Orleans, LA 70163 504-599-5770 Assigned: 08/13/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED	representing	Eva C. Agnelly (Consolidated Plaintiff)
Gregory Louis Davis Greg Davis LLC 6987 Halcyon Park Drive Montgomery, AL 36117 334-832-9080 334-409-7001 (fax) Assigned: 05/31/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED	representing	Amerifirst Bank (Consolidated Plaintiff)
Danielle Disporto Wolf Popper LLP 845 Third Ave. New York, NY 10022 212-451- 9616 212-486-2093 (fax) ddisporto@wolffpopper.com Assigned: 04/19/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED	representing	SELCO Community Credit Union (Plaintiff) Jitka Parment (Consolidated Plaintiff)
Robert E. Ditzion Shapiro, Haber & Urmy, LLP Exchange Place, 37th Floor 53 State St. Boston, MA 02109 617-439-3939 617- 439-0134 (fax) rditzion@shulaw.com Assigned: 04/04/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED	representing	Julie Buckley (Consolidated Plaintiff) Kimberly Myck-Rawson (Consolidated Plaintiff) Rachel Rosenfeld (Consolidated Plaintiff) Jitka Parment (Consolidated Plaintiff)
Launa Nicole Everman Milstein, Adelman & Kreger 2800 Donald Douglas Loop North	representing	Julie Buckley (Consolidated Plaintiff) Kimberly Myck-Rawson (Consolidated Plaintiff) Rachel Rosenfeld (Consolidated Plaintiff) Angie Lemley (Consolidated Plaintiff)

Santa Monica, CA 90405 310-396-9600

Assigned: 08/09/2007 LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael T. Fantini Berger & Montague, P.C. representing Paula G. Mace (Plaintiff)

1622 Locust Street Philadelphia, PA 19103

215-875-3071 215-875-4604 (fax)

Assigned: 03/02/2007 LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Acohen Marketing & Public Relations, LLC;
(Consolidated Plaintiff)

Anne Cohen (Consolidated Plaintiff)

Gary Fuller (Consolidated Plaintiff)

Laura Lerner (Consolidated Plaintiff)

Mark Parrish (Consolidated Plaintiff)

Robert Mann (Consolidated Plaintiff)

Sandra Fuller (Consolidated Plaintiff)

Thomas J. Gaydos (Consolidated Plaintiff)

Collinsville Savings Society (Consolidated
Plaintiff)

William S. Fish, Jr. Tyler Cooper & Alcorn representing

LLP 185 Asylum Street CityPlace - 35th

Floor Hartford, CT 06103-3488 860-725-

6207 860-278-3802 (fax)

wfish@tylercooper.com Assigned:

05/04/2007 LEAD ATTORNEY ATTORNEY

TO BE NOTICED

Connecticut Bankers Association

(Consolidated Plaintiff)

Eagle Bank (Consolidated Plaintiff)

Maine Association of Community Banks
(Consolidated Plaintiff)

Massachusetts Bankers Association

(Consolidated Plaintiff)

Saugusbank (Consolidated Plaintiff)

Leah McMorris (Consolidated Plaintiff)

Kristen Marquis Fritz Thornton & Naumes representing

LLP 30th Floor 100 Summer Street

Boston, MA 02110 617-720-1333 617-720-

2445 (fax) kfritz@tenlaw.com Assigned:

04/13/2007 LEAD ATTORNEY ATTORNEY

TO BE NOTICED

Wendy L. Pignone (Consolidated Plaintiff)

Joann Sharkey (Consolidated Plaintiff)

Patrick E. Geraghty Geraghty, Dougherty & representing

Edwards, P.A. PO Box 1605 Ft. Myers, FL

33902-1605 239-334-9500 Assigned:

08/10/2007 LEAD ATTORNEY ATTORNEY

TO BE NOTICED

John E. Goodman Bradley, Arant, Rose & representing

White 1819 Fifth Avenue, North

Birmingham, AL 35203 205-521-8000

jgoodman@bradleyarant.com Assigned:

08/08/2007 LEAD ATTORNEY ATTORNEY

TO BE NOTICED

Fifth Third Bancorp (Consolidated
Defendant)

Seth C. Harrington Ropes & Gray LLP representing

(BOS) One International Place Boston, MA

02110 617-951-7226 617-951-7050 (fax)

seth.harrington@ropesgray.com Assigned:

TJX Companies, Inc. (Consolidated
Defendant)

04/04/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

Malcome A Heinicke Munger, Tolles &
Olson 560 Mission Street 27th Floor San
Francisco, CA 94105 415-512-4009

Assigned: 08/08/2007 LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing TJ Maxx of CA LLC (Consolidated
Defendant)

Fifth Third Bancorp (Consolidated
Defendant)
The TJX Companies, Inc. (Consolidated
Defendant)

Darrel J. Hieber Skadden, Arps, Slate,
Meagher & Flom 300 S Grand Ave. Suite
3400 Los Angeles, CA 90071 213-687-
5000 Assigned: 08/08/2007 LEAD
ATTORNEY ATTORNEY TO BE NOTICED

representing TJ Maxx of CA LLC (Consolidated
Defendant)

Fifth Third Bancorp (Consolidated
Defendant)
The TJX Companies, Inc. (Consolidated
Defendant)

James C. Huckaby, Jr. Christian & Small,
LLP 1800 Financial Center 505 North 20th
Street Birmingham, AL 35203 205-795-
6588 205-328-7234 (fax) Assigned:
08/08/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

representing TJX, Inc. (Consolidated Defendant)

David G Hymer Bradley, Arant, Rose &
White PO Box 830709 Birmingham, AL
35283-0709 205-521-8000 Assigned:
08/08/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

representing Fifth Third Bancorp (Consolidated
Defendant)

F. Inge Johnstone The Lamb Firm LLC
2900 1st Avenue South Birmingham, AL
35233 205-324-4644 205-324-4649 (fax)
ijohnstone@archielamb.com Assigned:
05/31/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

representing Amerifirst Bank (Consolidated Plaintiff)

Wayne S. Kreger Milstein Adelman and
Kreger LLP 2800 Donald Douglas Loop
North Santa Monica, CA 90405 310-396-
9600 310-396-9635 (fax)
wkreger@maklawyers.com Assigned:
08/09/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

representing Angie Lemley (Consolidated Plaintiff)

Archie C. Lamb, Jr. Law Offices of Archie
Lamb LLC 2900 1st Avenue South
Birmingham, AL 35233 205-324-4644 205-
324-4649 (fax) alamb@archielamb.com
Assigned: 04/23/2007 LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing Amerifirst Bank (Consolidated Plaintiff)

Jon J. Lambiras Berger & Montague, P.C.
1622 Locust Street Philadelphia, PA 19147
215-875-3000 215-875-4604 (fax)

representing Angie Lemley (Consolidated Plaintiff)
Paula G. Mace (Plaintiff)

jlambiras@bm.net Assigned: 03/02/2007
LEAD ATTORNEY ATTORNEY TO BE
NOTICED

Brant M. Laue 2345 Grand Boulevard
Suite 2000 Kansas City, MO 64108-2617
816-221-3420 816-221-0786 (fax)
Assigned: 08/14/2007 LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nicholas I. Leitzes Skadden, Arps, Slate,
Meagher & Flom LLP One Beacon Street
31st Floor Boston, MA 02108 617-573-
4800 617-573-4822 (fax)
nleitzes@skadden.com Assigned:
04/10/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

Cary B Lerman Munger, Tolles & Olson
355 S Grand Ave. 35th Floor Los Angeles,
CA 90071 213-683-9100 Assigned:
08/08/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

Lester L. Levy Wolf Popper LLP 845 Third
Ave. New York, NY 10022 212-451-9606
212-486-2903 (fax) llevy@wolfdopper.com
Assigned: 04/19/2007 LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jordan L. Lurie Weiss & Lurie 10940
Wilshire Blvd. 24th Floor Los Angeles, CA
90024 310-208-2800 Assigned: 08/08/2007
LEAD ATTORNEY ATTORNEY TO BE
NOTICED

Michael M. Malinowski Michael M.
Malinowski, PLC 740 Alger Street S.E.
Grand Rapids, MI 49507 616-475-4994
Assigned: 08/13/2007 LEAD ATTORNEY

representing

representing

representing

representing

representing

representing

Acohen Marketing & Public Relations, LLC;
(Consolidated Plaintiff)
Anne Cohen (Consolidated Plaintiff)
Gary Fuller (Consolidated Plaintiff)
Laura Lerner (Consolidated Plaintiff)
Mark Parrish (Consolidated Plaintiff)
Robert Mann (Consolidated Plaintiff)
Sandra Fuller (Consolidated Plaintiff)
Thomas J. Gaydos (Consolidated Plaintiff)
TJX Companies, Inc. (Consolidated
Defendant)

Fifth Third Bancorp (Consolidated
Defendant)

Fifth Third Bank (Consolidated Defendant)
TJ Maxx of CA LLC (Consolidated
Defendant)

Fifth Third Bancorp (Consolidated
Defendant)
The TJX Companies, Inc. (Consolidated
Defendant)
Jitka Parment (Consolidated Plaintiff)

Julie Buckley (Consolidated Plaintiff)
Kimberly Myck-Rawson (Consolidated
Plaintiff)
Rachel Rosenfeld (Consolidated Plaintiff)
Shanay M Pickering (Consolidated Plaintiff)

David Salinas (Consolidated Plaintiff)
Marilyn Salinas (Consolidated Plaintiff)
Anna M. Wardrop (Consolidated Plaintiff)

ATTORNEY TO BE NOTICED

Steven P. Mandell Mandell Menkes & Surdyk LLC 333 West Wacker Drive Suite 300 Chicago, IL 60606 312-251-1000 smandell@mandellmenkes.com Assigned: 08/10/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED

representing

TJX Companies, Inc. (Consolidated Defendant)

C. Bradford Marsh Swift, Currie, McGhee & Heirs The Peachtree 1355 Peachtree Street, NE Suite 300 Atlanta, GA 30308 404-888-6151 404-888-6199 (fax) Assigned: 08/10/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED

representing

The TJX Companies, Inc. (Consolidated Defendant)

Margaret Diane Mathews Akerman Senterfitt 401 E. Jackson Street Suite 3273 Tampa, FL 33601-3273 813-223-7333 813-223-2837 (fax) Assigned: 08/10/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED

representing

Fifth Third Bancorp (Consolidated Defendant)

Guyte P. McCord, III McCord, Bubsey & Ketchum 210 S Monroe Street Tallahassee, FL 32301 850-224-2600 850-222-8826 (fax) Assigned: 08/10/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED

representing

Beth Loftus (Consolidated Plaintiff)

Douglas H. Meal Ropes & Gray LLP One International Place Boston, MA 02110 617-951-7517 617-951-7050 (fax) dmeal@ropesgray.com Assigned: 04/04/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED

representing

Calynne Hill (Consolidated Plaintiff)
TJX Companies, Inc. (Consolidated Defendant)

Marcus R Mumford Skadden, Arps, Slate, Meagher & Flom 300 S Grand Ave. Suite 3400 Los Angeles, CA 90071 213-687-5000 Assigned: 08/09/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED

representing

TJX Companies, Inc. (Defendant)
Fifth Third Bancorp (Consolidated Defendant)

Teri-Ann E Nagata Munger, Tolles & Olson 355 S Grand Ave. 35th Floor Los Angeles, CA 90071 213-683-9522 Assigned: 08/08/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED

representing

TJ Maxx of CA LLC (Consolidated Defendant)

Robert T. Naumes Thornton & Naumes, LLP 100 Summer Street 30th Floor Boston, MA 02110 617-720-1333 617-720-2445 (fax) rnaumes@tenlaw.com Assigned: 04/25/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED

representing

Fifth Third Bancorp (Consolidated Defendant)
The TJX Companies, Inc. (Consolidated Defendant)
Leah McMorris (Consolidated Plaintiff)

Leigh A. Parker Weiss & Lurie 10940 Wilshire Blvd. 24th Floor Los Angeles, CA

representing

Wendy L. Pignone (Consolidated Plaintiff)
Shanay M Pickering (Consolidated Plaintiff)

90024 310-208-2800 Assigned: 08/08/2007
LEAD ATTORNEY ATTORNEY TO BE
NOTICED

James R. Patterson Harrison, Patterson & O'Connor 402 West Broadway Suite 1905
San Diego, CA 92101 617-756-6990
Assigned: 08/10/2007 LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dennis Farrell (Consolidated Plaintiff)
Sally Weis (Consolidated Plaintiff)
Fifth Third Bancorp (Consolidated
Defendant)

Michael R. Pennington Bradley, Arant,
Rose & White 1400 Park Place Tower
2001 Park Place North Birmingham, AL
35203 205-521-8323 Assigned: 08/08/2007
LEAD ATTORNEY ATTORNEY TO BE
NOTICED

representing

Ralph K. Phalen Ralph K. Phalen, Attorney At Law 1000 Broadway Kansas City, MO
64105 816-589-0753 816-471-1701 (fax)
Assigned: 08/14/2007 LEAD ATTORNEY
ATTORNEY TO BE NOTICED

representing

John Michael Pickett Young Pickett & Lee 4122 Texas Blvd PO Box 1897 Texarkana,
TX 75504-1897 903/794-1303 903/794-
5098 (fax) Assigned: 08/13/2007 LEAD
ATTORNEY ATTORNEY TO BE NOTICED

representing

Margaret M. Pinkham Brown Rudnick
Berlack Israels LLP One Financial Center
Boston, MA 02111 617-856-8265 617-856-
8201 (fax) mpinkham@brownrudnick.com
Assigned: 10/12/2007 ATTORNEY TO BE
NOTICED

representing

Eric M. Quetglas-Jordan Quetglas Law
Office PO Box 16606 San Juan, PR
00908-6606 787-722-7745 787-725-3970
(fax) Assigned: 08/08/2007 LEAD
ATTORNEY ATTORNEY TO BE NOTICED

representing

Michele F. Raphael Wolf Popper LLP 845
Third Avenue New York, NY 10022 212-
759-4600 212-486-2093 (fax) Assigned:
05/23/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

representing

Mary Robb Farley (Consolidated Plaintiff)
Patricia Miranda (Consolidated Plaintiff)
Acohen Marketing & Public Relations, LLC;
(Consolidated Plaintiff)

Amerifirst Bank (Consolidated Plaintiff)
Collinsville Savings Society (Consolidated
Plaintiff)
Connecticut Bankers Association
(Consolidated Plaintiff)
Eagle Bank (Consolidated Plaintiff)
Maine Association of Community Banks
(Consolidated Plaintiff)
Massachusetts Bankers Association
(Consolidated Plaintiff)

Saugusbank (Consolidated Plaintiff)
 TJ Maxx (Consolidated Defendant)
 Anne Cohen (Consolidated Plaintiff)
 Christy Mascolo-Brown (Consolidated Plaintiff)
 Deborah Wilson (Plaintiff)
 Gary Fuller (Consolidated Plaintiff)
 Jitka Parment (Consolidated Plaintiff)
 Julie Buckley (Consolidated Plaintiff)
 Kimberly Myck-Rawson (Consolidated Plaintiff)
 LaQuita Kearney (Plaintiff)
 Laura Lerner (Consolidated Plaintiff)
 Leah McMorris (Consolidated Plaintiff)
 Mark Parrish (Consolidated Plaintiff)
 Marylin Crew (Consolidated Plaintiff)
 Michelle Peavy (Consolidated Plaintiff)
 Paula G. Mace (Plaintiff)
 Rachel Rosenfeld (Consolidated Plaintiff)
 Robert Ahearn (Consolidated Plaintiff)
 Robert Mann (Consolidated Plaintiff)
 Sandra Fuller (Consolidated Plaintiff)
 Thomas J. Gaydos (Consolidated Plaintiff)
 Traci Arians (Consolidated Plaintiff)
 Vicky Grisham (Consolidated Plaintiff)
 Wendy L. Pignone (Consolidated Plaintiff)
 Wendy Rivas (Consolidated Plaintiff)
 Kathleen Robinson (Consolidated Plaintiff)

Aron David Robinson Law Office of Aron D. representing
 Robinson Suite 1300 19 South LaSalle
 Street Chicago, IL 60603 Assigned:
 08/10/2007 LEAD ATTORNEY ATTORNEY
 TO BE NOTICED

Kevin Barry Rogers Law Offices of Kevin representing
 Rogers 307 North Michigan Ave. Suite 315
 Chicago, IL 60601 312-332-1188 Assigned:
 08/13/2007 LEAD ATTORNEY ATTORNEY
 TO BE NOTICED

Elizabeth Rosenberg Whatley Drake & representing
 Kallas LLC 1540 Broadway 37th Floor
 New York, NY 10036 212-447-7070 212-
 447-7077 (fax) Assigned: 11/21/2007 LEAD
 ATTORNEY ATTORNEY TO BE NOTICED

Harry Rosenberg Phelps&Dunbar, LLP 365 representing
 Canal Street Suite 2000 New Orleans, LA
 70130-6534 504-566-1311 Assigned:
 08/13/2007 LEAD ATTORNEY ATTORNEY
 TO BE NOTICED

Stephen J Rosenfeld Mandell Menkes, LLC representing
 333 W Wacker Drive Suite 300 Chicago, IL
 60606 312-251-1000 312-251-1010 (fax)
 Assigned: 08/13/2007 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Richard P. Rouco Whatley Drake & Kallas representing

Lisa Gutierrez (Consolidated Plaintiff)

Amerifirst Bank (Consolidated Plaintiff)

SELCO Community Credit Union (Plaintiff)
 TJX Companies, Inc. (Consolidated Defendant)

TJX Companies, Inc. (Consolidated Defendant)

Amerifirst Bank (Consolidated Plaintiff)

LLC 2001 Park Place North Suite 1000
Birmingham, AL 35202-0647 205-328-9576
205-328-9669 (fax)

rrouco@whatleydrake.com Assigned:
04/23/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

Louis Cooper Rutland, Jr. Rutland Law Firm representing Amerifirst Bank (Consolidated Plaintiff)
LLC Prairie Street N Suite 208 Union
Springs, AL 36089 334-738-4770 334-738-
4774 (fax) lcrj@ustconline.net Assigned:
05/31/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

Sherrie R. Savett Berger & Montague, P.C. representing Paula G. Mace (Plaintiff)
1622 Locust Street Philadelphia, PA 19103
215-875-5704 215-875-5715 (fax)
ssavett@bm.net Assigned: 03/02/2007
LEAD ATTORNEY ATTORNEY TO BE
NOTICED

Acohen Marketing & Public Relations, LLC;
(Consolidated Plaintiff)

Gary Fuller (Consolidated Plaintiff)
Laura Lerner (Consolidated Plaintiff)
Mark Parrish (Consolidated Plaintiff)
Robert Mann (Consolidated Plaintiff)
Sandra Fuller (Consolidated Plaintiff)
Thomas J. Gaydos (Consolidated Plaintiff)

Richard J.J. Scarola Scarola Ellis LLP 45th representing
Floor 888 Seventh Avenue New York, NY
10106-0001 212-757-0007 212-757-0469
(fax) rjjs@selaw.com Assigned: 11/28/2007
LEAD ATTORNEY ATTORNEY TO BE
NOTICED

The TJX Companies, Inc. (Consolidated
Defendant)

TJX Companies, Inc. (Consolidated
Defendant)

Erich Paul Schork Barnow and Assoc., PC representing
Suite 1300 1 North LaSalle Chicago, IL
60603 312-857-9050 Assigned: 08/13/2007
LEAD ATTORNEY ATTORNEY TO BE
NOTICED

Kathleen Robinson (Consolidated Plaintiff)

John W. Scott Scott, Dukes & Geisler, PC representing TJX, Inc. (Consolidated Defendant)
2100 Third Ave., North Suite 700
Birmingham, AL 35203 205-251-2300 205-
251-6773 (fax) Assigned: 08/08/2007 LEAD
ATTORNEY ATTORNEY TO BE NOTICED

Jonathan Shapiro Stern, Shapiro, representing Paula G. Mace (Plaintiff)
Weissberg & Garin Suite 500 90 Canal
Street Boston, MA 02114-2022 617-742-
5800 617-742-5858 (fax)
jshapiro@sswg.com Assigned: 01/29/2007
LEAD ATTORNEY ATTORNEY TO BE
NOTICED

Acohen Marketing & Public Relations, LLC;
(Consolidated Plaintiff)
Anne Cohen (Consolidated Plaintiff)

Thomas G. Shapiro Shapiro Haber & Urmy representing
LLP 53 State Street Boston, MA 02108
617-439-3939 617-439-0134 (fax)
tshapiro@shulaw.com Assigned: 04/04/2007
LEAD ATTORNEY ATTORNEY TO BE
NOTICED

Gary Fuller (Consolidated Plaintiff)
Laura Lerner (Consolidated Plaintiff)
Mark Parrish (Consolidated Plaintiff)
Robert Mann (Consolidated Plaintiff)
Sandra Fuller (Consolidated Plaintiff)
Thomas J. Gaydos (Consolidated Plaintiff)
Jitka Parment (Consolidated Plaintiff)

Julie Buckley (Consolidated Plaintiff)
Kimberly Myck-Rawson (Consolidated
Plaintiff)
Rachel Rosenfeld (Consolidated Plaintiff)
Robert Ahearn (Consolidated Plaintiff)
Wendy Rivas (Consolidated Plaintiff)
Acohen Marketing & Public Relations, LLC;
(Consolidated Plaintiff)
Anne Cohen (Consolidated Plaintiff)
Deborah Wilson (Plaintiff)
LaQuita Kearney (Plaintiff)
Laura Lerner (Consolidated Plaintiff)
Robert Mann (Consolidated Plaintiff)
Kathleen Robinson (Consolidated Plaintiff)
VISA U.S.A Inc. (Interested Party)

Paul W. Shaw Brown Rudnick Berlack representing
Israels LLP One Financial Center, 18th
floor Boston, MA 02111 617-856-8200
617-856-8201 (fax)
pshaw@brownrudnick.com Assigned:
09/14/2007 ATTORNEY TO BE NOTICED
Patrick J. Sheehan Whatley Drake & Kallas representing
LLC 60 State Street 7th Floor Boston, MA
02109 617-573-5118 617-573-5090 (fax)
psheehan@wdklaw.com Assigned:
04/20/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

Amerifirst Bank (Consolidated Plaintiff)

Thomas M. Sobol Hagens Berman Sobol representing
Shapiro LLP One Main Street 4th Floor
Cambridge, MA 02142 617-482-3700 617-
482-3003 (fax) Tom@hbsslaw.com
Assigned: 04/19/2007 LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SELCO Community Credit Union (Plaintiff)
Traci Arians (Consolidated Plaintiff)

Benjamin A. Solnit Tyler Cooper & Alcorn, representing
LLP 205 Church Street P.O. Box 1936
New Haven, CT 06509-0906 203-784-8205
203-777-1181 (fax)

Vicky Grisham (Consolidated Plaintiff)
Christy Mascolo-Brown (Consolidated
Plaintiff)
Marylin Crew (Consolidated Plaintiff)
Michelle Peavy (Consolidated Plaintiff)
Collinsville Savings Society (Consolidated
Plaintiff)

bsolnit@tylercooper.com Assigned:
05/04/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

Connecticut Bankers Association
(Consolidated Plaintiff)
Eagle Bank (Consolidated Plaintiff)
Maine Association of Community Banks
(Consolidated Plaintiff)
Massachusetts Bankers Association
(Consolidated Plaintiff)
Saugusbank (Consolidated Plaintiff)
Rose Hamilton-Griffin (Consolidated
Plaintiff)

John S. Steward Burstein Law Firm P.C. representing
225 South Meramec Suite 925 Clayton,
MO 63105 314-725-6060 314-862-9895
(fax) glaw123@aol.com Assigned:
08/13/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

John E. Suthers John E. Suthers PO Box representing
8847 Savannah, GA 31412 912-232-6767
912-232-1958 (fax) Assigned: 08/10/2007
LEAD ATTORNEY ATTORNEY TO BE
NOTICED

Amanda Paige Dundon (Consolidated
Plaintiff)

Mark Szpak Ropes & Gray LLP One representing
International Place Boston, MA 02110 617-
951-7606 617-951-7050 (fax)
mszpak@ropesgray.com Assigned:
02/16/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

Mary F. Hagan (Consolidated Plaintiff)
TJX Companies, Inc. (Defendant)

Michael F. Walker Bradley, Arant, rose & representing
White, LLP One Federal Place 1819 5th
Ave., North Birmingham, AL 35203 205-
521-8676 205-488-6676 (fax) Assigned:
08/08/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

TJX Companies, Inc. (Consolidated
Defendant)
Fifth Third Bancorp (Consolidated
Defendant)

Robert N. Webner Vorys Sater Seymour representing
and Pease LLP 52 E. Gay Street P.O. Box
1008 Columbus, OH 43215 614-464-8243
614-719-5083 (fax) rnwebner@vssp.com
Assigned: 04/10/2007 LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Fifth Third Bancorp (Consolidated
Defendant)

William Breck Weigel Vorys, Sater, representing
Seymour and Pease, LLP Atrium Two,
Suite 2000 221 East Fourth St. Cincinnati,
OH 45202 513-723-4078 513-852-8448
(fax) wbweigel@vssp.com Assigned:
04/10/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

Fifth Third Bank (Consolidated Defendant)
Fifth Third Bancorp (Consolidated
Defendant)

Joe R. Whatley, Jr. Whatley Drake & Kallasrepresenting
LLC 1540 Broadway 37th Floor New York,

Fifth Third Bank (Consolidated Defendant)
Amerifirst Bank (Consolidated Plaintiff)

Ny 10036 212-447-7070 212-447-7077
(fax) jwhatley@whatleydrake.com
Assigned: 04/23/2007 LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Harvey J. Wolkoff Ropes & Gray LLP One representing TJX Companies, Inc. (Defendant)
International Place Boston, MA 02110 617-
951-7522 hwolkoff@ropesgray.com
Assigned: 03/12/2007 LEAD ATTORNEY
ATTORNEY TO BE NOTICED

E. Kirk Wood PO Box 382434
Birmingham, AL 35238 Assigned:
08/08/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

representing TJX Companies, Inc. (Consolidated
Defendant)
Jo Wood (Consolidated Plaintiff)

John R. Wylie Futterman, Howard,
Watkins, Wylie&Ashley 122 S. Michigan
Ave. Suite 1850 Chicago, IL 60603 312-
427-3600 312-427-1850 (fax) Assigned:
08/10/2007 LEAD ATTORNEY ATTORNEY
TO BE NOTICED

representing Katie Willoughby (Consolidated Plaintiff)
Angie Lemley (Consolidated Plaintiff)
Joseph Roberts 28 Clark Street P.O. Box 73
Norfolk, MA 02056-0073 (Consolidated
Plaintiff)

Alexander Zubatov Scarola Ellis LLP 45th
Floor 888 Seventh Avenue New York, NY
10106-0001 212-757-0007 212-757-0469
(fax) az@selaw.com Assigned: 11/28/2007
LEAD ATTORNEY ATTORNEY TO BE
NOTICED

representing TJX Companies, Inc. (Defendant)

Zev B. Zysman Weiss & Lurie 10940
Wilshire Blvd. 24th Floor Los Angeles, CA
90024 310-208-2800 Assigned: 08/08/2007
LEAD ATTORNEY ATTORNEY TO BE
NOTICED

representing Shanay M Pickering (Consolidated Plaintiff)

David Salinas (Consolidated Plaintiff)
Marilyn Salinas (Consolidated Plaintiff)