

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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IN RE VISA CHECK/MASTERMONEY
ANTITRUST LITIGATION

ORDER
CV-96-5238 (JG)

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JOHN GLEESON, United States District Judge:

On September 9, 2005, Lead Counsel for the plaintiff class, Constantine Cannon, filed an application for an order to show cause why declaratory and injunctive relief should not be granted against Spectrum Recovery Settlement (“Spectrum”). (Unsigned order to show cause by Lead Counsel Constantine Cannon, dated September 9, 2005, Docket No. 1187). Lead counsel seeks, among other things, a declaration that contracts made between Spectrum and class members are void and injunctions prohibiting Spectrum from soliciting class members and requiring it to correct any misstatements it has made to class members.

I hereby refer Lead Counsel’s applications to Special Master Robin Wilcox for a Report and Recommendation. The parties are directed to provide copies of all materials that have been or will be filed with regard to lead counsel’s application to Special Master Robin M. Wilcox, 2444 Broadway, Suite 372, New York, NY 10024.

Lead Counsel requests an expedited ruling on its applications so it can know, prior to September 29, 2005, whether to send claims forms to Spectrum or to the 211 class members with whom (according to Lead Counsel) Spectrum has entered agreements. I decline that request, and disagree with the assertion that an immediate ruling is necessary. If those 211 class members have assigned their claims to Spectrum for processing, Lead Counsel should abide by their instructions, including instructions as to where to send the claims forms. If, based on the

facts and the applicable law, Lead Counsel demonstrates that it is entitled to the relief it seeks (in whole or in part), I have confidence that such relief will be implemented effectively even if the claims forms have been sent to Spectrum.

So Ordered.

JOHN GLEESON, U.S.D.J.

Dated: September 12, 2005
Brooklyn, New York