

From: Patrick Sweeney
To: [Keith Keogh](#)
Subject: Re: AEO TCPA Settlement
Date: Tuesday, June 13, 2017 4:19:31 PM
Attachments: [20170613161418.pdf](#)

Mr Keogh
Please electronically file in the Southern District of New York
Thank you
Patrick S. Sweeney

Patrick S. Sweeney

Sweeney Legal Group

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On Tue, Jun 13, 2017 at 1:24 PM, Keith Keogh <keith@keoghlaw.com> wrote:

Please scan and email it to me. Thanks.

Keith J. Keogh
Keogh Law Ltd.
55 W. Monroe, Ste. 3390
Chicago, Il. 60603
[312.726.1092](tel:312.726.1092)
KeoghLaw.com

Sent from my iPhone

On Jun 13, 2017, at 2:14 PM, Patrick Sweeney <patrick@sweeneylegalgroup.com> wrote:

OK Got it.

I will prepare the Withdrawal of Objection Without Compensation. I can mail it in or if you prefer I can scan and email it to you with a letter of authorization so that you can file it on the CM/ECF and get it done ASAP.

Let me know.

Thanks.

Patrick S. Sweeney

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On Tue, Jun 13, 2017 at 12:40 PM, Keith Keogh <keith@keoghlaw.com> wrote:

Yes, if they are not one of the 618,289 persons identified, they are not class members. Plenty of people consented to receiving texts and they are also not class members.

Please insure that any withdrawal states that nothing has been paid for any withdrawal of the objection.

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From: Patrick Sweeney <patrick@sweeneylegalgroup.com>
Date: Tuesday, June 13, 2017 at 1:38 PM
To: Keith Keogh <keith@keoghlaw.com>
Subject: Re: AEO TCPA Settlement

Good Morning Mr. Keogh:

Although my daughters have received text from defendant (or at least someone apparently representing them) -are you suggesting their inclusion in the Class (or lack thereof) is narrowly defined by whether or not they are on the list of 618,289 names ? (see below)

If that is your position and you are representing to me they are not on that list then I will advise my girls to withdraw their claims and objections.

"The approximately 618,289 persons who, on or after April 8, 2010 and through and including January 24, 2017, received a text message from AEO or any entity acting on its behalf, to his or her unique cellular telephone number, and who did not provide AEO with appropriate consent under the TCPA."

Let me know please.

Thank you.

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On Tue, Jun 6, 2017 at 11:45 AM, Patrick Sweeney <patrick@sweeneylegalgroup.com> wrote:

Dear Mr. Keogh

I am out this week. I have 2 graduations with my kids . I will check into your assertions when I am back into the office Monday morning.

Thank you.

Patrick S. Sweeney

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On Wed, May 31, 2017 at 8:50 AM, Keith Keogh <keith@keoghlaw.com> wrote:

Dear Mr. Sweeney,

I am in receipt of your objection on behalf of your daughter and the minor EKS. Once again, you filed an objection when you do not represent a class

member.

The class is limited to the "The approximate 618,289 persons" who were identified that meet the class definition.

Neither Kerry Ann Sweeney nor E.K. Sweeney are class members.

This is the second time that we know of where you have used your daughter as an objector when she did not have a claim. The other case is set out in the below e-mails.

As such, we will seek sanctions against you and them unless you immediately withdraw the objection.

Keith J. Keogh

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Keith@KeoghLaw.com

www.KeoghLaw.com

From: Patrick Sweeney [mailto:patrick@sweeneylegalgroup.com]

Sent: Wednesday, July 06, 2016 10:11 AM

To: Michael Hilicki <MHilicki@keoghlaw.com>

Cc: Scott D. Owens <scott@scottdowens.com>; Keith Keogh <keith@keoghlaw.com>; Matt Seckel <mseckel@keoghlaw.com>; Patrick Crotty <patrick@scottdowens.com>

Subject: Re: Legg v. Spirit Airlines -- Kerry Sweeney Objection

Michael

Post 4th chaos yesterday

The attached will be filed today.

Thanks and good luck at the Fairness Hearing

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On Wed, Jul 6, 2016 at 9:08 AM, Michael Hilicki <MHilicki@keoghlaw.com> wrote:

Patrick:

The notice of withdrawal was not filed yesterday as you promised (see your email below).

Again, until the objection is formally withdrawn, we need to proceed as if it is not withdrawn, which means going forward with the deposition Monday.

Please file the withdrawal today so that we can release the court reporter. Thank you.

Michael S. Hilicki

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From: Patrick Sweeney [mailto:patrick@sweeneylegalgroup.com]

Sent: Friday, July 01, 2016 11:59 AM

To: Michael Hilicki <MHilicki@keoghlaw.com>

Subject: Re: Legg v. Spirit Airlines -- Kerry Sweeney Objection

Will take care of Tuesday out of office

On Friday, July 1, 2016, Michael Hilicki <MHilicki@keoghlaw.com> wrote:

Patrick, when are you going to file the notice of withdrawal?

Until the objection is formally withdrawn, we need to proceed as if it is not withdrawn, which would include going forward with the deposition.

Please advise. Thank you.

From: Michael Hilicki

Sent: Wednesday, June 29, 2016 4:22 PM

To: 'Patrick Sweeney' <patrick@sweeneylegalgroup.com>

Cc: Keith Keogh <keith@keoghlaw.com>; Scott Owens

<scott@scottdowens.com>; 'Patrick Crotty' <patrick@scottdowens.com>

Subject: RE: Legg v. Spirit Airlines -- Kerry Sweeney Objection

Thank you. Please note in your papers that the reason for the withdrawal is that you determined she is not a class member (so the Court doesn't have to wonder).

As for the best way to get good Cubs Tix, I'm not certain. The only avenue I can think of is to pay the exorbitant prices charged by ticket brokers.

From: Patrick Sweeney [<mailto:patrick@sweeneylegalgroup.com>]

Sent: Wednesday, June 29, 2016 4:15 PM

To: Michael Hilicki <MHilicki@keoghlaw.com>

Subject: Re: Legg v. Spirit Airlines -- Kerry Sweeney Objection

Michael

Based on our conversations yesterday I will be withdrawing Kerry Ann's Objection.

Good luck at the Fairness Hearing.

On another note what is the best way to get some good Cub Tix ?

My Best

Patrick

Patrick S. Sweeney

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by email. Thank you.

On Wed, Jun 22, 2016 at 12:21 PM, Michael Hilicki <MHilicki@keoghlaw.com> wrote:

Counsel:

The information you provided below further confirms that Kerry Sweeney is not in the class. Again the class only includes persons for which a Spirit kiosk printed a transaction receipt that revealed more than the last five digits of the person's credit or debit card number. We filed this lawsuit in August 2014, and Spirit reprogrammed its kiosks shortly thereafter to stop printing more than the last five digits of on its receipts. Spirit admitted as much in its response to our class certification motion (attached, see p.4 ("IBM (without Spirit's knowledge or authorization) caused the kiosks to improperly print more than the last four digits of credit card numbers on receipts from November 5, 2013 to September 4, 2014. Once Spirit learned of the error through Plaintiff's lawsuit it immediate took action to stop non-compliant receipts from being printed.")). Obviously, September 11, 2015 is well beyond the operative date range. So Ms. Sweeney did not receive an actionable receipt.

Accordingly, we would ask that you file a notice of withdrawal of Ms. Sweeney's objection, stating that the reason for the withdrawal is that she is not a class member. Please confirm that you will do so. Thank you.

Michael S. Hilicki

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From: Patrick Sweeney [<mailto:patrick@sweeneylegalgroup.com>]

Sent: Wednesday, June 22, 2016 10:09 AM

To: Michael Hilicki <MHilicki@keoghlaw.com>

Subject: Re: Legg v. Spirit Airlines -- Kerry Sweeney Objection

September 11th 2015,

LAX airport

flight from LAX to LAS VEGAS

35.00 charge

Thank you

Patrick

Patrick S. Sweeney

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On Tue, Jun 21, 2016 at 1:51 PM, Michael Hilicki <MHilicki@keoghlaw.com> wrote:

Dear Attorney Sweeney:

I am one of the Plaintiffs' attorneys in the above matter.

We received the objection that you filed last night for Kerry Sweeney, which is attached. However, the claims administrator has confirmed that Ms. Sweeney is not on the class list, and thus not a class member.

The class is limited to persons who made a purchase from a Spirit airport kiosk during the relevant period using a credit or debit card, and received a transaction receipt that revealed too much of their credit or debit card number. Not all receipts obtained from Spirit had this information. As such, the class was limited to the approximately 350,000 persons for which receipts were generated in this fashion that contained this information.

The fact that Ms. Sweeney filed a claim through the settlement Web site and received a claim number when she did so does not mean that she is a class member because the Web site was accessible by the general public.

To determine otherwise, please email us a copy of the transaction receipt Ms. Sweeney claims to have received from Spirit. If she does not have the receipt, then please tell us the date she allegedly made a purchase from Spirit, the airport at which she made the purchase, and the purchase amount.

Please email us this information by 5:00 p.m. ET tomorrow. Thank you.

Michael S. Hilicki

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