

Elvey v. TD Ameritrade
Case No. C 07 2852 VRW
Clerk - CAND.USCourts.GOV
450 Golden Gate AV
San Francisco CA 94102

KamberEdelson, LLC
350 North LaSalle, Suite 1300
Chicago IL 60654

Mayer Brown LLP
71 S. Wacker Drive
Chicago IL 60606

July 9, 2009

Objection

Matthew Elvey
1819 Polk St Ste #133
San Francisco, CA 94109

FILED
JUL - 3 2009
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

I filed this case and I vehemently object to the preliminarily proposed settlement.

If it is approved as is, I wish to exclude myself.

I intend to appear and be heard at all hearings through counsel and on my own behalf.

I object because of the wrongs and reasons stated in the complaint, in my briefs and both Texas's letter of objection and letter outlining specific changes that have NOT <sic> been made, as well as the CMC (Case Management Conference) statement I proffered the court when I first announced my objections in court, my <http://CaringAboutSecurity.wordpress.org> blog posts, including, but not limited to those blog posts already in the case docket, and finally, the facts and reasons I gave in court on June 12, 2008.

In addition, why do the class members have to jump through so many hoops? In other class action settlements, e.g. Costco (<http://www.costco.com/renewalsettlement.pdf>), the members simply automatically received their benefits. Ameritrade could simply send every class member an email with a few URLs that when clicked, immediately trigger a download of the PC or Mac software, and activate credit monitoring, using the information Ameritrade already has. Likewise, Ameritrade could simply make all class members with accounts next *n* trades free, while mailing a check to members who no longer have accounts. I'm not sure my claim code will be useable, for the reasons detailed on my blog post about the software benefit.

While TD Ameritrade still maintains abysmal security practices (according to a whistle-blower) while executing a big cover-up/disinformation campaign, the court must not consider this lard mound acceptable. Why am I'm getting fleeced instead of rewarded for standing up for the class? I have put an enormous amount of time into researching developing and strengthening the arguments my current and former counsel and I have put forth in this case, and fighting for the class. Were it not for me, no one would know that that this breach occurred; I believe it would still be ongoing if not for my actions, because the whistle-blower I am in contact with says that Ameritrade had closed its investigation into the breach reports and found nothing, and because Ameritrade opened the follow-up investigation, which found the malicious code because I sued them. I should not be punished for doing my duty. Do you really think criminals would leave millions of social security numbers at their fingertips since 2005 untouched forever?

Sincerely,

Matthew Elvey
Objection-9D4@matthew.elvey.com