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ATTORNEYS FOR PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF TEXAS
 MARSHALL DIVISION

SHARON TAYLOR, *et al.*,
 Plaintiffs,

v.

ACXIOM CORPORATION, *et al.*,
 Defendants.

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CAUSE NO. 2:07-cv-00001-TJW

JUDGE: T. JOHN WARD

**REPLY TO RESPONSE IN FURTHER
 SUPPORT OF MOTION TO DISMISS
 OR ALTERNATIVELY TO STAY
 ACTION**

**REPLY TO RESPONSE IN FURTHER SUPPORT OF MOTION TO DISMISS OR
 ALTERNATIVELY TO STAY ACTION**

On May 15, 2007, Defendants filed their Response in Support of Their Amended Motion to Dismiss First Amended Complaint, or Alternatively, to Stay Plaintiffs' Action (doc. 35) in which they directed the Court to the conditional certification of a national settlement class regarding Drivers Privacy Protection Act cases in the Southern District of Florida. Defendants also direct the Court to an injunction entered by Judge Martinez in the Fresco case prohibiting class members from proceeding with any litigation against certain Defendants in this litigation.

In light of this injunction, Plaintiffs agree that a stay of proceedings in this case would be appropriate.

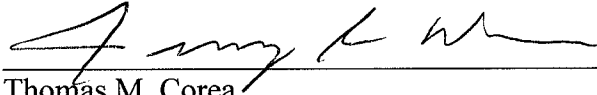
However, Plaintiffs are in the process of exercising their right to appeal the injunction issued in the Fresco case. This appeal will necessarily involve a determination by the Eleventh Circuit as to whether a national class is inappropriate because the Plaintiffs in Fresco are not adequate class representatives.¹ If the Eleventh Circuit agrees and reverses the certification in Fresco, there will be no impediment to proceeding in this case.

Plaintiffs are in the process of preparing their notice of appeal at this time and it will be filed in a timely manner with the United States District Court for the Southern District of Florida. For this reason, Plaintiffs request that this action be stayed, not dismissed, until such time as the Eleventh Circuit Court of Appeals has had an opportunity to review this matter. No prejudice will result to Defendants by this request. This procedure will ensure that the status quo is maintained in this case and will be in compliance with the injunction issued by Judge Martinez.

¹ See *Georgine v. Amchem Products, Inc.* 83 F.3d 610, 624 (3rd Cir. 1996) (“In this case, class certification ‘directly controls disposition of the [injunction].’ The entire basis for the district court’s injunction is to protect the underlying class action. If the class was not properly certified, the district court was without authority to issue its preliminary injunction. To give full effect to the appellants’ right to review of the injunction, we must reach class certification.”)

Respectfully submitted,

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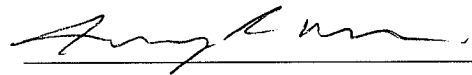
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CERTIFICATE OF SERVICE

I certify that the foregoing Response was filed with the Court's CM/ECF system on May 18, 2007, and that a copy was forwarded to all counsel of record by through the CM/ECF system.



Jeremy R. Wilson