



305 BROADWAY  
SUITE 700  
NEW YORK, NY 10007  
212 682 1853  
212 682 1892 FAX  
gfrank@frankllp.com  
www.frankllp.com

Nov. 2, 2023

**VIA ECF**

Hon. Paul G. Gardephe, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2204  
New York, New York 10007

Re: *Seaman et al. v. Nat'l Collegiate Student Loan Trust 2007-2 et al.*, No. 18-cv-1781

Dear Judge Gardephe:

We represent Plaintiffs in the above matter and submit this letter pursuant to Part I.A of Your Honor's Individual Rules of Practice for Civil Cases. We write to request that this Court amend this matter's caption in accordance with the Court's Memorandum Opinion and Order of September 27, 2023 (ECF No. 445) (the "Order") and to match Defendants' pending Rule 23(f) petition to the Second Circuit concerning the Order. Defendants have reviewed the proposed caption change and do not oppose it.

The Order, among other things, certified a Rule 23 class and approved as Class representatives all six Named Plaintiffs—three who were named in the first-filed Case No. 18-cv-1781 and three who were named in the second-filed consolidated Case No. 18-cv-7692. (*See* Ord. at 1–4, 59–60). These six Named Plaintiffs now proceed against all Defendants, including the four Trust Defendants—two of which were named in the first-filed case and two in the second-filed case. (*Id.*).

At the conclusion of the Order, this Court directed the Clerk to "close the member case" (Case No. 18-cv-7692), which will allow for future submissions in this matter to be managed on one docket instead of two. (*See id.* at 63). The Clerk thereafter closed Case No. 18-cv-7692. (*See* Document 369 on that docket).

Though all Defendants are petitioners in the Rule 23(f) petition, which names as respondents all six Named Plaintiffs, the Second Circuit's docket lists only two of the Trust Defendants and three of the Named Plaintiffs. (*See* 2d Cir. No. 23-7372 & DktEntry 1.1 on that docket). We therefore request that this Court order this matter's caption be amended as proposed

Hon. Paul G. Gardephe

Nov. 2, 2023

Page 2

hereto, in accordance with the Order and to match Defendants' petition to the Second Circuit. (*See* Attachment 1).<sup>1</sup>

We thank the Court for Your Honor's attention to this request.

Respectfully,

/s/ Gregory A. Frank

cc: all counsel of record

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<sup>1</sup> Plaintiffs earlier this week submitted to the Second Circuit's Clerk a proposed caption that mirrors the one attached hereto.

# **Attachment 1**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KATHERINE SEAMAN, MARY RE SEAMAN, )  
SANDRA TABAR, CHRISTINA BIFULCO, )  
FRANCIS BUTRY and CORI FRAUENHOFER, )  
individually and on behalf of all others similarly situated,) )

Plaintiffs, )

v. )

NATIONAL COLLEGIATE STUDENT LOAN )  
TRUST 2007-2; NATIONAL COLLEGIATE )  
STUDENT LOAN TRUST 2007-3; NATIONAL )  
COLLEGIATE STUDENT LOAN TRUST 2004-2; )  
NATIONAL COLLEGIATE STUDENT LOAN )  
TRUST 2006-4; TRANSWORLD SYSTEMS, INC., )  
in its own right and as successor to NCO FINANCIAL )  
SYSTEMS, INC.; EGS FINANCIAL CARE INC., )  
formerly known as NCO FINANCIAL SYSTEMS, INC.; )  
and FORSTER & GARBUS LLP, )

Defendants. )

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No. 1:18-cv-01781-PGG-BCM