

# **EXHIBIT D**

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**From:** Fite, Elizabeth [mailto:efite@SWFLLP.com]

**Sent:** Wednesday, May 05, 2010 11:13 AM

**To:** TIMOTHY\_C\_BATTEN@gand.uscourts.gov

**Cc:** Flint, David; Jonathan\_Letzring@gand.uscourts.gov; Andrew H. Rowell III; Brant Penney; Cale H. Conley ; Daniel Kotchen; Daniel Low; Donald Amangbo; George Aguilar ; James L. Ward, Jr; Jeffrey S. Abraham; Jesse A. Davis , III ; Mark Goldman; Michael G. McLellan ; Michael Ira Fistel , Jr.; R. Bryant McCulley; Richard A. Griggs; Steven A. Asher; Stuart H. McCluer ; William C. Wright; Bert Rein; Greg.Mauldin@alston.com; JDenvir@BSFLLP.com; mmitchell@bsfllp.com; Sachdev, Michael V.; >; Randall.Allen@alston.com; Fones, Roger W.; Scott Gant

**Subject:** 1:09-md-02089-TCB IN RE: Delta/AirTran Baggage Fee Antitrust Litigation

Judge Batten:

Please find attached correspondence from Dan Kotchen of Kotchen & Low, LLP, Interim Lead Counsel, regarding the need to correct a statement on page 26 of Plaintiffs' Opposition to Defendants' Motions to Dismiss. Please let me know if Your Honor requires us to take any additional steps to clarify the record.

Please let me know if Your Honor has any questions or any difficulties opening the attached. Thank you for your consideration.

Sincerely,

Elizabeth

**Elizabeth L. Fite, Esq.**

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# Kotchen & Low LLP

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Via E-Mail

David Flint  
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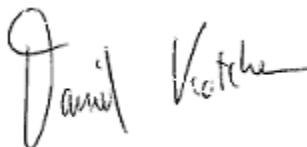
May 4, 2010

Re: *In re: Delta/Air Train Baggage Fee Antitrust Litigation,*  
*Case No. 1:09-md-2089*

Dear David,

I am writing to correct a statement from Plaintiffs' Opposition to Defendants' Motions to Dismiss. On page 26 of Plaintiffs' Opposition, we state the following: "AirTran's earnings call was held at 9:00 a.m. ET, and it appears that AirTran announced the filing of its registration statement at 5:05 p.m. ET." Based on information provided by AirTran, it appears that the registration statement was announced at 5:05 a.m. ET (as opposed to 5:05 p.m.). Plaintiffs therefore want to correct this statement, and I would appreciate your informing the Court of this correction.

Sincerely,

A handwritten signature in black ink that reads "Daniel Kotchen". The signature is written in a cursive style with a horizontal line at the end.

Daniel Kotchen