

2002-7-16

LAW OFFICES

**ELWOOD S. SIMON & ASSOCIATES, P.C.**

A PROFESSIONAL CORPORATION

355 SOUTH OLD WOODWARD AVENUE

SUITE 250

BIRMINGHAM, MICHIGAN 48009

TELEPHONE (248) 646-9730

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FACSIMILE (248) 258-2335

July 12, 2002

VIA FACSIMILE TO (703) 914-1149

U.S. Securities & Exchange Commission  
FOIA Office, Stop O-5  
6432 General Green Way  
Alexandria, VA 22312-2413

**RE: In re First Chicago Shareholder Securities Litigation,**  
**Case No. 00-CV-0767 (N.D. Ill.)**

Dear FOIA Coordinator:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, *et seq.*, I am writing on behalf of the certified plaintiff class in the above-referenced action to request that the Securities and Exchange Commission ("SEC") produce its correspondence files, consumer contact information, investigatory records and any other non-public information related to First USA Bank, N.A. ("First USA"), Banc One Corporation ("Banc One") and/or Bank One Corporation (collectively "Bank One") for the period from January 1, 1998 to July 31, 2000 (the "Relevant Period"). Specifically, please send us copies of the following materials:

1. Documents, reports or memoranda prepared by the SEC in the course of its regulatory oversight of Bank One (and its affiliates) during the Relevant Period.
2. Documents which refer or relate to any communications with or between the SEC and Bank One (and its agents) during the Relevant Period, including, but not limited to, copies of all correspondence and transmittal letters.
3. Documents which refer or relate to the October 2, 1998 merger of Banc One and First Chicago-NBD Corporation ("FCN") with and into Bank One (the "Merger"), including, but not limited to, any SEC comment letters and/or management response letters discussing Banc One and FCN's Joint Registration Statement and Merger Proxy/Prospectus.
4. Documents which refer or relate to or discuss Bank One's August 24, 1999, November 10, 1999 and/or January 11, 2000 press releases and earnings announcements, where Bank One revealed, *inter alia*, that Bank's credit card division (First USA) would not achieve reported growth and earnings projections for 1999 and 2000 as a result of pricing changes which had been made and as a result of various operational and customer service issues.

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5. All documents which discuss and/or relate to any SEC investigation or management response discussing the compensation, terms of employment and/or terminations or severance of any of the following officers of Bank One:
1. Richard Vague
  2. Richard Lehmann
  3. John McCoy
  4. Verne Istock
  5. David Vitale
  6. Don Winkler
  7. Bill Roberts
6. Documents related to any formal or informal investigation or comment letter involving Bank One or the trading of Bank One's securities by the SEC, any stock exchange or any other governmental or regulatory agency during the Relevant Period, including, but not limited to, any investigation into (insider) trading of Bank One's securities.

The requested materials would be of obvious assistance to us in the prosecution of the above-referenced matter. You may send the documents to me at the address above, and may facsimile any correspondence to my attention at (248) 258-2335. We will pay for the reasonable costs of copying and shipping the requested materials.

Let me take this opportunity to thank you, in advance, for your cooperation and prompt attention to this matter. If you have any questions, of course, please feel free contact me at any time.

Very truly yours,

ELWOOD S. SIMON & ASSOCIATES, P.C.



LANCE C. YOUNG

LCY/hlm

cc: John Zuccarini, Esq.  
Arthur Susman, Esq.