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Birmingham, AL 35243  
August 2, 2009  
xxx xxx xxxx

Clerk of the Court  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

To the court regarding In re Initial Public Offering Litigation, 21 MC 92 (SAS);

As a long term holder of 100 shares of Agilent Technologies common stock, 38 shares from the spin-off from my holdings in the Hewlett-Packard Company and 62 shares purchased on July 27, 2000 for \$39.10 per share, and based on over two decades of experience buying and selling stocks, and my review of documents on the referenced web site, iposesecuritieslitigation.com, **I object to the proposed Settlement** as described below. All references to stock below concern the particular one I own but I am confident would apply universally.

1. The litigation centers on imperfections in the documents concerning the initial public offering. The plaintiffs claim these imperfections were intentional to defraud and the defendants claim the imperfections were accidental. There is no such thing as a perfect document and perfection is open to interpretation. All documents are subject to debate. The alleged actions of the defendants are things that really do happen and any person involved with stocks should always be on the lookout for. **But plausibility is not proof.** What I found in the documentation were lengthy descriptions of numerous other cases where wrongdoing was apparently real. There is an old adage, “follow the money.” There are always initial winners in fraud – that is the whole point. I was looking for but did not find a specific accounting of wrongful profits made by specific defendants and how those profits were greater by some specific amount as a result of the imperfections or fraud. All I found were indications the defendant’s made money which is the object of the business they are in – nothing wrong with that. To believe that the plaintiff’s lawyers really did spend the reported vast sum of money I would have to see results that clearly proved excess and wrongful income via the alleged actions. **I find that the case is based too much on plausibility and based insufficiently on reality.** The court documents I reviewed indicate that nothing has been proved.

2. If I assume that the defendants did commit fraud as alleged then the damaged parties are limited to primary group who directly took part in the subscription and immediate aftermarket. After a stock is trading there are numerous opinions, rumors, lies, and anything imaginable from a variety of sources outside the control of the defendants concerning buy or sell ratings of the stock that can influence individuals who transact the stock. It is extremely unlikely that any individual who transacted the stock in the aftermarket read so much as one word of the IPO documents. Therefore I fail to see how any imperfection in those documents can be linked to financial loss of the secondary group. **Thus, the vast majority of the plaintiff class has no basis to be in this suit.** Their inclusion is only to amplify total damages for the purpose of enhancing the profits of the plaintiff’s lawyers. A “substantially less” fee as described on page 3 of the Notice based on a grossly inflated amount is still excessive.

3. The time period of the IPOs in question was among the most euphoric and volatile periods in stock market history. The prices of practically every stock were absurdly high driven by a bubble mania. The defendants did not cause the bubble. I have no doubt that they tried to capitalize on it as the ideal time to sell stock is when the market is euphoric. There is nothing wrong with that. The point here is that the mania of the market in general hugely amplified price swings and resulting profits or losses in various stock transactions. Any fraud that might have been taking place was dwarfed by market volatility. **I do not accept the amplification of losses by market conditions as representative of possible damages by fraud.** The plaintiff's lawyers are attempting to capitalize on market conditions rather than pursue actual fraud.

4. If fraud was committed then everyone was affected equally. Why then are those who ended up making a profit excluded from the settlement? Why is the amount of individual settlement based on the price they paid and when they bought the stock? **It appears to me that the Settlement accounting is rigged to amplify damages for enhanced profit by plaintiff's lawyers.** Markets consist of both losses and gains. Counting only one or the other is wrong.

5. **I have zero doubt that Agilent Technologies et al. was coerced to settle the case to bring closure to costly and endless legal blackmail known as discovery.** I reject their giving in to this. It tramples my rights as an investor. It is wrong for the court to accept a settlement based on coercion. Rather, the court has a duty to supersede such settlements and impose fairness.

6. **The plaintiff's lawyers have presented a molehill as if it were a mountain and are seeking a stratospheric payoff.** They should only be paid for the true molehill and only after they make a more compelling case than just plausible. It matters not what they claim their expenses are. The only thing that matters is true work done. Wasteful work is not compensable.

**In summary, this case is the typical example of extortion via Court with payoff for the lawyers on all sides.** That the case has lingered for eight years without any formal proof by the plaintiffs suggests that there is no proof and that the majority if not all of the defendants are not liable for alleged damages. Although it is common practice to blame plaintiff's lawyers for the high corruption represented by cases like this, they are powerless unless the Court, which has the ultimate power, endorses their sleaze. The absurdity of cases like this leads me to suspect gratuitous relationships in general between courts and plaintiff's lawyers. It is hard to fathom the Court actually being so incompetent to allow a weak case like this to linger. All plaintiff parties to this sham are a despicable disgrace to United States and the pathetic, corrupt, and dishonorable practice of law. The judge alone holds the power to decide if it will be justice for the country or profit for worthless lawyers. What will it be? It is not too late for the judge to stand with honor and virtue. **Your honor, please make the right decision so the good citizens can be proud of their country again.**

Sincerely yours,

Kenneth A. Kuhn

cc: Counsel for Settlement classes: Rebecca M. Katz, Ariana J. Tadler, and Defendants' liaison counsel: Jack C. Auspitz, Gandolfo V. DiBlasi