## **EXHIBIT 4**

UNITED STATES DISTRIC EASTERN DISTRICT OF N	EW YORK	X	
In re PAYMENT CARD INT FEE AND MERCHANT DIS ANTITRUST LITIGATION	ERCHANG		MDL No. 1720 (JG)(JO)
This document relates to:		: :	No. 05-MD-01720 (JG) (JO)
ALL ACTIONS,		: : : :X	[REDACTED]
	D	ECLARATION	
STATE OF NEW JERSEY	}	70	
COUNTY OF HUDSON	}ss.: }		

ABRAHAM HARARI, being duly sworn, deposes and says:

- 1. I am the president of Capital Audio Electronics Inc. ("Capital Audio"), am fully familiar with the facts and circumstances set forth herein, and have personal knowledge thereof.
- 2. Capital Audio was one of the original named class representatives in *Photos Etc.* v. *Visa U.S.A., Inc. et al.*, the first of the cases challenging the fixing of interchange fees to be consolidated into MDL 1720, which was filed on June 22, 2005 in the United States District Court for the District of Connecticut.
- 3. Since that time, Capital Audio has worked closely with Robins Kaplan and the other Co-Lead Counsel for more than 13 years in the prosecution of this action, starting from the beginning through the pendency of the appeal in the Second Circuit, the remand back to the District Court, and every step since, including participating in extensive discovery efforts.
- 4. I frequently discussed the status of the litigation and Capital Audio's discovery efforts with K. Craig Wildfang, Bernard Persky and with Ryan Marth of Robins Kaplan.

- 5. Following the remand from the Second Circuit, Defendants served supplemental discovery requests on all the class plaintiffs. On October 20, 2017, Defendants served their voluminous Second Set of Interrogatories on each of the named plaintiffs. Thirty five interrogatories, several of which were multi-part, called for detailed review and analysis by Capital Audio. The interrogatories called for years' worth of information regarding every aspect of Capital Audio's payment acceptance. The interrogatories requested details of every program considered to enhance customer loyalty, all fees incurred, all plans or considerations regarding surcharges, discounts, the total costs incurred related to every type and brand of payment accepted, and other similarly detailed requests. Capital Audio undertook significant efforts to provide detailed answers to these interrogatories, despite their being onerous, burdensome, and in large measure seeking irrelevant information. On December 4, 2017, Capital Audio provided its responses.
- 6. On September 11, 2017, Defendants served their Second Set of Requests for Production and Inspection of Documents to Each of the Putative Rule 23(b)(3) Class Plaintiffs. This set included 110 individual requests, each of which sought information going back to at least 2006, while a significant portion of the requests sought information extending back to 2000. Responding to these requests for documents up to 17 years old was very challenging. It took Capital Audio significant time and effort to respond to these requests, a particular burden on a modest family-owned business.
- 7. After reviewing the discovery demands, we were required to perform an exhaustive search gathering responsive materials. Capital Audio searched its electronic files and email systems using keywords, and because so much of our business is still conducted on paper,

needed to review tens if not hundreds of thousands of hard copy documents. We ultimately produced over 5,000 additional documents in the second round of discovery.

- 8. It must be noted that since so much of Capital Audio's work is on paper, and not electronically stored, the search for documents involved expending significant efforts searching hundreds of boxes in a physical storage location. This was a great hardship.
- 9. I spent an additional on supplemental discovery, and based on my compensation, not to mention my value to the company as its chief operating officer, my time is worth
- 10. Susan Platkin, the officer manager, spent an additional on supplemental discovery, and her time is valued at
- 11. Clara Gelfand, Capital Audio's office assistant, spent an additional supplemental discovery, and her time is valued at
- 12. Tony Medina, the warehouse manager, spent an additional on supplemental discovery, and his time is valued at
- 13. Because we are a small business, with only a handful of employees, the diversion of the above individuals to dealing with discovery in this case was extremely disruptive to Capital Audio's business and worked a very significant hardship.
- on appeal, I have spent a total of at least on the phone with our general counsel, Bruce Levinson, Esq., as well as with counsel at the Robins Kaplan firm. There have been multiple topics of discussion including discovery compliance, settlement, and every facet of the case including its ongoing status. Capital Audio's productivity suffered as a result because I had to take time away from my chief executive officer functions.

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15. Under these circumstances, it is	respectfully requested that the Court grant an
appropriate incentive award, taking into accou	nt how difficult being a lead plaintiff in this matter
has been to a small business such as Capital A	udio.
Sworn to before me this 31 <sup>st</sup> day of May, 2019	ABRAHAM HARARI
Notary Public	

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e of New Tersey	ss.
nty of	nes 1–7 below)
ee Statement Below (Lines 1–7 to be complet	
Signature of Document Signer No. 1	Signature of Document Signer No. 2 (if any)
	Subscribed and sworn to (or affirmed) before me
	this 31 day of May, 2019 by
	Date Month Year
	Abruham Harari
YANEL MARCIAL-CORTES	Name of Signer No. 1
Notary Public – State of New Jersey	
My Commission Expires Mar 27, 2022	Name of Signer No. 2 (if any)
	y / n
	Signature of Notary Public
Place Notary Seal/Stamp Above	Any Other Required Information (Residence, Expiration Date, etc.)
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