

EXHIBIT 4

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 [REDACTED] 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 [REDACTED].

10. Susan Platkin, the officer manager, spent an additional [REDACTED] on supplemental discovery, and her time is valued at [REDACTED].

11. Clara Gelfand, Capital Audio's office assistant, spent an additional [REDACTED] on supplemental discovery, and her time is valued at [REDACTED].

12. Tony Medina, the warehouse manager, spent an additional [REDACTED] on supplemental discovery, and his time is valued at [REDACTED].

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.

14. On top of the foregoing, since the initial order settling this matter was overturned on appeal, I have spent a total of at least [REDACTED] 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.

15. Under these circumstances, it is respectfully requested that the Court grant an appropriate incentive award, taking into account how difficult being a lead plaintiff in this matter has been to a small business such as Capital Audio.


ABRAHAM HARARI

Sworn to before me this
31st day of May, 2019

Notary Public

JURAT WITH AFFIANT STATEMENT

State of New Jersey } ss.
County of Morristown

- See Attached Document (Notary to cross out lines 1-7 below)
- See Statement Below (Lines 1-7 to be completed only by document signer[s], not Notary)

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____

7 _____
Signature of Document Signer No. 1 *Signature of Document Signer No. 2 (if any)*

Subscribed and sworn to (or affirmed) before me
this 31st day of May, 2019 by
Abraham Harari
Name of Signer No. 1



Name of Signer No. 2 (if any)
yaniel cortes
Signature of Notary Public

Place Notary Seal/Stamp Above

Any Other Required Information (Residence, Expiration Date, etc.)

OPTIONAL

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Title or Type of Document: Declaration
Document Date: May 31, 2019 Number of Pages: 4
Signer(s) Other Than Named Above: NO other Signer