

**UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**IN RE PAYMENT CARD INTERCHANGE
FEE AND MERCHANT DISCOUNT
ANTITRUST LITIGATION**

No. 05-MD-1720 (JG) (JO)

This Document Applies to: All Cases.

REPORT OF THE CLASS ADMINISTRATOR

I, NICOLE F.J. HAMANN, declare as follows:

1. I am the Senior Vice President of Client Services for Epiq Class Action & Claims Solutions, Inc. ("Epiq"), the Class Administrator in the above-captioned case. I hereby declare, based upon my personal knowledge, information provided to me by associates and staff under common supervision, and upon a review of the business records maintained by Epiq, as follows:

2. On November 27, 2012 as part of its Order granting preliminary approval of the settlement, the Court appointed Epiq as the Class Administrator and approved the Notice Plan submitted by Epiq's sister company, Hilsoft Notifications [Docket Entry 1745].

3. I previously prepared a report on the Settlement notification effort which was filed on April 11, 2013 as part of Class Plaintiffs' motion for final approval of the settlement [Declaration of Nicole F.J. Hamann on Class Administrator's Implementation of Settlement Notice Plan, Docket Entry 2111-6]. On the same date, a declaration from the Director of Legal Notice for Hilsoft Notifications was also filed with the Court [Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Settlement Notice Program, Docket Entries 2111-7 and 2111-8].

4. Paragraph 24 of the Preliminary Approval Order directs the Class Administrator to prepare a report that:

- a. “Confirm[s] that the Notice Plan was carried out and that the website notice, mail notice, publication notice, and any other notice to members of the Rule 23(b)(3) Settlement Class and the Rule 23(b)(2) Settlement Class was provided in the manner directed by the Court.”
- b. “Identif[ies] the date when the Case Website was fully established and its content made available to the members of the Rule 23(b)(3) Settlement Class and the Rule 23(b)(2) Settlement Class, the date or dates on which mail notices were mailed, the dates of the publication notices, and the date or dates of any other notice directed by the Court.”
- c. “List[s] each member of the Rule 23(b)(3) Settlement Class that sought to become an Opt Out and be excluded from the Rule 23(b)(3) Settlement Class, and on what date the request to be excluded was postmarked and received, and state[s] whether the Rule 23(b)(3) Settlement Class member’s request for exclusion was timely and properly made.”
- d. “Attach[es] a copy of all documentation concerning each request for exclusion that the Class Administrator received, with any taxpayer identification number, or other confidential information filed under seal with the Court.”

5. Pursuant to Paragraph 24 (a) and (b) of the Preliminary Approval Order, the reports previously prepared by Cameron R. Azari, Esq. and myself—identified in paragraph 3 above—confirm that the Notice Plan was carried out and that all notice was provided in the

manner directed by the Court. These reports also identify the dates that key aspects of the Notice Plan were carried out.

6. Pursuant to Paragraph 24 (c) of the Preliminary Approval Order, a report has been prepared of each request for exclusion from the Rule 23(b)(3) Settlement Class that was received by Epiq through June 7, 2013. This “Class Administrator’s Report of Exclusion Requests—Publicly Filed Version” (“Report”) is attached as **Exhibit A**. The Class Administrator continues to receive exclusion requests. It is anticipated that a revised Report will subsequently be filed with the Court.

7. Each row of the Report is related to one exclusion request submission. For each submission, the Report provides the entity name, postmark date (if indicated and legible), receipt date and status. The following table provides a breakdown of included exclusion requests by status:

Timely and Properly Made	7,148
Timely and Incomplete	580
Late and Properly Made	71
Late and Incomplete	8
Total	7,807

8. As indicated in the publication and long-form notices that were approved by the Court on December 14, 2012, requests for exclusion from the Rule 23(b)(3) Settlement Class were required to be postmarked by May 28, 2013. All exclusion requests with a postmark through May 28, 2013 are shown on the Report as timely. Because it is not uncommon for United States Postal Service to (a) process and deliver mail without affixing a postmark or (b) affix a postmark that is illegible, counsel for the settling parties have agreed that exclusion requests which may have been submitted by May 28, 2013 and which have been received within

10 business days following the May 28, 2013 deadline (June 11, 2013), will be considered timely when the postmark is missing or illegible.

9. Among the exclusion requests received, Epiq identified 588 that did not technically satisfy the requirements specified in Section 12 of the long-form notice. By way of example, such incomplete submissions may have been missing a phone number or Tax Identification Number (“TIN”). These submissions are identified on the Report with a status of “Incomplete.” At the direction of settlement counsel, Epiq will notify merchants by mail regarding their Incomplete submissions. A revised Report will then be submitted to the Court.

10. Pursuant to Paragraph 24 (d) of the Preliminary Approval Order, Epiq has provided a version of Exhibit A for filing under seal with the Court. As contemplated by Paragraph 89 (d) of the Definitive Class Settlement Agreement, requests for exclusion may contain confidential information. In addition to the data elements described above, the version to be filed under seal includes postal addresses and TIN’s. Epiq has also provided counsel for the settling parties with digital images of all exclusion requests received through June 7, 2013 for filing under seal with the Court.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Nicole F.J. Hamann

Dated: 6/11/2013