

**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.

SECOND 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 June 12, 2013, pursuant to Paragraph 24 of the Order granting preliminary approval of the settlement, Epiq provided a "Class Administrator's Report of Exclusion Requests—Publicly Filed Version" of merchants that sought to be excluded from the Rule 23(b)(3) Settlement Class, as well as the date each request was postmarked and received, and whether the request was timely and properly made. [Docket Entries 5783 and 5783-1]. Epiq also provided a Sealed Version which included postal addresses and tax identification numbers ("TIN's") [Docket Entry 5764]. Additionally, as provided in the Order granting preliminary approval, copies of exclusion requests received through June 7, 2013 were provided under seal to the Court [Docket Entry 5768].

3. As discussed in Paragraph 6 of my declaration filed on June 12, 2013, it was anticipated that a revised report would subsequently be filed with the Court [Docket Entry 5783].

On June 24, 2013, Class Counsel submitted a letter to the Court contemplating the filing of a revised and corrected Report on July 1, 2013 [Docket Entry 5861]. Accordingly, attached as **Exhibit A** is a revised and supplemented version of the report (the “Report”). In addition, 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 that contains postal addresses and TINs.

4. The Report follows the same format as the prior submission. 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 exclusion requests by status:

Timely and Properly Made	7,187
Timely and Incomplete	503
Late and Properly Made	103
Late and Incomplete	13
Timely and Cured	141
Late and Cured	4
Not in Class	2
Total	7,953

5. Requests for exclusion from the Rule 23(b)(3) Settlement Class were required to be postmarked by May 28, 2013. Exclusion requests with a legible postmark through May 28, 2013 are shown on the Report as timely; exclusion requests with a missing or illegible postmark are also shown as timely provided they were received by June 11, 2013 (within 10 business days following the May 28, 2013 deadline).

6. Among the exclusion requests received, Epiq has identified 661 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 TIN. Such submissions were identified on the report filed on June 12, 2013 with a status of “Incomplete.”

Pursuant to Paragraph 9 of my declaration filed on June 12, 2013 and at the direction of settlement counsel, Epiq attempted to notify merchants by telephone regarding their Incomplete submissions and to obtain the missing data element(s) [Docket Entry 5783]. Exclusion requests for which Epiq was able to obtain missing information are identified as “Cured” on the Report (either as “Timely and Cured” or “Late and Cured”). The effort to contact merchants who submitted Incomplete exclusion requests is ongoing.

7. Finally, exclusion requests received from foreign entities (defined as entities with a foreign address that did not provide a TIN issued by U.S. Internal Revenue Service) are identified on the Report as “Not in Class.”

8. Substantial efforts have been undertaken to validate that the information is accurately reported, including multiple reviews of all exclusion requests received. At the same time, some requests run to hundreds of pages and were submitted in a panoply of formats. Epiq continues to revalidate data from these submissions and may submit another updated version of this report. Such a report could also include additional late-submitted exclusion requests and further information subsequently provided by merchants related to Incomplete submissions.

9. Epiq has provided counsel for the settling parties with digital images of exclusion requests received by Epiq from June 7, 2013 through June 27, 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: 6/28/2013