

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:	: MASTER FILE NO. CV-96-5238
	: :
VISA CHECK/MASTERMONEY	: (Gleeson, J.) (Orenstein, M. J.)
ANTITRUST LITIGATION	: :
This Document Relates To	: :
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ALL ACTIONS	: :
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DECLARATION OF MICHAEL MCCORMACK

I, Michael McCormack, declare as follows under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an Executive Vice President with Noblett & Associates, a 14-year-old consulting group with expertise in the transaction services industry. I have personal knowledge of all matters set forth in this declaration. Noblett & Associates was engaged by Constantine & Partners (hereinafter "Constantine Cannon") in May 2003 to provide consultative and operational assistance to counsel and the claims administrator with respect to the data being used to support the distribution of the settlement funds in this case. My areas of emphasis at Noblett & Associates have been in leading the design of payment processing operations and systems, design of merchant accounting and reporting systems, and providing advisory and expert analysis services to clients on payment card networks economics, operations, systems, and rules. I have been employed by Noblett & Associates since May 1999.

2. Since being retained as a consultant in May 2003, I have worked with Constantine Cannon and the claims administrator to advise and assist in facilitating and organizing processes to facilitate the distribution of the settlement funds. I have advised on the databases maintained by the U.S. merchant acquiring industry, and the technical details of the Visa Transactional

Database, which captures (and separately identifies) Visa debit and credit transaction counts and volumes for all merchants that accepted Visa in the United States between October 1, 1996 and July 31, 2003. I also advised and assisted with the process of requesting merchant information from U.S. acquirers to help link the merchant mailing lists maintained by the acquirers with the transactional detail captured by the Visa Transactional Database. I assisted the claims administrator with processes, techniques and review of their efforts to match the merchant information provided by acquirers to the detail in the Visa Transactional Database.

3. Beginning in January 2005, Constantine Cannon asked me to interact and liaison with merchants to help them “consolidate” their claim forms as the Visa Transactional Database maintains the data at the store or merchant location level. To ensure that merchants, particularly large merchants, received one claim form rather than numerous forms, Constantine Cannon and the claims administrator referred numerous merchants to me for assistance. As part of that process, I became a regular point of contact about the distribution for many merchants. Following the mailing of claim forms in September 2005, my interactions with merchants about the claims process and the consolidation process intensified.

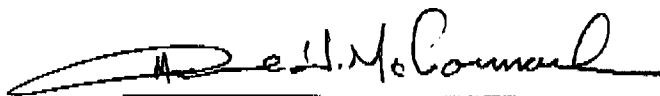
4. On or about November 29, 2005, I was contacted by Ms. Melanie Fixx of the Navy Exchange Service Command (“Navy Exchange Service”) for assistance. The Navy Exchange Service had received claims forms for some of their Visa and MasterCard accepting locations, yet were missing forms for others. Ms. Fixx requested I assist her with how to proceed with consolidating the known claims and having a search commenced for the claims data and forms which had not been received. I described the consolidation process to Ms. Fixx and provided her with an electronic copy of a consolidation data template. I told Ms. Fixx I understood the subject of U.S. government entities’ eligibility to participate in the settlement was

under review by class counsel, yet that I would proceed assisting with the consolidation and data search for the Navy Exchange Services. I assisted Ms. Fixx on the same basis and subject matters that I have been assisting other merchants.

5. On December 23, 2005, I was contacted by Ms. Fixx with several questions regarding how to format information on the consolidation data form, and the steps the claims administrator would progress through to effect a consolidation. I answered Ms. Fixx's inquiries during the course of the telephone conversation.

6. On January 9, 2006, I received from Ms. Fixx via electronic mail a consolidation data sheet containing a listing of the known claim forms the Navy Exchange Service had received and a listing of the Navy Exchange Service card accepting locations. Ms. Fixx asked I review and advise on the suitability of the consolidation sheet, which I did January 9, 2006, and I advised Ms. Fixx the sheet appeared to be formatted correctly and contained suitable information to proceed with a consolidation.

April 19, 2006



Michael McCormack