

# EXHIBIT 9

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

|                                |   |                             |
|--------------------------------|---|-----------------------------|
| _____                          | x |                             |
| In re PAYMENT CARD INTERCHANGE | : | MDL No. 1720(JG)(JO)        |
| FEE AND MERCHANT DISCOUNT      | : |                             |
| ANTITRUST LITIGATION           | : | Civil No. 05-5075(JG)(JO)   |
|                                | : |                             |
| _____                          | : | THIRD DECLARATION OF HOWARD |
| This Document Relates To:      | : | TRACHTMAN                   |
|                                | : |                             |
| ALL ACTIONS.                   | : |                             |
|                                | : |                             |
| _____                          | x |                             |

I, Howard Trachtman, declare as follows:

1. I am Senior Vice President – Finance and General Counsel for Class Representative Parkway Corporation (“Parkway”). I submit this declaration to provide detail concerning Parkway’s role as a Class Representative subsequent to the Second Declaration of Howard Trachtman dated July 15, 2014.

2. Parkway’s work as a Class Representative continued unabated 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 and consulting on settlement negotiations.

3. Following the remand, Defendants served Parkway with comprehensive discovery – beyond even the discovery served during the first period of the litigation. On October 20, 2017, Defendants served their Second Set of Interrogatories on Parkway and the other Class Representatives. Thirty-five interrogatories, several of which were multi-part, called for detailed review and analysis by Parkway. The interrogatories called for information regarding every aspect of Parkway’s payment acceptance dating back to 2000. 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. Parkway executives and other employees undertook significant efforts to provide detailed answers to these interrogatories. On December 4, 2017, Parkway provided its responses.

4. On March 14, 2018, Visa served Parkway with an additional round of interrogatories that called for another in-depth investigation by Parkway. Parkway responded on April 13, 2018. Those additional requests focused on signage used by Parkway at its many dozens of parking locations, and responding to these questions, with both narrative responses and documents, was cumbersome.

5. 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 was very challenging. It took Parkway significant time and effort to respond to these requests.

6. Parkway spent considerable time and effort gathering materials responsive to defendants' document requests. Searches of our electronic files and email systems using key words were conducted as well as a review of hard copy documents, which resulted in a large production of additional documents. In this second round of discovery, Parkway produced 16,755 pages of documents.

7. On June 8, 2018, Parkway's Director of Finance & Cash Management Olga Ghiba provided a deposition in this matter. This was the **fourth** deposition of a Parkway executive in the

litigation. Ms. Ghiba's deposition lasted a full day and she and I spent considerable time preparing for it.

8. Parkway has requested and received regular status updates regarding the case in this second phase. I regularly spoke with the attorneys prosecuting the litigation and provided reports regarding the litigation to others at Parkway. This is true also concerning the settlement negotiations. Parkway's President and CEO Robert Zuritsky, Olga Ghiba and I spent significant time being briefed and consulting on case and settlement status.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 4<sup>th</sup> day of June 2019 in Philadelphia, PA.



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Howard Trachtman