



MICHAEL J. KANE
SHAREHOLDER
p. 215.875.4686 | mkane@bm.net

July 22, 2019

VIA ECF

Magistrate Judge James Orenstein
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Room 1227 South
Brooklyn, NY 11201

Re: *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*,
No. 1:05-MD-1720-(MKB)(JO)

Dear Magistrate Judge Orenstein:

Rule 23(b)(3) Co-Lead Counsel write to inform the Court of the actions we have taken to comply with the Court's order that we "provide notices to all non-party Branded Marketer objectors to the pending proposed settlement who report that they have not received a copy of the notice." ECF No. 7512, at ¶2. We instructed the Claims Administrator Epiq to mail a long form notice via certified mail to the address provided in the objection filed by non-party Branded Marketer objectors. Epiq has done so and also confirmed that a long form notice had previously been mailed to the addresses of all but one of those objectors. *See* 2019 Declaration of Nicole J. Hamman on Long Form Notice Mailings to Branded-Marketer Objectors, at ¶¶4-5 ("Hamann Declaration" attached hereto as Exhibit 1).¹ The one objector to whom Epiq did not mail notice to the address provided in the objection was Wilson Baker, Inc., ECF No. 7547. However, Epiq had mailed notice to "Country Corners Market #1" at "PO Box 250, Milton, DE 19968-0250" which shares the same Tax Identification Number as Wilson Baker, Inc. *Id.* at ¶4(d).

¹ Attachment A to the Hamann Declaration is a chart setting forth the ECF No. for each objection, the objectors' name and the address in the objection along with the name and address information used for the original mailing of the notice.



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A copy of the notice will be sent to any other entity or person who claims that they did not receive the notice. *Id.* at ¶5.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Michael Kane', is written in a cursive style.

Michael J. Kane

MJK/sll
Attachment

cc: All Counsel of Record (*via ECF*)

EXHIBIT “1”

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

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

No. 05-MD-01720 (MKB) (JO)

This Document Applies to: All Cases.

**2019 DECLARATION OF NICOLE F. J. HAMANN ON LONG FORM NOTICE
MAILINGS TO BRANDED-MARKETER OBJECTORS**

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

1. I am Managing Director for Epiq Class Action & Claims Solutions, Inc. (“Epiq”), the Class Administrator in the above-captioned case. In this capacity, I am authorized to make the following declaration on behalf of Epiq. I received my Bachelor of Science degree in biochemistry from the University of Washington and hold a Master of Business Administration degree from the University of Oregon. I have first-hand knowledge of, and am competent to testify, regarding the matters stated herein.

2. This Declaration supplements my prior declaration filed with this Court, dated June 7, 2019, ECF No. 7469-7.

3. A number of objections have been filed with the court including statements either the same as or similar to the following: “Company is aware that a Class Notice has gone out but it was not mailed a copy by the Claims Administrator.” *See* ECF No. 7413.

4. In response to the above-mentioned statement, Rule 23(b)(3) Class Counsel asked Epiq to review our notice database to determine if notice had been mailed to those objectors who claimed not to have received notice. We reviewed all objections filed with the court, as well as

those received by Epiq that were not filed with the court, in which the objector stated that it had not received a notice. For all but one of those objections, Epiq determined that it previously had mailed a notice to the address provided in each of the objections that contained a statement to the effect that the objector had not received mailed notice and that those notices had not been returned as undeliverable.

a. In some instances, the notice was mailed to the address of the objector but contained a slightly different merchant name, such as ECF No. 7520, where the objection is from “Rackley Oil, LLC” and the Epiq mailed notice was addressed to “Rackley Oil Cardlock” at the address of the objector.

b. Other differences were due to notice being mailed to the company name and the objection coming from an individual. (*See, e.g.*, ECF Nos. 7529, 7532, and 7534, where notice was mailed to “Atlantis Fuels Dist. LLC” and the objections were from “Atlantis Management Group II LLC and two individuals.)

c. Additionally in two instances, two separate objections were received from the same address where the data available to Epiq shows that the entities objecting at those same addresses have the same Tax Identification Number. (*See* Pumpbelly/GP Holdings (ECF Nos. 7434 and 7435) and Maverick/Cox (ECF Nos. 7439 and 7440)). As reported in paragraph 18 of my prior declaration, Epiq selected one name/address combination for each TIN for mailing and, consistent with that determination, sent only one mailed notice to that address.

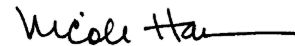
d. The one objector to which Epiq did not mail notice to the address provided in the objection was for Wilson Baker, Inc., ECF No. 7547. The address provided on the

objection is “15046 Gravel Hill Rd., Milton, DE 19968.” Epiq mailed notice to “Country Corners Market #1” at “PO Box 250, Milton, DE 19968-0250.” Country Corners Market shares the same Tax Identification Number as Wilson Baker, Inc.

A chart listing the objections that state that the objector did not receive mailed notice and providing information about notices mailed is attached as Attachment A.

5. Beginning on July 11, 2019, and on a rolling basis thereafter, in response to certain objectors’ claims that they had not received a copy of the notice, Epiq mailed, via certified mail, copies of the long form notice previously sent to the name and address provided on the objections referenced in Attachment A. On a go-forward basis, Epiq will continue to send notice to any entity or person who claims that they did not receive the notice.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 22, 2019 in Beaverton, Oregon.



Nicole F. J. Hamann

ATTACHMENT A

Payment Card Interchange Settlement



| ECF No. | Objection Name | Objection Address | Long-Form Notice ("LFN") Name | Long-Form Notice ("LFN") Address | LFN Sent |
|---------|--|---|--|--|----------|
| 7413 | Standard Petroleum Company | 299 Bishop Avenue, Bridgeport, CT 06610 | Standard Petroleum Company | 299 Bishop Ave, Bridgeport, CT 06610-3056 | Yes |
| 7417 | Herndon Oil Corp. | 102 N. Court Square, Abbeville, AL | Herndon Oil Corporation | 102 N Court Sq, Abbeville, AL 36310-2100 | Yes |
| 7434 | Pumpelly Oil Acquisition, LLC | 1890 Swisco Road, Sulphur, LA 70665 | Pumpelly Oil B P | 1890 Swisco Rd, Sulphur, LA 70665-8212 | Yes |
| 7435 | GP Holdings of Louisiana, LLC | 1890 Swisco Road, Sulphur, LA 70665 | Pumpelly Oil B P | 1890 Swisco Rd, Sulphur, LA 70665-8212 | Yes |
| 7439 | Maverick, Inc. | 623 Perkins St, Union City, TN 38261 | Cox Oil Co., Inc | 623 Perkins St, Union City, TN 38261-3949 | Yes |
| 7440 | Cox Oil Company, Inc. | 623 Perkins St, Union City, TN 38261 | Cox Oil Co., Inc | 623 Perkins St, Union City, TN 38261-3949 | Yes |
| 7448 | Mid South Petroleum Corporation dba Midstates Petroleum Company, LLC | 8596 Highway 18, Vernon, AL 35592 | Mid South Petroleum Co | 8596 Highway 18, Vernon, AL 35592-5821 | Yes |
| 7449 | Southern Oil Co., Inc. | 40701 Alabama Highway 17, Emelle, AL 35459 | Southern Oil Co Inc | 40701 Al Highway 17, Emelle, AL 35459-2111 | Yes |
| 7454 | Davenport Energy, Inc. | 108 S. Main Street, Chatham, VA 24531 | Davenport Energy, Inc. | 108 S Main Street, Chatham, VA 24531-5564 | Yes |
| 7456 | Aranosian Oil Co., Inc. | 557 North State St., Concord, NH 03301 | Aranosian Oil Co Inc dba Aranco Oil Co Inc | 557 N State St., Concord, NH 03301-3236 | Yes |
| 7484 | HN Funkhouser & Co. | 2150 South Loudoun Street, Winchester, VA | HN Funkhouser & Co. | 2150 S Loudoun Street, Winchester, VA 22601-3615 | Yes |
| 7488 | Burch Oil Company, Inc. | 24660 Three Notch Road, Hollywood, MD 20636 | Burch Oil Company, Inc. | 24660 Three Notch Road, Hollywood, MD 20636-2981 | Yes |
| 7503 | JLA, Inc. dba Waube Mart | Not Provided | JLA, Inc. dba Waube Mart | 941 Waube Ln, Green Bay, WI 54304-5521 | Yes |
| 7519 | Laurel Oil, LLC | 1105 W 6th St., Laurel, MS 39440 | Laurel Oil, LLC | 1105 W 6th St., Laurel, MS 39440-3815 | Yes |
| 7520 | Rackley Oil, Inc. | P.O. Box 826, Starkville, MS 39760 | Rackley Oil Cardlock | PO Box 826, Starkville, MS 39760-0826 | Yes |
| 7525 | Arizona Trails, Inc. | PO Box 1059, Flagstaff, AZ 86002 | Arizona Trails, Inc. | PO Box 1059, Flagstaff, AZ 86002-1059 | Yes |
| 7526 | Norman G. Sharber | PO Box 1059, Flagstaff, AZ 86002 | Arizona Trails, Inc. | PO Box 1059, Flagstaff, AZ 86002-1059 | Yes |
| 7529 | Jose Montero | 555 South Columbus Ave, STE 201, Mount Vernon, NY 10550 | Atlantis Fuels Dist LLC | 555 South Columbus Ave, STE 201, Mount Vernon, NY 10550-4742 | Yes |
| 7532 | Jimmy Kochisarli | 555 South Columbus Ave, STE 201, Mount Vernon, NY 10550 | Atlantis Fuels Dist LLC | 555 South Columbus Ave, STE 201, Mount Vernon, NY 10550-4742 | Yes |
| 7534 | Atlantis Management Group II LLC | 555 South Columbus Ave, STE 201, Mount Vernon, NY 10550 | Atlantis Fuels Dist LLC | 555 South Columbus Ave, STE 201, Mount Vernon, NY 10550-4742 | Yes |
| 7535 | Tumay Basaranlar | 555 South Columbus Ave, STE 201, Mount Vernon, NY 10550 | AMG 555 G C Quickserve ATTN: Tumay Basaran | 555 South Columbus Ave, Mount Vernon, NY 10550-4742 | Yes |
| 7536 | Mystic Oil Company, Inc. | 19 Jackson Avenue, Mystic, CT | Mystic Oil Company, Inc. | 19 Jackson Avenue, Mystic, CT 06355-2824 | Yes |
| 7544 | Bjornson Oil Company Inc. | PO Box 250, Cavalier, ND 58220 | Bjornson Oil Company Inc. | PO Box 250, Cavalier, ND 58220-0250 | Yes |
| 7545 | Kramer's Wedge Store | 103 Hill St., Kersey, CO 80644 | Phillips 66 - Kramers Wedge St | 103 Hill St, Kersey, CO 80644-3601 | Yes |
| 7547 | Wilson Baker, Inc. | 15046 Gravel Hill Rd., Milton, DE 19968 | Country Corners Market #1 | PO Box 250, Milton, DE 19968-0250 | Yes |
| 7548 | Short Stop Inc. | 26 S. Sixth St. (PO Box 1109), Bay Springs, MS 39422 | Short Stop #3 | 26 S. Sixth St, Bay Springs, MS 39422-9055 | Yes |
| 7549 | Cain Petroleum, Inc. | 4512 S. W. Kelly, Portland, OR 97239 | Cain Petroleum Incorporated | 4512 SW Kelly Ave, Portland, OR 97239-4218 | Yes |
| N/A | Foster Blue Water Oil, L.L.C./ Sunrise Stores, L.L.C. | 69245 Burke Drive, Richmond, MI 48062 | Sunrise Stores LLC | 69245 Burke Drive, Richmond, MI 48062-1551 | Yes |
| N/A | Francois Oil Company Inc. | 128 W Main St., Belleville, WI 53508 | Francois Oil Co | 128 W Main St., Belleville, WI 53508-9396 | Yes |
| N/A | JP Oil Inc. DBA JP Stop and Shop | 2900 S State Rd. 63, Terre Haute, IN 47802 | JP Oil Inc. | 2900 S State Rd 63, Terre Haute, IN 47802-9008 | Yes |