

CONSTANTINE | CANNON

NEW YORK | WASHINGTON

Amy N. Roth  
Attorney at Law  
202-204-3505  
aroth@constantinecannon.com

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**BY FAX**

DAVID FAIR  
FAIR, FITZGERALD & HERSHAFT, P.C.  
110 CORPORATE PARK DR.  
WHITE PLAINS, NEW YORK 10604

Re: Visa Check MasterMoney Antitrust Litigation

Dear Mr. Fair:

I write in regard to our discussion and correspondence today.

As we have stated before, while we will not authorize any firm to act as agents for class members, or endorse their particular agency agreement, any decision by a class member to retain your client's services is a matter between the merchant and your client. As such, we will honor written instructions from merchants that shows that they have designated Class Action Refund LLC ("CAR") to act as their agent to process their claim form and receive their distribution check with respect to the merchant's share of the settlement funds in this matter.

Please provide us with copies of the signed agreements between CAR and its merchant clients, which we will review and forward to the Claims Administrator if they show the merchant's clear intent to designate your client as described above. If that is the case we will forward the contracts to the Claims Administrator to ensure that claim forms, distribution checks and other correspondence are sent to CAR on behalf of these merchants.

We anticipate that this will avoid needless motion practice in this matter. If you have any questions, please let me know.

Sincerely,

  
Amy N. Roth

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