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October 4, 2005

Via Facsimile and ECF

Hon. John Gleeson
United States District Judge
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Visa Check/MasterMoney Antitrust Litigation, CV-96-5238 (JG)(RLM)

Dear Judge Gleeson:

This firm represents Spectrum Settlement Recovery, LLC ("Spectrum"), a non-party claims assistance company. Spectrum has been engaged by numerous merchants in this action to act as their agent in the settlement claims process, and has delivered several hundred letters of agency agreements to the Claims Administrator, the Garden City Group. Spectrum writes:

- (1) to join in Lead Counsel's request that the time to challenge claim estimates be extended from 30 to 90 days, which would bring the current challenge deadline to December 28, 2005 for many merchants;
- (2) to additionally request that the time for merchants to accept their estimates and/or submit a claim form, which is currently November 28, 2005 for many merchants, be correspondingly extended so that all initial response deadlines (to accept, to provide information, or to challenge) for any single merchant are the same (and for many merchants will be December 28, 2005); and
- (3) to further request that where a merchant submits additional information to obtain a revised estimate, all other response/challenge deadlines for that merchant be tolled until all revised

estimates for that merchant are mailed, after which the merchant will have 90 days to accept or challenge all estimates/revised estimates on a consolidated basis.

With respect to the current 30 day challenge period, Spectrum agrees with Lead Counsel that this time is insufficient and supports the request to extend that period to 90 days from the date the estimate of claim is mailed. Because the Claims Administrator stated an intent to substantially complete the first mailing by September 29, 2005, for most merchants this extension will give them until December 28, 2005 to challenge.

Even with the above extension, there will still be a timing problem unless the time for merchants to submit an additional claim and to accept/provide additional information is correspondingly extended.

The current deadlines that cause this issue are as follows: (1) if a merchant does not intend to challenge, it must accept the estimate(s) it receives within 60 days from the date the estimate(s) were mailed; (2) if the merchant seeks damages for on-line debit, it has that same 60 day period to return information regarding on-line debit usage, after which it will receive a revised estimate, which it may either accept in another 60 days, or challenge in another 90 days (if the court grants Lead Counsel's extension request); and (3) if a merchant does not receive an estimate, it has 180 days from the date of Final Settlement Approval to submit information sufficient to generate an estimate, after which it will receive a revised estimate, which it may either accept in another 60 days, or challenge in another 90 days (if the court grants Lead Counsel's extension request). Because the Claims Administrator stated an intent to substantially complete the first mailing by September 29, 2005, the initial part of each deadline for most merchants (60 days from the date an estimate is mailed, and 180 days from Final Settlement Approval) will currently expire at or around the same date -- November 28, 2005.

If the November 28, 2005 deadline is not extended to match the 90 day challenge period, which under Lead Counsel's requested extension will expire December 28, 2005 for many merchants, merchants with multiple locations and/or "acceptor ID numbers" (and thus multiple estimates) will be unable to consolidate their challenges and acceptances/submissions of additional information unless they complete their entire analysis and make their full submission within the original period expiring November 28, 2005. If merchants are prevented from consolidated by this early deadline, this will lead to unnecessary multiple submissions.

Moreover, if the deadlines remain separated, merchants will effectively have to complete their initial challenge analyses by November 28, 2005, or potentially lose the right to accept/submit additional information. If they miss this deadline, they may end up submitting otherwise unnecessary challenges, since a merchant that has missed the acceptance/additional information deadline would still be within the challenge deadline. In concrete terms, this could play out as follows: if a merchant receives an estimate mailed September 29, 2005, and November 28, 2005 passes before that merchant has concluded its analysis, the merchant will have lost the right to accept (absent permission to file a late claim, which is entirely discretionary, and thus not something on which the merchant can rely). That merchant must then

submit a challenge by December 29, 2005 simply to preserve its right to collect, even if it ultimately concludes that the estimate is fair.

Finally, if a merchant submits additional information, either because not every store location or ID number receives an initial estimate, or because the merchant has a claim for on-line debit damages, Spectrum respectfully submits that the merchant's time to accept or challenge all other estimates it has received should be tolled until it receives the revised estimate(s) based on its additional submission(s). At that point, the merchant should be able to accept or challenge all of its estimates/revised estimates at once, within 90 days from the date the last revised estimate was mailed.

These requested extensions will not prevent merchants who wish to accept right away from doing so, and will not interfere with the dispersal of payments to those merchants. Thus, the requested extension will have a beneficial effect on merchants' ability to meaningfully participate, with no corresponding detriment.

Thank you for your consideration of these extension requests.

Very truly yours,

A handwritten signature in black ink that reads "Wendy Schwartz" followed by a stylized flourish that appears to be "JSH".

Wendy H. Schwartz

cc: (via hand delivery)
Special Master Robin M. Wilcox

(via facsimile)
Jeffrey I. Shinder