

APPENDIX C – Notice Plan

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

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

No. 05-md-01720 (BMC) (JAM)

This Document Applies to:

Barry's Cut Rate Stores, Inc., et al. v. Visa, Inc., et al., No. 05-md-01720 (E.D.N.Y.) (BMC) (JAM), also now known as *DDMB, Inc., et al. v. Visa, Inc., et al.*, No. 05-md-01720 (E.D.N.Y.) (BMC) (JAM)

**DECLARATION OF CAMERON R. AZARI, ESQ., ON PROPOSED CLASS NOTICE
PLAN FOR SUPERSEDING AND AMENDED CLASS SETTLEMENT AGREEMENT**

I, Cameron R. Azari, Esq., declare as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.
2. I am a nationally recognized expert in the field of legal notice, and I have served as an expert in hundreds of federal and state cases involving class action notice plans.
3. I am a Senior Vice President with Epiq Class Action & Claims Solutions, Inc. (“Epiq”) and the Managing Director of Epiq Legal Noticing (a.k.a. Hilsoft Notifications), a business unit of Epiq that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans. Hilsoft Notifications was recently rebranded as Epiq Legal Noticing.
4. Epiq is an industry leader in class action administration, having implemented more than a thousand successful class action notice and settlement administration matters. Epiq Legal

Noticing has handled some of the most complex and significant notice programs in recent history, examples of which are discussed below. With experience in more than 700 cases, including more than 75 multidistrict litigation settlements, Epiq Legal Noticing has prepared notices that have appeared in 53 languages and been distributed in almost every country, territory, and dependency in the world. Courts have recognized and approved numerous notice plans developed by Epiq Legal Noticing, and those decisions have invariably withstood appellate review.

RELEVANT EXPERIENCE

5. I have served as a notice expert and have been recognized and appointed by courts to design and provide notice in many large and significant cases, including:

(a) A previous settlement in this litigation (“B3” Settlement), *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL No. 1720 (E.D.N.Y.), *affirmed by Fikes Wholesale, Inc. v. Visa U.S.A., Inc.* 62 F. 4th 704 (2d Cir. 2023). The litigation involved a \$5.5 billion settlement reached by Rule 23(b)(3) Plaintiffs with Visa and Mastercard. An intensive notice program was implemented with more than 19.8 million direct mail notices sent, together with insertions in more than 1,500 newspapers, consumer magazines, national business publications, and trade and specialty publications, with notices in multiple languages, and an extensive online notice campaign with digital notices that generated more than 770 million adult impressions. Sponsored search listings³ and a settlement website in eight languages expanded the notice program. Epiq also implemented a companion notice program with more than 16.3 million direct mail notices, more than 354 print publication insertions, and digital notices that generated more than 689 million impressions.

³ “Sponsored search listings” means paying a fee to display advertisements on search engine results pages for specific keyword searches, which are typically placed at the top of the results page. These ads are labeled as “sponsored” to indicate that they are paid placements, distinguishing them from unpaid, search engine only driven results.

Subsequently for the claim phase, Epiq received and analyzed more than 40 million data records and hundreds of billions of rows of transactional data, sent out more than 38 million Claim Forms, of which approximately 82% were successfully delivered, and implemented a comprehensive Media Plan with more than 1.2 billion digital and social media notices. This was one of the largest digital noticing campaigns ever implemented for a class action case.

(b) *In re Juul Labs, Inc. Marketing, Sales Practices, and Products Liability Litigation*, 19-md-02913 (N.D. Cal.), involved two settlements totaling \$300 million with JUUL Labs, Inc. and Altria, which alleged consumers were misled about JUUL products' addictiveness and safety, causing them to pay more, and that JUUL products were unlawfully marketed to minors. Two companion notice programs were implemented with more than 10.7 million email notices and nearly 500,000 postcard notices sent to potential class members and comprehensive media efforts (over 936 million impressions delivered). The notice programs each reached approximately 80% of the class nationwide.

(c) *In Re: Zoom Video Communications, Inc. Privacy Litigation*, 3:20-cv-02155 (N.D. Cal.), involved an extensive notice plan for an \$85 million privacy settlement involving Zoom, the most popular videoconferencing platform. Notice was sent to more than 158 million class members by email or mail, and millions of reminder notices were sent to stimulate claim filings. The individual notice efforts reached approximately 91% of the class and were enhanced by supplemental media notice, which was provided via regional newspaper notice, nationally distributed digital and social media notice (delivering more than 280 million impressions), sponsored search, an informational release, and a settlement website.

(d) *In re Takata Airbag Products Liability Litigation*, MDL No. 2599, 1:15-md-02599 (S.D. Fla.), involved \$1.91 billion in settlements with BMW, Mazda, Subaru, Toyota, Honda, Nissan, Ford, and Volkswagen regarding Takata airbags. The notice plans for those settlements included individual mailed notice to more than 61.8 million potential class members and extensive

nationwide media via consumer publications, U.S. Territory newspapers, radio, internet banners, mobile banners, and behaviorally targeted digital media. Combined, the notice plans reached more than 95% of adults aged 18+ in the U.S. who owned or leased a subject vehicle, with a frequency of 4.0 times each.

(e) *In Re: Capital One Consumer Data Security Breach Litigation*, MDL No. 2915, 1:19-md-02915 (E.D. Va.), involved an extensive notice program for a \$190 million data breach action settlement. Notice was sent to more than 93.6 million settlement class members by email or mail. The individual notice efforts reached approximately 96% of the identified settlement class members and were enhanced by a supplemental media plan that included digital notices and social media notices (delivering more than 123.4 million impressions), sponsored search, and a settlement website.

(f) *In re: Disposable Contact Lens Antitrust Litigation*, 3:15-md-02626 (M.D. Fla.), involved several notice programs to notify retail purchasers of disposable contact lenses regarding four settlements with different settling defendants totaling \$88 million. For each notice program, more than 1.98 million email or postcard notices were sent to potential class members and a comprehensive media plan was implemented, with a well-read nationwide consumer publication, internet digital notices (delivering more than 312.9 million – 461.4 million impressions per campaign), sponsored search listings, and a case website.

(g) *In re U.S. Office of Personnel Management Data Security Breach Litigation*, MDL No. 2664, 15-cv-01394 (D.D.C.), involved a \$63 million settlement for compromised personal information of then-current and former federal government employees and contractors, and certain applicants for federal employment. An extensive nationwide media notice campaign was implemented using magazines, digital and social media notices (delivering more than 758 million impressions), traditional and satellite radio, and other forms of media. The media notice reached at least 85% of the class. In addition, more than 3.5 million email notices and/or

postcard notices were sent to identified class members. The notice program was supplemented with outreach to unions and associations, sponsored search listings, an informational release, and a settlement website.

(h) *In re: fairlife Milk Products Marketing and Sales Practices Litigation*, 1:19-cv-03924 (N.D. Ill.), involved a \$21 million settlement with The Coca-Cola Company, fairlife, LLC, and other defendants regarding allegations of false labeling and marketing of fairlife milk products. A comprehensive media-based notice plan was designed and implemented, which included a consumer print publication notice, targeted digital notices, and social media (delivering more than 620.1 million impressions in English and Spanish nationwide). Combined with individual notice to a small percentage of the class, the notice plan reached approximately 80.2% of the class. The reach was further enhanced by sponsored search, an informational release, and a website.

(i) *In re Morgan Stanley Data Security Litigation*, 1:20-cv-05914 (S.D.N.Y.), involved a \$60 million settlement for Morgan Stanley Smith Barney's account holders in response to "Data Security Incidents." More than 13.8 million emailed or mailed notices were delivered, reaching approximately 90% of the identified potential settlement class members. The individual notice efforts were supplemented with nationwide newspaper notice and a settlement website.

(j) *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL No. 2179 (E.D. La.), involved landmark settlement notice programs to distinct "Economic and Property Damages" and "Medical Benefits" settlement classes for BP's \$7.8 billion settlement of claims related to the Deepwater Horizon oil spill. Notice efforts included more than 7,900 television spots, 5,200 radio spots, and 5,400 print insertions, and reached 95% of Gulf Coast residents.

6. Courts have recognized my testimony as to which method of notification is appropriate for a given case, and I have provided testimony on numerous occasions on whether a certain method of notice represents the best notice practicable and/or appropriate under the circumstances. Numerous

court opinions and comments regarding my testimony, and the adequacy of our notice efforts, are included in the Epiq Legal Noticing *curriculum vitae*, which is available upon request.

7. In forming expert opinions, my staff and I draw from our in-depth class action case experience, as well as our educational and related work experiences. I am an active member of the Oregon State Bar, having received my Bachelor of Science from Willamette University and my Juris Doctor from Northwestern School of Law at Lewis and Clark College. I have served as the Director of Legal Notice for Epiq since 2008 and have overseen the detailed planning of virtually all of our court-approved notice programs during that time. Overall, I have more than 25 years of experience in the design and implementation of legal notification and claims administration programs, having been personally involved in hundreds of successful notice programs.

8. The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Epiq and Epiq Legal Noticing (hereinafter “Epiq”).

OVERVIEW

9. This declaration details the proposed Settlement Notice Plan (“Notice Plan”) and Notices (“Notice” or “Notices”) for the Rule 23(b)(2) Superseding and Amended Settlement (the “Settlement”)⁴ in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, Case No. 1:05-md-01720 in the United States District Court for the Eastern District of New York. Epiq designed the proposed Notice Plan based on our extensive prior experience and research into the notice issues particular to this case, and specifically based on our experience with providing notice to the Rule 23(b)(3) Class. Epiq has analyzed and proposed notice that is appropriate under the circumstances to provide notice to the Rule 23(b)(2) Class.

⁴ Unless specified otherwise, capitalized terms used herein have the same meaning as defined in the Settlement Agreement.

10. As described in detail below, the Notice Plan includes: (i) Publication Notices placed in National Business Publications, National Trade and Specialty Publications, Local Business Journals, Specialty Language and Targeted Newspapers, and U.S. Territory Newspapers; (ii) an all-encompassing Digital Notice Campaign using digital display, social media, podcast and streaming TV advertisements, and targeted website placements; (iii) audio advertisements over Streaming and Satellite Radio; (iv) a Case Website containing all pertinent information and documents related to the Settlement, including a long-form Website Notice, as well as a toll-free telephone number, email and postal address to contact for information regarding the Settlement; and (v) Sponsored Search Listings on the three most highly visited search engines that will include links to the Case Website. Notice will be provided in English, Spanish, Chinese, Korean, Vietnamese, Japanese, Thai, and Russian as appropriate.

11. Epiq estimates that this blanket coverage of the relevant markets in both print and digital media will reach more than 82% of U.S. Business Owners and more than 84% of all U.S. Adults in Business and Finance Occupations.

12. Given the facts that: (i) the Rule 23(b)(2) Class has already been certified, (ii) there are no claim forms or opt-out forms to be disseminated to Rule 23(b)(2) Class members, who will instead automatically receive the benefits of the Settlement, and (iii) the extensive expected reach of the Notice Plan, in my opinion, there is no need here to incur the additional burden and expense of providing individual notice to millions of Rule 23(b)(2) Class members. It is my opinion that the Notice Plan provides the best practicable means to provide appropriate notice to the Class.⁵

DATA PRIVACY AND SECURITY

13. Epiq has procedures in place to protect the security of class data. Even though Epiq will

⁵ See, e.g., *In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig.*, 527 F. Supp. 3d 269, 275 (E.D.N.Y. 2021) (“Where plaintiffs’ digital plan will reach 80 percent of the class, requiring them to supplement the plan with individual notice is unnecessarily burdensome.”); Fed. R. Civ. P. 23(c)(2)(A) (with respect to a Rule 23(b)(2) class, “the Court may direct appropriate notice”).

not process any claims in this equitable relief action, as with all cases, Epiq will maintain extensive data security and privacy safeguards in its official capacity as the Class Administrator. Epiq will also protect all non-public case materials in its possession regarding the action. A Services Agreement, which formally retains Epiq as the Class Administrator, will govern Epiq's administration responsibilities for the action. Service changes or modification beyond the original contract scope will require formal contract addendum or modification. Epiq maintains adequate insurance in case of errors.

NOTICE PLANNING METHODOLOGY

14. It is my understanding from reviewing the *Superseding and Amended Class Action Settlement Agreement of the Rule 23(b)(2) Class Plaintiffs and the Defendants* ("Rule 23(b)(2) Settlement Agreement"), that the "Rule 23(b)(2) Class" means the class certified by the Court's order dated September 27, 2021 (ECF No. 8647), as modified by the Court's order dated June 25, 2024 (ECF No. 9333), which consists of:

[A]ll persons, businesses, and other entities that accept Visa-Branded Cards and/or Mastercard-Branded Cards in the United States at any time during the period between December 18, 2020 and the date of preliminary settlement approval, and from which no exclusions are permitted.

15. With respect to a class-wide settlement solely seeking equitable relief, Federal Rule of Civil Procedure 23 provides that the Court has the discretion to "direct appropriate notice to the class."⁶ The proposed Notice Plan provides reasonable and appropriate notice under the circumstances to advise the Rule 23(b)(2) Class of the terms of the Settlement and their rights to object and be heard.

16. Data sources and tools commonly employed by experts in the advertising industry were used to analyze and develop the media component of the proposed Notice Plan. These resources include

⁶ Fed. R. Civ. P. 23(c)(2)(A).

MRI-Simmons,⁷ which provides statistically significant readership and product usage data; Comscore,⁸ which provides similar usage data specific to online media; and Alliance for Audited Media (“AAM”)⁹ statements, which certify how many readers buy or obtain copies of publications. These tools, as applicable, along with demographic breakdowns indicating how many people use each media vehicle, as well as computer software that takes the underlying data and factors out the duplication among audiences of various media vehicles, allow the net (unduplicated) reach of a particular media schedule to be determined. The combined results of this analysis are used to help determine the sufficiency and effectiveness of a notice plan.

17. *Tools and data trusted by the communications industry and courts.* Virtually all of the nation’s largest advertising agency media departments utilize, scrutinize, and rely upon such

⁷ MRI-Simmons is a leading source of publication readership and product usage data for the communications industry. MRI-Simmons is a joint venture of GfK Mediamark Research & Intelligence, LLC (“MRI”) and Simmons Market Research. MRI-Simmons offers comprehensive demographic, lifestyle, product usage and exposure to all forms of advertising media collected from a single sample. As the leading U.S. supplier of multimedia audience research, the company provides information to magazines, televisions, radio, internet, and other media, leading national advertisers, and over 450 advertising agencies—including 90 of the top 100 in the United States. MRI-Simmons’ national syndicated data is widely used by companies as the basis for the majority of the media and marketing plans that are written for advertised brands in the United States.

⁸ Comscore is a global internet information provider for planning, transacting, and evaluating media across platforms. With a data footprint that combines digital, linear TV, OTT, and theatrical viewership intelligence with advanced audience insights, Comscore allows media buyers and sellers to quantify their multiscreen behavior. A leader in measuring digital and TV audiences and advertising at scale, Comscore is the industry’s emerging, third-party source for reliable and comprehensive cross-platform measurement.

⁹ Established in 1914 as the Audit Bureau of Circulations (“ABC”) and rebranded as Alliance for Audited Media (“AAM”) in 2012, AAM is a non-profit cooperative formed by media, advertisers, and advertising agencies to audit the paid circulation statements of magazines and newspapers. AAM is the leading third-party auditing organization in the United States. It is the industry’s leading, neutral source for documentation on the actual distribution of newspapers, magazines, and other publications. Widely accepted throughout the industry, it certifies thousands of printed publications as well as emerging digital editions read via tablet subscriptions. Its publication audits are conducted in accordance with rules established by its Board of Directors. These rules govern not only how audits are conducted, but also how publishers report their circulation figures. AAM’s Board of Directors is comprised of representatives from the publishing and advertising communities.

independent, time-tested data and tools, including net reach and de-duplication analysis methodologies, to guide the billions of dollars of advertising placements seen today, providing assurance that these figures are not overstated. These analyses and similar planning tools have become standard analytical tools for evaluating legal notice programs and have been regularly accepted by courts.

18. In fact, advertising and media planning firms around the world have long relied on such audience data and techniques: AAM data has been relied on since 1914;¹⁰ 90 to 100% of media directors use reach and frequency planning;¹¹ and all the leading advertising and communications textbooks cite the need to use reach and frequency planning.¹² MRI-Simmons data is used by ninety of the top one hundred media firms. Comscore is used by major holding company agencies worldwide, including Dentsu Aegis Networking, GroupM, IPG, and Publicis, in addition to independent agencies for TV and digital media buying and planning. At least 25,000 media professionals in 100 different countries use media planning software.¹³

19. ***Demographics.*** In selecting media to target the Rule 23(b)(2) Class, the demographics of likely members of the Rule 23(b)(2) Class were analyzed. According to MRI-Simmons syndicated

¹⁰ <https://auditedmedia.com/about/who-we-are>.

¹¹ See generally Peter B. Turk, Effective Frequency Report: Its Use And Evaluation By Major Agency Media Department Executives, 28 J. ADVERTISING RES. 56 (1988); Peggy J. Kreshel et al., How Leading Advertising Agencies Perceive Effective Reach and Frequency, 14 J. ADVERTISING 32 (1985).

¹² Textbook sources that have identified the need for reach and frequency for years include: Jack S. Sissors & Jim Surmanek, ADVERTISING MEDIA PLANNING, 57-72 (2d ed. 1982); Kent M. Lancaster & Helen E. Katz, STRATEGIC MEDIA PLANNING 120-156 (1989); Donald W. Jugenheimer & Peter B. Turk, ADVERTISING MEDIA 123-126 (1980); Jack Z. Sissors & Lincoln Bumba, ADVERTISING MEDIA PLANNING 93 122 (4th ed. 1993); Jim Surmanek, INTRODUCTION TO ADVERTISING MEDIA: RESEARCH, PLANNING, AND BUYING 106-187 (1993).

¹³ For example, Telmar, founded in 1968, provides strategic targeting and media planning solutions to advertisers, agencies, data suppliers, and media sales houses. Over 25,000 media professionals in 100 countries use Telmar systems for media and marketing planning tools including reach and frequency planning functions.

media research¹⁴, business owners have the following demographics:

- 60% men;
- 40% women;
- 64% are aged 35-64;
- 55% have a household income of \$100K or more;
- 90% are more likely than the average adult to have a household income of \$250K or more;
- 58% are currently married;
- 38% graduated from college with higher than a bachelor's degree;
- 72% own a home, and business owners are 9% more likely to own a home than the average adult; and
- 17% identify as Spanish/Hispanic.

20. **Target Audience.** To determine the Target Audience for class action notice planning purposes, most often a proxy audience that closely matches the definition of the class is used. This is commonplace since the precise definition of the class is not always available as an exact match in the advertising and media planning tools. The proxy audience is generally the closest/best match to the desired audience, here the defined Rule 23(b)(2) Class. Based on the analysis of the proxy audience within the advertising and media planning tools, the Target Audience is determined. This method of using a proxy audience is standard practice throughout the advertising industry, beyond class action noticing.¹⁵

¹⁴ MRI-Simmons 2025 Survey of the American Consumer®.

¹⁵ “If the total population base (or number of class members) is unknown, it is accepted advertising and communication practice to use a *proxy-media* definition, which is based on accepted media research tools and methods that will allow the notice expert to establish that number. The percentage of the population reached by supporting media can then be established.” See Duke Law School, *Guidelines and Best Practices Implementing 2018 Amendments to Rule 23 Class Action Settlement Provisions*, at 56.

The proposed Notice Plan is designed to reach the Rule 23(b)(2) Class by targeting two broad target audiences: all U.S. Business Owners and all U.S. Adults in Business and Finance Occupations.

NOTICE PLAN DETAIL

21. The proposed Notice Plan is designed to reach the greatest practicable number of the Rule 23(b)(2) Class. Given our experience with similar notice efforts, we expect the proposed Notice Plan media notice efforts will reach approximately 82.2% of all U.S. Business Owners with an average frequency of 4.5 times, and 84.8% of all U.S. Adults in Business and Finance Occupations with an average frequency of 4.1 times. “Reach” refers to the estimated percentage of the unduplicated audience exposed to the notice. “Frequency,” in contrast, refers to how many times, on average, each member of the target audience had the opportunity to view the notice. In my experience, the projected reach of the Notice Plan is consistent with other court-approved notice plans, provides appropriate notice to the Rule 23(b)(2) Class under the circumstances of this case, and has been designed to satisfy the requirements of due process, including its “desire to actually inform” requirement.¹⁶

22. Reflected in the calculated reach and average frequency are an extensive schedule of National Business Publications; Digital Notices: digital display, social media, podcast and streaming TV advertisements, and targeted website placements; and audio advertisements over Streaming and Satellite Radio. Notices will also appear in National Trades and Specialty Publications; Local Business Journals; Specialty Language and Targeted Newspapers; U.S. Territory Newspapers; Sponsored Search Listings; and a Case Website, which are non-measured, and are not included in the estimated reach calculation.

¹⁶ *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected . . .”).

Media Plan Summary

National Business Publications

23. The Publication Notice will appear in English in national business publications and will be targeted nationwide. The selected seven national business publications have a combined circulation of more than 2.2 million. More details regarding the selected publications, distribution, language, and specific ad sizes are included in the following table.

<i>National Business Publication</i>	<i>Insertions</i>	<i>Distribution</i>	<i>Language</i>	<i>Ad Size</i>
<i>Barron's</i>	2	National	English	Half-page
<i>Financial Times</i>	1	National	English	Quarter-page
<i>Forbes</i>	1	National	English	Full-page
<i>Fortune</i>	1	National	English	Half-page
<i>Investor's Business Weekly</i>	1	National	English	Sixth-page
<i>New York Times</i>	1	National	English	Sixth-page
<i>Wall Street Journal</i>	1	National	English	Sixth-page

24. These national business publications were selected to reach the target audience.

- *Barron's* - Business owners are 50% more likely to read *Barron's* than the average adult.
- *Financial Times* - One of the world's leading news organizations recognized internationally for its authority, integrity, and accuracy.
- *Forbes* - Business owners are 43% more likely to read *Forbes* than the average adult.
- *Fortune* - Business owners are 44% more likely to read *Fortune* than the average adult.
- *Investor's Business Weekly* - An American newspaper covering the stock market, international business, finance, and economics.
- *New York Times* - Business owners are 6% more likely to read the *New York*

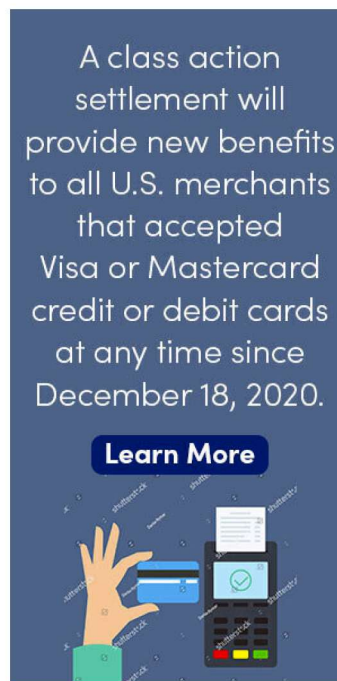
Times than the average adult.

- *Wall Street Journal* - Business owners are 32% more likely to read the *Wall Street Journal* than the average adult.

Digital Notice Campaign

25. Internet advertising has become a standard component in legal notice programs. The internet has proven to be an efficient and cost-effective method to target class members as part of providing notice of a class action settlement. According to MRI-Simmons data, 97% of all business owners in the United States are online and 87% of business owners use social media.¹⁷

26. ***Display Digital Notices.*** The proposed Notice Plan includes targeted digital advertising in English and Spanish on the selected advertising networks *Google Display Network* and the *Yahoo Audience Network*, which together represent thousands of digital properties across all major content categories. The following image is an example of a digital notice.



¹⁷ MRI-Simmons 2025 Survey of the American Consumer®.

27. ***Business Websites.*** Digital Notices¹⁸ will be displayed on several business-related websites to target those interested in business and finance content, such as Bloomberg.com and Forbes.com.

28. ***Specialty Language Websites.*** The proposed Notice Plan includes Digital Notice ads that will run across a variety of websites focused on non-English speakers. Two-thirds of these Digital Notices will be in Spanish since, according to the U.S. Census Bureau, Spanish is the most spoken language after English in the United States.¹⁹ Digital Notices will run in Spanish, Chinese, Korean, Vietnamese, Japanese, Thai, and Russian as appropriate.

29. ***Social Media.*** Digital Notices will also be placed on the social media sites *Facebook*, *Instagram*, *X (Twitter)*, *LinkedIn*, *Reddit*, and *YouTube*. These notices will target adults likely to be business owners.

- *Facebook* has more than 196.9 million users, which is over 55% of the population in the United States,²⁰ and *Instagram* has more than 171 million active users in the United States.²¹
- *X (Twitter)* is a popular microblogging social media website that allows posts/tweets containing images or videos and up to 280 characters. Users can like, comment and

¹⁸ “Digital Notice” generally refers to automated electronic communications used to share information in various online settings, which can include legal and official notifications. Here, the Digital Notices will use language from the long-form Website Notice headline as an abbreviated summary notice of the Amended Settlement providing the Settlement Website address and other information as appropriate. See Amended Settlement, Exhibit D.

¹⁹ U.S. Census Bureau. “Language Spoken at Home.” American Community Survey, ACS 1-Year Estimates Subject Tables, Table S1601, 2022, [https://data.census.gov/table/ACSST1Y2022.S1601?q=Language Spoken at Home](https://data.census.gov/table/ACSST1Y2022.S1601?q=Language%20Spoken%20at%20Home).

²⁰ Statista Digital 2025: Global Overview Report. Statista, founded in 2007, is a leading provider of worldwide market and consumer data and is trusted by thousands of companies around the world for data. Statista.com consolidates statistical data on over 80,000 topics from more than 22,500 sources and makes it available in German, English, French and Spanish.

²¹ Statista Digital 2025: Global Overview Report.

share/retweet posts. *X (Twitter)* has more than 103 million users in the United States.²²

- *LinkedIn* is the world's largest professional network on the internet with 250 million members in the United States.²³
- *Reddit* is a widely used social forum website that contains more than a million communities known as subreddits. These communities cover specific topics making this an ideal platform to reach individuals with focused interests. *Reddit* has over 200 million users in the United States.²⁴
- *YouTube* is the largest streaming video website in the United States with more than 253 million users.²⁵ Video ad placements will focus on business/financial content as well as specific *YouTube* channels such *CNBC*, *Forbes* and *Bloomberg*.

30. ***Podcasts (Spotify, Apple, and Google).*** As of 2025, 63% of American internet users spent time listening to podcasts.²⁶ Podcasts are an excellent way to reach an engaged audience based on targeted content. Thirty second audio ads will air across major podcasting platforms such as *Spotify*, *Apple* and *Google* targeted to entrepreneurship, business news and professional content.

31. ***Streaming TV.*** Video ads will run on streaming TV platform services such as *ESPN+*, *Hulu*, and *Sling*, among others, and will be targeted to adults 18+ and business owners.

32. All Digital Notices will be targeted to selected target audiences and are designed to encourage participation by members of the Rule 23(b)(2) Class—by linking directly to the Case

²² Statista Digital 2025: Global Overview Report.

²³ Statista Digital 2025: The United States of America.

²⁴ Statista Digital 2025: Global Overview Report.

²⁵ Statista Digital 2025: Global Overview Report.

²⁶ Statista Digital 2025: The United States of America.

Website, allowing visitors easy access to relevant information and documents. Consistent with best practices, the Digital Notices will use language from the long-form Website Notice headline, which will allow users to identify themselves as potential members of the Rule 23(b)(2) Class.

33. All Digital Notices will appear on desktop, mobile, and tablet devices and be displayed nationwide. Digital Notices will also be targeted (remarketed) to people who click on a Digital Notice.

34. More details regarding the target audiences, distribution, specific ad sizes of the Digital Notices, and the number of planned impressions are included in the following table.

<i>Network/Property</i>	<i>Target</i>	<i>Language</i>	<i>Ad Size</i>	<i>Planned Impressions</i> ²⁷
<i>Google Display Network</i>	Adults 18+ and Custom Affinity ²⁸ for business owner and/or business and finance	English & Spanish	728x90, 300x250, 300x600 & 970x250	100,000,000
<i>Google Display Network</i>	Adults 18+ and Custom Intent ²⁹ for business owner and/or business and finance	English & Spanish		100,000,000
<i>Yahoo Audience Network</i>	Adults 18+; business and finance content	English & Spanish		50,000,000
<i>Bizjournals.com</i>	Adults 18+; business and finance content	English		5,000,000
<i>Bloomberg.com</i>	Adults 18+; business and finance content	English		2,000,000
<i>Forbes.com</i>	Adults 18+; business and finance content	English		4,000,000
<i>WSJ.com</i>	Adults 18+; business and finance content	English		2,500,000
<i>Time.com</i>	Adults 18+; business and finance content	English		1,000,000
<i>Fortune.com</i>	Adults 18+; business and finance content	English		1,000,000
<i>Inc.com</i>	Adults 18+; business and finance content	English		1,000,000

²⁷ Impression inventory may vary slightly at the time of booking the Digital Notice ads, and as a result the number of delivered impressions may vary slightly as well.

²⁸ “Custom Affinity Audience” allows for targeting specific websites, keywords, and/or relevant content that our target may be viewing.

²⁹ “Custom Intent Audience” allows for targeting people who are researching or purchasing certain items on the web.

<i>Network/Property</i>	<i>Target</i>	<i>Language</i>	<i>Ad Size</i>	<i>Planned Impressions</i> ²⁷
<i>BusinessInsider.com</i>	Adults 18+; business and finance content	English	728x90, 300x250, 300x600 & 970x250	1,000,000
<i>Spanish Website Targeting</i> ³⁰	Adults 18+	Spanish		50,000,000
<i>Multi-cultural Language Targeting</i>	Adults 18+; business and finance content	Spanish, Chinese, Japanese, Vietnamese, Korean, Thai & Russian		25,000,000
<i>Facebook</i>	Adults 18+ with interest in Mastercard, Visa, business, and/or small business	English	Newsfeed & Right Hand Column	100,000,000
<i>Facebook</i>	Adults 18+ who are in business & finance or with demographics of small business owner	English		50,000,000
<i>Facebook</i>	Adults 18+ with job title of business owner ³¹	English		25,000,000
<i>Instagram</i>	Adults 18+ with interest in Mastercard, Visa, business, and/or small business	English	Newsfeed	30,000,000
<i>Instagram</i>	Adults 18+ who are in business & finance or small business owner demographics	English	Newsfeed	10,000,000
<i>Instagram</i>	Adults 18+ with job title of business owner ³²	English	Newsfeed	15,000,000
<i>X (Twitter)</i>	Adults 18+ with interests in business owner, business & finance, and/or small business	English	Twitter Feed Ads	20,000,000
<i>X (Twitter)</i>	Adults 18+ & Post Engagement Targeting for Business Owner, Small Business Owner, Visa Merchant Services, and/or Mastercard Merchant Services	English	Twitter Feed Ads	40,000,000

³⁰ Spanish websites may include Univision.com, Telemundo.com, Elpais.com, CNNespanol.CNN.com and/or IndependentEspanol.com, among others.

³¹ Job titles may include auto body owner, daycare owner, dry cleaner/laundromat owner, gym owner, hotel/motel owner, landscaping owner, retail merchandise store owner, salon owner, spa owner and/or restaurant owner.

³² *Id.*

<i>Network/Property</i>	<i>Target</i>	<i>Language</i>	<i>Ad Size</i>	<i>Planned Impressions</i> ²⁷
<i>LinkedIn</i>	Adults 18+ with job titles in senior management ³³	English	LinkedIn Feed Ads	20,000,000
<i>Reddit</i>	Adults 18+ targeted to feeds r/Business, r/SmallBusiness, r/Entrepreneurs/, /r/BusinessHub/, and /r/Businessideas/	English	Reddit Feed Ads	17,500,000
<i>YouTube</i>	Adults 18+ and Custom Affinity for business owner and/or business and finance	English	:30 second video ads	22,500,000
<i>YouTube</i>	Adults 18+ and Custom Intent for business owner and/or business and finance	English	:30 second video ads	22,500,000
<i>YouTube</i>	Adults 18+ and select channel and video targeting ³⁴	English	:30 second video ads	20,000,000
<i>Podcast Targeting (Spotify, Apple, Google)</i>	Entrepreneurship, business news, and professional content	English	:30 second audio ads	5,000,000
<i>Streaming TV</i>	Adults 18+; business owners	English	:30 second video ads	5,000,000
Total				745,000,000

35. Combined, approximately 745 million impressions will be generated by the Digital Notices.³⁵ The Digital Notices will run for approximately 45 days. Clicking on the Digital Notices will link the readers to the Case Website, where they can easily obtain detailed information about the Rule 23(b)(2) Settlement.

³³ Job titles to include Owner, Business Partner, CEO, President, Vice President, CFO, CTO, COO, CIO, Business Director, Chief of Staff and/or Manager, among others.

³⁴ Select channel and video targeting may include youtube.com/bloomberg, youtube.com/Forbes, youtube.com/InsiderBusiness, youtube.com/wsj, youtube.com/markets and/or youtube.com/CNBC, among others.

³⁵ The third-party ad management platform, ClickCease, will be used to audit Digital Notice ad placements. This type of platform tracks all Digital Notice ad clicks to provide real-time ad monitoring, fraud traffic analysis, block clicks from fraudulent sources, and quarantine dangerous IP addresses. This helps reduce wasted, fraudulent or otherwise invalid traffic (e.g., ads being seen by ‘bots’ or non-humans, ads not being viewable, etc.).

Streaming and Satellite Radio

36. Audio ads on *Pandora* and *Sirius XM* will be used to reach members of the Rule 23(b)(2) Class. *Pandora* is one of the most frequently used online media services in the United States. According to MRI-Simmons data, business owners are 11% more likely to listen to *Pandora* than the average U.S. adult.³⁶ Thirty second audio placements across *Pandora* streaming radio will run across all devices targeted to business owners. Notice will run on a variety of music channels and will run for approximately 45 days. In addition, thirty second audio placements will air across *Sirius XM* radio to mobile devices and connected vehicles. The ads will air on news channels, talk radio, and sports programming and will run for approximately 45 days. *Sirius XM* is a leading audio entertainment company with more than 33 million subscribers.³⁷

National Trade & Specialty Publications

37. The Publication Notice will appear as a half-page ad unit in English in national trade and specialty publications and will be targeted throughout the U.S. The selected 13 national trade and specialty publications have a combined circulation of more than 500,000. More details regarding the selected publications, distribution, language, and specific ad sizes are included in the following table.

<i>National Business Publication</i>	<i>Insertions</i>	<i>Distribution</i>	<i>Language</i>	<i>Ad Size</i>
<i>Crain's New York</i>	2	New York	English	Half Page
<i>Crain's Chicago</i>	2	Chicago	English	Half Page
<i>Crain's Detroit</i>	2	Detroit	English	Half Page
<i>Crain's Cleveland</i>	2	Cleveland	English	Half Page
<i>Convenience Store News</i>	1	National	English	Two-Thirds Page
<i>Mass Market Retailers</i>	1	National	English	Half Page
<i>Supermarket News</i>	1	National	English	Full Page

³⁶ MRI-Simmons 2025 Survey of the American Consumer®.

³⁷ Sirius Holdings Q2 2025 Earnings Release.

<i>National Business Publication</i>	<i>Insertions</i>	<i>Distribution</i>	<i>Language</i>	<i>Ad Size</i>
<i>C-Store Decisions</i>	1	National	English	Two-Thirds Page
<i>Total Food Service</i>	1	National	English	Half Page
<i>CleanFacts</i>	1	California	English	Half Page
<i>Fabricare</i>	1	National	English	Half Page
<i>Hardware Retailing</i>	1	National	English	Half Page
<i>Retail Merchandiser</i> (digital only)	1	National	English	Half Page

Local Business Journals

38. The Publication Notice will appear twice as a half-page ad unit in English local business journals and cover all major metropolitan areas in the United States. The selected 56 local business journals have a combined circulation of more than 675,000. More details regarding the selected publications, distribution, language, and specific ad sizes are included in the following table.

<i>Local Business Journal</i>	<i>Language</i>	<i>Ad Size</i>
<i>Albany Business Review</i>	English	Half-page
<i>Albuquerque Business First</i>	English	Half-page
<i>Atlanta Business Chronicle</i>	English	Half-page
<i>Austin Business Journal</i>	English	Half-page
<i>Baltimore Business Journal</i>	English	Half-page
<i>Birmingham Business Journal</i>	English	Half-page
<i>Boston Business Journal</i>	English	Half-page
<i>Buffalo Business Journal</i>	English	Half-page
<i>Charlotte Business Journal</i>	English	Half-page
<i>Cincinnati Business Courier</i>	English	Half-page
<i>Columbus Business First</i>	English	Half-page
<i>Dallas Business Journal</i>	English	Half-page
<i>Dayton Business Journal</i>	English	Half-page

<i>Local Business Journal</i>	<i>Language</i>	<i>Ad Size</i>
<i>Denver Business Journal</i>	English	Half-page
<i>Triad Business Journal</i> (Greensboro)	English	Half-page
<i>Pacific Business News</i> (Honolulu)	English	Half-page
<i>Houston Business Journal</i>	English	Half-page
<i>Jacksonville Business Journal</i>	English	Half-page
<i>Kansas City Business Journal</i>	English	Half-page
<i>Louisville Business First</i>	English	Half-page
<i>Memphis Business Journal</i>	English	Half-page
<i>South Florida Business Journal</i>	English	Half-page
<i>Milwaukee Business Journal</i>	English	Half-page
<i>Minneapolis/St. Paul Business Journal</i>	English	Half-page
<i>Nashville Business Journal</i>	English	Half-page
<i>Orlando Business Journal</i>	English	Half-page
<i>Philadelphia Business Journal</i>	English	Half-page
<i>Phoenix Business Journal</i>	English	Half-page
<i>Pittsburgh Business Times</i>	English	Half-page
<i>Portland Business Journal</i>	English	Half-page
<i>Triangle Business Journal</i> (Raleigh/Durham)	English	Half-page
<i>Sacramento Business Journal</i>	English	Half-page
<i>San Antonio Business Journal</i>	English	Half-page
<i>San Francisco Business Times</i>	English	Half-page
<i>Silicon Valley Business Journal</i>	English	Half-page
<i>Puget Sound Business Journal</i>	English	Half-page
<i>St. Louis Business Journal</i>	English	Half-page
<i>Tampa Bay Business Journal</i>	English	Half-page
<i>Washington Business Journal</i>	English	Half-page

<i>Local Business Journal</i>	<i>Language</i>	<i>Ad Size</i>
<i>Wichita Business Journal</i>	English	Half-page
<i>Alaska Journal of Commerce</i>	English	Half-page
<i>Central New York Business Journal</i>	English	Half-page
<i>Business Record</i> (Central Iowa)	English	Half-page
<i>Fairfield County Business Journal & Westchester County Business Journal</i> (Combined Online Issue) (NY)	English	Half-page
<i>Long Island Business News</i>	English	Half-page
<i>Los Angeles Business Journal</i>	English	Half-page
<i>Mississippi Business Journal</i> (Jackson)	English	Half-page
<i>New Orleans City Business</i>	English	Half-page
<i>NJBIZ</i>	English	Half-page
<i>Orange County Business</i>	English	Half-page
<i>Pacific Coast Business Times</i> (Santa Barbara, CA)	English	Half-page
<i>Rochester Business Journal</i> (Rochester, NY)	English	Half-page
<i>San Diego Business Journal</i>	English	Half-page
<i>San Fernando Valley Business Journal</i>	English	Half-page
<i>North Bay Business Journal</i> (Sonoma & Napa, CA)	English	Half-page
<i>The Journal Record</i> (Oklahoma)	English	Half-page

Specialty Language and Targeted Newspapers

39. The Publication Notice will appear twice as a half-page ad unit in specialty language and targeted newspapers, targeted nationwide. The Publication Notice will run in English, Spanish, Chinese, Korean, Vietnamese, Japanese, and Russian to reach business owners for whom English is not their primary language. According to the U.S. Census Bureau, 16.7% of adult citizens in the United States speak a language at home other than English.³⁸ The selected 85 specialty language and targeted

³⁸ U.S. Census Bureau. “Language Spoken at Home.” American Community Survey, ACS 1-Year Estimates Subject Tables, Table S1601, 2022, <https://data.census.gov/table/ACSST1Y2022.S1601?q=>
(footnote continued on next page)

newspaper publications have a combined circulation of more than 3.8 million. More details regarding the selected publications, distribution, language, and specific ad sizes are included in the following table.

<i>Specialty Language & Targeted Newspapers</i>	<i>Distribution</i>	<i>Language</i>	<i>Ad Size</i>
<i>Atlanta Inquirer</i>	Atlanta	English	Half-page
<i>Mundo Hispanico</i>	Atlanta	Spanish	Half-page
<i>Atlanta Voice</i>	Atlanta	English	Half-page
<i>Boston Banner</i> (Baystate Banner)	Boston/Manchester	English	Half-page
<i>El Mundo</i>	Boston/Manchester	English & Spanish	Half-page
<i>Vocero Hispano</i>	Boston/Manchester	Spanish	Half-page
<i>El Planeta</i>	Boston/Manchester	Spanish	Half-page
<i>Sing Tao Daily – Chicago</i>	Chicago	Chinese	Half-page
<i>Chicago Citizen Newspaper Group</i> (5 papers)	Chicago	English	Half-page
<i>Crusader Group</i> (2 papers)	Chicago	English	Half-page
<i>La Raza</i>	Chicago	Spanish	Half-page
<i>Lawndale Group News</i>	Chicago	English & Spanish	Half-page
<i>Pinoy News</i> (f/n/a <i>Pinoy Monthly</i>)	Chicago	English	Half-page
<i>US Asian Post</i>	Chicago	English	Half-page
<i>Via Times</i>	Chicago	English	Half-page
<i>Svet</i>	Chicago	Russian	Half-page
<i>Epoch Times – Chicago</i> (Chinese Edition)	Chicago	Chinese	Half-page
<i>Korea Times – Chicago</i>	Chicago	Korean	Half-page
<i>Dallas Chinese News</i>	Dallas/Ft. Worth	Chinese	Half-page
<i>Dallas Examiner</i>	Dallas/Ft. Worth	English	Half-page
<i>Al Dia</i>	Dallas/Ft. Worth	Spanish	Half-page
<i>Epoch Times – Dallas</i> (Chinese Edition)	Dallas/Ft. Worth	Chinese	Half-page

Language Spoken at Home.

<i>Specialty Language & Targeted Newspapers</i>	<i>Distribution</i>	<i>Language</i>	<i>Ad Size</i>
<i>Novedades News</i>	Dallas/Ft. Worth	Spanish	Half-page
<i>The Houston Sun</i>	Houston	English	Half-page
<i>Forward Times</i>	Houston	English	Half-page
<i>La Informacion</i>	Houston	Spanish	Half-page
<i>La Voz De Houston</i>	Houston	Spanish	Half-page
<i>Houston Defender</i>	Houston	English	Half-page
<i>Asian Journal</i>	Las Vegas	English	Half-page
<i>California Journal</i>	Los Angeles	English	Half-page
<i>Saigon Times</i>	Los Angeles	Vietnamese	Half-page
<i>US Asian Post</i>	Los Angeles	English	Half-page
<i>Chinese Daily News (World Journal Los Angeles)</i>	Los Angeles	Chinese	Half-page
<i>Korea Times</i>	Los Angeles	Korean	Half-page
<i>Asian Journal</i>	Los Angeles	English	Half-page
<i>La Opinion</i>	Los Angeles	Spanish	Half-page
<i>Philippine News</i>	Los Angeles	English	Half-page
<i>Viet Bao Daily News (f/n/a Viet Bao Kinh Te)</i>	Los Angeles	Vietnamese	Half-page
<i>Lighthouse</i>	Los Angeles	Japanese	Half-page
<i>Korea Daily</i>	Los Angeles	Korean	Half-page
<i>Sing Tao Daily</i>	Los Angeles	Chinese	Half-page
<i>Precinct Reporter/Tri-County Bulletin/Long Beach Leader</i>	Los Angeles	English	Half-page
<i>Nguoi Viet Daily News</i>	Los Angeles	Vietnamese	Half-page
<i>Los Angeles News Observer</i>	Los Angeles	English	Half-page
<i>Wave Community Newspapers (8 publications)</i>	Los Angeles	English	Half-page
<i>Daily Sun New York</i>	New York	Japanese	Half-page
<i>El Diario (f/k/a El Diario La Prensa)</i>	New York	Spanish	Half-page
<i>Korea Times</i>	New York	Korean	Half-page
<i>US Asian Post</i>	New York	English	Half-page
<i>El Especialito – Northern Jersey</i>	New York	Spanish	Half-page

<i>Specialty Language & Targeted Newspapers</i>	<i>Distribution</i>	<i>Language</i>	<i>Ad Size</i>
<i>New York Trend</i>	New York	English	Half-page
<i>Rolling Out New York</i>	New York	English	Half-page
<i>New York Amsterdam News</i>	New York	English	Half-page
<i>Sing Tao Daily – New York</i>	New York	Chinese	Half-page
<i>World Journal New York – Chinese Daily News</i>	New York	Chinese	Half-page
<i>La Voz Hispana</i>	New York	Spanish	Half-page
<i>Russkaya Reklama</i>	New York	Russian	Half-page
<i>Epoch Times – New York (Chinese Edition)</i>	New York	Chinese	Half-page
<i>Seikatsu Press</i>	New York	Japanese	Half-page
<i>Korean New York Daily</i>	New York	Korean	Half-page
<i>Korea Daily – New York</i>	New York	Korean	Half-page
<i>NY Japion</i>	New York	Japanese	Half-page
<i>Impacto Latino Newspaper</i>	New York	Spanish	Half-page
<i>Epoch Times</i>	Philadelphia	Chinese	Half-page
<i>Metro Chinese Weekly</i>	Philadelphia	Chinese	Half-page
<i>Metro Viet News</i>	Philadelphia	Vietnamese	Half-page
<i>Philadelphia Asian News</i>	Philadelphia	Vietnamese	Half-page
<i>China Press</i>	Philadelphia	Chinese	Half-page
<i>Al Dia</i>	Philadelphia	Spanish	Half-page
<i>El Sol Latino</i>	Philadelphia	English & Spanish	Half-page
<i>Philadelphia Observer</i>	Philadelphia	English	Half-page
<i>Philadelphia Sunday Sun</i>	Philadelphia	English	Half-page
<i>Philadelphia Tribune</i>	Philadelphia	English	Half-page
<i>Korean Phila Times</i>	Philadelphia	Korean	Half-page
<i>Reporter Publications (3 papers)</i>	San Francisco/ Oakland/San Jose	English	Half-page
<i>San Francisco Bay View Newspaper</i>	San Francisco/ Oakland/San Jose	English	Half-page
<i>El Observador</i>	San Francisco/ Oakland/San Jose	English & Spanish	Half-page

<i>Specialty Language & Targeted Newspapers</i>	<i>Distribution</i>	<i>Language</i>	<i>Ad Size</i>
<i>La Opinion De La Bahia</i> (f/n/a El Mensajero)	San Francisco/ Oakland/San Jose	English & Spanish	Half-page
<i>El Reportero</i>	San Francisco/ Oakland/San Jose	English & Spanish	Half-page
<i>Post News Group Newspaper Network</i> (8 Papers)	San Francisco/ Oakland/San Jose	English	Half-page
<i>El Pregonero</i>	Washington, DC	Spanish	Half-page
<i>Afro-American</i>	Washington, DC	English	Half-page
<i>El Tiempo Latino</i>	Washington, DC	Spanish	Half-page
<i>Washington Informer</i>	Washington, DC	English	Half-page
<i>Washington Hispanic</i>	Washington, DC	Spanish	Half-page

United States Territories Newspapers

40. The Publication Notice will appear once as a full-page ad unit in English and Spanish language newspapers targeting the United States Territories. The selected five newspapers have a combined circulation of 442,500. More details regarding the selected publications, distribution, language, and specific ad sizes are included in the following table.

<i>Newspaper Publication</i>	<i>Distribution</i>	<i>Language</i>	<i>Ad Size</i>
<i>El Nuevo Dia</i>	Puerto Rico	Spanish	Full-page
<i>El Vocero De Puerto Rico</i>	Puerto Rico	Spanish	Full-page
<i>Primera Hora</i>	Puerto Rico	Spanish	Full-page
<i>Samoa News</i>	American Samoa	English	Full-page
<i>Virgin Islands Daily News</i>	Virgin Island	English	Full-page

Sponsored Search Listings

41. To facilitate locating the Case Website, sponsored search listings will be acquired on the three most highly visited internet search engines: *Google*, *Yahoo!* and *Bing*. When search engine visitors search on selected common keyword combinations related to the Rule 23(b)(2) Settlement, such as “interchange” and “swipe fee,” the sponsored search listing created for the Rule 23(b)(2)

Settlement will be generally displayed at the top of the visitor's website page prior to the search results or in the upper right-hand column of the web-browser screen. The sponsored search listings will be displayed nationwide. All sponsored search listings will link directly to the Case Website. The sponsored search listings will run for approximately 45 days.

Case Website

42. Epiq will create and maintain a website for the Rule 23(b)(2) Settlement with an easy-to-remember domain name. Members of the Rule 23(b)(2) Class will be able to obtain detailed information about the Rule 23(b)(2) Settlement and review documents including, but not limited to, the Publication Notice, the Website Notice, Rule 23(b)(2) Settlement Agreement, and other important Court documents. In addition, the Case Website will include answers to frequently asked questions ("FAQs"), instructions for how members of the Rule 23(b)(2) Class may object, contact information for the Class Administrator, and how to obtain other case-related information.

43. The existing Interchange Rule 23(b)(3) settlement website is currently available in English and translated and available in Spanish, Chinese, Japanese, Korean, Russian, Thai, and Vietnamese. The updated information regarding the Rule 23(b)(2) Settlement, as well as the Rule 23(b)(2) Publication Notice and the Long Form Notice, will also be available in English and translated and available in Spanish, Chinese, Japanese, Korean, Russian, Thai, and Vietnamese. Links for each language and corresponding country flag are displayed prominently in the top right corner of all key pages of the Case Website. The Case Website address will be displayed prominently on all Notice documents. The Digital Notices will link directly to the Case Website.

44. In addition, it is my understanding that Rule 23(b)(2) Class Counsel will coordinate with Rule 23(b)(3) Class Counsel to consider displaying an update on the existing Interchange Rule 23(b)(3) settlement website. The intent is to clearly announce the separate Rule 23(b)(2) Settlement to avoid any confusion regarding the different settlements.

Toll-free Telephone Number, Email Address, and Postal Mailing Address

45. A toll-free telephone number will be available to members of the Rule 23(b)(2) Class. Callers will be able to call for additional information, listen to answers to FAQs, and request that a Long Form Notice be mailed to them. The automated telephone system will be available 24 hours per day, 7 days per week. The toll-free telephone number will be prominently displayed in the Notice documents as appropriate.

46. An email address and postal mailing address will be provided, allowing members of the Rule 23(b)(2) Class the opportunity to request additional information or ask questions.

PLAIN LANGUAGE NOTICE DESIGN

47. The Notices are designed to be “noticed,” reviewed, and—by presenting the information in plain language—understood by members of the Rule 23(b)(2) Class. The design of the Notices follows the principles embodied in the Federal Judicial Center’s (“FJC”) illustrative “model” notices posted at www.fjc.gov. Many courts, and the FJC itself, have approved notices that we have written and designed in a similar fashion. The Notices contain substantial, albeit easy-to-read, summaries of all key information about the Rule 23(b)(2) Settlement and the rights of the members of the Rule 23(b)(2) Class, including the ability to object, and the deadline to do so. Copies of the Publication Notice and Website Notice are attached to the Settlement Agreement at Exhibit D. Consistent with our standard practice, all Notice documents will undergo a final edit prior to dissemination for grammatical errors and accuracy.

Merchant Education Program

48. It is my understanding from Rule 23(b)(2) Class Counsel that following the Settlement Approval Date and upon the Court’s final approval of the Settlement, it is anticipated that Epiq will provide additional media notice for the Merchant Education Program. This will be beyond what is detailed in the Notice Plan above. At that time Epiq will provide the Court with a separate detailed

proposed Notice Plan for review and approval. It is also my understanding, that Epiq will partner with a communications company that will be selected and approved by the Court to carry out other aspects of publicity for and advertisement of the Merchant Education Program.

COST OF THE NOTICE PLAN & SETTLEMENT ADMINISTRATION

49. Based on reasonable assumptions, the cost for implementing all components of the Notice Plan and handling notice and settlement administration, including providing media components of the Merchant Education Program will be capped by Epiq at \$5.3 million total. This cost encompasses providing notice to the Rule 23(b)(2) Class with an extensive schedule of (i) Publication Notices placed in National Business Publications, National Trade and Specialty Publications, Local Business Journals, Specialty Language and Targeted Newspapers, and U.S. Territory Newspapers; (ii) an all-encompassing Digital Notice Campaign using digital display notices, social media, podcast and streaming TV advertisements, and targeted website placements; (iii) audio advertisements over Streaming and Satellite Radio; (iv) a Case Website containing all pertinent information and documents related to the Settlement, including a long-form Website Notice, as well as a toll-free telephone number, email and postal address to contact for information regarding the Settlement; and (v) Sponsored Search Listings on the three most highly visited search engines that will include links to the Case Website. Notice will be provided in English, Spanish, Chinese, Korean, Vietnamese, Japanese, Thai, and Russian as appropriate. This also includes costs associated with providing settlement administration, including the case website, toll-free telephone number, and communications with members of the Rule 23(b)(2) Class. All costs are subject to the Service Contract under which Epiq will be retained as the Class Administrator, and the terms and conditions of that agreement.

CONCLUSION

50. In class action notice planning, execution, and analysis, we are guided by due process

considerations under the United States Constitution, and by case law pertaining to the recognized notice standards under Federal Rule of Civil Procedure 23. This framework directs that the notice plan be optimized to reach the class, and to provide class members with easy access to the details of how the class action may impact their rights. All of these requirements will be met in this case.

51. The proposed Notice Plan media notice efforts will reach approximately 82.2% of all U.S. Business Owners with an average frequency of 4.5 times, and 84.8% of all U.S. Adults in Business and Finance Occupations with an average frequency of 4.1 times. Reflected in the calculated reach and average frequency are an extensive schedule of National Business Publications; Digital Notices: digital display notices, social media, podcast and streaming TV advertisements, and targeted website placements; and audio advertisements over Streaming and Satellite Radio. Notices will also appear in National Trades and Specialty Publications, Local Business Journals, Specialty Language and Targeted Newspapers, and U.S. Territory Newspapers, Sponsored Search Listings, and a Case Website, which are non-measured, and are not included in the estimated reach calculation.

52. The Notice Plan will be targeted nationwide to reach members of the Rule 23(b)(2) Class. The FJC's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*, which is relied upon for federal cases, provides that, "the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between 70–95%."³⁹ Here, we have developed a Notice Plan that will readily achieve a reach within that standard.

53. In my opinion, the proposed Notice Plan follows the guidance for how to satisfy due process obligations that a notice expert gleans from the United States Supreme Court's seminal

³⁹ FED. JUDICIAL CTR, JUDGES' CLASS ACTION NOTICE AND CLAIMS PROCESS CHECKLIST AND PLAIN LANGUAGE GUIDE 3 (2010), available at <https://www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0>.

decisions, which are: a) to endeavor to actually inform the class, and b) to demonstrate that notice is reasonably calculated to do so.

- “But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it,” *Mullane*, 339 U.S. at 315.
- “[N]otice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections,” *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974) citing *Mullane*, 339 U.S. at 314.

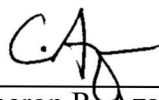
54. The Notice Plan is appropriate under the circumstances of this case for providing notice to the Rule 23(b)(2) Class; conforms to all aspects of Federal Rule of Civil Procedure 23; comports with the guidance for effective notice articulated in the Manual for Complex Litigation 4th Edition and FJC guidance; and meets the requirements of due process, including its “desire to actually inform” requirement.

55. The Notice Plan schedule will afford enough time to provide full and proper notice to members of the Rule 23(b)(2) Class before the Class Objection Period deadline.

56. At the conclusion of the execution of the Notice Plan, I will provide a final report to the Court and parties verifying the effective implementation of the Notice Plan.

I declare under penalty of perjury of the law of the United States that the foregoing is true and correct.

Executed on November 9, 2025.
Beaverton, Oregon



Cameron R. Azari, Esq.