



655 15<sup>th</sup> Street, N.W.  
Washington, DC 20005-5701  
Tel: (202) 452-8444  
Fax: (202) 429-4519  
E-mail: [fmi@fmi.org](mailto:fmi@fmi.org)  
Website: [www.fmi.org](http://www.fmi.org)

October 29, 2004

Dear FMI Member:

I want to update you on the status of the distribution of the \$3 billion from the **Visa/MasterMoney Antitrust Litigation** settlement and to give you some information that will help you navigate the claims process and *to make sure you get all the money you are entitled to under the settlement*. Given the enormous complexities involved in mailing millions of checks within a relatively short period of time, information you can provide the claims administrator *now* will simplify the process for you and the administrator. Retailers with multiple locations can provide information that will allow you to receive communications, *and checks*, at a single address, rather than at individual stores, or for larger companies rather than at many different locations for different divisions or operating entities.

### **Status**

The judge approved the settlement and the plan to allocate the more than \$3 billion in monetary relief last December and the injunctive relief is already in effect. However, the money can't be distributed until all appeals are resolved. Five appeals were argued before the United States Court of Appeals for the Second Circuit on August 25<sup>th</sup>. None of the appeals were on major issues that would change the terms of the settlement. We expect that the decision will be issued by the end of the year. Once the Second Circuit affirms the final approval decision, and assuming no further appeals are taken (their decision could be appealed to the Supreme Court, but it is unlikely the court would accept the case based on the issues that are on appeal), distribution will move ahead.

### **How the Claims Process Will Work**

Within 120 days of final approval, class members (any company that accepted Visa and MasterCard any time during the period between October, 1992 and June, 2003) will receive a Claim Form from the Claims Administrator, The Garden City Group, Inc. ("GCG"). The Claim Form will include an estimate of your share of the settlement funds for Visa and MasterCard credit and signature debit damages. This estimate will be derived from the data provided by Visa and the method of calculation will be shown. Because the claims process is using Visa data, merchants will not need to provide processor statements showing their Visa and MasterCard debit and credit volumes. However, you should maintain these records, if you have them, in order to check the

accuracy of the data provided by Visa. You should maintain any contracts showing when you accepted Visa and MasterCard after October 1992.

The Claim Form must be submitted within 60 days from receipt. If you believe the calculation is not accurate, you will be able to submit additional information.

Also, most of you have installed pin pads and are entitled to make an additional claim for on-line debit damages. (FMI's participation in the case, helped to make sure that these damages were included in the settlement.) To do that, you will have to compile the processor statements or any other records that show your on-line debit dollar or transaction volumes for the periods when you accepted PIN debit.

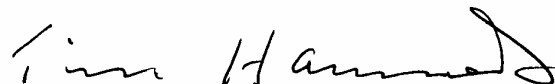
### **Information to Simplify the Claims Process**

The data provided by Visa for the distribution is broken down to the store or outlet level. The claims administrator has developed programs to link up the individual stores locations associated with a given merchant. To make sure that this is being done accurately as possible, and to make sure that claims are processed as efficiently as possible, merchants are encouraged to provide the information requested on the attached page to the Claims Administrator. **Please understand that you are not obligated to provide this information to receive your share of the settlement funds. These materials are merely being requested to help streamline the claims process and to avoid to the maximum extent possible the sending of multiple checks to individual companies.**

Please provide this information by the end of November to give the Claims Administrator, as much time as possible to streamline your claim forms. If you have any questions, please do not hesitate to call Jeff Shinder at Constantine & Partners, the lead counsel for the class at (212-350-2709) or Bobby Wasserman (631-470-5000) at GCG. You can send the data in spreadsheet or text file form to Drew Sommer, at GCG, at [VMMdata@gardencitygroup.com](mailto:VMMdata@gardencitygroup.com). Also you can contact FMI's General Counsel, George Green at 202-220-0613.

FMI's participation in this landmark litigation helped to assure that food retailers would be able to participate fully in this settlement. Please take the time to make sure that you get your fair share of the settlement funds. We will keep you informed as further developments warrant.

Sincerely,



Tim Hammonds  
President and CEO

Attachment

## **Information to Simplify the Claims Process**

Please understand that you are not obligated to provide this information to receive your share of the settlement funds. These materials are merely being requested to help streamline the claims process and to avoid to the maximum extent possible the sending of multiple checks to individual companies.

- A list of all of your stores and their addresses (this should include stores and store addresses for any wholly or majority owned subsidiaries that accepted Visa and MasterCard.) If possible, this list should include stores from 1997-2003. (Please note that store and address data from before 2000 need not be provided unless it is easy to obtain);
- The address to which you would like your consolidated claim form sent;
- The card acceptor ID numbers that Visa has assigned to your stores (or to the merchant) since 1996;
- The acquirer bank identification numbers ("BINs") for all Visa acquiring/merchant's Visa/MasterCard transactions since 1996; and
- A list of all wholly owned subsidiaries that accepted Visa and MasterCard in the U.S. that you would like consolidated into a single claims form;
- *Special Note: Merchants that bought or sold businesses that have been members of the class (because they accepted Visa and MasterCard in the United States after October 1992) should be aware of the following additional guidelines:*
- *Merchants that acquired a class member between October 1992 and the present, acquired that class member's right to a share of the settlement funds unless the contract of sale says otherwise. Such merchants should list the class member they acquired (and its stores, store addresses and card acceptor ID numbers etc) in the materials they provide to GCG and Lead Counsel.*
- *Merchants that sold a class member between October 1992 and the present relinquished their right to that class member's share of the settlement funds unless the contract of sale says otherwise. Such merchants should not list that class member (or its stores, store addresses and card acceptor ID numbers) in the materials it provides to Lead Counsel and the Claims Administrator.*

Lead Counsel and the Claims Administrator strongly encourage merchants to provide this information. This information is especially important for larger merchants with different subsidiaries or divisions. It should enable the claims administrator to verify in advance that each claim form includes all of the merchant's stores and subsidiaries that should be consolidated in its claim form.