

and Woodforest National Bank (“Woodforest”)] and paid one of more of the Subject Fees from December 22, 2013 through the date of preliminary approval [September 18, 2018]” (the “Settlement Class”). *See* Preliminary Approval Order at ¶ 4.

4. Paysafe provided the Settlement List to Epiq for purposes of carrying out the notice program. On November 2, 2018, Epiq sent a notice of settlement (the “Settlement Notice”) to 145,781 merchants on the Settlement List by either email or postcard.

5. On or about November 5, 2018, Paysafe discovered that the Settlement List inadvertently included merchants outside of the Settlement Class. Specifically, the Settlement List included merchants that did not process payments through MCPS and Woodforest during the defined class period.

6. On November 6, 2018, Paysafe provided the Settlement Administrator with a corrected Settlement List that removed 24,136 merchants who appropriately fell outside of the Settlement Class (the “Non-Class Merchants”). To be clear, the original Settlement List was **over-inclusive**; it included Non-Class Merchants. No members of the Settlement Class were omitted.

7. Because class notices already had been sent to the original Settlement List, Paysafe, at its own expense and without use of the resources of the Settlement Administrator, undertook efforts to notify certain of the Non-Class Merchants that they had been sent the notice in error and that they were not members of the Settlement Class. **Exhibit A** is a true and accurate copy of the text of the email sent to those Non-Class Merchants.

8. In addition, the Settlement Administrator retains the list of Non-Class Merchants so that it can deny claims any of those merchants nonetheless may submit in order to ensure that none of the Settlement funds are inappropriately distributed.

I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing statements are true and correct.

By: 
Giovanni Diano

Date: 12/18/18

EXHIBIT A

Dear [merchant]:

You may have received, or shortly will receive, an email or postcard notification of a class action settlement involving Merchants' Choice Payment Solutions (MCPS) and Woodforest Bank. **You received that notice in error as you are not a member of the settlement class.** MCPS is a recently acquired business unit of Paysafe Group, but, as a [] merchant, your processing is serviced entirely separately from MCPS.

Because we are in the process of consolidating our internal systems across business units, your name inadvertently was included in the group of MCPS merchants for whom the notice was intended. For that reason, you will **not** receive a settlement payment as part of the class and should **not** submit a claim.

Please accept our apologies for the error. Of course, if you have any questions about this communication, please contact [_____]

[Thank you very much for your continued support.]

[SIGNED]