

**UPDATED MERCHANT ADVISORY
ON SECURITIZING THE MASTERCARD SETTLEMENT ACCOUNT FUNDS**

New York City, March 31, 2009

Dear Merchants,

Constantine Cannon LLP, Lead Counsel for United States merchants in the *Visa Check/MasterMoney Antitrust Litigation*, CV 96-5238, advises Class Members as follows:

On March 6, 2009, Lead Counsel filed with the Court a request to sell (or to securitize) MasterCard's remaining payment obligations, which currently total \$400 million and will be paid into the settlement fund in four annual installments between 2009 through 2012. If the request is approved and the securitization is completed, Lead Counsel will be able to make lump-sum distributions of residual payments to Class Members who filed approved claims instead of making installment payments over the next four years of any residual amounts.

Pursuant to an amendment issued by the Court on March 30, 2009, objections to the proposed securitization must now be filed with the Court on April 13, 2009, and any objectors must now appear before the Court on April 24, 2009 at 11:30 A.M. to show why the proposed securitization should not be approved.

Papers related to the securitization, including the Independent Expert Report of Professor Bernard Black concerning the advisability of the proposed securitization, are available below. The papers are also available at the case website by clicking on the sidebar option entitled "Amended Plan of Allocation and Securitization" or by clicking on the link provided [here](#). These papers and all of the other papers filed publicly in this action may be obtained from the Public Access to Court Electronic Records ("PACER") system, accessible from the website for the District Court for the Eastern District of New York (you will need to obtain log-in information prior to accessing PACER).

This notice supersedes the previous Merchant Advisory issued on March 6.

Details concerning merchant rights under the Settlement are available on the case website by clicking on the sidebar option entitled “Merchant/Class Member Rights Under the Settlement.” Additional assistance is also available by calling 1-888-641-4437.

Sincerely,

CONSTANTINE CANNON LLP (formerly Constantine & Partners)

Lead Counsel for the Class

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[March 6, 2009 Order to Show Cause](#)

[Memorandum in Support of Lead Counsel’s Motion to Approve the Securitization of the MasterCard Settlement Account Payments](#)

[Proposed Order](#)

[Declaration of Robert L. Begleiter, Esq.](#)

[Declaration of Joshua J. Slovik](#)

[Declaration of Neil L. Zola](#)

[Report of Independent Expert, Bernard Black](#)