

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:

GUCCI AMERICA, INC. :

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Plaintiff, :

:

-against- :

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FRONTLINE PROCESSING CORPORATION; :

WOODFOREST NATIONAL BANK; DURANGO :

MERCHANT SERVICES LLC d/b/a NATIONAL :

BANKCARD SYSTEMS OF DURANGO; ABC :

COMPANIES; and JOHN DOES, :

:

Defendants. :

:

:

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09 Civ. 6925 (HB)

DECLARATION OF ANNE M. COYLE

Pursuant to 28 U.S.C. § 1746, Anne M. Coyle hereby declares as follows:

1. I am an associate at the law firm of Gibson, Dunn & Crutcher, LLP, counsel to Gucci America, Inc. (“Gucci”) in the above-captioned action. I am currently admitted to practice and in good standing before this Court.
2. I make this Declaration in support of Plaintiff’s Memorandum of Law in Opposition to Defendants’ Motions to Dismiss.
3. Attached hereto as Exhibit 1, is a true and correct copy of an excerpt from “Visa Card Acceptance and Chargeback Management Guidelines for Visa Merchants,” Section 6, “Chargebacks,” available at the Visa website at http://usa.visa.com/download/merchants/card_acceptance_guide.pdf.
4. Attached hereto as Exhibit 2, is a true and correct copy of a press release entitled “Merchants’ Choice Announces Corporate Rebranding Initiative,” dated August 23, 2009,

available at the Merchant's Choice Payment Solutions website at

<http://www.mcpscorp.com/en/cms/index.asp?283#03August2009>.

5. Attached hereto as Exhibit 3, is a true and correct printout from the Merchants' Choice Card Services of New York website, at <http://mccsny.com/about.htm>.

6. Attached hereto as Exhibit 4, is a chart entitled "The Anatomy of a Transaction" depicting a credit card processing transaction, available at the MasterCard website at http://www.mastercard.com/us/company/en/whatwedo/payment_processing.html.

7. Attached hereto as Exhibit 5, is a true and correct copy of a chart entitled "Transaction Processing from Start to Finish" depicting a credit card processing transaction, available at the Visa website at <http://corporate.visa.com/about-visa/our-business/visa-transaction.shtml>.

8. Attached hereto as Exhibit 6, are true and correct printouts from the Merchant's Choice Payments Solutions website, at <http://www.mccstx.com>.

9. Attached hereto as Exhibit 7, is a true and correct copy of the Merchant's Choice Card Services of New York, LLC's filing with the New York Department of State.

10. Attached hereto as Exhibit 8, is a true and correct printout from the Electronic Payment Association, at http://www.nacha.org/About/what_is_ach_.htm, describing the Automated Clearing House (ACH) Network.

11. Attached hereto as Exhibit 9 is a true and correct printout from the Visa website at http://usa.visa.com/merchants/new_acceptance/acquirer_list.html, listing acquiring banks, including Woodforest National Bank.


12. Attached hereto as Exhibit 10 are true and correct printouts from the Durango Merchant Services website, at <http://www.durangomERCHANTservices.com>.

13. Attached hereto as Exhibit 11 is a true and correct printout from the Woodforest National Bank website, at <http://www.woodforest.com>.

14. Attached hereto as Exhibit 12 is a true and correct printout from the Frontline Processing Corporation Website, at <https://www.frontlineprocessing.com>.

15. Attached hereto as Exhibit 13 is a true and correct copy of an MCPS press release entitled "Merchants' Choice Payment Solutions Acquires Silverton Bank Portfolio of Agent Banks," dated November 9, 2009, available at http://www.businesswire.com/portal/site/elpasotimes/?ndmViewId=news_view&newsId=2009109005574&newsLang=en.

Executed at New York, New York this 16th day of November, 2009.

By: 

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