

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

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GUCCI AMERICA, INC.,

Plaintiff,

-against-

**DECLARATION OF
TODD WENGROVSKY
IN SUPPORT OF DURANGO'S
OPPOSITION TO
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

FRONTLINE PROCESSING CORPORATION,
WOODFOREST NATIONAL BANK,
DURANGO MERCHANT SERVICES LLC d/b/a
NATIONAL BANKCARD SYSTEMS OF
DURANGO,

Civil Index No. 09-6925

Defendants.

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Todd Wengrovsky, an attorney duly admitted to practice in the United States District Court for the Southern District of New York, under the penalty of perjury, states:

1. I am the attorney for Defendant Durango Merchant Services, LLC. in the present action and offer this Declaration in support of Durango's Opposition to Plaintiff's Motion for Summary Judgment.

2. Attached hereto as **EXH. A** is a true and correct copy of a standard processing agreement between a merchant and a credit card processing bank.

3. Attached hereto as **EXH. B** is a true and correct copy of a March, 2006 article entitled "*Security Breach Notification Requirements: Guidelines and Securities Law Considerations.*"

4. Attached hereto as **EXH. C** is a true and correct copy of Durango's Answers to Gucci's Interrogatories, dated January 29, 2010.

Dated: August 1, 2010
Calverton, New York

/s/ Todd Wengrovsky
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