

EXHIBIT 1

employment class actions, settlements of mass tort litigation, Securities and Exchange Commission enforcement actions, Federal Trade Commission disgorgement actions, insurance disputes, bankruptcies, and other major litigation. Epiq has administered more than 4,500 settlements, including some of the largest and most complex cases ever settled. Epiq's class action case administration services include administering notice requirements, designing direct-mail notices, implementing notice fulfillment services, coordinating with the United States Postal Service ("USPS"), developing and maintaining notice websites and dedicated telephone numbers with recorded information and/or live operators, processing exclusion requests, objections, claim forms and correspondence, maintaining class member databases, adjudicating claims, managing settlement funds, and calculating claim payments and distributions. As an experienced neutral third-party administrator working with settling parties, courts, and mass action participants, Epiq has handled hundreds of millions of notices, disseminated hundreds of millions of emails, handled millions of phone calls, processed tens of millions of claims, and distributed hundreds of billions in payments.

Class Action Fairness Act Notice

4. On March 14, 2022, Epiq served notice of the proposed Settlement to each appropriate federal and state official ("CAFA Notice"). Epiq included with the CAFA Notice certain court filings and documents, as required under 28 U.S.C. § 1715(b). A true and correct copy of the CAFA Notice cover letter is attached hereto as Exhibit A.¹

¹ The cover letter was accompanied by a CD, which included the Class Action Complaint, (Corrected) Class Action Complaint, First Amended Class Action Complaint, Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement and for Direction of Class Notice (Dkt. 326), Brief in Support of Unopposed Motion for Preliminary Approval of Class Settlement and for Direction of Notice (Dkt. 327), Index of Evidence in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement and for Direction of Class Notice (Dkt. 328), Order dated March 9, 2022, which granted preliminary approval (Dkt. 329), and Class Member Geographic Location Report.

Class Notice

5. The motion for preliminary approval was filed on March 4, 2022, and the Settlement was preliminarily approved by the Court on March 9, 2022.

6. One of the tasks assigned to Epiq was to disseminate notice of the Settlement to Class members by email or postcard. The Court approved (a) email and postcard versions of the notices for current customers of Defendant Central Payment Co., LLC (“CPAY”) who shall automatically receive a payment if the Class Action Settlement is approved and becomes final, and (b) email and postcard versions of the notices for former customers of CPAY who must file a claim form to be eligible for a payment. The Court also approved a long form notice, which was to be posted on the settlement website.

Individual Notice to Class Members

7. On March 14, 2022, Epiq was provided with a data file from CPAY containing several fields of information on the 185,884 members of the Class, including merchant identification numbers, legal names, “DBA” names, contact persons, last known addresses, last known telephone numbers, last known email address, and a designation of whether the merchant was a current or former customer in accordance with the Settlement.

8. Of the 185,884 Class members, 27,164 were designated by CPAY as current customers and 158,720 were designated by CPAY as former customers.

9. Epiq utilized the USPS’s National Change of Address (“NCOA”) service to update address information, ensure adequate address formatting, and to qualify for postal discounts.

Current Customers

10. On April 8, 2022, in accordance with the preliminary approval Order, notice was emailed to 18,023 current customers for whom an email address was available, and was sent by

U.S. Mail to 9,141 current customers for whom an email address was not available. A true and correct copy of the notice to current customers, including both emailed and mailed versions, is attached hereto as Exhibit B.

11. Current customers where the emailed notice was returned back as undeliverable, totaling 8,127, were sent a postcard notice by First-Class Mail to the Class member's address on April 29, 2022.

12. Through May 5, 2022, the USPS had returned 81 postcard notices from current customers with forwarding addresses and 455 postcard notices from current customers as undeliverable without forwarding addresses. Epiq will attempt to locate new addresses through an information supplier to which it subscribes. Epiq will continue to mail a postcard notice to those current customers for whom forwarding/updated addresses are located.

13. Through May 5, 2022, an aggregate of 35,524 notices have been emailed or mailed to current customers, pursuant to the preliminary approval Order.

14. Through May 5, 2022, the current deliverable rate to current customers is 98.3%.

Former Customers

15. On April 8, 2022, in accordance with the preliminary approval Order, notice was emailed to 112,823 former customers for whom an email address was available, and was sent by U.S. Mail to 45,897 former customers for whom an email address was not available. A true and correct copy of the notice to former customers, including both emailed and mailed versions, is attached hereto as Exhibit C.

16. Former customers where the emailed notice was returned back as undeliverable, totaling 54,533, were sent a postcard notice by First-Class Mail to the Class member's address on April 29, 2022.

17. Through May 5, 2022, the USPS had returned 5,815 postcard notices from former customers as undeliverable without forwarding addresses and 372 postcard notices from former customers with forwarding addresses. Epiq will attempt to locate new addresses through an information supplier to which it subscribes. Epiq will continue to mail a postcard notice to those former customers for whom forwarding/updated addresses are located.

18. Through May 5, 2022, an aggregate of 216,985 notices have been emailed or mailed to former customers, pursuant to the preliminary approval Order.

19. Through May 5, 2022, the current deliverable rate to former customers is 96.3%.

Settlement Website, Toll-Free Informational Number, Email and Post Office Box

20. Epiq created and continues to maintain a website, www.centralpaymentclassaction.com, which has been operational since August 20, 2021. Epiq revamped the website following the preliminary approval Order to focus Class members' attention toward the Settlement. Such revamped website has been operational since April 8, 2022. The website enables Class members to review information about the Settlement, including the long form notice and claim form, and download court documents from this action, including the Settlement Agreement, the first amended complaint, CPAY's answer, the class certification Order, the Eighth Circuit's Order opinion affirming class certification, the motion for preliminary approval and supporting evidence, and the preliminary approval Order. The website also includes the ability for former customers to submit their claim form online through the deadline date of August 6, 2022. Through May 5, 2022, there have been approximately 5,088 unique visitors to the website.

21. Epiq established a toll-free informational number (1-855-654-0931) to allow Class members to call and listen to answers to frequently asked questions 24 hours a day, 7 days a week.

The toll-free informational number has been operational since August 20, 2021. Epiq updated the toll-free information number's information following the preliminary approval Order to focus Class members' attention toward the Settlement on April 8, 2022. Through May 5, 2022, there have been approximately 541 calls to the toll-free informational number.

22. Epiq established a post office box (P.O. Box 5747, Portland, OR 97228-5747) for receipt of undeliverable mail, completed claim forms, exclusion requests, and other communications. Mail received at the post office box is collected and processed daily.

23. Through May 5, 2022, Epiq has received 4,320 claim forms. Of the 4,320 claim forms received, 1,488 were received by mail and 2,832 were submitted online through the website. The claim form deadline is August 6, 2022.

Requests for Exclusion and Objections

24. Pursuant to the preliminary approval Order, requests from Class members to exclude themselves from the Settlement are required to be mailed to the settlement administrator, postmarked no later than June 7, 2022. Through May 5, 2022, Epiq has received three (3) exclusions.²

25. Pursuant to the preliminary approval Order, objections must be filed electronically with the Court or mailed to the Clerk of the Court, Class Counsel, and CPAY's counsel no later than June 7, 2022. Although objections are not to be sent to Epiq, nevertheless, as part of its standard procedures, Epiq personnel examine all mail received to search for, among other things, requests for exclusion and objections. Through May 5, 2022, Epiq has received no objections.

26. Epiq agreed to serve as the settlement administrator in exchange for payment of its

² Epiq received 49 exclusions during the Class Certification Notice phase. Because they previously opted-out, these Class members were excluded from the current Settlement noticing.

fees and costs. Epiq's total estimated fee (including costs) is \$154,931.00 in connection with the administration of the Settlement. Through May 5, 2022, Epiq has incurred approximately \$58,749.90 in administrative costs.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

Executed May 5, 2022, in Kent, Washington.


PETER SPERRY

Exhibit A

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

March 14, 2022

VIA UPS OR USPS CERTIFIED MAIL

Class Action Fairness Act – Notice to Federal and State Officials

Dear Federal and State Officials:

Pursuant to the Class Action Fairness Act of 2005 (“CAFA”), codified at 28 U.S.C. § 1715, please find enclosed information from Defendant Central Payment Co., LLC relating to the proposed settlement of a class action lawsuit.

- **Case:** *Custom Hair Designs by Sandy, LLC et al. v. Central Payment Co., LLC* Case No. 8:17-cv-00310.
- **Court:** United States District Court for the District of Nebraska.
- **Defendant:** Central Payment Co., LLC.
- **Documents Enclosed:** In accordance with the requirements of 28 U.S.C. § 1715, please find copies of the following documents associated with this action on the enclosed CD:
 1. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:**
 - Class Action Complaint;
 - (Corrected) Class Action Complaint; and
 - First Amended Class Action Complaint (docketed and unredacted copies).
 2. **Per 28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** The Final Approval Hearing is scheduled for July 25, 2022, at 1:30pm.
 3. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:** Forms of Notice are included with the Settlement Agreement and Release as Exhibits 2A-2D and 3.
 4. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** In addition to the Settlement Agreement and Release, the following supporting documents are included:
 - Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement and for Direction of Class Notice (Dkt. 326);
 - Brief in Support of Unopposed Motion for Preliminary Approval of Class Settlement and for Direction of Notice (Dkt. 327);

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

- Index of Evidence in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement and for Direction of Class Notice (Dkt. 328);
 - Exhibit 1: Joint Declaration of Tyler W. Hudson and Matthew C. Klase (Dkt. 328-1); and
 - Exhibit A: Settlement Agreement and Release (with exhibits) (Dkt. 328-2).
- 5. **Per 28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreements:** There is no other Settlement or Agreement.
- 6. **Per 28 U.S.C. § 1715(b)(6) – Final Judgment or Notice of Dismissal:** To date, the Court has not issued a final order, judgment or dismissal in the above-referenced action.
- 7. **Per 28 U.S.C. § 1715(b)(7) – Estimate of Class Members:** It is not feasible to provide a list of class member names “who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement,” as contemplated by 22 U.S.C. § 1715(b)(7)(A). As a result, enclosed is the “Class Member Geographic Location Report,” which constitutes a “a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement,” as contemplated by 22 U.S.C. § 1715(b)(7)(B).
- 8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** The Court granted preliminary approval in the Order dated March 9, 2022, (Dkt. 329).

If you have questions or concerns about this notice or the enclosed materials, please contact this office.

Very truly yours,

CAFA Notice Administrator

Enclosures

Exhibit B

To:
From: Central Payment Settlement Administrator
From Email: noreply@centralpaymentclassaction.com
Subject: CENTRAL PAYMENT CLASS ACTION SETTLEMENT
Preheader: CENTRAL PAYMENT CLASS ACTION SETTLEMENT

Important Notice About a Class Action Settlement

***United States District Court, District of Nebraska,
authorized this Notice. This is not a solicitation from a lawyer.***

ATTENTION: All customers of Central Payment Company, LLC (“CPAY”) who were assessed TSSNF (a/k/a TSYS Network) or PCI noncompliance fees, had their discount rates increased above their contractual rates, and/or had card transactions shifted from lower-cost to higher-cost rate tiers, from January 1, 2010 through October 31, 2020.

You have been identified as being part of a class action settlement in which up to \$84 million has been proposed to resolve a lawsuit against CPAY. The lawsuit alleges, among other things, that CPAY misrepresented fees it charged for its card processing services and improperly added or inflated fees. CPAY denies these allegations but has entered into the Settlement to avoid the expense and uncertainty of litigation.

According to CPAY’s records, you maintain one or more active payment processing accounts with CPAY as of March 9, 2022, are a “Current Customer” under the Settlement, and will *automatically be sent a payment* if the Settlement is approved and becomes final. The individual payments to Class Members will vary depending upon the amount of the disputed fees each Class Member paid to CPAY during the Class Period.

To exclude yourself from the Settlement, you must write to the address below by **June 7, 2022**. To object, you must write to the address below by **June 7, 2022**. For complete instructions, visit CentralPaymentClassAction.com. If you do not exclude yourself from the Settlement, you will be bound by any judgment in the lawsuit and won’t be able to sue CPAY in the future about the issues in this lawsuit.

The court will hold a hearing on **July 25, 2022 at 1:30 p.m. (Central Time)** in Courtroom 3, at the United States District Court for the District of Nebraska, 111 S. 18th Plaza, Omaha, NE 68102 to consider whether to approve the Settlement and pay the lawyers for the Class up to one-third of the Settlement Amount, reimburse them for their expenses, and pay service awards of \$15,000 to each named plaintiff. You may appear at the hearing, but do not have to. The court has appointed lawyers to

represent you and the Class, but you can hire another lawyer at your own expense.

You can get more details at [CentralPaymentClassAction.com](https://www.centralpaymentclassaction.com), by calling **1-855-654-0931**, or by writing CPAY Settlement, c/o **Central Payment Class Action Lawsuit, P.O. Box 5747, Portland, OR 97228-5747**.

AG053_v04

You are subscribed to this email as Epiq@epiqglobal.com.

Click here to modify your [preferences](#) or [unsubscribe](#).

Central Payment Settlement Administrator
P.O. Box 5747
Portland, OR 97228-5747

BARCODE
NO-PRINT
ZONE

FIRST-CLASS MAIL
U.S. POSTAGE
PAID
Portland, OR
PERMIT NO. 2882

Important Notice About a Class Action Settlement

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<<MAIL ID>>
<<NAME 1>>
<<NAME 2>>
<<ADDRESS LINE 1>>
<<ADDRESS LINE 2>>
<<ADDRESS LINE 3>>
<<ADDRESS LINE 4>>
<<ADDRESS LINE 5>>
<<CITY, STATE ZIP>>
<<COUNTRY>>

Barcode No-Print Zone

United States District Court, District of Nebraska, authorized this notice. This is not a solicitation from a lawyer.

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You can get more details at **CentralPaymentClassAction.com**, by calling **1-855-654-0931**, or by writing **Central Payment Settlement Administrator, P.O. Box 5747, Portland, OR 97228-5747**.

Exhibit C

To:
From: Central Payment Settlement Administrator
From Email: noreply@centralpaymentclassaction.com
Subject: CENTRAL PAYMENT CLASS ACTION SETTLEMENT - SUBMIT YOUR CLAIM
Preheader:

Important Notice About a Class Action Settlement

*United States District Court, District of Nebraska,
authorized this Notice. This is not a solicitation from a lawyer.*

SUBMIT YOUR CLAIM

ATTENTION: All customers of Central Payment Company, LLC (“CPAY”), who were assessed TSSNF (a/k/a “TSYS Network”) or PCI noncompliance fees, had their discount rates increased above their contractual rates, and/or had card transactions shifted from lower-cost to higher-cost rate tiers from January 1, 2010, through October 31, 2020.

You have been identified as being part of a class action Settlement in which up to \$84 million has been proposed to resolve a lawsuit against CPAY. The lawsuit alleges, among other things, that CPAY misrepresented fees it charged for its card processing services and improperly added or inflated fees. CPAY denies these allegations but has entered into this Settlement to avoid the expense and uncertainty of litigation.

According to CPAY’s records, you previously maintained one or more payment card processing accounts with CPAY, but such account(s) was (were) inactive as of March 9, 2022, meaning you are a “Former Customer” under the Settlement. **To get a payment from the Settlement, you must submit a claim.** The individual payments to Class Members will vary depending upon the amount of disputed fees each Class Member paid to CPAY during the Class Period.

You can submit your claim online at CentralPaymentClassAction.com using the following identification number(s):
6467276A4D

Alternatively, you can download a hard copy of the claim form to be submitted by mail or request one by calling **1-855-654-0931**. Claim forms must be mailed or submitted online by **August 6, 2022**.

To exclude yourself from the Settlement, you must write to the address below by

June 7, 2022. To object, you must write to the address below by **June 7, 2022.** For complete instructions, visit CentralPaymentClassAction.com. If you do not exclude yourself from the Settlement, you will be bound by any judgment in the lawsuit and won't be able to sue CPAY in the future about the issues in the lawsuit.

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You can get more details by visiting CentralPaymentClassAction.com, by calling **1-855-654-0931**, or by writing **Central Payment Class Action Lawsuit, P.O. Box 5747, Portland, OR 97228-5747.**

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Click here to modify your [preferences](#) or [unsubscribe](#).

7-cv-00310-JFB-CRZ Doc # 335-1
Central Payment Settlement Administrator
P.O. Box 5747
Portland, OR 97228-5747

Filed: 05/06/22 Page 20 of 23 Page ID # 8

**BARCODE NO
PRINT ZONE**

FIRST CLASS MAIL
U.S. POSTAGE
PAID
Portland, OR
PERMIT NO. 2882

Important Notice about a Class Action Settlement

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<<MAIL ID>>
<<NAME 1>>
<<NAME 2>>
<<ADDRESS LINE 1>>
<<ADDRESS LINE 2>>
<<ADDRESS LINE 3>>
<<ADDRESS LINE 4>>
<<ADDRESS LINE 5>>
<<CITY, STATE ZIP>>
<<COUNTRY>>

Barcode No-Print Zone

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According to CPAY's records, you previously maintained one or more payment card processing accounts with CPAY, but such account(s) was (were) inactive as of March 9, 2022, meaning you are a "Former Customer" under the Settlement. **To get a payment from the Settlement, you must submit a claim.** The individual payments to Class Members will vary depending upon the amount of disputed fees each Class Member paid to CPAY during the Class Period.

There are several ways you can submit a claim. You only need to do ONE of the following:

1. You can submit a claim online at CentralPaymentClassAction.com using the following identification number: <<UniquID>>;
2. You can submit a claim by mailing in the form attached to this Notice (postage is prepaid); or
3. You can download a hard copy Claim Form from the Settlement Website, CentralPaymentClassAction.com, or request one by calling **1-855-654-0931**, and then fill it out and mail it in.

All Claim Forms must be mailed or submitted online no later than **August 6, 2022**.

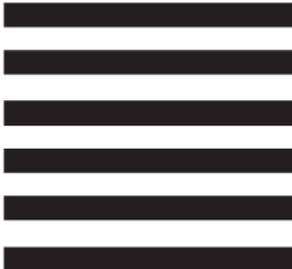
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NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 581 PORTLAND, OR

POSTAGE WILL BE PAID BY ADDRESSEE
CENTRAL PAYMENT SETTLEMENT ADMINISTRATOR
C/O EPIQ
PO BOX 5747
PORTLAND OR 97228-9830

