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13
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF ALAMEDA

16
17 ADAM A. SCHWARTZ, On Behalf of the
General Public,

18 Plaintiff,

19 v.

20 VISA INTERNATIONAL CORP., a
21 Delaware corporation, VISA
INTERNATIONAL SERVICE
22 ASSOCIATION, INC., a Delaware
corporation, VISA U.S.A., INC., a
23 Delaware corporation, MASTERCARD
INTERNATIONAL INC., a Delaware
24 corporation, and DOES 1-100, inclusive,

25 Defendants.

ENDORSED
FILED
ALAMEDA COUNTY

OCT 01 2004

CLERK OF THE SUPERIOR COURT
By Marie Mayupao, Deputy

Case No. 822404-4

Second Amen. Compl. Filed Aug 3, 2001

**NOTICE OF APPEAL OF
DEFENDANT MASTERCARD
INTERNATIONAL INCORPORATED**

[Code Civ. Proc. § 904.1]

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Defendant and Appellant MasterCard International Incorporated ("MasterCard") appeals to the Court of Appeal of the State of California, First Appellate District, from the Order Granting Award of Attorneys' Fees and Costs entered in this action on August 6, 2004, in Department 22 of the above-entitled Court, and any and all related matters reviewable under Sections 904.1 and 906 of the Code of Civil Procedure. Such rulings should be reversed on numerous bases including, but not limited to, reversal of the related underlying judgment and orders that are the subject of appeal No. A105222 before the Court of Appeal.

Plaintiff served MasterCard with a Notice of Entry of Order on August 13, 2004.

DATED: October 1, 2004

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

WEIL, GOTSHAL & MANGES LLP

By  _____
GARY L. HALLING

Attorneys for Defendant and Appellant
MASTERCARD INTERNATIONAL INCORPORATED

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**ENDORSED
FILED
ALAMEDA COUNTY**

OCT 01 2004

**CLERK OF THE SUPERIOR COURT
By Geneva D. Hill, Deputy**

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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF ALAMEDA

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17 ADAM A. SCHWARTZ, On Behalf of the
General Public,,

Case No. 822404-4

18 Plaintiff,

Second Amen. Compl. Filed: Aug 3, 2001

19 v.

PROOFS OF SERVICE

20 VISA INTERNATIONAL CORP., a
21 Delaware corporation, VISA
INTERNATIONAL SERVICE
22 ASSOCIATION, INC., a Delaware
corporation, VISA U.S.A., INC., a
23 Delaware corporation, MASTERCARD
INTERNATIONAL, INC., a Delaware
24 corporation, and DOES 1-100, inclusive,

25 Defendants.

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PROOF OF SERVICE BY HAND DELIVERY

Schwartz v. Visa International Corp., et al.; Alameda County Superior Court No. 822404-4

I am employed in the County of San Francisco; I am over the age of eighteen years and not a party to the within entitled action; my business address is Sheppard, Mullin, Richter & Hampton LLP, Four Embarcadero Center, 17th Floor, San Francisco, California 94111-4106.

On **October 1, 2004**, I served the following document(s) described as:

NOTICE OF APPEAL OF DEFENDANT MASTERCARD INTERNATIONAL INCORPORATED; and

PROOFS OF SERVICE

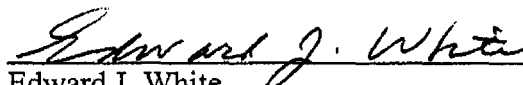
on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

See Attached Service List

BY HAND DELIVERY: I caused such envelope(s) to be delivered by hand to the office of the addressee(s).

STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **October 1, 2004**, at San Francisco, California.


Edward J. White

SERVICE LIST BY HAND DELIVERY

Schwartz v. Visa International Corp., et al.; Alameda County Superior Court No. 822404-4

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California Attorney General

For Plaintiff

Office of the Alameda County District
Attorney
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Alameda County District Attorney

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PROOF OF SERVICE BY OVERNIGHT DELIVERY

Schwartz v. Visa International Corp., et al.; Alameda County Superior Court No. 822404-4

I am employed in the County of San Francisco; I am over the age of eighteen years and not a party to the within entitled action; my business address is Four Embarcadero Center, 17th Floor, San Francisco, California 94111-4106.

On **October 1, 2004**, I served the following document(s) described as:

NOTICE OF APPEAL OF DEFENDANT MASTERCARD INTERNATIONAL INCORPORATED; and

PROOFS OF SERVICE

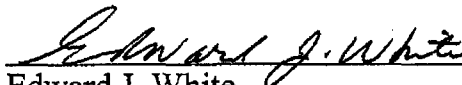
on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

See Attached Service List

BY OVERNIGHT DELIVERY: I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.

STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **October 1, 2004**, at San Francisco, California.


Edward J. White

SERVICE LIST BY OVERNIGHT DELIVERY

Schwartz v. Visa International Corp., et al.; Alameda County Superior Court No. 822404-4

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**For Defendant Visa International Service
Association**