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EXHIBIT 5 TO THE SCHWARTZ SETTLEMENT AGREEMENT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ADAM A. SCHWARTZ, On behalf of the
General Public,

Plaintiff,

vs.

VISA INTERNATIONAL CORP., a
Delaware corporation, et al.,

Defendants.

) Case No. 822404-4

) REQUEST FOR DISMISSAL (CODE OF
CIV. PROC. § 581)

) DEPT: 18

) DATE ACTION FILED: 2/15/00

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TO THE CLERK OF THE COURT:

Please take notice that plaintiff Adam A. Schwartz ("Plaintiff") and Plaintiff's Counsel, pursuant to California Code of Civil Procedure §§ 581(b)2 and 581(e), hereby request that the Clerk please **dismiss** the entire action of all parties and all causes of action **without prejudice**, pursuant to the terms of the Schwartz Settlement Agreement dated July 20, 2006. Each party shall bear its own expenses, costs and attorneys' fees except as provided in the Schwartz Settlement Agreement. Defendants Visa U.S.A. Inc. and Visa International Service Association and MasterCard International Incorporated hereby consent to the above dismissal.

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DISMISSAL IS HEREBY ENTERED AS REQUESTED.

Attorneys notified on _____

DATED: _____

Clerk, by _____, Deputy