

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FINTIV, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

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Civil Action No.: 1:19-cv-01238-ADA

JURY TRIAL DEMANDED

**PLAINTIFF FINTIV, INC.'S
NOTICE OF SUBPOENA AND DEPOSITION OF AMERICAN EXPRESS COMPANY**

PLEASE TAKE NOTICE that pursuant to Rule 45 and 34 of the Federal Rules of Civil Procedure and the attached subpoena to be served on American Express Company (“Amex”), Plaintiff Fintiv, Inc. (“Fintiv”), requests that Amex produce on or before March 12, 2020, at 10:00 a.m., at Kasowitz Benson Torres LLP, 1633 Broadway, New York, New York 10019 or at such other time and location as agreed to by Fintiv and Amex, all documents and things in Amex’s possession, custody, or control specified in Attachment A to the Subpoena to Amex, which is attached hereto and incorporated herein by reference.

PLEASE TAKE FURTHER NOTICE that pursuant to Rules 45 and 30 of the Federal Rules of Civil Procedure and the attached subpoena to be served on Amex, Fintiv will take the deposition of Amex on March 26, 2020, commencing at 10:00 a.m., at 1633 Broadway, New York, New York 10019 or at such other time and location as agreed to by Amex and Fintiv. The deposition testimony will be recorded by audio recording, stenographic means, and by video recording, and will continue from day to day until completed, with such adjournments as to time and place as may be necessary.

Dated: February 24, 2020

RESPECTFULLY SUBMITTED,

By: /s/ Jonathan K. Waldrop

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**Attorneys for Plaintiff
FINTIV, INC.**

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument was served or delivered electronically to all counsel of record, on this 24th day of February, 2020.

/s/ Jonathan K. Waldrop _____

Jonathan K. Waldrop

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**PLAINTIFF FINTIV, INC.'S
NOTICE OF SUBPOENA AND DEPOSITION OF MASTERCARD INC.**

PLEASE TAKE NOTICE that pursuant to Rule 45 and 34 of the Federal Rules of Civil Procedure and the attached subpoena to be served on MasterCard Inc. (“MasterCard”), Plaintiff Fintiv, Inc. (“Fintiv”), requests that MasterCard produce on or before March 11, 2020, at 10:00 a.m., at Kasowitz Benson Torres LLP, 1633 Broadway, New York, New York 10019 , or at such other time and location as agreed to by Fintiv and MasterCard, all documents and things in MasterCard’s possession, custody, or control specified in Attachment A to the Subpoena to MasterCard, which is attached hereto and incorporated herein by reference.

PLEASE TAKE FURTHER NOTICE that pursuant to Rules 45 and 30 of the Federal Rules of Civil Procedure and the attached subpoena to be served on MasterCard, Fintiv will take the deposition of MasterCard on March 25, 2020, commencing at 10:00 a.m., at Kasowitz Benson Torres LLP, 1633 Broadway, New York, New York 10019 or at such other time and location as agreed to by MasterCard and Fintiv. The deposition testimony will be recorded by audio recording, stenographic means, and by video recording, and will continue from day to day until completed, with such adjournments as to time and place as may be necessary.

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