

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, et al.

Plaintiffs,

v.

FIRST DATA CORPORATION,

and

CONCORD EFS, INC.,

Defendants.

CASE NUMBER: 1:03CV02169 (RMC)

**MOTION OF THE UNITED STATES TO EXCLUDE TESTIMONY OF
EDWARD J. HOGAN**

1. Pursuant to Rule 702 of the Federal Rules of Evidence, Plaintiff, the United States of America, respectfully moves the Court for entry of an order striking Paragraphs 8, 9, 10, 11, 18, 19, 20 and 21 from the Expert Report of Edward J. Hogan, and providing that Mr. Hogan may not offer any testimony at trial concerning (a) whether PIN and signature debit are in the same market; (b) future PIN debit and signature debit rates and whether those rates will converge; or (c) whether Maestro/MasterCard, PULSE, Fiserv, American Express or Discover are significant PIN debit competitors.

2. This Motion is based upon this Motion, the United States' Memorandum of Law in support hereof, all pleadings on file in this action, the arguments of the parties, and any other information this Court deems it just and proper to consider.

3. A proposed order granting this Motion is attached hereto as Attachment A.

Respectfully Submitted,

/s/

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