

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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US DISTRICT COURT E.D.N.Y.

★ DEC 19 2013 ★

BROOKLYN OFFICE

_____	x	05 MD 1720
In re PAYMENT CARD INTERCHANGE	:	MDL No. 1720(JG)(JO)
FEE AND MERCHANT DISCOUNT	:	
ANTITRUST LITIGATION	:	Civil No. 05-5075(JG)(JO)
_____	:	[PROPOSED] ORDER REGARDING
This Document Relates To:	:	MISLEADING THIRD-PARTY CLAIMS
	:	FILING SERVICES
ALL ACTIONS.	:	
_____	x	

Whereas the Court has determined that certain solicitations of class members regarding third-party claims filing services has been misleading,

And whereas the Court has expressed concern about additional instances of class member confusion,

IT IS HEREBY ORDERED AND DECREED as follows:

All third-party claims filing companies wishing to represent merchants are required to include in any solicitation to prospective clients the following to ensure that any solicitation is truthful and accurate:

1. A statement that claims forms are not yet available.
2. A statement making clear that class members need not sign up for a third-party service in order to participate in any monetary relief and explaining that no-cost assistance will be available from the Class Administrator and Class Counsel during the claims-filing period.
3. Information directing class members to the Court-approved website for additional information.

Further, the Court Orders that:

1. That the proposed relief outlined above must be included in any solicitation, in any form including websites, mail and email solicitations, telephone and in-person solicitations.
2. Solicitations that do not contain the required information (as set forth above) may be deemed misleading and following notice and an opportunity to cure, those entities may be enjoined permanently from taking any role in the settlement;
3. Entities that have signed up merchants for claims filing services are required within 21 days after entry of this Order to send, at their own expense, a letter approved of in advance by Class Counsel, to those clients to ensure that they understood the contract of representation and were

not misled by prior solicitations. Class Members would have the option to void their contract if they were misled; and

4. Class Counsel and the Class Administrator are ordered to continue to monitor third-party claims filing companies to ensure that they comply with any Orders of the Court.

IT IS SO ORDERED.

s/John Gleeson

DATED: 12/19/13

~~JOHN GLEESON~~
~~UNITED STATES DISTRICT JUDGE~~

THE HONORABLE JUDGE JOHN GLEESON
UNITED STATES DISTRICT JUDGE