

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

IN RE PAYMENT CARD INTERCHANGE
FEE AND MERCHANT DISCOUNT
ANTITRUST LITIGATION

ORDER
05-MD-1720 (JG)

JOHN GLEESON, United States District Judge:

In an order signed on December 19, 2013 and docketed the following day (the “December 20 Order”), I granted Class Counsel’s motion for an order relating to communications by third-party claims filing companies to members of the merchant class. ECF No. 6137. In a letter dated December 20, 2013, ECF No. 6139, Spectrum Settlement Recovery (“Spectrum”) requested an order directing Class Counsel to formally serve its motion on Spectrum and to agree with Spectrum on a briefing schedule “so that interested parties may be heard.” That request is denied. In a letter dated December 23, ECF No. 6140, Spectrum requested that I vacate the December 20 Order (at least as to Spectrum) to permit reconsideration thereof with the benefit of a response by Spectrum. That motion is also denied.

It is clear to the Court that the overwhelming majority of the members of the merchant class need protection from overreaching claims filing services, and I intend to provide that protection proactively. Preventing confusion and deception before they can happen is far preferable to taking remedial measures after they happen.

There is one modification of the December 20 Order that I think is appropriate. Specifically, the part of the order that requires entities that have signed up merchants for claims filing services to send, at their own expense, a letter approved by Class Counsel to those

merchants within 21 dates of the entry of the December 20 Order to ensure that those merchants were not misled is hereby modified to require the sending of such a letter on or before January 24, 2013. Any person or entity, including Spectrum, wishing to be heard on that issue or on any other aspect of the December 20 Order may do so in writing on or before January 3, 2014 and orally in my courtroom on January 10, 2014 at 3:30 pm. In the meantime, all other aspects of the December 20 Order (i.e., other than the modification specified above) remain in force.

Class Counsel are directed to post a copy of this order on the website for the case and to serve a copy forthwith on the claims filing services listed in document 6127-2.

So ordered.

John Gleeson, U.S.D.J.

Dated: December 30, 2013
Brooklyn, New York