

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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In re PAYMENT CARD INTERCHANGE	:	MDL No. 1720(MKB)(JAM)
FEE AND MERCHANT DISCOUNT	:	
ANTITRUST LITIGATION	:	Civil No. 05-5075(MKB)(JAM)
_____	:	
This Document Relates To:	:	RULE 23(b)(3) CLASS COUNSEL'S
	:	MONTHLY REPORT REGARDING THIRD-
	:	PARTY ENTITIES
ALL ACTIONS.	:	
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## **I. INTRODUCTION**

This is the fourteenth monthly report regarding third-party claims filers following the Court's request.

Rule 23(b)(3) Class Counsel ("Class Counsel") and Epiq continue to receive communications regarding third parties. Calls received via the toll-free number are tracked and reported to Class Counsel from Epiq. Class Counsel also directly receives calls and emails regarding third parties that are followed up on immediately. Additionally, Class Counsel regularly searches online using various keywords to monitor new entrants.

## **II. STATUS OF PREVIOUS ORDERS TO SHOW CAUSE**

### **A. Update Regarding Certainty Management and LenCred**

On November 25, 2024, LenCred and Certainty Management reported to the Court regarding its ongoing compliance efforts. At this time there are no pending issues with these companies.

### **B. Update Regarding Law Firm Betz & Baril**

Class Counsel, as part of its monitoring, ran across a YouTube video that was pitching third-party claims services. That video referred to a law firm. Class Counsel followed up immediately and the YouTube video was taken down. The person responsible for the video reported to Class Counsel that the law firm referred to was Betz & Baril. Upon confirmation, Class Counsel contacted counsel for Betz & Baril and learned the firm had instructed referral partners to cease advertising some months ago and it appeared this video slipped through the cracks. Class Counsel again warned the firm that should any new issues arise, Class Counsel will seek severe sanctions.

## **III. MISLEADING WEBSITES AND SOLICITATIONS**

### **A. Cardsettlement.org and Merchant Stronghold**

As Class Counsel detailed in the letter seeking an Order to Show Cause filed December 4, 2024 (ECF 9489), new entrants in the claims-filing realm had numerous instances of false and/or misleading communications as well as multiple issues with proofs of authority filings and fraudulent

filings made without the knowledge or consent of class members. On December 5, 2024, pursuant to the Court's text-entry Order, Class Counsel submitted a proposed order to show cause.

Class Counsel expects the Court will provide direction regarding next steps.

**B. New Entrant Issues**

Epiq contacted Class Counsel regarding a new entrant in the claims-filing business. Class Counsel followed up, had several meetings with the entity, and all matters were corrected, including: (1) changing the domain name, because it was confusingly similar to the Court-approved official settlement website; (2) editing a video to remove misstatements; and (3) having a corrective notice sent to class members explaining the prior misstatements and offering class members the opportunity to rescind any contract. This company again came to the attention of the Class Administrator who contacted Class Counsel because of an email, which in translation provided incorrect information. Class Counsel and the company's president spoke and a new translation was created and approved. As these matters were all quickly rectified, no further action at this time appears to be needed.

**C. Complaint from Class Member**

The Class Administrator alerted Class Counsel to another entrant in the claims-filing business that was missing disclaimers on contracts and had some misleading statements on a website. Class Counsel wrote a detailed letter to the company and within a day, the company reached out to Class Counsel and provided a several point response, with corrections to the website and contracts. At this time, no further action is suggested.

**D. Missing Disclaimers**

Class Counsel discovered a referral partner of an entity failed to include the Court-mandated disclaimer and also included some questionable information. Class Counsel reached out to counsel for the third party and also spoke with counsel for the referral partner. Corrective notices went out and the material was corrected. No further action is suggested at this time.

#### **IV. OUTREACH TO THIRD PARTIES BY EPIQ**

As Class Counsel previously reported, since August 18, 2023, Epiq has been performing specific outreach efforts to known third-party claims filers.

As of November 21, 2024, Epiq has received client lists from 391 third-party claim filers claiming representation of 10 or more claimants. These third parties claim total representation of 574,127 Tax Identification Numbers (“TINs”). This is an increase over the October 11, 2024 report of 38 Third-Party Filers (“TPFs”) and 14,802 TINs. This increase is plausible, in that Epiq has received several new TPFs registrations including additional TPFs that previously self-identified as “Other” when registering on the portal and Epiq has subsequently identified them as TPFs and updated their designation in its records. Known TPFs also continue to link new TINs. Work continues, including the development of processes to efficiently handle the expected increase in third-party claims.

#### **V. CONCLUSION**

Class Counsel will continue to apprise the Court regarding issues with third-party claims filers via monthly reports and will bring urgent matters to the Court’s attention via letter. The next monthly report will be filed on January 7, 2025.

DATED: December 6, 2024

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