

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE PAYMENT CARD INTERCHANGE
FEE AND MERCHANT DISCOUNT
ANTITRUST LITIGATION

ORDER
05-MD-1720 (JG)

JOHN GLEESON, United States District Judge:

For the reasons stated on the record at the status conference held on January 10, 2014, it is hereby ordered as follows:

1. The injunctive relief ordered on December 20, 2013, ECF No. 6137 (as modified on December 30, 2013, ECF No. 6147) is hereby held in abeyance pending further order of the Court.

2. Counsel for the third-party claims filing companies will confer in an effort to agree upon a statement that all third-party claims filing companies wishing to represent merchants will be required to include in any solicitation in any form (including websites, mail and email solicitations, telephone and in-person solicitations) to prospective clients to ensure that such solicitation is truthful and accurate and includes the following information:

- a. A statement that claims forms are not yet available.
- b. 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.
- c. Information directing class members to the Court-approved website for additional information.

Counsel shall provide to the Court the results of their discussions in a joint submission on or before February 7, 2014. Counsel may also submit separate submissions regarding any disputed issues by that same date.

3. Class Counsel is directed to confer with counsel for Spectrum Settlement Recovery, Financial Recovery Services, Inc., and any other claims filing companies that Class Counsel alleges have knowingly made materially false or misleading solicitations to class members and to agree with them on dates for evidentiary hearings regarding any such statements. As mentioned at the January 10 proceeding, the Court currently intends to permanently enjoin any entities that have made false or misleading communications to class members from involvement of any kind in claims-processing services with respect to this case. Counsel are directed to report to the Court the results of their discussions on or before January 17, 2014.

4. As stated at the January 10 proceeding, the Court intends to make an additional communication to all merchants whose claims have been filed by third-party claims filing companies. Class Counsel is directed to propose such a communication to the Court after conferring with counsel for such companies on or before April 14, 2014. Any objections by such companies shall be filed on or before May 5, 2014. Class Counsel's reply, if any, is due on or before May 12, 2014. Oral argument is scheduled for May 23, 2014 at 11:00 A.M.

So ordered.

John Gleeson, U.S.D.J.

Dated: January 13, 2014
Brooklyn, New York