

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DAVID MOSKOWITZ, et al.,

Plaintiff,

-against-

AMERICAN EXPRESS COMPANY and
AMERICAN EXPRESS TRAVEL RELATED
SERVICES COMPANY, INC.,

Defendants.

Case No.: 1:19-cv-00566 (NGG) (JRC)

**SECOND SUPPLEMENTAL
DECLARATION OF MARK COWEN
REGARDING SETTLEMENT
ADMINISTRATION**

I, Mark Cowen, hereby declare as follows:

1. I am a Project Manager at A.B. Data, Ltd.'s Class Action Administration Division ("A.B. Data"), whose corporate office is located in Milwaukee, Wisconsin. This declaration ("Declaration") is based upon my personal knowledge, and that of A.B. Data staff members, and if called as a witness, I could and would testify competently thereto.

2. I submit this Declaration to supplement my earlier declarations, the April 9, 2026, Declaration of Mark Cowen Regarding Settlement Administration, and the May 18, 2026 Supplemental Declaration of Mark Cowen Regarding Settlement Administration. This Declaration provides updates regarding the administration of the Settlement, including the status of Claims submitted, the review of those Claims, and the deficiency process to be followed to make a final determination on all Claims.

CLAIMS

3. Class Members who wish to be eligible to receive a distribution from the Settlement were required to complete and submit to A.B. Data a properly executed Claim Form postmarked or submitted online no later than May 19, 2026.

4. In preparation for receiving and processing the submitted Claim Forms, A.B. Data created a unique database to store Claim Form images, claim details, and trained staff in the specifics of the project so that Claim Forms would be properly processed.

5. As of the date of this Declaration, A.B. Data received approximately 2,242,376 Claim Forms through the online filing portal on the case-specific website, by email, or by mail. Upon receipt, each Claim Form was assigned a unique identification number in the claims database, and A.B. Data personnel captured and stored the details from each Claim Form, including the claimant's name, address, email address, and any other information provided.

6. Of the Claims submitted, a total of 17,884 were received, or postmarked, after the Claims deadline of May 19, 2026. Those Claimants will be sent a Notice of Rejection for not being timely submitted.

7. In addition, A.B. Data engaged with a third-party, Covalynt, (formerly known as ClaimScore, LLC), a legal technology company specializing in complex data analysis and pattern recognition services. Covalynt uses these complex data analysis and pattern recognition services to identify fraudulent claims in class action settlements. Covalynt has been engaged to help with fraud detection in connection with the administration of several large settlement class actions in federal and state courts and has had a very successful track record.

8. Based upon Covalynt's analysis of the Claims submitted, 2,199,387 Claims exhibited substantial evidence of fraud and were recommended to be rejected. Claims that have been rejected for suspicion of fraudulent submission will be sent a Notice of Rejection by email advising them that the Claim submitted is not eligible. To provide an opportunity to "cure" their Claim, the Claimant will be sent a link to an online portal where they will be asked to login with unique information provided to them in the Notice of Rejection. Once logged in, they will be asked to upload a copy of their state issued ID, or government ID, to verify that the name on the Claim Form matches the name on the ID provided. This process is intended to "verify" that the Claimant is an individual, and likely not a fraudulent submission.

9. Class action settlements, most notably those where proof of purchase is not required and where individual Class Members cannot be identified, are especially vulnerable to the rising threat of fraudulent filers. In A.B. Data's experience, the number of rejected fraudulent claims in this matter are consistent with other similar cases.

10. In addition to analyzing claims for fraud, Covalynt also performed verification of residency of Claimants who attested to being in the state of Illinois during the Class Period. Of the Claims submitted, Covalynt verified a total of 11,014 Claims had Illinois addresses during the Class Period. These Claims are considered valid submissions, and eligible for payment if the Settlement is approved.

11. Covalynt also provided results indicating that 11,676 Claims passed their analysis as non-fraudulent submissions, but lacked a verified Illinois address. These Claimants will be sent a Notice because they could not be verified as an Illinois Class member during the Class Period. These Claimants will be provided with an opportunity to cure their Claim by producing supporting documentation that verifies that they had a billing address in Illinois during the Class Period.

12. Covalynt identified 12,529 Claims with mixed evidence of fraud and validity. These Claimants will be sent a Notice, and provided an opportunity to cure their Claim by providing supporting documentation that verifies that they had a billing address in Illinois during the Class Period.

13. A.B. Data received 7,641 claims that did not claim to be part of the Illinois class and would therefore not be eligible for payment. Prior to sending Claims to Covalynt, A.B. Data identified these Claims either by an out of State address provided on the Claim and indicating that their billing address was the same during the Class Period, or an address provided during the Class Period that was not in Illinois. These Claimants will be sent a Notice informing the claimant that they are not included in the Illinois Class because they did not provide information reflecting a billing address in Illinois during the Class Period. These Claimants will be provided an opportunity to update their Claim by producing supporting documentation that verifies that they had a billing address in Illinois during the Class Period.

14. A final determination of valid Claims will be made after all deficient Claim deadlines have been met, all claims have been determined eligible by the Claim matching exercise indicated above, and all de-duplication efforts have been made.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th day of July 2026 in Apple Valley, MN.



Mark Cowen