

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DAVID MOSKOWITZ, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

-against-

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

Defendants.

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

CLASS ACTION

~~PROPOSED~~ **FINAL APPROVAL ORDER OF SETTLEMENT
WITH AMERICAN EXPRESS COMPANY AND AMERICAN EXPRESS TRAVEL
RELATED SERVICES COMPANY, INC.**

This matter came before the Court for a duly noticed hearing on July 7, 2026 (the “Fairness Hearing”), upon Plaintiffs’¹ Motion for Final Approval of Proposed Settlement and Distribution Plan. The Settling Defendants are American Express Company and American Express Travel Related Services Company, Inc. (together with Plaintiffs, the “Parties”). Due and adequate notice of the Settlement Agreement² having been given to the members of the Classes,³ the Fairness Hearing having been held and the Court having considered all papers filed and proceedings had herein, including having presided over a jury trial leading to a mixed jury verdict, and otherwise being fully informed in the premises and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. This Final Approval Order hereby incorporates by reference the definitions in the Settlement Agreement (ECF No. 391-1) and all terms used herein, except as otherwise expressly defined herein, shall have the same meanings as set forth in the Settlement Agreement.

2. The Court confirms and again finds that the Classes meet all of the applicable requirements of Rules 23(a) and (b)(3) of the Federal Rules of Civil Procedure, as certified by the Court’s orders dated January 9, 2024 (ECF 220) and January 19, 2024 (ECF 224).

3. This Court has personal jurisdiction over Plaintiffs, Defendants (in this Action only and for purposes of this Settlement only), and all members of the Class, and subject matter jurisdiction over the Action to approve the Settlement Agreement and all exhibits attached thereto under 28 U.S.C. § 1331.

¹ “Plaintiffs” are the Debit-Card Classes for Alabama, District of Columbia, Kansas, Maine, Mississippi, North Carolina, Ohio, Oregon, Utah and Illinois and the Non-Rewards Credit-Card Classes for District of Columbia, Kansas and Illinois, inclusive of the Class Representatives, and all other individual plaintiffs who at any time have been parties to the Action: Anthony Oliver, Terry Gayle Quinton, Susan Burdette, Gianna Valdes, Zachary Draper, Nate Thayer, Michael Thomas Reid, Gary Accord, Nanci-Taylor Maddux, Joseph Realdine, Marilyn Baker, Sherie McCaffrey, and Ellen Maher.

² The “Settlement Agreement” is the Stipulation and Agreement of Settlement with American Express Company and American Express Travel Related Services Company, Inc., entered into on January 15, 2026. ECF 391-1.

³ The certified classes are the Debit-Card Classes for Alabama, District of Columbia, Kansas, Maine, Mississippi, North Carolina, Ohio, Oregon, Utah and Illinois, and the Non-Rewards Credit-Card Classes for District of Columbia, Kansas, and Illinois.

4. The Court finds that the publication notice, website, and Class Notice plan implemented pursuant to the Court's Preliminary Approval Order: (a) constituted the best practicable notice; (b) constituted notice that was reasonably calculated, under the circumstances, to apprise members of the Class of the settlement of this Action, of their right to object to the proposed Settlement, of their right to appear at the Fairness Hearing, of the Distribution Plan, and of Class Counsel's application for an award of attorneys' fees, for reimbursement of expenses associated with the Action, and service awards; (c) provided a full and fair opportunity to all members of the Classes to be heard with respect to the foregoing matters; and (d) met all applicable requirements of Federal Rule of Civil Procedure 23, Due Process, and any other applicable rules or law. Based upon the submission to the Court dated April 9, 2026 (Declaration of David H. Korn, ECF No. 401-6) the Court further finds that Defendants have complied with the obligations imposed on them under the Class Action Fairness Act of 2005, 28 U.S.C. § 1715.

5. The Court finds that two purported objections to the proposed Settlement and requests for attorneys' fees have been submitted. ECF Nos. 400, 404. Notwithstanding the purported objections, the Court has independently reviewed and considered all relevant factors and has conducted an independent examination into the propriety of the proposed Settlement. The Court finds that the purported objections are invalid because the individuals who submitted the objections lack standing and/or did not comply with requirements for submitting a valid objection or otherwise demonstrate their membership in the Class or any sub-class. In addition, the Court finds the purported objections are neither persuasive or have any merit. Accordingly, these two objections are overruled.

6. It is hereby determined that Plaintiffs and the Releasing Parties are bound by the Settlement Agreement and this Final Approval Order, and the Action and the Released Claims against any of the Released Parties, as provided under the Settlement Agreement, are hereby dismissed with prejudice and released.

7. In accordance with Rule 23 of the Federal Rules of Civil Procedure, this Court hereby finally approves the Settlement, as set forth in the Settlement Agreement. This Court

finds that the Settlement meets all requirements of Rule 23(e) of the Federal Rules of Civil Procedure and is, in all respects, fair, reasonable and adequate, and in the best interests of the Class, including Plaintiffs. This Court further finds that the Settlement set forth in the Settlement Agreement is the result of arm's-length negotiations between experienced counsel representing the interests of the Parties, that Class Counsel and Plaintiffs adequately represented the Class for the purpose of entering into and implementing the Settlement Agreement, that the relief provided for the Class is adequate, and that the Settlement Agreement and Plan of Distribution (ECF 395-1) treats class members equitably relative to each other. The Plan of Distribution is fair and equitable in that it distributes settlement funds to the Illinois non-rewards credit-card class (which was the only Class to be awarded damages at trial). Accordingly, the Settlement embodied in the Settlement Agreement and the Plan of Distribution are hereby approved in all respects. The Parties are hereby directed to carry out the Settlement Agreement in accordance with all of its terms and provisions, including the termination provisions.

8. Notwithstanding the entry of this Final Approval Order, if the Settlement Agreement is validly terminated by Plaintiffs or Settling Defendants, is disapproved in whole or in part by the Court, any appellate court, or any other court of review, or does not become final, then the provisions of this Final Approval Order dismissing Plaintiffs' claims shall be null and void with respect to such Settlement; Plaintiffs' claims shall be reinstated; Settling Defendants' defenses shall be reinstated; the final approval of the proposed Settlement, and all actions associated with them shall be vacated and be of no force and effect; the Settlement Agreement, including its exhibits, and any and all negotiations, documents, and discussions associated with it and the releases set forth herein, shall be without prejudice to the rights of any Party, and of no force or effect; and the Parties shall be returned to their respective positions before the Settlement Agreement was signed. Notwithstanding the language in this Section, any provision(s) in the Settlement Agreement that the Parties have agreed shall survive its termination shall continue to have the same force and effect intended by the Parties.

9. The Court approves the Settlement Fund established under the Settlement Agreement as a Qualified Settlement Fund pursuant to Section 468B of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder.

10. Without affecting the finality of the Final Approval Order for purposes of appeal, the Court reserves jurisdiction over the implementation and enforcement of the Settlement Agreement and the Settlement contemplated thereby and over the enforcement of this Final Approval Order. The Court also retains jurisdiction to resolve any disputes that arise out of or relate to the Settlement Agreement, the Settlement, or the Settlement Fund, to consider or approve administration costs and fees, including but not limited to fees and expenses incurred to administer the Settlement after the entry of the Final Approval Order, and to consider or approve the amounts of distributions to members of the Class. In addition, without affecting the finality of this Final Approval Order, Plaintiffs, Defendants, and the Class hereby irrevocably submit to the jurisdiction of the United States District Court for the Eastern District of New York for any suit, action, proceeding, or dispute arising out of or relating to this Final Approval Order or the Settlement Agreement. Any disputes involving Plaintiffs, Defendants, or members of the Class concerning the implementation of the Settlement Agreement shall be submitted to the Court.

11. The Court hereby confirms the appointment of A.B. Data, Ltd. as Claims Administrator.

12. The Claim Form and Plan of Distribution are each approved as fair, reasonable, and adequate.

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13. A separate Final Judgment consistent with this Order is being entered contemporaneously. Paragraph 7 of the Final Judgment provides that the jury verdict rendered on August 28, 2025 (ECF No. 383) is set aside and vacated, and shall be without any force or effect for any purpose, including for res judicata, collateral estoppel or any other preclusive purposes.

IT IS SO ORDERED.

Signed this 7th day of July, 2026.

s/Nicholas G. Garaufis, USDJ
Honorable Nicholas G. Garaufis
United States District Judge