UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DAVID MOSKOWITZ, *et al.*, Plaintiffs, v. AMERICAN EXPRESS COMPANY and AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC., Defendants.	Case No. 1:19-cv-00566 (NGG)(JRC) **CLASS ACTION**

~~[PROPOSED]~~ ORDER AWARDING ATTORNEY'S FEES, REIMBURSEMENT OF EXPENSES TO COUNSEL FOR CLASS PLAINTIFFS AND SERVICE AWARDS TO NAMED PLAINTIFFS

WHEREAS, this matter came before the Court for a hearing on July 7, 2026 (the "Final Approval Hearing"), pursuant to this Court's February 2, 2026, order preliminarily approving a class action settlement agreement, ECF No. 398 (the "Preliminary Approval Order"), and on Plaintiffs' April 9, 2026, Motion for Award of Attorney's Fees, Reimbursement of Expenses, and Service Awards, ECF No. 398 (the "Fee and Expense Motion");

WHEREAS, the Court has found the Settlement reached in this Action to be fair, reasonable, and adequate;

WHEREAS, the Court previously certified plaintiff classes pursuant to Rule 23(a) and Rule 23(b)(3) by orders dated January 9, 2024, ECF No. 220, and January 19, 2024, ECF No. 224;[1]

WHEREAS, the Court has heard all persons properly appearing and requesting to be heard, read and considered the Fee and Expense Motion and the supporting papers filed therewith, and found good cause appearing;

[1] 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 (each a "Certified Class" and, collectively, the "Certified Classes").

NOW, THEREFORE, after due deliberation, **IT IS HEREBY ORDERED THAT**:

1. For purposes of this Order, the terms used herein shall have the same meanings as set forth in the Stipulation and Agreement of Settlement, dated January 15, 2026 (ECF No. 391-1, the "Stipulation").

2. The Court has jurisdiction over this Action, and all matters relating to the Settlement, including the Fee and Expense Motion, as well as personal jurisdiction over all of the Parties and each of the member of a Certified Class.

3. Pursuant to Federal Rule of Civil Procedure 23, this Court hereby finds and concludes that due and adequate notice was directed to Certified Class Members advising them of the Fee and Expense Motion and their right to object thereto, and a full and fair opportunity was accorded to such Persons and entities who are Certified Class Members to be heard with respect to the Fee and Expense Motion.

4. The Court hereby finds that Notice to the Certified Classes of the Fee and Expense Application met the Requirements of Rule 23 of the Federal Rules of Civil Procedure, due process, and any other applicable law, constituted best notice practicable under the circumstances, and constituted due and sufficient notice to all Persons and entities entitled thereto.

5. For the reasons set forth in the Court's Final Order Approving the Settlement entered contemporaneously herewith, the Court finds that there are no valid objections to the Settlement or the Fee and Expense Motion. *See* Final Approval Order, ECF No. ___ ¶ 5.

6. Class Counsel is hereby awarded attorneys' fees in the amount of $ 5,832,750.00 (33.33% of the Settlement Fund), and $ 7,099,744.41 in payment of Class Counsel's litigation expenses, together with any interest earned thereon for the same time period and at the same rate as that earned on the Settlement Fund until paid, pursuant to the terms set forth in the Stipulation, which are incorporated herein.

7. The award of attorneys' fees and expenses shall be paid to Class Counsel from the Settlement Fund upon entry of this Order, subject to the terms set forth in the Stipulation, which are incorporated herein.

8. In making this award of attorneys' fees and expenses to Class Counsel, the Court finds that the amount of fees awarded is appropriate, fair, and reasonable under both the percentage of the fund method and using a lodestar cross-check, particularly given the quality of representation, contingent nature of the representation, substantial time and effort involved, the jury's verdict at trial, and the risk associated with further appeal. In making these findings, the Court has considered and found that:

a. The Settlement has created a common fund of $17,500,000 in cash, that is already on deposit, and numerous Certified Class Members will benefit from the Settlement created by Plaintiffs and Class Counsel;

b. Notice to Certified Class Members informed recipients that Class Counsel would move for an award of attorneys' fees in an amount not to exceed 33.33% of the Settlement Fund, reimbursement of litigation expenses, and Service awards for each Plaintiff, and the only objections came from non-class members;

c. Class Counsel have pursued the Action and achieved the Settlement with skill, perseverance, and diligent advocacy and faced consistent and vigorous opposition from highly skilled and national recognized counsel for the Settling Defendants;

d. Class Counsel have expended substantial time and effort pursuing the Action on behalf of the Settlement Class;

e. Class Counsel pursued the Action on a contingent basis, having received no compensation during the Action, and expecting any fee award would be contingent on the result achieved;

f. The Action involved complex factual and legal issues and, in the absence of Settlement, would involve lengthy proceedings whose resolution would be uncertain;

g. Had Class Counsel not achieved the Settlement, there would remain a risk that the Certified Classes would have recovered less or nothing from Defendant;

h. Class Counsel devoted over 63,778 hours to litigating this Action, with a lodestar value of $45,649,391.15 at current rates, prior to reaching the Settlement;

i. Plaintiffs have approved the amount of attorneys' fees and expenses awarded as fair and reasonable;

j. The attorneys' fees and expenses are reasonably proportional to the Classes' recovery;

k. Class Counsel advanced litigation expenses which were fair and reasonable when considering the length, complexity, and needs of the case;

9. The Court finds that the Class representatives identified here expended considerable time and effort, including being subjected to depositions and other extensive discovery, hereby approves the grant of Service Awards of $ 10,000.00 each to Class Representatives Emily Counts, Debbie Tingle, and Allie Stewart Willingham who were not called to testify at trial. The Court finds that such Service Awards are fair, reasonable, and adequate in connection with the Non-Testifying Certified Class Representatives' participation in the litigation. The Court grants Service Awards of $ 15,000.00 each to the Class Representatives Ricky Amaro, Andrew Amend, Abigail Baker, Angela Clark, Wyatt Cooper, Sarah Grant, David Moskowitz, Shawn O'Keefe, and James Robbins who were present and did testify at trial. The Court finds that the Service Awards granted are fair, reasonable, and adequate in connection with the Certified Class Representatives identified here.

10. Any appeal or any challenge affecting this Court's approval regarding any attorneys' fee and expense application shall in no way disturb or affect the finality of the Judgment and other orders entered with respect to the Settlement.

11. In the event that the Settlement is terminated or does not become Final or the Effective Date does not occur in accordance with the terms of the Stipulation, this Order shall be rendered null and void to the extent provided by the Stipulation and shall be vacated in accordance with the Stipulation.

SO ORDERED this 7th day of July, 2026.

s/Nicholas G. Garaufis, USDJ
HON. NICHOLAS G. GARAUFIS
UNITED STATES DISTRICT JUDGE