

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, et al.,

Plaintiffs,

JUDGMENT

-against-

10-CV-4496 (NGG) (RER)

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

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

WHEREAS, Plaintiffs the United States and the attorneys general of seventeen states brought an antitrust enforcement action against Defendants American Express Company and American Express Travel Related Services Company (“American Express”), challenging American Express’s anti-steering rules as anticompetitive restraints in violation of Section 1 of the Sherman Antitrust Act; and

WHEREAS, the court presided over an approximately seven-week bench trial, during which over thirty fact witnesses and four expert witnesses were called to testify, and over one thousand exhibits were admitted into evidence; and

WHEREAS, following the bench trial, the parties submitted proposed findings of fact and conclusions of law; and

WHEREAS, the court issued its Decision, including Findings of Fact and Conclusions of Law, dated February 19, 2015, finding that Plaintiffs showed by a preponderance of the evidence that American Express’s anti-steering rules violate Section 1 of the Sherman Antitrust Act; and

WHEREAS, the court found that Plaintiffs are entitled to permanent injunctive relief and ordered the parties to submit proposed remedial orders; and

WHEREAS, the court has considered the parties' proposed remedial orders, as well as submissions made with leave of court by certain non-party merchants; and

WHEREAS, the court issued an Order Entering Permanent Injunction as to the American Express Defendants (the "Permanent Injunction"), dated April 30, 2015, and a Memorandum, dated April 30, 2015, setting forth its reasoning, it is hereby

ORDERED, ADJUDGED, AND DECREED that Judgment is entered in favor of Plaintiffs, subject to the terms of the Permanent Injunction.

SO ORDERED.

Dated: Brooklyn, New York
April 30, 2015

s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge