United States District Court for the District of Arizona

Duke v. American Express Company

Case No. 4:23-cv-00125-RM-LCK

Class Action Notice

Authorized by the U.S. District Court

Did you receive calls made by or on behalf of American Express with a prerecorded or artificial voice about a credit card account that was not yours?

There is a $12 million Settlement of a lawsuit.

You may be entitled to money.

To be part of this Settlement, you should:

Read this Class Notice.

Respond by January 21, 2027.

Important things to know:

- While we cannot know the amount each Settlement Class Member will receive until all Claims are submitted, if 50% of Settlement Class Members make approved claims, then the Parties estimate that each Settlement Class Member who submits an approved Claim will receive approximately $100. This number is only an estimate, and could be higher or lower depending on the number of Claims submitted.
- You can submit a Claim for payment HERE.
- If you take no action, you will still be bound by the Settlement, and your rights will be affected.
- If you have questions or need assistance, please call (833) 453-2688.
- You can learn more at: www.AmexTelephoneSettlement.com.

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About This Notice

Why did I get this Class Notice?

This Class Notice is to tell you about the Settlement of a class action lawsuit, *Duke v. American Express Company*, brought on behalf of people who received certain calls from or on behalf of American Express in alleged violation of the Telecommunications Consumer Protection Act ("TCPA"). **You received this Class Notice because you may be a member of the group of people affected, called the "Settlement Class."** This Class Notice gives you a summary of the terms of the proposed Settlement Agreement, explains what rights Settlement Class Members have, and helps Settlement Class Members make informed decisions about what action to take.

What do I do next?

Read this Class Notice to understand the Settlement and to determine if you are a Settlement Class Member. Then, decide if you want to:

Options	More information about each option
Submit a Claim Form	You must submit a Claim to receive payment. You will be bound by the Settlement.
Do Nothing	Get no payment. Give up rights resolved by Settlement.
Opt Out	Get no payment. Allows you to bring another lawsuit about the same telephone calls.
Object	Tell the Court why you don't like the Settlement.

Read on to understand the specifics of the Settlement and what each choice would mean for you.

What are the most important dates?

Your deadline to submit a Claim Form: **January 21, 2027**
Your deadline to object or opt out: **January 21, 2027**
Final Approval Hearing: **February 23, 2027**

Learning About the Lawsuit

What is this lawsuit about?

On March 13, 2023, a class action lawsuit was filed against American Express National Bank ("American Express"), sued as "American Express Company." The lawsuit claims that American Express violated the Telecommunications Consumer Protection Act ("TCPA") by calling or causing calls to be made to Plaintiff and others using a prerecorded or artificial voice about credit card accounts that were not theirs. The TCPA entitles consumers who prove they received illegal calls to recover money damages and get a court order stopping the calls.

American Express denies it did anything wrong.

Where can I learn more?

You can get a complete copy of the proposed Settlement and other key documents in this lawsuit at: www.AmexTelephoneSettlement.com

Why is there a Settlement in this lawsuit?

In 2026, the Parties agreed to settle, which means they have reached an agreement to resolve the lawsuit. Both sides want to avoid the risk and expense of further litigation. The Court has not decided this case in favor of either side.

What is a class action settlement?

A class action settlement is an agreement between the parties to resolve and end the case. Settlements can provide money to class members.

What happens next in this lawsuit?

The Court will hold a Final Approval Hearing to decide whether to approve the Settlement. The hearing will be held at:

Where: U.S. District Court for the District of Arizona,
405 W. Congress Street, Tucson, AZ 85701

When: 1:30 p.m. on **February 23, 2027** in **Courtroom 5A**

The Court has directed the Parties to send you this Class Notice about the proposed Settlement. Because the settlement of a class action decides the rights of all members of the proposed Settlement Class, the Court must give final approval to the Settlement before it can take effect. Payments will only be made if the Court approves the Settlement.

You don't have to attend, but you may at your own expense. You may also ask the Court for permission to speak and express your opinion about the Settlement. If the Court does not approve the Settlement or the Parties decide to end it, it will be void and the lawsuit will continue.

The date of the hearing may change without further notice to members of the Settlement Class. To learn more and confirm the hearing date, go to www.AmexTelephoneSettlement.com.

Learning About the Settlement

What does the Settlement provide?

American Express has agreed to pay $12 million into a Settlement Fund. This money will be divided among the Settlement Class Members and will also be used to pay for costs and attorney's fees approved by the Court, including the cost of administering this Settlement. Members of the Settlement Class will "release" their claims as part of the Settlement, which means they cannot sue American Express and its affiliates for the same issues in this lawsuit. The full terms of the release can be found here.

How do I know if I am part of this settlement?

The formal Settlement Class definition is based upon call records obtained in the case. It includes:

All persons in the United States (1) to whom American Express placed a call (2) directed to a number assigned to a cellular telephone service, but not assigned to a person with an account with American Express, (3) in connection with which an artificial or prerecorded voice was used, (4) from March 13, 2019 through July 11, 2025.

How much will my payment be?

While we cannot know the amount each Settlement Class Member will receive until all Claims are submitted, if 50% of Settlement Class Members make approved claims, then the Parties estimate that each Settlement Class Member who submits an approved Claim will receive approximately $100. This number is only an estimate, and could be higher or lower depending on the number of Claims submitted.

Actual payments will be calculated based on the total number of Claims submitted.

Deciding What to Do

How do I weigh my options?

You have four options. You can stay in the Settlement and submit a Claim, you can opt out of the Settlement, you can object to the Settlement, or you can do nothing. This chart shows the effects of each option:

	Submit a Claim	Opt Out	Object	Do Nothing
Can I receive Settlement money if I . . .	YES	NO	YES	NO
Am I bound by the terms of this lawsuit if I . . .	YES	NO	YES	YES
Can I pursue my own case if I . . .	NO	YES	NO	NO
Will Class Counsel represent me if I . . .	YES	NO	NO	YES

Submitting a Claim

How do I get a payment if I am a Settlement Class Member?

If you wish to receive money, you must submit a Claim Form to the Settlement Administrator by completing one online here or by downloading a Claim Form at www.AmexTelephoneSettlement.com and mailing it to the Settlement Administrator (address below).

Do I have a lawyer in this lawsuit?

In a class action, the court appoints class representatives (also called plaintiffs) and lawyers to work on the case and represent the interests of all the class members. For this Settlement, the Court has appointed the following individuals and lawyers.

Your lawyers: Avi Kaufman (Kaufman PA) and Stefan Coleman (Coleman, PLLC). These are the lawyers who negotiated this Settlement on your behalf.

If you want to be represented by your own lawyer, you may hire one at your own expense.

Do I have to pay the lawyers in this lawsuit?

Lawyers' fees and costs will be paid from the Settlement Fund. **You will not have to pay the lawyers directly.**

To date, your lawyers have not been paid any money for their work or the expenses that they have paid for the case. To pay for some of their time and risk in bringing this case without any guarantee of payment unless they were successful, your lawyers will request that the Court approve a payment of up to $4 million total in attorneys' fees, plus the reimbursement of out-of-pocket expenses of up to $100,000.

Lawyers' fees and expenses will only be awarded if approved by the Court as a fair and reasonable amount. You have the right to object to the lawyers' fees even if you think the Settlement terms are fair.

Your lawyers will also ask the Court to approve a payment of up to $10,000 to the Plaintiff for the time and effort she contributed to the case. If approved by the Court, this will be paid from the Settlement Fund.

Opting Out

What if I don't want to be part of this Settlement?

You can opt out. If you do, you will not receive payment and cannot object to the Settlement. However, you will not be bound or affected by anything that happens in this lawsuit and may be able to file your own case.

How do I opt out?

If you do not wish to participate in the Settlement you must mail a letter to the Settlement Administrator (address below) that is postmarked by **January 21, 2027**, stating an intention to be "excluded" from this Settlement that includes your name, address, the telephone number(s) you received a telephone communication covered by this Settlement, and your signature. Mail the letter to:

American Express TCPA Settlement
c/o Kroll Settlement Administration LLC
P.O. Box 225391
New York, NY 10150-5391
(833) 453-2688

Objecting

What if I disagree with the Settlement?

If you disagree with any part of the Settlement but don't want to opt out, you may object. You must give reasons why you think the Court should not approve it and say whether your objection applies to just you, a part of the Settlement Class, or the entire Settlement Class. The Court will consider your views. The Court can only approve or deny the Settlement — it cannot change the terms of the Settlement. You may, but don't need to, hire your own lawyer to help you.

To object, you must send a letter to the Court that:

(1) is postmarked by **January 21, 2027**;
(2) includes the case name and number (*Duke v. American Express Company*, Case No. 4:23-cv-00125-RM-LCK);
(3) includes your full name, address and telephone number;
(4) includes the name, address, and telephone number of any attorney representing you with respect to the objection;
(5) attaches documents establishing, or includes information sufficient to allow the Parties to confirm, that you are a Settlement Class Member, including the cellular telephone number called;
(6) states the reasons for your objection; and
(7) lists the case names, case numbers, and court for any prior case in which you and your lawyer (if applicable) have objected to a proposed class action settlement.

File the letter with the Court or mail the letter to:

U.S. District Court for the District of Arizona
405 W. Congress Street, Suite 1500
Tucson, AZ 85701-5010

Doing Nothing

What are the consequences of doing nothing?

If you do nothing, you will not get any money, but you will still be bound by the Settlement and its "release" provisions. That means you won't be able to start, continue, or be part of any other lawsuit against American Express about the issues in this case. A full description of the claims and persons who will be released if this Settlement is approved can be found here.

Key Resources

How do I get more information?

This Class Notice is a summary of the proposed Settlement. The complete Settlement Agreement with all its terms can be found here. To get a copy of the Settlement Agreement or get answers to your questions:

- contact your lawyers (information below)
- visit the Settlement Website at www.AmexTelephoneSettlement.com
- access the Court's PACER system online or by visiting the Clerk's office of the Court (address below).

Resource	Contact Information
Settlement Website	www.AmexTelephoneSettlement.com
Settlement Administrator	*American Express TCPA Settlement* c/o Kroll Settlement Administration LLC P.O. Box 225391 New York, NY 10150-5391 (833) 453-2688
Your Lawyers	Kaufman PA avi@kaufmanpa.com 237 South Dixie Highway, Floor 4 Coral Gables, FL 33133 Coleman PLLC law@stefancoleman.com 11 Broadway, Suite 615 New York, NY 10001
Court (DO NOT CONTACT – visit Clerk's office only)	U.S. District Court for the District of Arizona 405 W. Congress Street, Suite 1500 Tucson, AZ 85701-5010