

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

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IN RE: AMERICAN EXPRESS ANTI-STEERING  
RULES ANTITRUST LITIGATION

11-MD-02221 (NGG) (RER)

This Document Relates To:  
CONSOLIDATED CLASS ACTION

ECF ACTION

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THE MARCUS CORPORATION,  
on behalf of itself and all similarly situated persons,

13-CV-07355 (NGG) (RER)

Plaintiff,

- against -

ECF ACTION

AMERICAN EXPRESS COMPANY et al.,

**REDACTED VERSION**

Defendants.

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**DECLARATION OF REBECCA G. QUINN**

I, Rebecca G. Quinn hereby declare as follows:

1. I am associated with the law firm of Friedman Law Group, LLP co-Lead Counsel in the above-captioned class action. This Declaration is made in support of Class Plaintiffs' Memorandum in Response To Report of Professor Scott C. Hemphill ("Report Response"). I hereby declare, based upon my personal knowledge and information provided to me by attorneys working under my supervision, that the following is true and correct.

2. This declaration describes the calls that I and Roberta A. Yard, an attorney associated with Co-Lead Counsel Reinhardt Wendorf & Blanchfield ("RWB"), made to all of the major airlines, hotels, and car rental agencies in Australia that were identified in the Class Plaintiff's Reply Memorandum of Law In Further Support of Class Plaintiffs' Motion For Final Approval of Class Action Settlement ("Reply Brief"), as well as a number of additional hotels and car rental agencies. In addition, this declaration also details my efforts in reviewing the

documents that American Express uses to track differential surcharging in Australia and attaches true and correct copies of certain documents referenced in Class Plaintiffs' Report Response.

Confirmation of Surcharge Policies

3. I called at least one location, and frequently multiple locations, for each of the following hotel brands: Accor (where I called hotels under the Sofitel and Grand Hotel brands); Mantra Group; Hilton; Marriott; Hyatt; Four Seasons; Westin; TFE Group (Travelodge, Rendezvous Hotel brands). Representatives of each of these hotel groups confirmed that the hotels accept the major brands of credit cards, including Visa, MasterCard and American Express, and impose the exact same surcharge amount on each credit card brand. Further, each of these hotels confirmed that they accept EFTPOS and that they do not impose surcharges on EFTPOS transactions. At a number of hotels, the representative proactively informed me that, if a room was reserved with EFTPOS, a hold would be placed on funds in my account and suggested that I may wish to use a credit card to reserve the room.

4. Representatives of each hotel confirmed that the hotel's surcharge policy was the same for bookings made online, over the phone, or in person.

5. Ms. Yard and I also called the five major Australian airline businesses listed in the Reply Brief – namely, Qantas, Virgin Australia, Air New Zealand, Jetstar and Tiger Air Australia. Each of these carriers confirmed that it charges a single flat surcharge amount for all credit card brands—typically between \$7 and \$8.50 per flight leg. Four of the five confirmed that they do not impose surcharges for transactions via EFTPOS. The fifth – Qantas—imposes a \$3.50 charge for EFTPOS transactions.

6. None of the carriers impose different surcharge policies depending upon how or where payment is made – *i.e.*, the policy is the same whether payment is made in-person at the counter, online or over the phone.

7. Finally, we called Hertz and Avis/Budget. Hertz representatives in Sydney and Perth confirmed that they impose a single parity surcharge for all credit and debit cards. Avis/Budget at Sydney airport informed us that it does not surcharge at all, although that fact was not displayed on the company’s website. I also found that Thrifty Car rental appears to have a sizeable presence in Australia and it imposes a “surcharge of 1.5% when paying by credit card.” [www.thrifty.com.au/faqs.aspx](http://www.thrifty.com.au/faqs.aspx).

[REDACTED]

8. [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

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[REDACTED]

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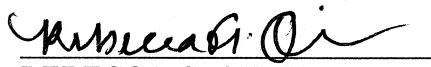
Exhibits

10. Annexed hereto are true and correct copies of the following documents referred to in the Class Plaintiffs’ Report Response:

- A. Global Merchant Services, JAPA, Australia Differential Surcharge Update, July 8, 2009, AMEXNDR02220018
- B. Deposition of Geoff Begg dated August 2, 2012 (selected pages)
- C. Email from Roy Morgan Research General Manager, Jason Hulme, to Gary Friedman dated August 28, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
September 2, 2014

  
REBECCA G. QUINN