EMV Chips — Settlement Summary

Last Modified on 11/24/2026 12:03 pm EST

B&R Supermarket v. Visa (EMV Chip / Fraud Liability Shift Settlement)

Summary

This class action alleges that Visa, Mastercard, American Express, and Discover violated antitrust laws by conspiring to simultaneously shift liability for fraudulent EMV/chip card transactions from banks to merchants ("Fraud Liability Shift"). Settlements totaling **$231.7 million** have been reached with all four defendants. The Court granted Final Approval on April 28, 2026; however, no payments will be made yet — class members will be notified separately when the claims filing period opens.

Announcements

- **April 28, 2026 — Final Approval Granted:** The Court issued an Order granting Final Approval of all Settlements and a separate Order granting Class Counsel's request for attorneys' fees, expenses, and Service Awards for Class Representatives. Both orders are available on the settlement website's Documents page.
- **Claims Filing Period — Not Yet Open:** There will be no payments to the class at this time. No action is required from class members now. Class members will be notified when the claims filing period begins. Class members who previously received notice via email or USPS mail will be sent a Claim Form automatically once the period opens.
- **All Opt-Out and Objection Deadlines Have Passed:** The deadline to exclude yourself from the class was August 31, 2022. The deadline to object to the Settlements was January 26, 2026. No further exclusions or objections will be accepted.

Settlement Amount

The combined Gross Settlement Fund is **$231.7 million**, broken down as follows:

- **Visa:** $119.7 million
- **Mastercard:** $79.8 million
- **American Express:** $20 million
- **Discover:** $12.2 million

Per-claimant payment amounts are not yet available. Individual recoveries will depend on each merchant's documented Fraud Liability Shift chargebacks during the class period and the total number of valid claims filed. A Claim Form and further details will be posted on the settlement website when the claims filing period begins.

Class Period

October 1, 2015 through September 30, 2017 (inclusive).

Filing Deadline

Not yet set. The claims filing period has not opened. Class members will be notified — and previously noticed class members will automatically receive a Claim Form — when the period begins. Monitor the settlement website at *FraudLiabilityShiftLitigation.com* for updates.

Action Item for FRS: Gather all documentation of unreimbursed Fraud Liability Shift chargebacks incurred between October 1, 2015 and September 30, 2017 now, as clients may be required to provide them when filing.

Who Qualifies

The Settlement Class includes:

- **All merchants** who incurred one or more **unreimbursed chargeback(s)** between October 1, 2015, and September 30, 2017, pursuant to the Fraud Liability Shift for the assessment of Mastercard, Visa, Discover, and/or American Express payment card chargebacks.
- Merchants who received a mailed or emailed notice from the settlement administrator are likely identified class members.
- Merchants who did *not* timely submit a Request to Opt Out by August 31, 2022 remain in the class.

Who Is Excluded

- Members of the judiciary
- Government entities or agencies
- Any merchant who timely submitted a written Request to Opt Out consistent with the requirements in the Order Granting Class Plaintiffs' Unopposed Motion for Approval of Proposed Class Notice and Notice Plan (dated June 3, 2022), received by the Litigation Administrator no later than **August 31, 2022**

How to File

The claims filing period has not yet opened. No Claim Form is available at this time. When the period opens, follow these steps:

- **Step 1 — Watch for notice:** Class members will be notified when the claims filing period begins. Those who previously received notice by email or USPS mail will automatically be sent a Claim Form.
- **Step 2 — Gather documentation:** Begin collecting records now that demonstrate unreimbursed Fraud Liability Shift chargebacks incurred between October 1, 2015 and September 30, 2017. You may be required to submit these documents with your Claim Form.
- **Step 3 — Complete and submit the Claim Form:** When the Claim Form becomes available, complete and submit it by the deadline to be announced. The form will be posted at the settlement website.
- **Step 4 — Contact the administrator with questions:** Reach the FLS Litigation Administrator at **1-855-662-0073** (toll-free) or **info@FraudLiabilityShiftLitigation.com**.

Defendants

- **Visa, Inc. and Visa U.S.A., Inc. (collectively "Visa")** — Allegedly conspired with other networks to simultaneously adopt nearly identical rules shifting chargeback liability from banks to merchants for EMV-enabled card transactions at non-EMV-enabled terminals.
- **Mastercard International, Incorporated ("Mastercard")** — Same alleged conduct as Visa; jointly settled with Visa.
- **American Express Company ("Amex")** — Same alleged conduct; reached a separate settlement.
- **Discover Financial Services ("Discover")** — Same alleged conduct; reached a separate settlement.

All defendants deny the legal claims and deny any wrongdoing or liability.

Case History

- **March 2016:** Plaintiffs filed this action in the Northern District of California.
- **July 15, 2016:** Plaintiffs filed an Amended Complaint; Defendants moved to dismiss.

- **September 30, 2016:** Court granted in part and denied in part the motions to dismiss, limiting remaining defendants to Visa, Mastercard, Discover, and American Express.
- **May 4, 2017:** Case transferred to the U.S. District Court for the Eastern District of New York (Case No. 1:17-cv-02738-BMC-JAM).
- **August 28, 2020:** Court certified the lawsuit as a class action on behalf of eligible merchants.
- **August 31, 2022:** Deadline for class members to opt out of the litigation.
- **October 17, 2025:** Court granted Preliminary Approval of all four Settlements (a combined order covering all defendants, inclusive of the earlier Amex/Discover-only order).
- **December 16, 2025:** Completion of Settlement Notice campaign to identified class members.
- **January 26, 2026:** Deadline to object to the Settlements and/or request to challenge fairness at the hearing (passed with no objections filed).
- **April 27, 2026:** Fairness Hearing held before the Honorable Brian M. Cogan, U.S. District Court, Eastern District of New York.
- **April 28, 2026:** Court issued Order granting Final Approval of all Settlements and Order granting Class Counsel's request for attorneys' fees, expenses, and Service Awards.
- **To Be Determined:** Claims filing period opens; class members notified and Claim Forms distributed.

Class Counsel

- **George C. Aguilar and Michael J. Nicoud**, Robbins LLP, 5060 Shoreham Place, Suite 300, San Diego, CA 92122 — (619) 525-3990
- **John Devine**, Devine Goodman & Rasco LLP
- **Thomas G. Amon**, Law Offices of Thomas G. Amon

Class Representatives: B&R Supermarket, Inc., Grove Liquors LLC, Strouk Group LLC, Palero Food Corp., and Cagueyes Food Corp.

Source

- **Settlement Home Page:** FraudLiabilityShiftLitigation.com (Home)
- **FAQs Page:** FraudLiabilityShiftLitigation.com/FAQs
- **Documents Page:** FraudLiabilityShiftLitigation.com/Documents

Last Updated

2026-11-24

Reviewer Flags

- **Changes from previous version:** The only change from the prior article (dated 2026-09-22) is the Last Updated date, which has been advanced to 2026-11-24. No substantive content changes were made — all source pages are consistent with the previously published article.
- **No new information found:** All three monitored pages (Home, FAQs, Documents) reflect the same content as captured in the prior draft. The settlement website footer continues to show "Updated: 8/10/2026," indicating no site updates have occurred since that date. The claims filing period remains listed as "To Be Determined."
- **Home Page** provided: settlement overview, class definition, class period, settlement amounts, key dates, announcement of Final Approval and no current payments, and administrator contact information.
- **FAQs Page** provided: full case history and timeline, individual defendant settlement amounts, exclusion details, class representative names, Class Counsel names and firm details, and confirmation that no objections were filed at the fairness hearing.

- **Documents Page** provided: listing of available court and litigation documents; no new substantive data.
- **Ongoing monitoring flag:** The claims filing period remains "To Be Determined" as of the settlement website's last modification date of August 10, 2026 — now more than three months ago. This is the highest-priority item for follow-up. FRS should monitor FraudLiabilityShiftLitigation.com closely, as the Claim Form and filing deadline may be announced with little advance notice.
- **Per-Claimant Amount:** Not published on the settlement website; will depend on the total number of valid claims and each claimant's documented chargebacks.