

## **CLASS ACTION WINDOW IS CLOSING ON FEBRUARY 12<sup>TH</sup>**

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If you purchased air cargo shipping services (including domestic and international shipping of packages with DHL, UPS and Federal Express) from January 1, 2000 to September 11, 2006, you are likely to be eligible to participate in a class action settlement. Any freight shipment by air, whether within the continental United States or overseas, qualifies the payer of that airfreight shipment to participate in the settlement.

The settlement is a result of a class action antitrust lawsuit brought against international and domestic airlines that are involved in shipping cargo. In the lawsuit, it is alleged that the airlines conspired to fix prices of airfreight shipping by jointly agreeing to eliminate discounts, established fuel and security surcharges, and allocate customers, all in violation of U.S. antitrust law.

Two airlines, Lufthansa and Swiss Air, have agreed to settle the action and are contributing \$85 million to the settlement fund. Even though these are the only two airlines that have settled, it is not necessary that a shipper or freight forwarder actually used either of these airlines in order to participate in the settlement. The settlement is open to all shippers of airfreight during the time period of January 1, 2000 to September 11, 2006, regardless of what airline was used.

How much each claimant will receive is unknown at this time; several factors will impact the allocation of the settlement. First, the number of claimants will not be known until the filing deadline of February 12, 2009 expires. If a claim is not filed prior to that date, the potential claimant is excluded from the settlement. Secondly, after deducting attorney's fees and litigation costs, the pool of settlement dollars will be distributed among the class based upon a pro-rata basis. Since other airlines will be settling in the future, it may be worthwhile to file a claim now in order to share in future settlements. It is anticipated that the total settlements in the U.S. litigation will exceed \$1 billion.

In addition to the action in the U.S., class action lawsuits have also been commenced in Canada and in the U.K. A settlement has been reached with Lufthansa in the Canadian action for \$5.338 million. It is anticipated that the total settlements in the Canadian and U.K. actions will also exceed \$1 billion.

As it is noted above, there is a deadline of **February 12, 2009** by which any individual or entity that is eligible to participate must file a claim form or be forever barred from recovering anything from the \$85 million settlement in the U.S. action.

Contact: Harold B. Friedman at 609.683.3917 - visit [www.classactionrefund.com](http://www.classactionrefund.com) or call Craig Vellon 914.630.5126 for further information.