



Class Actions Involving ATM Fees: Settlement Information and Deadlines

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In October 2011, three related (or parallel) class action lawsuits were filed. These cases named Visa and Mastercard (and others) as defendants but are unrelated to the [Interchange Fee](#) case with the \$5.5 billion settlement that has received much attention in the media. These cases involve fees paid for the use of ATMs between October 1, 2007, and July 26, 2024.

The first case is known as *Mackmin v. Visa Inc.*, No. 1:11-cv-01831. It involves individuals and entities who were charged unreimbursed access fees to withdraw cash at bank-operated ATMs. This includes owners of ATMs who paid certain fees in order to access EFT networks.

In 2022, settlements were reached in the *Mackmin* case with several global financial institutions. The deadline for filing new claims has passed, and class members who filed claims in those settlements are automatically included in the recently approved settlements with Visa and Mastercard. However, to the extent class members were charged unreimbursed access fees after filing claims in those previous settlements, they need to file an updated claim by January 22, 2025 in order to include such transactions. The court has set deadlines of November 22, 2024 to opt out of the settlements with Visa and Mastercard and January 22, 2025 to file claims in those settlements. Visa and Mastercard defendants agreed to contribute \$197.5 million to a settlement fund, which will be reduced by approved attorneys' fees, litigation costs, and other expenses. The net amount in the fund will be distributed to class members who file timely, valid claims.

The second related case is *Burke v. Visa Inc.*, No. 1:11-cv-01882. It involves people who were charged an unreimbursed access fee to withdraw cash at an independent (non-bank) ATM. The court recently approved this case to proceed as a class action against Visa and Mastercard. The court has not yet set deadlines for class members to act.

The third related case is *National ATM Council v. Visa Inc.*, No. 1:11-cv-01803. It involves entities or businesses that own and/or operate independent ATMs. The court has not yet set deadlines for class members to act.

MG+M The Law Firm is following all three cases and stands ready to advise clients on how to protect their interests and/or file claims.

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