

No. 25-1411

In the Supreme Court of the United States

ERIC ALAN ISAACSON,

Petitioner,

v.

MARIBEL MOSES AND
THE NEW YORK TIMES COMPANY,

Respondents.

*On Petition for Writ of Certiorari to the
United States Court of Appeals for the Second Circuit*

**BRIEF IN OPPOSITION TO PETITION
FOR A WRIT OF CERTIORARI**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, The New York Times Company states that it has no parent corporation and no publicly traded corporation owns 10% or more of its stock.

RELATED PROCEEDINGS

Moses v. New York Times Co., No. 24-2979, United States Court of Appeals for the Second Circuit. Judgment entered February 10, 2026.

Moses v. New York Times Co., No. 21-2556, United States Court of Appeals for the Second Circuit. Judgment entered August 17, 2023.

Moses v. New York Times Co., No. 1:20-CV-04658-RA, United States District Court for the Southern District of New York. Judgment entered October 10, 2024.

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STATEMENT OF THE CASE

The New York Times (“The Times”) takes no position on the Question Presented by the Petition regarding incentive payments to named plaintiffs, which relates only to Respondent Moses. However, The Times respectfully requests that the Court deny the Petition for Writ of Certiorari (“Petition”) to give the parties finality after more than six years of litigation.

On June 17, 2020, Moses filed the original class action Complaint in this action alleging violations of California’s Automatic Renewal Law and seeking to represent a putative class of California residents who paid renewal fees to The Times in connection with its subscription offerings. The Times moved to dismiss the Complaint, and in response, Moses filed an Amended Complaint. The Times again moved to dismiss.

On March 30, 2021, prior to decision on the motion to dismiss, the parties entered into the original class settlement agreement. On September 13, 2021, the District Court granted final approval of the settlement over the objection of, *inter alia*, Petitioner. Pet. App. 66a–77a. Petitioner appealed the order granting final approval to the Second Circuit Court of Appeals. On August 17, 2023, the Second Circuit vacated and reversed the District Court’s order based on its finding that one form of payment offered by the settlement constituted “coupons” under the coupon settlement

provisions of the Class Action Fairness Act. Pet. App. 11a–53a.

Upon remand, the parties returned to mediation, and on April 18, 2024, they entered into the current class settlement agreement, which establishes a \$2,375,000 non-reversionary fund. On October 10, 2024, the District Court granted final approval of the settlement over two objections, with only Petitioner’s objection offering any substantive ground for objection. Pet. App. 54a–65a. Petitioner again appealed the order granting final approval to the Second Circuit. On February 10, 2026, the Second Circuit affirmed the District Court’s judgment, rejecting each of Petitioner’s grounds for appeal. Pet. App. 1a–10a. On March 20, 2026, the Second Circuit denied Petitioner’s petition for rehearing. Pet. App. 78a–79a.

Now, more than six years after the litigation began and more than two years after the parties entered the current settlement agreement, Petitioner seeks a writ of certiorari based solely on the settlement’s \$5,000 service award to Respondent Moses.

REASONS FOR DENYING THE PETITION

Although The Times does not take a position on the Question Presented, it submits that the Petition should be denied to afford the parties long-awaited finality.

Six years after Moses’s initiation of this action, the parties have achieved a binding, District Court-

approved resolution affirmed by the Second Circuit that is fully compliant with binding precedent.

Granting the Petition would further delay finality on a matter that has reached a successful, mutually agreeable and lawful settlement by parties who have been awaiting final resolution for six years.

Due to the length of proceedings in this aging case and based on the interest in achieving finality, this case does not present the proper vehicle for resolution of the Question Presented.

CONCLUSION

For the foregoing reasons, The Times respectfully urges this Court to deny the Petition.

Respectfully submitted,

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