



For Immediate Release

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WLF OPPOSES ATTORNEYS' FEES IN CLASS ACTION SUIT AGAINST APPLE COMPUTER (*In Re iPod Cases*)

The Washington Legal Foundation (WLF) filed preliminary objections in the Superior Court of California in San Mateo County last week urging the court to reject a proposed attorneys' fee award request of \$2.7 million in a consumer class action lawsuit against Apple Computer on behalf of purchasers of Apple's iPod Digital Music Player. The plaintiffs claim that those who purchased or obtained the iPod before May 31, 2004 may have experienced problems with the battery's capability to hold a charge. The settlement calls for class members to receive a \$25 check or a coupon worth \$50 in store credit for those who file claims by September 30, 2005.

On behalf of its client who owns an iPod and is a class member, WLF filed objections to the fee and class member incentive payments of \$1,500 each. In particular, WLF objected to the briefing schedule which unfairly requires class members to file their objections to the settlement and proposed multi-million dollar fee request well before the plaintiffs' lawyers are required to file their motions justifying the settlement and fee request, leaving only eight business days before the final fairness hearing within which to scrutinize the fee application.

WLF requested that the final hearing be postponed until after the motions by the parties to approve the settlement and fee are filed, and to afford class members a meaningful opportunity to oppose the fee request. WLF also urged the court not to "rubber stamp" the settlement but to carefully scrutinize any forthcoming fee application to ensure that the plaintiffs' attorneys are not receiving a windfall, particularly where, as here, the defendant has agreed not to oppose the fee request, and thus, deprives the court of an adversarial proceeding on the issue. WLF also argued that no fees should be paid until *after* all claims have been filed so the court can determine the value of the benefits to be distributed. WLF also objected to so-called "incentive" payments of \$1,500 to each of the nine class representatives because it did not appear that they deserved it.

As part of its Legal Reform Project and Investor Protection Program, WLF has consistently opposed requests for attorneys' fees in class action cases on behalf of objectors where consumers appear to receive little in the way of a remedy and plaintiffs' attorneys receive millions in excessive fees.

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For information, contact Paul Kamenar, WLF Senior Executive Counsel at 202-588-0302. WLF's objections are posted on its website at www.wlf.org.