

Law & Industry Daily

CCAF Objects to Apple Settlement

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WASHINGTON, Feb. 22 (LID) – The Center for Class Action Fairness has filed an objection to the proposed settlement of a class-action lawsuit against Apple Inc. over older models of its MagSafe power adapter.

The 60-watt and 85-watt MPM-1 (“T”) Power Adapter models that came with Apple’s MacBook and MacBook Pro portable computers were prone to splitting. The 2006 lawsuit claimed the adapter design “dangerously frays, sparks and prematurely fails to work.”

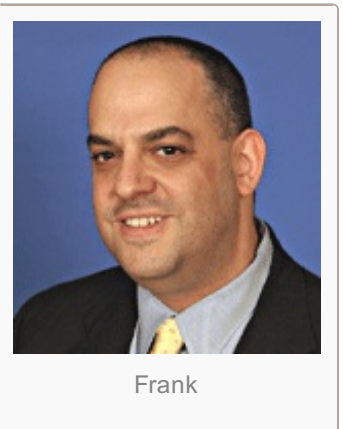
In agreeing to settle the lawsuit, Cupertino, Calif.-based Apple has not admitted to any wrongdoing.

As a part of the settlement, Apple’s Adapter Replacement Program will provide replacement adapters at no charge.

Apple has agreed to provide a cash payment up to \$79 to class members who purchased a replacement adaptor so long as the purchase was in the first three years of having the computer or adapter and before Nov. 22.

Meanwhile, plaintiffs’ attorneys are seeking attorneys’ fees and expenses of up to \$3.1 million for representing the class.

The Washington-based Center for Class Action Fairness (CCAF) filed an objection to the proposed settlement on behalf of class member Marie Gryphon of Jamaica Plain, Mass., who purchased a replacement adapter for an Apple Macbook purchased in August 2006.



The objector’s *pro bono* counsel, CCAF founder and noted attorney Theodore Frank, argues that the settlement structure is “unduly burdensome” on class members. For instance, there is no online claims process, a factor that benefits class counsel and the defendant.

What’s more, the settlement structure “limits class claims, shields attorneys’ fees, and conceals the true value of this settlement” to the class members, Frank wrote, objecting to the proposed settlement in U.S. District Court for the Northern District of California.

“Their [settlement] design enables class counsel and defendants to reduce class recovery so as to benefit themselves, an arrangement that can be made at arm’s length without any explicit collusion, so long as class counsel looks the other way when defendants insist upon conditions on class recovery,” Frank wrote in a Jan. 5 filing.

A fairness hearing is set for Feb. 27, at which time District Court Chief Judge James Ware will consider whether the proposed settlement is “fair, reasonable, and adequate,” according to the September 2011-issued class notice.

In addition to Frank, the objector is also represented by Daniel Greenberg of Greenberg Legal Services in Little Rock, Ark., and Kyle Graham of Portola Valley, Calif., and a professor at Santa Clara Law.

Class counsel in the case is Helen Zeldes of Zeldes & Haeggquist LLP in San Diego and Steven Skalet of Mehri & Skalet PLLC in the District of Columbia. Defense counsel in the case is Penelope Preovolos of Morrison & Foerster LLP in San Francisco.

The case is *In re Magsafe Apple Power Adapter Litigation*, No. C09-01911-JW, Northern District of California (San Francisco).

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