Delawareans to Begin Receiving Refunds from Settlements of E-book Price-Fixing Lawsuits

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WILMINGTON — Delaware consumers will begin receiving account credits or checks this week in partial settlement of 2012 E-book price-fixing lawsuits brought by Attorney General Beau Biden and attorneys general from 32 other states, Biden announced today.

The lawsuits were brought against Apple, Inc. and five of the six largest E-book publishers in the country. Those E-book publishers — Hachette Book Group Inc., HarperCollins Publishers LLC, Simon & Schuster Inc., Holtzbrinck Publishers, LLC, d/b/a Macmillan, and Penguin Group (USA) Inc. — settled the claims against them for a total nationwide payment of $166 million, of which more than $500,000 will be distributed to Delaware residents. These settlements were approved by the United States District Court for the Southern District of New York.

“This settlement compensates Delawareans who were harmed by the publishers’ actions,” Biden said. “The publishers colluded to deny consumers the lower prices that normally result from competition.”

The account credit or check will be based on the number of eligible E-books purchased by a consumer during the time period between April 1, 2010 to May 21, 2012. Whether a consumer receives a credit or check depends on the retailer through which the E-book was purchased and, in certain circumstances, on whether a claim was properly filed or on whether a consumer specifically requested a check. Eligible consumers should review their email for communications from their E-book retailer, or from the Settlement Administrator, regarding account credits or checks. For more information on the settlements, please visit www.ebookagsettlements.com
The Attorney General is continuing to pursue Apple for monetary compensation for consumers and civil penalties for its part in the conspiracy. Apple declined to settle the claims against it, and the District Court conducted a three-week trial in June 2013. Following that trial, U.S. District Judge Denise Cote found that Apple played a central role in facilitating and executing a conspiracy to eliminate retail price competition in order to raise e-book prices, in violation of federal and state antitrust laws. A second trial to determine the amount of damages Apple must pay for that violation is expected to take place later this year. If successful, additional account credits or checks will be distributed to Delaware consumers in the future.