

NYLJ Dec 9, 2015

## IN BRIEF

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The consumers bought Wi-Fi connections on domestic air flights from a company named Gogo but claimed they were tricked into accepting automatic monthly renewals billed to their credit cards.

Eastern District Judge Jack Weinstein granted preliminary approval on the putative class action litigation accord on Dec. 4. The proposed pact would give class members limited free use of Gogo's services through promotional codes.

The length of the free use would depend on the amount of unused Gogo service. For example, one to four months of unused service would result in a one-day pass while more than nine months would result in six one-day passes.

Weinstein acknowledged settlements generally viewed as offering "coupons" are disfavored and said the codes "have the flavor and scent of coupons." He suggested the claims administrator "attempt to set up a market for the promo codes enabling recipients to convert them to a cash equivalent. ... This market would take the curse of a 'coupon' characterization out of the case."

But creating such a market was not essential for approval, he said, and scheduled an April 5 fairness hearing.

Weinstein had permitted plaintiffs to proceed with the case (NYLJ, April 13). He said Gogo changed its practice to alert customers of ongoing costs after the case was filed.

The proposed settlement terms said each named plaintiff would receive up to \$5,000. Weinstein said the sides agreed to a fee of up to \$750,000 for the class counsel.

George Volney Granite, II and Michael Reese of Reese LLP in Manhattan represented the plaintiffs.

Anthony Joseph Laura, a member at Epstein Becker & Green, represented Gogo.

—Andrew Keshner

judicial salaries.

The meeting will take place at 11 a.m. at the New York City Bar Association, 42 W. 44 St.

The commission has a Dec. 31 deadline to issue its report on judicial pay.

The commission met Monday for its first deliberative meeting after a Nov. 30 public hearing.

At this week's meeting, commission members agreed state Supreme Court justices, now earning \$174,000, were due for a raise but appeared divided on questions of how large a raise was in order and how soon it should arrive.

Nevertheless, commission chair Sheila Birnbaum, a partner at Quinn Emanuel Urquhart & Sullivan, said she hoped the seven members would be in a position to vote on compensation recommendations at their next meeting (NYLJ, Dec. 8).

—Andrew Keshner

### Pay Commission Schedules Meetings on Judges' Pay

The New York State Commission on Legislative, Judicial, & Executive Compensation will next meet Dec. 14 to discuss