

# Apple Offers Refunds in Response to “Breaking Bad” Lawsuit

by Dan Brecher on September 27, 2013

Fans of AMC’s hit series “Breaking Bad” will not have to call in “attorney” Saul Goodman after all. Facing a class-action lawsuit and mounting bad publicity over its decision to divide the final season of the hit series into two parts on iTunes, Apple, Inc. will offer refunds to customers who believed they were buying all 16 episodes.

The issue arose after AMC decided to air the final season of “Breaking Bad” over the course of two years. The first eight episodes aired in 2012, and the second half premiered on August 11, 2013. The series finale will broadcast this Sunday.

Apple sold a "Season Pass" for the final season on iTunes, which many fans believed would provide access to all 16 episodes. However, when the show began airing the again this summer, fans discovered they would have to pay an additional \$21.99 for high definition and \$13.99 for standard definition for the final eight episodes.

The additional charge did not sit well with Noam Lazebnik, who filed a class-action suit against Apple. "When a consumer buys a ticket to a football game, he does not have to leave at halftime. When a consumer buys an opera ticket, he does not get kicked out at intermission. When a consumer buys a 'Season Pass' to a full season of a television show on iTunes, that consumer should get access to the whole season," the complaint alleges.

Given that “Breaking Bad” is one of the most popular television downloads on iTunes, it appears Apple is taking the suit seriously. The company recently sent an email to iTunes users apologizing "for any confusion the naming of 'Season 5' and 'The Final Season' of Breaking Bad might have caused."

Apple also announced that customers who purchased the “Breaking Bad” Season Pass will also receive a credit. As the Apple email explains, “While the names of the seasons and episodes associated with them were not chosen by iTunes, we’d like to offer you ‘The Final Season’ on us by providing you with the iTunes code below in the amount of \$22.99. This credit can also be used for any other content on the iTunes Store. Thank you for your purchase.”

In this case, getting out in front of the lawsuit and the negative press that was likely to follow served Apple well. Instead of reporting only on the lawsuit, the media is now focusing on what the company is doing to make it right.

If you have any questions about this case or would like to discuss the legal issues involved, please contact me, Dan Brecher, or the Scarinci Hollenbeck attorney with whom you work.