

Class Action Lawsuit Filed Against Entertainment Industry Giant Red Box

The consumer protection division of Brent Coon & Associates has filed a lawsuit against the DVD rental chain of Red Box, Inc. on behalf of Laurie Piechur, a single mother of 3 who lives in Southern Illinois. Attracted to lower rental fees of only \$1 per night and the guarantee of “no late fees,” Laurie recently rented various DVDs from Redbox. She was then unpleasantly surprised when she returned some DVDs shortly after the 9:00 p.m. return deadline only to find out she was charged another \$1. Her children unfortunately lost two other DVDs she watched with them, and knowing she would have to pay some amount for a replacement, she was shocked when Redbox automatically charged her \$25 per DVD – more than *triple* the price it charges to buy used DVDs available from its kiosks for only \$7.

The lawsuit, Laurie Piechur v. Redbox Automated Retail, LLC, Case No. 09-L-562 filed in St. Clair County, Illinois by attorneys Thomas G. Maag of Wendler Law Firm and Jeffrey A. J. Millar of Brent Coon & Associates, seeks to certify a nationwide class of consumers who rented DVDs from Redbox and incurred a late fee, despite the “No Late Fees” promise. The suit was brought for violations of the Illinois Consumer Fraud and Deceptive Business Practices Act, unlawful penalties, unjust enrichment and a violation of the Illinois Rental-Purchase Agreement Act. The terms and conditions for use of Redbox DVD rentals requires the application of Illinois law, as well as subjecting the parties to the personal and exclusive jurisdiction of the Illinois state courts. Redbox kiosks require an e-mail address and credit or debit card to complete transactions. When a DVD is returned late, Redbox automatically charges the customer’s account \$1. The lawsuit also seeks remedies for violation of Illinois’ Automatic Contract Renewal Act, which requires a clear and conspicuous disclosure of the automatic renewal clause and the cancellation procedure, both of which are notably absent from Redbox’s terms and conditions available on its website.

Redbox is not a stranger to high profile litigation and has recently garnered media attention in lawsuits it filed against three Hollywood Studios, Universal Studios Home Entertainment, Warner Home Video and Twentieth Century Fox Home Entertainment, for alleged violations of the federal antitrust law. Redbox claims these three studios shut it out of their distribution systems and not readily provided them new release DVDs.

A copy of the lawsuit, other court papers, various resource links and the Hollywood Studio lawsuits can be found online at <http://www.redboxfees.com>.

About BCA’s Consumer Protection Division

Brent Coon & Associates prides itself on fighting for consumers’ rights. Throughout the firm’s history, our attorneys have taken on the asbestos industry, pharmaceutical companies, the oil and gas industry and several others all in the name of the consumer. As one of the largest plaintiff’s firms in the nation, we feel it is our duty and privilege to stand up and be a voice for consumers whose rights have been violated or ignored by their employers or other corporations. BCA has tried several high profile consumer protection cases, including: the BP Texas City plant explosion, the Las Vegas hepatitis outbreak, Vioxx and HRT MDL lawsuits, asbestos claims and several more.