

# PUBLIC JUSTICE E-LERT


AMERICA'S PUBLIC INTEREST LAW FIRM

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## 9-for-9 isn't bad.

**Until late last week, starting in 2005, supreme courts in 9 consecutive states had ruled that class action bans were unfair to consumers.**

**Now it's 10-for-10.** In a landmark decision underscoring consumers' rights, the [Kentucky Supreme Court](#) just ruled that cable and internet provider [Insight Communications](#) may not require the thousands of customers who endured hours or days of service disruptions to seek relief one by one, a method that is time-and-cost prohibitive for many people.

 Public Justice Senior Attorney [Paul Bland](#), Staff Attorney [Leslie Bailey](#) and Brayton-Thornton Attorney [Melanie Hirsch](#) joined co-counsel Phil Grossman and Jennifer Moore of [Grossman & Moore, PLLC](#) in representing the consumers. Kentucky State Attorney General [Jack Conway](#), the [Kentucky Justice Association](#), and [AARP](#) filed friend-of-the-court briefs on the plaintiffs' behalf.

This decision makes it possible for consumers who are cheated out of small sums to fight that injustice. If the Court had accepted Insight's legal position, corporations could just opt out of the state's consumer protection laws for all kinds of illegal actions.

After Insight's customers filed a complaint because of the service disruptions, the company sought to compel arbitration by citing a class action ban squirreled away in the mandatory arbitration clause contained in the Service Agreement that all of its customers sign.

Now, the high court of Kentucky has struck down that class action ban, saying it allowed the company to exculpate itself from liability. "(T)he only economically viable means for customers to bring a company into court, as plaintiffs, under these circumstances, is by class action litigation," the court wrote.

The ruling opens the door for the thousands more affected customers to bring their claims against Insight as a group.

To read the various briefs filed by us and others in *Schnuerle, et al. v. Insight Communications Company, L.P. and Insight Communications Midwest, LLC*, [click here](#).

To read the Kentucky Supreme Court's decision, [click here](#).

To read the Louisville *Courier-Journal's* article on the decision, [click here](#). Media across the Midwest covered the Kentucky high court's ruling in this case.



Kentucky Supreme Court/KY Office  
of Creative Services

My heartfelt thanks and congratulations to our team and the other groups involved, and to you for making the work we do possible.

Arthur Bryant

Executive Director

Public Justice and the  
Public Justice Foundation

email: [abryant@publicjustice.net](mailto:abryant@publicjustice.net)

voice: 202-797-8600

web: <http://www.publicjustice.net>

Public Justice | 1825 K Street, NW | Suite 200 | Washington | DC | 20006