

## JUDGE CERTIFIES CLASS ACTION LAWSUIT FOR CHARGEBACKS AGAINST INVESTOR'S BUSINESS DAILY

**Los Angeles--June 30, 2003**—Los Angeles Superior Court Judge Rodney E. Nelson today certified a class action by approximately 400 telemarketing employees against Investor's Business Daily, a leading national publisher of business news and advice alleging unlawful business practices by charging back commissions on account of canceled subscriptions. The complaint also alleges that Investor's Business Daily violated Section 221 of the California Labor Code by deducting past commissions from future wages when a customer cancelled a subscription to the paper within 4 months, causing the sales representative to lose his entire commission even though the Company kept the pro-rata portion of the subscription price. The case is captioned "***Toby Harris v. Investor's Business Daily***" Los Angeles case number BC 269313.

Attorney Mark Thierman of Reno, Nevada, with whom attorney Eric M. Epstein of Los Angeles represented the Plaintiffs in the Investors Business Daily case, said that the IBD case was part of a new trend in California labor law. "The theory is very similar in theory to the recent cases against Verizon Wireless and the LA Times now pending in the Los Angeles Superior Court," said Thierman who is also an attorney on those two cases. "The trend is to look at sales compensation agreements more carefully in California," said Eric Epstein. In addition to the IBD, Verizon and LA Times cases, last month San Francisco Superior Court Judge Ronald E. Quidachay certified a class of approximately 200 "charged back" sales employees against web-hosting retailer NTT Verio in the case of ***Koehl v. Verio, Inc.***, and last year Santa Clara Judge John F. Herlihy found a representative action appropriate in a situation involving chargebacks of commissions in the case of ***Baker v. IKON Office Solutions, Inc.*** Noting that it was ironic that the publisher of business advice would have a class certified against it for violations of California's unfair competition law, Business & Professions Code Section 17200, Thierman added, "I wonder if Investor's Business Daily will carry the story at all."