SUSMAN GODFREY

Susman Godfrey Named Interim Lead Counsel to Represent Authors in Proposed Class Action Against Cengage over Failure to Pay Textbook Royalties

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Authors likely owed millions in royalties

Susman Godfrey L.L.P. has been named interim lead counsel to represent textbook authors in a class action lawsuit against Cengage Learning, Inc. involving unpaid royalties. The suit, *Bernstein, et al. v. Cengage Learning, Inc.*, seeks damages, pre- and post-judgment interest and other remedies. It is filed in the U.S. District Court for the Southern District of New York.

> *"This case is about Cengage's failure to pay royalties in accordance with its publishing agreements," said partner* Chanler Langham*, who co-leads the Susman Godfrey team representing the class of academic textbook authors.*

For decades, textbook authors have entered into publishing agreements with Cengage and its predecessors-in-interest. Under those contracts, Cengage is obligated to use a standard calculation to establish royalty amounts, which is a set percentage multiplied by the net receipts from the sales of the textbooks.

However, for textbooks sold through two online platforms, MindTap and Cengage Unlimited, the lawsuit alleges Cengage has not used the correct formula and, in fact, manipulated the calculation of net receipts from the sales of textbooks to reduce the royalties paid to authors. This manipulation is not permitted by any of the publishing agreements in the proposed class.

> *"Cengage has not been paying contractually mandated royalties for any books sold through its MindTap and Cengage Unlimited platforms," said Langham. "This constitutes a breach of contract, and we seek compensation for the authors in the proposed class."*

In addition to Langham, the Susman Godfrey team includes partners Kalpana Srinivasan and Steven Sklaver, as well as associate Rohit D. Nath.

The proposed class is comprised of textbook authors who had certain contracts with Cengage or one of its predecessors in interest whose works have been offered on MindTap of Cengage Unlimited. Authors wanting more information on how to join the class action can visit this website or send an email to cengageauthors-sg@susmangodfrey.com.