

PRESS RELEASE

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COURT GRANTS CLASS CERTIFICATION IN FALSE MARKETING SUIT AGAINST ACER

Two Ohio Plaintiffs, Lora and Clay Wolph of Fostoria, Ohio, have had their Class Certification Motion granted against Acer Corporation for any new Acer notebook computer that came preinstalled with Vista Home Premium, Business or Ultimate operating systems. The Wolphs purchased their computer at their local Walmart. Jori Bloom Naegele of Gary, Naegele & Theado in Lorain, Ohio, one of the class counsel, said the damages could be as much as \$600 million and impact thousands of purchases.

On March 25, 2011 the U.S. District Court for the Northern District of California granted the Plaintiffs' Motion for Class Certification in a case wherein the Plaintiffs allege that Acer Corporation of America ("Acer"), a San Jose, CA based company, of marketing and selling notebook computers without sufficient memory to support Microsoft Vista Home Premium, Business or Ultimate operating systems which come preinstalled on the computers. Plaintiffs allege that because of the defective nature of the notebook computers, the notebooks have serious problems, including that they freeze during use, crash, require frequent restarts and experience slow loading times.

The lawsuit, captioned *Lora and Clay Wolph, et al., v. Acer America Corp*, Case No. 3:09-cv-01314, alleges violations of the Magnuson-Moss Consumer Products Warranties Act, the California Consumer Legal Remedies Act, the California Unfair Competition Law and false advertising law as well as a breach of express warranty. Judge Jeffrey White held that California's consumer protection laws could apply to a national class of consumers. "Because Plaintiffs have demonstrated that Acer's notebooks were likely 'researched, designed, developed and tested within California' and that the 'decisions regarding marketing, sales, and pricing' likely would have been made in California, California's interest in having its consumer protection laws applied to claims involving those notebooks outweigh any other particular state's interest in having its laws applied."

The Court determined that the Plaintiffs were typical of the class they seek to represent and will consequently serve as Class Representatives of a class now defined as:

All persons and entities who reside in the United States who have purchased, and have not returned for refund, a new Acer notebook computer from Acer or an Acer Authorized Reseller, not for resale, that came pre-installed with a Microsoft® Windows Vista Home Premium, Business, or Ultimate operating system, and contained 1GB of Random Access Memory or less as shared memory for both the system and graphics.

Plaintiffs' seek a declaration that Acer is financially responsible for notifying all Class Members of the problems with Acer Defective Notebooks; an order enjoining Acer from further deceptive advertising, marketing, distribution, and sales practices with respect to Acer Notebooks and to either add the RAM necessary for the Notebook to run properly with the version of Vista on Plaintiffs' and Class Members' Notebooks, or to replace their Notebook with a Notebook that has the necessary RAM to run properly; an award to Plaintiffs and the Class of compensatory, exemplary, and statutory damages, including interest; an order requiring restitution to the Class; an award of attorneys' fees and costs, and an award of pre-judgment and post-judgment interest.

Counsel for Plaintiffs are; Gary, Naegele & Theado, LLC; Pearson, Simon, Warshaw & Penny, LLP; and Hausfeld LLP.

Counsel for Defendant is: Akin Gump Strauss Hauer & Feld LLP.

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