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Federal Court

Potential class action seeks refunds for Quickbooks payroll service outages

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SHERMAN-Dallas title attorneys have filed a proposed class action against Intuit's Quickbooks after experiencing several brief outages associated with Quickbooks Online and Quickbooks Payroll Subscription Service.

Claiming breach of contract, plaintiffs Celaratec, Uptown Title Dallas and Ishmael Law Firm filed suit against Intuit Inc. on Sept. 9 in Collin County District Court seeking a refund of their subscription costs. Intuit removed the case to the Eastern District of Texas, Sherman Division on Oct. 22.

According to the lawsuit, Quickbooks Online has suffered at least four outages since their subscription started in September 2009.

Service was not accessible for several hours on April 23 and July 21, for nearly two days on June 15 and 16 and not available all day on July 14.

Plaintiffs are asking for an award of actual damages in the form of a pro-rated refund of the

subscription and service fees paid to Intuit for Quickbooks Online services which was not provided as detailed in the parties' agreements.

The proposed class will include all persons or organizations which purchased the services since September 2009 and who have not received a refund or other credit of service and subscription fees for the failure with regard to the service outages. The lawsuit could include approximately 140,000 individuals and entities.

The petitioners are asking the court to issue a permanent injunction preventing the defendant from retaliatory conduct and for an award of actual damages, attorneys' fees and expenses, interest and court costs.

The plaintiffs are represented by Christopher M. Joe and Eric W. Buether of Buether Joe & Carpenter in Dallas.

Jury trial is requested.

Case No. 4:10-cv-00566