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Director Matthew Lo comments on the Court of Appeal dismissing Apple's appeal over funder fees in Gutmann v Apple

Lucy Glyn · Thursday, April 24th, 2025

Director Matthew Lo comments on the Court of Appeal ruling that litigation funders can take their fee before any damages are distributed to class members in *Gutmann v Apple*.

"*This judgment helps to deal with one of the key areas of uncertainty in the regime and will come as welcome news for funders with an interest in this space.*

"*In a post-PACCAR world, a finding that funders can only ever be paid out after distribution to class members would have been a further blow to the funding market in this jurisdiction, which is already navigating a turbulent period.*

"*The possibility of being paid out in priority to class members can be fundamental to funders in certain cases, particularly where a high take-up of damages by the class is likely, for example where a payment by way of account credit is proposed. It would be a perverse outcome if funders were disincentivised from investing in cases with a possibility of high take-up, which should be the very cases the regime encourages to be brought. Many in the market will be relieved to see this outcome being avoided.*"

Matthew's comments were published in **The Lawyer**, **Solicitors Journal**, **Legal Futures**, **The Global Legal Post**, **The Legal Diary** and **CDR**.

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