

Exton Advisors



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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