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Steinbeck Heirs Seek to Slow Google Books Settlement

By *MIGUEL HELFT*

UPDATE 1:35 PM Adds reference to postponement request by Google, authors and publishers.

A group of authors and the heirs of others, including representatives of the estate of John Steinbeck, and of the musician Arlo Guthrie, are asking a federal judge to delay by four months the deadline for authors to decide whether or not to participate in the settlement of a landmark class-action lawsuit against Google.

The settlement, which would establish a complex mechanism for authors to grant rights to digital versions of their books, has [been criticized by various parties](#). Some groups plan to [oppose some of its provisions](#).

The group of authors seeking the delay has not come out against the settlement. The members argue that, given the complexity of the agreement and its long-range implications, the May 5 deadline should be extended by four months to allow authors to make informed decisions about how to proceed.

But in a letter to the court accompanying their legal filing on Friday, they suggest that they have concerns with the agreement itself.

“The scope of the proposed is unprecedented,” wrote Andrew C. DeVore, of DeVore & DeMarco, a New York law firm representing the group. “For authors who do not opt out, the settlement if approved would impose a complex scheme for the wholesale allocation of rights and remedies, and compensation for the exploitation of those rights, in the digital world.”

Also, one of the members of the group has expressed separate reservations about the settlement. Gail Steinbeck, the daughter-in-law of John Steinbeck and wife of Thomas Steinbeck, wrote a letter to other authors earlier this month saying that the settlement could give Google a monopoly over information. “It would be a shame to have to go back to Congress and/or the courts in a few years to ask them to split up a monopoly, when we have the chance to stop it in its tracks right now,” Ms. Steinbeck wrote.

That said, it is not clear whether the authors plan to formally oppose any part of the agreement.

Mr. DeVore declined to comment on the legal filing or the accompanying letter.

In a letter to the court late Friday, Google and the other parties to the lawsuit, the Author's Guild and the Association of American Publishers, asked for a two-month delay of the opt-out deadline, to July 6. But they asked the court to deny the authors' request for a four-month delay.

Also on Friday, some of the critics of the settlement were dealt a setback. Judge Denny Chin of Federal District Court, who oversees the case, denied a request by the Internet Archive and by a group of lawyers and authors led by Charles Nesson of Harvard Law School to intervene in the case. In a one-paragraph ruling, Judge Chin said that "the proposed interveners are, however, free to file objections to the proposed settlement or amicus briefs."

The groups said it was weighing its options.