BIRD MARELLA LLP

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Entertainment

Bird Marella attorneys have litigated entertainment disputes from the era of The Beatles, to Napster, to the digital media age.

Overview

We were at the forefront of anti-piracy enforcement actions by Hollywood studios, and we have achieved industry-altering settlements and verdicts in profit participation cases for producers and creators of iconic television programming. Our attorneys represent prominent talent, producers, executives, broadcasters and entertainment professionals. Our commercial litigation experience spans from disputes involving globally known performers in pop and rap music, to producers of genre-defining television and hall-of-fame professional athletes. Bird Marella provides effective and discreet representation. In high exposure matters we draw upon the firm's civil, criminal and regulatory practices, a unique combination of resources for an entertainment law firm to offer.

Authorities on Profit Participation Litigation

Our attorneys enjoy wide recognition for representing plaintiffs in profit participation lawsuits. Bird Marella has led numerous successful challenges to the royalties accounting practices of networks and studios on behalf of producers and creators of popular television programs, movies of the week, and other entertainment properties. We obtained game-changing settlements and verdicts, which are detailed in our representative matters.

Experience

ENTERTAINMENT COMMERCIAL DISPUTES

Counseling TV Veteran in First Opportunity / Profit Participation Litigation: Represented the creator of several television series in a state court lawsuit against a major studio alleging that it violated his first opportunity and passive payment rights to write and executive produce a spin-off of shows he created. The case settled after the studio's motion for summary judgment was denied and one week before the start of the trial.

Obtained $49M Jury Award in Profit Participation Trial: We represented creators of a hit television sitcom in a profit participation dispute with a major studio. The case settled after the jury reached a verdict awarding $49.5 million in compensatory damages, and found fraud by the studio and punitive damages against the studio. We reached a settlement before the punitive damages phase.

Recovered TV Royalties in Profit Participation Settlement: Our client, a prominent film and television producer, was in a profit participation dispute relating to an Emmy-award-winning television series. We recovered a substantial amount in a settlement for our client.

Recovered Profits for MOTW Producers: We recovered a substantial amount in settlement for our client, an author and producer, in a profit participation dispute concerning several made-for-television movies.

Representing Indie Producer / Financier in Litigation: We serve as ongoing commercial litigation counsel to one of Hollywood's most innovative producers and financiers of entertainment properties.

Settled Televised Lottery Promotion Class Action: The firm obtained a favorable settlement in a class action in which our entertainment client was one of several production-side defendants. The related allegations involved claims of illegal lotteries promoted on several prime time television programs and the CA Unfair Competition Law §17200.

Defending Record Label Accountant on Malpractice Claims: We are representing an accountant for a major record label in a professional negligence action relating to the accounting of royalties.

Mitigated Adverse Jury Verdict for Broadcaster: The firm represented a public broadcasting company in post-trial proceedings following the return of an adverse jury verdict. After we obtained a favorable tentative decision from the court on post-trial motions, the case was settled on terms satisfactory to the client.

Advising on Pre-Litigation for Cable TV Network: We are advising an international cable television network on potential litigation with major Hollywood movie studios.

COUNSEL TO HIGH-PROFILE INDIVIDUALS

***Conservatorship & Estate of Britney Jean Spears*:** We successfully represented the conservators in an appeal which upheld the probate court's order restraining a lawyer from acting on behalf of the conservatee, pop star Britney Spears.

Defending Pop Star on Concert Cancellation Conflict: In our representation of a prominent Asian pop star on issues arising from a cancellation of a concert at Staples Center, we succeeded in moving the matter to arbitration in Korea.

Providing Criminal Defense to Rap Star: We are successfully assisting a platinum-selling recording artist with a sensitive matter initiated by a law enforcement agency.

Counseling on Civil / Criminal Matter for NBA Athlete: The firm is representing a prominent athlete in civil charges related to criminal claims.

Advising MLB Hall-of-Fame Athlete in Business Dispute: We are representing a former professional baseball star in his commercial dispute involving a current business enterprise.

Defended City of LA in Biggie Smalls Litigation: We successfully defended the City of Los Angeles in a civil case related to the death of rap star Biggie Smalls.

INTELLECTUAL PROPERTY PROTECTION AND ANTI-PIRACY

Resolved Idea Theft Claim for Production Company Against Studio: The firm represented a global production company in idea theft claims against a major studio related to a highly successful 2010 animated film.

Enforced Anti-Piracy Laws for Studios: We represented a major movie association trade group in piracy cases that resulted in injunctions and seizures of pirated films.

Won Copyright Infringement Claims for Film Director: In our defense of a major film director in a copyright infringement suit, we obtained a dismissal of the action and a damage award against the plaintiff.