

Hollywood Docket: Agency Wars; "Blurred Lines" Judgment; "Bait and Switch" TV Ads

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A roundup of entertainment law news, including new litigation over daily fantasy sports and the full opinion in the *BMG v. Cox* dispute.



^[1] Illustration by: Martin Haake

Charles Lenhoff, who is currently pursuing ^[2] United Talent Agency and ICM Partners for alleged antitrust violations, is now contending with legal claims thrown his way.

On Tuesday, Lenhoff's talent agency was hit with a cross complaint from producer Anna Dokoza (*Flight of the Conchords*, *Bored to Death*) that alleges

he's violating the Talent Agencies Act and breaching fiduciary duty in efforts to collect commissions.

Lenhoff once represented Dokoza, and during that time, she signed on to become executive producer of a TV pilot entitled *Baskets*. The cross complaint says that after Lenhoff was terminated, Dokoza entered into a "separate agreement" for a full season of the *Baskets* series. Agents routinely go after post-termination commissions, but Dokoza here argues that he's not entitled to money from the full seasons because he "played no role in procuring that agreement."

The cross complaint throws in other allegations including that Lenhoff transferred his monetary claim to a harassing collection agent, cashed a \$7,500 check meant for her, and more. Dokoza poses Lenhoff's actions as unethical and exploitive. Lenhoff's wife, Lisa, tells *THR* that they thought the check had been reissued to Dokoza and that they have now transferred money into her account. "It's an oversight on our part, which we feel terrible about and have corrected," she says.

The action represents an escalation of sorts. Lenhoff is suing UTA and ICM for poaching two of his clients and doing so through allegedly anti-competitive packaging arrangements (ones where agencies bring a talent-lined project to a studio and forgo commissions in favor of fees and back-end participation). He's currently awaiting word on whether a judge will accept an amended complaint. Bryan Freedman, an attorney who represents UTA in the matter, is now handling Dokoza's case.

In other entertainment news:

- It's finally official. After a trial earlier this year, and much post-trial posturing to amend the jury's verdict, a federal judge has rendered judgment in the "Blurred Lines" case. Together, Robin Thicke, Pharrell Williams and associated publishing companies will have to pay Marvin Gaye's family more than \$5 million in damages, plus costs, and a 50 percent songwriter and publishing royalty going forward. The judgment ([read here](#) ^[3]) allows the case to move to an appeal.

- Around the time TV broadcasters sued over the ad-skipping, place-shifting Hopper with Sling, Dish Networks chairman Charlie Ergen spoke in press interviews about a [better way](#) ^[4] to do TV advertising with [more "one to one" targeting](#) ^[5] of ads to consumers. Not all customers think it's better. Sling Media is now facing a consolidated class action lawsuit over "unrequested

spam advertisements." The plaintiffs say they didn't understand this would be part of the bargain when purchasing Slingbox. "As such, Slingbox has perpetuated a massive 'bait and switch' upon thousands of unsuspecting customers," states [a complaint](#) ^[6] filed in New York federal court. Sling hasn't responded to a request for comment.

- As observers wait to see whether a New York judge issues an injunction on the operation DraftKings and FanDuel, the entertainment companies who have been big investors and beneficiaries of the daily fantasy sports sites have been hit with a second lawsuit. The [first](#) ^[7] came in Florida late last month. The latest one asserting RICO claims comes in New York and names as co-defendants Comcast, Time Warner, 21st Century Fox among others. [Here's the complaint](#) ^[8].

- Cox Communications is now standing trial in a Virginia federal courtroom for its role in the alleged piracy of its users. Two weeks ago, a judge [denied](#) ^[9] the Internet service provider safe harbor from copyright liability, accepting a music publisher's evidence that repeat-infringer policies were merely for show. The judge has now come out with a 71-page memorandum opinion that goes into more detail about the reasoning behind his hugely impactful decision. [Read it here](#) ^[10].