

# Entertainment and Media Litigation

## Overview

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The entertainment industry presents business, legal and cultural issues unlike any other. When these issues become contentious, a team that truly understands all facets of the business is critical to achieving a client's overarching goals — goals that often transcend the discrete dispute of the moment.

We work broadly across the industry on behalf of clients in the music, motion picture, television and new media sectors on virtually every type of contract-, intellectual property- and entertainment-business related dispute that can arise. Our goal is to protect and even enhance our clients' rights and assets in the broader context of their business, and to do so applying industry-leading client service, skill and integrity.

## Trusted representation

We have represented many of our entertainment industry clients for years. Because of the trust built during those long-term relationships, our clients frequently call on us to develop risk assessment strategies and provide prelitigation advice that help them avoid future lawsuits. However, when litigation is unavoidable, our attorneys combine deep industry knowledge with wide-ranging experience to ensure that our clients achieve the optimal results.

Whether a superstar recording artist, a motion picture studio or a television network, clients rely on our assistance in disputes related to copyright and intellectual property; motion picture and television development, production, valuation and distribution; right of publicity; First Amendment; musical recording and publishing; artist/manager/agent relations; and defamation and right of privacy, as well as other types of disputes. In all matters, our attorneys take pride in bringing clients creative yet practical solutions to complicated legal problems, and in handling those problems with the discretion and sensitivity the industry requires.

**"Katten is a fantastic entertainment law firm."**

*- Chambers USA 2022  
(California, Media & Entertainment: Litigation Department) survey response*

We represent the full spectrum of entertainers, content producers, distributors, and entertainment and media organizations, including:

- World-renowned recording artists, record labels, music publishers and concert promoters
- Motion picture studios
- Television networks
- Film and television production and distribution companies
- Internet and digital media companies
- Film and television entrepreneurs and creators
- Online and video game developers and publishers
- Print and electronic book publishers
- Animation studios
- Technology, media and communications companies.

## Our Experience

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### *Music*

- Represented the estate of Michael Jackson and Sony Music on claims by record producer Quincy Jones for unpaid royalties and profits, and the right to reproduce remixes of *Off the Wall*, *Thriller* and *Bad*.
- Represented client on claims relating to decades-long disputed ownership of copyrights in iconic rock and roll poster art and memorabilia.
- Represented artist and record company in a putative class action alleging vocals on famous recordings are not authentic.
- Represented client in dispute relating to use of music in social media.
- Represented client in copyright termination case, including the issue of ownership of the copyrights between spouses upon reversion.
- Represented world-renowned recording artist in dispute with personal manager over ownership rights in joint businesses, trademarks, management commissions and profits.
- Represented owner of record label in dispute with heirs of deceased partner.
- Represented recording artist in dispute with his partner in a record label over accountings, royalties and profits.

- Represented numerous artist and managers in disputes over management commissions and alleged violations of California's Talent Agency Act.

### ***Film and television***

- Represent international entertainment production company in claims by creator of popular television show that he is contractually entitled to receive executive producer credit and executive producer fee in connection with another television series.
- Represent global educational publisher in action to stop infringement and counterfeiting of textbooks by major textbook publishers.
- Represented media company in claim by plaintiff who alleged that client had stolen the ideas for two of its popular cable network interior design TV shows.
- Represent American cable and satellite channel as plaintiff in suit regarding trademarks.
- Represented American media conglomerate in highly significant and publicized case claiming plaintiffs had conceived the idea for our client's successful reality television series and its various spinoffs. Plaintiffs asserted claims for copyright infringement, breach of implied contract and breach of confidence, among others. The district court dismissed state law claims for breach of implied contract and breach of confidence as preempted by the Copyright Act, 17 U.S.C. § 301(a), *et seq.* The copyright claim was also dismissed.
- Represented NBCUniversal in a suit alleging copyright infringement and state law claims. Plaintiff Jazan Wild authored a three-part graphic novel, *Carnival of Souls*. He filed suit against defendants NBCUniversal and the producers of the television series *Heroes*, alleging a federal claim for copyright infringement, and state law claims for intentional and negligent interference with prospective economic advantage, unfair competition and unjust enrichment. The US District Court for the Central District of California granted defendants' motion and dismissed plaintiff's copyright infringement claim for lack of substantial similarity, and the state law claims as preempted by the Copyright Act, without leave to amend. Defendants were awarded attorneys' fees. The US Court of Appeals for the Ninth Circuit affirmed.
- Represented American media conglomerate and production company in a copyright infringement suit. Plaintiff contended that our clients' enormously popular reality television weight-loss competition show infringed a copyrighted treatment that she wrote. Plaintiff contended that defendants

received her treatment and incorporated elements into their show without her permission, including the existence of competing teams, contestants living together, the use of hidden microphones and cameras, display of food temptations, use of "celebrity trainers," educating the audience about dieting methods, and weekly eliminations of contestants. This case presented the opportunity for the US Court of Appeals for the Second Circuit to weigh in for the first time on this important issue in the context of the increasingly important reality television competition genre. Following completion of discovery, we successfully moved for summary judgment, winning the dismissal of the copyright infringement claim. The court agreed that plaintiff failed to raise a genuine issue of disputed fact that (i) the two works contained protectable elements that were substantially similar and (ii) our clients had access to her treatment. Plaintiff appealed the decision. The Second Circuit affirmed the district court's decision in granting defendants' motion for summary judgment and denying plaintiff cross-motion to conduct additional discovery.

- Represent American home entertainment and production company in prosecuting claims against a motion picture producer for breaching, and the producer's film financier for interfering with, a worldwide exclusive home video distribution agreement for a motion picture.
- Represented worldwide theatrical motion picture studio in alleged infringement of rights of publicity, defamation, and misappropriation of likeness and identity. The US District Court for the Central District of California dismissed the entire action, with the US Court of Appeals for the Ninth Circuit issuing a published decision that affirmed the striking of all of the plaintiff's claims on First Amendment grounds. Our client subsequently obtained an award of substantial attorneys' fees.
- Represented Scripps Networks in trademark infringement claim related to television show. The US District Court for the Central District of California ruled that plaintiff had not shown that it would likely win trademark battle, or that it would be irreparably harmed without a TRO.
- Represent American film studio in producer's claims for unpaid profits from two motion pictures under an unusual third-party beneficiary theory. Allegations include, among other things, breach of written contract, fraud, negligent misrepresentation and violations of California B&P Code Section 17200.
- Represent American film studio in profit participation and related claims brought by an actor regarding a long-running television series.

- Represented film company in allegations of fraud and breach of contract for contingent participation brought by an actor regarding a television series. We prevailed on a motion for summary judgment, including favored nations and 12 contract interpretation and accounting claims. The decision was affirmed by the California Court of Appeal.

## Key Contacts

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### Zia F. Modabber

*Managing Partner (Los Angeles) and Chair,  
Entertainment and Media Litigation*

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Los Angeles – Century City  
+1.310.788.4627  
zia.modabber@katten.com

## Recognitions

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*Recognized or listed in the following:*

- *Chambers USA*
  - Media & Entertainment Litigation
    - California, 2013–2023
- *The Legal 500 United States*
  - Media & Entertainment
    - Litigation, 2017–2023
- *U.S. News Best Lawyers – "Best Law Firms"*
  - Entertainment Law – Motion Pictures & Television
    - National, 2012–2023
    - Los Angeles, 2012–2023
    - New York, 2012–2018
  - Entertainment Law – Music
    - National, 2016–2023

- Los Angeles, 2012–2023
- Media Law
  - National, 2023
  - Los Angeles, 2022–2023