

UTA & ICM Partners Win Dismissal Of Anti-Packaging Suit From Boutique Agency



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by Dominic Patten
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EXCLUSIVE: More than a year after [Lenhoff & Lenhoff](#) first went after [UTA](#) and [ICM Partners](#) in what was initially an anti-poaching suit, a federal judge today tossed the whole thing out. Noting that “Plaintiff again fails to sufficiently plead the conspiracy and harm-to-competition elements of its Sherman Act claim,” among other things, Judge Beverly Reid O’Connell on Wednesday granted the uber-agencies’ latest motions to dismiss the case.

“Defendants’ Motions are GRANTED with prejudice as to Plaintiff’s Sherman Act claim, UCL claim, intentional inference with prospective economic advantage claim, and intentional interference with contract claim as to Client #1,” the U.S District Court judge ordered today ([read it here](#)). “Although, Defendants’ Motions are GRANTED without prejudice as to Plaintiff’s intentional interference with contractual relations claim with regard to Client #2, the Court declines to exercise supplemental jurisdiction over that claim given that the sole federal claim has “dropped out of the lawsuit . . . and only [a] state-law claim[] remain[s].” She added: Accordingly, the case is DISMISSED without prejudice to the extent Plaintiff’s intentional interference with contractual relations claim remains as to Client #2.”

“We are pleased that, after giving Lenhoff several chances to properly make his case, the Court found all of his farfetched conspiracy claims to be completely without any merit,” said an ICM Partners spokesperson Wednesday after the ruling came down.

Lenhoff & Lenhoff attorney Philip Kaplan told Deadline today: “We’re disappointed in the ruling and intend to pursue an appeal to the 9th Circuit.” But with all the ups and downs this wide-ranging attempted indictment of the big agencies has seen, an appeal could be difficult as there’s not much ground left to run over.

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First filed in February 2015 and arising out of two clients of the smaller agency allegedly being plucked by the big guys, the case has seen [claims dismissed](#) before as well as several amended complaints and [the entire anti-trust claims tossed by the courts in September 2015](#). The dispute has also seen charges in the second amended complaint of cartels among the so-called “Uber” talent agencies as they allegedly have engaged in a conspiracy to restrain trade and create an oligopoly. There was also filing earlier this year that blamed UTA, ICM Partners as well as WME and CAA for the lack of diversity in Hollywood because of their packaging deals.

With all the shapes this case has taken so far, we’ll see what form the appeal manifests itself in to.

In the meantime, Bryan Freedman and David Marmorstein of Freedman and Taitelman LLP plus Steven Marenberg and Melissa Rabbani on Irell and Manella LLP have represented UTA. in the matter. Michael Garfinkel of Perkins Cole LLP represented ICM Partners.

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