

TECH

Esports Star Tfue's California Fight With FaZe Clan Paused by Judge

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Turner "Tfue" Tenney

In a tentative ruling Friday, judge Patricia Nieto wrote that rights under the Talent Agencies Act are "unwaivable" and Turner "Tfue" Tenney is entitled to the protections of the California law regardless of the location of the litigation.

Lawyers for esports pro Turner "Tfue" Tenney and his gaming organization FaZe Clan went head to head in Los Angeles Superior Court on Friday morning in a hearing to determine whether the East Coast or West Coast is the proper home for a [dispute between the two parties](#).

In May, Tenney sued FaZe Clan over an "oppressive" contract that he signed with the organization which, he claims, restrained his business opportunities and allowed the company to take up to 80 percent of his earnings. Tenney, 21, filed the initial complaint with the California Labor Commissioner based on the Talent Agencies Act, a California state law that requires that any person or company "who engages in the occupation of procuring, offering, promising, or attempting to procure employment or engagements for an artist" must be licensed by the labor commissioner and conform to professional regulations. Its definition of "artist" includes a catchall of "persons rendering professional services in motion picture, theatrical, radio, television and other entertainment enterprises." Tfue argues that includes esports talent.

In August, FaZe Clan countersued in New York, saying the "gamer agreement," Tenney's contract, demands that any disputes be handled in that state's court. Tenney's legal team, meanwhile, claims the gamer agreement is void and the case should be tried in California where the TAA applies.

In a tentative ruling Friday, Judge Patricia Nieto wrote that the forum selection in the gamer's agreement is "unquestionably mandatory" — but also that rights under the Talent Agencies Act are "unwaivable."

"The TAA was created for a public purpose, and Plaintiff therefore cannot waive these rights through the forum selection clause," writes Nieto. "Tenney was a California resident while performing under the contract for several months. The public purpose of the TAA would be defeated if allowed to be waived by individuals."

The judge also requires FaZe to show that the New York court "would provide the same or greater rights than California, or the foreign forum will apply California law on the claims at issue."

Ahead of the hearing, Tenney's attorney Bryan Freedman was pleased by the tentative ruling, telling *The Hollywood Reporter*, "Rarely does the right thing happen in court. This is the right thing," in regard to acknowledging Tenny's "unwaivable" rights under the TAA.

Nieto did grant FaZe's motion to put the California fight on hold until the New York litigation is resolved. The ruling is less stringent than the stipulation she indicated she wanted from FaZe, but leaves the door open for Tenney to convince the New York court that applying California law to the relevant claims is appropriate. She didn't address FaZe's demurrer or motion for protective orders regarding third-party subpoenas.

"We are extremely pleased with this decision, ecstatic really," Freedman told *THR*. "All we want is for California law to apply to this dispute and the violations of the TAA."

"It doesn't matter where the case is fought," he continued. "If California law applies, that's the only important factor."

Tenney, who boasts more 10 million YouTube subscribers and 5.5 million Instagram followers, is one of the biggest stars in the esports community. He signed with FaZe Clan in April 2018. Under his contract with the organization, which was founded in 2010 and now has over 60 members and counts music industry stars Offset and Lil Yachty as investors, Tenney claims he keeps 20 percent of the revenue from any branded videos that are published on Twitch, YouTube or social media and half of his revenue from touring and appearances.

FaZe disputes this claim, telling *The Hollywood Reporter* in May, "We have only collected a total of \$60,000 from our partnership, while Tfue has earned millions as a member of FaZe Clan."