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## Judge Upholds \$325,000 Award Against Barry Sonnenfeld Over 'MiB3' Commissions (Exclusive)

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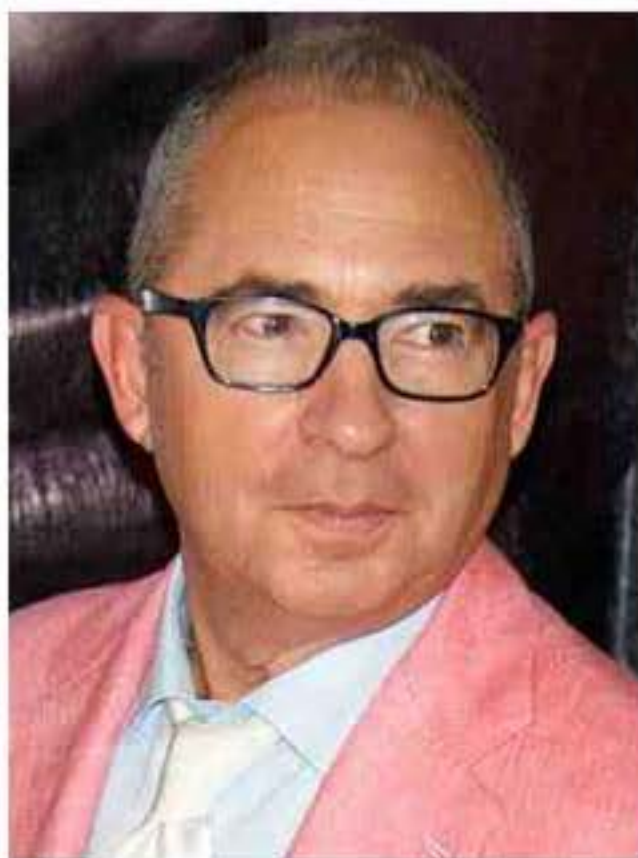


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A federal judge has upheld a \$325,000 arbitration ruling against filmmaker **Barry Sonnenfeld** for refusing to pay commissions from *Men in Black 3* to his former talent agency.

In a decision issued Wednesday and obtained by *The Hollywood Reporter*, U.S. District Court Judge **S. James Otero** agreed with an arbitrator's March **decision** that United Talent Agency is owed 10 percent on \$3.25 million of Sonnenfeld's \$7 million *MiB3* fee despite parting ways with him many years ago.

**PHOTOS: 'Men in Black 3' and 17 Movies With Different Actors in the**

### Same Role

The backstory on this case is interesting: Sonnenfeld signed with UTA in 1990 and closed a deal dated April 4, 1995, to direct the first *Men in Black* (1997) for a fee of \$3.25 million. His original pact gave him a "rolling right of first negotiation" to direct future sequels at a salary equal to or better than what he got on *MiB*.

Right around when the deal was negotiated, Sonnenfeld left UTA and later went to CAA, which got him \$20 million to direct *Men in Black II* in 2002 after the first film became a huge hit. CAA had agreed to indemnify Sonnenfeld if UTA ever made a claim, which it did, so CAA ended up paying UTA \$325,000, or 10 percent of the \$3.25 million floor that UTA had negotiated in the original deal.

### EXCLUSIVE: 'Men in Black' Director Barry Sonnenfeld Loses \$325,000 Arbitration to UTA

Flash forward to 2009, when Sonnenfeld had left CAA (he's now with WME). After much negotiation with Sony, he scored a deal to be paid \$7 million plus bonuses to direct the third film in the **Will Smith-Tommy Lee Jones** series. UTA then made a claim that it is owed the same \$325,000 it received on *MiB2*, and Sonnenfeld refused. The third film was released this summer and has generated \$621.6 million at the worldwide box office.

As an arbitrator, the parties chose Hollywood litigator **Howard Weitzman**, who agreed with UTA and awarded \$325,000 in commissions to the agency in March. Sonnenfeld appealed, arguing in part that Sonnenfeld's new deal for *MiB3* features totally different terms than the original deal. "Columbia approached other directors about *MiB 3* before approaching Sonnenfeld, and refused to offer Sonnenfeld the contractually required ten percent of first dollar gross on *MiB 3* and final cut, among other highly material terms," he argued.

But the judge has now decided to uphold the award. In the 8-page ruling, he gives Weitzman a lot of leeway as an independent arbitrator tasked with interpreting the arrangements between the parties. "That Sonnenfeld or the Court might interpret the Agency Agreement differently is of no import," the ruling states. UTA also would be entitled to the same commission on any future *Men in Black* movies that Sonnenfeld directs.

Sonnenfeld's reps did not immediately respond to a request for comment. UTA attorney **Bryan Freedman** declined to comment.

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