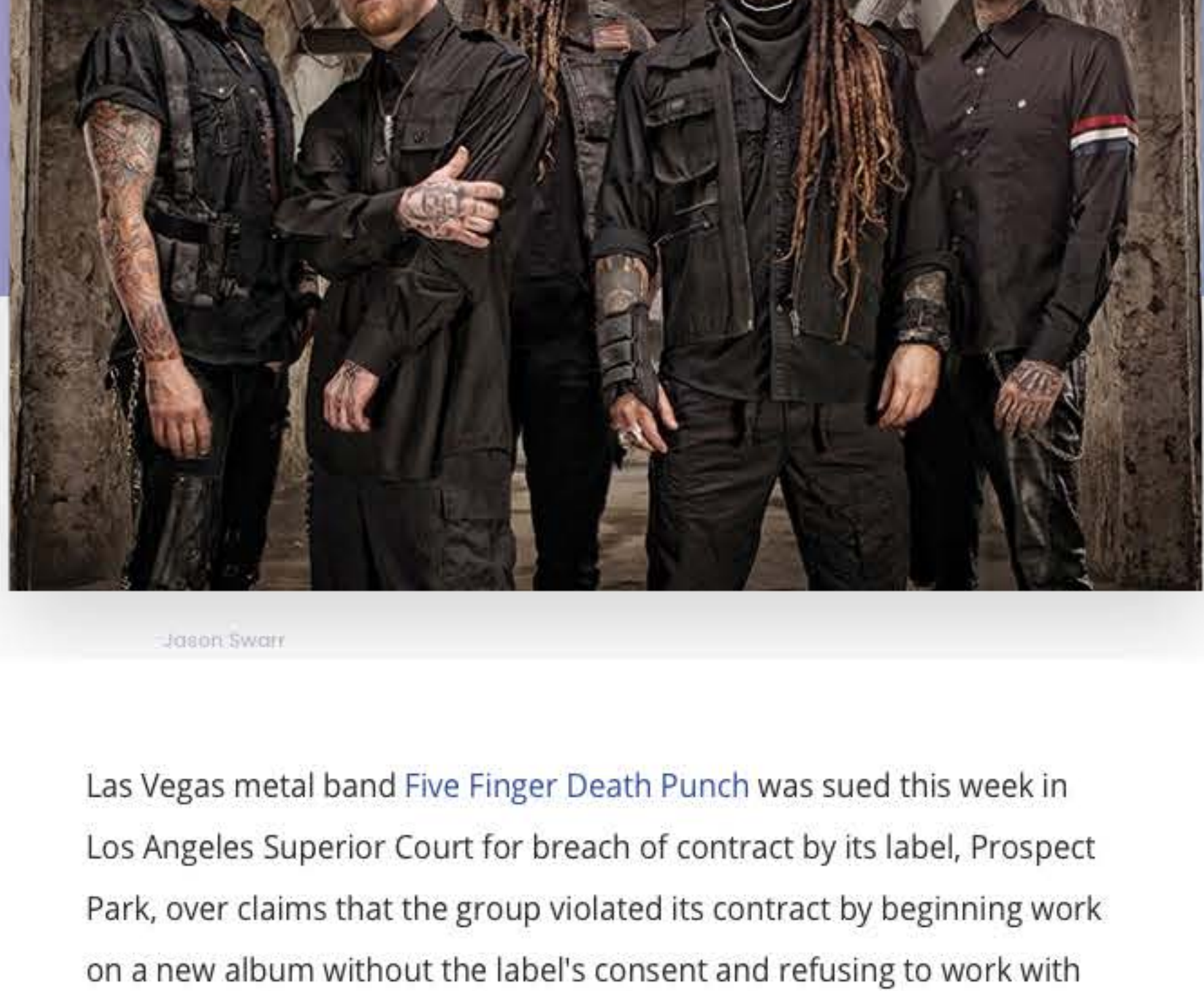


Five Finger Death Punch Sued By Label Over New Album, Greatest Hits

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4/27/2016

https://www



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Las Vegas metal band Five Finger Death Punch was sued this week in Los Angeles Superior Court for breach of contract by its label, Prospect Park, over claims that the group violated its contract by beginning work on a new album without the label's consent and refusing to work with Prospect Park to deliver two new masters for a greatest hits collection.

The band, which signed a four-album deal with Prospect Park in December 2012 is additionally accused in the suit filed on April 21 of "shamelessly attempting to cash in before the anticipated downfall of their addicted bandmate"; the bandmate in question is later identified as troubled singer Ivan Moody (born Ivan Louis Greening). According to the suit, the contract with Prospect Park stipulates that FFDP will not begin working on a new album "any earlier than the date which is nine months after the release of the immediately preceding" album, unless the parties agreed to a different arrangement in writing.

"This lawsuit is about the creative process outlined in the agreement and the rights of both parties to have involvement to ensure the best product," Prospect Park attorney Michael Taitelman said in a statement to *Billboard*. "The band and its reps want to bypass that process, for no reason other than short-term gain."

A spokesperson for Prospect Park added: "The complaint was filed because the band unambiguously stated its intention to ignore its contractual obligations to Prospect Park, and in particular those that provided Prospect Park with creative involvement in the making of their next album. Those provisions are there for a reason and have existed in both contracts the band has signed with Prospect Park. Prospect Park has a history of cultivating successful artists that have gone Platinum and Multi-Platinum. This lawsuit is about making great music and the rights of both parties to have creative involvement in this process. The band, and its representatives, wanted to bypass that process for no other reason than short-term financial gain."

The suit claims that "with the encouragement and assistance of their entertainment lawyer and business manager, the members of FFDP have unequivocally repudiated their contractual obligations to permit Prospect Park to determine the recording elements of a new record and a greatest hits record."

The band's 2015 release, *Got Your Six*, debuted at No. 2 on the *Billboard* 200 on September 4, which, according to the suit, would prohibit FFDP from recording any portion of the required fourth album until at least June 4, 2016. The suit specifies that Prospect Park has to be included in the creative process of any new recording and that "no recording shall commence (or shall any commitments be made) until Company has approved in writing the Recording Budget and all Recording Elements."

In apparent breach of that agreement, the suit claims that FFDP informed Prospect Park that it "will not comply with its obligations" and that the band intended to record the fourth album and two greatest hits songs using a producer of its choosing and without consulting Prospect Park.

A spokesperson for the band provided a statement from FFDP entitled "Desperate people do desperate things," in which they accuse the label of taking advantage of them. "We are saddened, but not surprised by the recent lawsuit filed by Prospect Park, LLC against the members of Five Finger Death Punch. It is the latest in a long line of exploitative and abusive bullying tactics used by our former manager and current label CEO Jeff Kwatinetz to extract money from and wield power against the band," read the statement, which *Billboard* is providing in an edited form.

"Five Finger Death Punch's recordings are now one of Prospect Park's last remaining and most valuable assets still under contract. Five Finger Death Punch is prepared to record and deliver the final album this year under its recording agreement, but instead of allowing us to record, Prospect Park has chosen to sue us, hold us for ransom and squeeze extra money out of its contract rights by attempting to sell an interest in future recordings.

"In its lawsuit, Prospect Park states that Five Finger Death Punch has plateaued and that its sound is stale... Five Finger Death Punch is the best selling Active Rock band of the last 24 months and one of the top selling Active Rock bands of this decade. Every single first week album sales figure has been higher than the last. In fact, there is not one shred of evidence to suggest that Five Finger Death Punch's career remains on any trajectory other than an upward one. Any statement or suggestion that Five Finger Death Punch is suffering from some kind of slump is untrue.

"Prospect Park does not want us to record our next album with Kevin Churko, who at this point is part of our family and who has produced the last five of our six albums... As for our singer, Ivan Moody, his issues are no secret and were recently and successfully addressed with the love and support of his family and bandmates in a rehabilitation facility.

"We are confident that the evidence will expose the allegations in Prospect Park's complaint as completely meritless and that the band will recover substantial damages and be released from any further obligations to Prospect Park based on the cross-complaint that we intend to file."

The lawsuit claims that, "in rushing to record a new fourth album, FFDP is damaging itself and Prospect Park by cutting off the marketing and promotion and success of the third album, which is currently in its album cycle," further noting that Moody is "unable to perform at the level required" in the contract due to reportedly "escalating substance abuse" as detailed by the members of the band and their representatives to the label. The suit also added that the recording contract was suspended as of April 21 because Moody "almost died of a seizure due to substance issues and now is purportedly in a rehabilitation facility" and that "FFDP has canceled dates and cannot promote the sale of records due to the incapacity of the lead singer."

As proof, the suit points to a series of texts from FFDP members that read: "it's a matter of time before [Ivan] hits the wall - and once he does - it will be too late to sell," as well as a December text that read, "if Ivan does something stupid -- dies -- goes away to jail -- when the catalog is a bust -- then we won't be able to sell and we'll be trying to salvage what we can -- IF we can... so it's imperative to make a move and sell."

Last May, the band appeared on the verge of breaking up after Moody and drummer Jeremy Spencer got into an altercation on stage in Memphis. In August, Moody's wife reportedly filed for divorce citing an altercation in a Las Vegas hotel room and last month the band was forced to cancel Australian tour dates after Moody was hospitalized for undisclosed reasons.

At the time of *Six*'s release, when asked why it came so close on the heels of the *The Wrong Side of Heaven and the Righteous Side of Hell* double album releases in July and September of 2013, guitarist Jason Hook told *Billboard*, "I think we're overachievers by nature. We can't sit still. I think we have a problem; even when we have time off there's no time off. We're just doing stuff all the time. I think that's one of the things I really love about this band is we're just motivated to keep grinding, and it's not work. It's just what we do."

Hook also suggested that the band's management was encouraging them to go into the studio during their downtime to "at least [get] something done during that break. Even if it's half a record, it puts you half ahead of schedule."

Amid these legal issues, FFDP and Shinedown announced a co-headlining arena tour on Tuesday (April 26) that is slated to kick off on Oct. 18 in Little Rock, Arkansas. So far 16 dates of the tour -- which will also feature Sixx:A.M. and As Lions -- have been announced, with more gigs through December to be added soon.

The lawsuit is seeking compensatory damages, temporary, preliminary and permanent injunctions, a declaratory judgment that FFDP have breached their contract, that Moody is mentally and physically unable to perform as required by contract, and recovery of attorney's fees.