



Entertainment, Media, & Sports

Susman Godfrey has represented plaintiffs and defendants in disputes touching all corners of the entertainment, sports and media industries for decades—especially when they have called for resolution in the courtroom. When the major Hollywood Studios needed lead trial counsel for an antitrust trial in San Antonio to defend antitrust claims with hundreds of millions of dollars at stake based on allegations of anticompetitive conduct in the video distribution market, Lee Godfrey and a team from Susman Godfrey won a landmark defense verdict.

Whether representing plaintiffs seeking to protect their intellectual property rights or enforce their contracts, classes of individual seeking relief for antitrust or intellectual property violations, or entertainment company defendants facing massive damages claims, Susman Godfrey has a long track record of taking on complex and challenging cases and winning results for clients in the entertainment, sports, and media industries.

- ***US Dominion Inc. et al. v. Fox News Network LLC.*** Secured a historic \$787.5 million settlement to resolve client Dominion Voting System's defamation lawsuit against Fox News Network and Fox Corporation, just before jury trial was to commence in Delaware Superior Court. Susman Godfrey is prosecuting similar defamation claims on behalf of Dominion against Rudy Giuliani, Sidney Powell, Mike Lindell, Patrick Byrne, One America News Network (OAN) and Newsmax TV. [Read more.](#)
- ***Louis Bacon v. Peter Nygard.*** Won a \$203 million judgment on behalf of New York hedge fund legend Louis Bacon, in his defamation battle with Canadian fashion mogul Peter Nygard. Bacon filed the defamation action against Nygard in January 2015, after uncovering evidence that Nygard devised a campaign to defame Bacon in various publications with false allegations, such as falsely claiming Bacon had engaged in insider trading or was affiliated with the Ku Klux Klan. [Read more.](#)
- ***FSG Services LLC v. Flutter Entertainment PLC.*** Secured a favorable award for Flutter Entertainment when an arbitrator in New York nearly

doubled the exercise price its opponent, FOX Corporation, sought for its option to acquire 18.6% of Flutter's portfolio company, FanDuel Group. This high stakes, high profile arbitration resulted from FOX's assertion that it should be entitled to the same price Flutter paid for its share of FanDuel two years before the arbitration took place – \$2.1 billion, with an implied company valuation of \$11.2 billion. The arbitrator, however, found that FOX's payment must be based on a substantially higher FanDuel valuation of \$20 billion it was hoping for, plus an additional 5% interest per year. At the time of the decision, this equated to a valuation for FanDuel of \$22 billion and an option exercise price of \$4.1 billion for FOX — nearly twice the amount that FOX argued it should be required to pay. The arbitrator also rejected FOX's claim that Flutter had not provided commercially reasonable resources to the Fox Bet business. [Read more.](#)

- ***Flo & Eddie v. Sirius XM* and *Flo & Eddie v. Pandora*.** Serving as co-lead counsel representing Flo & Eddie, founding members of 60's music group, The Turtles, along with a class of owners of pre-1972 sound recordings for copyright violations by music provider Sirius XM. Sirius XM agreed to pay at least \$25.5 million (over \$16 million after fees and expenses) and royalties under a 10-year license that is valued up to \$62 million (over \$41 million after fees and expenses) as compensation for publicly performing without a license Pre-1972 sound recordings. Flo & Eddie have a similar putative class action pending against Pandora.
- ***Rich v. Fox News*.** Represented Joel and Mary Rich, grieving parents of a murdered child, who brought suit in federal court against Fox News, Malia Zimmerman, and Ed Butowsky seeking justice for having become collateral damage in a political war to which they believe they are innocent bystanders. The Rich's allege the defendants intentionally exploited the murder of their son through lies, misrepresentations, and half-truths. The case settled for a confidential amount. [Read more.](#)
- ***In re National Football League's "Sunday Ticket" Antitrust Litigation*.** Appointed by the Court to serve as co-lead counsel to Direct-TV subscribers in a California multidistrict class action alleging DirecTV's exclusive NFL Sunday Ticket package violates federal antitrust laws. The MDL brings together 27 suits by private and commercial subscribers to DirecTV's services who allege the broadcaster's exclusive agreement with the NFL to show live out-of-market NFL games violates federal antitrust laws. The MDL includes claims against both the broadcaster and the league. After an argument by Susman Godfrey, the Ninth Circuit Court of Appeals issued a major decision reversing the district court's dismissal of the case.
- ***Universal Cable Productions v. Atlantic Specialty Insurance*.** Served as lead trial counsel for Universal Cable Productions—a subsidiary of NBC Universal—in its dispute with insurance carrier, Atlantic, over the cost to relocate filming the TV miniseries "Dig" out of Jerusalem due to bombing by Hamas. After successfully reversing a grant of summary judgment at the Ninth Circuit, our team secured UCP a full win on liability. The case

settled the day before a trial for bad faith and damages.

- ***Ferrick et al v. Spotify USA***. As co-lead counsel, secured a deal worth over \$100 million to settle a class-action lawsuit with music streaming service, Spotify, brought on behalf of music copyright owners. The suit was filed by singer-songwriter, Melissa Ferrick, who sought royalties for songs played by Spotify. Ferrick, along with the class, alleged that Spotify made music available online without securing mechanical rights from the tracks' composers.
- ***Jibe Audio v. Beats Electronics***. The Court of Appeal of the State of California, Second District ruled in favor of client Steven Lamar and Jibe Audio LLC in a case against Beats Electronics, Dr. Dre and Jimmy Iovine over royalties owed to Lamar from the sales of several models of the popular Beats headphones. The Court reversed the lower court ruling that granted a summary judgment in favor of Beats. The Court remanded the case back to the lower court for trial before a jury who ruled in favor of Lamar, awarding him a verdict valued at over \$25 million. The case later settled on confidential terms. [Read more](#).
- ***SEC v. Akazoo SA***. After intervening in the SEC's action against digital music streaming service, Akazoo, Susman Godfrey secured \$35 million settlement on behalf of a group of PIPE and SPAC investors over allegations that Akazoo defrauded them and lied about business prospects both before and after its 2019 special purpose acquisition company merger. The group represented by Susman Godfrey in the matter was awarded \$30.1 million of the settlement (\$25.3 million after fees and expenses). [Read more](#).
- ***#MeToo Litigation***. Represent numerous individuals seeking to bring claims against prominent entertainment insiders—in both the film and music industries—related to the #MeToo movement. Susman Godfrey has also defended individuals against several retaliatory defamation suits.
- ***In re Animators Antitrust Litigation***. Secured more than \$168 million in settlements (\$147.3 million after fees and expenses) for a class of animation industry employees in this antitrust action against the largest animation companies, including Disney, Pixar, Lucas Films, DreamWorks, and Sony, based on restrictions on their ability to compete against one another for talent.
- ***Ratner v. Kohler***. Served as co-lead counsel, pro bono, alongside civil rights heavyweight Roberta ("Robbie") Kaplan, to defendant Melanie Kohler in a high-profile case brought by a well-known Hollywood producer. Kohler was sued for defamation after she made various accusations via a Facebook post. Susman Godfrey and Kaplan convinced a Federal Judge in Hawaii that California's anti-SLAPP laws should apply in this matter. The case has since been voluntarily dismissed.
- ***McCourt v. McCourt***. Represented Los Angeles Dodgers' owner, Frank McCourt and the Los Angeles Dodgers in divorce and bankruptcy proceeding that involved a dispute over ownership and control of the team.

The case resulted in a favorable settlement of the divorce, sale of the Dodgers to Guggenheim Partners for \$2.15 billion—the highest amount paid for a professional sports franchise—and the formation of a new joint venture with Guggenheim Partners affiliates.

- ***White v. NCAA***. Represented a class of student athletes as co-lead counsel in landmark antitrust litigation against the NCAA in the Central District. The White case was the first to challenge to NCAA rules limiting athletic scholarships to amounts that did not cover the full cost of attendance at member schools. After winning key pre-trial rulings, Susman Godfrey secured a settlement that resulted in more than \$200 million in benefits to the class and paved the way for subsequent reforms enabling athletes to receive scholarships covering the full cost of attending school.
- ***UrbanDaddy v. Gannett***. Represented plaintiff UrbanDaddy, Inc., a New York-based digital media company, in a breach of contract and misappropriation of trade secrets case against Gannett Co. and its USA Today brand before the New York Supreme Court's Commercial Division. The case settled on confidential terms.