

# UTA & ICM Gets Antitrust Claim Dropped In Anti-Packaging Lawsuit



- ▶ BUSINESS
- ▶ BREAKING NEWS
- ▶ LEGAL
- ▶ NEWS
- ▶ ICM PARTNERS
- ▶ LENHOFF
- ▶ UTA

by Ross A. Lincoln

September 18, 2015 8:13pm



The David and Goliath battle between competing talent agencies has skewed Goliath's way today, as [UTA](#) and [ICM Partners](#) won a partial victory in defending against the anti-packaging lawsuit filed earlier this year by [Lenhoff & Lenhoff](#). A federal judge was convinced on Friday to dismiss several of the most damning claims by the boutique agency including that the larger agencies had conspired together to form what the suit describes as a "joint" or "shared" monopoly.

## Related

**Relativity Slams 'False' Financial Claims By Neal Moritz; Producers Of Halle Berry Pic 'Kidnap' Fight Proposed Sale**

However, Judge Beverly Reid O'Connell upheld several key aspects of the suit, and the case will move forward in a new form. The plaintiffs have until October 2 to file a new amended complaint.

"The ninth court does not recognize a 'shared monopoly' or 'joint monopoly' theory," the judge wrote in her order granting in part and denying in part the defendants' motions to dismiss. [\[Read it here.\]](#) "Given that plaintiff does not allege that Defendants intended to create a monopoly in a single entity, and instead argue that the four Agencies share market power, Plaintiff fails to state a claim... for conspiracy to monopolize."

The court did however uphold the plaintiff's claim that packaging fees violate unfair competition laws in the state of California. "At a minimum," the Judge wrote, "allegations that four mega-agencies acting in concert to control the vast majority of the scripted series market "significantly threatens competition'."

The conflict stems from allegations made by [Lenhoff & Lenhoff](#) in their [initial February 13 complaint](#) and [the June 15 amended filing](#) that ICM and UTA poached two of their producer clients in 2014. The agency claims that packaging fees the bigger agencies can charge, thanks to the expiration of an agreement between SAG and the Association of Talent Agents, fosters collusion between studios and said agencies, giving them an unfair advantage in attracting clients. Lastly the court also dismissed two of the other claims – intentional interference with contract, and intentional interference with prospective economic advantage.

Philip J. Kaplan of the Wilshire Boulevard-based Law Offices of Philip J. Kaplan represents [Lenhoff & Lenhoff](#) in the action.

Bryan Freedman and David Marmorstein of Freedman and Taitelman LLP plus Steven Marenberg and Melissa Rabbani on Irell and Manella LLP are representing UTA. Michael Garfinkel of Perkins Cole LLP is representing ICM Partners.

*Deadline's Dominic Patten contributed to this report*

Subscribe to [Deadline Breaking News Alerts](#) and keep your inbox happy