

UTA & ICM Partners Score Win In Anti-Packaging Suit From Boutique Agency



- ▶ BUSINESS
- ▶ BREAKING NEWS
- ▶ LEGAL
- ▶ NEWS
- ▶ CAA
- ▶ ICM PARTNERS
- ▶ LENHOFF & LENHOFF



by [Dominic Patten](#)
December 17, 2015 4:28pm

EXCLUSIVE: [Lenhoff & Lenhoff](#) aren't quite down and out in the courts but the boutique agency is certainly against the ropes after a federal judge granted [UTA](#) and ICM Partners' motion to dismiss the claims in the plaintiff's latest amended complaint.

While giving [Lenhoff & Lenhoff](#) the right to file another amended complaint by January 8 of next year, Judge Beverly Reid O'Connell today kneecapped for now any claims of conspiracy among the big agencies like ICM, UTA plus [WME](#) and [CAA](#) to shut out the little guys with packaging deals and more. As well as the claims of injury to competition, intent to harm or restrain trade and unfair business claims were shown the legal door today – at least for now.

LENHOFF & LENHOFF



“The Court concludes that Plaintiff has not proffered sufficient factual details surrounding the alleged conspiracies or agreements between Defendants and the other Big 4 Agencies,” wrote the Judge today in her order ([read it here](#)). “Plaintiff also claims the existence of vertical agreements⁴ between Defendants and the studios, networks, and producers,” she added. “First, Plaintiff claims that Defendants coerced the studios, networks, and producers to institute a boycott of non-Big 4 Agencies through threats of withholding the Big 4 Agencies' coveted talent from future package deals from noncompliant studios, networks, and producers.”

“However, this allegation fails for the same reason as the alleged horizontal agreements ...Plaintiff fails to plead enough facts to ‘raise a reasonable expectation that discovery will reveal’ the existence of such agreements,” Judge O'Connell notes.

“Plaintiff [Lenhoff Enterprises, Inc.](#) is pleased to have the opportunity to amend its complaint,” said the agency's lawyer Philip Kaplan Thursday. “We, certainly, plan to do so in January 2016 and move forward with this important case.”

[First filed in February](#) and arising out of two clients of the smaller agency allegedly being poached by the big guys, the case has seen two amended complaints and [the anti-trust claims tossed by the courts in late September](#). From that, the David and Goliath battle has also seen charges in the second amended complaint of cartels among the so-called ‘Uber’ talent agencies as they allegedly have engaged in a conspiracy to restrain trade and to create an oligopoly.

Bryan Freedman and David Marmorstein of Freedman and Taitelman LLP plus Steven Marenberg and Melissa Rabbani on Irell and Manella LLP are representing UTA in the case.



0