

# UTA & ICM Win In Antitrust & Anti-Packaging Suit Challenged By Boutique Agency


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 by [Dominic Patten](#)  
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**EXCLUSIVE:** Less than two weeks after [UTA](#) and [ICM Partners](#) won a dismissal of [Lenhoff & Lenhoff's](#) anti-packaging and antitrust suit, the boutique agency today asked the federal court to reconsider its decision, vacate the dismissal and maybe even allow a fourth amended complaint. And it wants to “subpoena and depose Sam Haskell, who is the former worldwide head of William Morris TV packaging.”

The filing today doesn't come as much of a surprise [as the plaintiff's primary lawyer promised when the dismissal was granted](#) on April 20 that Lenhoff & Lenhoff would seek an appeal.

“On January 28, 2016, six (6) days after Plaintiff filed its Third Amended Complaint (“TAC”) which was filed January 22, 2016, Charles Lenhoff, principal of plaintiff Lenhoff Enterprises, Inc., had a conversation with Sam Haskell,” says today's motion ([read it here](#)) seeking a June 13 hearing on the matter. “On that day, Mr. Haskell shared with Mr. Lenhoff significant information concerning the split of packaging fees for Scripted TV in the 1990s. Among other things, Mr. Haskell told Mr. Lenhoff that ‘split packaging’ started back in 1995/1996 when the studios/distributors were trying to eliminate packaging fees altogether. Mr. Lenhoff was told that at that time, William Morris TV, enjoyed the best packaging definition in the industry, which was five (5%) of the gross versus the other large agencies, which was either 2.5 % of the gross or 3% of the adjusted gross,” the nine-page filing goes on to allege of Haskell, who ran William Morris' TV packaging unit up until 2004.

“While Mr. Haskell was unwilling to tell Mr. Lenhoff in that conversation which studio/network executives were pushing to eliminate packaging fees, he did say that ‘we’ (i.e., William Morris TV) agreed to reduce their fees, so that ICM, CAA, Endeavor and Paradigm would have the same terms and worked out a system for splitting the packages,” the motion continues, not mentioning UTA. “During this process, Mr. Haskell told Mr. Lenhoff that he (Haskell) was responsible for spearheading a coordinated effort by Agencies CAA, ICM, Endeavor and Paradigm to split packaging and for a set price. Mr. Haskell said that, during the two-year period of 1995 and 1996, he was speaking, daily, with Nancy Josephson of ICM, Lee Gabler of CAA, Sam Gores of Paradigm, and Ari Emanuel of Endeavor. This culminated in an agreement whereby William Morris TV reduced its fees and where all of the above agencies had the same terms.”

The case was first filed in February 2015 and arose out of two producer clients of Lenhoff & Lenhoff allegedly being lifted by UTA and ICM Partners. Since then, the sometimes-sprawling case has seen [claims dismissed](#) on previous occasions as well as several amended complaints and [the entire antitrust claims tossed by the courts](#) in September.

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The seemingly over legal action had also seen claims of the so-called “uber” agencies [acting like a cartel](#) in Lenhoff & Lenhoff's second amended complaint last fall. Essentially, the plaintiff allege that ICM Partners and UTA — along with CAA and WME — have engaged in a conspiracy to restrain trade and create an oligopoly. There also was a filing earlier this year that said that UTA, ICM Partners, WME and CAA were responsible for the lack of diversity in Hollywood because of their packaging deals.

Philip J. Kaplan of the Wilshire Boulevard-based Law Offices of Philip J. Kaplan has represented Lenhoff & Lenhoff in the matter. Bryan Freedman and David Marmorstein of Freedman and Taitelman LLP plus Steven Marenberg and Melissa Rabbani on Irell and Manella LLP have represented UTA in the case. Michael Garfinkel of Perkins Cole LLP has represented ICM Partners. Full disclosure: Freedman has preformed legal duties for PMC, Deadline's parent company.

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