

No Decision Yet On Status Of UTA Vs. CAA Agent Poaching Suit


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 by [Dominic Patten](#)

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Nearly a year and a half after [UTA grabbed five senior CAA comedy agents](#) in what the latter [called an “illegal” snatching](#), the two uber-agencies battled it out again in a Santa Monica courtroom today — but neither scored the desired TKO.

Despite the best efforts on the part of lawyers for both sides, there was no ruling on whether the case will stay in open court or be shifted to arbitration as [CAA](#) wants. LA Superior Court Judge Nancy Newman said Friday that she wanted more time to consider the matter and requested UTA and CAA submit more material on their respective arguments. A hearing has been set for September 2.

Also part of today’s action, another amended complaint from UTA upped the stakes in the already very personal and high-wire action with firecrackers of wanting to grab more CAA agents if it can. “UTA also wishes to compete for the services of other CAA agents who have executed documents that, alone or in combination, purport to bind them to employment with CAA for continuous periods in excess of seven years,” says the August 1 cross complaint from UTA lawyers at Freedman + Taitelman, LLP ([read it here](#)). “There is no basis for CAA to bind its employees to prolonged employment expressly barred under California law,” the filing adds.

The “seven-year rule” has been at the heart of UTA’s contention that it did nothing wrong last spring. By that logic, CAA agents like Jason Heyman, Martin Lesak and Nick Nuciforo were totally within their rights to make the move they made. UTA also has said that documents will show the agents in question clearly fell under that famed Hollywood rule. CAA says the matter should be adjudicated under the arbitration clauses in the three said agents’ employment contracts.

In what resulted in a total of 10 comedy agents leaving CAA for UTA in March 2015 and the subsequent follow of a number of their big clients, their former agency instigated the legal action [on April 2 last year](#). That multi-claim complaint was [followed by a first amended complaint](#) in September. A [second amended complaint](#) filed on May 20 this year by CAA, which slammed UTA CEO Jeremy Zimmer as well as UTA General Counsel and COO Andrew Thau and UTA Associate General Counsel Michael Sinclair as being directly involved in procuring the likes of Greg Cavic, Greg McKnight and others.

[UTA hit back on May 31](#) with a response that pulled in CAA’s Richard Lovett as the very active and hotel-lurking architect behind the specific process” through which that agency has been poaching executive talent from others itself for decades. “Forget the days of Michael Ovitz and *The Art of War*, CAA has a new company handbook: *The Art of Whining*,” the response said of CAA’s umbrage at a process UTA alleges the once Ovitz’s run agency essentially perfected.

As this aspect of the battle between the two agencies has been playing out somewhat in public, the matter also is being dealt with in arbitration — where elbows have been very sharp, I hear. After a tentative ruling not in UTA’s favor, Judge Newman today denied the agency its move to seek a new arbitrator in the form of a former judge. As all this goes on, a possible trial start date of December 12 is still penciled in on the calendar, if it really gets to that.

CAA is repped by Tony Oncidi of L.A. firm Proskauer Rose LLP. Bryan Freedman, Sean Hardy and Brian Turnauer of Freedman + Taitelman, LLP are representing UTA as are Miles Feldman and Rich Frey from Venable LLP (Full disclosure: Freeman + Taitlman LLP have represented Deadline’s parent company PMC in various legal matters.)

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