

# Hollywood, Esq. the intersection of entertainment and law

POWER LAWYERS

POWER BUSINESS MANAGERS

TOP ENTERTAINMENT LAW SCHOOLS

JAN  
3

## Hollywood Docket: Motley Crue's 'Drum Ring' Isn't Stolen Trade Secret

11:14 AM PST 1/3/2014 by Eriq Gardner

A roundup of entertainment law news including a possible Terrence Malick settlement and "Y.M.C.A." in French.



*Motley Crue*

**Motley Crue** and drummer **Tommy Lee** have prevailed in a strange lawsuit that proposed that a drum stunt used on the band's 2011 tour was taken from an onstage "rollercoaster" proposal 20 years earlier.

The plaintiff in the lawsuit was **Howard Scott King**, who claimed that he had come up with an idea for a "Tommy Lee Loop Coaster." As the complaint described the apparatus: "Lee would play his drums on a platform on wheels which would follow the track until Lee was in an upside down position playing the drums and he would continue playing the drums as the platform followed the track in a complete loop."

King further alleged that in 1991, he worked with an engineering company and agents for the band. He said he delivered a proposal but heard no response. He sued after watching a "drum ring" on the 2011 tour.

Last month, L.A. Superior Court Judge **Lisa Cole** dismissed the lawsuit.

She ruled that King's idea was not a trade secret "as he failed [to] take reasonable steps to maintain

confidentiality, including handing the idea over to Lee, the proposed purchaser, without securing an NDA or any promise not to use the idea without compensation."

**STORY: Hollywood's Top 10 Legal Disputes of 2013** (<http://www.hollywoodreporter.com/thr-esq/hollywoods-top-10-legal-disputes-667509>)

The judge also determined that the drum ring was "independently developed" and that King didn't in fact submit the proposal to Motley Crue, represented by attorneys at Miller Barondess.

The decision ([read in full here](http://www.scribd.com/doc/195563401/Drum-Circle) (<http://www.scribd.com/doc/195563401/Drum-Circle>)) echoes the famous legal principle that a man who blurts out his idea without having first made his bargain has no one but himself to blame.

In other entertainment law news:

- An investors' lawsuit over **Terrence Malick's** *Voyage of Time* could be on the verge of settlement. In July, Seven Seas Partnership sued Sycamore Pictures for breach of contract, [alleging](http://www.hollywoodreporter.com/thr-esq/terrence-malick-movie-investors-sue-589780) (<http://www.hollywoodreporter.com/thr-esq/terrence-malick-movie-investors-sue-589780>) that the Oscar-nominated director was supposed to direct two 45-minute Imax films and a 90-150 minute feature-film version of a project portraying the events of our cosmic history. The investors said that Malick had become distracted on other work. Malick's company then filed counterclaims accusing the investors of concocting its story to cover up running out of funds. The parties recently told the judge that they are working diligently to draft a settlement agreement around parameters discussed before the judge at a November hearing. They say there are still "open items," but have proposed scheduling delays with an eye on updating the situation before Jan. 20.
- Another dispute being settled is a class-action lawsuit against Warner Music Group from recording artists who allege they were underpaid on digital downloads. The plaintiffs led by Sister Sledge members objected to music on outlets like iTunes being treated as "sales" instead of "licenses." Because of the distinction, Warner Music shared only 6 to 20 percent of royalties instead of a 50-50 split under a licensing framework, which the artists argued was appropriate with no packaging costs. Warner [has submitted](#)