

Media & Entertainment Group Of The Year: Gibson Dunn

By **Kevin Stawicki**

Law360 (December 14, 2020, 11:02 PM EST) -- Gibson Dunn & Crutcher LLP led AMC to a victory against producers of "The Walking Dead" who wanted more of the show's profits, notched a win for Rachel Maddow and MSNBC in a defamation suit by One America News Network, and represented Mary Trump in her family's attempt to block her tell-all book, earning the firm a spot as one of Law360's 2020 Media & Entertainment Groups of the Year.

Boasting about 200 attorneys, Gibson Dunn's media, entertainment and technology practice group prides itself on the ability to collaborate with other platforms across the firm, said practice group partner and co-chair Orin Snyder.

"None of our practice groups operate in silos or as separate divisions," Snyder said. "We really are subject matter experts but then we work broadly throughout the firm and the platform when needed."

Another differentiating factor is the firm's representation of an unusually wide cross-section of media companies, Snyder said.

"We have a media and entertainment practice that's represented the leading traditional media companies and also the leading internet media companies," he said. "I don't think any other firm represents as many clients across the traditional and new media sectors."

A strong bicoastal presence is another example of how the firm is able to stand above the competition, said Gibson Dunn's Scott Edelman, another co-chair of the practice group.

"The fact that we have strong practice groups both in New York and Los Angeles enables us to attract a lot of deals and cases where that platform is really important to clients," Edelman said.

That winning strategy has allowed the team to work on cutting-edge cases, such as defending AMC Networks in a suit by producers of "The Walking Dead" alleging they were shorted on profits from the show and two spinoffs because AMC took advantage of the fact that it is both the production company and the network behind them.

A California state judge in July granted AMC an early victory following a "mini-trial" focused on contract



interpretation. A judge found that the contract unambiguously said AMC "shall" define how to calculate, essentially, the show's revenue.

The case ultimately came down to defining obscure terms and conventions for a judge who didn't have a lot of experience in the industry, Edelman said.

"Our theme was that the contract says it all," he said. "They wanted to present a case based on what they contended was industry custom and practice. We tried to come back to the language of the contract."

A notable moment in the case was cross-examining lawyers on the other side who craft entertainment contracts for a living, Edelman continued.

"Some of the concessions we got from opposing counsel made for the most compelling testimony in the case," he said. "It was not only from the other side but from, in a way, an industry expert from the other side."

The firm also helped MSNBC's Rachel Maddow and the network to defeat a defamation claim brought by the owner of One America News Network.

A California judge ruled that the host's on-air statement that OAN "literally is paid Russian propaganda" is shielded by California's anti-SLAPP law designed to protect against so-called "strategic lawsuits against public participation" that target the exercise of free speech rights.

"It had a little bit of everything," Edelman said. "It had Russia. It had a broadcast network as far to the right as you can get that makes Fox News look like a flaming liberal network."

The case is currently on appeal at the Ninth Circuit.

In another high-profile case, the firm represented President Donald Trump's niece Mary Trump in her family's attempt to prevent the publication of her book "Too Much and Never Enough: How My Family Created the World's Most Dangerous Man."

A federal judge lifted a temporary restraining order in July, finding that blocking the book's release would be an unconstitutional "prior restraint on free speech."

In addition to litigation, Gibson Dunn's media, entertainment and tech group also worked on a number of key deals that ballooned during the coronavirus pandemic as more people found themselves consuming media at home.

One of the most significant deals was the firm's representation of Eros International, a global Indian entertainment company, in its merger with STX Entertainment to create the first publicly traded, independent content and distribution company that reaches throughout the U.S., India and China.

"This company is thinking very hard about seeing if their content can sell across borders," said Gibson Dunn's Kevin S. Masuda, who also co-chairs the media, entertainment and technology group.

"If you think about the content being able to translate well into different territories, there is a lot of India content that can translate well into China," he said. "A lot of the U.S. content doesn't perfectly sell

or translate well into different platforms."

The firm also guided SpringHill Entertainment, founded by LeBron James and Maverick Carter, in a merger with digital sports programming network Uninterrupted.

--Additional reporting by Dorothy Atkins and Craig Clough. Editing by Jay Jackson Jr.

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