

Daily Journal

SEPTEMBER 15, 2021

TOP 100 2021

LAWRENCE Y. ISER

KINSELLA WEITZMAN ISER
KUMP HOLLEY LLP
SANTA MONICA
ENTERTAINMENT LITIGATION

— TOP 100 —



Iser represents leading show business figures and entertainment industry clients in intellectual property and business litigation.

“We’ve been lamenting the lack of trials,” he said in early August as the pandemic’s resurgence forced him again to put back until after Labor Day the time

when he could fully reopen the firm’s offices. “Judges seem to really like going remote—I think it’s every judge’s dream to be able to just push a button and the lawyers are gone. But after a year and a half, a closed office and no trials are getting really old. I miss the camaraderie of walking around the office.”

The pandemic caused Iser to again defend longtime client SeaWorld Parks & Entertainment Inc. in a suit claiming that SeaWorld’s continued collection of monthly installment payments for its annual pass following the closure of the park due to Covid-19 violated California’s consumer fraud statutes. *Kouball v. SeaWorld Parks & Entertainment Inc.*, 3:20-cv-00870 (S.D. Cal., filed May 8, 2020).

“It was a putative class action,” Iser said. The judge granted his motion to dismiss in September 2020. “The plaintiffs took a complaint they used to go after health clubs and retooled it to use against Sea World. But Sea World promised as it closed to add time to its annual pass. The judge saw right through the complaint.” The plaintiffs’ appeal is set for oral argument before the 9th U.S. Circuit Court of Appeals on Oct. 20.

“I predict we’ll win,” Iser said. “This was an interesting attempt to capitalize on Covid, and it was outrageous to me.”

Iser represents songwriters Justin Raisen, Jeremiah Raisen and Justin Rothman in a highly-publicized suit and countersuit involving rapper and songwriter Melissa Viviane Jefferson, known professionally as Lizzo, over her hit song “Truth Hurts” in a case that may help define the issue of copyright co-authorship. *Jefferson v. Raisen et al.*, 2:19-cv-09107 (C.D. Cal., filed Oct. 23, 2019).

The countersuit alleges that—based on substantial musicological similarities between a previous version of the song and the released version that sold millions of copies—the Raisens and Rothman are co-authors entitled to credit and royalties.

“The question is how to measure the contributions of my clients to this song,” Iser said. “When it came out, they were not credited. Lizzo is essentially giving herself a license to create a work that derived from my clients’ work.”

— John Roemer