

## Judge Rules Against Black Promoters

Written by Robert ID682

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A New York U.S. District Court judge has ruled against four black promoters who had claimed they were discriminated against in the concert business.

The Jan. 4 summary judgment could bring to an end a six-year legal tangle that saw several agent and promoter defendants opt to settle out of court. Even so, a representative for the plaintiffs told Billboard that an appeal is planned.

The 176-page decision by Judge Robert P. Patterson Jr., said the plaintiffs failed to present evidence to support their antitrust claims or evidence of conspiracy in restraint of trade.

Creative Artists Agency and the William Morris Agency, along with independent promoters Jam Productions in Chicago and Beaver Productions in New Orleans, were among the remaining defendants in the case.

The Agency for the Performing Arts, followed by Variety Artists, Clear Channel Entertainment (CCE) and the Howard Rose Agency, had previously settled with the black promoters and were subsequently dropped from the suit. Sources said the settlements totaled in the tens of millions of dollars.

### "CONSPIRACY" CHARGED

In November 1998, the plaintiffs filed a \$700 million lawsuit against numerous booking agencies and concert promoters (most of the latter are now under the banner of industry titan CCE), alleging antitrust and civil-rights violations for "maintaining and profiting from a conspiracy to do business only with white promoters and to exclude black promoters."

"Because of an all-white concert promotion fraternity, the black concert promoters are systematically excluded from the promotions of concerts given by white performers . . . (and) top-drawing black performers," the suit alleged. All of the booking agencies and promoters named in the action are controlled by whites, the suit said.

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The plaintiffs added that "the entrenched racism and exclusionary practices in the concert promotion industry which this lawsuit seeks to remedy are a repulsive vestige of another era ... On some occasions, certain defendants have even ridiculed plaintiffs' demands, laughing in the plaintiffs' faces at the very suggestion of contracting with black promoters to promote concerts to be performed by white and major black artists."

But Patterson found no conspiracy to discriminate by any of the defendants. "The court concludes, after weighing all the evidence in this case and drawing all inferences in favor of the plaintiffs, that the plaintiffs have raised no genuine issue of material fact and that no rational trier of fact could find for plaintiffs on any of the myriad claims made in this action," Patterson wrote.

"Thankfully, the judge realized the same things we realized, that were trying to extort us and blackmail us," Jam co-president Jerry Mickelson said. "We feel fully vindicated. The court system really works."

The four promoter plaintiffs in the suit -- members of the Black Promoters Assn. -- were Rowe Entertainment in Atlanta (Leonard Rowe), Sun Song Productions in New York (Jesse Boseman), Summitt Management of Memphis (Fred Jones), and Lee King Productions of Jackson, Miss.

Rowe told Billboard that Judge Patterson's ruling was not the end of the suit. "We're disappointed with the court's decision, and ... we're working on an appeal," Rowe says.

In 2001, high-profile litigator Willie E. Gary joined the legal team representing the plaintiffs in their lawsuit. Gary is known for winning large damages for small businesses in cases against corporate giants.

[Source](#)