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Greenberg Traurig's Matt Rosengart Secures Litigation Victory for NBA Player Jimmy Butler Using Innovative Legal Strategy

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LOS ANGELES – May 3, 2021 – After a year of hard-fought litigation, global law firm [Greenberg Traurig, LLP](#) and Shareholder [Mathew S. Rosengart](#) achieved a rare “walkaway” victory for their client, Jimmy Butler of the Miami Heat, who was sued by his former sports talent agency over a \$5 million Nike shoe endorsement contract the agency claimed to have procured for Butler under a marketing agreement.

After the agency—Independent Sports & Entertainment, LLC (ISE)—sued Butler for approximately \$1 million in commissions under the marketing agreement, Rosengart pivoted from defense to offense, first asserting a cross-complaint against ISE for breach of contract and fiduciary duty and then filing suit against ISE before the California Labor Commission. Butler’s Labor Commission claim against ISE was brought under the California Talent Agencies Act, which makes it

unlawful for an unlicensed talent agency to procure employment for “artists” in the entertainment industry. The potential remedies for violations of the act include (i) the disgorgement of prior commissions paid by the artist to the agency and (ii) nullification of the parties’ underlying agreement.

Rosengart’s strategy in invoking the Talent Agencies Act on behalf of a professional basketball player against a sports agency, was described by parties and in court as “unprecedented,” “novel” and “innovative” because the act is typically invoked by actors, musicians or other “Artists,” not professional athletes; because it typically applies to unlicensed talent agents-managers, not sports agents; and because of the remedies sought against ISE, which had potential dramatic, negative consequences for ISE beyond ISE v. Butler.

As the litigation progressed, Rosengart subsequently obtained a stay, or freeze, of ISE’s discovery and its court claims against Butler, while also defeating ISE’s motion to dismiss the Labor Commission proceeding, which was based on the grounds that neither Butler nor ISE fell within the scope of the Talent Agencies Act because Butler was allegedly not an “Artist” and ISE was not an “Agent” under the scope or within the meaning of the act.

After the Labor Commissioner’s Special Hearing Officer effectively rejected ISE’s motion to dismiss—and ISE faced having its affirmative court claims frozen and a Labor Commission proceeding set to commence on August 3, 2021—ISE dropped its court claims and agreed to “walkaway,” dismissing its lawsuit against Butler. This presented Butler with a decisive victory rather than ISE facing what it described in court as the “dramatic” consequences presented by a Labor

Commission case.

In addition to Rosengart, Greenberg's team comprised Associates Michael E. McCarthy and Shellee Lindstedt and Of Counsel Todd A. Pickles.

A member of the Beverly Hills Bar Association's Board of Governors and a former federal prosecutor, Rosengart's practice focuses on complex commercial and media and entertainment litigation. He has been regularly recognized as one of the nation's leading entertainment litigators by both Variety and The Hollywood Reporter in their "Legal Impact" and "Power Lawyer" Reports, respectively.

About Greenberg Traurig: Greenberg Traurig, LLP (GT) has approximately 2200 attorneys in 40 locations in the United States, Latin America, Europe, Asia, and the Middle East. GT has been recognized for its philanthropic giving, diversity, and innovation, and is consistently among the largest firms in the U.S. on the Law360 400 and among the Top 20 on the Am Law Global 100. The firm is net carbon neutral with respect to its office energy usage and Mansfield Rule 3.0 Certified.

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