

Jimi Hendrix's Family Wants \$5M Over Stalled Sony Film Deal

By **Brandon Lowrey**

Law360, Los Angeles (October 16, 2014, 6:35 PM ET) -- A film producer who blocked a distribution deal with Sony Music Entertainment for a Jimi Hendrix concert movie owes the late rocker's estate \$5 million in expenses and the exclusive rights to the film's soundtrack, Hendrix's relatives argued Thursday at the start of a bench trial in Los Angeles.

During opening arguments, Hendrix estate attorney Edwin F. McPherson said the estate's partner in the film, producer Gerald Goldstein, doomed the project with pie-in-the-sky demands for a huge theatrical release and a budget of \$20 million for prints and advertising alone — far more than the \$2 million advance Sony had offered. Meanwhile, Hendrix's estate, Experience Hendrix LLC, remains unable to recoup \$5 million it spent on creating the film and suing The Times of London to prevent it from releasing bootleg copies of the soundtrack, he said.

The unreleased Hendrix concert film "is not 'Michael Jackson,' and it's not 'Titanic,'" McPherson told Superior Court Judge Mark V. Mooney. "If it were, there would have been more than one offer in the last 40 years to distribute it."

Goldstein retorted that Hendrix's estate is trying to push him into a hurried deal with Sony that would ruin his chances of receiving any money for the film and would end up putting it out on just a half-dozen screens.

The dispute stems from Goldstein's recordings of Hendrix performing two concerts at the Royal Albert Hall in London in 1969. Goldstein and the estate formed a joint venture in 2010 to complete and distribute a film of the concert, but the estate, which favors a "platform" release of the film in only a few cities, filed suit in May 2011, claiming it would never have agreed to invest in the project had it known Goldstein was unwilling to commit to anything short of a massive nationwide release.

The estate alleges that Goldstein, who had filmed two Hendrix concerts in London the year before the legendary guitarist's death, unreasonably rejected a distribution deal from Sony. It is asking to get out of the parties' agreement to produce a concert film from the footage and share the profits.

The suit sought rescission of the distribution agreement and recovery of the estate's investment. In papers filed ahead of the trial, Hendrix's estate said it wanted restitution for its expenses on the film.

Goldstein brought counterclaims against the estate in July 2013, alleging the estate had an exclusive agreement with Sony Music Entertainment to distribute the soundtrack that breached Goldstein's contract with the estate. Judge Mooney tossed those claims in August.

On Thursday, Goldstein's attorney Brent H. Blakely of Blakely Law Group argued that while Goldstein did hope for a big release, that shouldn't have come as a surprise to Experience Hendrix because he had been saying so all along.

He said the Sony deal, as he understood it, was meant to be a placeholder deal for use in an attempt for Goldstein and Hendrix to prove damages in the British litigation against the Times of London. Goldstein was surprised to find out later that Hendrix and Sony had continued their negotiations, he said.

Goldstein tried to delay the Sony deal so he could raise funds to secure a wider release, but Experience Hendrix refused to sign off on an extension, leaving him with no choice but to exercise his right to block the deal, Blakely said.

"Basically, they kicked the legs out from under Gerry," he said. "He always wanted the film to be big. He has one shot to do this film and do it right."

Instead, Blakely argued, Hendrix's estate was trying to cram the deal down his throat so it could sell the audio recordings.

Experience Hendrix is represented by Edwin F. McPherson and Tracy B. Rane of McPherson Rane LLP.

Goldstein and Last Experience are represented by Brent H. Blakely and Michael Marchand of Blakely Law Group.

The case is Experience Hendrix LLC v. The Last Experience Inc. et al., case number BC460695, in the Superior Court of California, County of Los Angeles.

--Editing by Kat Laskowski.

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