

## Litigator of the Week: Dan Wall

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23 May 2016



Unusually, Latham & Watkins partner Dan Wall was able to defeat two requests for preliminary injunctions in separate cases within the same week earlier this month. For that, he's our Litigator of the Week.

Wall represents Live Nation and subsidiary Ticketmaster in Songkick's antitrust lawsuit against them.

Songkick alleges that they have attempted to eliminate rivals in the pre-sale ticket market, and that demand for tickets to live music concerts has declined because of Live Nation's high fees. However, the company has continued to flourish, Songkick says, through methods including "securing its long-term exclusive dealing contracts with concert venue operators" and "acquiring, merging with, or destroying rivals".

On 11 May, Judge Dale Fischer in the District Court for the Central District of California granted Live Nation's motion to dismiss, and rejected Songkick's request for a preliminary injunction stopping Live Nation from requiring it and artists to pay concert promoter service fees in order to receive a certain number of tickets for artist presales.

In her memorandum denying the preliminary injunction, Judge

Fischer said the plaintiff failed to demonstrate irreparable harm in the absence of preliminary relief.

Wall had another victory on 13 May, this time in the US District Court for the Northern District of California, when Judge Maxine Chesney denied a request for a preliminary injunction in a putative class action case against major airlines.

Antitrust plaintiff's attorney Joe Alioto filed a complaint in April claiming announcements by American Airlines, Delta Air Lines and United Airlines that multi-city round-trip itineraries would now be charged at higher prices than if they were bought as a series of one-way flights was the result of a conspiracy.

The judge's decision was filed following a hearing; Wall, who acted for the airlines, said he argued before Judge Chesney for 30 minutes, while Alioto argued for an hour and a half.

"What I was able to do was point out that almost everything he was saying was rhetoric without any proof," Wall said.

Wall said motions for preliminary injunctions don't come along that often in antitrust cases.

"And when they do, they tend to be spaced out by months if you're lucky to have a couple of them," he said. "It was an unusual week, for sure."

"It would have been months before we, as the defendants, would have really had an opportunity to lay out our position and try to convince the judge that we were in the right," Wall said. "But the preliminary injunction motions gave us a chance to do it right away."