

Litigator of the Week Runners-Up and Shout-Outs

By Ross Todd
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► An appellate team at **Latham & Watkins** helped the North American Concert Promoters Association—an industry group that represents most of the live concert promotion industry in the U.S., including Live Nation and AEG Presents—revive litigation over the royalty rate owed to Broadcast Music Inc., one of the nation’s largest performing rights management organizations. The Second Circuit [this week tossed](#) out a lower court decision setting the rate at .5% of NACPA gross revenues for 2018 to 2022, finding, among other things, that it was based on an “unprecedented departure from the industry-standard definition of ‘gross revenue’” without justification. The Latham team representing NACPA was led by **Andrew Gass**, who argued the appeal, partners **Joe Wetzel**, **Samir Deger-Sen**, **Jennifer Giordano** and **Sy Damle**, counsel **Molly Barron** and associates **Leah Wisser**, **Blake Stafford** and **Nicolas Luongo**, along with co-counsel at Weil, Gotshal & Manges including Benjamin Marks and Sarah Sternlieb.

► Shout-out to a team at **Latham** that helped Apple Inc. and two of its largest iPhone retailers, Walmart and Best Buy, fend off the first attempt to apply a 1984 Washington state law aimed at wired telephones to modern smartphones. U.S. District Judge Benjamin Settle in Tacoma this week [granted the defendant’s motion](#) to dismiss, finding that iPhones qualify as “radio equipment” under Washington’s Telephone Buyers’ Protection Act—meaning the companies do not have to make warranty and repair disclosures at the time of sale required of sellers of telephone handsets or keysets. The Latham team included partners **Melanie Blunski**, **Nicole Valco** and **Nathan Sandals** and associates **Aamir Virani** and **Samantha Kaplan**.