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TOP 100 LAWYERS IN CALIFORNIA 2017

LITIGATION

Marvin S. Putnam

LATHAM & WATKINS LLP | LOS ANGELES

SPECIALTY: ENTERTAINMENT, SPORTS & MEDIA

During the 2016 U.S. presidential campaign, the infamous leaked Access Hollywood tape caught candidate Donald Trump bragging about groping women. Putnam got the call to serve as counsel to MGM and Mark Burnett Productions regarding the legal and strategic response to public demand for the release of unaired footage from the 14 seasons of “The Apprentice,” which allegedly included more incidents of misbehavior by Trump, the show’s host.

“That was a very busy time,” Putnam said. “There was a lot done behind the scenes I can’t discuss, but there were a number of ways people came out to challenge him. As we have seen, he wanted to throw the First Amendment under the bus, but we were focused on the obligation entities like my clients have toward talent. You have to abide by your contracts.” The pressure was largely aimed at MGM, which owns “The Apprentice,” and Burnett’s production company, which is the original owner and producer of the reality series.

The demands were intense, Putnam said. They included major online petitions

for release of footage by MoveOn.org and others, public rebuke by the likes of media mogul Barry Diller, and threatened litigation by Gloria Allred. “Stuff was coming in hourly. Everybody wanted unreleased material,” Putnam said.

His deft handling defused the flap. “Nothing was released, and my clients did what they were supposed to do, with my help,” Putnam said.

For Beyoncé he’s currently handling a trio of trademark and related challenges. In the Southern District of New York a group claiming to be fans have sought to capitalize on the notoriety of her hit “Single Ladies (Put a Ring on It)” by selling mugs, T-shirts and other merchandise bearing a “FEYONCE” mark, a misspelling of “fiancé” intended to evoke the song. “Our cease and desist letters almost always work, but not with everyone,” Putnam said. *Knowles-Carter v. Maurice*, 1:16-cv-02532 (S.D. N.Y., filed April 5, 2016).

In two other cases in the Eastern District of Louisiana and the District of Minnesota, Putnam is fending off claims of copyright infringement for phrases or visuals



Beyoncé has used in musical productions. “These are clearly fair use matters, and my client doesn’t settle. Otherwise she’d have a target forever on her back,” Putnam said.

— John Roemer