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Pryor Cashman Settles "Urinetown" Lawsuit

Pryor Cashman clients, including director John Rando, choreographer John Carrafa, lighting designer Brian MacDevitt, scenic and environmental designer Scott Pask and costume designer Gregory Gale – the Tony-award-winning production team from the original Broadway production of *Urinetown: The Musical* – have settled their copyright infringement and unfair competition lawsuit against the Carousel Dinner Theatre and its production team. The lawsuit was based on the Akron, Ohio-based theatre's production of *Urinetown* which ran in 2006, after the close of the Broadway production.

On July 2, 2008, Andrew Gans's article, "Akron *Urinetown* Lawsuit Settled," appeared on Playbill.com. As reported by Gans:

"A lawsuit between the Carousel Dinner Theatre, which had mounted a production of the Broadway musical *Urinetown*, and the creators of that musical – including director John Rando and choreographer John Carrafa – has been settled.

"A July 2 statement released by the Society of Stage Directors and Choreographers says that the parties involved in "Carousel Dinner Theatre v. Carrafa, at al." have settled their differences in the case that was pending before the Federal Court in the Northern District of Ohio.

"According to a statement, "The Carousel Dinner Theatre, Sean Cercone, Brian Loeffler, Jennifer Cody, Robert Kovach, Dale Dibernardo, and Paul Black (collectively, the 'Akron Production Team') acknowledge that there were similarities in creative, original elements between the Akron production of *Urinetown: The Musical* and the Broadway production of director John Rando, choreographer John Carrafa, lighting designer Brian MacDevitt, costume designer Gregory Gale, and scenic and environmental designer Scott Pask (the 'Broadway Production Team'). The Akron Production Team also acknowledges creative contributions from the Akron cast."

"The Akron Production Team will pay an undisclosed sum to the Broadway Production Team for a license to use elements of the Broadway production that were incorporated into the Akron staging. Both parties, according to the statement, "regret any embarrassment or negative inferences caused by or resulting from this dispute. ... The parties [also] regret any suggestion that anyone associated with either group acted maliciously."

"The controversy began Nov. 13, 2006, with a letter from Ronald H. Shechtman, a lawyer for the Broadway team, to two regional productions of *Urinetown* (the Carousel Dinner Theatre in Akron, OH and the Mercury Theatre in Chicago, IL) accusing both of using "significant aspects of the Broadway Team's original, creative work." The letter said that while the productions had the license to use the *Urinetown* script and songs, that license did not permit them to use the Broadway direction, choreography and design. The letter accused the productions of violating copyright law and laws against unfair competition, among others, and asked for the productions' accounting figures to "determine an appropriate license fee and damages."

"The Carousel Dinner Theatre then sued the Broadway team. The suit, filed Nov. 22, 2006, in U.S. District Court for the Northern District of Ohio, asked the court to declare that the Akron production was "not substantially similar" to the Broadway production and did not violate any laws. "We want an acknowledgement that the work done in Akron was original and didn't violate anybody's creative rights," Terrence L. Seeberger, a lawyer for the Akron production, said at the time.

"The Chicago lawsuit was settled in November 2007."

The protectibility of stage direction, choreography and other original, creative elements of a theatrical production took "center stage" in this litigation as did the need for a license for the use of such works. Numerous articles, including law review articles, have referenced this dispute, raising awareness and intensifying discussion about the intellectual property rights of these creators in the theater community.

The Pryor Cashman team consisted of partners Ronald H. Shechtman and Ilene S. Farkas, along with associate Mona Simonian.

To read the article from Playbill.com, please [click here](#). To read the article which appeared in *Daily Variety* on July 2, 2008 by Gordon Cox entitled "Broadway's 'Urinetown' Lawsuit Settled - Ohio Production Accused of Plagiarizing," please [click here](#).