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## **Pryor Cashman Wins Dismissal of Idea Misappropriation Claim on “So You Think You Can Dance” Reality TV Series**

Pryor Cashman has won another round in a California Superior Court case alleging that its clients, Fox Broadcasting, Dick Clark Productions and 19 Entertainment, had misappropriated the idea for the dance-themed reality contest program *So You Think You Can Dance*.

The plaintiffs in the case claimed that they had submitted a detailed treatment for their concept to Martin Erlichman Associates, management for Barbra Streisand, to bring to Creative Artists Agency for shopping around the industry. Plaintiffs alleged that their concept, which was in the genre of 19 Entertainment’s *American Idol*, was then passed on to one or more of the defendants through CAA.

Claiming that the elements of Pryor Cashman's clients’ program matched their written concept, plaintiffs had previously asserted various claims, including breach of implied-in-fact contract and unfair business practices. After Pryor Cashman had succeeded in having the first amended complaint dismissed on a demurrer, the California Court of Appeals held that the plaintiffs should have been allowed to file a second amended complaint.

After plaintiffs filed their second amended complaint, Pryor Cashman once again moved to have it dismissed. On July 8, 2009, the Superior Court sustained the firm’s demurrer to the second amended complaint, dismissing with prejudice all of the claims against the firm’s clients.

Pryor Cashman Litigation partners James Janowitz and Tom Ferber, of counsel Mike Niborski and associate Nia Castelly represented Fox, Dick Clark Productions and 19 Entertainment.