

# Supertramp Royalties Deal 'Smart Move,' Doors' Manager Says

By **Craig Clough**

Law360 (February 22, 2024, 10:54 PM EST) -- The manager of The Doors and Jefferson Airplane testified Thursday in a California federal breach of contract trial between former Supertramp members that the songwriting royalty agreement at the center of the case looks like a "smart move" and that songwriters often share royalty proceeds with non-writing band members.

Jeffrey Jampol, who is the CEO of JAM Inc, testified as an expert on the music industry for three former Supertramp members suing former member Roger Hodgson for allegedly breaching their decades-old deal for him to share portions of his songwriting royalties with them.

Jampol, who also manages The Mamas & Papas and the estates of Juan Gabriel, Jim Morrison, Janis Joplin, Charlie Parker and John Lee Hooker, said royalty sharing with non-writing band members is common in the industry for successful bands and is the product of musical acts in the mid-1970s realizing that there was a lot of money to be made by charging more for concert tickets, using the example that a ticket to see the Rolling Stones in the early 70s cost \$7.50, but by 2013 at the same venue was \$750.

As bands realized fans were willing to pay top dollar to see the acts they love, they also realized that their value could be diluted because fans would want to see the "original" lineup, Jampol said.

"As tickets became more expensive, it became more of a value proposition," Jampol said. "So when fans come, they have some expectation. They want to hear the songs the way they hear them on the radio. They want the original members of the band. They want to get what they're getting. If it's a five-member band, and only one or two guys are only original, it's like, you feel cheated."

Bands became motivated to keep non-writing members "happy," Jampol said, adding that when he examined the Supertramp deal he thought "it was very normal. And I also thought, 'Smart move. Smart move on behalf of the band to do that to keep the band together.'"

As the first two witnesses in the trial that **began Tuesday**, plaintiffs Robert Siebenberg and Douglas Thomson testified that by 1977 the band had sold millions of records and toured the world but that the non-writers in the band were struggling financially because the contract with their record company allowed it to take back much of what the band earned in record sales and from concerts.

Both said they approached Hodgson about sharing his songwriting royalties, which resulted in the 1977 sharing agreement, although Thomson said he has no memory of actually signing the deal or any conversations about it beyond his initial talk with Hodgson in 1975.

Siebenberg **said** he had more specific memories, including a meeting at their attorney's office where Hodgson and co-writer Roger Davies agreed to the sharing deal, with Hodgson saying he wanted a "happy band."

Neither side told the jury during opening statements how much the plaintiffs may be asking for in damages. According to a 2023 ruling by U.S. District Judge André Birotte Jr., who is overseeing the trial, the plaintiffs allege they routinely received around \$100,000 each per year in royalties from 1977 through 2018.

Alan S. Gutman of Gutman Law, who represents Hodgson and co-defendant Delicate Music, cross-

examined Jampol, using some sarcasm early on to highlight that the acts he manages are long removed from their heydays while trying to paint him as not much of an expert on how active bands operate.

"Let's talk about some of the acts you manage," Gutman said. "The Doors, it must have been great meeting Jimmy Morrison, huh?"

"He was not alive when I took over management of the band," Gutman said, later explaining that Morrison died in 1971, and he became the band's manager in 2001.

Gutman also said he recalled seeing Jefferson Airplane as one of his first concerts in the 1970s.

"Have you been managing the Jefferson Airplane since the '60s, then?" Gutman asked.

"No, I was a child," Jampol said, adding that he started managing Jefferson Airplane and its later iteration, Jefferson Starship, about eight or nine years ago.

John Helliwell, Thomson and Siebenberg filed their lawsuit in Los Angeles Superior Court in 2021 against Hodgson, Davies, Delicate Music, Universal Music Corp., Universal Publishing Group and The American Society of Composers, Authors and Publishers, and the suit was later moved to federal court.

The Universal entities and the American Society of Composers, Authors and Publishers were eventually dismissed from the suit. Davies reached a settlement with the plaintiffs in 2023. He is not expected to testify at the trial.

The trial is scheduled to resume Friday.

The plaintiffs are represented by David M. Given and Nicholas A. Carlin of Phillips Erlewine Given & Carlin LLP.

The defendants are represented by Alan S. Gutman and Matthew E. Hess of Gutman Law.

The case is Douglas Campbell Thomson et al. v. Charles Roger Pomfret Hodgson et al., case number 2:21-cv-08124, in the U.S. District Court for the Central District of California.

--Editing by Rich Mills.