

THE ROLLING ROCKS

General Information

Background

The Rolling Rocks are a heavy metal band who were hugely successful in the 1970's but who broke up amongst a lot of bad publicity in 1986. By then their popularity had waned although two of the group, Rick and Dave, continued the name and did occasional gigs around the UK. In 1990 Charlie, the ex-drummer who had also written several of the 'songs' that caused the group to rise to fame, contacted the group's manager (Marty Wiseman) because Charlie had fallen on hard times and needed some money. Marty arranged for Charlie to be paid £250,000 in lieu of future royalties on record sales and sheet music, the copyright of which was transferred to RD Limited, Rick and Dave's business name. A similar deal was done with the fourth member of the old group, although for less money as he had not written any of the group's material.

Rick and Dave, with two new members, kept the Rolling Rocks name alive through the nineties and are now enjoying a huge revival. Their 'Greatest Hits' compilation was in the charts for nearly a year and tracks are still being played most days on the popular radio stations. Rolling Rocks have done a Farewell Tour around the world (well, Australia and the UK) and a subsequent Revival Tour on the back of a top ten hit last year. Suddenly the ageing Rollers are in the money, and revelling in their belated fame. A Wembley concert is planned for next year and they have been booked to top (well, almost) the next Glastonbury Festival line-up.

The dispute

Six months ago Marty received a letter from a solicitor acting for Charlie and claiming nearly £1 million for outstanding royalties and other payments. Marty's response was a curt "get lost". A further letter 'before action' followed and Marty eventually had a meeting with the lawyer and Charlie, stressing that there was no more money and that Charlie had been given a very generous pay-off at a time when the group were really struggling, and that there was no reason to pay any more just because the group were successful. Charlie may feel that it is tough but, as Marty put it, "that's hard cheese" – or was it "tough bananas"? Marty couldn't remember, but the message was the same.

Charlie's lawyer was not deterred and legal action has commenced. The claim is of several parts:

- The 1990 Agreement should be void because it was signed under duress.
- In any case the Agreement didn't include the xxxrevenues (from broadcasting and live concerts).
- The 1990 Agreement did not include royalties for the 'songs' written by Charlie before s/he joined the Rolling Rocks. Some of those 'songs' are on the Greatest Hits album.

Charlie and the lawyer have entered into a CFA (Contingency Fee Agreement) which means that the lawyer gets no fee unless Charlie is successful (successful being a settlement, whether in court or out). They also have taken out legal costs insurance, which means that Rick and Dave's legal costs are covered if Charlie should fail in the action. Charlie therefore has little to lose – and all the time in the world – in pursuing the claim.

Attending the Mediation

Rick and Davie are on holiday in the Maldives and so Marty Wiseman is attending in their place with their lawyer.

Charlie is attending with his/her lawyer.

Mediator (and Assistant?)

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