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Live Nation Accused Of Withholding Springsteen Tickets

By David McAfee

Law360, Los Angeles (April 17, 2014, 8:15 PM ET) -- A consumer hit Bruce Springsteen promoter Live Nation Entertainment Inc. with a proposed class action in New Jersey federal court on Thursday, accusing the ticketing giant of withholding concert tickets and forcing fans into a secondary market where they were forced to pay inflated costs.

Named plaintiff Marilyn Forst, who hopes to represent those similarly situated, says Live Nation and its affiliates owe damages for withholding more than 5 percent of the concert tickets in question from release to the general public, which is against New Jersey consumer protection laws.

The concerts were part of Bruce Springsteen and the E Street Band's 2012 Wrecking Ball Tour, including two shows in April 2012 and three in September 2012, which all took place in New Jersey, according to the suit.

Forst says the defendants had deals with brokers to purchase large blocks of tickets for the concerts before those tickets were offered to the public, in violation of the New Jersey Consumer Fraud Act.

"We brought this case to enforce the law that requires the venue to sell 95 percent of tickets to the public," Bruce H. Nagel of Nagel Rice LLP, counsel to the plaintiff, told Law360 on Thursday. "This was not done, and the violators must pay huge damages under the Consumer Fraud Act."

Thursday's lawsuit raises allegations that Live Nation and other defendants kept more Bruce Springsteen tickets out of the hands of the public than what was legally allowed. The plaintiff seeks to represent those who couldn't afford to buy tickets for any of the five concerts at prices higher than face value, according to the suit.

On Jan. 27, 2012, Forst bought two tickets to Bruce Springsteen and the E Street Band's tour on April 3, 2012, at the Izod Center in East Rutherford, N.J. Forst paid \$225 per ticket, plus \$56.95 in additional fees, which she says was "far in excess of the face value of the tickets," according to the complaint, asserting claims for violation of the New Jersey Consumer Fraud Act and unjust enrichment.

According to Forst, the class consists of potentially thousands of ticket buyers who were "victimized by defendants' unlawful practices."

Forst seeks injunctive relief, damages and compensation to all class members from the defendant under the New Jersey Consumer Fraud Act, interest, disgorgement, costs of suit, treble damages and attorneys' fees.

Representatives for the parties didn't immediately return requests for comment on Thursday.

The plaintiff and putative class are represented by Bruce H. Nagel of Nagel Rice LLP.

Counsel information for the defendants wasn't immediately available.

The case is Marilyn Forst v. Live Nation Entertainment Inc. et al, case number 3:14-cv-02452, in the United States District Court for the District of New Jersey.

--Editing by Christine Chun.

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