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Recording Lawsuit Trial Begins in Firm's \$40 Million Suit Involving Various Recording Artists

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LOS ANGELES (CNS) - Two recording companies quarreling over the rights to earnings from such artists as Toni Braxton and JoJo took their dueling litigation to trial today, with the plaintiffs asking a Los Angeles jury for \$40 million.

Hiphoplads Ltd. of Great Britain sued U.S.-based label Blackground Records in Los Angeles Superior Court in June 2007, alleging breach of contract and fraud.

According to the court papers, in March 2007 Unique Corp. Ltd., also of Great Britain, assigned to Hiphoplads contractual rights that it had with Blackground, then filed for bankruptcy three months later.

The Blackground-Unique Corp. contract, signed in November 2002, granted Unique the exclusive right to distribute Blackground's recording catalog for three years beginning in January 2003 in exchange for a \$1.4 million advance to Blackground, according to Hiphoplads' lawsuit. The agreement was extended for an additional year in March 2004.

But during the 2004 contract extension talks, Blackground owner Barry Hankerson and company attorney Kendall A. Minter did not tell Unique Corp. officials that Braxton and JoJo were signed to Blackground, prompting Unique to waive its rights to any recordings made by the two singers, the suit states.

"This was a fraudulently obtained amendment," Hiphoplads attorney Pamela Koslyn told the nine-man, three-woman jury in her opening statement.

Unique's management did not find out that Braxton was signed to Blackground until February 2007, well after the 2005 release of her CD "Libra," and similarly were unaware of JoJo's affiliation with Blackground until her self-titled first CD was released in Great Britain in October 2004, according to the suit.

In addition, Blackground delivered various recordings of other artists to Universal Music Group and a British affiliate that it was obligated to give to Unique Corp., including a compilation of songs by the late Aaliyah, Tank, Ashley Parker Angel and Timbaland's hit CD "Shock Value," according to the suit. Blackground denied the allegations and in December 2007 countersued Hiphoplads, alleging failure to provide royalty statements. That portion of the case is also currently being tried.

In his opening statement, defense attorney Rickey Ivie said it was Unique that broke its promises to Blackground by not providing accounting information on royalties. He also said Unique was not deceived by fraud to waive its rights to recordings by Braxton and JoJo.

"Ultimately it was agreed they wouldn't be part of the deal," Ivie said. Ivie said that before Aaliyah died in August 2001, she had set a "whole new genre of music on fire." Her uncle, Hankerson, is among the trial's scheduled witnesses, according to Ivie. Hankerson also is Braxton's former manager.

A possible additional witness will be Timbaland, whose real name is Timothy Moseley, according to Koslyn. Although Braxton is on the list of tentative witnesses, her appearance at the trial is unlikely, Koslyn said. The trial testimony will resume Thursday.