

'Bones' TV show litigation settlement amount undisclosed

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The lawsuit, brought by actors Emily Deschanel and David Boreanaz and joined by the writers of the books upon which the show is based, most prominently made headlines following the plaintiffs' attempt to confirm a \$179 million arbitration award entered in their favor in February.

The award, including a considerable finding of \$128 million in punitive damages, accompanied searing remarks directed from mediator and former Los Angeles County Superior Court Judge [directed at executives of Twenty-First Century Fox Inc.](#)

The lion's share of the plaintiffs' award, however, ended up overturned by Los Angeles County Superior Court Judge Richard E. Rico, who vacated the \$128 million in punitive damages Fox was ordered to pay in May. He left the roughly \$50 million in compensatory damages against Fox intact.

In his earlier ruling, Lichtman accused many of the defendants of offering fraudulent and deceptive testimony.

"It can only be concluded that Fox witnesses lacked credibility and at times appeared to intentionally deviate from the truth even in the face of clear and unequivocal factors," Lichtman wrote. "A myriad of explanations by Fox witnesses cannot account for their complete disregard for obvious and uncontroverted facts."

The litigation dealt with alleged "sweetheart deals" the network has made to deny the plaintiffs contractually obligated profit participation rights related to the show, particularly with newer licensing deals for streaming rights.

Plaintiffs' attorney Daniel A. Saunders of Kasowitz Benson Torres LLP announced their intention to appeal shortly after Rico issued his decision, but on Thursday, Saunders confirmed the parties had "amicably resolved the case," declining further comment. *Wark Entertainment Inc. v. Twenty-First Century Fox Inc*, BC602287(L.A. Super. Ct., filed Nov. 25, 2015).

Daniel Petrocelli, an O'Melveny & Myers LLP partner who represented Fox in post-arbitration matters, declined comment Wednesday.

However, Petrocelli, who achieved the rare feat of successfully turning over an arbitrator's award, recently commented to the Daily Journal in an interview, "It is imperative for arbitrators to scrupulously abide by the parties' arbitration agreement, particularly as to limits on arbitral authority."

Punitive damages can be extremely tenuous, according to Glen Rothstein, an entertainment attorney at Rothstein Law APC who is not involved in the case. With that in mind, and the sizable compensatory damages finding in the plaintiffs' favor, Rothstein speculated the plaintiffs are more than likely happy with the result despite the loss of punitive damages.

"This is a very typical ordinary outcome in a case such as this where the damages award is so high, to the extent that plaintiffs are able to recover immediately and not have to risk having the entirety of their award overturned," Rothstein said. "It's a win for them."

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