



Live Nation Hires Susman Godfrey; Lawyers Predict Astroworld Defendants' Legal Strategies

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Three weeks after 10 people died and hundreds of others were injured at the Astroworld Festival tragedy, the number of lawsuits, plaintiffs and named defendants continues to mount, the demand for damages now tops \$3 billion and the lawyer headcount involved in the litigation exceeds six dozen, including some of the most prominent and powerful law firms in Texas.

Meanwhile, the attorneys representing the victims have unanimously told their clients to reject the public offer by rapper Travis Scott, whose legal name is Jacques Bermon Webster II, to pay for funeral costs and medical expenses.

At the same time, the lawyers say they are eager to learn just how much Live Nation, Scott, the operators of the NRG Stadium property and the other named defendants have in insurance coverage. And some attorneys are worried that recent lawsuits seeking incredibly high damage awards could drive some of the corporate defendants into bankruptcy, which would mean significantly less money for victims.

The newest attorneys to the litigation are prominent Houston trial lawyer Richard Mithoff, who filed a complaint late Wednesday on behalf of a 14-year-old who died at the concert, and the high-powered Houston law firm Susman Godfrey, which was hired this week by Live Nation to represent the concert promoter in the 150 or so lawsuits now pending against it.

“Susman Godfrey is one of the best trial law firms in the U.S., with incredibly smart and talented lawyers,” said Chad Pinkerton, a Houston lawyer who represents about 75 victims in the Astroworld cases. “For Live Nation to hire the Susman firm shows that the company knows it is in deep trouble and is preparing for a bet-the-company litigation fight.”

Susman Godfrey has about 120 lawyers who specialize in high-stakes, bet-the-company litigation. Its law partners represent large corporate clients like CenterPoint Energy and Walmart and charge hourly rates of \$1,300 or more — though the firm is usually paid

through alternative fee arrangements contingent on success.

Officials at Live Nation did not respond to multiple requests for comment.

ASM Global, which has been employed by the Harris County Sports and Convention Corporation to manage the NRG Stadium, has hired Norton Rose Fulbright as its defense counsel in the Astroworld litigation.

While Live Nation and Scott have received all the attention, the 150 lawsuits also named another 15 businesses and individuals as defendants, including Texas-based concert promoters, public relations firms that worked on the Astroworld Festival event and companies hired to provide private security and emergency aid. The most recent lawsuits have included Apple, which streamed the concert around the world, to the list of those who should be held responsible for the damages.

All the defendants need to hire legal counsel before the second week of December, which is when all of them are required to file their initial legal answers to the charges against them.

“The defenses that these companies will employ are very predictable,” Mithoff said in an interview Thursday. “They will claim that the tragedy was not foreseeable, that they hired experts to tell them the number of people who should be allowed to attend and the number of security guards who should be hired and none of those experts gave them a warning that this could happen.”

Mithoff and others predict that some defendants will try to assign blame to the crowd at the concert, as well as alcohol and drugs, as being contributing factors.

“Blaming the crowd may seem like a natural defense, but it is highly risky and could definitely backfire if the cases go all the way to a jury,” said Houston attorney Randy Sorrels, a former Texas Bar Association president.

“The defendants also have to decide very early in the litigation whether they will work together with each other in a joint defense agreement or if some of them decide if it is in their best interest to point the finger at other defendants who they think are more to blame,” Sorrels said. “Either way, there are a lot of Houston lawyers who are going to get a lot of billable hours in the next few months.”

A major issue to be addressed in the next few weeks is the process for moving the cases forward. The more than 150 lawsuits have been randomly assigned to more than a dozen different Harris County judges.

“Because all of the legal and factual issues in all the lawsuits filed are basically the same, it is inevitable that the courts will consolidate all of the cases before a multidistrict litigation judge in which one judge will decide all of the pretrial issues,” said Houston trial lawyer Derek Potts, who represents several of the victims and their families. “That will help streamline the process.”

Legal experts predict that the Astroworld lawsuits will be consolidated into one court for case management purposes before the end of December. For example, the Texas Supreme Court recently appointed former Harris County District judge Sylvia Matthews to oversee most of the lawsuits involving injuries and damages that resulted from Winter Storm Uri in February.

Fourteen different law firms representing more than 600 people who claim they were injured at the Astroworld Festival have filed lawsuits in Houston. All the lawsuits accuse Live Nation, Scott and other defendants of gross negligence and premises liability.

But several of the leading trial lawyers expressed frustration at Houston trial lawyers Tony Buzbee and Thomas J. Henry, who separately filed lawsuits seeking \$750 million and \$2 billion in damages respectively.

“Those big damage award demands are meaningless at this point and are designed for one purpose and that is for publicity to seek more clients,” said Mithoff, whose two lawsuits filed this week do not demand specific damage amounts but instead seek injunctive relief that would force Live Nation to make structural changes to its events.

The problem with those large damage demands, according to several trial lawyers, is that some of the defendants could use them as potential liabilities to file for federal bankruptcy protection, which would remove all claims from state court and could result in victims receiving nickels or dimes on the dollar.

The lawyers point to the wave of lawsuits against the Boy Scouts and Johnson & Johnson’s talcum powder unit. Both filed for Chapter 11 restructuring and left victims seeking damages highly frustrated.

“The defendants’ seeking bankruptcy is always a danger,” Potts said. “We definitely don’t want that, and we don’t want to give them the ammunition to do it.”

The bigger issue, according to Potts and others, is the amount of liability insurance each defendant has.

Pinkerton, who faced off in court against Live Nation in 2017 over the shooting at MGM Resort in Las Vegas that killed 60 people at the outdoor concert, estimates that Live Nation has about \$200 million in general insurance coverage and another \$100 million in premise’s liability insurance. The security firms have about \$20 million in insurance, he said.

“I have no idea if Travis Scott even has insurance coverage, or how much,” Pinkerton said. “But it is clear that his offer to pay medical costs and funeral costs was a complete promotional stunt. No victims or families are going to accept that because we don’t want our clients to have any communications with Scott or his people in any way.”