

Sammy Davis Jr. copyright trial possible in Dallas

BY JEFF BOUNDS | STAFF WRITER

A battle provoked largely by difficulties in negotiating a movie on the life of the late entertainer Sammy Davis Jr. will be fought in a Dallas federal court.



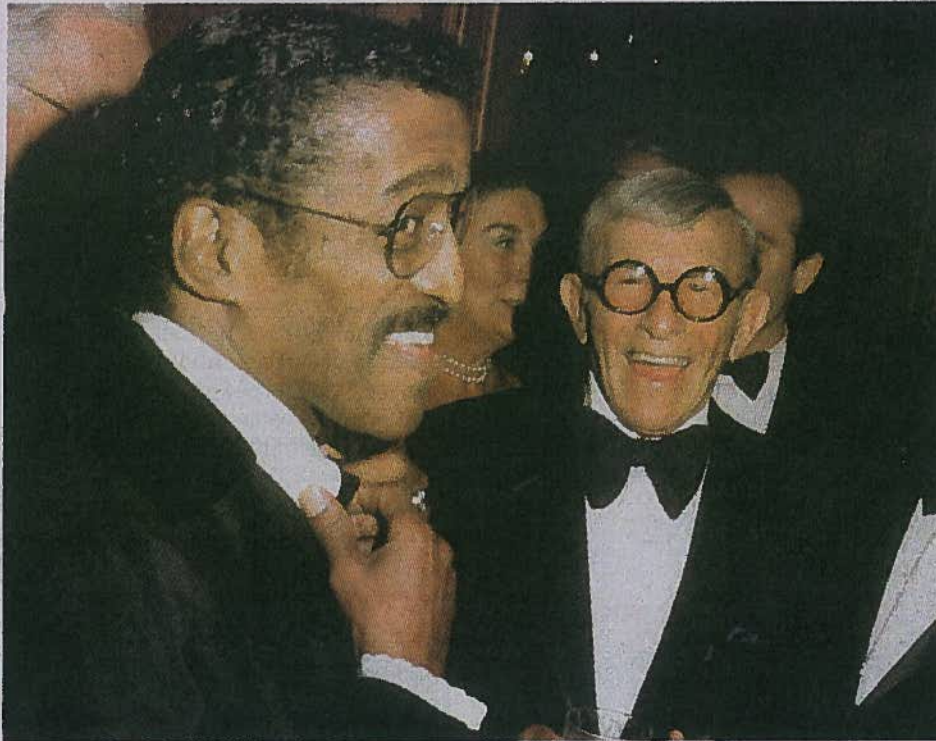
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On one side of the squabble is a Dallas business called Boyar Investments LLC, another Dallas business called Sammy Speaks LP, and the estate of Davis' widow, Altovise Davis, who died in March. Boyar Investments and Altovise Davis own equal stakes in copyrights to two books about Sammy Davis Jr.'s life, "Why Me?" and "Yes I Can," and Boyar was part of a group handling negotiations with an unnamed "major Hollywood studio" to license those books for a movie, court records say. The books were written by Sammy Davis Jr., Burt Boyar and Jane Boyar.

On the other side of the dispute is California resident Barrett LaRoda and Florida's Anthony Francis; a California business called The LaRoda Group; and Sammy Davis Jr. Enterprises Inc., a California company in which LaRoda and Francis each own a third.

Altovise Davis and Boyar Investments sued in January 2008, claiming in the Dallas case that Altovise Davis hired LaRoda as her agent to help "maximize income" from her late husband's estate. LaRoda and his uncle, Anthony Francis, then set up Sammy Davis Jr. Enterprises, Davis' suit says.

Sammy Speaks joined the suit as a plaintiff in July 2008. Sammy Speaks entered into an agreement with The LaRoda Group and



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DAVIS LEGAL FLAP: The late entertainer Sammy Davis Jr., pictured here with the late comedian George Burns, is the subject of litigation in Dallas regarding who owns rights to his estate and biographies.

Davis to license rights to certain audiovisual master records, photos and documents.

The civil suit accuses LaRoda and Francis of fraud, breach of contract, breach of fiduciary duty and conspiracy, among other allegations. It seeks unspecified damages and a declaration by the court that the agreement between the parties is invalid. The plaintiffs also want the defendants to be prohibited

from any ownership interest in the estate, including copyrights.

The other side filed its own suit shortly thereafter in California claiming, among other things, that LaRoda and Francis had loaned Altovise Davis money and worked in her best interests. Their suit says a dispute arose over Burt Boyar's desire to have two of his friends named executive producers

in the proposed movie.

LaRoda, Francis and Sammy Davis Jr. Enterprises accuse Boyar Investments, Altovise Davis and others of breach of contract, conspiracy, breach of fiduciary duty and contract-interference, among other charges. The LaRoda-Francis group also is seeking unspecified punitive damages and a court ruling that it owns all copyrights to Sammy Davis Jr.'s estate.

The two suits are being tried separately, with the California litigation transferred in May to Dallas. Attorneys expect the cases to be consolidated into one action in federal district court in Dallas.

The litigation will be heard here partly because various events occurred in Texas, and partly because witnesses and parties to the matter are either here or closer to Texas than to California, court records show.

Attorneys for the two sides say negotiations are ongoing for a settlement, although it's unclear when or if a deal might be struck. Mike Lynn, a partner at Dallas' Lynn Tillotson Pinker & Cox LLP, is heading up representation of the Boyar Investments side, while Jay Coggan, a partner at Los Angeles' Coggan & Tarlow, is spearheading things for the LaRoda and Francis group.

Cases that go to jury trial generally take around 18 to 24 months to resolve, according to Charles W. "Trey" Branham III, managing partner of the Law Offices of Charles W. Branham III LP in Dallas. "It really is governed more by the court's docket in terms of scheduling," says Branham, who is not affiliated with the case.

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