

Rocker's Fans Say They Were Scammed

State, federal officials amped up at Ticketmaster tactics

By PAUL SUSSMAN and
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If you still get chills from the opening piano riff of "Thunder Road," if you privately pump your fist into the air during the chorus of "Born in the U.S.A." or if you TiVo'd the Super Bowl halftime show instead of the game itself, you probably will be upset by this legal controversy involving rock 'n' roll icon Bruce Springsteen.

But you might also take note if you have a tweener daughter pining to see a Hannah Montana show, or you are looking to score seats for games at the new Yankee Stadium.

The issue is ticket sales for big events. And though controversy has apparently been brewing for some time, it took Springsteen's recent announcement of an upcoming concert tour to force it into the public eye.

Die-hard fans, including those in Connecticut, hopped on the web site of Ticketmaster, the nation's largest ticket broker, right as tickets went on sale for shows in Hartford, New Jersey and elsewhere.

The Ticketmaster site told some consumers it was experiencing technical difficulties, while others were notified that shows were sold out. Consumers were told, however, that they could buy tickets through a subsidiary resale site, TicketsNow. But the deal was that TicketsNow was selling tickets for hundreds of dollars above face value.

And so people squawked, in great num-



Bruce Springsteen says he is 'furious' that Ticketmaster diverted fans to a subsidiary web site that sold concert tickets for hundreds of dollars above face value.

bers. And people like Connecticut Attorney General Richard Blumenthal took notice. Blumenthal said his office is investigating the complaints, as well as Ticketmaster's relationship with TicketsNow.

"I am deeply disturbed that Ticketmaster may be exploiting its market domi-

nance — funneling consumers to its subsidiary in order to inflate profits," he said.

Two Connecticut lawyers said it's unclear whether any laws were broken.

Entertainment lawyer Warner K. Depuy, of Benedict & Depuy in Greenwich, noted that, for some time, theater producers in New York have been selling prime orchestra seats at a premium, often for double the price of regular orchestra seats.

But, Depuy said, the Springsteen episode "sounds more devious because I'm not sure if the consumer knew what was going on... Obviously, as a customer, that's horrifying" to be sent to another web site with inflated prices. "But I'm not sure if there's anything illegal about that," he said.

C. Scott Schwefel, a consumer protection lawyer for Shipman, Sosensky, Randich & Marks in Farmington, said that Ticketmaster's "link to the second web site is clearly suspect."

He said the big question is whether Ticketmaster really had sold out shows, or whether it was simply trying to rake in more money for hot tickets. "If the show has been legitimately sold out, then that's just commerce. If this is an attempt to gouge customers, then Ticketmaster is tiptoeing the line of unfair practices," he said.

Springsteen himself chimed in with a letter on his official web site. "The abuse of our fans and our trust by Ticketmaster has made us as furious as it has made many of you," he

thundered.

Ticketmaster apologized to Springsteen and promised to make amends to fans who bought the high-priced tickets. But its claims that this was a one-time accident were called into question when a Toronto man filed a lawsuit claiming that the same thing happened to him when he tried to buy tickets to a concert by the band Smashing Pumpkins last November. He stated that he ended up on TicketsNow, where he paid about four times the face value for the tickets. The suit seeks to be declared a class action and is asking for \$500 million (in Canadian currency) from Ticketmaster.

The controversy came at a bad time for Ticketmaster, which is seeking to merge with its only major competitor, a company called LiveNation. U.S. Justice Department attorneys have said they will scour the proposed merger for its possible negative impact on live events and ticketing. U.S. Sen. Charles Schumer, D-N.Y., is among those who have urged rejection of the deal.

Meanwhile, in California, the law firm of Latham & Watkins is representing Live Nation. *American Lawyer*, a sister publication to the *Law Tribune*, asked James Beaubien, head of Latham's corporate department in Los Angeles, about antitrust issues. Beaubien wouldn't comment, except to say that he loves Bruce Springsteen. "I don't want him criticizing our deal," he says with a laugh. ■