

# Judge Orders Grammy Winning Artist Ne-Yo to Stand Trial



Towson, MD – Grammy-winning R&B artist Ne-Yo and his booking agency have been ordered to stand trial after the singer allegedly backed out of a 2009 New Year's Eve performance in the Seattle area at the last minute, after tickets ranging from \$125 to \$1,275 for a platinum VIP package were sold, first class airline tickets were booked and swank hotel rooms were paid for. Partygoers and planners were left with a stack of bills, unhappy guests and damaged reputations in an industry where who can deliver the best performer is the difference between career success and failure.

Ne-Yo and his booking agency are facing a \$500,000 lawsuit in Anne Arundel County, MD. Kenyohn Clark of Wet Entertainment LLC in Washington State is also seeking \$1 million in damages from Ne-Yo's booking agent, Mike Esterman, for not ensuring Ne-Yo's appearance and refusing to refund Wet Entertainment's \$95,000 deposit.

Esterman told MTV News that the lawsuit is without merit but Judge Paul Garvey Goetze, an Associate Judge for the Circuit Court of Anne Arundel County disagreed and denied Ne-Yo's motion to dismiss the suit. Ne-Yo and his team will go to trial in Annapolis at the end of July in Anne Arundel County.

"Ne-Yo failed to appear at a New Year's Eve concert and no defense exists that would excuse his failure to appear," the lawsuit states, adding Clark's and Wet Entertainment's "reputations in the music industry and entertainment community have been damaged."

Esterman is chief executive officer of Esterman Entertainment

Inc. outside of Annapolis, Maryland. The parties previously agreed any legal action stemming from the contract would be heard in Anne Arundel County, Maryland where Esterman is based. Ne-Yo is named in the lawsuit under his given name, Shaffer Smith.

Jason C. Brino of Bowie & Jensen LLC, the Maryland law firm representing Wet Entertainment, says Ne-Yo is a great young performer whose handlers just aren't giving him good advice.

"This matter could have and should have been resolved a long time ago, " said Brino. "Our client just wants to be made whole for the monies paid and preparations made for NeYo's appearance. The damage to our client's reputation is probably irreparable."

The contract began when Clark and Esterman Entertainment reached an agreement in early December 2009 for Ne-Yo to headline a New Year's Eve party in Bellevue, Wash., on Dec. 31 at a cost of \$140,000. Approximately 1,500 tickets were sold for the event, the lawsuit states; an online event flier said ticket prices ranged from \$125 for general admission to \$1,275 for a platinum VIP package.

In addition to arranging the performance, Wet Entertainment reserved hotel rooms and space for an after-party following the show and bought first-class airline tickets for Esterman, Ne-Yo and several others.

This is not Ne-Yo's first law suit. Ne-Yo settled a \$700,000 lawsuit filed in January 2008 against tour promoter Rowe Entertainment after he was dropped from an R. Kelly tour in late 2007. The young singer claimed that he was dropped from the tour after just two shows because he was upstaging R. Kelly; a rep for Kelly denied that claim and maintained that the matter was a contractual issue between Ne-Yo and the promoter. Kelly was not named in the lawsuit.

In March 2010 another promoter filed a \$700,000 suit after the

singer kept fans waiting and was a no-show at a concert, not once but twice. This suit was filed in Atlanta's Fulton Superior Court.

Ne-Yo is a fast rising star and has received several nominations at the Grammy Awards during his career; among these are Best Contemporary R&B Album for *In My Own Words*, *Because of You* and *Year of the Gentleman*, Album of the Year for *Year of the Gentleman*, Best Male R&B Vocal Performance for "So Sick", "Because of You" and "Miss Independent", Best Male Pop Vocal Performance for "Closer", Best R&B Performance by a Duo or Group for "Hate That I Love You" and Best R&B Song for "Hate That I Love You" and "Miss Independent". The MTV Video Music Awards has nominated Ne-Yo once, in 2008 for Best Dancing in a Video for "Closer". Ne-Yo has also received one award from six nominations at the BET Awards. Overall, Ne-Yo has received 8 awards from 31 nominations.

Recently, Ne-Yo was honored with four awards at the 2009 ASCAP "Rhythm & Soul Awards." Ne-Yo took home awards for "Closer," "Take a Bow," "Miss Independent." and "Bust it Baby II."