

John Branca

THE

Here's the saga, *in five parts*, of a man who's been called—



“

I FOUND OUT ATV WAS FOR SALE, AND I TOLD MICHAEL. HE ASKED WHAT THAT WAS. I SAID, 'YOU'RE NOT GOING TO BELIEVE IT: 250 BEATLES SONGS, THE LITTLE RICHARD CATALOG.' HE STARTED SCREAMING ON THE PHONE. I ACTUALLY HAVE A GREAT NOTE HE WROTE ME. IT SAID, 'BRANCA, THE CATALOG IS MINE. DON'T LOSE IT BY OVER-NEGOTIATING.' I FRAMED THAT NOTE.” —Branca to the AP in 2009

CLOSER

not hyperbolically—the most expensive lawyer in the world.

IT'S A WELL-WORN ADAGE THAT PAUL McCartney gave Michael Jackson the best investment advice he ever heard: Buy the publishing.

McCartney had purchased songs written by his childhood idols, artists such as **Buddy Holly**, which prompted Jackson to respond, "I'm gonna buy your songs." John Branca, partner and head of the music department at **Ziffren Brittenham LLP**, made sure it happened.

McCartney had passed along this tidbit while he and Jackson were recording "Say, Say, Say" in 1982 and three

years later, the Australian who owned 247 Lennon-McCartney titles, **Robert Holmes a Court**, was putting ATV up for sale.

Holmes a Court and Branca had a handshake deal, but Holmes a Court then agreed to sell it to **Marty Bandier** and **The Entertainment Co.** Branca went to Bandier's lead financier, a person he had done business with, and asked that he cancel the financing, which he did. Holmes a Court was left with only one option, and Branca chose to play hard to get, eventually agreeing to fly to London for a

24-hour period to strike a deal.

"My ass was on the line," Branca told **Stan Sinberg** for his *So We Can Rock Forever* blog in 2011. "I told him, 'if this deal didn't happen while I was there, to never, ever call me again.'"

Branca secured the ATV catalog of 4,000 songs for \$47.5 million after promising a charity performance by MJ and letting Holmes a Court's daughter have the rights to "Penny Lane."

Bandier responded by saying, "next time we do this, we're hiring John"—which came true when he went after **CBS Songs**.



“JOHN HAS A GREAT SENSE OF THE VALUE OF A SONG—WHICH SONGS WILL LAST FOR A LONG TIME. HOW CERTAIN SONGS CAN BE LICENSED.” —Marty Bandier

KILLER B'S: Branca, Berry, Bandier

WHEN BRANCA ORCHESTRATED THE merging of Jackson's ATV with Sony's nascent publishing business in 1995, he became music publishing's most accomplished attorney.

Sony paid Jackson \$95 million to merge ATV Music with its catalog to form a new 50/50 JV, which immediately became the world's second largest publisher. As the company continued to acquire other catalogs, it grew to the point that within 15 years it was earning \$1 billion annually from licensing and royalties.

In 2012, Branca was a consultant to Sony/ATV in connection with its \$2.2 billion acquisition of EMI Music Publishing; he was then hired by EMI to sell off music assets for \$90 million. His culminating move involving the EMI property took place six years later, when, on behalf of the Michael Jackson Estate, Branca sold the remaining 10% of the valuable pubco not already owned by Sony Corp. for \$287.5 million—adding to the estate's swelling coffers while making his friend Marty a very happy man.

Branca handled the sale of half of Berry Gordy's Jobete Music to EMI in 1997 for \$132 million, the 2007 sale of Jerry Leiber & Mike Stoller's catalog to Sony/ATV, and the 2009 sale of the Rodgers & Hammerstein catalog, which sold for over \$200 million in a "down" economy.

Richard Rodgers' estate executor, Joshua S. Rubenstein, told *The Daily Journal* in 2011, "It was a family estate, we wanted someone who would take good care of the legacy, and John blew us away with his passion and interest. For us, it wasn't just about the money," though he did get a sale price that was 95% of the estate's highest valuation.

Rodgers & Hammerstein was about more than money, Branca told *HITS* in 2014. "Something like that is especially exciting to me, because I grew up loving musicals like *The Sound of Music*, so we're brought in not just to do the paperwork but actually to help put together the offering materials and the marketing of the company to the finan-

"MY MOM TOLD ME, 'YOU'RE EITHER GOING TO GO TO COLLEGE OR YOU CAN GET A JOB.' I DIDN'T WANT TO CUT MY HAIR, SO I TOOK THE GED AND WENT TO L.A. CITY COLLEGE." —Branca in the *Occidental College Magazine*, 2017

cial marketplace, just as we assisted Apollo, Core Media and the Raine Group in selling Elvis Presley Enterprises."

His other music-publishing deals include Kurt Cobain and Nirvana, Julian Lennon's share of The Beatles' royalties, and Steven Tyler's Aerosmith catalog. He has helped Don Henley and John Fogerty secure unpaid royalties, as well as getting Henley back his Eagles song copyrights, and negotiated royalty increases for The Beach Boys and The Doors for their catalogs.

Branca knows the business so well that when names are being bandied about for a new worldwide head of a top music publishing company, his name is always on the list.

David Dunn, who has worked with Branca on a number of projects and is managing partner of Shot Tower Capital in Baltimore, told *Occidental College Magazine* in 2017, "He knows the business better than anybody. You've got artists who have particular viewpoints which aren't necessarily aligned with monetization, you've got labels and publishers who are more focused on monetization, and you've got John, who over the course of his career has been able to bridge the gap and translate in both directions."



BRANCA GRADUATED FROM THE UCLA School of Law in 1975. He didn't take a particularly straight path to get there.

His mother was a dancer, and his father, the Honorable John R. Branca, ran a baseball school, served two terms in the New York State Assembly and became chairman of the New York State



Athletic Commission in 1983. When his parents split and his mother left Mount Vernon, N.Y., for L.A., Branca stayed behind and followed in his father's sports-oriented path. Baseball was #1, for playing and card collecting. Today, he owns one of the world's most notable baseball-card collections.

"Baseball's lure transcends the game and players," Branca wrote in the 2002 book, *What Baseball Means to Me*. "**Babe Ruth** is as much a part of American history and culture as **Abraham Lincoln** or **Elvis Presley**, as much a part of any kid's dreams. And like any great sport or form of entertainment, baseball—and its collectibles—offer a wonderful diversion from everyday reality."

When he turned 11, Branca joined his mother in Los Angeles, and soon started to display a passion for the guitar and songwriting; at 13, he had his first band—**The Other Half**, who cut an album for **GNP Crescendo**—and by 16, his **Pasternak Progress** band secured a deal with **Art Laboe's Original Sound** label. They opened for **The Doors** and were regulars at **Gazzari's on the Strip**. Like most kids, he was dabbling in drugs and showing little interest in school, even getting expelled from boarding school. He put his energy in the band until his mother gave him the "get a job or go to college" ultimatum.

Branca did well at **Los Angeles City College** and transferred to **Occidental College** as a junior, majoring in political science and graduating cum laude. After matriculating at **UCLA School of Law**, he worked for **Kindel & Anderson** in estate planning; he also repped the **UCLA Foundation**, deepening his connection to the university. During basketball season, he can be spotted in his courtside seat at **Pauley Pavilion**, decked out in Bruin powder-blue and gold. He was happy to have a job, but he knew the fit wasn't right.

Time did a cover story on **Elton John** the summer he graduated, and in



Top: **BALLERS:** With legendary UCLA hoops coach John Wooden
Bottom: *The Young Professional*

it the piano-playing superstar talked about not being able to spend all the money he had earned, as well as his investments in real estate, art and his new company, **Rocket**, which had a goal of paying artists higher-than-usual-royalties.

“I instantly recognized it as what I should be doing,” Branca says.

He secured a job at **Hardee, Barovick, Konecky & Braun**, initially reviewing contracts for the likes of **Bob Dylan, Neil Diamond** and **George Harrison**, and subsequently negotiating innovative tour contracts. **David Braun** took Branca under his wing and gave him his first face-to-face task with an artist: Talk Dylan out of investing in a project with a friend from Minnesota. It meant spending a lot of time with Dylan at his home in Malibu.

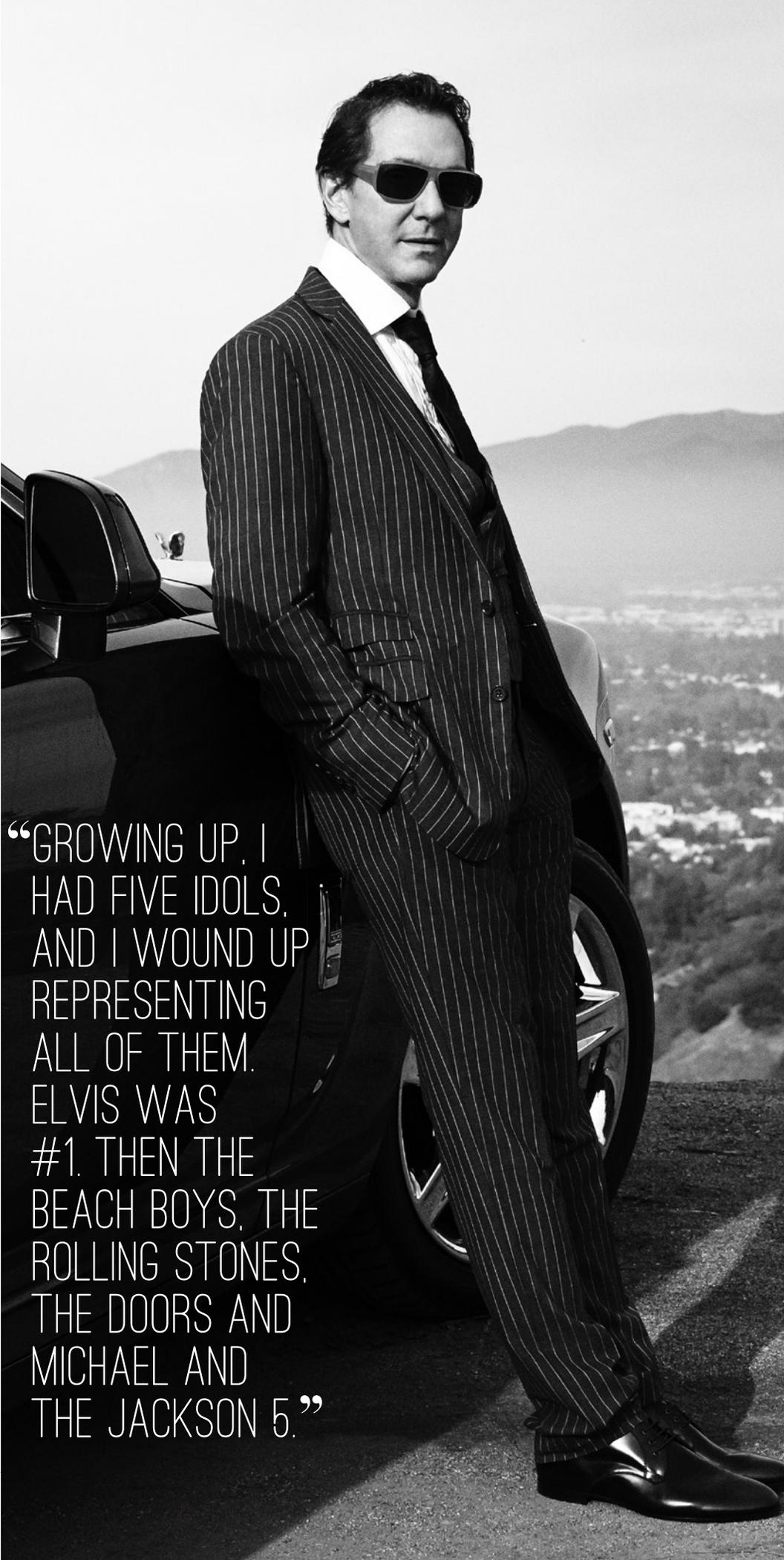
In 1978, when he was 27, Branca got his first client...his second-favorite band.

4

IT WAS DECEMBER, AND THE BEACH

Boys were late in delivering a Christmas album to fulfill contract obligations at **Warner Bros. Records**. Chairman/CEO **Mo Ostin** tapped Branca to deal with **Brian Wilson** and the group before they drove off to their new deal with CBS. Branca did his homework and took over the meeting, impressing the Wilson brothers, **Al Jardine** and **Mike Love** in the process. They wanted Branca to represent them and fire their manager, Love's brother, **Steve Love**.

This occurred at a time when Brian Wilson was under **Eugene Landy's** questionable care, and the head Beach Boy had even gone missing at one point, winding up in San Diego. When they gathered to take a vote on dismissing Love, Wilson was called upon to break a tie, though he kept his head on the table and refused to look up. Branca quickly came up with a solution, asking Wilson, “Brian, if you're in favor of firing Steve, bang on



“GROWING UP, I HAD FIVE IDOLS, AND I WOUND UP REPRESENTING ALL OF THEM. ELVIS WAS #1. THEN THE BEACH BOYS, THE ROLLING STONES, THE DOORS AND MICHAEL AND THE JACKSON 5.”



ROCK STARS: With Steven Tyler, Sharon Osbourne and Gene Simmons

the table once. If you're against, bang twice." Wilson banged three times.

As a bona fide fan, Branca has a unique ability to represent artists, believing in their art first and commercial interests second. His passion translates into activism on artists' behalf.

"John Branca is, as I am, a groupie," Daniel Lamarre, Cirque du Soleil's chief executive, told the *Los Angeles Business Journal*. "He loves artists as I love artists. When we meet, even today, I don't remember many conversations about money; it was all about the artistic content."

He takes on the young and established. More than 30 members of the Rock and Roll Hall of Fame have been his clients, among them Aerosmith, The Beach Boys, Dylan, The Doors, Dr. Dre, ELO, Fleetwood Mac, John Fogerty,

Henley, Elton John (negotiating his deal for *The Lion King*), Nirvana, the estate of Otis Redding, Smokey Robinson, the estate of Elvis Presley, The Rolling Stones, Earth, Wind & Fire and Carlos Santana, who calls Branca "the Shaman"; he's also working with Justin Timberlake, Beyoncé and Alicia Keys, as well as industry figures including Simon Cowell and Rick Rubin. Beyond the Jackson Estate, he handles the Elvis Presley Estate and has done work for The Doors as well.

Branca is a partner at Ziffren Brittenham, one the most powerful firms in the film and TV industries. Skip Brittenham and Ken Ziffren, who founded Ziffren Brittenham in 1978, represent or have repped a host

of A-list actors, directors, producers, writers and athletes including Ben Affleck, Roseanne Barr, Chadwick Bozeman, Richard Branson, Sandra Bullock, Matt Damon, Harrison Ford, Jamie Foxx, Eddie Murphy, Keanu Reeves, Sofia Vergara, Peter Chernin Entertainment, Dick Clark Productions, DreamWorks, Al Gore, Guggenheim Partners, Legendary Pictures, Les Moonves, Tyler Perry, Ridley Scott, Joe Roth, Haim Saban, Mike Tyson, Casey Wasserman, Oprah Winfrey, Dick Wolf, Maria Sharapova and Serena Williams, as well as the Sultan of Brunei, the Vatican, Interscope Records, Rhino Records and industry investors such as JVC, Matsushita, Vivendi and Ron Perelman (MacAndrews & Forbes). Additionally, ZB helped form and then sell Pixar for Steve Jobs.

Collectively, this roster accounts for

more than 20 TV series and 20-30 feature films a year. In terms of annual billings, Ziffren Brittenham is said to be the largest entertainment practice in the world.

The music department includes **David Lande**, who handled deals for Beyoncé, Timberlake and Shakira, **Linkin Park**, **Jennifer Hudson**, **Selena Gomez** and **Alicia Keys**, and **David Byrnes**, who has been behind **Blake Shelton's** rise to mainstream fame and also reps **Kelly Clarkson** and **Pentatonix**.

"I haven't been a traditional lawyer, in the sense that we're only there to review contracts," Branca told *HITS* in 2016. "We always encourage our clients to have managers, but we are usually part of a strategic team that oversees touring, branding and various issues that may come up."

He was lawyer/strategist behind the deal that reunited Carlos Santana with **Clive Davis** and resulted in *Supernatural*, the movement of The Rolling Stones to **Virgin** from **Sony**, plus their groundbreaking *Steel*

Wheels tour, and **The Bee Gees'** recent catalog deal with **Universal Music**. He oversaw The Beach Boys' 50th anniversary operation in 2012.

Aerosmith wrote Branca a thank you letter after he negotiated a then-unprecedented \$50 million deal for them:

"Dear John,
Thanks a million
An unprecedented amount
An undisclosed sum reported to be greater than that which any rock n roll band has ever...
A LOT!!"

Most recently, he repped **Lil Pump** in negotiating out of one contract and into a new \$8 million deal with Warner Bros. Records.

"He knows how to close deals," Bandier raved in 2016. And "he's a real guy's guy. He loves sports. He loves music."

"My motivation is that I love music," Branca confirmed in that *Los Angeles Business Journal* story. "Growing up, if





“THE SHAMAN”: With Carlos Santana



BOTTOMS UP: With David Lee Roth

you had told me I could represent Brian Wilson, or Michael Jackson, I would have said, how much do I have to pay to do that? To even meet one of those people would have been enough.”

5

“IF I DO NOTHING ELSE IN MY CAREER EXCEPT HAVING DONE THIS FOR THE JACKSON ESTATE, I CAN SAY I DID A GREAT FUCKING JOB.”

JACKSON AND BRANCA MET IN 1980

as Jackson was enjoying unprecedented success with his first album for Epic, *Off the Wall*, as he became the first solo artist to have four singles from one album reach the Top 10.

By inventing a story about Bela Lugosi's religious convictions, Branca convinced Jackson to put aside his second thoughts about releasing the music video for “Thriller”; the objections came from his faith at the time, Jehovah's Witnesses. It led to the disclaimer at the beginning of the clip: “Due to my strong personal convictions, I wish to stress that this film in no



THRILLED: With MJ



Branca, Doug Morris, Rob Stringer, Sony's Richard Story and the Jackson Estate's Karen Langford prepare to moonwalk.



John and Ron



TWO CHAMPS: With Muhammad Ali

way endorses a belief in the occult.”

The “Thriller” video, directed by **John Landis** and clocking in at 14 minutes, was the first world premiere on MTV and is easily the most influential pop-music video in history. It is the only music video the **Library of Congress** has ever selected for its National Film Registry.

But even getting it on film required Branca’s genius. To fund the video, which cost more than \$1 million at a time when most video budgets were 50 grand, Branca negotiated the sale of a “Behind the Scenes” special to MTV and Showtime.

“It seemed odd that no one had ever thought of this before,” Jackson wrote in his autobiography, *Moonwalk*.

Branca also helped Jackson obtain the rights to his masters and brokered the purchase of **Neverland Ranch** at a significant discount. He secured **Pepsi** as a sponsor for **The Jacksons’ 1984 Victory Tour**, and unlike most brand deals, the contract stipulated that Michael would never be seen holding a Pepsi can and the limit to any screen time for the soda company would be three seconds.

They were friends as well: They traveled together and socialized; Jackson was the best man at Branca’s first wedding, which Little Richard presided over.

The two parted in 1990, only to be reunited in 1993, when Jackson was being sued in a child-molestation case. Jackson surrounded himself with other advisers, and in 2006, Branca said, “No more.”

“He was surrounded, and I had to resign,” Branca told the AP. “He did not ask me to stay. I resigned amicably. Later on in his career, he really had a line between his business and personal life.”

A little more than a month before Jackson died, Jackson’s former manager, **Frank DiLeo**, called to discuss potential deals surrounding his comeback slated to start in London.

A concert movie, books, merchandising deals—“exactly what [co-executor] John McClain and I are doing now for the estate,” Branca said in that AP interview.

Jackson rehired Branca just eight days prior to his death in 2009. The estate, at the time, was around \$500 million in debt.

Attorney **Howard Weitzman**, whom Branca tapped as the chief litigator for the estate, told the *Occidental Magazine*, “It was an uphill battle to sell assets and see if there was anything left, so we were very concerned about the children. John—along with McClain—managed to turn this around. As a lawyer, he’s about as good as it can get.”

After Jackson’s death, Branca and McClain secured financing for the record-breaking concert film *This Is It* and a soundtrack album, produced two Jackson shows with Cirque du Soleil, one for Las Vegas and one for the road, and released an album of unreleased material, *Xscape*. As Chairman of the Michael Jackson Company, Branca also served as a producer of the animated *Michael Jackson’s Halloween*, a 2017 CBS prime-time special; *Michael Jackson’s Thriller 3D*, which debuted in 2017 at the Venice Film Festival; and the Spike Lee movies *Michael Jackson’s Journey From Motown to Off the Wall* and *Bad 25*. In 2013, *60 Minutes* did a segment on the estate and called it “the most remarkable financial and image resurrection in pop-culture history.”

“It’s not traditional legal work,” he said in a *HITS* interview. “What we do for the estate is not unlike what we do for an artist or a brand—we are involved with records, deal with touring and branding, as well as overseeing various aspects of their career.

“What we did with *This Is It* was to try to show the real Michael Jackson, the entertainer and not the tabloid sensation. It was really a rebranding effort.”•



WANNA BE STARTIN' SOMETHING: With Rob Stringer