

When The Band Breaks Up

Article By:

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Last May, Andy Greene wrote an [article](#) for *RollingStone* magazine about the "the biggest, messiest band breakups in music history". In the introducing his list of the 50 worst breakups, Mr. Greene observed:

There's also the simple fact that many bands were formed when the members were teenagers. Imagine spending decades with your high school buddies, unable to make major life and career decisions unless everyone agrees. Throw millions of dollars and global adulation into the mix, and things get dicey very fast. And when a group like Fleetwood Mac, Sonic Youth, or ABBA features romantic partners, the breakup can really get messy.

"Partners, Brothers and Friends"?

From a legal perspective, what is a "band"? In many cases such as those described by Mr. Greene, the group is likely not to have been incorporated or organized as a limited liability company. In those cases, the band will most likely fall into the category of a general partnership. California defines a "general partnership" as

"the association of two or more persons to carry on as coowners a business for profit forms a partnership, whether or not the persons intend to form a partnership". Cal. Corp. Code § 16202.

Such was the case in a recent ruling by U.S. Magistrate Judge Virginia K. Demarchi in *Eisen v. Day*, U.S. Dist. Ct. Case No. Case No. 21-cv-05349-VKD (Nov. 2, 2023). That case involved a dispute amongst the band members which devolved into a lawsuit. Although the parties agreed that there was a partnership, they disagreed about the membership, time span, and terms of the partnership.

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