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Gore, Current Duck Consultant's Suit Over Al-Jazeera Sale

By **Beth Winegarner**

Law360, San Francisco (July 09, 2013, 8:06 PM ET) -- A California judge on Tuesday tossed an entertainment consultant's contract lawsuit accusing former Vice President Al Gore and Current TV LLC of stealing his idea to sell the floundering network to Al Jazeera, finding that the consultant's advice on the deal was unsolicited and didn't require him to be paid.

San Francisco Superior Court Judge Ernest Goldsmith sided with Current TV's demurrer, finding that plaintiff John Terenzio hadn't shown that Gore was personally liable for any wrongdoing or that Current TV board member Richard Blum was acting on the network's behalf during any conversations with Terenzio. Judge Goldsmith gave Terenzio 10 days to amend his allegations, according to the ruling.

Although Terenzio claims he came up with the idea to sell Current TV to Al Jazeera, "Plaintiffs have not alleged that [the defendants] consent or that [the defendants] requested Mr. Terenzio's services, but rather that Mr. Terenzio presented his unsolicited proposal" to them, Judge Goldsmith ruled.

Judge Goldsmith will not allow Terenzio to revive his unjust enrichment claims, finding that those claims cannot constitute a separate cause of action, the ruling said.

Representatives for the parties did not respond to requests for comment on the ruling Tuesday.

John Terenzio, owner of Los Angeles consulting firm TAP Inc., **sued Gore and Current TV** in March, claiming he had approached Blum, also one of the network's major investors, in mid-2012 with a proposal to market the network to Al Jazeera as a way for the Arab media conglomerate to enter the U.S. television market.

Al Jazeera then **purchased Current TV** for an undisclosed sum in January.

"It was plainly understood and accepted by Blum that Terenzio would be compensated if Current TV moved forward with Terenzio's idea for the sale of Current TV to Al Jazeera for the creation of Al Jazeera America," Terenzio said in his complaint. "Terenzio would not have met with Blum, or disclosed his concept for a sale of Current to Al Jazeera, without Blum's understanding and acknowledgment that Terenzio would be compensated for his concept if the transaction was consummated."

The defendants objected to Terenzio's claims that a single meeting between Terenzio and Blum "can somehow be transmuted into an implied promise by Gore to pay Terenzio an unspecified amount on unspecified terms in connection with Al Jazeera's later purchase of

Current," according to the network's demurrer.

Terenzio also failed to show that Gore knew about the meeting, did anything to promote it or knew that Terenzio expected payment for his advice, the demurrer said. There's no evidence that Current knew Blum was holding himself out as a contact for the network, nor is there any explanation for why Al Jazeera isn't named as a defendant, Current TV argued.

Judge Goldsmith agreed but allowed Terenzio to come back with allegations that "distinguish [his] proposed involvement in the sale of Current TV and to allege estoppel based on theories of ostensible authority and ratification," his ruling said.

Terenzio is seeking compensatory damages of at least \$5 million.

Gore founded Current TV in 2002. Its first program aired in August 2005. Under Al Jazeera's ownership, the network expected to double its employees to more than 300 and add more offices to bolster its current locations in New York, Washington, D.C., Los Angeles, Miami and Chicago.

Terenzio is represented by Ellyn S. Garofalo of Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP.

Al Gore and Current TV are represented by Bert H. Deixler of Kendall Brill & Kleiger LLP.

The case is Terenzio v. Current TV LLC et al, case number CGC-13-529261, in California Superior Court, San Francisco County.

--Additional reporting by Sindhu Sundar and Jake Simpson. Editing by Richard McVay.

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