



Rubén Blades. *Archive photo by Eric Jackson*

A payless payday due to a crooked promoter was the start of years of litigation between two famous collaborators

Blades gets past long-running lawsuits

by Eric Jackson

In a music industry where the people who make it all happen --- the musicians and composers --- are often cast against their will in the role of victims, Rubén Blades is unusually adept at defending his legal rights. It probably has something to do with his formal education, a licenciatura in law at the University of Panama and an LLM at Harvard.

He made a name for himself at Fania, but the company shorted him on royalties and then claimed that records were missing. The musician almost never beats the record company, but he did, and as the outcome of his legal battle with Fania he now owns the rights to all of the things he recorded with that company. That legendary litigation, however, was quick and to the point compared to what he has been going through for the last decade.

Back in 2003, Blades and his old collaborator Willie Colón played the Siembra concert at Hiram Bithorn Stadium in San Juan, Puerto Rico and never got paid. The booking agency that Blades had been using, Martinez, Morgalo & Associates, LLC, took the more than \$300,000 owed to the musicians and paid other bills instead. A friendship broke up in an ugly dispute at Colón accused Blades of cheating him and Blades denied it. Four years later Colón sued Blades for the \$115,000 concert fee he was owed and then some, alleging that Martínez and Morgalo were Blades's agents and thus Blades was responsible for their failure to pay.

The dispute was accompanied by a war of words in the press and among people in the music industry, and it got worse when a US federal

magistrate denied a motion to dismiss by Blades, prolonging the case for years. But in 2010, shortly before the trial was to begin in Colón's lawsuit against Blades, Colón dismissed the action. There was a public argument between the two musicians about whether it was an out of court settlement, but the end result was that Blades paid nothing to Colón but Colón paid almost \$10,000 in legal fees to Blades's lawyers.

Meanwhile, Blades had been quite consistent and quite blunt --- including to this reporter in the course of an interview about a matter related to his work during the Torrijos administration as tourism minister --- in his allegations that Martínez & Morgalo stole from both himself and Colón. When he said at a 2007 press conference that he and Colón had been "robbed" by Martínez & Morgalo, the president of the booking agency, Robert Morgalo, sued Blades for slander. Morgalo's suit was filed in New York, but later it was consolidated with Colón's case and transferred to Puerto Rico.

What about the other half of Martínez and Morgalo? Shortly after the Siembra concert, Arturo Martínez was convicted of drug trafficking and sent to prison, where he served five years of a 15-year sentence. It appears that the "liquidity problems" that the booking agency experienced were related to Martínez's legal troubles. Where was Morgalo at this time? He had been called to active duty service with the US Army in Iraq and was not in a position to watch over Martínez or the other people working at the company when the Siembra concert was staged.

Blades interposed the usual array of defenses to the defamation lawsuit, but the central one was that what he said was true. It was a strong enough defense to get Morgalo's claim thrown out on a motion for summary judgment. However, the court of appeals reversed and sent the case back down to the magistrate in Puerto Rico so that the booking agent could have his day in court.

That day happened this past February, in a bench trial before Magistrate Bruce J. McGiverin. Blades presented his proofs, but Morgalo did not testify. On May 16 McGiverin handed down his decision, deciding that on the merits of the case what Blades had said at the press conference was substantially true, that Martínez & Morgalo took the concert receipts and didn't pay the musicians, and that whether or not "robbed" was a legally imprecise term to describe what had happened, as far as Morgalo's reputation in the industry was concerned that the facts of what happened rather than Blades's characterization of them were the cause of Morgalo's disgrace.

With that ruling, Blades put a decade of being a defendant behind him and upheld his winning record in court. He had better things to do with his life during that time and he did many of them, but he did not want this distraction.