

# Settlement reached in Beach Boys case

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PUBLISHED: March 20, 2008 at 12:00 am | UPDATED: September 6, 2017 at 11:11 am

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Mike Love and his former Beach Boys bandmate, Al Jardine, settled litigation related to their past feud over use of the band's name, an attorney in the case confirmed today.

The case centered in large part around Love's request for about \$2.2 million in attorneys' fees spent in previous litigation against Jardine in federal court.

The accord was reached late yesterday afternoon in the courtroom of Los Angeles Superior Court Judge Alexander Williams after a two-day mandatory settlement conference, said Carla A. DiMare, an attorney for the Carl Wilson Trust.

The Carl Wilson Trust is named after the former Beach Boys band member who died in 1998 and the trustees are his two sons, Justyn and Jonah.

DiMare said the terms of the settlement are confidential, but that both Love and Jardine were pleased with the outcome.

"Mr. Love and Mr. Jardine are looking forward to bringing more Beach Boys music around the world as the group approaches its 50th anniversary," DiMare said.

Other attorneys in the case were not immediately available for comment.

The case was set to go to trial April 14.

Love and Brother Records Inc., the Beach Boys' corporate identity, sued Jardine in April 2003 for fronting a group that used various versions of the Beach Boys name.

Jardine had been touring under the names "Beach Boys Family & Friends," "Al Jardine, Beach Boy" and "Al Jardine of the Beach Boys" until a federal judge, ruling in a copyright infringement case brought by Love, that the singer-guitarist could not use any reference to "Beach Boys."

Jardine's lawyer, Lawrence C. Noble, maintained in his court papers that the request for the fees should be denied because it was not made in federal court.

According to the suit, Love is the sole licensee, through Brother Records, to perform under the name "Beach Boys." Jardine "did not agree to abide by terms of a proposed license," so he was denied use of the name, the suit states.

A federal appeals panel in 2003 upheld a previous finding by U.S. District Court Judge Harry Hupp that Jardine cannot use the band's name for his own projects.

Love and Jardine attended both days of the settlement conference, while founding band member Brian Wilson was present during the first day only. Wilson was not a party to the lawsuit but is a shareholder in Brother Records Inc.

Jardine and Love also are still members of the board of directors of Brother Records, as are the trustees of the Carl Wilson Trust.

While the lawyers were in chambers with Williams the first day, Jardine and Wilson sat in the audience and chatted, occasionally singing lines from "Help Me Rhonda" — for which Jardine was the lead singer — and "Tom Dooley," the Civil War-era folk song made famous in a version by The Kingston Trio.

Jardine said that he is finishing a new studio album, "A Postcard from California," featuring such contributing artists as Neil Young, Stephen Stills, David Crosby, Graham Nash and Michael "Flea" Balzary of the Red Hot Chili Peppers, who plays both bass guitar and trumpet on the project.

Jardine also said he will be singing a blues-style version of "Help Me Rhonda" during three sold-out Steve Miller Band concerts in San Francisco on Monday, Tuesday and Wednesday. He said that while it can be risky to put a new twist on such a well-known standard like "Help Me Rhonda," he believes the audience will react favorably.

The Beach Boys, formed in the early 1960s, originally consisted of brothers Brian, Carl and Dennis Wilson; Love, their cousin; and Jardine. Dennis Wilson died in 1983.

Brian Wilson rarely tours, and only Love from the original group still performs under the Beach Boys name, booking about 150 concerts annually.

In June 2001, Jardine filed a \$4 million suit against Love and Brother Records, alleging Love excluded him from concerts in 2001. A judge later dismissed the complaint.

Jardine played football at Hawthorne High School with Brian Wilson.