



Claire Cecchi

Staying Put—A copyright suit against folk-rock band The Lumineers will stay in New Jersey, U.S. District Judge **Claire Cecchi** of the District of New Jersey ruled on Jan. 15.

The band, named as defendants in the suit along with band members Wesley Schultz and Jeremy Fraites, had filed a motion to transfer, arguing the case would be better decided in the District of Colorado, where the group currently resides.

The Lumineers, known for the 2012 breakout single "Ho Hey," were sued by former band member Jason Van Dyke in federal court in May 2014. Van Dyke alleged that he was a former member of the band who helped to write songs that appeared on the band's self-titled 2012 album.

According to the original complaint, Van Dyke was heavily involved in the band's formation when he, Schultz and Fraites were living in New Jersey. He wrote, rehearsed and recorded songs with the band but in 2009, when he "inquired about lack of progress in developing new material, Schultz revealed that he and Fraites had decided to move to Denver, Colo., but had not asked Van Dyke to join them because 'we didn't think you'd go.'"

In July 2014, The Lumineers asked the court to move the case to Colorado, arguing that "all the relevant evidence was there," and calling the need to travel for litigation "extremely inconvenient." Schultz and Fraites also pointed out that Van Dyke, a Hayward, Calif., resident, no longer lives in New Jersey.

But Cecchi denied the motion, writing in her decision that "defendants have provided insufficient support for their contention that the trial would be easier, more expeditious or more inexpensive in Colorado."

"This case is about nine songs jointly written and recorded in New Jersey under a partnership formed by the band in New Jersey before the current members of The Lumineers relocated to Denver. We're pleased the court reached the logical result and agreed that the District of New Jersey is the right place to litigate it," said Van Dyke's lawyer, **Peter Skolnik of Clark Guldin** in Montclair, N.J.

No attorney information was immediately available for The Lumineers.

Van Dyke is asking for more than \$1 million in damages, along with co-authoring credits on all the songs he claims were his.