

Manage your account here

We've made it easier for you to update your details, choose your newsletters, contact us and more.



The Taylor Swift-loving 'car wreck lawyer' planning to take down Ticketmaster

Jennifer Kinder, backed by hundreds of furious Swifties, is taking the ticketing giant to court. Is this music's Erin Brockovich moment?

By James Hall

27 March 2023 • 5:37pm



Jennifer Kinder is what you might call a character. The Dallas lawyer answers my phone call with a whooping “Oh, I love your accent!” before bursting straight into [Taylor Swift’s](#) song London Boy – “Like a child when our eyes meet, darling I fancy you.” The 56-year-old Texan tells me she’s essentially a “car wreck lawyer” – her email address includes the construction “justcallkinder”, which brings to mind TV drama [Better Call Saul](#) – and her firm Kinder Law also deals with workplace accidents, so-called slip and fall cases, and dog bites.

But now it’s Kinder who’s baring teeth. On March 27, a Los Angeles courtroom is the setting for the opening salvo of what could be the defining case of her career. More importantly, it could have ramifications for the entire global entertainment industry. Kinder is taking on ticketing giant Ticketmaster on behalf of hundreds of Taylor Swift fans – known as Swifties – who feel they were hard done by [when they tried to buy tickets](#) to the superstar’s 52-date [Eras Tour](#) last November.

This could be the music industry’s Erin Brockovich moment – the famous mid-1990s case when a small-time legal clerk took on a vast utility corporation on behalf of a whole town and won. Kinder is ready for the fight. “It’s going *down* like WWE. It’s going *down* on Monday,” she says.

The hearing at the Central District of California court is what’s known as a status conference. Nothing substantive will be decided; it’ll comprise technical legal arguments. But it’ll fire the starting pistol on this intriguing David versus Goliath battle. The case relates to the release late last year of “pre-sale” tickets (for avid fans) for Swift’s tour, which kicked off earlier this month. So high was the demand that Ticketmaster’s website crashed, people were placed in hours-long queues and there was general chaos. Legions of Swifties were left empty-handed, and some lost money, while they watched helplessly as tickets appeared on secondary sales sites at vastly-inflated prices. Even Swift, who has nothing to do with this case, said the debacle was “excruciating” to watch.

Kinder is acting on behalf of over 320 Swifties. This isn’t a class action – she’s not claiming lump sum damages on behalf of the fans in a single case. Rather, it’s what’s called a “cause of action” case: she’s trying to win individual plaintiffs the right to have individual jury trials and win individual damages from Ticketmaster. She hopes this is the start of a grassroots movement that will result in the dismantling of what she claims is the company’s stranglehold on the live music industry. “A class action is not effective. Ticketmaster needs to be sued over and over and over again for every ticket sale,” says Kinder.



justcallkinder
Original audio



Senate Holds Hearing Amid Taylor Swift To

182 views 1mo ago ...more

4 NBC4 Washington
She hopes this will snowball; she says she has Beyoncé and BTS plaintiffs waiting in the wings for future actions. “The Swiftie group is going to be the test pilot,” she says. To give this week’s hearing maximum impact – and to gain maximum media coverage – Kinder’s coalition held a Taylor Swift dance party in a Santa Monica bar on the Sunday night before the case began. On the day, there’ll be a banner-heavy “Take Down Ticketmaster” rally outside the courthouse.

Kinder says this is “not about money, it’s about change”. (I don’t know what kind of damages the Swifties expect but I do know that they care far more about the burning injustice of not seeing their idol perform than cash.) Kinder outlines to me what her specific legal arguments will be when the time comes. She’ll claim that fans’ experiences with Ticketmaster, which is owned by the world’s biggest concert company Live Nation, indicated a possible pattern of fraudulent behaviour and antitrust (anti-competitive) violations by the company.

Fraudulent, Kinder will argue, because she believes Ticketmaster allowed in third party secondary “scalper” sites and “bots”, which are automated computer programmes that act as agents for scalper sites, to buy tickets. These tickets were then resold for many times their face value, with Ticketmaster taking fees from the resellers, she’ll claim. And she’ll argue it’s anti-competitive because Live Nation and Ticketmaster are a monopoly.



This point is hard to deny. Together they control roughly 70 per cent of the ticketing and live venue market in the US with a huge international presence too. Kinder will also claim negligence and misrepresentation by Ticketmaster, as the fans in question were “verified fans” who had a reasonable assumption that they’d get tickets (such was the mess that Swift tickets never even went on general sale).

Ticketmaster was approached for comment on these specific allegations. In a post-sale blog post (since deleted), Ticketmaster blamed the meltdown on overwhelming demand. It said it received an astonishing 3.5 billion individual requests for tickets, four times its previous peak. In its blog, Ticketmaster also said that a record 3.5 million verified fans had registered for the US pre-sale. They’d planned to invite 1.5 million of these to buy tickets, with the other two million placed on a waiting list. But the bots got involved, as did a large number of fans who weren’t verified. The bots, Ticketmaster seemed to be saying, were actually part of the problem.

Kinder believes fans deserve better. “This really is about consumers. It’s about live entertainment and what our expectations are in this county about what it should look like,” says the attorney. She says one Swiftie plaintiff who thought she’d secured tickets tried to check out of the site 41 times. She never received the tickets but was charged \$14,000.



Taylor Swift fans protesting Ticketmaster outside the US Capitol in January | CREDIT: Getty

One Beyoncé fan, meanwhile, contacted Kinder last week and said it was cheaper to fly to Sweden to see her idol perform – including her air fare and her hotel – than it was to see her in her own city in the US. To get to the bottom of what happened with Swift, Kinder’s team will fight for access to Ticketmaster’s all-important computer data from November. “We believe that Ticketmaster is going to try to pay any amount of money – or fight us in court – to prohibit us from having it. We will not stop until we have all of the forensic data which showed everything that happened on that day,” she says. This look beneath the bonnet could prove decisive.

Storm clouds are already gathering over Ticketmaster. Late last year, the all-powerful Department of Justice in the US was discovered to have started an antitrust investigation into the 2010 merger of Ticketmaster and Live Nation, which created the giant Live Nation Entertainment. The probe is said to be looking into whether Live Nation had abused its power in the live music industry.

Last week Robert Smith, the 63-year-old singer of British band The Cure, [forced the company to partially refund fees](#) it charged people who bought tickets for the band’s upcoming US tour (refunds of \$10 or \$5 depending on the tickets bought). He was widely

hailed a hero. “I love Robert Smith that he’s trying to keep this Ticketmaster issue alive and I love that a group that was popular back when I was in college is now making the front pages and kicking ass,” says Kinder. “It’s 10 dollars or five dollars, f__ it’s more than they’ve ever given anyone before, right? It’s fantastic.”



And this Swift action is part of a groundswell: the Ticketmaster campaign is supported by a coalition of activist groups that includes Eat Predators, which is seeking reform in the entertainment industry, and Justice for Britney, which backed singer Britney Spears in her successful legal battle to end her conservatorship. Ticketmaster is under fire from all sides: the DoJ and the grassroots.

But Ticketmaster’s comeuppance is far from a done deal. Live Nation has deep pockets and powerful lawyers. Last month Live Nation hired one of its longstanding outside attorneys, a veteran antitrust lawyer called Dan Wall, as its executive vice president for corporate and regulatory affairs. In January it was reported that Live Nation’s spending on lobbying in Washington and elsewhere jumped from around \$250,000 in 2018 to almost \$1.3 million in 2021.

But this is a fight Kinder genuinely believes she can win. Her associate Griffin McMillin almost took a job with the Justice Department in its antitrust division. And her plaintiffs “are the most interesting, blue-collar, hard-working, pay-taxes people – they are really committed to this movement.” Kinder is financing the case herself; it’ll cost somewhere in the region of \$300,000. If she wins she gets paid back. If she loses she doesn’t.

Still, does she realise just how much of a David versus Goliath fight this is? “It wouldn’t be the first time I’ve heard that analogy,” she laughs, before pausing. “But, you know, what am I going to teach my daughter? My daughter wanted to go to the concert. I got wait-listed, I didn’t get tickets. What are we teaching our kids if we don’t teach them to stand up for what we believe is injustice? Do I teach her that well, you know, it’s Ticketmaster so we need to pay \$2,000 for a ticket? Is that what I teach her?” Another steely pause. “That’s not what I’m going to teach her.”

Culture Newsletter

The latest art, film, theatre, book and music reviews



Sign up

Related Topics

Pop music, Taylor Swift, Celebrity News



The Telegraph values your comments but kindly requests all posts are on topic, constructive and respectful. Please review our [commenting policy](#).

Show comments

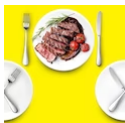
More stories



There are benefits to drinking coffee – but only if you’re having fewer than this number of cups per day



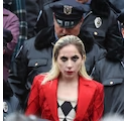
Jerry Hall’s revenge dress is the ultimate response to Rupert Murdoch’s engagement



What eating one meal a day really does to your body



Dressing like the one per cent comes down to one simple rule



The crazy truth about Lady Gaga's 'extremely gruesome' Joker sequel



Blue Lights, review: BBC One's Belfast cop drama deserves as much hype as Line of Duty

More from Music



Fatboy Slim: Eat Sleep VR Repeat: the gig that lets you take to the skies (in your own basement)

★★★★☆ 4/5

By Neil McCormick

29 Mar 2023, 2:08pm



Arena rock is dying – so why build more arenas?

By Ian Winwood

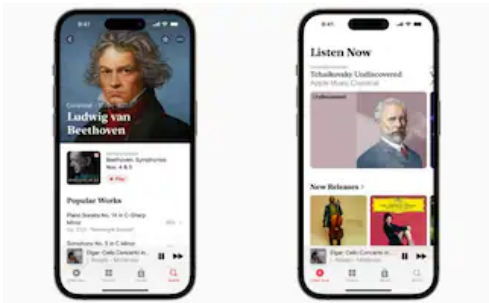
29 Mar 2023, 2:00pm



Arthur Briggs: the forgotten British jazz pioneer who led a secret double life

By Hugh Schofield

29 Mar 2023, 7:00am



Apple Music Classical, review: at last, a classical streaming service that didn't drive me mad

★★★★☆ 4/5

By Ivan Hewett

28 Mar 2023, 7:32pm



Bryn Terfel proves a Wotan to be reckoned with, plus the best of March's classical concerts

★★★★☆ 4/5

By Ivan Hewett

27 Mar 2023, 12:33pm



Roger Daltrey and friends: an occasion almost too overstuffed with good stuff

★★★★☆ 4/5

By Neil McCormick

27 Mar 2023, 12:24pm

More from The Telegraph



Everything you thought you knew about British honey is wrong



The Italian bob is the ageless hairstyle of the summer – just ask Emily Ratajkowski



Toyota GR86 review: persistence pays off for the sports car nobody else was brave enough to make



How Paul O'Grady dragged gay culture into the mainstream



The retro trainers that will complete every outfit this spring



'John Lennon stared at me like a snake about to eat a rabbit and said my harmonies were ridiculous'

Voucher Codes >

The latest offers and discount codes from popular brands on Telegraph Voucher Codes



[GoPro discount code](#)



[Groupon discount code](#)

BLOOM&WILD



National
Trust

[Bloom & Wild discount code](#)

[National Trust discount code](#)

 wayfair

[Wayfair discount codes](#)

MADE[®]

[MADE.com discount codes](#)

The Telegraph

[Back to top](#) ^

Follow us on:



[Help Centre](#)

[About us](#)

[Telegraph Extra](#)

[Reader Prints](#)

[Branded Content](#)

[Syndication and Commissioning](#)

[Guidelines](#)

[Privacy](#)

[Terms and Conditions](#)

[Advertising Terms](#)

[Fantasy Sport](#)

[UK Voucher Codes](#)

[Betting Offers](#)

[Modern Slavery](#)

[Tax Strategy](#)

[Broadband and Mobile Deals](#)

[Wine Cellar](#)