


Unpacking Motley Crue's Mess: Manager Slams Mick Mars' 'Smear Campaign'; Guitarist's Lawyer Says He Is 'Tired of Being Bullied' (EXCLUSIVE)

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The band manager says Mars has only alleged miming on their part because he's being led along by reps engaging in 'elder abuse.' Mars' camp says the group's alleged 'gaslighting' continues

It may take a greater elixir than anything Dr. Feelgood has to offer to elicit positive vibes in the war of words — and writs — between Motley Crue guitarist Mick Mars and the other three members of the group. Following a headline-making lawsuit filed by Mars against the band last week, lawyers or managers for both sides have spoken with *Variety* at length about the positions they are doubling down on. If you had to sum it up in a hard-rock song, it might be: “Grievances Grievances Grievances.”

Until now, the Crue camp had only issued brief statements and a frustrated tweet from Nikki Sixx. But the band's manager of 29 years, Allen Kovac, was so angered by an interview Mars gave *Variety* after the suit was filed that he agreed to go on record addressing what he believes are the musician's most scurrilous accusations — including whether or not the group's performances are largely on tape. “I have a lot of regret that I'm having to do this,” the attorney says, pointing out that he talked Nikki Sixx, the group's unofficial leader, out of talking to the press himself, wanting the bassist to keep “taking the high road.”

Meanwhile, Mars' attorney, Edwin F. McPherson, has elaborated on why he feels his client reached such a breaking point that he decided to not just file suit but go public with how he feels the band has done him wrong, now that his 41-year run with the group appears to be coming to a contentious end.

Kovac says Mars is coming out with a list of allegations “to gain leverage in a smear campaign on Motley. He's attacked the band, and he's done it in a slanderous way, with false accusations and misrepresenting the facts to the fans. Mick is not the victim. The victims are Motley Crue and the brand, which Mick is so prideful of.” But, adds the manager, who says he has always liked and gotten along well with Mars over the last three decades: “What's upsetting to me is not Mick, but his representatives, who have guided Mick to say and do harmful things to the brand he cares about so much, Motley Crue. He has a degenerative disease and people are taking advantage of him. It's called elder abuse.”

He continues: “Mick's representatives have no idea what they've created, but I've stopped the band from speaking about this, so they're not gonna turn the fans against Mick. But I am going to make sure that people understand that Mick hasn't been treated badly. In fact, he

was treated better than anyone else in the band, and they carried him and they saved his life.”

Kovac mentions that Sixx once famously got a tattoo of Mars, to show his loyalty to him. To McPherson, though, that doesn't count for much now. Says the guitarist's attorney: “Just because you get a tattoo of someone does not mean you get to oust them from your band's corporations and LLCs 41 years after they start with you.”

The filing by Mars' lawyer Thursday had at its core a simple request: The musician is asking the court to compel Crue's team to produce records and documents they've been unduly sluggish about turning over, in Mars' view, prior to arbitration that is likely to settle their core disputes. But the main legal purpose of that writ was of far less interest to the band's millions of fans than supporting documentation that included a long accounting of Mars' disputes with the other three members and their management.

Three essential questions have captured the curiosity of Motley Crue fans, and the merely curious, since last week's lawsuit and Mars' followup interview: Did he quit the band, as the others would have it, or is he being ousted? Does retiring from touring constitute resigning altogether? And, as a dishy side plate: Who really can't cut it on stage anymore — the other three members, whose tour performances Mars contended were largely pre-taped, or Mars himself, who the other members say was unable to properly remember or execute his parts on his final stadium tour with them in 2022?

Last week, the Crue camp made available to *Variety* seven signed declarations from key crew members who worked on the 2022 tour, all alleging that Mars' performances in rehearsals and the 30 tour dates were little short of disastrous, throwing the other band members off their game or forcing personnel to switch to pre-recorded parts to cover the guitarist's frequent mistakes.

McPherson, Mars' attorney, was infuriated by the release of the documents citing Mars as the egregious weak link on stage. “It is interesting that these declarations about Mick's playing are from employees of Motley Crue, who rely on the band for their livelihood,” the lawyer says. “I noticed that there are no declarations from anyone about the other members' playing — or *not* playing.”

He continues, “Did you ever wonder why Motley Crue's lawyers drafted declarations stating that Mick was unfit to perform successfully on tour, and had them signed — albeit by people whose livelihoods depend on pleasing Motley Crue — in response to Mick announcing that he is retiring from touring? If Mick is so bad, isn't it a matter of ‘problem solved’? ... The bottom line is that this case is not about whether or not Mick can still play. It is not even about whether the other band members are playing anything at all. But if you are going to gather

disparaging declarations from employees, and kick someone out of the band for not playing properly — ironically, after he tells you that he can no longer handle touring anymore — you better get out of your glass house.”

Crue’s attorneys gathered the signed declarations from production team members on Feb. 9, clearly anticipating a need for evidence of Mars’ allegedly poor playing.

The depositions include touring production manager Robert Long, who says he has worked with Mars and the band for 16 years, writing: “He would consistently miss notes; play out of tune; play the wrong chords during a song; stay within a chorus of a song and never come out of it; forget the song that he was playing and start a different one; and would get lost in songs. This happened at every show. Our sound technician would have to carefully monitor Mick and play tracks when Mick would go off course. Otherwise, the whole performance would be a disaster. ... Our playback engineer put in cues for Mick so that he would stay on course but he would miss the cues.” Long further says that he had to convince Mars’ guitar tech not to quit the tour.

Others from the Crue production team who signed declarations included production coordinator/show designer Ashley Zapar (“From the 36 shows that the band performed during the tour, 34 had issues because of Mick’s errors”); tour manager Thomas Reitz (“Mick’s mistakes were very frustrating and problematic for the band and the entire crew”); front-of-house engineer Brent Carpenter (“At one point, Mick complained that we were using tracks when he was playing, which though true, was directly because of his lack of consistency”); monitor engineer Scott McGrath (“In my years of experience, I have never seen mistakes like this by a guitarist on stage”); bass tech Fred Kowalo (“I have never seen mistakes like this by a lead guitarist on stage and it really surprised me”); and drum tech Steve Morrison (“This was very different from Mick’s prior performance on tours [where] Mick played well and remembered the songs”).

But if Crue had these statements already in hand two months ago, it was Mars who was first to go public this past week with an accusation that others were not up to snuff. The suit he filed last week goes far into how other band members accused him as the 2022 tour went along of not being able to remember or flubbing parts, and that they had communicated a belief this was evidence of cognitive decline. In his *Variety* interview, he admitted to the occasional “brain fart” he says every so often, blaming any greater problems on bad monitor mixes that included distorted pre-recordings. But Mars was mostly on the offense — saying that “100%” of Nikki Sixx’s bass parts were on tape, and that substantial parts of Vince Neil’s singing and Tommy Lee’s drumming were pre-recorded, in contrast to his own (he says) 100% live playing.

Kovac now offers what he says is a transparent view of what’s happening on stage in the band’s shows... which he says involves the barest amount possible of pre-recording.

“Everything is live with Nikki’s bass playing and Tommy’s drum playing,” insists the manager. “When they’ve used loops, they’re still playing. There *are* augmented vocals, which were (recorded) in the studio and are backgrounds behind the two ladies who are singing and (other background vocals by) John 5 and Nikki Sixx, and before that Mick and Nikki.” He describes the pre-recorded vocal layering as where “you multi-track and you do gang vocals with, like, 20 people, just like all the other bands do with background vocals. They’ve got background vocals in the mix. That’s the truth.

“But Nikki played his bass and always has,” Kovac continues. “Vince was singing better than he was before (on the latest tour). That was in reviews. Now, John 5 is playing like who John 5 is. I’ve heard John 5 perform and I heard Mick perform. Both are great guitar players. Unfortunately, Mick is not the same. He hasn’t been the same for a long time. Which was in reviews! You see that the professionals knew. Def Leppard (which alternated headlining spots on tour) knew. And (Mars) caused a train wreck up there, because he would play the wrong songs and the wrong parts, even with the guide tracks. When he played the wrong song, it wasn’t Nikki Sixx that had a tape; it was the soundman bringing it into the mix so the audience could hear a song, even though the guitar player was playing a different song.” He says audiences “would hear it at first, but (sound engineers) would fix it so that we could keep the song going. I heard it. I’d go to the sound board.”

The manager says that, despite what he alleges was a pattern of terrible performances, the band never thought of firing Mars — until he announced that he would be coming off the road due to the difficult of touring with the debilitating AS [Ankylosing spondylitis] condition he’d been dealing with since age 27, which causes vertebrae to fuse over time. “They honored their commitment and propped him up,” Kovac says. “Now there’s a new guitar player. I want people to hear the difference. They’re gonna play the U.S. again in a bunch of markets, and people will be able to use their own ears, just like they can use their own judgment about third-party declarations and contracts instead of spin.”

Nonetheless, in the past, concertgoers have posted video clips of moments where they think members are not performing live, a sometimes hot topic of discussion for any band that’s seen in a stadium setting, with fans interpreting what they believe is really happening in those moments. Mars’ team says it is collecting some of those video clips, as backup for what he has contended — even while saying it’s ultimately not a big part of their core legal issues.

Says McPherson, “We have already started the process of checking multiple fan accounts and other videos, as I’m sure others are doing right now, to see if their movements match the sound. However, once again, whether the rest of the band played live or not — and whether Mick had playing issues or not — the most important fact here is that he *is* a shareholder of the band’s corporate and LLC entities. You don’t lose your shares just because you play the wrong note, after 41 years.”

This brings it back to the core of the multi-faceted dispute: the disparity between Mars' and the band's conflicting statements in October over his status with the group. The guitarist issued a statement saying he was retiring from touring, due to the difficulty of managing pain from his disease on tour at age 71, but he would still be a part of Motley Crue when it came to recordings, limited Las Vegas-style residencies or special one-off appearances ... and, implicit in that, his role as a one-quarter shareholder in the band's businesses. The next day, the group issued a statement thanking him for his service, acknowledging his courage in admitting his health no longer allowed him to tour, and... none too subtly stating that he had "retired," without qualification. Clearly, there was a dual attempt to control the narrative of whether Mars was still "in" Motley Crue, even as he allowed that he would not be out there as part of the face it anymore.

Here is his attorney's take: "No, resigning from touring — or even from the band entirely — is not resigning from the band's corporations and LLCs," McPherson says. "Corporate law doesn't work that way. If Jeff Bezos stops working at Amazon someday, he still gets to own the company! So does Mick."

Kovac counters that if you take touring out of the equation for Motley Crue, "there's nothing left. What is left?" Sixx has made it clear that he doesn't believe the band will record new albums in the future. As far as other conceivable benefits of remaining in the band, apart from touring splits: "There are no record royalties," he points out, since the group made a deal in 2021 to sell its master recordings (which they acquired for themselves in the '90s) to BMG. Additionally Kovac says, "there are no publishing royalties or income from performance or neighboring rights," since all the members have sold or are selling their publishing. (The manager says the other three have already made deals for offloading their publishing — *Variety* reported in 2020 that Sixx sold his 70% share to Hipgnosis — and that Mars is in the process of selling his 10%. McPherson did not comment on the status of Mars' publishing.) "What is left?" Kovac reiterates. "What does he want to do?"

Merch would seem to be an issue that could be affected by a partial or total severance. The band agrees that Mars is entitled to a fair share of anything that bears his likeness, but not necessarily anything that doesn't. (It probably goes without saying that the band won't be selling any T-shirts that still have Mars' face on them, though, right? Actually, Kovac says they do still sell such an item.)

In any case, Kovac said the band made a good-faith offer to Mars to give him a percentage of the 2023 touring that is going on without him, as a sort of exit package because the other band members "have empathy for Mick" — even though the band's belief is that he's owed nothing more going forward that isn't directly related to his name and likeness. Mars, in his suit, called this proposal a "severance package" that he was asked to sign that would have headed off the scheduled arbitration and left him with no claims to make on future band activity.

He also called it “an insult.” Both sides agree that the offer from the band was to give him 5% of the 2023 stadium tour that he is not participating in (his final gigs with the band were in Sept. 2022). When Mars balked at that, the offer was upped to seven and a half percent — with the group contending that this was a very lucrative alternative to getting zero. The guitarist still did not believe that this was worth signing away what he sees as his ongoing membership in the group, on a business if not performing level.

“He was offered a terrific opportunity,” says Kovac. “An offer was made to him at 5%, and then up to seven and a half percent, to avoid this. What Mick’s asking for is an equal share, 25% — but there’s a guy named John 5 in the band. Mick resigned from touring, and John 5’s getting paid. So who’s gonna pay John 5? None of this makes sense.” He can’t see why Mars didn’t take the deal. “They’ve got (a 2023 tour) they’re about halfway through, so let’s (estimate) \$150 million (in gross), and then you take off for production and commissions, and let’s call it 100 or 110 million. What’s seven and a half percent of that? He says it’s an insult. And you’ve got me quoting that the other two guys got zero when they were out of the band” — meaning Vince Neil and Tommy Lee, during the periods they left the group. “So where’s the insult?”

He reiterates the math: “I think Mick is part of the 1%. Please put that on the record. ... Let’s say it was seven and a half percent of \$110 million. Could you live on that, even if you have tens of millions already?”

Whether any future payments to Mars are an obligation or just a favor may come down to an arbitration judge’s reading of a 2008 amendment to the group’s original operating agreement. That amendment was drafted when there was a lack of clarity over whether Neil or Lee were entitled to any money in the years during the ‘90s and 2000s when they took turns quitting the band. Kovac points out that Mars was one of those arguing, and signing off on, the idea that neither resigning member was entitled to anything during their time away, and that this should be their practice going forward.

Variety obtained the 2008 amendment, and it’s clear on some points, possibly more ambiguous on others, despite the signees’ intention to set things straight once and for all at the time. It reads in part: “In the event that any Shareholder no longer renders services in MC then no amount of purported value shall be attributable to the Trademarks at the time of resignation, but all such Trademarks shall continue to be the exclusive property of the Corporation. In the event that any Shareholder resigns from performing and/or rendering services in MC... he shall not be permitted to continue to use the Trademarks for any purpose whatsoever... Notwithstanding anything contained herein to the contrary, in no event shall any Resigning Shareholder be entitled to receive any monies attributable to live performances (i.e., tours).”

That would seem to make it clear that anyone who quits the band altogether shouldn't get any money from tour receipts. But Mars' camp doesn't consider him a "resigning shareholder" but someone who very vocally continues to believe he's a *non*-resigning shareholder.

Variety asked Aaron Liskin, a top entertainment attorney, to look at the language in the amendment, and the two sides' take on it, and render an opinion on what the retired judge who will oversee arbitration might think. Liskin thought, on initial glance, that the band had a case for arguing that, by quitting touring, Mars might have cleared himself of having any duties to perform in the group.

"They haven't made an album since 2008, so what *does* it mean to participate, beyond touring?" he wondered. "The language is a little flimsy. One of the things that would likely get tested is, what was the intent? If the other members were not getting paid during their temporary resignations, and that was really the motivation for putting this together — if you're not touring, you're not getting paid," then that will carry weight with a judge, "if the evidence backs that up. On the other hand, he thought it was curious that the document does not have any discussion of how an exiting shareholder's shares would be redistributed — something that might have been covered in the original, 20th century operating agreement. (*Variety* has not seen that original contract, and neither side offered comment on what it contains in that regard.)

McPherson says that what happened when the other two members were out of the band has no bearing on what's happening now with Mars. "Vince was thrown out of the band, and Tommy left for other endeavors," says the attorney. "This was a long time ago. They did not leave after 41 years, and they did not simply retire *from touring*, particularly because of a debilitating disease," but from the group entirely. "This scenario that you discuss would allow Sixx to get rid of everyone, and he would be the last man standing, owning everything. That is not how corporate law works, and that is not even how normal bands work, especially (regarding) a band founder."

As it stands with Mars' suit, though, it's the seemingly most mundane matter — compelling Motley Crue to turn over documents — that is the sole one to be decided in the moment. The Crue team believes the suit has no foundation in any obstacles Mars has faced in getting the documents that he needs, and that it really was put together as a delivery system for the guitar to get publicity for all his beefs.

McPherson provided a letter he wrote to Motley Crue's legal team on Feb. 8, demanding materials by Feb. 16, and a response he got from that latter date, attaching some records but saying, "We are still locating records and anticipate producing additional documents on a

rolling basis.” He says the attachments were so few as to be meaningless, and he got nothing further from the Crue reps in the eight weeks since — hence, their filing the suit to get far more paperwork than they say has been forthcoming.

Says Motley Crue’s litigation attorney, Sasha **Frid** of Miller Barondess: “I provided Mick’s lawyer the records that he requested and also asked him to give me a call if he wanted to discuss. There is no question that if he wanted any additional records, he could have asked for them.”

He adds, “The lawsuit that Mick filed is a petition for writ of mandate to obtain certain records. It’s a perfunctory request that usually consists of nothing more than a couple of pages. There was absolutely no need for Mick to tell a 41-year history of the band, bad mouth Nikki by claiming that ‘100% of his bass parts’ were recorded, or any of the other flurry of lies that he made. These allegations have nothing to do with his request for corporate records. It is completely irrelevant and superfluous; and no code or case law requires such allegations to be made to get documents.

“The only reason these bogus allegations appeared in this legal filing is so that Mick and his lawyer would be protected by the ‘litigation privilege’ — which protects parties from statements made in legal filings. Mick and his lawyer filed this bogus lawsuit because if these statements were made in the press, the band would sue them for defamation and slander. This lawsuit is nothing more than a malicious attempt to badmouth the band. It’s not surprising that they made no attempt to serve us with it or ask me if I would accept service. They don’t want these documents — they just used this as an opportunity to mislead the public to create leverage.”

McPherson says he didn’t even know that Mars’ camp was demanding documents until the lawsuit was filed and he read about in the press. He wonders why no one called him directly, especially blaming the guitarist’s manager, saying he would have personally acted to expedite Mars’ request, with no need for a lawsuit over it. “He’s a manager who used to be a third-rate publicist, out there trying to spin leverage because he wants to make money on a settlement. And all he’s done is ruin any possibility of that.”

But Mars’ team says the manager in question, Steve Karas, is only assigned to a specific project and isn’t involved in this at all. “Mick doesn’t have a manager for anything other than his solo record!” says McPherson. (Ironically, the deal Mars has for a solo album is with the label owned by... Kovac.) “This is all Mick,” adds the lawyer, disavowing any manipulation. “He is tired of being bullied. There is nobody driving the train here but Mick.”

(McPherson also cast skeptical aspersions on Kovac’s statement that he never heard of the records request until the lawsuit. “There is no way in the world that neither law firm happened to mention this to the band or its manager,” says Mars’ lawyer.)

In the end, so much of this comes down to: It's personal, with issues primarily between Mars and Sixx that the arbitration judge may not even want to look at. Both members feel betrayed, or at the very least, deeply hurt by the other, while Neil's or Lee's name hardly come up a fraction as often as the tales of old wounds unfold.

Sixx and Kovac think that they're getting a poor payback in return for helping save Mars' life when he bottomed out in the early 2000s. In his *Variety* interview, Mars admitted he was deeply addicted to opiates, due to the pain from AS that had increased over decades, and was able to get off the drugs by taking a couple of years off starting in 2000.

Kovac takes substantial responsibility for helping Mars get clean two decades ago, and says of that time: "I said, 'OK, Nikki, something's wrong. If you guys haven't heard from him for two and a half years, let's go to his house and find out if he's even alive.' And when we knocked the door down, because Mick couldn't walk, he could only crawl. He needed a hip operation. Nikki had him sleep at his house and go to some doctors where I had different people from my company taking him. He weighed all of 89 pounds. There was a documentary called 'The Resurrection' and it shows the debate of whether to bring Mick back. When Mick wasn't capable, the band waited a long time while he healed. And even after healing, he was never the same, though he's been on the road ever since. I call *that* support.

"I hope you print that, because that's true, and ask Mick: How'd you get to those doctors? Did you stay at Nikki Sixx's house when people were debating about you being in the band or not? Did you end up in the band, despite you disappearing for two and a half years and having to rehab for two years after that? I think that's important. Did Nikki get a tattoo to show you he would never do anything to harm you? Did you try to harm him by throwing him out of the band because you thought he stole your publishing? Did you prevail?" (The answer, Kovac says, is no.) "Did he forgive you? Which he did, because we all knew he was being taken advantage of. Everyone kept him in the band, but Mick never apologized. And Nikki's still loyal."

(The apparently bitter publishing dispute, which happened about eight years ago, had Mars saying he had contributed more substantially to the songwriting than the 10% share he was originally given, according to Kovac, who says Sixx has always come in with all the lyrics and melodies. The fight eventually went away, but there are clearly residual feelings on all fronts. Even now, Mars' lawyer says the other side is "gaslighting" when it contends the guitarist didn't contribute as a writer, though Kovac says he even interviewed the band's former producers to get to the heart of the matter.)

The band's contention is that this professed loyalty continued into 2022 and even the present, despite the long history of wounds. Kovac said he and the group did repeated favors for Mars, like first negotiating the guitarist out of any liability he had with Live Nation to

fulfill 2022-23 touring, because of his desire to pull out after the U.S. leg last year, spreading the exposure among the other three. And then, Kovac says, he further negotiated Mars getting to keep his seven-figure advance for the tour and not pay any of it back. (Mars' team's response to that is that if Live Nation didn't make him return it, that is Live Nation's good will.) With tickets for upcoming shows still on sale, Live Nation was as upset this past week as the band was, Kovac says, over Mars making public charges that big parts of their recent performances were mimed.

The manager says he blames Mars' supposedly faulty memory, as well as his reps. "He is in pain, and he does have a hard time remembering. Just like he doesn't remember trying to kick Nikki Sixx out of his band." As proof that Mars has memory lapses, Kovac pulls up an email that he says the guitarist sent production manager Robert Long on Oct. 6, asking, "I was just wondering when the second leg of this stadium thing starts, and where. Europe? Let me know." Although there could be other explanations, Kovac says that's proof Mars didn't recall he'd already played his final gig with Crue: "As you can see, he forgot he resigned."

"Loyalty," obviously, is not the buzzword that will be foremost in fans' minds for any time to come, even though Kovac says Sixx still feels it, in his fashion, toward Mars. Many fans find themselves in the awkward position of feeling like they have to choose a side. Is it with Sixx, whose lone tweet about the imbroglio said: "Sad day for us and we don't deserve this considering how many years we've been propping him up — we still wish him the best..."? Or with Mars, who told *Variety*, "I can't believe they're pulling this crap... I carried those bastards for years"? Are your emotions carried more by the thought of the Sixx who took in Mars as housemate and helped in his recovery... or by Mars' picture of his bandmate who supposedly belittled him during his final months on tour? You could sympathize with the band that says they were loyal through mounting recent on-stage mishaps — or with the guitarist who cites a veritable lifetime of antagonism, "Those guys have been hammering on me since '87, trying to replace me."

The arbitration judge likely won't be much guided by sentiment. The fans? They may just want to cry at the devil.