

## Ye Used Infringing Song As Listening Party 'Lure,' Jury Told

By **Rae Ann Varona**

Law360 (May 7, 2026, 11:11 PM EDT) -- A damages expert for an artists rights holding company told a California federal jury on Thursday that Ye owes over \$500,000 in damages for allegedly using an unauthorized sound recording in an early version of his Grammy-winning song "Hurricane," saying Ye used it to "lure" fans into the lucrative listening party.

Doug Bania told a Los Angeles jury of eight that Artist Revenue Advocates LLC should get over half a million dollars in damages stemming from a listening party that Ye, formerly known as Kanye West, held on July 22, 2021, at Atlanta's Mercedes-Benz Stadium, during which Ye played an early version of "Hurricane" that used an allegedly unauthorized track called "MSD PT2."

Bania emphasized several times that "Hurricane," which he said had been "leaked for three years" ahead of the listening party, was used as a "lure" to get people excited and attract fans to the ticketed live event.

Ye's attorney, Eduardo Martorell of Martorell Law APC, had at one point asked Bania if he had ever spoken to anyone who attended the listening party.

Bania said that he hadn't, but maintained that those who did attend expected to hear some version of Ye's "Hurricane."

"'Hurricane' was chosen on purpose," Bania said in front of the jury. And it was Ye "who used 'Hurricane' as a lure," he said.

The commercially released "Hurricane," which features artists The Weeknd and Lil Baby, came out in late August 2021 on Ye's "Donda" album and went on to win a Grammy in 2022 for Best Melodic Rap Performance. The final version also did not sample "MSD PT2."

Bania took the stand on day four of the **copyright trial** over Ye's use of a sound recording of "MSD PT2" created by Grammy winners DJ Khalil, whose real name is Khalil Abdul-Rahman, Sam Barsh, Daniel Seeff and Josh Mease.

The rights of the five-ascending-chord sound recording currently belong to ARA, which lodged the suit against Ye and several companies, including Ye-owned companies, in **2024**.

ARA — which bills itself as an entity helping **"working musicians"** enforce their rights — alleged in its complaint that the "MSD PT2" creators had tried for nearly three years to collect a share of the proceeds from "Hurricane" and another song, "Moon," without success, after which the artists assigned their rights to it.

Ye's attorneys at the four-person Martorell Law APC firm have argued that Ye's camp received both implied and express permission to use "MSD PT2." According to court filings, they say the "MSD PT2" artists "lured" Ye and other entities targeted in the suit into creating and releasing "Hurricane" before voicing an objection. The attorneys have sought to use social media posts and text messages to show that the "MSD PT2" artists were aware of the allegedly infringing uses.

On Thursday, Bania broke the proposed damages amount of \$564,064 into what he called five "buckets" of damages relating to ticket sales, an Apple live-streaming contract, merchandise purchased at the listening party, merchandise purchased online and money stemming from clothing sold in a collaboration that Ye's company Yeezy had with The Gap Inc. Ye had worn a red jacket from the collection at the listening party.

Citing the Copyright Act section on remedies for infringement, Bania said that he was focused on what was "attributable" to the alleged infringement and looked to publicly available streaming data to find how much of the damages was attributed to "Hurricane" at the listening party.

"Popular songs are the ones that drive revenue," Bania said.

Broken down, Bania said that it was reasonable for ARA to get approximately \$256,665 in damages related to listening party ticket sales, \$133,680 related to the Apple contract, \$51,426 related to in-person merchandise, \$64,029 related to merchandise purchased online and \$58,246 related to the Gap and Yeezy collection.

Regarding the clothing companies' collaboration, Bania said that Ye was essentially using the listening party to market the collection.

Martorell pressed Bania on his methodology, questioning why his calculation for gross ticket sales — his starting point before apportioning — used \$60 for a ticket price base to result in \$2.4 million for 40,000 attendees.

Martorell suggested that the gross ticket revenue should have been significantly lower, at over \$691,000, had Bania used certain financial data by Bravado International Group Merchandising Services Inc. instead of sources on the "web."

Bania said that he got the \$60 amount from sources who "did their research."

"They're journalists," Bania said. He also said that the \$60 was the "lower" of the numbers he found.

"There's not a flaw in my methodology," Bania also said at one point.

The trial, while previously expected to end Thursday, is now slated to run into Monday, carrying on with testimony by Milo Yiannopoulos, who is described in Ye's court filings as the former Yeezy chief of staff and "current consultant on complex matters for Yeezy LLC

and Ye."

Artist Revenue Advocates is represented by Irene Y. Lee, Adam S. Hoffman, Nathan Meyer and Sarah W. Wang of Russ August & Kabat.

Ye and his associated entities are represented by Eduardo Martorell, Christopher A. Rosario and Evan Louis Miller of Martorell Law APC.

The case is Artist Revenue Advocates LLC v. Kanye Omari West et al., case number 2:24-cv-06018, in the U.S. District Court for the Central District of California.

--Additional reporting by Ivan Moreno. Editing by Emily Kokoll.

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