

Music for 'Wizard of Oz'-Themed Puppetry Play Spurs Lawsuit

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- **COURT:** S.D.N.Y.
- **TRACK DOCKET:** [No. 1:20-cv-09267](#)

The composer for a musical based on “The Wizard of Oz” that incorporates puppets alleges the play’s director misappropriated his music, according to a federal lawsuit filed Thursday in New York.

Edward W. Hardy composed and copyrighted “The Woodsman” based on characters and plot aspects of L. Frank Baum’s classic novel, which is in the public domain. The music was designed for a pantomime play of the same name that was directed by James Ortiz, according to Hardy’s [complaint](#) at the U.S. District Court for the Southern District of New York. Strangemen Theatre Company Inc. produced two off-Broadway runs of the play.

Hardy later refused to amend the play’s production agreement to extend Strangemen’s sole and exclusive option to present regional and second-class productions, he says. Yet Ortiz continued to license and produce the play without Hardy’s consent, in violation of the agreement, Hardy claims.

Ortiz and the play’s lyricist signed an agreement with BroadwayHD LLC permitting it to record and later stream one of the play’s performances, again without Hardy’s consent, he says.

Ortiz also allegedly signed a license agreement with Bluebarn Theatre authorizing the Omaha theater to stage performances of the play, “despite having no right or authority to license” the music. Strangemen purportedly entered into a consultation agreement with Bluebarn for this run.

Hardy brought suit against Ortiz and Strangemen.

Causes of Action: Direct, contributory, and vicarious copyright infringement; breach of contract; tortious interference with contract.

Relief Requested: Injunction, damages.

Response: The defendants couldn’t immediately be reached for comment.

Attorneys: Hughes Hubbard & Reed LLP represents Hardy.

The case is [Hardy v. Ortiz](#), S.D.N.Y., No. 1:20-cv-09267, complaint filed 11/5/20.

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