Minnesota song-sharing case heads for 3rd trial

January 28 2010, By AMY FORLITI , Associated Press Writer

(AP) -- A trade group representing the major music labels said Wednesday it will reject a reduced penalty for a central Minnesota woman found guilty of sharing 24 songs over the Internet, and will instead begin preparing for another trial to determine new damages.

The Recording Industry Association of America made the decision after attorneys for Jammie Thomas-Rasset rejected an offer from RIAA attorneys to settle. It will be the third time the case, which dates back to 2006, will see trial in a federal courtroom in Minnesota.

Last year, a federal jury ruled Thomas-Rasset, a mother of four from Brainerd, willfully violated the copyrights on 24 songs. She was ordered to pay $1.92 million in damages, or $80,000 per song. Last week, Chief U.S. District Judge Michael Davis reduced the verdict to about $54,000 in damages, calling the jury's penalty "monstrous and shocking."

The RIAA has until Feb. 8 to either accept or reject the reduced penalty. The group said Wednesday it would do the latter, meaning a new trial will be scheduled to determine damages.

In a letter to Thomas-Rasset's attorneys, lawyers for the RIAA noted they would consider accepting an amount less than the jury's $1.92 million award, but "we believe portions of the Court's analysis are inconsistent with Congressional intent and the law."

The letter also offered a different option: a settlement of $25,000, which

would go to a charity for struggling musicians.

Joe Sibley, an attorney for Thomas-Rasset, said his client would not settle.

"Jammie is not going to agree to pay any amount of money to them," Sibley said, adding that it doesn't matter to Thomas-Rasset whether the damages are $25,000 or $1.92 million.

"For her, it's all the same. She just doesn't have the money to pay any of those, and it would be financially ruinous," Sibley said.

Sibley said Thomas-Rasset would continue fighting on principle, saying the statutes that allow for such hefty damages in these types of cases are wrong. Once damages are finalized, he said, he intends to take the constitutionality of the damages to the appellate level.

The RIAA letter said that while a third trial is not in anyone's best interest, the group pursued the case to show Thomas-Rasset was responsible for copyright infringements and that serious damage was caused. The letter also said the RIAA wanted to deter Thomas-Rasset and others from sharing songs in the future.

"It is a shame that Ms. Thomas-Rasset continues to deny any responsibility for her actions rather than accept a reasonable settlement offer and put this case behind her," said RIAA spokeswoman Cara Duckworth.

The RIAA had offered to settle with Thomas-Rasset before, for $3,000 to $5,000. Last June's judgment came after Thomas-Rasset's second trial. In 2007, a different federal jury had called for a $222,000 penalty, but Davis ordered a new trial after deciding he had erred in giving jury instructions.

Federal law says recording companies are entitled to $750 to $30,000 per illegally downloaded song - but a jury may raise that to as much as $150,000 per track if it finds the infringements were willful.

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