

Atty: MN woman can't pay for sharing songs

November 5 2010, By AMY FORLITI , Associated Press Writer

(AP) -- A Minnesota woman ordered to pay a recording industry trade group \$1.5 million for illegally sharing music online doesn't plan to pay those damages as her attorneys continue to argue the amount is unconstitutional, she said Thursday.

A [federal jury](#) found Wednesday that Jammie Thomas-Rasset, of Brainerd, must pay \$62,500 per song - for a total of \$1.5 million - for illegally violating copyrights on 24 songs. This was the third jury to consider damages in her case, and each has found that she must pay - though different amounts.

And after each time, the mother of four has said she can't pay.

"I can't afford to pay any amount. It's not a matter of won't, it's a matter of 'I can't,'" Thomas-Rasset said Thursday. "Any amount that I pay to them is money that I could use to feed my children. Any amount that I pay to them is money I could use to clothe my kids, and pay my mortgage so my kids have a place to sleep."

The [Recording Industry Association of America](#) has said it found Thomas-Rasset shared more than 1,700 songs on the file-sharing site Kazaa, but it sued over 24 of them. RIAA spokeswoman Cara Duckworth said the association made several attempts to settle with Thomas-Rasset, at first for \$5,000, but Thomas-Rasset refused.

Duckworth said the RIAA was thankful the jury recognized the severity of Thomas-Rasset's misconduct.

"Three juries have now spoken and each has sent a strong message that she needs to accept responsibility for her actions," Duckworth said. "I'd say, enough is enough."

Under federal law, the recording companies are entitled to \$750 to \$30,000 per infringement but the law allows the jury to raise that to as much as \$150,000 per track if it finds the infringements were willful.

The vast majority of people targeted by music industry lawsuits have settled for about \$3,500 each. The recording industry has said it stopped filing such lawsuits and is instead working with Internet service providers to go after the worst offenders.

Thomas-Rasset, 33, was the first person to go to trial. In 2007, jurors decided she willfully violated the copyrights on all 24 songs, and she was ordered to pay \$9,250 per song, or \$222,000.

But Chief U.S. District Judge Michael Davis ordered a new trial, deciding he had erred in giving jury instructions. The case went back to court. Last year, another jury also found that Thomas-Rasset willfully violated the copyrights and ordered her to pay \$1.92 million in damages, or \$80,000 per song.

Davis called that figure "monstrous and shocking" and reduced the penalty to about \$54,000. The RIAA rejected the reduced penalty for legal reasons. But the industry group said it would settle for \$25,000, with the money going to a charity for struggling musicians.

Thomas-Rasset refused, setting up another trial to deal just with the issue of damages.

Her attorney, Kiwi Camara, said he has 30 days to submit arguments that the statutes allowing for such hefty damages in these cases are

unconstitutional. He said even the minimum amount for damages is not reasonably related to the actual harm caused to the recording industry.

He said in Thomas-Rasset's case, the minimum damage amount would be \$18,000, but the actual damages are \$24 - the amount Thomas-Rasset would have paid if she bought each song for \$1 off iTunes.

Camara said he'll take the argument to the appeals court if necessary.

Thomas-Rasset has maintained her innocence from the start, saying she never used Kazaa. She said Thursday that the law allowing for such disproportionate damages needs to be changed, and she's willing to keep fighting.

"It's not a fair law," she said. "In my eyes, it's legalized extortion."

When a reporter pointed out that three juries of her peers had decided that she should pay well above the minimum, she said there's "no rhyme or reason to the numbers" but she respects jurors for doing their jobs.

She said she's not going to worry about damages until the case is finalized and appeals are finished. Even then, she said, she'd probably file for bankruptcy and write off the damages, rather than pay herself.

Duckworth said if the case is appealed, the RIAA is ready to defend the constitutionality of the verdict. She said the issue is still important, even after all this time.

"People forget about all of the individuals who work really hard to make music for a living," she said. "These people are negatively impacted whenever music is stolen and distributed to millions of people."

In another high-profile case in Boston, a federal judge this summer

reduced from \$675,000 to \$67,500 the amount of damages a Boston University graduate student was ordered to pay. In that case, Joel Tenenbaum of Providence admitted downloading songs between 1999 and 2007. The case is currently under appeal.

©2010 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Citation: Atty: MN woman can't pay for sharing songs (2010, November 5) retrieved 6 May 2024 from <https://phys.org/news/2010-11-atty-mn-woman-songs.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.