

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**CAPITOL RECORDS INC.; SONY  
BMG MUSIC ENTERTAINMENT;  
ARISTA RECORDS LLC;  
INTERSCOPE RECORDS; WARNER  
BROS. RECORDS INC.; and UMG  
RECORDINGS INC.,**

*Plaintiffs,*

v.

**JAMMIE THOMAS,**

*Defendants.*

Case No. 06-cv-1497 (MJD/RLE)  
Special Verdict Form

**VERDICT FORM**

We, the jury impaneled in this matter, hereby answer the Special Verdict questions put to us as follows:

**Capitol Records Inc.**

1. Did plaintiff Capitol Records Inc. own the copyright to the following sound recording?

Richard Marx, "Now and Forever":

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered this question yes, proceed to question (2). Otherwise, skip to question (10).

2. Did defendant Jammie Thomas infringe Capitol Records Inc.'s copyright in the following sound recording by either copying the work or distributing the work to a third person without a license to do so?

Richard Marx, "Now and Forever":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

3. If you answered question (2) yes with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found in your answer to question (2) constitute "fair use?"

Richard Marx, "Now and Forever":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

4. If you answered question (3) no with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found did not constitute fair use in your answer to question (3) substantially harm plaintiff Capitol Records Inc. or would it, if widespread, substantially and adversely affect the market for the sound recording in question?

Richard Marx, "Now and Forever":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered this question yes with respect to any part, proceed to question (5). Otherwise, skip to question (10).

5. Was defendant Jammie Thomas an innocent infringer of Capitol Records Inc.'s copyright in each of the following sound recordings? In other words, was she unaware and did she have no reason to believe that her acts as to which you answered yes in question (4) constituted copyright infringement?

Richard Marx, "Now and Forever":

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to this question, then skip to question (7). Otherwise, proceed to question (6).

6. Was defendant Jammie Thomas a willful infringer of Capitol Records Inc.'s copyright in each of the following sound recordings? In other words, did she intentionally and deliberately intend to infringe Capitol Records Inc.'s copyright in each of the following sound recordings?

Richard Marx, "Now and Forever":

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to this question, then skip to question (8). Otherwise, skip to question (9)

7. What total amount of statutory damages in dollars do you award plaintiff Capitol Record Inc. for the acts of infringement found by you in your answer to question (4) for each of Capitol Record Inc's copyrighted sound recordings?

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

If you answered this question, then skip to question (10).

8. What total amount of statutory damages in dollars do you award plaintiff Capitol Record Inc. for the acts of infringement found by you in your answer to question (4) for each of Capitol Record Inc's copyrighted sound recordings?

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

If you answered this question, then skip to question (10).

9. What total amount of statutory damages in dollars do you award plaintiff Capitol Record Inc. for the acts of infringement found by you in your answer to question (4) for each of Capitol Record Inc's copyrighted sound recordings?

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

**Sony BMG Music Entertainment**

10. Did plaintiff Sony BMG Music Entertainment own the copyright to each of the following sound recordings?

Destiny's Child, "Bills, Bills, Bills":

YES \_\_\_\_\_ NO \_\_\_\_\_

Journey, "Don't Stop Believin'":

YES \_\_\_\_\_ NO \_\_\_\_\_

Journey, "Faithfully":

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Coming Out of the Dark"

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Here We Are"

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Rhythm Is Gonna Get You"

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to any part of this question, proceed to question (11).  
Otherwise, skip to question (19).

11. Answer this question for each sound recording for which you answered yes in question (10). Did defendant Jammie Thomas infringe Sony BMG Music Entertainment's copyright in each of the following sound recordings by either copying the work or distributing the work to a third person without a license to do so?

Destiny's Child, "Bills, Bills, Bills":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Journey, "Don't Stop Believin'":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Journey, "Faithfully":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Coming Out of the Dark"

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Here We Are"

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Rhythm Is Gonna Get You"

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

12. If you answered question (11) yes with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found in your answer to question (11) constitute "fair use?"

Destiny's Child, "Bills Bills Bills":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Journey, "Don't Stop Believin'":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Journey, "Faithfully":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Coming Out of the Dark"

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Here We Are"

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Rhythm Is Gonna Get You"

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

13. If you answered question (12) no with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found did not constitute fair use in your answer to question (12) substantially harm plaintiff Sony BMG Music Entertainment or would it, if widespread, substantially and adversely affect the market for the sound recording in question?

Destiny's Child, "Bills, Bills, Bills":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Journey, "Don't Stop Believin'":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Journey, "Faithfully":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Coming Out of the Dark"

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Here We Are"

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Rhythm Is Gonna Get You"

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

14. If you answered question (13) yes with respect to any part, then answer this question for that sound recording. Was defendant Jammie Thomas an innocent infringer of Sony BMG Music Entertainment's copyright in each of the following sound recordings? In other words, was she unaware and did she have no reason to believe that her acts as to which you answered yes in question (13) constituted copyright infringement?

Destiny's Child, "Bills, Bills, Bills":

YES \_\_\_\_\_ NO \_\_\_\_\_



Journey, "Don't Stop Believin'":

YES \_\_\_\_\_ NO \_\_\_\_\_

Journey, "Faithfully":

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Coming Out of the Dark"

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Here We Are"

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Rhythm Is Gonna Get You"

YES \_\_\_\_\_ NO \_\_\_\_\_

For each sound recording for which you answered this question yes, answer for that sound recording in question (16). For each sound recording for which you answered this question no, answer for that sound recording in question (15).

15. Was defendant Jammie Thomas a willful infringer of Sony BMG Music Entertainment's copyright in each of the following sound recordings? In other words, did she intentionally and deliberately intend to infringe Sony BMG Music Entertainment's copyright in each of the following sound recordings?

Destiny's Child, "Bills, Bills, Bills":

YES \_\_\_\_\_ NO \_\_\_\_\_

Journey, "Don't Stop Believin'":

YES \_\_\_\_\_ NO \_\_\_\_\_

Journey, "Faithfully":

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Coming Out of the Dark"

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Here We Are"

YES \_\_\_\_\_ NO \_\_\_\_\_

Gloria Estefan, "Rhythm Is Gonna Get You"

YES \_\_\_\_\_ NO \_\_\_\_\_

For each sound recording for which you answered this question yes, answer for that sound recording in question (17). For each sound recording for which you answered this question no, answer for that sound recording in question (18).

16. What total amount of statutory damages in dollars do you award plaintiff Sony BMG Music Entertainment for the acts of infringement found by you in your answer to question (13) for each of Sony BMG Music Entertainment's copyrighted sound recordings?

Destiny's Child, "Bills, Bills, Bills":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Journey, "Don't Stop Believin'":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Journey, "Faithfully":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Gloria Estefan, "Coming Out of the Dark"

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Gloria Estefan, "Here We Are"

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Gloria Estefan, "Rhythm Is Gonna Get You"

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

17. What total amount of statutory damages in dollars do you award plaintiff Sony BMG Music Entertainment for the acts of infringement found by you in your answer to question (13) for each of Sony BMG Music Entertainment's copyrighted sound recordings?

Destiny's Child, "Bills, Bills, Bills":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Journey, "Don't Stop Believin'":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Journey, "Faithfully":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Gloria Estefan, "Coming Out of the Dark"

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Gloria Estefan, "Here We Are"

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Gloria Estefan, "Rhythm Is Gonna Get You"

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

18. What total amount of statutory damages in dollars do you award plaintiff Sony BMG Music Entertainment for the acts of infringement found by you in your answer to question (13) for each of Sony BMG Music Entertainment's copyrighted sound recordings?

Destiny's Child, "Bills, Bills, Bills":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Journey, "Don't Stop Believin'":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Journey, "Faithfully":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Gloria Estefan, "Coming Out of the Dark"

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Gloria Estefan, "Here We Are"

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Gloria Estefan, "Rhythm Is Gonna Get You"

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

**Arista Records LLC**

19. Did plaintiff Arista Records LLC own the copyright to each of the following sound recordings?

Sarah McLachlan, "Building a Mystery":

YES \_\_\_\_\_ NO \_\_\_\_\_

Sarah McLachlan, "Possession":

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to any part of this question, proceed to question (20).  
Otherwise, skip to question (28).

20. Answer this question for each sound recording for which you answered yes in question (19). Did defendant Jammie Thomas infringe Arista Records LLC's copyright in each of the following sound recordings by either copying the work or distributing the work to a third person without a license to do so?

Sarah McLachlan, "Building a Mystery":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Sarah McLachlan, "Possession":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

21. If you answered question (20) yes with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found in your answer to question (20) constitute “fair use?”

Sarah McLachlan, “Building a Mystery”:

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Sarah McLachlan, “Possession”:

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

22. If you answered question (21) no with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found did not constitute fair use in your answer to question (21) substantially harm plaintiff Arista Records LLC or would it, if widespread, substantially and adversely affect the market for the sound recording in question?

Sarah McLachlan, “Building a Mystery”:

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Sarah McLachlan, “Possession”:

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

23. If you answered question (22) yes with respect to any part, then answer this question for that sound recording. Was defendant Jammie Thomas an innocent infringer of Arista Records LLC's copyright in each of the following sound recordings? In other words, was she unaware and did she have no reason to believe that her acts as to which you answered yes in question (22) constituted copyright infringement?

Sarah McLachlan, "Building a Mystery":

YES \_\_\_\_\_ NO \_\_\_\_\_

Sarah McLachlan, "Possession":

YES \_\_\_\_\_ NO \_\_\_\_\_

For each sound recording for which you answered this question yes, answer for that sound recording in question (25). For each sound recording for which you answered this question no, answer for that sound recording in question (24).

24. Was defendant Jammie Thomas a willful infringer of Arista Records LLC's copyright in each of the following sound recordings? In other words, did she intentionally and deliberately intend to infringe Arista Records LLC's copyright in each of the following sound recordings?

Sarah McLachlan, "Building a Mystery":

YES \_\_\_\_\_ NO \_\_\_\_\_

Sarah McLachlan, "Possession":

YES \_\_\_\_\_ NO \_\_\_\_\_

For each sound recording for which you answered this question yes, answer for that sound recording in question (26). For each sound recording for which you answered this question no, answer for that sound recording in question (27).

25. What total amount of statutory damages in dollars do you award plaintiff Arista Records LLC for the acts of infringement found by you in your answer to question (22) for each of Arista Records LLC's copyrighted sound recordings?

Sarah McLachlan, "Building a Mystery":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Sarah McLachlan, "Possession":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

26. What total amount of statutory damages in dollars do you award plaintiff Arista Records LLC for the acts of infringement found by you in your answer to question (22) for each of Arista Records LLC's copyrighted sound recordings?

Sarah McLachlan, "Building a Mystery":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Sarah McLachlan, "Possession":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

27. What total amount of statutory damages in dollars do you award plaintiff Arista Records LLC for the acts of infringement found by you in your answer to question (22) for each of Arista Records LLC's copyrighted sound recordings?

Sarah McLachlan, "Building a Mystery":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Sarah McLachlan, "Possession":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

**Interscope Records**

28. Did plaintiff Interscope Records own the copyright to each of the following sound recordings?

No Doubt, "Bathwater":

YES \_\_\_\_\_ NO \_\_\_\_\_

No Doubt, "Different People":

YES \_\_\_\_\_ NO \_\_\_\_\_

No Doubt, "Hella Good":

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to any part of this question, proceed to question (29).  
Otherwise, skip to question (37).

29. Answer this question for each sound recording for which you answered yes in question (28). Did defendant Jammie Thomas infringe Interscope Records' copyright in each of the following sound recordings by either copying the work or distributing the work to a third person without a license to do so?

No Doubt, "Bathwater":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

No Doubt, "Different People":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

No Doubt, "Hella Good":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

30. If you answered question (29) yes with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found in your answer to question (29) constitute "fair use?"



No Doubt, "Bathwater":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

No Doubt, "Different People":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

No Doubt, "Hella Good":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

31. If you answered question (30) no with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found did not constitute fair use in your answer to question (30) substantially harm plaintiff Interscope Records or would it, if widespread, substantially and adversely affect the market for the sound recording in question?

No Doubt, "Bathwater":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

No Doubt, "Different People":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

No Doubt, "Hella Good":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

32. If you answered question (31) yes with respect to any part, then answer this question for that sound recording. Was defendant Jammie Thomas an innocent infringer of Interscope Records' copyright in each of the following sound recordings? In other words, was she unaware and did she have no reason to believe that her acts as to which you answered yes in question (31) constituted copyright infringement?

No Doubt, "Bathwater":

YES \_\_\_\_\_ NO \_\_\_\_\_

No Doubt, "Different People":

YES \_\_\_\_\_ NO \_\_\_\_\_

No Doubt, "Hella Good":

YES \_\_\_\_\_ NO \_\_\_\_\_

For each sound recording for which you answered this question yes, answer for that sound recording in question (34). For each sound recording for which you answered this question no, answer for that sound recording in question (33).

33. Was defendant Jammie Thomas a willful infringer of Interscope Records' copyright in each of the following sound recordings? In other words, did she

intentionally and deliberately intend to infringe Interscope Records' copyright in each of the following sound recordings?

No Doubt, "Bathwater":

YES \_\_\_\_\_ NO \_\_\_\_\_

No Doubt, "Different People":

YES \_\_\_\_\_ NO \_\_\_\_\_

No Doubt, "Hella Good":

YES \_\_\_\_\_ NO \_\_\_\_\_

For each sound recording for which you answered this question yes, answer for that sound recording in question (35). For each sound recording for which you answered this question no, answer for that sound recording in question (36).

34. What total amount of statutory damages in dollars do you award plaintiff Interscope Records for the acts of infringement found by you in your answer to question (31) for each of Interscope Records' copyrighted sound recordings?

No Doubt, "Bathwater":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

No Doubt, "Different People":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

No Doubt, "Hella Good":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

35. What total amount of statutory damages in dollars do you award plaintiff Interscope Records for the acts of infringement found by you in your answer to question (31) for each of Interscope Records' copyrighted sound recordings?

No Doubt, "Bathwater":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

No Doubt, "Different People":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

No Doubt, "Hella Good":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

36. What total amount of statutory damages in dollars do you award plaintiff Interscope Records for the acts of infringement found by you in your answer to question (31) for each of Interscope Records' copyrighted sound recordings?

No Doubt, "Bathwater":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

No Doubt, "Different People":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

No Doubt, "Hella Good":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

**Warner Bros. Records Inc.**

37. Did plaintiff Warner Bros. Records Inc. own the copyright to each of the following sound recordings?

Goo Goo Dolls, "Iris":

YES \_\_\_\_\_ NO \_\_\_\_\_

Green Day, "Basket Case":

YES \_\_\_\_\_ NO \_\_\_\_\_

Linkin Park, "One Step Closer":

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to any part of this question, proceed to question (38).  
Otherwise, skip to question (46).

38. Answer this question for each sound recording for which you answered yes in question (37). Did defendant Jammie Thomas infringe Warner Bros. Records Inc.'s copyright in each of the following sound recordings by either copying the work or distributing the work to a third person without a license to do so?

Goo Goo Dolls, "Iris":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Green Day, "Basket Case":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Linkin Park, "One Step Closer":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

39. If you answered question (38) yes with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found in your answer to question (38) constitute "fair use?"

Goo Goo Dolls, "Iris":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Green Day, "Basket Case":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Linkin Park, "One Step Closer":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

40. If you answered question (39) no with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found did not constitute fair use in your answer to question (39) substantially harm plaintiff Warner Bros. Records Inc. or would it, if widespread, substantially and adversely affect the market for the sound recording in question?

Goo Goo Dolls, "Iris":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Green Day, "Basket Case":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Linkin Park, "One Step Closer":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

41. If you answered question (40) yes with respect to any part, then answer this question for that sound recording. Was defendant Jammie Thomas an innocent infringer of Warner Bros. Records Inc.'s copyright in each of the following sound recordings? In other words, was she unaware and did she have no reason to believe that her acts as to which you answered yes in question (40) constituted copyright infringement?

Goo Goo Dolls, "Iris":

YES \_\_\_\_\_ NO \_\_\_\_\_

Green Day, "Basket Case":

YES \_\_\_\_\_ NO \_\_\_\_\_

Linkin Park, "One Step Closer":

YES \_\_\_\_\_ NO \_\_\_\_\_

For each sound recording for which you answered this question yes, answer for that sound recording in question (43). For each sound recording for which you answered this question no, answer for that sound recording in question (42).

42. Was defendant Jammie Thomas a willful infringer of Warner Bros. Records Inc.'s copyright in each of the following sound recordings? In other words, did she intentionally and deliberately intend to infringe Warner Bros. Records Inc.'s copyright in each of the following sound recordings?

Goo Goo Dolls, "Iris":

YES \_\_\_\_\_ NO \_\_\_\_\_

Green Day, "Basket Case":

YES \_\_\_\_\_ NO \_\_\_\_\_

Linkin Park, "One Step Closer":

YES \_\_\_\_\_ NO \_\_\_\_\_

For each sound recording for which you answered this question yes, answer for that sound recording in question (44). For each sound recording for which you answered this question no, answer for that sound recording in question (45).

43. What total amount of statutory damages in dollars do you award plaintiff Warner Bros. Records Inc. for the acts of infringement found by you in your answer to question (40) for each of Warner Bros. Records Inc.'s copyrighted sound recordings?

Goo Goo Dolls, "Iris":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Green Day, "Basket Case":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Linkin Park, "One Step Closer":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

44. What total amount of statutory damages in dollars do you award plaintiff Warner Bros. Records Inc. for the acts of infringement found by you in your answer to question (40) for each of Warner Bros. Records Inc.'s copyrighted sound recordings?

Goo Goo Dolls, "Iris":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Green Day, "Basket Case":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Linkin Park, "One Step Closer":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

45. What total amount of statutory damages in dollars do you award plaintiff Warner Bros. Records Inc. for the acts of infringement found by you in your answer to question (40) for each of Warner Bros. Records Inc.'s copyrighted sound recordings?



Goo Goo Dolls, "Iris":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Green Day, "Basket Case":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Linkin Park, "One Step Closer":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

**UMG Recordings, Inc.**

46. Did plaintiff UMG Recordings, Inc. own the copyright to each of the following sound recordings?

Aerosmith, "Cryin":

YES \_\_\_\_\_ NO \_\_\_\_\_

Bryan Adams, "Somebody":

YES \_\_\_\_\_ NO \_\_\_\_\_

Def Leppard, "Pour Some Sugar On Me":

YES \_\_\_\_\_ NO \_\_\_\_\_

Guns N Roses, "November Rain":

YES \_\_\_\_\_ NO \_\_\_\_\_

Guns N Roses, "Welcome to the Jungle":

YES \_\_\_\_\_ NO \_\_\_\_\_

Janet Jackson, "Let's Wait Awhile":

YES \_\_\_\_\_ NO \_\_\_\_\_

Reba McEntire, "One Honest Heart":

YES \_\_\_\_\_ NO \_\_\_\_\_

Sheryl Crow, "Run, Baby, Run":

YES \_\_\_\_\_ NO \_\_\_\_\_

Vanessa Williams, "Save the Best for Last":

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered yes to any part of this question, proceed to question (47).  
Otherwise, you are finished with these questions.

47. Answer this question for each sound recording for which you answered yes in question (46). Did defendant Jammie Thomas infringe UMG Recordings, Inc.'s copyright in each of the following sound recordings by either copying the work or distributing the work to a third person without a license to do so?

Aerosmith, "Cryin'":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Bryan Adams, "Somebody":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Def Leppard, "Pour Some Sugar On Me":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Guns N Roses, "November Rain":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Guns N Roses, "Welcome to the Jungle":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Janet Jackson, "Let's Wait Awhile":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Reba McEntire, "One Honest Heart":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Sheryl Crow, "Run, Baby, Run":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Vanessa Williams, "Save the Best for Last":

Copying without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution to a third party without a license:

YES \_\_\_\_\_ NO \_\_\_\_\_

48. If you answered question (47) yes with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found in your answer to question (47) constitute "fair use?"

Aerosmith, "Cryin":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Bryan Adams, "Somebody":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Def Leppard, "Pour Some Sugar On Me":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Guns N Roses, "November Rain":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Guns N Roses, "Welcome to the Jungle":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Janet Jackson, "Let's Wait Awhile":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Reba McEntire, "One Honest Heart":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Sheryl Crow, "Run, Baby, Run":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Vanessa Williams, "Save the Best for Last":

Copying was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution was fair use:

YES \_\_\_\_\_ NO \_\_\_\_\_

49. If you answered question (48) no with respect to any part, then answer this question with respect to those parts. Did the copying or distribution that you found did not constitute fair use in your answer to question (48) substantially harm plaintiff UMG Recordings, Inc. or would it, if widespread, substantially and adversely affect the market for the sound recording in question?

Aerosmith, "Cryin'":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Bryan Adams, "Somebody":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Def Leppard, "Pour Some Sugar On Me":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Guns N Roses, "November Rain":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Guns N Roses, "Welcome to the Jungle":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Janet Jackson, "Let's Wait Awhile":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Reba McEntire, "One Honest Heart":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Sheryl Crow, "Run, Baby, Run":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

Vanessa Williams, "Save the Best for Last":

Copying:

YES \_\_\_\_\_ NO \_\_\_\_\_

Distribution:

YES \_\_\_\_\_ NO \_\_\_\_\_

50. If you answered question (49) yes with respect to any part, then answer this question for that sound recording. Was defendant Jammie Thomas an innocent infringer of UMG Recordings, Inc.'s copyright in each of the following sound recordings? In other words, was she unaware and did she have no reason to believe that her acts as to which you answered yes in question (49) constituted copyright infringement?

Aerosmith, "Cryin":

YES \_\_\_\_\_ NO \_\_\_\_\_

Bryan Adams, "Somebody":

YES \_\_\_\_\_ NO \_\_\_\_\_

Def Leppard, "Pour Some Sugar On Me":

YES \_\_\_\_\_ NO \_\_\_\_\_

Guns N Roses, "November Rain":

YES \_\_\_\_\_ NO \_\_\_\_\_

Guns N Roses, "Welcome to the Jungle":

YES \_\_\_\_\_ NO \_\_\_\_\_



Janet Jackson, "Let's Wait Awhile":

YES \_\_\_\_\_ NO \_\_\_\_\_

Reba McEntire, "One Honest Heart":

YES \_\_\_\_\_ NO \_\_\_\_\_

Sheryl Crow, "Run, Baby, Run":

YES \_\_\_\_\_ NO \_\_\_\_\_

Vanessa Williams, "Save the Best for Last":

YES \_\_\_\_\_ NO \_\_\_\_\_

For each sound recording for which you answered this question yes, answer for that sound recording in question (52). For each sound recording for which you answered this question no, answer for that sound recording in question (51).

51. Was defendant Jammie Thomas a willful infringer of UMG Recordings, Inc.'s copyright in each of the following sound recordings? In other words, did she intentionally and deliberately intend to infringe UMG Recordings, Inc.'s copyright in each of the following sound recordings?

Aerosmith, "Cryin'":

YES \_\_\_\_\_ NO \_\_\_\_\_

Bryan Adams, "Somebody":

YES \_\_\_\_\_ NO \_\_\_\_\_

Def Leppard, "Pour Some Sugar On Me":

YES \_\_\_\_\_ NO \_\_\_\_\_

Guns N Roses, "November Rain":

YES \_\_\_\_\_ NO \_\_\_\_\_

Guns N Roses, "Welcome to the Jungle":

YES \_\_\_\_\_ NO \_\_\_\_\_

Janet Jackson, "Let's Wait Awhile":

YES \_\_\_\_\_ NO \_\_\_\_\_

Reba McEntire, "One Honest Heart":

YES \_\_\_\_\_ NO \_\_\_\_\_

Sheryl Crow, "Run, Baby, Run":

YES \_\_\_\_\_ NO \_\_\_\_\_

Vanessa Williams, "Save the Best for Last":

YES \_\_\_\_\_ NO \_\_\_\_\_

For each sound recording for which you answered this question yes, answer for that sound recording in question (53). For each sound recording for which you answered this question no, answer for that sound recording in question (54).

52. What total amount of statutory damages in dollars do you award plaintiff UMG Recordings, Inc. for the acts of infringement found by you in your answer to question (49) for each of UMG Recordings, Inc.'s copyrighted sound recordings?

Aerosmith, "Cryin":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Bryan Adams, "Somebody":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Def Leppard, "Pour Some Sugar On Me":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Guns N Roses, "November Rain":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Guns N Roses, "Welcome to the Jungle":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Janet Jackson, "Let's Wait Awhile":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Reba McEntire, "One Honest Heart":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Sheryl Crow, "Run, Baby, Run":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

Vanessa Williams, "Save the Best for Last":

Amount of Damages \_\_\_\_\_ (\$200 - \$30,000)

53. What total amount of statutory damages in dollars do you award plaintiff UMG Recordings, Inc. for the acts of infringement found by you in your answer to question (49) for each of UMG Recordings, Inc.'s copyrighted sound recordings?

Aerosmith, "Cryin":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Bryan Adams, "Somebody":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Def Leppard, "Pour Some Sugar On Me":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Guns N Roses, "November Rain":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Guns N Roses, "Welcome to the Jungle":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Janet Jackson, "Let's Wait Awhile":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Reba McEntire, "One Honest Heart":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Sheryl Crow, "Run, Baby, Run":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

Vanessa Williams, "Save the Best for Last":

Amount of Damages \_\_\_\_\_ (\$750 - \$150,000)

54. What total amount of statutory damages in dollars do you award plaintiff UMG Recordings, Inc. for the acts of infringement found by you in your answer to question (49) for each of UMG Recordings, Inc.'s copyrighted sound recordings?

Aerosmith, "Cryin'":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Bryan Adams, "Somebody":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Def Leppard, "Pour Some Sugar On Me":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Guns N Roses, "November Rain":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Guns N Roses, "Welcome to the Jungle":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Janet Jackson, "Let's Wait Awhile":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Reba McEntire, "One Honest Heart":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Sheryl Crow, "Run, Baby, Run":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)

Vanessa Williams, "Save the Best for Last":

Amount of Damages \_\_\_\_\_ (\$750 - \$30,000)