

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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VIRGIN RECORDS AMERICA, INC., *et al.*,

Plaintiffs,

Civ. No. 06-1497 (MJD/RLE)

vs.

JAMMIE THOMAS,

Defendant.

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PLAINTIFFS’ STATEMENT OF THE CASE

Background

Plaintiffs are recording companies who own or control exclusive rights to copyrights in sound recordings. Collectively, Plaintiffs face a massive problem of digital piracy over the Internet. Every month, copyright infringers unlawfully disseminate billions of perfect digital copies of Plaintiffs’ copyrighted sound recordings over peer-to-peer (“P2P”) networks. See Levi Grossman, It’s All Free, Time, May 5, 2003. Indeed, the Supreme Court recently characterized the magnitude of online piracy as “infringement on a gigantic scale.” See Metro-Goldwyn-Mayer Studios, Inc., v. Grokster Ltd., et al., 125 S. Ct. 2764, 2782 (2005).

Defendant is an individual residing in this District who Plaintiffs allege engaged in online copyright infringement using the “Kazaa” P2P network.

This Dispute

On February 21, 2005, investigators located an individual with the screen name “tereastarr@KaZaA” using the Kazaa file sharing program to engage in copyright infringement. This individual had **1702 music files** on her computer and was distributing them freely to the millions of people who use similar peer-to-peer networks. On information and belief, this

individual downloaded all or many of these 1702 music files without the permission of the copyright owners. In short, as an active user of the Kazaa P2P network, this individual was downloading copyrighted sounds recordings from other users of the Kazaa network, and was distributing copyrighted sound recordings stored on her computer to other Kazaa users. These acts constitute copyright infringement. See Grokster, 125 S. Ct. at 2770-72.

The investigators, a third party known as MediaSentry, determined that this individual used Internet Protocol (“IP”) address 24.179.199.117 to connect to the internet. After filing a “Doe” lawsuit against the individual using that IP address, Plaintiffs subpoenaed her internet service provider to determine her identity. The internet service provider - Charter Communications, Inc. - identified Defendant Jammie Thomas as the individual in question.

Plaintiffs filed their Complaint against Defendant Jammie Thomas in April 2006 seeking redress for the infringement of their copyrighted sound recordings pursuant to the Copyright Act, 17 U.S.C. § 101 et seq. Plaintiffs claim statutory damages pursuant to 17 U.S.C. § 504(c) for Defendant's infringement of each of Plaintiffs’ copyrighted recordings. Plaintiffs further claim entitlement to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

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Respectfully submitted,

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