

LimeWire Says Studios|Profit from File Sharing

[ADAM KLASFELD](#) / March 3, 2011

MANHATTAN (CN) – LimeWire, a file-sharing software company shut down by a copyright lawsuit from major studios, told a federal judge that discovery conducted to determine damages shows that file-sharing benefited the music industry, even though the studios tried to “blacklist” LimeWire from doing business with other digital music businesses. U.S. District Judge Kimba Wood recently affirmed a magistrate judge’s court order for the studios to produce more documents that LimeWire believes will support its position. On May 11, 2010, a Federal Court granted summary judgment to more than a dozen studios, led by Arista Records, entitling them to damages for secondary copyright infringement. U.S. Magistrate Judge Debra Freeman compelled discovery for damages. According to Wood’s Feb. 28 decision, the studios “collected multiple terabytes of data from the emails of forty-three custodians of documents, reviewed hundreds of thousand of documents, and produced over a quarter of a million pages of email communications on the subject of licensing or distributing content.” LimeWire asked Freeman to expand her original order, claiming the order “indicated (1) that Plaintiffs were attempting to ‘blacklist’ LimeWire; (2) that certain employees of Plaintiffs had expressed a desire to work with LimeWire; and (3) that Plaintiffs believed that user downloads through LimeWire had actually increased Plaintiffs’ revenue,” according to Judge Wood’s Feb. 28 Opinion and Order. The studios defied a Jan. 18 court order in which Judge Freeman expanded discovery, claiming that turning over the requested files would breach attorney-client privilege, Judge Wood wrote. In her Feb. 28 ruling, Wood affirmed Freeman’s order, limiting discovery to documents that were not protected by attorney-client privilege.

Wood wrote that the studios did not need to provide documents that tended to prove blacklisting against LimeWire, saying it was “reasonable and appropriate” for studios to “minimize their exposure to copyright infringement.” Wood ordered the studios to produce only internal documents, arguing “third-party research may not contain Plaintiffs’ own analysis and internal information regarding the impact of the LimeWire shutdown on their revenues.” On Monday, Wood signed an [order](#) reversing Freeman’s order compelling nonparties MySpace, iMesh, and Yahoo! to comply with discovery for external communications. A trial for damages will be held on for May 2.

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