

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO
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INTRODUCTION

For years, Cox knowingly facilitated piracy of Plaintiffs' copyrighted works on a massive scale. Cox's conduct was not that of a single, rogue employee. It was endemic to the culture of a company that systematically helped infringers, openly mocked the copyright laws, and lied to copyright owners about its allegedly "gold standard" policies. Cox did this to maximize its billions of dollars of profits—with utter disregard for the law and copyright owners.

Against this backdrop, the jury returned a verdict well within the permissible statutory damages range set by Congress—roughly \$500 million *below* the maximum permitted. Cox now attacks the jury for its hard work and considered judgment, going so far as to accuse it of seeking "retribution."

But this was no runaway jury. As the Court will recall, the jury was attentive and took copious notes over the 12-day trial. The jury considered the Court's detailed instructions, engaged in substantial deliberations, and appropriately found Cox liable for willful contributory and vicarious copyright infringement of 10,017 copyrighted works. Based on the evidence presented, the jury understood the value of the music. The jury recognized the massive scope of the infringement, Cox's profits from the infringement, the harm to Plaintiffs, and the need to deter future wrongful conduct. And the jury delivered its verdict.

In asking the Court to reduce the amount of that verdict or, alternatively, grant a new trial, Cox ignores large and critical portions of the trial record, recasts others through creative *post hoc* damages calculations, and raises ineffectual objections to the Court's instructions and evidentiary rulings. Cox not only fails to provide a legal basis for the Court to upset the jury's considered verdict, but also fails to explain why some other amount of statutory damages is appropriate here. Cox simply wants to pay less.

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