

Chicago Daily Law Bulletin®

Volume 161, No. 162

Pirated-porn cases find a home here

More file-sharing suits filed in Chicago since 2009 than anywhere else, report reveals

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Chicago's federal court leads the nation in filings of digital file-sharing lawsuits. And that has cost a lot of pornography viewers money.

Since 2009, 936 lawsuits have been filed in the U.S. District Court for the Northern District of Illinois alleging copyright infringement against individuals who downloaded movies — typically adult films — via an Internet protocol known as BitTorrent, a report from Lex Machina says.

The next closest venue is the District of Colorado, where 601 file-sharing lawsuits were filed in the same period.

The vast majority of cases emanate from adult production company Malibu Media LLC, which has filed 4,332 cases since 2009, more than 15 times the next most litigious plaintiff, says Lex Machina, a legal analytics firm that released a study on U.S. copyright litigation this month.

The report says about 90 percent of these cases settle, driven by a plaintiff business model that asks for damages of less than the cost of hiring a defense attorney and the shame that may accompany being named in a federal lawsuit for stealing porn movies.

As for why Chicago became a hotbed for this risqué litigation? Observers and lawyers, including a defense lawyer who has handled more than 1,100 of these cases in the past three years, remain uncertain.

"I don't know exactly why (Malibu) chose northern Illinois, but the decision was mostly theirs," said Brian Howard, a legal data scientist who authored Lex Machina's report.

One Chicago law firm known for these suits was the now-defunct Prenda Law, which had filed hundreds of cases across the country and was facing numerous sanctions for actions that various judges likened to extortion.

In a 2013 order leveling more

than \$80,000 worth of sanctions against Prenda Law and principal Paul A. Duffy, Los Angeles-based U.S. District Judge Otis D. Wright wrote, "Plaintiffs have outmaneuvered the legal system. They've discovered the nexus of anti-quated copyright laws, paralyzing social stigma, and unaffordable defense costs. And they exploit this anomaly by accusing individuals of illegally downloading a single pornographic video."

Duffy, 55, died last week at a Chicago hospital, a spokesman for the Cook County Medical Examiner said. The cause of death is undetermined.

The rise of file-sharing litigation has also kept defense lawyers busy.

Jeffrey J. Antonelli, founder of Antonelli Law Ltd., said he has defended clients in more than 1,100 of these types of cases across the country.

His first case was referred to him through The Chicago Bar Association in 2011, and Duffy was the attorney on the other end.

Antonelli said when he tried to contact Duffy to discuss the lawsuit, an employee at the law firm he called became upset and threatened him.

"They said, 'We're going to target your client and we're

going to go after them,'" Antonelli said.

"I'd never referred anybody to the ARDC before and I thought, 'I wonder if this is a situation where I need to.'"

Antonelli said there are a number of problems with the business model behind file-sharing lawsuits.

For one, the lawsuits typically target an IP address — the number assigned to an individual Internet connection. But Antonelli said that tactic does not guarantee that the plaintiff is the person who illegally downloaded the movie.

Every device on a shared wired or wireless network accesses the Internet using the same IP address.

IP addresses can be "spoofed," or the person who pays the Internet service provider's bill associated with an IP address may not be the person doing the downloading.

"I don't see it going away," Antonelli said, "unless there's a change in the copyright act or some major coordinated approach where there's a much better screening process to prevent innocent people from being caught in the net."

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