

Litigation

Denver Judge Handles Heaviest Copyright Caseload

The federal judge with the busiest U.S. copyright docket is far away from the media and entertainment epicenters of New York and Los Angeles.

Senior Judge Wiley Young Daniel of the U.S. District Court for the District of Colorado has presided over 87 copyright infringement cases during the 19-month period ending in July, Bloomberg Law data show. Daniel has handled 22 more cases during that time than the runner-up, a Los Angeles-based California federal judge.

Daniel's docket is piled high with copyright cases because he handles all Torrent cases filed in the District of Colorado. In such cases, which are the most common kind of copyright filing, copyright owners allege that infringers use peer-to-peer software such as BitTorrent to share unauthorized copies of works online.

Two adult film companies, Malibu Media LLC and Strike 3 Holdings LLC, have flooded federal courts with Torrent lawsuits. Together, the two companies filed more than 2,000 actions nationwide since January 2017.

Defense lawyers like knowing that a particular judge will be handling cases, according to Jeffrey Antonelli of the Antonelli Law Firm in Chicago, who represents defendants in copyright infringement cases.

"It makes researching the cases a little more streamlined," Antonelli told Bloomberg Law. "It's basically easy to take the judge's temperature."

Torrent cases tend to settle quickly, Craig Whitney, a copyright lawyer with Frankfurt Kurnit Klein & Selz PC, New York, told Bloomberg Law. Plaintiffs and defendants alike often would rather settle such cases than face the time and expense—and for defendants, the

possible public exposure—of full-blown litigation, Whitney said.

"There are a few factors at play, but for the most part it boils down to economics," Whitney said in an email.

Cases on Daniels's Torrent-heavy copyright docket are resolved after an average of 163 days, Bloomberg Law data show. Copyright cases in the District of Colorado generally run 197 days. Nationwide, copyright cases last an average of 241 days, the data show.

Far behind Malibu Media and Strike 3 Holdings in copyright filings in Colorado are a series of movie companies affiliated with the Millennium Films and Voltage Films studios.

Infringement lawsuits over a 2017 Millennium movie, "The Hitman's Bodyguard," tops Daniels' docket with 24 filings since January 2017. Behind that is Strike 3 with 21 filings over its adult films. Placing third and fourth on his docket are 16 cases related to Millennium's "Mechanic 2: Resurrection" (2016) and 14 over Voltage's "Once Upon a Time in Venice" (2016).

The other nine heaviest copyright dockets in the U.S. over the same time frame are all in the U.S. District Court for the Central District of California, based in Los Angeles. The second-busiest No. 2 judge on the list, Judge Christina Snyder, got 65 copyright cases in the same period.

President Bill Clinton appointed Daniel to the federal bench in 1995, after a career in private practice in Detroit and Denver. Daniel received his bachelor's and law degrees from Howard University in 1968 and 1971, respectively. He served as chief judge in the District of Colorado from 2008 until he took senior status in 2013.

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