

REVIEWED*By Chris at 3:11 pm, May 08, 2020*

Dan Booth Law

Detroit Metro Times (Euclid Media Group)

Fortune v. Euclid Media Group (E.D. Mich. 2015)

Dan Booth represented the publisher of the Detroit Metro Times in successfully negotiating away threatened claims of copyright infringement and Digital Millennium Copyright Act violations. The weekly's music editor ran a blog post in April 2015 celebrating Iggy Pop on the occasion of his 68th birthday. Though the paper usually confirms that it uses only licensed third-party materials, one unlicensed '70s photo of Iggy fell through the cracks and ran without permission or attribution. Six months later Richard Liebowitz, a notorious copyright lawyer, threatened to sue and sent a draft complaint that claimed \$175,000 in damages. The photo was promptly taken off the paper's website, the editor acknowledged and apologized for the oversight, and the paper offered to make a reasonable settlement. Detroit judges typically consider \$750 an appropriate award of statutory damages in copyright cases, but the photographer's lawyer, operating on a contingency basis, demanded a nuisance payment of \$10,000 for the use, many times more than a license for the picture would have cost. Conducting due diligence research, we uncovered comparable photographs available from other licensing agencies at as little as \$133 for online editorial use for the same, six-month period. When we gave attorney Liebowitz this evidence as a fair approximation of damages to consider for negotiation purposes, he started yelling that he would file the complaint the next day, and hung up mid-sentence. His threats proved empty. Liebowitz has since sued hundreds of media companies over similar fleeting uses, but we had persuaded him that a lawsuit would not be worthwhile. Since then, Dan Booth has vigorously defended a variety of media companies facing the same attorney's trumped-up litigation claims. (Meanwhile, the Court where Liebowitz is most active explained in July 2019: "In his relatively short career litigating in this District, Richard Liebowitz has earned the dubious distinction of being a regular target of sanctions-related

motions and orders. Indeed, it is no exaggeration to say that there is a growing body of law in this District devoted to the question of whether and when to impose sanctions on Mr. Liebowitz.”)

- Justin Peters, *Why Every Media Company Fears Richard Liebowitz*, Slate (May 24, 2018)
- Ashley Cullins, *Has This Man Sued You? A “Copyright Troll” Takes on Hollywood?* (April 6, 2018)

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