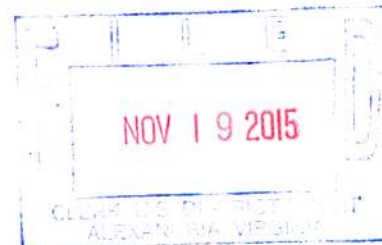


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA



Alexandria Division

)	
BMG RIGHTS MANAGEMENT (US))	
LLC, and ROUND HILL MUSIC LP,)	
)	Civil No. 1:14-cv-1611
Plaintiffs,)	
)	Hon. Liam O’Grady
v.)	
)	
COX COMMUNICATIONS, INC., and)	
COXCOM, LLC,)	
)	
Defendants.)	

ORDER

This Order resolves several outstanding motions in this action. The parties have cross-moved for summary judgment. (Dkt. Nos. 305, 310). On October 30, 2015, the Court heard oral argument on those motions. Defendants have also filed a Motion to Enforce Spoliation Order asking the Court to dismiss the case. (Dkt. No. 525). Plaintiffs moved to strike that motion. (Dkt. No. 600). Pursuant to Federal Rule of Civil Procedure 78, the Court concludes oral argument on these additional motions is unnecessary. All of these matters are fully briefed and ripe for consideration.


For the reasons stated in a forthcoming memorandum opinion, the Court **DENIES** defendants’ Motion for Summary Judgment (Dkt. No. 305), and the Court **GRANTS** Plaintiffs’ Motion for Partial Summary Judgment in part and **DENIES** it in part (Dkt. No. 310). The Court **GRANTS** plaintiffs’ motion with respect to ownership of the copyrights that plaintiff BMG Rights Management (US) LLC purports to own. The Court **DENIES** the motion with respect to ownership of the copyrights that plaintiff Round Hill Music LP (“Round Hill”) purports to own.

Upon consideration of the parties' supplemental briefing submitted in response to the Court's Order of October 28, 2015 (Dkt. No. 501), the Court finds Round Hill does not own any exclusive right with respect to the copyrights at issue and accordingly does not have standing to bring an infringement action. The Court **GRANTS** the motion with respect to defendants' safe-harbor defense under the Digital Millennium Copyright Act ("DMCA"). There is no genuine issue of material fact as to whether defendants reasonably implemented a repeat-infringer policy as is required by § 512(i) of the DMCA. *See* 17 U.S.C. § 512(i).

Defendants' Motion to Enforce Spoliation Order (Dkt. No. 525) is **DENIED**. The Court will rule on the appropriate evidentiary sanction based on Judge Anderson's spoliation findings on or before trial. Plaintiffs' Motion to Strike Defendants' Motion to Enforce Spoliation Order and Impose Sanctions (Dkt. No. 600) is **DENIED** as moot. The Clerk is **DIRECTED** to remove the argument on these motions set for November 20, 2015.

So **ORDERED**.

November 19, 2015
Alexandria, Virginia

/s/ 

Liam O'Grady
United States District Judge