

In the
United States Court of Appeals
For the Eighth Circuit

No. 19-2386

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

PAUL R. HANSMEIER,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Minnesota

BRIEF OF APPELLANT

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SUMMARY OF THE CASE

This case involves a theory of criminal liability under the federal mail-wire fraud statutes, as troubling as it is novel. The defendant was a lawyer who engaged in a number of litigation strategies to root out copyright infringement that occurs on computer file-sharing networks. As relevant here, the defendant: (1) uploaded copyright-protected movies to the file-sharing network; (2) made omissions or falsehoods to access discovery mechanisms to identify downloaders; and (3) directed settlement proposal letters to these downloaders.

The government does not deny that most if not all of the letter recipients did in fact download the movies at issue. Hence, the downloaders committed an actionable violation of federal copyright law, and paid a civil settlement based upon the accurate content of settlement proposal letters. The defendant directed falsehoods and omissions to courts, but this was done to access discovery mechanisms to identify unlawful downloaders. This abused legal processes, but it did not alter the fact of the downloaders' unlawful actions, and did not affect the essentials of the civil settlement bargain.

The prosecution theory at hand thus runs afoul of mail-wire fraud limiting principles. It threatens to chill the process of civil litigation. This appeal raises complex and important issues of law. Appellant requests oral argument, and 15 minutes per side.

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