

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF PUERTO RICO

3 TMTV, CORP.,

4 Plaintiff,

5 v.

6 MASS PRODUCTIONS, INC., et al.,

7 Defendants.
8

CIVIL NO. 00-1338 (RLA)

9
10 **ORDER AMENDING JUDGMENT**
11 **BASED ON THE ONE SATISFACTION RULE**

12 Defendants herein have moved the court to credit the settlement
13 award paid by defendants in a separate copyright infringement
14 proceeding to the damages set by the jury in this case.¹

15 We shall entertain defendants' request as a Rule 60(b)(5) Fed.
16 R. Civ. P. petition which allows for relief in cases where "the
17 judgment has been satisfied, released or discharged". See, BUC Int'l
18 Corp. v. Int'l Yatch Council Ltd., 517 F.3d 1271, 1274 (11th Cir.
19 2008); Torres-Troche v. Municipality of Yauco, 873 F.2d 499, 501 (1st
20 Cir. 1989).

21 Plaintiff instituted this action alleging copyright infringement
22 based on defendants' unauthorized production of infringing derivative

23 ¹ It must be noted that a similar request was filed prior to
24 trial which was denied by the court. See Defendants' Motion for
25 Relief from Order Scheduling Trial on Damages (docket No. 289),
26 Plaintiff's Response (docket No. 298) and Omnibus Order (docket No.
312). At that time plaintiff had yet to decide which type of damages
it would pursue against defendants herein and no verdict assessing
plaintiff's damages had been issued. Consequently, the court, at that
point in time, was not in a position to grant the defendants' motion
as more fully explained below.

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3 works which works were aired via television by the defendants named
4 in TMTV, Corp. v. Pegasus Broadcasting of San Juan, Inc., Civ. No.
5 05-1621(JP).

6 The one-satisfaction rule, which provides that payments
7 previously made by persons jointly liable shall be credited to the
8 sums due by judgment, has been found applicable to infringement suits
9 brought under the Copyright Act. In BUC Int'l Corp., 517 F.3d at 1276
10 the court explained this principle by indicating that it "generally
11 provides that a plaintiff is entitled to only one satisfaction for a
12 single injury, such that amounts received in settlement from an
13 alleged tortfeasor are credited against judgments for the same injury
14 against non-settling tortfeasors." The underlying premise is "to
15 prevent double recovery, or the overcompensation of a plaintiff for
16 a single injury." *Id.* at 1277.

17 It is beyond peradventure that the damages sought in Civ. No.
18 05-1621(JP) against the television station and related defendants
19 arise from the same events charged in Civ. No. 00-1338(RLA). That is,
20 plaintiff seeks compensation from the illegal broadcasting of the
21 infringing programs which is also the subject matter of the
22 proceedings currently before us.

23 Even though plaintiff initially petitioned lost profits as well
24 as actual damages in both proceedings, it opted to pursue only actual
25 damages at the trial held in Civ. No. 1338(RLA) which the jury
26 assessed at \$772,079.29. Plaintiff has conceded that the actual
damages sought in both cases was the same. Further, in addressing
defendants' prior petition, plaintiff indicated that "[i]n the event
plaintiff elects to be redressed in actual damages the amounts paid

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3 in settlement by Televiscentro **could be credited** to the amount of
4 damages found after trial hearing."²

5 Based on the foregoing, we find that defendants in this case are
6 entitled to a reduction in the \$772,079.29 jury award by the
7 \$700,000.00 settlement sums received by plaintiff in Civ. No. 05-
8 1621(JP) for claims arising from the same injury, i.e., actual
9 damages resulting from the copyright infringement.

10 Accordingly, defendants' Motion to Set Aside the Jury Verdict
11 (docket No. **409**)³ is **GRANTED** and the Judgment entered in this case
12 (docket No. 408) shall be **AMENDED** to reduce plaintiff's outstanding
13 actual damages to **\$72,079.29**.

14 IT IS SO ORDERED.

15 San Juan, Puerto Rico, this 27th day of March, 2009.

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S/Raymond L. Acosta
RAYMOND L. ACOSTA
United States District Judge

² Response in Opposition to Motion to Vacate Non Jury Trial (docket No. 289) p. 10 (emphasis ours).

³ See Opposition (docket No. **412**).