

United States District Court  
Western District of Michigan  
Southern Division

SONY MUSIC ENTERTAINMENT,  
UMG RECORDINGS, INC.  
ELEKTRA ENTERTAINMENT GROUP INC.  
ATLANTIC RECORDING CORPORATION,  
WARNER BROS. RECORDS INC

Plaintiffs

2:09-cv-97

Paul L. Maloney, Chief Judge  
United States District Court

V.

BRITTANY R. KRUGER,

Defendant.

**MOTION REQUESTING THAT THE COURT SECURE PRO BONO  
COUNSEL FOR BRITTANY KRUGER AND THAT THE COURT  
STAY DISCOVERY UNTIL SUCH TIME THAT COUNSEL CAN BE  
SECURED.**

Brittany Kruger, a College Student at Northern Michigan University, Defendant herein, in pro se, humbly asked this Honorable Court to appoint or help her secure qualified Pro Bono counsel for her defense in the above named case. She is asking this because this case has Constitutional implications that must be handled by experienced counsel, and she does not have the financial and legal resources to adequately defend herself against the vast collective resources of the Plaintiffs in this case. The immense resources of the recording industry and the national counsel they employ and the centralized collection of law they possess prejudices the average citizen.

This combined with the political lobby the Plaintiffs employ has created the current grossly unfair atmosphere. Law and equity are no longer separated in our legal system, and equity suggest that in trials where Multi Billion dollar Plaintiffs have choosing to litigate the common citizen, the courts should act to ensure that fairness is preserved. I am not asking for special treatment, only that adequate experienced counsel is appointed. The allegations of copyright infringement and the potential damages that could be awarded are stifling, as realized by the shocking judgment awarded in Capital Records v. Thomas-Rassett. Although this is a civil matter, the potential for damages that are punitive in nature, and disproportionate to any damages that may have occurred, are far in excess of the Due Process guarantees in the Constitution. The potential statutory damages of this civil action meet or exceed equable criminal sentences for criminal convictions. Had I simply walked into the Wal-Mart and stolen two CD, I would have been placed on probation and fined roughly twice the cost of the stolen merchandise or about \$20.00 and my guilt would have had to be proven beyond a shadow of a doubt. (The extent of my criminal behavior thus far is a couple of speeding tickets.) Additionally, prior to any criminal trial, counsel would have been appointed to me based upon my economic need and constitutional guarantees afforded to every citizen of this country. Congress has overstepped its boundaries when it has granted unregulated power and authority to private industries (the entertainment industry and other large copyright holders) to enforcement claims of infringement in civil actions of this nature. By implementing the civil process, to impose statutory damages that were designed to deter corporate trade secret theft, but are now used to bankrupt individuals, the grotesque nature of this case is compelling. Plaintiffs weald a huge hammer. When only a preponderance of evidence is required to secure judgment, all fairness goes out the window. Common folks like myself are found in Federal Courts across this nation without any of the Constitutional protections afforded criminals. Common folks, who otherwise have no reason to fear the violation of any of the constitutional guarantees of Search and Seizure, Free Speech, Equal Protection, Excessive Punishment, and Due Process, are suddenly thrust into a legal quagmire that has been nurtured on behalf of the deep pocketed Plaintiffs. They then become subjected to its process. Additionally, because criminal behavior on the part of the Plaintiffs may have occurred, I require assistance for qualified counsel appointed by the Courts. I has already filed "in forma pauperis" documentation with the court.

I have tried to secure Pro Bono counsel from several qualified law firms that have experience in Intellectual Property litigation. In each case I have been turned down, or my request has been ignored.

Respectfully Submitted  
July 7, 2009

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