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## Litigator of the Week: Richard Busch of King & Ballow

Scott Flaherty, The Litigation Daily

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This week's [\\$7.4 million copyright infringement verdict](#) over the hit song "Blurred Lines" drew a bit of backlash—and not just from [Pharrell Williams and Robin Thicke](#). Some said the jury's verdict would [stifle creativity](#). Others [warned](#) it could make every instance of musical inspiration an excuse for a lawsuit.

But there's at least one person who's positive the jury got it right: King & Ballow partner Richard Busch, who tried the case for the family of late R&B superstar Marvin Gaye.

"Anyone who is criticizing the decision does not know the facts," said Busch. "This is just what people say when they lose, and it's not correct."

Busch, a Nashville-based lawyer who's no stranger to high-stakes music copyright fights, persuaded the Los Angeles federal jury on Tuesday that Williams and Thicke's "Blurred Lines" infringed the rights to Gaye's 1977 song "Got To Give It Up." He told us after the verdict that people who question the [similarities](#) between the two songs are just echoing arguments that the jury, after hearing two weeks of evidence, flatly rejected.

The verdict capped more than two-and-a-half years of litigation that kicked off when Williams and Thicke, represented by veteran entertainment lawyer Howard King of Holmes, Paterno & Berliner, lodged a complaint seeking a judgment that they hadn't infringed Gaye's copyright.

At trial, King argued that "Blurred Lines" may have evoked the late 70s sound of "Got To Give It Up," but it wasn't plagiarism. The jurors, who heard excerpts from both songs at trial, weren't persuaded. They awarded Gaye's family, including his children Nona Gaye and Frankie Gaye, \$4 million in damages and another \$3.38 million in ill-gotten profits.

Busch linked up with the Gaye family through a connection with the their transactional lawyer, Mark Levinsohn, who also represents rapper Eminem's production team FBT

Productions LLC. Busch previously represented FBT in a [royalty dispute](#) over digital downloads that produced a big victory at the U.S. Court of Appeals for the Ninth Circuit.

Next up in the "Blurred Lines" case, Busch said, will be to seek a permanent injunction to block sales of the song. That could prompt a negotiated settlement with Williams and Thicke that would ensure the Gaye family a share of future profits.

Pharrell and Thicke, meanwhile, have already [vowed](#) to fight the verdict. When we reached out to King, he told us that he and his clients are still adamant that "Blurred Lines" came solely from the "heart and minds" of Williams and Thicke and nowhere else.

"We owe it to songwriters of the world, who are inspired by their predecessors, to make sure this verdict does not survive," said King.

Busch said there are no valid grounds to overturn the verdict.

"The law is the law," Busch said. "If they could have proven that this was the copying of a genre or a feeling, they would have proven it during the two-week trial."

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