

08-103 REED ELSEVIER, INC. V. MUCHNICK

DECISION BELOW: 509 F.3d 116

LOWER COURT CASE NUMBER: 05-5943, 06-0223

QUESTION PRESENTED:

1. Whether the usual power of lower courts to approve a comprehensive settlement releasing claims that would be outside the courts' subject matter jurisdiction to adjudicate, confirmed in *Matsushita Elec. Indus. Co. v. Epstein*, 516 U.S. 367 (1996), was eliminated in copyright infringement actions by 17 U.S.C. § 411(a).
2. Whether the Second Circuit erred by ignoring the assurance in *New York Times Co. v. Tasini*, 533 U.S. 483, 505 (2001), that the problem of compromised electronic news archives could be remedied by "[t]he Parties (Authors and Publishers [entering] into an agreement allowing continued electronic reproduction of the Authors' works . . . and remunerating authors for their distribution."

LIMITED TO THE FOLLOWING QUESTION: Does 17 U.S.C. §411(a) restrict the subject matter jurisdiction of the federal courts over copyright infringement actions? JUSTICE SOTOMAYOR TOOK NO PART.

ORDER OF APRIL 2, 2009:

DEBORAH JONES MERRITT, ESQ., OF COLUMBUS, OHIO, IS INVITED TO BRIEF AND ARGUE THIS CASE, AS *AMICUS CURIAE*, IN SUPPORT OF THE JUDGMENT BELOW.

CERT. GRANTED 3/2/2009