

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

_____)	
BMG RIGHTS MANAGEMENT (US))	
LLC, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	Civil No. 1:14-cv-1611
v.)	
)	Hon. Liam O’Grady
COX ENTERPRISES, INC., <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
_____)	

ORDER

This matter comes before the Court on Defendant’s Motion to Preclude Plaintiff’s Counsel from Making Argumentative and Inflammatory Statements and Legal Conclusions During Opening Statements (Dkt. 940). The Court finds good cause to **DENY** the motion.

Specifically, the Court does not find it appropriate to bar BMG from referring to copyright infringement as stealing, theft, or some other related term, as such language is not unduly prejudicial to Cox. The Court anticipates that counsel for both parties can and will abide by the rules during opening statements. If a party has good cause to object to a specific comment made by opposing counsel, the party may do so at that time.¹ The Court will then decide whether to sustain or overrule the objection.

It is **SO ORDERED**.

August 14 2018
Alexandria, Virginia

/s/ Log
Liam O’Grady
United States District Judge

¹ Cox does not deny that it failed to object to what it now describes as “highly prejudicial and improper” statements made during BMG’s opening statements. Dkt. 981 at 2. Again, counsel should object to improper comments at the time such comments are made.