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Mom sues RIAA members for racketeering

By [Andrew Orlovski](#) in [San Francisco](#)

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A New Jersey mother has turned the tables on the Recording Industry Association of America by suing the major labels for racketeering.

Michele Scimeca received a notice from the RIAA in December after her child used the Kazaa networks for a school project. She has countersued labels Sony, Universal and Motown by claiming that the demands for reimbursement of \$150,000 per infringement falls foul of the 1970 Organized Crime and Control Act, better known as the RICO statute after Title IX of the Act: Racketeer Influenced and Corrupt Organizations Statute.

That's certainly a description that many would argue fits the major labels like a glove. But can it stand up?

Scimeca's attorney says "They're banding together to extort money, telling people they're guilty and they will have to pay big bucks to defend their cases if they don't pony up now. It is fundamentally not fair," the New Jersey [Star Ledger reports](#).

The FBI's [definition](#) of organized crime defines a potential defendant as "any group having some manner of a formalized structure and whose primary objective is to obtain money through illegal activities. Such groups maintain their position through the use of actual or threatened violence, corrupt public officials, graft, or extortion, and generally have a significant impact on the people in their locales, region, or the country as a whole." RICO defines it more broadly, but narrows the scope to a set of criminal activities.

So [tampering with music](#), [price fixing](#), [posing as police officers](#), [wasting US Navy time](#) and [frightening children](#) are not in the list, alas. In RICO cases the threat or use of physical violence has to be explicit. Legal experts say the case has little chance of reaching a jury trial.

The RIAA filed 500 more 'John Doe' suits yesterday and is



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