

Sports Reporter Demands Return of Megaupload Files

Kyle Goodwin, sports reporter and owner of OhioSportsNet, has filed a brief at a Virginia federal court urging the US Government to return the files he stored at Megaupload. Goodwin explains that the Megaupload shutdown resulted in direct losses for his company and claims the Government has violated his constitutional rights.

In the wake of the MegaUpload shutdown many of the site's users complained that their personal files had been lost due to collateral damage.

Behind the scenes Megaupload has been negotiating with the Department of Justice to allow these users to temporarily access their files.



“Megaupload’s legal team is working hard to reunite our users with their data. We are negotiating with the Department of Justice to allow all Mega users to retrieve their data,” Kim Dotcom told TorrentFreak previously.

However, weeks have passed by and thus far no workable solution has been found.

Tired of waiting, one Megaupload user has now asked a court to find a way to return his files. Through his attorneys, Kyle Goodwin, owner of the sports news site OhioSportsNet, filed a brief at a federal court in Virginia.

“It is one thing to take legal action against an alleged copyright infringer. It is quite another to do so at the expense of entirely innocent third parties, with no attempt to prevent or even mitigate the collateral damage,” the brief starts.

The attorneys explain that Goodwin signed up for a premium Megaupload account that he used to store raw footage of games, player and coach interviews, and promotional materials for his business. This Megaupload account served as an online backup of the files he stored on his hard drive, in case that crashed.

Unfortunately for Goodwin the hard drive did indeed crash in January, right after Megaupload was shutdown. However, when he attempted to download the backup files, he noticed that Megaupload was no longer operational. As a result, the sports reporter claims to have suffered significant losses.

“The loss of my files has made doing the business of OhioSportsNet difficult,” Goodwin explains in his testimony. “For example, at least four parents had inquired about paying me to put together highlight reels of their children’s sporting events to send to colleges for recruiting purposes. Without my files, I have been unable to do that.”

The attorneys argue that the Government is responsible for this loss, and claim that Goodwin’s Fourth Amendment protection against unreasonable search and seizure has been violated.

“The government cannot just execute its search warrant and wipe its hands of any responsibility for the property incidental to that warrant, especially when the government’s actions have the direct effect of impermissibly denying innocent third parties of their property,” they write.

They further argue that Goodwin and many others have become victims of an overbroad takedown.

“Perhaps in an attempt to avoid responsibility for its seizure, the government has alleged that some data on the servers consists of infringing copies of copyrighted works. However, the potential presence of others’ infringing files does not diminish the Court’s responsibility to safeguard customers’ lawful and noninfringing files and provide for their return,” the brief reads.

Goodwin hopes that the court will ensure that the matter is resolved, and demands the return of his files, and the files of others who are in the same position as himself.