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The “Truth Hurts”: Judge Rules Lizzo is 100% That [Copyright Owner]

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Judge Dolly M. Gee of the Central District of California recently awarded singer Lizzo a major victory in a copyright dispute concerning the artist’s hit song “Truth Hurts.” In her ruling, Judge Gee dismissed with prejudice a claim that Lizzo must share copyright ownership of “Truth Hurts” with the plaintiffs in the case, because the co-ownership claim was based only on the plaintiffs’ contributions to a prior independent work. *See Melissa Jefferson v. Justin Raisen et al.*

The proceedings began in 2019, when Lizzo filed an action against songwriters Justin Raisen, Jeremiah Raisen, and Justin “Yves” Rothman, seeking a judicial declaration of non-infringement as to “Truth Hurts.” In response, the three songwriters filed a counterclaim for declaratory relief, seeking a judgment stating that they are joint authors and co-owners of the work.

The Raisens and Rothman allege that in April of 2017, they met with Lizzo and her collaborator Saint John for writing and recording sessions where they worked on a different song, titled “Healthy.” They claim that during that session, while searching the internet for inspiration, Saint John came across a meme that read “I did a DNA test and found out I’m 100% that…” Amused by the line, Jeremiah Raisen suggested it be used as a lyric in “Healthy.” Although Lizzo and Saint John were against the idea at first, they eventually included the “100%” lyric in “Healthy.”

The songwriters allege that after their session, Lizzo continued working on “Healthy,” and that she eventually evolved the song into “Truth Hurts.” “Truth Hurts” was then released in September of 2017, crediting Lizzo, Saint John, and two others as writers. The Raisens and Rothman allege that “Truth Hurts” incorporates the “100%” lyric and other musical elements from “Healthy.” These alleged facts form the basis of the songwriters’ copyright co-ownership claim.

Last year, Judge Gee dismissed the co-ownership counterclaims without prejudice, to the extent they were premised on allegations that Lizzo copied “Healthy” in creating “Truth Hurts.” In that prior order, the court concluded “[j]oint authorship in a prior work is insufficient to make one a joint author of a derivative work.”

The court reached the same conclusion here, after considering the songwriters’ amended counterclaims. Even though the amended counterclaims were “stripped of all statements that Truth Hurts copied or was derived from Healthy,” they “continue[d] to allege the same underlying facts that indicate ‘Healthy’ was a standalone song and not an incomplete, partial contribution.” Put differently, the counterclaimants continued to allege that “Healthy” and “Truth Hurts” were distinct songs. Specifically, the court pointed to allegations that “Healthy” was being considered for inclusion on Lizzo’s upcoming EP. Again, the court determined that joint authorship on a prior standalone work is not enough to confer joint authorship in a derivative work.

The court clarified that even though joint authorship of a prior work is insufficient to sustain co-ownership claims, it does not preclude them. If the songwriters had adequately pled the required elements of joint authorship, they could have still succeeded on their co-ownership claim. But the court determined that the songwriters failed to do so; the court ruled two of the three factors required for establishing joint authorship weighed against a finding of joint authorship. Though the court did not address the third factor,[1] it found the songwriters’ failure as to the other two factors was enough to preclude their joint authorship claim.

First, the court determined the songwriters pled no facts suggesting control over “Truth Hurts.” The songwriters only alleged control over elements of “Healthy.” The court found this might have been persuasive had they been able to show that “Truth Hurts” was actually the end product of “Healthy.” But because the songwriters’ allegations suggested that the two works were entirely distinct, their purported control over “Healthy” carried no weight as to “Truth Hurts.” As the court noted, even assuming the songwriters controlled Lizzo’s use of the “100%” lyric in “Healthy,” they had no control over her choice to use it in “Truth Hurts.”

Second, the court ruled the songwriters failed to adequately plead manifestation of a shared intent to be co-authors. The songwriters argued that by crediting Saint John on "Truth Hurts" based solely on his contributions during the April 2017 sessions, Lizzo manifested an intent and understanding that all the collaborators at the April 2017 sessions would be co-authors. The court was unconvinced. First, even assuming a shared intent to co-author songs written at the April 2017 sessions, "Truth Hurts" was not written at those sessions. Judge Gee noted that at the time of the April 2017 sessions, the Raisens and Rothman only intended to co-author "Healthy" – not some future undefined work. Further, the court found Lizzo's choice to credit St. John and others actually showed an intent *not* to include the Raisens and Rothman; she explicitly chose to exclude them while choosing to include others.

This decision serves as a reminder that co-ownership claims and infringement claims are not interchangeable. Claims for co-ownership must be grounded in contributions to the work at issue, and not in some other independent work – even if the works may share elements.

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[1] The third factor, which the court did not address, is whether the audience appeal of the work turns on both contributions and whether the share of each contribution in the work's success can be appraised.

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