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# MP3.com settles with Universal Music Group

NEW YORK (AP) — The embattled online music service MP3.com settled its dispute with the last of the five major record labels Tuesday, agreeing to pay \$53.4 million to Universal Music Group for access to its songs.

Universal is the world's largest record company, with such artists as Dr. Dre, Eminem and Shania Twain.

The settlement was announced as testimony began in the damages phase of a federal trial that had already determined MP3.com willfully violated Universal's copyrights.

Under the settlement, Universal will also get the right to buy a stake in MP3.com, said MP3.com chief executive Michael Robertson.

Hadrian Katz, Universal's lawyer, declined to comment outside court.

MP3.com was sued by the record labels over its My.MP3.com service, which allows computer users to listen to CDs over the Internet. Members must first prove they paid for the recording by briefly inserting the CD into a computer's CD-ROM drive.

U.S. District Judge Jed S. Rakoff ruled in September that MP3.com had intentionally violated the copyrights of the music companies. He awarded Universal \$25,000 per CD — or up to \$250 million by Universal's count.

Under Tuesday's settlement, Robertson said, Universal warrants for the rights to MP3.com stock. MP3.com rose 63 cents, or 18 percent, the Nasdaq Stock Market.

The overall amount of the settlements has not been disclosed. Robertson said it falls within the \$170 million the company set aside for legal costs.

Some lawsuits with smaller claims remain to be resolved but are expected to be a threat to MP3.com's ability to stay in business.

My.MP3.com differs from the wildly popular file-sharing method employed by Napster, which users share their music on the Internet while Napster acts as the clearinghouse.

Last month, media giant Time Warner said it would join with Universal in developing a membership music distribution system that guarantee royalties to artists.

Other music industry giants sued Napster in federal court for copyright infringement and sought to have the service shut down.

**"It gets us out of the courtroom and into the business of delivering digital music."**

— Michael Robertson  
MP3.com CEO

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## USS Cole guards instructs not to shoot unless fired upon

*Rules of engagement followed even after bombs exploded*

WASHINGTON (AP) — Sailors guarding the USS Cole when terrorists bombed it last month in Yemen did not have ammunition in their weapons and were instructed not to shoot unless fired upon, The Washington Post reported Tuesday.

Crew members told the newspaper that their "rules of engagement" prevent them from firing without obtaining permission from the ship's captain or another officer.

Suicide bombers in a small, explosives-laden boat approached the Cole while it was refueling Oct. 12 in Aden harbor and detonated the explosives, ripping a 40-by-40-foot hole in the steel hull. The blast killed 17 American sailors and injured 39.

Petty Officer John Washak told the Post he was manning an M-60 machine gun shortly after the Cole was hit. Washak said he waved the weapon at a second small boat that was approaching, but a senior chief petty officer ordered him to turn the gun away.

Washak said he protested, fearing that the ship was still

under attack. But even in the aftermath of the bombing, "with blood still on my face," he said he was told to follow the rules of engagement, no shooting unless we're fired upon.

Rules of engagement aboard a U.S. warship are set by its captain following Navy guidelines. Pentagon officials will not publicly discuss the specific rules of engagement aboard the Cole. But senior officers said they were familiar with the rules from their own professional testimony that the ship filed a detailed security plan, which they think was followed.

"If we had shot those people, we'd have gotten into more trouble for it," said Petty Officer Jennifer Kudrick, a sonar technician. "That's what's frustrating about it. We would have gotten in more trouble for shooting two foreigners than losing 17 American sailors."

Navy spokesman, Cmdr. J.D. Gradeck would not comment to the Post about the crew's accounts of the ongoing investigation.

The Post interviewed about 20 members of the Cole crew. Some said FBI investigators have told them Cole may have been secretly boarded and surveilled by Islamic militants — possibly including one of the suicide bombers — as it passed through the Suez Canal a few days before the attack.

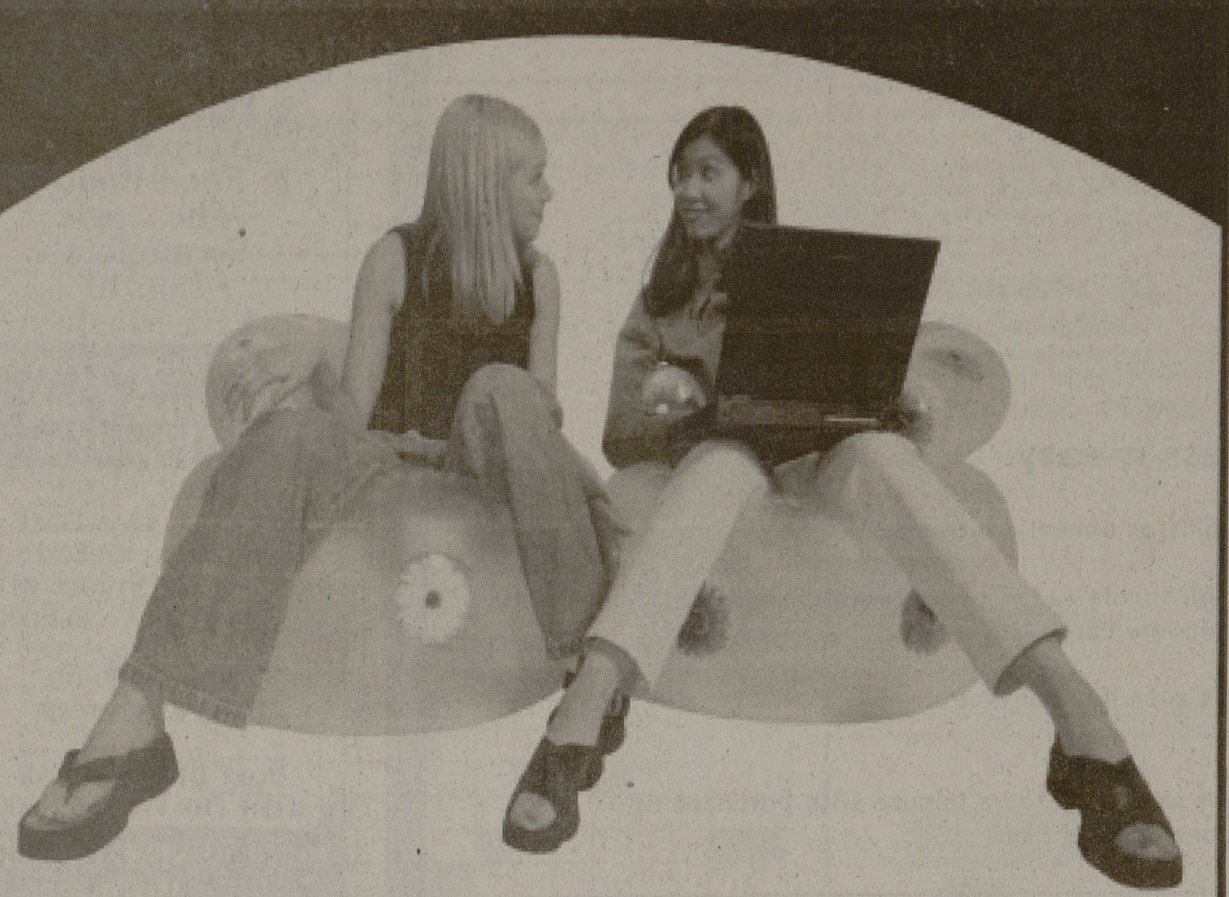
The FBI also has been questioning crew members about the behavior of the Yemeni pilot who guided Cole into port; some described him as "agitated." Some crew members also said they thought Yemeni workers acted suspiciously, the newspaper reported.

Crew members also said their ship may have been looked over by Islamic militants as it passed through the Suez Canal on the way to Yemen.

**"We would have gotten in more trouble for shooting two foreigners than losing 17 American sailors."**

— Jennifer Kudrick  
Petty Officer on USS Cole

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**News in Brief**

**Isuzu recalls SUV Troopers**  
WASHINGTON (AP) — Isuzu Motors Ltd. is recalling some 2000 and 2001 model year Troopers after the sport utility vehicle leaked fuel in crash tests by an insurance industry group. The recall affects 18,460 vehicles — all 2000 Troopers with four-wheel drive and 2001 models with four-wheel drive that were produced before the problem was discovered. The Troopers leaked fuel in two of three front crash tests conducted by the Insurance Institute for Highway Safety, which released the results Tuesday. Fuel leaks are considered a serious problem because they can result in a fire if ignited. In the first test conducted on a 2000 Trooper on June 21, a fuel line separated. Isuzu engineers found a design problem and issued a voluntary recall of the 2000 vehicles.

**NTSB looks into school bus safety**  
WASHINGTON (AP) — A government safety panel recommended on Tuesday that school bus emergency doors protruding metal latches be redesigned and seat cushions be cured with fail-safe latches to protect passengers in an accident. The recommendation from the National Transportation Safety Board were prompted by an investigation into a school bus accident in upstate New York that injured students and their parents on Oct. 21, 1999.

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