



Exec Suite

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Rick Ross Loses Legal Claim Over LMFAO's "Everyday I'm Shufflin" T-Shirts



AP Images/Invision



Divorced from the music, Ross' own "everyday I'm hustlin" isn't original enough to be copyrightable.

On Tuesday, a federal judge in Florida shot down a big part of the lawsuit from hip-hop superstar **Rick Ross** over LMFAO's chart-topping 2010 song "Party Rock Anthem," which contains the phrase "Everyday I'm shufflin' " in the chorus.



which contains the lyric "Everyday I'm hustlin'." The song was released on Ross' 2006 debut album, *Port of Miami*.

U.S. District Judge **Kathleen Williams** was asked to address on summary judgment whether Ross' three-word phrase is original enough to be copyrightable.

"The question presented, however, is not whether the the lyrics of Hustlin', as arranged in their entirety, are subject to copyright protection," she writes in her opinion ([read here](#)).

"The question is whether the use of a three word phrase appearing in the musical composition, divorced from the accompanying music, modified, and subsequently printed on merchandise, constitutes an infringement of the musical composition Hustlin'. The answer, quite simply, is that it does not."

The judge points to other cases where short phrases like "you got the right one, uh-huh," "holla back," "we get it poppin'," and "caught up" failed to meet the originality threshold when divorced from the music. She also writes there's evidence that Ross wasn't the first to come up with the lyric "Everyday I'm hustlin'."

She adds that even if Ross' phrase was copyrightable in this merchandise context, he would fail the intrinsic test, the one where ordinary observers judge similarity. "The average lay observer would not confuse t-shirts bearing the phrase 'everyday I'm shufflin' with the musical composition Hustlin', nor without reference to Party Rock Anthem and Hustlin', would an average lay observer recognize the merchandise as having been appropriated from Hustlin'."

The lawsuit continues and is nearly at trial, but that proceeding will only be about the songs. LMFAO's **Stefan Kendal Gordy** (Redfoo) and **Skyler Austen Gordy** (SkyBlu) are defendants as

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