

THE VANDERMAY LAW FIRM PC

2021 S. Jones Blvd.
Las Vegas, Nevada 89146

MONTY K. VANDERMAY
ADMITTED IN:
OREGON
NEVADA
HAWAII

TELEPHONE: (702) 538-9300 FAX: (702) 538-9301

MAUREEN C. VANDERMAY
ADMITTED IN:
OREGON
CALIFORNIA
WASHINGTON

June [REDACTED] 2013

[REDACTED]

RE: *The Thompsons Film, LLC, v. Does 1-35*, USDC ED Washington
Case No: 2:13-cv-126-TOR

Dear [REDACTED]

We represent The Thompsons Film, LLC in the above-referenced action. The Thompsons Film, LLC's complaint alleges that various parties, identified by their Internet Protocol ("IP") addresses, have engaged in copyright infringement by unlawfully downloading its motion picture entitled *The Thompsons*. In response to a subpoena issued to an Internet Service Provider ("ISP"), you were identified as the subscriber responsible for one of the IP addresses used to download *The Thompsons* and referenced in Exhibit 1 to the complaint. Although you may have already received a copy of the complaint from your ISP, we are enclosing a copy for your review.

Our records indicate that we have not heard from you or counsel acting on your behalf. If you have engaged an attorney to represent you in this matter please provide this letter to that attorney and do not respond directly to us.

In light of your ISP's identification of you as the responsible subscriber, we intend to name you as a defendant in this action. It is not, however, our intention or desire to name persons who are not responsible for the infringement at issue. Therefore, if you believe that neither you nor anyone for whom you are legally responsible engaged in the infringement alleged in the complaint, please feel free to contact us to discuss the bases for your position and the identity, if known, of the infringing party. Please understand that in light of the evidence that we have and the law governing copyright infringement, we cannot agree to dismiss people simply because they claim that someone must have "hacked" into their account.

Additionally, if you wish to discuss resolving our client's claims before you are named as a party to this action, please feel free to contact us regarding possible resolution. However, any such

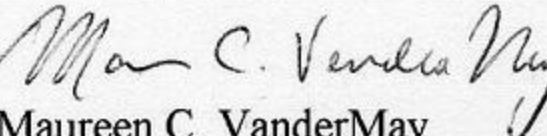
[REDACTED]

resolution must be completed within 30 days as that is when we anticipate that we will be filing the amended complaint.

We are also enclosing a waiver of service form, along with a copy of this form, a stamped return envelope and a notice explaining the purpose of this form. Please sign the waiver form and return it to us in the enclosed envelope within 30 days of the date of this letter. Under Federal Rule of Civil Procedure 4(d), if we name you in this action we will seek to recover from you the cost of effecting service if you opt not to return this form in a timely manner, along with the cost, including attorneys' fees, of any motion required to collect these costs from you. Please note that if we have not heard from you in time to resolve this matter we will file the amended complaint and proceed as outlined above.

Thank you for your attention to this matter.

Sincerely yours,


Maureen C. VanderMay
Attorney and Counselor at Law

MCV:an
cc: The Thompsons EDWA file
encl: Notice of a Lawsuit and Request to Waive Service of a Summons; Waiver of the Service of Summons (2 Copies); Stamped Envelope; Complaint

UNITED STATES DISTRICT COURT

for the
Eastern District of Washington

THE THOMPSONS FILM, LLC

Plaintiff

v.

DOES 1 - 35,

Defendant

Civil Action No. CV-13-126-TOR

WAIVER OF THE SERVICE OF SUMMONS

To: Maureen C. VanderMay

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 06 2013, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

Signature of the attorney or unrepresented party

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

UNITED STATES DISTRICT COURT

for the
Eastern District of Washington

THE THOMPSONS FILM, LLC,

Plaintiff

v.

DOES 1 - 35,

Defendant

Civil Action No. CV-13-126-TOR

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: [REDACTED]

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

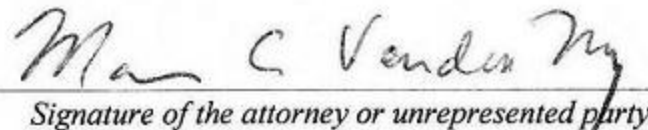
If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 06 [REDACTED] 2013



Signature of the attorney or unrepresented party

Maureen C. VanderMay

Printed name

2021 South Jones Blvd.
Las Vegas, Nevada 89146

Address

thompsonswa@vandermaylawfirm.com

E-mail address

(702) 538-9300

Telephone number