BROWN & KANNADY, LLC
ATTORNEYS AT LAW

From the desk of
Scott T. Kannady
scott@brownlegal.com

July [redacted] 2014

VIA: *USPS First Class Mail*

[redacted]

******For Settlement Purposes Only - Not Admissible Under FRE 408******

RE:	***Copyright infringement of:***	***The Necessary Death of Charlie Countryman***
	Civil Action No.:	***14-cv-01149 - U.S. Federal Court for the District of Colorado***
	Plaintiff:	***Countryman Nevada, LLC***
	IP Address:	[redacted]
	Internet Service Provider (ISP):	[redacted]
	Infringement Date & Time:	

*****Time Sensitive Information*****

Response Deadline: July [redacted] 2014

Dear [redacted]

This law firm has filed a Federal copyright infringement lawsuit in the U.S. District Court for the District of Colorado on behalf of our client, Countryman Nevada, LLC (herinafter the "Plaintiff"). Please see the enclosed complaint. Your contact information was supplied to us by your ISP as one of the Defendants who has illegally obtained or shared our client's copyrighted motion picture through a peer-to-peer network ("P2P") e.g., BitTorrent. We are sending you this letter as a courtesy before we are required to take more formal legal action which would involve adding you as a named Defendant to the lawsuit or filing a new lawsuit against you for copyright infringement.

According to our records, you have placed a media file which contains the copyright-protected film content for our client's motion picture entitled "**The Necessary Death of Charlie Countryman**" in a shared folder location enabling others to download copies of this content. In addition, we have evidence that your file hash factor (a mathematical function through which a file can be identified with certainty) was SHA1: 1334D1DE3A0FE3025B1BE0FF050C782456A3A8E7. We also have obtained the file name of the movie, the file size and additional metadata, all corresponding to an IP address that was assigned to your ISP account at the time the infringing activity occurred.

Copyright infringement (in this case obtaining and distributing a film without paying for it and/or sharing a film with others who have not paid for it) is a very serious problem for the entertainment industry. You should also know that our client takes the enforcement of its copyrights seriously and will use all legal means available to it to protect its rights.

The law provides protection for copyright owners through the Federal copyright statute found at 17 U.S.C. §§ 501-506, which allows the copyright owner to impound your material, such as material on your computer(s), recover their attorney's fees, and seek damages of up to $150,000 per work, depending on the circumstances surrounding the infringement. While it is too late to undo the illegal file sharing you

have already done, we have prepared an offer to enable our client to recoup the damages incurred by your actions, and defray the costs of preventing this type of activity in the future. Our client's offer to settle considers multiple factors, including the significant costs needed to enforce its copyrights from infringing conduct such as yours, and its need to deter future actions from you and others.

In exchange for a comprehensive release of all legal claims which will enable you to avoid becoming a named Defendant in the lawsuit, our firm is authorized to accept the sum of **Five Thousand Dollars ($5,000.00)** as full settlement for its claims. **This offer will expire at 5pm on July [redacted] 2014.** Thereafter, if our client chooses to settle, it will likely accept no less than the sum of **Eight Thousand Dollars ($8,000.00),** and this amount will continue to increase as litigation expenses accrue. In addition, you must remove the file from the shared folder or location where our client's film can be shared or copied within three (3) days of paying a settlement. If you have chosen not to settle by the above-refenced date we may add you to the list of Defendants to be served with a lawsuit.

You may pay the settlement amount by (a) a certified check or money order made out to "Brown & Kannady, LLC COLTAF" and mailed to our address; **2000 So. Colorado Blvd., Suite 2-610, Denver, CO 80222**, (include the signed Release & Settlement Agreement with your payment, attached to this letter and write "***14-cv-01149*** [redacted] on the memo line); or (b) by credit or debit card by filling out the credit card form attached here too, or by calling **Maegan Stevens** at **(303) 757-3800**. In any case you may also email or fax the signed Settlement and Release and payment form to **Maegan Stevens** at **maegan@brownlegal.com** or **fax to (303) 757-3815**, attention **Maegan Stevens**. Once we have received payment and the signed Release & Settlement Agreement, we will return to you a confirmation by email that your payment has been processed and you have been released from the lawsuit.

We look forward to resolving this without further action on our part, however if you do not comply with the above requests we may be forced to name you as a Defendant to the lawsuit and proceed directly against you on behalf of our client. If forced to do so, our client will be seeking to recover the maximum amount of damages, costs and attorneys' fees provided under the Copyright Act for copyright infringement, which is up to $30,000 per illegally downloaded film, plus attorneys' fees and costs of litigation. Because torrent file-sharing requires deliberate action by the uploader or downloader of a movie, my client will also seek to prove that your actions were intentional. In the event that our client is able to prove that the infringement was intentional, our client will be seeking the maximum statutory damages allowed by the Copyright Act in the amount of $150,000 per infringement, plus all accrued attorneys' fees and costs.

We feel that in light of the verdicts awarded in recent cases, our client's settlement offer is extremely reasonable. For example, in the case of *Sony BMG Music Entertainment v. Tenenbaum* (D. Mass.) [1:07-cv-11446], a $675,000 jury verdict against a Boston University graduate student for illegally downloading and sharing 30 songs was recently upheld. This means that the jury awarded $22,500 per illegally-shared song. We think that by providing you with an opportunity to settle our client's claim for Five Thousand Dollars ($5000.00) instead of having to incur thousands of dollars in attorneys' fees and being at risk for a high jury verdict, our client is acting reasonably and in good faith.

You have been on notice of our claim since you received the notice from your ISP that we subpoenaed your information. On behalf of the Plaintiff, we demand that you immediately cease and desist from any further copying or distribution of the film "**The Necessary Death of Charlie Countryman**" or any other copyrighted work controlled by the Plaintiff. **However, please consider this letter to constitute formal notice that until and unless we are able to settle our client's claim with you, we demand that you not delete any media files from your computer.** If forced to proceed against you in the lawsuit, we will have a computer forensic expert inspect your computer in an effort to locate

the subject movie file, or to determine if you have deleted any media files since receipt of the notice of the subpoena from your ISP. If in the course of litigation the forensic computer evidence suggests that you did delete media files following receipt of the letter from your ISP, our client will amend its complaint to add a spoliation of evidence claim against you. Be advised that if we were to prevail on this additional claim, the court could award monetary sanctions, evidentiary sanctions and reasonable attorneys' fees. If you are unfamiliar with the nature of this claim in this context, please consult an attorney and review the following cases: *Paramount Pictures Corp. v. Davis*, 234 F.R.D. 102, 77 U.S.P.Q.2d 1933 (E.D. Pa. 2005); U.S.C.A. *Arista Records, L.L.C. v. Tschirhart*, 241 F.R.D. 462 (W.D. Tex. 2006); and *U.S. ex rel. Koch v. Koch Industries, Inc.*, 197 F.R.D. 488 (N.D. Okla. 1999).

We strongly encourage you to consult with an attorney to review your rights and risk exposure in connection with this matter. We thank you in advance for your anticipated cooperation in this matter, and we look forward to resolving our client's claim against you in an amicable fashion, through settlement.

Respectfully,

/s/ Scott T. Kannady

Scott T. Kannady
Brown & Kannady, LLC

Enclosures: FAQ
Credit Card Form
Settlement and Release
Complaint