

January 12, 2017

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**Re: LHF Productions v. Teodoro, WD WA Case No. 16-cv-1273 RSM**

Dear Mr. Lowe:

This law firm represents Jasmin Teodoro with respect to the federal lawsuit your law firm has filed against her and personally served on her.

We reference our October 28, 2016 letter to you regarding James Collins, and our December 13, 2016 letters to you regarding Patricia Alexander and Larry Lewis, all falsely accused by your client LHF Productions. All the same defenses and issues we raised as to Mr. Collins, Ms. Alexander, and Mr. Lewis apply equally as to Ms. Teodoro.

Ms. Teodoro is wholly innocent. She is a married 57-year-old mother of three. English is not her native language. Prior to being accused in this lawsuit, Ms. Teodoro and her family members had never heard of Bittorrent. They have never used Bittorrent. They had never heard of your client's film and have no interest in it. The family lives in the Emerald Point apartment complex in Lacey, Washington in Building F. The complex includes ten two-story apartment buildings.

Ms. Teodoro works two jobs part time as a caregiver. She was at work at an adult family home on Thursday July 7 at 1:19 pm pacific time when your client's foreign investigator entrapped its blip. Ms. Teodoro works at the adult family home every Thursday. Regrettably, Ms. Teodoro is another innocent person who has been errantly named and served in a federal lawsuit at the direction of your client's foreign representatives.



Ms. Teodoro was personally served on December 27, 2016 at 5:15pm. Her Answer is due next Tuesday January 17, 2017.

We respectfully request that LHF voluntarily dismiss Ms. Teodoro from the case. If she is dismissed by Noon on Tuesday January 17, 2017, we will not Answer the Amended Complaint, and we will not seek defense attorneys' fees or costs. If the case is not dismissed by Noon Tuesday January 17, 2017, we will Answer during the afternoon of January 17, 2017 and we will seek defense attorneys' fees when Ms. Teodoro wins, which is a certainty given her innocence.

Each innocent person we speak with leaves us dismayed that your client's foreign representatives continue to pursue these cases in the manner they have selected. As a respected intellectual property firm like yours, my firm understands the need to protect and enforce legitimate rights. But the methods employed in these cases sacrifices investigatory precision and entangles too many innocent people.

Many of these people do not have access to competent counsel who can explain what is really happening – that a foreign computer solicited and entrapped an invisible 16k blip of a movie. For example, we will be interested how LHF responds on January 23 to Mr. Jose Sosa's unorthodox Motion to Dismiss in this same case. We have not spoken with Mr. Sosa, but from the text of his Motion, we doubt he used Bittorrent to download *London Has Fallen*. But his Motion may be procedurally inadequate, and we would not be surprised if Ms. Sosa's Motion is opposed, forcing him to spend more time and effort to convince your client of his innocence.

Likewise, despite her innocence, Ms. Teodoro could not have mounted a proper defense *pro se*. LHF and your client's foreign representatives should understand the anxiety these notices and lawsuit have brought upon Ms. Teodoro who, like Mr. Sosa, is working hard to provide for her family. Ms. Teodoro is not a lawbreaker and these accusations are deeply troubling. She has difficulty sleeping since this started and she has fainted twice. Being named in a federal lawsuit takes a toll when a person has no connection to the accusations. LHF should care about this.

But, Ms. Teodoro has my law firm. She is wholly innocent. We have investigated. Ms. Teodoro has absolutely no chance of losing at trial. Although we cannot re-pay her for the needlessly induced stress, we will defend her innocence.

LHF has no admissible evidence against Ms. Teodoro and the foreign blip entrapments are conducted and submitted in violation of RCW 18.165. We note with interest the twice-delayed Initial Disclosures in the oldest LHF case in WD WA, 2:16-cv-551, followed by the dismissal of

Ms. Cavanaugh who had Answered the Amended Complaint, triggering the obligations of those Initial Disclosures. But, we see LHF's Initial Disclosures are due on February 6, 2017 in the 2:16-cv-552 case. We assume Mr. Patzer and Mr. Arheidt will be the LHF witnesses disclosed in that 2:16-cv-552 case, and in this one.

We have never met Mr. Patzer or Mr. Arheidt and it may be that they are honorable men. But their record for telling the truth under oath is in doubt.

Are you aware of a recent deposition of Mr. Patzer? He testifies about his Excipio software: "And IPP is the only licensee I know – or I'm aware of, besides Excipio's own use of the software." But, recall ECF No. 89 in our Elf-Man case 2:13-cv-395 in ED WA where your firm submitted Mr. Patzer's declaration about his "extensive personal knowledge of Excipio's business" and his "data collection system." Mr. Patzer testified "Excipio contracts with Crystal Bay Corporation ("Crystal Bay") to provide Crystal Bay with this data collection system, which is the system that Crystal Bay uses to detect infringement of Plaintiff's works."

Since we were given false contact information for Mr. Patzer in the Initial Disclosures in that case (which was never clarified even when the falsity was brought to counsel's attention), we conclude Mr. Patzer will likely be malleable enough to testify in this case that "Maverickeye" also uses his software, despite his testimony about IPP from 90 days ago that would seem to prohibit such a statement.

Likewise, we sincerely doubt Mr. Arheidt's 21 paragraph Declaration in this case is based on his "personal knowledge," given that there is no recitation of his background or experience, and given the identical verbiage to the 21 paragraph declarations filed by Daniel Macek and "Darren M. Griffin."

It is stunning to compare the declarations that have been used by declarants for the various copyright holders using these mysterious foreign investigators.

Mathias Schroeder Padawet submitted a declaration:

I am the Vice President of Copyright Defenders, Inc., a company incorporated in Nevada with its principal address at 3651 Lindell Road, Suite D, Office #16, Las Vegas, NV 89103. Copyright Defenders is a provider of online anti-piracy services for the copyright holders, including the motion picture and software industries. Before my employment with Copyright Defenders, I held various positions at

companies that developed software technologies. I have approximately ten years of experience related to digital media and computer technology.

Malte Dinkela submitted an identical declaration:

I am the Vice President of Excubitor USA, Inc., a company incorporated in Nevada with its principal address at 4550 West Oakey Blvd. #111H, Las Vegas, NV 89102. Excubitor is a provider of online anti-piracy services for the motion picture industry. Before my employment with Excubitor, I held various positions at companies that developed software technologies. I have approximately ten years of experience related to digital media and computer technology.

Your witness Daniel Arheidt submitted an identical declaration:

I am Director of Data Services for Guardaley, Limited ('Guardaley') a company incorporated in England and Wales under company number 06576149. Guardaley is a provider of online anti-piracy services for the motion picture industry. Before my employment with Guardaley, I held various software developer and consultant positions at companies that developed software technologies. I have approximately ten years of experience related to the protocols, technical architecture and operation of the Internet.

The prolific fictitious witness "Darren M. Griffin" submitted an identical declaration:

I work for Crystal Bay Corporation CBC, 'Crystal Bay' a company incorporated in South Dakota with its principal address at 110 E. Center Street Suite 2013, Madison, South Dakota 57042. Crystal Bay is a provider of online piracy services for the motion picture industry. Before my employment with Crystal Bay, I held various positions at companies that developed software technologies. I have approximately ten years of experience related to digital media and computer technology.

In the 40+ declarations of "Darren M. Griffin" filed in the WD WA, the testimony is slightly different: "I am a software consultant with nine years experience working in the field. I have a degree in computer science."

Our investigation has now led us to what may be the Source of the Nile. Patrick Achache had the original form of this often-repeated testimony:

I am Director of Data Services for Guardaley, Limited ('Guardaley') a company incorporated in England and Wales under company number 06576149, where I have been employed since January of 2007. Guardaley is a leading provider of online anti-piracy services for the motion picture industry. Before my employment with Guardaley, I held various software developer and consultant positions at companies that developed software technologies. I have approximately ten years of experience related to the protocols, technical architecture and operation of the Internet.

Other paragraphs of the Achache declaration are identical in the Padawet, Dinkela, "Darren M. Griffin," and Arheidt declarations. For example, "Darren M. Griffin" claims "At Crystal Bay, I am the head of the department that carries out evidence collection...." just as Mr. Achache and Mr. Arheidt both claimed to be the heads of a similar department at Guardaley.

We do not doubt that Guardaley has departments, but we are certain that "Crystal Bay Corporation of South Dakota" does not. Yet LHF and its foreign representatives continue to pretend that Crystal Bay Corporation is somehow a viable vehicle for these declarations. In SD OH Case No. 2:16-cv-498 ECF No. 2-1, LHF uses German national Daniel Macek as its witness claiming (somehow) to have been "retained as a consultant by Crystal Bay Corporation..."

We saw Mr. Achache's relaxed interview from the Cannes Film Festival where he explains Guardaley is "currently working on *London Has Fallen* on a worldwide basis." Maybe Mr. Achache is in the best position to explain how a fictitious witness who filed over 600 declarations bringing about unwarranted stress to thousands of innocent people happens to have the identical technical background that he has (or Mr. Arheidt has.)

The bottom line is that your client's foreign representatives have made some mistakes. Their system is not foolproof and it needlessly ensnares innocent people, disrupting their lives for no good reason. Their bigger mistake is the use of a string of sworn declarations filed in our revered federal courts that lack the legitimacy the law requires.

Please consider our offer to not Answer, nor pursue defense attorneys' fees, if the case against Ms. Teodoro is dismissed by Noon, Tuesday January 17, 2017. Otherwise, we will submit our Answer that afternoon and patiently work towards Ms. Teodoro's full exoneration and the ruling on our request for defense attorneys' fees.



Thank you for your consideration of our position.

Very truly yours,

LEE & HAYES, PLLC

A handwritten signature in blue ink, appearing to read "J. Christopher Lynch".

J. Christopher Lynch

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c: Ms. Teodoro  
Kyle D. Nelson, Esq.  
Zachary Haveman, Esq.