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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

ELF-MAN, LLC,

Plaintiff,

vs.

RYAN LAMBERSON,

Defendant.

No. 2:13-CV-00395-TOR

SUPPLEMENTAL DECLARATION
OF J. CHRISTOPHER LYNCH IN
SUPPORT OF DEFENDANT'S
MOTION FOR ATTORNEYS' FEES

I, J. Christopher Lynch, declare as follows:

SUPPLEMENTAL DECLARATION OF
J. CHRISTOPHER LYNCH IN
SUPPORT OF DEFENDANT'S MOTION FOR
ATTORNEYS' FEES - 1

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1 1. I am over 18 years of age and am competent to testify. I make this
2 declaration based on my own personal knowledge. I am one of the attorneys for
3 Defendant, Ryan Lamberson.

4 2. Pursuant to this Court's Order, ECF No. 99, I hereby submit the daily
5 timesheets that comprise the request of Mr. Lamberson's Motion for Attorneys'
6 Fees, ECF No. 75. These timesheets are attached as Exhibit A. We request 444.2
7 hours for Mr. Lynch at \$400; 86.0 hours for Mr. Smith at \$300; and 46.8 hours for
8 Mr. Barney at \$250.

9 3. I have previously testified about the propriety of these attorneys' fees
10 in ECF No. 68 at ¶¶7-39; ECF No. 76 at ¶¶9-15; and ECF No. 95 at ¶¶58, 98; and
11 Messrs Smith and Barney have previously testified about attorneys' fees in ECF
12 Nos. 96 and 97, respectively. We have previously briefed the necessity and
13 legitimacy of these time entries and the related hourly rate in (i) ECF No. 67 at
14 page 12 line 18 to page 15 line 3, and at page 19 line 14 to page 21 line 6; (ii) ECF
15 No. 75 at page 5 line 11 to page 8 line 7, and at page 8 line 14 to page 10 line 14
16 (this latter cite addresses Mr. Lamberson's request that plaintiff be required to post
17 a bond under RCW 4.84.210 and *White Coral v. Geyser Giant*, 145 Wn. App. 862,
18 867-69 (2008), and for immediate payment under *Pythagoras v. Stegall*, 2009 WL
19 3245000, No. 8:08-cv-0087 at ECF No. 386 (CD CA 2009); and (iii) ECF No. 92

1 at page 6 line 1 to page 8 line 11. Each of those pleadings is invoked here by this
2 reference.

3 4. Mr. Lamberson is one of three innocent defendants that Lee & Hayes
4 undertook as clients in the *Elf-Man* and *Thompsons Film* cases at the end of
5 September 2013. The timesheets attached as Exhibit A reflect Mr. Lamberson's
6 portion of time spent on work that was applicable to all three clients until
7 October 30, 2013, when Elf-Man LLC dismissed Mr. Morris and Sgt. Ades, but
8 failed to dismiss Mr. Lamberson. Following October 30, 2013, the time recorded
9 was spent in Mr. Lamberson's defense.

10 5. Presumably, Elf-Man LLC will oppose these fees and make the
11 paradoxical argument that Mr. Lamberson somehow should have been able to
12 convince Elf-Man LLC to see the light of its own folly and dismiss its own case
13 earlier. We tried. Maybe Elf-Man LLC's paradoxical explanation will come with a
14 suggestion of precisely which triggers the remaining innocent ED WA defendants
15 should pull to earn a prompt dismissal without having to endure a year of evasion
16 and deceit like Mr. Lamberson endured to earn his dismissal.

17 6. Here is a narrative summary by half-month of the timesheets to
18 further explain the reasonableness and necessity for the time invested in the
19 successful defense of the lawsuit. I apologize for the length of this narrative, but I

1 am anticipating Elf-Man LLC's paradoxical opposition in response and I wanted to
2 be as complete as I could to demonstrate that every new hour spent on the case is
3 one that the plaintiff could have avoided if it had seen the light and done the right
4 thing earlier.

5 7. **October 2013.** The time in the first half of October was devoted to
6 intake of Mr. Lamberson as a client including an interview on the facts and
7 examination of the pleadings against him. Mr. Lamberson's innocence was evident
8 – he explained that he had never heard of the movie and did not know anyone who
9 had. Our other clients were likewise completely innocent with no prior knowledge
10 of the movie, so we knew immediately that plaintiff's system of identifying
11 defendants was flawed. Mr. Lamberson had no desire to seek, download, or watch
12 the movie and he did not do so. Mr. Lamberson's immediate willingness to allow
13 an early deposition and examination of his computer, plus his full embrace of the
14 spoliation rules confirmed his innocence. As I have previously testified, we
15 devised a defense strategy to inform Ms. VanderMay of Mr. Lamberson's
16 innocence by invoking FRCP 11 and offering her the opportunity to examine Mr.
17 Lamberson and his computer during the safe-harbor period to fulfill her ethical
18 factual investigatory obligations in bringing the three counts against him. We
19 offered Ms. VanderMay the opportunity to dismiss Mr. Lamberson during this

1 period, and Mr. Lamberson would agree not to seek defense attorneys' fees – a
2 “walk-away.” But, if Elf-Man failed to use the safe-harbor period to examine Mr.
3 Lamberson's innocence and dismiss him, then the consequences to Elf-Man LLC
4 of this bad decision would include attorneys' fees, as we explained. We employed
5 this strategy immediately with our October 11, 2013, Notice of Appearance. By
6 this time, I had reviewed Ms. VanderMay's Declarations to the ED WA and WD
7 WA where she claimed that Elf-Man LLC's intentions were to examine people and
8 their machines and to accept settlements only from guilty defendants, not innocent
9 ones. I had a strong suspicion from review of the dockets that Ms. VanderMay's
10 declarations were insincere on these points (i.e. willingness to examine computers
11 and only to accept money from the guilty) and had been made out of a desire to
12 assuage the Court that Elf-Man LLC was not engaged in abuse of process.
13 Consequently, I attached one of these suspicious declarations to my October 11,
14 2013, FRCP Rule 11 notice, citing it as a reminder that Elf-Man LLC had
15 promised to examine machines and free the innocent. I emphasized the importance
16 of honesty and fairness in federal litigation against innocent individuals. I knew
17 from Judge Otis Wright's May 6, 2013, Order sanctioning a copyright plaintiff and
18 its counsel that BitTorrent plaintiffs were gaming the federal court system with
19 sham litigation – litigation designed to extract extortionist settlements, not

1 designed to adjudicate legitimate copyright rights. My review of the Elf-Man
2 dockets showed that this was one of those abusive matters. (It still is: 18 months
3 from filing, several named defendants have answered as to their innocence, but
4 have no current procedural path to exoneration. Elf-Man has no plan to present a
5 winning case against them, nor has Elf-Man shown any interest in moving toward
6 a trial against those innocent individuals. Presumably, there will be another round
7 of FRCP 41(a)(2) Motions to come.) This obvious abuse caused me extreme
8 suspicion of Elf-Man LLC and its counsel. Ms. VanderMay proved to be a polite
9 person with a professional demeanor who never lost her temper with me, but,
10 whether she was aware of it or not, she was advancing an improper agenda ruining
11 the lives of innocent victims by turning the cogs of an unlawful and ill-conceived
12 nationwide lawsuit scheme run by foreign entities evading even basic identification
13 to the Courts they were abusing. I could tell from the start that this was not a
14 legitimate, ordinary copyright infringement lawsuit and that this was a fraudulent
15 scheme pretending to be copyright enforcement. My goal in sending Ms.
16 VanderMay her own Declaration with the Rule 11 materials was (i) in hope that
17 she would do the right thing and release Mr. Lamberson, but, (ii) if not, then in
18 expectation of using it in this very attorneys' fees explanation – this "I told you so"
19 moment. In the first half of October 2013, we called Elf-Man's bluff, essentially

1 saying to Elf-Man LLC's counsel: "You say you will examine machines and
2 release the innocent. We think your words are hollow, but we are willing to give
3 you a chance to honor your sworn Declaration to the Court." We now know that
4 our suspicions were entirely justified. The *Elf-Man* and *Thompsons Film* cases in
5 Washington are parts of systematic, nationwide abuse of the judicial system –
6 extortion masquerading as copyright enforcement.

7 8. In the second half of October 2013, I continued to push for
8 examination of Mr. Lamberson and his machine and for a substantive dialogue
9 with Ms. VanderMay on the claims and defenses. My strategy was to let Ms.
10 VanderMay and her handlers know that we understood substantive copyright law
11 and evidence and procedure and that we would, in the end, win because Mr.
12 Lamberson is innocent. I could, however, see the rocky landscape of this federal
13 matter: (i) the Complaint may arguably state a claim, at least for direct
14 infringement under 17 U.S.C. § 501 (although such a claim against Mr. Lamberson
15 was an obvious violation of FRCP 11 brought without any good faith investigation
16 as to his actions), and, thus, a 12(b)(6) Motion would probably not be cost
17 effective; (ii) the typed-up charts of alleged infringement attached to the Complaint
18 might be enough to stop a summary judgment (even though they were in obvious
19 error and assuming Elf-Man LLC could produce a witness to admit them); (iii) we

1 would succeed at trial, but that would be expensive, and plaintiff's already-evident
2 use of evasion and deceit would presumably make collection of significant defense
3 attorneys' fees difficult; (iv) so, we needed to get the plaintiff to see the error of its
4 own ways and dismiss its own case. In other words, we needed plaintiff to "see the
5 light" and then "do the right thing" – and we needed that epiphany to come as soon
6 as possible to minimize accumulating attorneys' fees that the plaintiff would
7 certainly hide from paying. Thus, in the last half of October 2013, we engaged Ms.
8 VanderMay on the evidence and on the law in an effort to get her to see the light
9 and do the right thing – to take advantage of the remaining safe-harbor window
10 and our walk-away offer. For example, we challenged the language of the
11 Complaint that the defendant was "observed infringing." We inquired of the nature
12 of the investigation – was there evidence of downloading or only uploading? Ms.
13 VanderMay did not know. Who was the investigator? Ms. VanderMay did not
14 know. We engaged Ms. VanderMay on the three substantive counts of the
15 Complaint: direct infringement, secondary liability, and "indirect infringement."
16 We explained to her that the U.S. Supreme Court and the Ninth Circuit (i) had
17 definitively established the elements of these first two causes of action and that
18 Elf-Man had no winning admissible evidence on any of the elements, and (ii) the
19 law did not recognize "indirect infringement" because, among other reasons, it

1 made no sense in conjunction with established direct and secondary copyright
2 liability theories, plus its adoption could lead to absurd results like the death of
3 ISPs. Ms. VanderMay had no substantive response. I concluded Ms. VanderMay
4 either (i) knew essentially nothing about Title 17 and copyright liability, refusing
5 to cite any statute or case, and stubbornly standing behind the Complaint's
6 collection of words as somehow proper and authoritative, or (ii) knew quite well
7 she was advancing an improper cause, but cared not for legal niceties like the
8 applicable law or the applicable facts or engaging with opposing counsel to
9 achieve a just solution. We pleaded with Ms. VanderMay to reveal her "secret
10 authority" that she must have if she were to continue to push this lawsuit against
11 Mr. Lamberson – but we were met with silence. We also inquired about Elf-Man
12 LLC declarant "Darren M. Griffin" and Crystal Bay Corporation of South Dakota.
13 We had examined the other Elf-Man LLC cases and noticed that they all included
14 typed-up charts of alleged infringement that overlapped in dates and times with the
15 typed-up charts in the WD WA and ED WA. In other words, the ED WA case was
16 not investigated and filed as an enforcement effort targeting this District; we could
17 tell that the typed-up charts in each District must have come from a central list that
18 was then sifted into Districts. For example, some of the defendants nationwide are
19 alleged to have infringed on December 2, 2014 (two days before the release of the

1 movie), as Mr. Lamberson was falsely accused to have done. Each of these other
2 *Elf-Man* (and *Thompsons Film*) cases included a Declaration of “Darren M.
3 Griffin” who testified that he worked for “Crystal Bay Corporation” of South
4 Dakota “in its technical department.” The Colorado *Elf-Man* case Complaint also
5 alleges that “IPP” (not Crystal Bay Corporation) was the investigator responsible
6 for the typed-up charts (despite *Elf-Man* LLC filing a Declaration of “Darren M.
7 Griffin” in that Colorado case claiming to work for CBC, not IPP). In hindsight,
8 this discrepancy in the Colorado *Elf-Man* case now appears to be an “error” by *Elf-*
9 *Man* LLC’s handlers since the handlers only use “IPP” as the purported
10 investigator company for the handlers’ pornography BitTorrent cases (like *Malibu*
11 *Media*), and the handlers (for reasons yet unknown) pretend that “CBC” is the
12 purported investigator company for the handlers’ non-pornography cases, like *Elf-*
13 *Man* and *Thompsons Film*. (Plaintiff’s handlers continue this CBC charade to this
14 day pretending that Mr. Macek “works for” CBC, even though (i) IPP witness
15 Tobias Fieser testified that Mr. Macek works for “IPP,” (ii) the phone number
16 given for Mr. Macek in Initial Disclosures is answered “Guardaley,” and (iii) the
17 APMC Prezi presentation indicates Mr. Macek works for APMC. Whether Mr.
18 Macek works for IPP, or Guardaley, or APMC is unknown to me, but I do know
19 with virtual certainty that he does not work for “Crystal Bay Corporation of South

1 Dakota in its technical department,” and that Mr. Macek’s multiple Declarations
2 (e.g. ECF No. 88) are deceitful on such a relationship with CBC, just as were the
3 multiple declarations of “Darren M. Griffin” deceitful on “his” relationship with
4 CBC). We were highly suspicious of these Elf-Man “Darren M. Griffin”
5 Declarations because our investigation showed that Crystal Bay Corporation is a
6 sham. My time entries from October 25, 2013 show examination of CBC’s
7 corporate records in South Dakota and then, working backward from those, we
8 determined that CBC was one of scores of bogus “shelf corporations,” all with an
9 identical bogus registered agent, all listing the same bogus address, and all
10 incorporated by a disbarred attorney who had just been fined by the State of
11 Wyoming for incorporation abuse of the very types undertaken in South Dakota in
12 creating bogus companies with bogus registered agents, bogus addresses, and
13 bogus officer names. Plus, at the time, CBC was delinquent in its ministerial filings
14 with the South Dakota Secretary of State. We also investigated to see if CBC was
15 in fact somehow in the computer business such that it might have “a technical
16 department” to make “Darren M. Griffin’s” Declarations true on that point. Our
17 investigation showed that CBC has no known operations, no website, no phone
18 number, no legitimate street address, no business licenses, no legitimate
19 employees, no legitimate members, officers or directors, and likely never filed any

1 tax returns on the income someone must have paid it for the “work” of witness
2 “Darren M. Griffin” undertaken for Elf-Man LLC and the other plaintiffs who had
3 “used” witnesses “Darren M. Griffin,” William Gorfein, or Daniel Macek as a
4 declarant. I called the business that occupied the building in Madison, South
5 Dakota that was listed as CBC’s headquarters place of business in its corporate
6 paperwork; I was informed that this business had no knowledge of CBC or any
7 forwarding or contact information for CBC or its registered agent (which also
8 purported to use this company’s address in Madison). It was discouraging but not
9 really a surprise to discover that Elf-Man LLC and its handlers were pretending to
10 use this fake company CBC and its witness “Darren M. Griffin” as a way of hiding
11 something. (It was likewise discouraging but no real surprise 10 months later when
12 we determined that “Darren M. Griffin” himself was also fake, something Elf-Man
13 LLC and its counsel now do not deny.) So, I tried to use our investigation
14 unraveling CBC in furtherance of our strategy and asked Ms. VanderMay to
15 explain CBC and “Darren M. Griffin.” But instead, Ms. VanderMay refused to
16 examine Mr. Lamberson or his machine, refused to engage in a substantive
17 dialogue about the three claims brought against him, and refused to answer any
18 questions about its purported investigator, even when presented with evidence of
19 fraud on the Court by her own client. We moved to sever Mr. Lamberson’s claims

1 so that we could more cleanly seek adjudication of his innocence. As the safe
2 harbor period closed, so did Mr. Lamberson's walk-away offer.

3 9. **November 2013**. In the first half of November 2013, I was hopeful
4 that the Motion to Sever would be enough to get plaintiff to see the light, so we
5 have only 1.7 hours during the first half of November in review of the FRCP
6 12(b)(6) Motion that was filed in the main case. We also reviewed a University of
7 Washington white paper on BitTorrent false positives "Why My Printer Received a
8 DMCA Takedown Notice" where the University of Washington Computer Science
9 Department did a study on the unreliability of the very techniques used as factual
10 support for Elf-Man LLC's case. The University of Washington study explains the
11 recklessly high "false positive" rates of common BitTorrent monitoring. I shared
12 the study with Ms. VanderMay hoping it would enlighten her as to the nature of
13 the investigation that she was pushing as legitimate. Regrettably, this was not
14 enough to get plaintiff to see the light and do the right thing.

15 10. In the second half of November 2013, the Court granted the Motion to
16 Sever. This was significant because it triggered the Court's issuance of its
17 Scheduling Conference Notice, ECF No. 13, which triggered the FRCP 26 process
18 for both counsel. To my knowledge, this made Mr. Lamberson's case the first
19 BitTorrent case in this region that had advanced to a stage requiring substantive

1 meetings of counsel about claims and defenses and Initial Disclosures. For
2 example, to my knowledge, none of the remaining innocent defendants in the ED
3 WA BitTorrent cases have had a Scheduling Conference or exchanged Initial
4 Disclosures. So, we tried to weave the consequences of the Severance and the
5 Scheduling Conference Notice into our strategy. We were hopeful that Elf-Man
6 LLC would opt not to pay the new \$400 filing fee to chase Mr. Lamberson, but
7 Ms. VanderMay did pay this, despite the ethical morass her ostrich approach to the
8 facts and the law had created for Elf-Man LLC. This \$400 payment was a turning
9 point where I began to suspect that Elf-Man LLC was not making decisions in its
10 own case and had not been presented with our walk-away offers. I confronted Ms.
11 VanderMay about this and she denied any impropriety. In hindsight, I am pretty
12 certain that Elf-Man LLC was not apprised of the bad facts of Mr. Lamberson's
13 case and the options it had to walk-away. Any legitimate litigant with a rational
14 concern about the financial consequences of perpetrating reckless litigation would
15 have declined to pay the \$400 or at least sought the examination of the evidence it
16 needed to make its case before proceeding, given the risks of defense attorneys'
17 fees and sanctions for pursuit of a meritless claim. But, inexplicably, Ms.
18 VanderMay (or her handlers) paid the \$400 to continue to pursue the meritless
19 claims against Mr. Lamberson. This simple act of paying the \$400 when no

1 rational plaintiff would do so under the risks of the applicable law persuaded me
2 that Elf-Man LLC was not the driving force of the abuse of the system. It occurred
3 to me that Elf-Man LLC might even be an innocent victim of its misguided (and
4 unknown) handlers who had not a care about the trail of fees and sanctions it might
5 load upon the named plaintiff. (We later learned that these handlers do drive the
6 decision-making in the case. These unidentified people were the cause of Ms.
7 VanderMay's withdrawal for unstated ethical reasons.) By the end of November
8 2013, I had come to understand the scope of the abuse by BitTorrent plaintiffs
9 using bogus data from a bogus company to shakedown innocent victims with no
10 real tie to copyright infringement under the facts or the law. Elf-Man LLC and its
11 CBC-tainted plaintiff brethren were abusing the system in the ways Judge Wright
12 had identified when referring the plaintiff in his Court and its counsel to the U.S.
13 Attorney and IRS for investigation and to the Court and bar for discipline. So, now
14 that Elf-Man had paid the \$400 and kept its charade alive, I continued to pursue
15 our strategy knowing that our challenge would be to expose Elf-Man LLC's role in
16 its handlers' fraudulent scheme and efficiently as possible to force it to see the
17 light and do the right thing. We started drafting our Answer, Affirmative Defenses
18 and Counterclaims with an eye to publishing as an effective an exposé as we could,
19 hoping it would drive a resolution. We also drove the required FRCP 26 meeting of

1 counsel obligations, reminding plaintiff of its obligations and objecting to her
2 proffered delays from participating. Our suspicions of abuse were confirmed when
3 we suggested trial in October 2014, but Elf-Man LLC suggested trial in late
4 summer of 2015 – more than two years after filing its case! It was obvious to me
5 that plaintiff had no intention ever to try the case it brought.

6 11. **December 2013.** In the first half of December 2013, we continued
7 preparations of our initial Answer, Affirmative Defenses and Counterclaims. We
8 examined other BitTorrent cases across the country and looked for model answers
9 and counterclaims, but there were few matters that had progressed that far. I knew
10 now from Ms. VanderMay's inexplicable behavior that our knowledge of
11 copyright law and our command of the facts would not be sufficient to persuade
12 Elf-Man LLC to dismiss its claims and pay attorneys' fees. We had been
13 investigating whether *Elf-Man* had purposefully seeded to BitTorrent for the
14 purpose of generating BitTorrent activity and IP addresses to harvest for lawsuits.
15 Mr. Uebersax testified in the main case that Elf-Man LLC did not seed the work,
16 but note that Mr. Uebersax does not claim to be a member, officer or director of
17 Elf-Man LLC, so how does he know? (Indeed, none of the Elf-Man LLC witnesses
18 purports to work for the entity about which they testify. Mr. Macek says he is a
19 consultant to CBC, but no one from CBC testifies. Mr. Uebersax says he was a

1 producer of the *Elf-Man* movie, but no one from Elf-Man LLC testifies. Mr. Patzer
2 says he is a consultant to Excipio, but no one from Excipio testifies. Mr. Paige
3 testifies about IPP software, but no one from IPP testifies. APMC is identified as
4 the investigator for Vision Films, but no one from APMC or Vision Films testifies.
5 The reason for this is simple and striking: those principals do not want to be before
6 this Court and have to withstand questioning about their roles in the abuse.) Our
7 investigation about seeding showed that Elf-Man was loaded into BitTorrent about
8 three weeks before its release date. Elf-Man LLC admits a December 4, 2012
9 release date, and Mr. Lamberson was accused of infringement on December 2,
10 2012. The typed-up charts submitted by Elf-Man LLC with the various “Darren M.
11 Griffin” declarations show alleged infringing activity back into November 2012.
12 The hash number alleged to be the infringing work can be traced to having been
13 uploaded in November 2012 by “Hero Master” and the links to this hash file are
14 still publicly accessible. Our investigation showed the publicly available links
15 include notes by “Hero Master” identifying other screen-names and given names,
16 and include published comments to and from “Hero Master” by other screen-
17 named people. Despite Mr. Uebersax’s testimony that the uploaders and hosts
18 might be foreign and thus somehow not amenable to justice, there is no evidence
19 we found that “Hero Master” is foreign, and the notes and comments of the link to

1 the movie are all in American English. We were also able to trace “Hero Master”
2 as the uploader of another Vision Films’ work *Blood Money* that is likewise the
3 subject of BitTorrent litigation. *Blood Money* was also loaded into BitTorrent
4 about three weeks before its release date, just like *Elf-Man*. I knew from my
5 research that real piracy on BitTorrent can be stopped – as I have testified,
6 *Expendibles 3* and works by Quentin Tarantino and Prince Rogers Nelson were all
7 the subject of real lawsuits for injunctive relief against BitTorrent uploaders and
8 hosts. By contrast, Elf-Man LLC *admits* it has never tried to take the work down
9 from BitTorrent! This is no surprise, because the handlers’ BitTorrent lawsuit scam
10 does not work unless there is BitTorrent traffic to entrap. Mr. Uebersax provides
11 no explanation how *Elf-Man* might have been uploaded to BitTorrent three weeks
12 before its release – if it wasn’t Elf-Man LLC, then who in the chain of custody was
13 it? Why doesn’t he care? Seems more complicated to sue hundreds of likely
14 innocent people in multiple federal jurisdictions for allegedly making one copy of
15 *Elf-Man* in the privacy of their homes than it would be to determine the identify of
16 “Hero Master” who apparently had access to pre-release Vision Films movies and
17 caused the whole “problem” in the first place and then get the offending links
18 taken down like in the legitimate BitTorrent cases such as *Expendibles 3*. We
19 informed Ms. VanderMay about our investigation that “Hero Master” did the

1 uploading of more than one Vision Films work that is the subject of BitTorrent
2 litigation prior to its release date. This “Hero Master” *Elf-Man* and *Blood Money*
3 coincidence was enough for me to conclude that Elf-Man LLC or its privies must
4 have uploaded the movie to BitTorrent – another activity that is squarely within the
5 subject of Judge Wright’s fee and sanctions ruling. Loading a work onto BitTorrent
6 and suing those who take the bait is misuse of a copyright – taking the copyright
7 rights beyond the limits of Title 17, so we researched copyright misuse and
8 cancellation of copyright registrations as a penalty for misuse. In the midst of these
9 discoveries, Ms. VanderMay wrote on Decmeber 5, 2013 demanding \$7,400 from
10 Mr. Lamberson to settle the case. Outrageous! It was likely we would still need to
11 spend more than \$7,400 to get plaintiff to see the light and do the right thing, but
12 there was no way we would pay this plaintiff any extortionate sums for a crime that
13 was never committed. The \$7,400 demand letter also includes a refusal to explain
14 “Darren M. Griffin” – even though Ms. VanderMay was unaware who her witness
15 was in our FRCP 26 meeting of counsel. Demanding \$7,400 after refusing to
16 examine the very evidence it needed to ever prevail at trial made it clear to me that
17 Elf-Man LLC and its handlers were more interested in the *process* of litigation
18 rather than the *outcome* of litigation – the very test for sham litigation.

1 12. In the second half of December 2013 we exchanged Initial
2 Disclosures and we got our first glimpse of Ms. VanderMay's approach to
3 discovery. She refused to provide access to or copies of the identified documents.
4 We served our first set of Requests for Production during this period and Ms.
5 VanderMay told us she would not provide the requested Initial Disclosure
6 documents until her responses to the Requests for Production were due (a
7 representation that was not met.) The Initial Disclosures were shocking: for the
8 *first time* in the eight months of the ED WA cases, Elf-Man LLC admitted that its
9 "witnesses" were not in the United States and the "evidence" is not in the United
10 States. Ms. VanderMay had never acknowledged this to the Court in any of the
11 preliminary Motions from March 2013 through service in September 2013. Ms.
12 VanderMay had never given any indication in our FRCP 26 conferences or the
13 associated paperwork that the witnesses and evidence were not in the United
14 States. We had expressly asked about "Darren M. Griffin" purportedly of CBC of
15 South Dakota who submitted declarations in the other *Elf-Man* cases with
16 overlapping dates and times of the accusations in ED WA. We assumed that
17 "Darren M. Griffin" would be the witness, so we were surprised to get the names
18 of Daniel Macek and Michael Patzer in the Initial Disclosures with identical
19 addresses in Stuttgart, Germany as the witnesses. The evidence was identified to be

1 housed at an address in Karlsruhe, Germany. This bit was important because our
2 investigation showed that Guardaley is based in Karlsruhe, Germany. We also
3 investigated the ownership, and thus the standing, of the *Elf-Man* copyright. We
4 discovered that Vision Films had brought suit in the ED TN in its own name
5 claiming ownership of the *Elf-Man* copyright and using a “Darren M. Griffin” of
6 CBC declaration. Based on all of the facts we knew at the time, we finalized our
7 Answer, Affirmative Defenses and Counterclaims flatly denying all three of the
8 claims of infringement, bringing affirmative defenses and counterclaims for anti-
9 competitive torts in the misuse of the copyright. Two days later, we had our
10 Scheduling Conference with Judge Rice. We raised our concerns about deposing
11 German witnesses, and Judge Rice suggested the Letters Rogatory process. Ms.
12 VanderMay suggested the deposition could be done by phone or skype, but, as she
13 may or may not have known, this is not a lawful process for deposing German
14 nationals in a United States civil case. We also raised the issue of Vision Films
15 claiming ownership of the *Elf-Man* copyright and Ms. VanderMay was silent on
16 this point in the Conference. Also during this period, we revised our research into
17 statutory damages and concluded to drop our constitutional challenge to excess
18 statutory damages, in part because it would require too many attorneys’ hours and
19 the chances of plaintiff ever being awarded statutory damages were nil.

1 13. **January 2014.** In the first half of January 2014, we filed our First
2 Amended Complaint dropping the constitutional claim to statutory damages.
3 During this time, we also undertook the research into the legalities of depositions
4 of German nationals – the required process is onerous and expensive. This was a
5 frustration because plaintiff’s handlers should have used licensed private
6 investigators in each state to undertake their investigations and yet the handlers
7 chose foreign investigators essentially immune from discovery. At no point did
8 Ms. VanderMay volunteer that Mr. Macek was in fact a principal with a direct
9 stake in the success of the *Elf-Man* case and thus could have been compelled as a
10 party to testify in the ED WA; we now suspect this to be true. We also investigated
11 the Stuttgart, Germany address information provided for Mr. Macek and Mr.
12 Patzer in the Initial Disclosures and concluded the addresses given were bogus.
13 The identical Stuttgart addresses given for Messrs. Macek and Patzer resolved to a
14 short-term office rental facility that rents office space by the day or hour. We
15 contacted the rental company for the building and were informed it had no listing
16 for Mr. Macek or Mr. Patzer. This was a frustration because we realized we had
17 been lied to once again about a fundamental point of the litigation. I asked Ms.
18 VanderMay to provide truthful addresses for these witnesses as the rules require,
19 but, to no surprise, no truthful addresses were ever presented – as to the very

1 witnesses she suggested we all travel to Germany to depose! The phone number
2 provided for Mr. Patzer rang with no answer or machine. The phone number
3 provided for Mr. Macek was answered "Guardaley." We knew Guardaley as the
4 discredited BitTorrent investigations company run by Patrick Achache that was
5 also known as IPP. We began deep investigation into IPP and Guardaley and its
6 role in United States BitTorrent litigation. We looked for connections to CBC of
7 South Dakota and found none. In other words, it appears that Guardaley and IPP
8 are real companies, perhaps the same entity or related entities in Karlsruhe,
9 Germany, but CBC of Madison, South Dakota is not a real company. We also
10 assisted in a substantive argument session preparing Mr. Matesky for his
11 successful FRCP 12(b)(6) argument with Judge Lasnik where the *Elf-Man* cases
12 were subsequently dismissed from the WD WA.

13 14. In the second half of January 2014, we received Elf-Man LLC's
14 "responses" to our first set of Requests for Production. No surprise: no documents
15 were produced. The Initial Disclosure documents also were not produced. We
16 asked Ms. VanderMay repeatedly for the documents, but nothing was provided
17 during this period. We invoked LR 37.1 to no avail. Even though Ms. VanderMay
18 had not provided the Initial Disclosures, Elf-Man LLC served full sets of discovery
19 on Mr. Lamberson. The questions were strange, asking about his copyright policies

1 at his facility and other questions that might be better posed to a company or
2 commercial organization. I assigned Mr. Barney the chore of working with Mr.
3 Lamberson to promptly and fully answer the questions to maintain the “discovery
4 high road.” Elf-Man LLC also filed the first of two FRCP 12(b)(6) Motions against
5 Mr. Lamberson’s First Amended Answer, Affirmative Defenses and
6 Counterclaims. We conducted legal research into the theories of the 12(b)(6)
7 Motion and realized that we would waste more money fighting the 12(b)(6) and
8 proving the “sham litigation exception” to plaintiff’s claimed “immunity” than Mr.
9 Lamberson might obtain in money judgment on the anti-competitive claims. Plus,
10 Mr. Lamberson informed us that he had switched his ISP from Comcast, mooting
11 one of our Counterclaims. Consequently, we immediately prepared the Second
12 Amended Answer, Affirmative Defenses and Counterclaims where we withdrew
13 the anti-competitive counterclaims for damages and kept only the declaratory relief
14 claims for non-infringement and cancellation of the misused copyright. Given Mr.
15 Matesky’s successful FCRP 12(b)(6) in the WD WA, we moved to join his similar
16 Motion in the ED WA or, in the alternative, for leave to file the Second Amended
17 Answer. As the month closed, we continued to request that Elf-Man LLC comply
18 with discovery. All signs continued to point toward abuse of process – Elf-Man
19 LLC refused to provide discovery, its Initial Disclosures were bogus, and its

1 tedious 12(b)(6)/12(f)/9(b) Motion was a transparent effort to avoid having to
2 Answer the allegations from the Counterclaims.

3 15. **February 2014.** In the first half of February 2014, we met with Mr.
4 Lamberson to try to explain Elf-Man LLC's procedural moves and to finalize a
5 complete production on time in response to Elf-Man LLC's discovery. Even
6 though we had received nothing from Ms. VanderMay more than one month from
7 the due date of our discovery, our strategy was to comply fully with her discovery
8 on time, to maintain the high road of innocence. We also finalized our briefing
9 regarding filing of the Second Amended Answer and in response to Plaintiff's first
10 12(b)(6) Motion. We had not brought our own 12(b)(6) Motion or 12(f) Motion as
11 to the First Amended Complaint despite its numerous semantic and substantive
12 flaws (e.g. Mr. Lamberson was "observed infringing" and the claim for "indirect
13 copying") because we saw that as a needless distraction in a "small" case. So we
14 were somewhat surprised by Elf-Man LLC's first 12(b)(6) Motion – why fight
15 over these procedural issues when all of it would come out in the trial or
16 substantive Motions? Why spend the money on elaborate 12(b)(6)/12(f)/9(b)
17 procedural Motions when the result would likely be the ability to amend? So, we
18 submitted the required briefing in this period regarding plaintiff's first round of
19 12(b)(6). Mr. Barney met with Mr. Lamberson in his home to finalize a complete

1 production including identification of every person who had come into his home
2 and a photograph of every copyrightable work acquired in the requested time
3 period.

4 16. In the second half of February 2014, Elf-Man LLC moved to join an
5 additional defendant to meet the deadline for adding parties. We assumed if any
6 party were added it would be Vision Films which claimed to own the *Elf-Man*
7 copyright to the ED TN. But this was a Motion to add a fictitious party as a
8 defendant and the logic apparently was that when Elf-Man LLC found the “real
9 infringer” it would “add” this person to the lawsuit and “drop” Mr. Lamberson like
10 he was a freshman chemistry class. Federal procedure does not favor fictitious
11 parties, plus we were concerned that plaintiff’s Motion was a procedural dodge to
12 distance Mr. Lamberson from an effective avenue for recovery of attorneys’ fees,
13 so we opposed it. We continued our efforts to have Ms. VanderMay comply with
14 the overdue discovery and Initial Disclosures, now more than two months late. We
15 considered a Motion to Compel but chose the informal process Judge Rice had
16 encouraged us to use, so that was briefed and argued in this period by Mr. Smith.
17 We finally got some documents produced, including the encrypted PCAP file from
18 Germany that is the only liability evidence in the case. Once decrypted, the PCAP
19 file showed “geolocation” information for the investigator’s machine and the

1 entrapped target's machine. The geolocation for the investigator's machine
2 resolved to suburban Amsterdam, Netherlands – not Germany, not South Dakota.
3 We looked to see if CBC had any operations or facilities in The Netherlands and
4 found none. We also were given a redacted copy of an Assignment of the
5 distribution exclusive right in *Elf-Man* to Vision Films; this made the ED TN case
6 more understandable – if the investigator is only taking pieces from the entrapped
7 targets, then perhaps only the distribution right is invoked, and, thus, Vision Films
8 is the proper party to enforce the copyright under *Righthaven*. At our discovery
9 hearing, Judge Rice ordered production of documents and specifically ordered Ms.
10 VanderMay to provide a narrative explanation of the relationship of Elf-Man LLC
11 to its investigators, since Ms. VanderMay's response to the Request for Production
12 on the point had been that no documents existed. Despite repeated requests for
13 compliance with Judge Rice's Order, Ms. VanderMay did not provide that
14 explanation for six weeks.

15 17. **March 2014.** In the first half of March 2014, we dealt with the
16 incoming dribbles of documents we had been provided: we tracked the copyright
17 ownership and standing issues in light of Vision Films' ownership claim and the
18 failure of Elf-Man LLC to submit the copyright certificate which deprives it of
19 ownership and authorship presumptions. Now that we had the PCAP, we continued

1 to investigate to tie it to Guardaley and IPP or Messrs. Macek and Patzer. We
2 reviewed testimony given in a hearing by Mr. Patzer and Mr. Fieser in ED PA
3 where both gave sworn testimony they work for IPP. Mr. Fieser testified that he
4 works with Mr. Macek at IPP doing the same job. Having the PCAP also allowed
5 us to look at the science of the investigation; we concluded that the entirety of the
6 evidence is less than the blink of an eye. This turned out to be true when Mr. Patzer
7 submitted his Declaration, ECF No. 89 – the entirety of Elf-Man LLC’s evidence is
8 humanly imperceptible at less than 115 milliseconds.

9 18. In the second half of March 2014, Judge Rice denied Plaintiff’s
10 12(b)(6) Motion and granted Mr. Lamberson’s request to file the Second Amended
11 Answer, Affirmative Defenses and Counterclaims (SAA), so we filed that
12 immediately. The SAA is “streamlined” in that it includes only counterclaims for
13 declaratory relief. We had made a decision to avoid the procedural fight we knew
14 plaintiff would mount for any affirmative monetary claim against its unlawful
15 scheme (ironically based on the integrity of the justice system), so we resolved to
16 drop monetary claims and rely on attorneys’ fees and the potential for sanctions as
17 incentive to continue with the vigorous defense – that, plus justice. The SAA also
18 re-examines each of the affirmative defenses of the FAA in light of Plaintiff’s first
19 12(b)(6) Motion in order to address each of plaintiff’s items of feigned confusion

1 from its first 12(b)(6). Undaunted, plaintiff filed a Second 12(b)(6) making
2 arguments under the esoteric *Noerr-Pennington* antitrust immunity doctrine that
3 Elf-Man LLC somehow has a constitutional right to bring a series of meritless
4 lawsuits against innocent victims. The timing of this well written but entirely
5 misleading and misguided Motion was offensive: the Court had ordered Ms.
6 VanderMay to produce a written narrative of the relationship of the investigators to
7 her client, but, instead, she (or her handlers) crafted an elaborate antitrust immunity
8 Motion. Why would Elf-Man LLC invest this money to bring this second 12(b)(6)
9 to stop a no-money counterclaim when its supposed goal was to pursue its liability
10 case against Mr. Lamberson? I was disappointed by all the extra work this second
11 12(b)(6) Motion would entail deconstructing *Noerr-Pennington* and its application
12 to non-monetary claims, but I was pleased at some level that Elf-Man LLC reduced
13 itself to arguing that its meritless lawsuit scam was immune and not that Mr.
14 Lamberson is an infringer. We also prepared a set of interrogatories and requests
15 for admission about the PCAP files.

16 19. **April 2014.** In the first half of April 2014, we continued to push for
17 the discovery Judge Rice had ordered. We also did the research into the *Noerr-*
18 *Pennington* antitrust immunity doctrine and its “sham litigation exception.” The
19 main question of the “sham litigation exception” is whether the *process* is more

1 important to the plaintiff than the *outcome* – and that is clearly the case here.
2 Plaintiff's handlers love subpoena information so that threatening letters can be
3 sent to people who might give them money, but plaintiff's handlers do not love
4 having to prove the very copyright infringement that was the supposed basis for the
5 subpoenas in the first place. We completed and filed our opposition to this second
6 12(b)(6) Motion including my declaration on the sham litigation exception. The
7 Court never ruled on this Motion, so Elf-Man LLC never had to Answer the SAA.
8 Two days after filing our sham litigation materials, we received the *piece de*
9 *resistance* of this sham litigation from Ms. VanderMay – the investigator
10 explanation.

11 20. In the second half of April 2014, we exhausted our efforts to get
12 cooperation from Ms. VanderMay on deposition of the German fact witnesses
13 Messrs. Macek and Patzer. Although the depositions could have been undertaken
14 in Germany using the Letters Rogatory process, I was completely skeptical that
15 plaintiff would ever repay those expenses and fees when we won the case, plus, of
16 course, we only had bogus addresses for these German Elf-Man LLC witnesses,
17 compounding service issues. I offered Ms. VanderMay a reasonable proposal:
18 bring the German witnesses to Spokane for deposition and, since they will have to
19 come here anyway for trial, preserve their testimony for trial at that time. This way,

1 Mr. Lamberson would have a fair opportunity to depose the only “witnesses”
2 against him, and Elf-Man LLC could make its own decision if it wanted to bring
3 them back to Spokane for live trial testimony. Ms. VanderMay rejected the offer
4 without explanation. I knew at this point there would never be a trial and the
5 Germans would never come to Spokane – what for? To admit that eye-blink
6 evidence exists about someone? By the end of the month, we Moved to Compel the
7 German witnesses for deposition in Spokane. Also in this period we responded to
8 Ms. VanderMay about the implausible investigator explanation. Ms. VanderMay’s
9 proffered explanation is that Elf-Man LLC hired Vision Films and Vision Films
10 hired APMC and APMC hired CBC of South Dakota (with no paperwork) and
11 CBC hired Mr. Macek of Germany (with no paperwork) to do something; and,
12 Excipio hired Mr. Patzer (with no paperwork) to do something. I knew this was
13 horse-hockey because of my earlier review of sworn live testimony of Mr. Patzer
14 and Mr. Fieser saying they and Mr. Macek work for IPP. We knew IPP from the
15 pornography BitTorrent cases and we knew that (for reasons unknown) plaintiff’s
16 handlers pretend that CBC is the company on the non-pornography cases. So we
17 demanded a plausible explanation. Ms. VanderMay did reply but nothing was
18 clarified, and the hole of deceit only got bigger with Ms. VanderMay’s
19 representation that Mr. Macek was a full-time salaried employee of CBC – belied

1 by (immigration laws and) Mr. Macek's own declaration in this case, ECF 80,
2 where he says he is a consultant to CBC. The CBC aspects of the explanation
3 included no paperwork – not surprising that a fake company has little in the way of
4 paperwork. The Agreement between Vision Films and APMC, however, was
5 included, and it was telling. Its basic premise is that APMC is contracting with the
6 copyright owner, and we already had evidence that Elf-Man LLC had made such
7 an assignment to Vision Films and Vision Films had already claimed ownership of
8 the *Elf-Man* copyright. The APMC agreement was signed by Patrick Achache as
9 President of APMC; he has submitted declarations claiming to work for Guardaley
10 of Germany. The APMC agreement claims APMC is a California corporation with
11 an address in Sacramento, California. We investigated and the address resolved to
12 a Sacramento law firm that occupied the entirety of the purported APMC
13 headquarters location. I called the location asking for APMC and was informed
14 there was no such company at that address and there was no available contact
15 information for it. CBC: bogus address. Macek: bogus address. Patzer: bogus
16 address. APMC: bogus address. What a frustration! I began a deep investigation of
17 Mr. Achache, Mr. Macek, Gaurdaley, IPP and now APMC. By a Google search
18 combination of "Achache" "Macek" and "APMC," I was led to the public APMC
19 Prezi Presentation that discussed Mr. Achache and Mr. Macek as running those

1 operations and a back-office in Cebu, Philippines. This APMC presentation
2 expressly explains APMC's use of fraudulent declarations – the exact fraud Elf-
3 Man LLC had used with “Darren M. Griffin” and which Elf-Man LLC (and
4 plaintiff's handlers) continue to use with Mr. Macek's declaration, ECF No. 88,
5 which provides no foundation at all for his testimony, presumably because he is
6 “hoping the judge doesn't question his qualifications too much” (in the words of
7 the presentation). I confirmed the authenticity of the presentation since its author
8 Gerephil Molina is an employee of APMC/New Alchemy (e.g. his name and
9 photograph appear on the testimonial section of this New Alchemy website:
10 <http://newalchemy.biz/careers/>). I discovered that Mr. Achache owns the New
11 Alchemy URL and that New Alchemy is a dba of APMC in the Philippines. The
12 presentation is astonishing because it describes an elaborate lawsuit factory in the
13 Philippines reporting to Mr. Macek and Mr. Achache in Germany – and it confirms
14 the limits of the real evidence that plaintiff's handlers have. I confronted Ms.
15 VanderMay about these admissions and she claimed APMC Cebu had nothing to
16 do with this matter, despite her own narrative explanation including the Vision
17 Films/APMC Agreement. I immediately prepared three narrow Requests for
18 Production as to communications to or from APMC regarding the Lamerbson
19 matter. I told Ms. VanderMay we would be serving these requests, and if she had

1 any privilege or objections that we should address them now; she declined a
2 substantive discussion. After service of the Requests, Elf-Man LLC never provided
3 any of the requested documents.

4 21. **May 2014.** In the first half of May 2014, Ms. VanderMay asked us to
5 agree to a discovery plan where we stopped asking her client questions and she
6 would ask our client questions. We resisted this unfair proposal, but Ms.
7 VanderMay requested a hearing on it and Judge Rice denied the proposal. We
8 offered several dates for deposition of Mr. Lamberson and settled on one (with Mr.
9 Lamberson taking a day off without pay), as well as informing Ms. VanderMay
10 that we would take a FRCP 30(b)(6) deposition of Elf-Man LLC on a neighboring
11 date. I had a hunch neither deposition would ever happen, and they never did. Why
12 would Elf-Man LLC go on record to further confirm Mr. Lamberson's innocence?
13 Why would Elf-Man LLC go on record to further confirm that its foreign handlers
14 were running its perverted show?

15 22. In the second half of May 2014, we prepared our Reply materials to
16 Ms. VanderMay's opposition to the Motion to Compel the Germans to Spokane.
17 We also reviewed a FRCP 30(b)(6) deposition of another BitTorrent plaintiff and
18 noted a familiar pattern of evasion and deceit. I prepared our FRCP 30(b)(6) list of
19 inquiries and served the Notice; my intention was for the list of inquiries itself to

1 serve as a wake-up call to Elf-Man LLC that it was involved (wittingly or not) in a
2 global lawsuit scam. Toward the end of May, the due date for Ms. VanderMay to
3 respond to the three APMC Requests for Production came and went without
4 responses. We saw this as another turning point and we were optimistic that the
5 Court would grant a Motion to Compel the APMC discovery which might drive
6 plaintiff's handlers to quit. On May 30, we received objections to the Requests for
7 Production, no documents, and no privilege log despite privilege objections. The
8 Certificate of Service that accompanied the objections purported to claim timely
9 service but the document was already a week late, so we knew the Certificate was
10 in error. We confronted Ms. VanderMay about the certificate and she said it was
11 fine. We asked for clarification of her story about the Certificate, including from
12 her employee that she was blaming for the problem. We got nothing but more
13 evasion and deceit.

14 23. **June 2014.** By the first half of June 2014, Elf-Man LLC was getting
15 boxed-in: (i) its own pending 12(b)(6) Motion could find it to be engaged in sham
16 litigation, opening Elf-Man LLC to monetary counterclaims; (ii) it was facing an
17 entirely reasonable Motion to Compel and the prospect of flying two witnesses
18 from Germany to Spokane to testify that the evidence is imperceptible and not
19 identified to Mr. Lamberson; (iii) it was facing discovery regarding APMC that

1 would expose APMC's fraudulent-declaration back-room and other violations of
2 law, plus Elf-Man LLC had likely waived its objections as to these inquiries and
3 supplied a fraudulent Certificate of Service; (iv) it would never meet its
4 representations to Judge Rice to depose Mr. Lamberson and examine his computer;
5 and (v) it would never fly a representative of Elf-Man LLC to Spokane or
6 otherwise comply with the noted 30(b)(6) deposition. On June 2, I received a call
7 from Mr. Crowell stating that he was taking over the case. So I spoke with him for
8 over an hour and sent him numerous documents to aid his understanding of the
9 procedural position of the case. He was friendly with me but continued the evasion
10 and deceit telling me that "this is the first Elf-Man LLC has heard of this
11 deposition" asking for it to be delayed. I gave Mr. Crowell a full an explanation of
12 the litany of evasion and deceit we had already endured and I hoped he might
13 somehow be different. I never heard from Mr. Crowell again – he never made an
14 appearance and he never provided the information he promised to get me regarding
15 APMC privilege logs and an explanation of the erroneous Certificate of Service.
16 The next day, Ms. VanderMay Moved to Withdraw citing ethical conflicts with her
17 handlers. We noted she made the same Motion in the *Thompsons Film* case, and
18 this confirmed our suspicions that the nominative plaintiffs in Ms. VanderMay's
19 cases were not the real parties in interest – the unknown handlers are. We knew

1 that our ED WA local rules prohibit pro se corporations, and that is what Ms.
2 VanderMay's request was asking for. We prepared to oppose her Motion to
3 Withdraw on this ground, but the Court decided the Motion before our due date. At
4 the end of this period, Mr. Lowe became involved in the matter and I have already
5 testified at length, ECF No. 95, about our initial conversation before he entered an
6 appearance. I was hopeful Mr. Lowe would see the light and do the right thing, as
7 he has a reputation as a knowledgeable intellectual property litigator. We were
8 disappointed, however, to see his *Canal Street Films* BitTorrent case with Judge
9 Shea, which we quickly concluded was also polluted with the stink of plaintiff's
10 handlers, including a copyright certificate forged by Guardaley employee Josh
11 Partridge, and including witness William Gorfein claiming to work for a company,
12 IP Squared, that did not even exist at the time of the purported work, and who in
13 other declarations claimed to work for the bogus company CBC. I told Mr. Lowe
14 we were filing our Motion to Compel the APMC discovery that day and we did.
15 By the end of that same date, Mr. Lowe moved for dismissal of Mr. Lamberson
16 under FRCP 41(a)(2).

17 24. In the second half of June 2014, we researched FRCP 41(a)(2) as no
18 one on our team had much experience with this avenue for plaintiffs to slink away
19 from meritless litigation where the defendant has answered. We could see that the

1 Court could “condition” the 41(a)(2) dismissal, but also that the plaintiff could
2 withdraw the offer if it did not accept the condition. Since the Motion did not
3 volunteer to compensate Mr. Lamberson with attorneys’ fees or sanctions, our
4 intention was to ask for a monetary “condition” to granting the settlement. We
5 were concerned that the 41(a)(2) request was a delay tactic to avoid the pending
6 Motions and the noted deposition of Elf-Man LLC so we inquired of Mr. Lowe but
7 never received a response to the inquiry whether Elf-Man LLC would withdraw its
8 Motion if conditioned on a monetary payment. We also reviewed Elf-Man LLC’s
9 Motions for Default Judgment and attorneys’ fees in the main case, including Ms.
10 VanderMay asking for compensation for 18.6 hours on one day. At the end of the
11 month, we investigated regarding the pleadings submitted to oppose the Motion to
12 Compel the APMC discovery. This included Declarations of Ms. Sweeten and Ms.
13 VanderMay presented in an obviously evasive manner to stand behind Ms.
14 VanderMay’s erroneous Certificate of Service. Ms. Sweeten’s candor is admirable
15 under the circumstances clarifying that her boss Ms. VanderMay’s Certificate of
16 Service and the responses were sent “on or about” the due date.

17 25. **July 2014.** In the first half of July 2014, we prepared our Reply
18 materials to Elf-Man LLC’s APMC discovery opposition and declarations. Ms.
19 VanderMay blamed the USPS for her erroneous Certificate of Service, and we

1 found a Declaration of Ms. VanderMay in the WD WA *Elf-Man* case where she
2 also blamed the USPS for another mailing that was late where the lateness was
3 substantive, just as the lateness was substantive regarding APMC and the validity
4 of discovery objections. We also investigated to see if there were any reports of
5 mail delays in Salem, Oregon during the period and found no such reports.
6 Ironically, Elf-Man LLC's submissions including these explanations were untimely
7 under the Local Rules and, since the APMC matter was substantive, we brought a
8 Motion to Strike the late pleadings. It was clear to us that Mr. Lowe simply
9 misunderstood the local rules that our District expressly includes the three-day
10 electronic service addition in our deadlines, but he opposed our Motion claiming
11 that the pleadings were otherwise timely under the local rule. So, we submitted our
12 Reply materials to confirm that the pleadings were obviously late and prejudicial
13 since they were attempting to bootstrap-back the privilege waivers and objection
14 waivers that the original late submission of the APMC discovery had already
15 caused. At the end of this period, the Court granted Elf-Man LLC's 41(a)(2)
16 Motion without any condition. We were disappointed with this ruling since we
17 knew we were entitled to fees, and we could already predict that Elf-Man LLC and
18 its handlers would be evasive and deceitful during collection, and 41(a)(2) allowed
19 conditioning of the dismissal upon payment of fees awarded (but not sanctions.)

1 The Court's ruling invited post-judgment filings but declined to condition the
2 dismissal.

3 26. In the second half of July 2014, we prepared a master timeline of the
4 case and the litany of evasion and deceit perpetrated by plaintiff and its handlers.
5 We researched the available avenues for compensating Mr. Lamberson for his
6 attorneys' fees, costs and the other needless expenses and personal toll this fiasco
7 had wrought. We prepared three post-judgment motions for fees costs and
8 sanctions and related declarations. We submitted as much evidence as we had – the
9 tip of the ugly iceberg that our own investigation and plaintiff's reluctant dribbles
10 of document production had exposed. It was during this period that I finally came
11 to the conclusion that "Darren M. Griffin" was a fictitious person and that Elf-Man
12 LLC had used declarations of this "person" as had scores of other plaintiffs with
13 the same handlers that were directing the ED WA *Elf-Man* and *Thompsons Film*
14 cases. Our accusations that "Darren M. Griffin" is a fake person purporting to work
15 for a fake company are made throughout our post-judgment Motions – there is no
16 chance the issue was lost on Mr. Lowe and Ms. VanderMay. Neither Mr. Lowe nor
17 Ms. VanderMay (nor any of the other Elf-Man LLC witnesses) never corrected our
18 assumption that Elf-Man LLC filed declarations from a fake witness purporting to
19 work for a fake company. We asked Mr. Lowe this question one last time this

1 Tuesday November 18, 2014: “For example, maybe now would be a good time for
2 APMC to tell the truth about Elf-Man declarant Darren M. Griffin. If Mr. Griffin
3 exists and we mis-understood his role in CBC, we are open to listening. But we
4 suspect that our investigation was accurate and that APMC has filed over 100
5 fraudulent declarations in the name of a fake person purporting to work for a fake
6 company in order to persuade federal courts to grant relief. That fraud continues to
7 this day with the Macek declarations claiming he works for CBC of South Dakota
8 which cannot be true. You know the truth about CBC and Mr. Griffin – why not
9 enlighten us?” Mr. Lowe provided no response.

10 27. **August 2014.** In the first half of August 2014, Elf-Man LLC opposed
11 our post-judgment Motions and submitted the Declarations of Mr. Uebersax, Mr.
12 Macek, Mr. Paige, Mr. Patzer, Mr. Lowe and Ms. VanderMay – one final grand
13 attempt to puff justification into plaintiff’s busted balloon. I addressed each of
14 these declarations in my Reply Declaration, ECF. No 95, and cite to that now as
15 explanation for the time invested in deconstructing facts from those declarations.
16 The actual facts, in summary: (i) Elf-Man LLC admits making no attempt to take
17 down the BitTorrent links that appeared prior to release of the movie, and (ii) Mr.
18 Patzer has some data that show 16,932 bits going from one computer to another.
19 All of the rest of it is hooey – for example, not only did Mr. Lamberson not

1 download *Elf-Man*, he did not download thousands of other works of various
2 genres in twelve different languages as Ms. VanderMay testifies. We closed our
3 pleadings on August 11, 2014 with the same message given when we opened our
4 pleadings on October 11, 2013: Plaintiff is mistaken.

5 28. All of the time was reasonable and necessarily incurred. Due to the
6 egregious evasion and deceit of Elf-Man LLC and its counsel and handlers, Mr.
7 Lamberson requests an equitable doubling of the requested amounts.

8 DATED this 21st day of November, 2014.

9 LEE & HAYES, PLLC

10 By: J. Christopher Lynch

11 J. Christopher Lynch, WSBA #17462

12 Jeffrey R. Smith, WSBA #37460

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16
17 *Counsel for Defendant Ryan Lamberson*

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of November, 2014, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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EXHIBIT A

Supplemental Declaration of
J. Christopher Lynch in
Support of Defendant's Motion for
Attorneys' Fees - Page 44

Time logged and billed to Elf-Man LLC v. Ryan Lamberson

JCL = J. Christopher Lynch

JRS = Jeffrey R. Smith

RVB = Rhett V. Barney

RL = Ryan Lamberson

LR = Legal Research

OC = Office conference

TC = Telephone conference

ID = Initial Disclosures

BT = BitTorrent

CBC= Crystal Bay Corporation

IPP = German investigative entity

APMC = Anti-Piracy Management Company

EFF = Electronic Frontier Foundation

EM = Elf-Man

TTF = The Thompsons Film

CSF = Canal Street Films

CPU = Computer

MS = Milliseconds

PCAP = Packet Capture

UTC = Coordinated Universal Time

UW = University of Washington

September 30 to November 30, 2013: JCL 23; JRS 7.8 ; RVB 2.0

Mo. 9/30 JRS 1.0 – Review Lamberson/Elfman Complaint and related issues. Review Court file status re subpoenas and summons.

Fr. 10/4 JRS 1.0 – Review Court file re propriety of summons and service, new Order from Judge Rice; LR re FRCP 4. Report to JCL.

Mo. 10/7 JCL 1.0 – Observe demonstration of bittorrent process; LR re joinder; investigation re BT copyright abuse in CD CA.

Tu. 10/8 JCL 0.5 – Examination of Griffin declarations re Illinois Elf-Man cases. Review EFF amicus re joinder.

Tu. 10/8 RVB 0.5 – Initial investigation re experts or joint defense options; call to EFF at request of Chris Lynch.

We. 10/9 JCL 0.7 – Review complaint and file against client; initial meeting with client.

We. 10/9 JRS 0.7 – Meet with Ryan Lamberson to discuss representation and strategy related to Elf-Man copyright infringement defense.

We. 10/9 RVB 0.7 – Meeting with Mr. Lamberson regarding case strategy; read Neville dec re tracing honeypots; contact potential expert.

Fr. 10/11 JCL 1.0 – Client portion of file review and LR re 106/501; review Declarations of counsel in WD WA and ED WA Elf-Man cases; prep of Notice of Appearance, FRCP 11 materials, and letter to opposing counsel posing inquiries and offering CPU examination and deposition of client.

Fr. 10/11 RVB 0.8 – Calls to hard drive examination experts at request of Chris Lynch.

Mo. 10/14 JCL 0.5 – Client portion of LR re indirect infringement.

We. 10/16 JCL 1.0 - Client portion of LR re indirect infringement issue and BT litigation abuse. Examination of Griffin declarations and Crowell declarations, investigate joinder dismissals in Oregon; investigate times of infringement of

Elf-Man defendants from various jurisdictions and compare Griffin declarations. Inquire of client re activity at UTC and PST times.

Th. 10/17 JCL 0.7 – Client portion of LR re copyright liability under 17 USC 106/501 and bittorrent; examination of Motions for Expedited Discovery; investigation of bellwether BT case abuse.

Th. 10/17 JRS 0.8 – LR re severing improperly joined claims.

Fr. 10/18 JCL 1.0 – Client portion of LR re file history; letter to opposing counsel inviting substantive discussion and proposing walk-away.

Fr. 10/18 JRS 0.8 – Prepare and finalize Motion to Sever.

Mo. 10/21 JCL 0.2 – Client portion of LR re BT litigation abuse nationwide; correspond with opposing counsel re contradictory evidence of downloading.

Tu. 10/22 JCL 0.3 – Correspond with opposing counsel re copyright infringement fundamentals and innocence of client.

We. 10/23 JCL 0.2 – Secondary liability update.

We. 10/23 JRS 1.0 – Update secondary copyright liability legal research files re bt issues. Review research and conference with Chris Lynch regarding strategy. LR re FRCP 68 as settlement tool.

Th. 10/24 JCL 0.4 – Client portion of meeting with BT defense counsel re plaintiff counsel abuse; investigation re Darren Griffin and CBC as Elf-Man investigators.

Th. 10/24 JRS 0.5 – Preparation for and meeting with associated defense counsel to discuss common strategy for defense of clients.

Fr. 10/25 JCL 2.0 – Client portion of discussions with potential experts from UW and investigation re CBC; investigation re Elf-Man and CBC witness Griffin; investigation into David DeLoach, incorporator of CBC. Wyoming criminal investigation of DeLoach; California disbarment investigation of DeLoach; call to South Dakota purported location of CBC; investigate

registered agent and call to South Dakota purported location of registered agent; prepare correspondence to opposing counsel re rule 11 and CBC sham, UW white paper and BT false positive explanations.

Tu. 10/29 JCL 0.5 – Client portion LR of copyright cases in the 9th Circuit; correspond with opposing counsel refusing to examine CPU.

We. 10/30 JCL 1.0 – Client portion of correspondence exchange with opposing counsel; review incoming pleadings re motion to sever; outline strategy for dismissal or fees.

Fr. 11/1 JCL 0.7 – Review incoming Motion under 12b6; prepare correspondence to opposing counsel; OC legal assistant re status of sever motion and procedure.

Tu. 11/5 JCL 1.0 – Prepare and finalize Reply re severance; LR re effect of severance on filing fee; review UW bt white paper on false positives.

We. 11/20 JCL 1.5 – Investigation re bt cases and affirmative defenses and counterclaims; investigate re experts and bt false-positives.

Th. 11/21 JCL 1.5 – Order severing received; LR re effect of severance including filing fee, preliminary pleadings; LR re Counts 1-3 of Complaint; outline of facts re same.

Fr. 11/22 JCL 1.5 – Legal research re misuse of copyright in BT; LR re "indirect copying"; letter to opposing counsel re 26f obligations and addressing claims and defenses, identify CBC as a sham, Rule 68 settlement offers and attorneys fees.

Fr. 11/22 JRS 1.0 – LR re FRCP 68 and copyright claims and attorneys fees as costs.

Mo. 11/25 JCL 1.0 – Review incoming Notice from Court; prepare, revise and finalize letter to opposing counsel re FRCP 26; initial preparation of Answer and Affirmative Defenses.

Tu. 11/26 JCL 1.8 – Prepare Answer to Amended Complaint; LR re affirmative defenses and misuse; LR re cancellation of copyright; correspondence with opposing counsel; investigate Elf-Man LLC corporate and copyright records.

We. 11/27 JCL 1.0 – Review incoming re FRCP 26f and proposed late trial date; prepare reply to opposing counsel citing Fogerty demanding factual and legal justification; prep of affirmative defenses; reply to opposing counsel.

We. 11/27 JRS 1.0 – Review of recently filed pleadings by plaintiff. Conference with Chris Lynch regarding strategy moving forward. LR re counterclaims for abuse of process.

Fr. 11/29 JCL 2.0 – Prepare Answer and Affirmative Defenses to First Amended Complaint.

December, 2013: JCL 45.5; JRS 3.0; RVB 3.0

Mo. 12/2 JCL 2.0 – Review of bt litigation re other filed answers and counterclaims; meeting of counsel re 26f. Correspond with opposing counsel regarding copyright and bt investigation.

Tu. 12/3 JCL 1.0 – Review incoming draft joint report; LR re private investigator laws in WA.

We. 12/4 JCL 0.8 – Reply re joint report; LR re misuse and cancellation.

Th. 12/5 JCL 2.7 – Prepare affirmative defenses; review companion files; outline of actions and causes of action; prepare declaration and exhibits; review incoming correspondence re \$7400 demand by plaintiff, witness Griffin, and error of counsel re mechanics of investigation; investigation re bt settlement abuse.

Fr. 12/6 JRS 1.5 – Meet with RL to discuss settlement demand, additional issues surrounding defense of copyright infringement and facts of the investigation.

Fr. 12/6 JCL 0.5 – Review 12b6 filed by Mr. Matesky and cited cases.

Sa. 12/7 JCL 2.5 – Deep investigation re plaintiff's own seeding of its own work; investigation re CD CA bt abuse of process and plaintiff-seeding; investigate Hero Master as uploader of Elf-Man.

Su. 12/8 JCL 3.0 – Prepare answer, affirmative defenses, and counterclaims; LR re declaratory relief and copyright; LR re barratry and champerty.

Mo. 12/9 JCL 2.0 – Review defaults brought by plaintiff in EM and TTF cases; investigation re Vision Films Hero Master seeding of its works; LR re barratry and champerty.

Tu. 12/10 JCL 2.0 – Investigation re seeding of work by plaintiff; review of other Elf-Man DC actions re same; prepare declaratory relief causes of action.

We. 12/11 JCL 2.0 – Copyright office investigation; investigate missing certificate page for EM; investigation re suspicions of seeding by plaintiff and/or Vision Films; investigate public bt links to Elf-Man; instructions to staff re capturing evidence of seeding and public bt links to EM.

We. 12/12 RVB 0.5 – Prepare requests for production to plaintiff.

Th. 12/13 JCL 3.0 – Investigation re timing of hash file uses in EM cases; investigation re timing of release of film; corporate investigation of Elf-Man and Vision Films; investigate Vision Films seeding of works to bt; instructions to staff re capturing evidence of Vision Films seeding before release dates.

Th. 12/13 RVB 1.0 – Prepare requests for production of documents to plaintiff.

Mo. 12/16 JCL 2.5 – Finalize Initial Disclosures; investigate IPP and witnesses; research use of foreign investigators; LR re WA investigator laws.

Mo. 12/16 RVB 1.0 – First set of document discovery out to Elf-Man.

Tu. 12/17 JCL 5.0 – Revise and finalize factual narrative for answer, affirmative defenses and counterclaims; investigate Vision Films ED TN claims of ownership; investigate other Vision Films bt cases and ownership admissions; investigate IPP from CO Elf-Man case; LR re copyright standing; LR re WA private investigator laws.

We. 12/18 JCL 2.5 – Investigate Elf-Man and other cases using CBC or IPP and German investigators; review testimony of IPP witnesses and IPP's technical procedures and compare with CBC.

We. 12/18 JRS 0.8 – LR re deposing foreign investigators.

Th. 12/19 JCL 3.5 – Preparation and Scheduling/Status Conference with Judge Rice; investigate re Vision Films' claims to own the EM copyrights; investigate re IPP and CBC; call to German witnesses at Guardaley; review constitutional procedures re statutory damages; correspondence with opposing counsel re Initial Disclosures.

Th. 12/19 JRS 0.7 – LR re deposition of German nationals and Court's suggestion re Letters Rogatory.

Th. 12/19 RVB 0.5 – Report to Mr. Lamberson on status of matter.

Fr. 12/20 JCL 2.5 – Update of counterclaims and review re constitutionality of statutory damages; edits to counterclaims re first amendment; LR re Rule 11 cause of action or motion; correspond with opposing counsel about refusal to provide ID documents.

Th. 12/27 JCL 3.0 – Review incoming Memo in Opposition to Motion for sever and plaintiff's position on rule 11; LR re statutory damages and 504; LR re BMW case re fairness of statutory damages; LR re sum of statutory damages for accused joint infringers under 504.

Su. 12/29 JCL 2.5 – LR re statutory damages and constitutionality; decisions re affirmative claims against statutory damages.

Mo. 12/30 JCL 2.5 – LR re statutory damages; investigation re German witnesses and connections to Griffin and CBC; investigation re Fieser and Macek connection at IPP. Assignment to law clerks re constitutionality and statutory damages. Investigation re IP Tracker software and IPP.

January, 2014: JCL 45; JRS 7.6; RVB 10.5

Th. 1/2 JCL 2.5 – Investigation re IPP, plaintiff's German witnesses Patzer and Macek; LR re statutory damages and availability in absence of registration certificate.

Fr. 1/3 JCL 3.5 – Finalize legal research re constitutionality of statutory damages; final decisions re same; investigate IPP, Patzer and Macek; initial revisions to First Amended Answer, Affirmative Defenses and Counterclaims; finalize and file same.

Tu. 1/7 JCL 1.0 – Prepare amendment to report re First Amended Complaint; outline re changes; LR re defense attorneys' fees in bt copyright cases.

We. 1/8 JCL 1.5 – TC client re status of matter and objectives; Investigation re IPP and CBC; investigation re Blood Money and other Vision Films seeded to bt.

Th. 1/9 JCL 1.0 – Review German ruling re IPP techniques and fraud; investigate relationship of IPP and Guardaley.

Mo. 1/13 JCL 2.0 – Review 12b6 filings re issue of joinder; LR re secondary copyright liability including contributory infringement and inducement; LR re subscriber liability.

Tu. 1/14 JCL 4.5 – Review of Elf-Man standing issues re Vision Films; prepare and argument prep session with Mr. Matesky; review cases and reply re same. LR re standing; LR re Lightspeed deposition and patterns of deponent evasion. Elf-Man discovery first set received and reviewed.

We. 1/15 JCL 5.0 – 12b6 argument prep and case review; outline of motion re ED WA; attend 12b6 with Judge Lasnik, Mr. Matesky and Ms. VanderMay; OC re same. Investigation re IPP and Guardaley; investigation re CBC and Griffin declarations; review and investigate re ID information; Stuttgart address investigation.

Th. 1/16 JCL 4.0 – Review incoming discovery responses from plaintiff; review inquiries; prepare checklist of failures; draft LR 37.1 letter to opposing counsel re discovery and ID failures; finalize same.

Fr. 1/17 JCL 4.0 – Review incoming Motion to Dismiss filed by plaintiff; LR re issues therein; review Judge Lasnik orders; review incoming Motion to Dismiss cases.

Fr. 1/17 RVB 4.5 – Review of discovery responses, research on local rule for protective order, reviewed and made changes/suggested changes to responses to discovery requests, and research on producing documents for requests for production in local venue.

Su. 1/19 JCL 3.0 – Prepare Second Amended Answer and Counterclaim; LR re SLAPP and sham exceptions.

Mo. 1/20 JCL 3.5 – Investigate re SLAPP and bittorrent, review sham exceptions and bittorrent; finalize Second Amended Answer, Affirmative Defenses and Counterclaim; Motion to join 12b6 or file SAA.

Mo. 1/20 RVB 6.0 – Review of all discovery inquiries; conference with Mr. Lamberson re discovery; prepare draft responses to first set of interrogatories and requests for production from Elf-Man.

We. 1/22 JCL 1.5 – Correspond with plaintiff counsel re discovery conference; OC re same; review incoming 12b6 ruling; correspond re LR 37.1 meeting re failure to provide discovery.

Th. 1/23 JCL 1.0 – Notice to Withdraw Motion to join Mr. Matesky's motion. LR re other motions against counterclaims in sham copyright litigation.

Th. 1/23 JRS 1.6 – LR re anti-SLAPP claims and defenses thereto.

Fr. 1/24 JCL 0.5 – Correspond with plaintiff re discovery conference; OC re same.

Fr. 1/24 JRS 1.8 – Review issues related to anti-SLAPP claim; gather cases re sham litigation defenses.

Mo. 1/27 JCL 1.5 – LR re SLAPP and bittorrent; review status of other Elf-Man and bt cases re counterclaims.

Tu. 1/28 JCL 1.0 – Review of bt cases designed to take down the hash; review Tarantino case re same.

Tu. 1/28 JRS 2.8 – Research related to anti-SLAPP claims brought by Plaintiff's counsel in her Motion to Stay Discovery.

We. 1/29 JCL 1.0 – OC re discovery conference and discovery plan; LR re Motion to dismiss.

We. 1/29 JRS 1.4 – Phone conference with Maureen VanderMay related to discovery issues and failure of Elf-Man to provide discovery. Conference with Chris Lynch regarding issues discussed with opposing counsel Maureen VanderMay related to discovery issues. Checklist of discovery issues.

Th. 1/30 JCL 1.5 – Execute PO; LR re submission of same; correspond with opposing counsel re discovery failures blaming the PO.

Fr. 1/31 JCL 1.5 – Review incoming discovery plan from plaintiff; Letter to opposing counsel re discovery plan. Investigate IPP and Guardaley including web URL ownership searches.

February, 2014: JCL 47; JRS 2; RVB 14

Mo. 2/3 JCL 1.0 – Review incoming Memo in Opposition to Motion to Amend; review declaration; instructions re Reply and dates; LR re declaratory relief and affirmative defenses.

Tu. 2/4 JCL 1.0 – Assignment of tasks re motion to compel and reply re motion to amend; prepare materials for memorandum in opposition; LR re affirmative defenses in copyright.

We. 2/5 JCL 4.0 – Review and outline of Memo in opposition; prepare same; review incoming letter from opposing counsel; prepare hearing notebooks re Motion to Compel and Motions for Dismissal; LR re sham litigation exceptions; investigate Anchor Bay and Vision Films re sham bt litigation.

We. 2/5 RVB 2.0 – Communications with Mr. Lamberson regarding discovery, research and preparation of motion to compel discovery, report to attorney Chris Lynch.

Th. 2/6 JCL 5.0 – Prepare Memorandum in Opposition to plaintiffs Motion to Dismiss; LR re misuse and cancellation of copyright; LR re antitrust and copyright abuse; prepare declaration re Motion.

Th. 2/6 RVB 2.0 – Additional research and changes to motion to compel discovery; identify all missing documents and relevance.

Fr. 2/7 JCL 2.0 – Review and finalize all pleadings for today including Memorandum in Opposition and Declaration.

Fr. 2/7 RVB 2.0 – Cite checking on Memorandum in Response to Plaintiffs motions as well as Chris Lynch Declaration in preparation for filing. Report to attorney Chris Lynch re same.

Mo. 2/10 JCL 2.5 – Prepare and finalize Reply Memorandum to support motion to amend; final LR re same; filing instructions re Reply.

Mo. 2/10 RVB 3.5 – Meeting with Mr. Lamberson at his home to go over and respond to discovery requests and to collect pertinent information, documents, and photographs; examination of computer and network.

Tu. 2/11 JCL 1.0 – Review of discovery demands; OC re Lamberson home visit; investigation re Guardaley/IPP.

Tu. 2/11 RVB 2.5 – Finished drafts of Discovery responses and prepared responsive documents for discovery, report to attorney Chris Lynch regarding responses to Elf-Man discovery.

We. 2/12 JCL 2.0 – Review incoming correspondence from opposing counsel re excuses for delay in production; review motion to compel discovery; edits to same.

Th. 2/13 JCL 3.0 – OC re discovery out; review and finalize same; prepare and finalize LR 37.1 letter to opposing counsel demanding discovery; OC re telephonic pre-hearing with Judge Rice.

Fr. 2/14 JCL 2.0 – Review and edits to discovery out; review and edits to Motion to Compel; develop strategy re same; address each failure to produce in Motion; review incoming joinder Motion; review first production from Elf-Man.

Tu. 2/18 JCL 0.8 – Demand to opposing counsel to produce documents in advance of hearing. Review of final discovery responses out.

Tu. 2/18 RVB 1.5 – Review of discovery responses/documents received from Elf-Man, as well as interoffice communications with attorney Chris Lynch regarding Motion to Compel; finalize discovery responses from Mr. Lamberson.

We. 2/19 JCL 0.7 – Review incoming correspondence from opposing counsel; check discovery re same; prepare draft letter to court re discovery failures of Elf-Man; obtain hearing date from Court.

Th. 2/20 JCL 3.5 – Review incoming discovery; geolocation research of PCAP file; investigation re location of PCAP in Netherlands not Germany; review IPP files and search re connection to Netherlands; outline letter to Judge Rice re discovery abuse. Additional LR re compelling foreign witnesses to testify in federal court.

Fr. 2/21 JCL 4.0 – Review incoming discovery; LR re foreign infringement analysis; LR re standing; investigation re location of investigator in Netherlands re sham litigation; LR re compelling depositions in location of lawsuit; update Patzer and Macek search. Review incoming Reply Memorandum of Elf-Man and cited cases.

Mo. 2/24 JCL 3.0 – Initial preparation Motion to Compel letter to Judge Rice re each item not produced. Review staff decipher of PCAP file, confirm only one block in evidence; prepare math re segment length and capture as evidence.

Tu. 2/25 JCL 4.0 – Prepare and finalize Motion to Compel letter to the Court; review and select exhibits re same; examination of technical production; instructions to associate re argument or Motion to Compel.

Tu. 2/25 JRS 0.5 – Conference re approach to argument at discovery conference with Judge Rice; review materials for argument.

We. 2/26 JCL 2.0 – Review incoming exhibit 12; LR re fictitious defendants; review and prep memo for motion to compel; review incoming new “chart” and prepare correspondence re witness for same; review opposing counsel letter re discovery; sort evidence from PCAP data.

Th. 2/27 JCL 2.0 – Review of Vision Films assignment documents supplied; report re hearing; investigation re Vision Films assignments in bt cases and use of Griffin declarations; investigation re Patzer chart and its use in other cases.

Th. 2/27 JRS 1.5 – Final trial prep for discovery hearing. Discovery hearing before Judge Rice in EDWA Federal Court. Conference with defense team regarding Discovery Hearing outcome, and additional strategy moving forward.

Fr. 2/28 JCL 3.5 – Legal research re use of fictitious defendants in federal court; prepare, revise and finalize Memorandum in Opposition to Motion to add party; continued investigation re Vision Films, Anchor Bay and re foreign investigators; LR re WA investigator and corporate registration regulations.

March, 2014: JCL 35.2; JRS 13.1; RVB 2.0

Mo. 3/3 JCL 1.0 – Review incoming order from court: LR re IPP and investigation processes; outline of IPP testimony re discovery; review Vision Films cases and Griffin decs.

Tu. 3/4 JCL 1.0 – LR re IPP and Guardaley and foreign deposition procedures.

We. 3/5 JCL 2.2 – Preparation of IPP testimony summaries; outline of procedure for foreign depositions.

Th. 12/6 JCL 1.5 – LR re foreign depositions; review incoming letter from opposing counsel re discovery; reply re same and limits on depositions of German nationals; review incoming deal memos produced in discovery re standing.

Fr. 3/7 JCL 2.0 – Review incoming exhibits re work made for hire; compare as to copyright registrations; review registrations of other Vision Films bt cases for patterns of abuse; review incoming Reply Memo re Motion to Add Parties.

Mo. 3/10 JCL 1.0 – Review discovery produced re copyright standing.

Tu. 3/11 JCL 1.0 – Review incoming standing documents; compare to copyright certificates.

We. 3/12 JRS 2.1 – Review and analyze interrogatory answers, conference with Rhett Barney re report to client, correspondence with opposing counsel re outstanding discovery.

We. 3/12 RVB 0.5 – Report to Mr. Lamberson re status of discovery.

Th. 3/13 JCL 1.0 – Investigate re false positives in bt monitoring and Guardaley class action in MA.

Fr. 3/14 JCL 2.5 – Review incoming discovery in from plaintiff; letter to opposing counsel re overdue discovery; review IPP testimony and errors in Guardaley process from MA case; identify witnesses from Guardaley case.

Mo 3/17 JCL 2.0 – Review incoming Order from Court; review and finalize second amended Answer and exhibits for filing; OC re IPP and CBC subpoenas.

Mo. 3/17 JRS 1.4 – Review and analyze Judge Rice's ruling; LR re German deposition procedures at request of JCL.

Tu. 3/18 JCL 2.0 – LR re copyright misuse and counterclaims, investigation re IPP and Keith Libscomb/Malibu Media connection to Elf-Man.

We. 3/19 JCL 1.0 – Vision Films investigation re bt abuse including Elf-Man misrepresentations to ED TN.

Th. 3/20 JCL 2.5 – Outline of timeline issues for our client; genre typing re plausibility of infringement; review of Lethbridge expert report; prepare RFA's to Elf-Man re investigation techniques and false positives.

Fr. 3/21 JCL 2.0 – Continue investigation re timeline of infringements re plausibility and Griffin declarations compared to Macek and Patzer data; review rulings against Guardaley for abuse.

Mo. 3/24 JCL 2.5 – Investigation re Vision Films and subpoena methods; prepare interrogatories.

Tu. 3/25 JCL 2.0 – Final revisions to discovery out second set to Elf-Man; investigation re Patzer, Macek, Feiser and Griffin.

We. 3/26 JCL 1.5 – Prepare subpoenas re third party standing issues re Vision Films, investigate re same. Instructions to associates re discovery and compelling production from Elf-Man.

We. 3/26 JRS 1.5 – Meeting re discovery and compelling production. Work with staff re identification of items not yet produced.

We. 3/26 RVB 1.5 – Meeting on status of discovery, and next steps re discovery. Meeting with staff to review all discovery provided to date and determine what discovery still has not be provided, particularly re Judge Rice's order.

Th. 3/27 JCL 2.0 – Revise requests for admission; OC re discovery outstanding; investigation re Vision Films; revise interrogatories.

Th. 3/27 JRS 2.4 – Investigation re Vision Films and bt data. Update investigation re seeding of work by Vision Films Hero Master.

Fr. 3/28 JCL 1.5 – Revise requests for admission; LR re bt discovery abuse by Libscomb-related parties using Guardaley/IPP.

Fr. 3/28 JRS 1.9 – Initial review of correspondence and responses to discovery requests to Plaintiff; prepare checklist of missing items by Elf-Man; update LR re process of deposing German nationals.

Mo. 3/31 JCL 3.0 – Finalize requests for admission and interrogatories; finalize discovery letter out re #15 and others demanding compliance with Court Order; initial review incoming Motion to Dismiss.

Mo. 3/31 JRS 3.8 – Review all responses to requests for production to finalize checklist at request of JCL, review of Judge Rice's Order, opposing counsel's email re same, and draft letter requesting production of outstanding discovery to Ms. VanderMay re production.

April, 2014 JCL 46.2; JRS 25.3; RVB 3.8

Tu. 4/1 JCL 3.5 – Review incoming Motion to dismiss; LR re immunity as applied to declaratory relief actions; outline of memo in opposition; finalize Vision Films subpoena.

We. 4/2 JCL 3.5 – LR re Motion to dismiss, including Noerr-Pennington and sham exception; LR re declaratory relief; and outline of memorandum in opposition.

Th. 4/3 JCL 2.5 – Legal research re Noerr-Pennington immunity and sham exception; LR re private investigators; LR re fraud issues raised by plaintiff; LR re lawsuit abuse by Lipscomb-related entities using Guardaley as investigators.

Th. 4/3 JRS 0.4 – Correspondence with Ms. VanderMay regarding discovery.

Fr. 4/4 JCL 3.0 – Legal research of cases cited by plaintiff in motion to dismiss; outline of argument against same; LR re sham litigation exception to Noerr-Pennington; investigation into sham practices by Guardaley plaintiffs in bt cases in 9th and 10th Circuits.

Mo. 4/7 JCL 2.0 – Continued investigation re Guardaley sham litigation practices including bogus copyright certificates and bogus investigations; identify patterns of filing but not serving.

Mo. 4/7 JRS 0.8 – Review new discovery documents produced by Ms. VanderMay. Report to JCL re same.

Tu. 4/8 JCL 2.0 – Continued LR re sham exception to Noerr-Pennington immunity; LR re inapplicability of Noerr-Pennington to declaratory relief; additional draft of memo in opposition.

Tu. 4/8 JRS 0.4 – Review incoming Comcast subpoena materials. Report to JCL re same.

We. 4/9 JCL 2.0 – Legal research re Noerr-Pennington and immunity and sham exception. LR re affirmative defenses in copyright; LR re rule 12 and rule 9. Continued preparation of Memo in Opposition to 12b6 re affirmative defenses.

Th. 4/10 JCL 2.0 – Additional prep of Memo in Opposition and declaration; investigation re same. LR re affirmative defenses and FRCP 9; revise Memo in Opposition and Declaration. Select exhibits.

Fr. 4/11 JCL 2.0 – Finalize sham litigation research. Finalize memorandum in opposition to motion to dismiss; finalize declaration and exhibits re same. Instructions re filing.

Tu. 4/15 JCL 2.0 – Review incoming investigator chain explanation; review Vision Films agreements re same; review APMC agreements re same; perform investigation re same including of P. Achache of Guardaley and APMC. Update URL search for P. Achache. OC re compelling Germans in Spokane.

Tu. 4/15 JRS 4.7 – Review US State Dept. issues related to letters rogatory. Review the Hague Convention and other documents related to foreign depositions. Review and analyze response from Maureen VanderMay related to Elf-Man relationship with German investigators. Discuss with Chris Lynch.

We. 4/16 JCL 1.5 – Prepare and finalize letter to opposing counsel re implausible chain of investigator links.

Th. 4/17 JCL 1.5 – Additional investigation re CBC hiring German nationals; LR re immigration and employment or contractor.

Th. 4/17 JRS 2.4 – Further research and review of letters rogatory related to German witnesses and depositions; prepare report re options for discovery of investigators.

Fr. 4/18 JCL 4.0 – Deep investigation re APMC company. Locate evidence of business in Germany and Philippines; locate APMC expose; investigation re Macek, Patzer and Achache; investigate AMPC in Sacramento; call Sacramento office re fraud; investigate re APMC abuse; confront plaintiff re APMC expose. Investigate re APMC/Josh Partridge and connection to fraudulent copyright certificates in bt cases.

Fr. 4/18 JRS 0.8 – Review and analyze APMC material.

Mo. 4/21 JCL 3.0 – Prepare discovery set for APMC; review incoming letter from opposing counsel re APMC; correspond with plaintiff counsel re 12 reasons to settle and APMC; amend Initial Disclosures to identify APMC materials as evidence and Messrs. Molina and Achache as witnesses.

Mo. 4/21 JRS 4.0 – Further analysis of APMC documents related to marketing strategy, discussion of evidence issues with Chris Lynch. Additional research and analysis related to letters rogatory and deposition of German witnesses; Initial responses to opposing counsel's letter of 4-21-2014 regarding additional requests for information related to its discovery.

Mo. 4/21 RVB 2.8 – Research and attempted contact/communications with Gerephil Molina that created the APMC Prezi. Draft responses to additional requests for production/rogs from opposing counsel.

Tu. 4/22 JCL 1.5 – Correspond with plaintiff's counsel; prepare and finalize discovery out – APMC RFP's.

Tu. 4/22 JRS 3.2 – Finalization of response to opposing counsel's request for clarification of discovery. Draft letter to Comcast related to subpoena from opposing counsel.

Tu. 4/22 RVB 1.0 – Report to Mr. Lamberson re status of discovery and APMC issues; follow up with and research on and communications with potential witnesses including Gerephil Molina and Josh Partridge.

We. 4/23 JCL 1.0 – Research re German depositions; review incoming from plaintiff; OC re discovery strategy; reply to plaintiff re discovery of investigators and APMC proposing Germans to be deposed in Spokane.

We. 4/23 JRS 1.2 – Meeting with Mr. Lamberson to discuss status of case and upcoming issues; Draft letter to Comcast related to subpoena from opposing counsel.

Th. 4/24 JCL 1.0 – LR re preservation of foreign witness testimony and use in trial.

Fr. 4/25 JCL 0.7 – Review incoming reply memo and related evidence; instructions to associate re same.

Fr. 4/25 JRS 3.0 – Review and analyze opposing counsel's reply memorandum, review and analyze response to Vision Films subpoena. Summarize cases at request of JCL.

Mo. 4/28 JCL 2.0 – Legal research re letters rogatory; review proposed exhibits for motion to compel; prepare same.

Mo. 4/28 JRS 1.9 – Draft Declaration for Motion to Compel re process of deposing German nationals.

Tu. 4/29 JCL 2.0 – Review new white papers on bittorrent monitoring false positives; add to exhibit list.

Tu. 4/29 JRS 2.0 – Additional revisions to declaration and exhibits for Motion to Compel and Request for Letters of Request.

We. 4/30 JCL 3.5 – Review, edit and finalize memo in support of motion to compel; finalize related declaration; finalize exhibits; reply to opposing counsel's idea to suspend defense discovery. Review supplemental explanation of Macek and CBC; prepare reply that explanation is erroneous.

We. 4/30 JRS 0.5 – Final review and execution of Declaration of Smith with accompanying exhibits.

May, 2014: JCL 34; JRS 12; RVB 1.5

Th. 5/1 JCL 1.0 – Correspond with opposing counsel re her idea to suspend defense discovery. Develop strategy re same.

Th. 5/1 JRS 1.7 – Review and analyze plaintiff's response to our most recent discovery requests.

Fr. 5/2 JCL 2.1 – Investigation re implausibility of CBC and Macek explanation; investigation re Griffin declarations and use of Griffin vs Macek.

Mo. 5/5 JCL 1.5 – Review incoming discovery and outline of deficiencies. Correspond with opposing counsel re deposition days for client; LR re new MI private investigator CPU laws.

Tu. 5/6 JCL 2.1 – LR re compelling testimony of foreign witnesses; continued investigation re CBC and IPP and APMC; WA and MI private investigator research.

Tu. 5/6 JRS 1.4 – Preparation for phone conference with opposing counsel, pre-hearing conference with opposing counsel, and post conference strategy meeting with team.

Tu. 5/6 RVB 1.5 – Conference with Ms. VanderMay re outstanding discovery and preparation meeting for conference with Judge Rice.

We. 5/7 JCL 1.0 – Review incoming letter to Court re Elf-Man discovery offer; LR re staging of discovery.

Th. 5/8 JCL 1.5 – Review incoming discovery plan letter to the court; review status of discovery re same; prepare and finalize reply to Court; assign argument to JRS; correspond with opposing counsel re deposition of client.

Th. 5/8 JRS 2.7 – Preparation for Discovery Conference before Judge Rice. Final review of materials in preparation for discovery conference before Judge Rice.

Fr. 5/9 JCL 1.5 – Review letters to the court; prepare argument notes; OC JRS re same; additional investigation re CBC and IPP and abuse of process.

Fr. 5/9 JRS 2.3 – Final preparations for phone conference with Judge Rice; Phone conference with Judge Rice and opposing counsel Maureen VanderMay regarding discovery issues. Report to JCL.

Mo. 5/12 JCL 1.0 – Investigate re German witnesses and testimony in Bellwether case; investigate plausibility of explanation provided by plaintiff.

Tu. 5/13 JCL 1.0 – Review incoming materials; investigate misrepresentations in ID's by Elf-Man.

We. 5/14 JCL 2.0 – Review incoming settlement offer and prepare reply to same; investigation re Germans and attorneys fees; finalize demand re same.

We. 5/14 JRS 1.4 – Draft email response to Plaintiffs counsel regarding suggested telephonic deposition of German witnesses.

Th. 5/15 JCL 1.0 – Legal research re place of deposition and foreign fact witnesses; LR re WA and MI private investigator statutes.

Fr. 5/16 JCL 2.1 – Investigation re German witnesses and place of deposition; legal research re same. Outline of Motion to Compel deposition of investigators in Spokane.

Mo. 5/19 JCL 3.4 – Prepare, revise and finalize Reply memo in support of Motion to Compel; prepare, revise and finalize Declaration to support same; review incoming correspondence from opposing counsel re consent decree offer; select exhibits; investigation re bogus addresses provided by Elf-Man; correspond with opposing counsel re bogus addresses.

Tu. 5/20 JCL 1.7 – Review bt 30b6 deposition and evasiveness of witness; prep of 30b6 Notice and research re same; letter to opposing counsel re 30b6 and witness identification.

Tu. 5/20 JRS 1.2 – Review and revise declaration in support of defendant's reply to plaintiff's response re Motion to Compel.

We. 5/21 JCL 1.5 – Investigation re bogus German phone numbers and witnesses; letter to opposing counsel re same; prep and finalize declaration re same; service of 30b6.

Th. 5/22 JCL 1.5 – Investigation re German witnesses and APMC, update research file re same; prepare and file supplemental declaration re Motion to Compel re bogus information provided by Elf-Man. Discover telephone discrepancies and more bogus information given in ID's by Ms. VanderMay.

Fr. 5/23 JCL 1.4 – Update witness files; prepare amended Initial Disclosures re evidence and witnesses discovered despite EM's bogus explanation.

Fr. 5/23 JRS 0.6 – Review and respond to correspondence with opposing counsel re discovery.

Tu. 5/27 JCL 2.2 – Investigation re APMC compared to bogus explanation provided by Ms. VanderMay of APMC's relationship to plaintiff. Investigation re other bt cases influenced by APMC and common themes of evasion and deceit. Investigation re DeLoach corporate crimes in WY and SD; investigation re bogus agency appointment by CBC.

We. 5/28 JCL 1.3 – Additional investigation re Patrick Achache and Daniel Macek and their roles in APMC and Guardaley. Investigation re APMC fraud on the US District Courts and real party in interest issues.

Th. 5/29 JCL 1.2 – Follow up research re real party in interest obligations of parties and corporate disclosure statements re bogus representations made by Ms. VanderMay re role of Mr. Macek.

Fr. 5/30 JCL 2.0 – Review incoming discovery non-responses; conclude Declaration of Service is erroneous by comparison with other VanderMay office mailings; legal research re mailbox rule; letter to opposing counsel re erroneous Declaration of Service; receive response from opposing counsel blaming USPS. Review WD WA file re Ms. VanderMay blaming USPS for her violation of Court Order; pull exhibits from same.

Fr. 5/30 JRS 0.7 – LR re waiver of objections in federal court by late submission.

June, 2014: JCL 58.8; JRS 9.7; RVB 2.0

Su. 6/1 JCL 1.0 – Additional LR re mailbox rule; investigate re any reported mail delays in Salem Oregon during late May; LR re recourse for erroneous Declaration to Court by opposing counsel.

Mo. 6/2 JCL 3.5 – Prepare and finalize declaration re Motion to Compel testimony of German witnesses in Spokane; file same; lengthy telephone conference with Mr. Crowell re his role along with Ms. VanderMay and Elf-Man; confer re 30b6 and deposition of Mr. Lamberson, confer re AMPC discovery and its necessity, confer re waiver of objections; prepare letter to Mr. Crowell advising of scheduled depositions and AMPC discovery; demand privilege logs; reply to incoming letter; respond re Mr. Crowell taking over matter; letter to Mr. Crowell re seeding of work by Vision Films and CBC scam, request re additional bogus address provided by Mr. Patzer in the UK.

Mo. 6/2 JRS 1.2 – Review issues related to sudden withdrawal of opposing counsel at request of Chris Lynch including corporations acting pro se.

Tu. 6/3 JCL 4.5 – Prepare for meeting with expert; meeting with expert re technical PCAP evidence and abuse of process; review incoming motion of counsel to withdraw; review incoming letter and explanation of erroneous Declaration of Service; reply re implausibility.

We. 6/4 JCL 4.0 – Legal research re mailbox rule and waiver of objections to AMPC discovery; prepare LR 37 notice re deficiencies; prepare shell of opposition to Motion to Withdraw re local rule prohibiting pro se corporate parties.

We. 6/4 JRS 1.6 – Review opposing counsel's Motion to Withdraw and research case law related to effect of withdrawal on pro se corporate defendant.

Th. 6/5 JCL 4.0 – Legal research re award of attorneys fees to defendants in copyright cases where plaintiff abused process; LR re role of “representatives”

on counsel's ethical obligations; investigate TTF case re lawyer withdrawal and compare declarations; investigate re APMC role in ethical decisions.

Fr. 6/6 JCL 2.0 – Legal research re award of attorneys fees to defendants in copyright cases where plaintiff has abused process and is in rule 11 situation for failure to investigate.

Mo. 6/9 JCL 3.0 – Review TTF case file and Memo in Opposition to Motion to Withdraw filed by Mr. Robb. LR re implications of ethics of “representatives” forcing withdrawal. LR re effect of withdrawal on real party in interest and requirement of plaintiff's cost bond. LR re attorneys fees for ethical breach by opponent.

Tu. 6/10 JCL 2.5 – Legal research re sanctions and motion to compel; initial preparation of motion to Compel re APMC discovery. Instructions to JRS re preparation of memo re withdrawal.

Tu. 6/10 JRS 2.1 – Conference to discuss upcoming depositions, pleadings, and hearings in light of opposing counsel's Motion to Withdraw. Prepare shell re withdrawal opposition.

We. 6/11 JCL 2.5 – Legal research re sanctions for ethical motion to withdraw; prepare Motion to Compel AMPC documents.

Th. 6/12 JCL 3.5 – Select exhibits for Motion to Compel; prepare declaration re same; review timeline re discovery and opposing counsel's bogus Declaration of Service; LR re privilege logs; review AMPC evidence re same; instructions to RVB re depo prep of client; message from Mr. Lowe, investigate Mr. Lowe's bt case in ED WA with Judge Shea.

Fr. 6/13 JCL 5.8 – Lengthy telephone conference with Mr Lowe about his potential appearance, explain call with Mr. Crowell re same thing, explain APMC and Elf-Man fraud and abuse of process, explain pattern of deceit re investigations; prepare revisions to Motion to Compel and finalize same; select exhibits and cases; investigation re switch of CBC from Griffin to Macek; review incoming pleading for dismissal; additional investigation re CSF case in

ED WA including bogus copyright certificate and abuse of process; investigation re Will Gorfein and bogus testimony including for CBC; investigation re Josh Partridge and Will Gorfein and bogus copyright certificates.

Fr. 6/13 JRS 3.3 – LR re incoming Motion to Dismiss after filing of Answer by defendant. LR re 41a2 and ethics. LR re 41a2 and counterclaims. Report to JCL.

Fr. 6/13 RVB 0.5 – Meeting with Mr. Lamberson and client deposition preparation.

Mo. 6/16 JCL 2.5 – Legal research re Rule 41a2; review incoming ruling from Court re withdrawal of Ms. VanderMay; LR re judgment against withdrawn counsel and continuing obligations of same.

Tu. 6/17 JCL 2.5 – Investigation re pattern of abuse by CBC including deceitful declarations. Trace lineage of bogus CBC employees, including to bogus companies IP Squared and IPP. Compare incorporation paperwork for IP Squared to APMC and CBC. Contact attempts to fake CBC employees Griffin and Gorfein.

Tu. 6/17 JRS 1.5 – Legal research re conditioning 41a2 dismissal on payment of fees or sanctions.

We. 6/18 JCL 2.0 – Review legal research re conditioning dismissal and update same; outline of Memo re Motion to Dismiss. OC re 30b6 objectives and exhibits.

Th. 6/19 JCL 2.2 – Prepare Memo re Motion to Dismiss; prepare declaration draft re same.

Fr. 6/20 JCL 2.3 – Revise Declaration re Motion to Dismiss re ethics abuses, select exhibits re same.

Fr. 6/20 RVB 1.0 – Final preparations for 30(b)(6) deposition, preparation of documents for submission as exhibits, and conducting 30(b)(6). Elf-Man or representative made no appearance.

Mo. 6/23 JCL 2.0 – Prepare timeline for fee request; review timesheets/bills and court docket re same.

Mo. 6/23 RVB 0.5 – Preparation of draft Ryan Lamberson declaration.

Tu. 6/24 JCL 2.0 – Review ED WA and WD WA files re timeline of progress for fee request; revise declaration re same.

We. 6/25 JCL 2.0 – Review bills sent to client re fee request. Summarize bills and time for declaration. LR re AIPLA IP litigation statistics.

Th. 6/26 JCL 1.0 – Revise declaration and timeline work; select exhibits re fraud on Court and abuse of process.

Fr. 6/27 JCL 2.0 – Select additional exhibits re abuse of process; review WD WA file re same; review and pull Fieser declarations and live testimony attesting Macek works at IPP, not CBC; prepare memo in opposition to Motion to Dismiss; review Mr. Lowe's Motions for default in EM and TTF cases, note factual recitations and declarations re same and compare calendar, investigation re inconsistencies of Ms. VanderMay's 18.6 hour day.

Mo. 6/30 JCL 2.0 – Prepare and submit Notice re Motion to Compel; correspond with opposing counsel re same. Revise declaration re Memo in Opposition of Motion to Dismiss; review tardy incoming pleadings from Elf-Man re Motion to Compel.

July through 7/21 JCL 43; JRS 3.5; RVB 5.0

Tu. 7/1 JCL 6.0 – LR re Motion to Strike late and overlength pleading; prepare and finalize motion to Strike; continued preparation of Reply Memo re motion to Compel and Declarations re Motion to Compel and Motion to Dismiss; legal research re conditions on dismissal.

We. 7/2 JCL 3.0 – Preparation of Memo and Declarations re Motion to Compel and Motion to Dismiss; legal research re same; revise pleadings.

We. 7/2 JRS 1.3 – Final review of AIPLA statistics re state of copyright fees for various types of cases. Report to JCL re declaration.

We. 7/2 RVB 1.0 – Meeting with client to go over declaration and finalize. Discuss current status of matter. Follow up research re CBC declarant Gorfein and fraud on the Court.

Th. 7/3 JCL 3.0 – Finalize Reply Memo re Motion to Compel; finalize Memo re Motion to Dismiss; finalize Declaration of JCL and exhibits re same.

Mo. 7/7 JCL 1.5 – Review incoming opposition to Motion to Strike; LR re local rules and Mr. Lowe's reading of them.

Mo. 7/7 JRS 1.2 – LR re Motion to Compel with Motion to Dismiss pending; LR re revival of action if dismissal withdrawn.

Tu. 7/8 JCL 4.0 – Review of facts re Motion to Compel; investigate IPP and Guardaley re abuse of process; investigate Darren Griffin re fraud on the Court; outline argument of incoming opposition to motion to Strike; prepare reply.

Tu. 7/8 JRS 2.2 – LR re withdrawal of Motion to Dismiss and implications on pending motions.

We. 7/9 JCL 3.5 – Prepare and finalize reply to Motion to Strike; prepare and finalize declaration of JCL; select exhibits; additional investigation re CBC and APMC and abuse of process.

Th. 7/10 JCL 3.0 – Review incoming Order from the Court; initial research re reconsideration for failure to award fee condition. LR re sanctions as condition.

Fr. 7/11 JCL 3.0 – Legal research re 505 attorneys fees, sanctions under 1927 and Rule 11; outline facts re each; investigate Griffin and CBC fraud on Court.

Mo. 7/14 JCL 2.5 – Legal research re defense fees under 17 USC 505; LR re Rule 11 sanctions in copyright; review Griffin declarations re fraud on Court.

Tu. 7/15 JCL 2.5 – Legal research re defense attorneys fees under 17 USC 505; LR re 1927 sanctions in copyright.

Tu. 7/15 RVB 1.0 – Communicate with client re status of matter and dismissal implications; report to Chris Lynch.

We. 7/16 JCL 3.0 – Initial prep of Motion for 17 USC 505 attorneys fees and declaration re same; timeline and case comparisons re copyright fees.

We. 7/16 RVB 2.0 – Exhibit selection re Griffin declarations; compare signatures to Fieser and Macek.

Th. 7/17 JCL 3.0 – Initial prep of Motion for FRCP 11 sanctions; timeline and declaration re same; exhibit selection; investigate re CBC and Griffin fraud on Court.

Th. 7/17 RVB 2.0 – Exhibit determination re Griffin declarations; compare signatures.

Fr. 7/18 JCL 3.0 – Initial prep of Motion for 28 USC 1927 Sanction; timeline and declaration re same; exhibit selection.

Mo. 7/21 JCL 2.0 – Finalize all three Motions and Declarations plus exhibits for filing; instructions re same.

July 22, 2014 through August 11, 2014: JCL 35; JRS 2; RVB 3

We. 7/23 JCL 1.0 – Investigation into CBC and Darren Griffin re fraud on Court for Elf-Man and Vision Films.

Th. 7/24 JCL 1.5 – Investigation into whether Darren Griffin exists and fraud by Elf-Man and Thompsons Film and their counsel.

Fr. 7/25 JCL 1.5 – Investigation into Darren Griffin, Daniel Macek and Tobias Fieser re IPP; examine Fieser and Macek signatures to determine if Griffin fraud theories are true.

Mo. 7/28 JCL 2.0 – Investigation into declaration patterns for APMC and Guardaley IPP to show pattern of fraud re Griffin and Macek; trace Griffin decs in Elf-Man cases.

Tu. 7/29 JCL 1.5 – IPP, CBC, Guardaley investigation into BT cases and patterns of declarants; timeline and comparisons; compare signatures of Griffin, Macek and Fieser to determine forgeries submitted by Elf-Man and its counsel.

We. 7/30 JCL 1.5 – Review of cited cases in anticipation of preparation of reply memoranda; summary chart re Griffin fraud and number of companies and districts affected; identify forgeries by category and try to align forgeries with witnesses.

Th. 7/31 JCL 1.5 – Continued IPP investigation re Fieser and software used by him; investigation re Fieser and Macek relationship; review of Fieser declarations and comparison to Gorfein, Macek and Griffin to determine source of forgery.

Fr. 8/1 JCL 1.5 – Review new 7th circuit sanctions case re bt abuse; outline of Elf-Man, Vision Films and APMC cross-relations re enforcement of judgment; review appearance opposing counsel, OC re same.

Mo. 8/4 JCL 2.5 – Review incoming briefs and declarations in Opposition to Motions; cite check cases cited by Elf-Man. Compare declarations to previous declarations including Griffin; outline of plagiarism re same.

Tu. 8/5 JCL 2.5 – Initial draft JCL declaration re Macek and Patzer testimony; select exhibits; investigate re CBC and Excipio. De-construct Patzer testimony and compare math re amount of film transmitted under 300 MS.

We. 8/6 JCL 3.0 – Initial draft JCL declaration re Uebersax and Paige testimony; select exhibits; investigate Elf-Man and IPP, the companies' Uebersax and Page pretend to be from; outline of reply briefs; review Mr. Page's criminal file from Florida; outline of Page IPP experiment and trace if the software has any relation to Elf-Man. Investigate re connection of IPP to

Page to Excipio, note Mr. Lowe's testimony re same; compare Malibu Media cases re same.

We. 8/6 JRS 2.0 – Review timesheets; draft JRS declaration for Motion for Attorney fees.

We. 8/6 RVB 3.0 – Preparation of Rhett Barney declaration and draft of Ryan Lamberson Declaration in support of fees and sanctions, including review of VanderMay declaration and "download activity chart" to support RL's declaration.

Th. 8/7 JCL 2.5 – Initial draft of JCL declaration re Mr. Lowe's testimony; review timeline re same; review phone notes re same; identify misrepresentations for addressing; timeline re same.

Fr. 8/8 JCL 1.5 – Initial draft of JCL declaration re Ms. VanderMay's testimony; timeline re same; file review re Griffin representations by Ms. VanderMay.

Sa. 8/9 JCL 4.0 – Draft 3 reply briefs re attorneys fees and sanctions; determine timeline of Griffin fraud from April 2012 to November 2013; select exhibits.

Su. 8/10 JCL 2.0 – Revisions to lengthy JCL declaration; review Lowe and VanderMay declarations re same; select exhibits. Examine transition from Griffin fraud to Macek fraud re CBC in late 2013.

Mo. 8/11 JCL 4.0 – Finalize 3 reply briefs and declarations of Lynch, Smith, Barney, and Lamberson plus exhibits; final review of Griffin declarations and scope of fraud on the Court by APMC/Guardaley; filing instructions.

August 12, 2014 to Present: JCL 31.5; JRS 0; RVB 0

Th. 9/4 JCL 0.5 – Review orders denying defaults; legal research re intervention.

Tu. 9/9 JCL 2.5 – Review of declarations submitted re default; compare to those filed in RL case. Note Patzer does not provide testimony re length of piece submitted re defaults. Note Uebersax representations in conflict with facts.

We. 9/10 JCL 2.0 – Review of “extra charts” of alleged infringement submitted by EM; compare to chart for Mr. Lamberson to determine forgeries. Instructions to legal assistant to investigate defaulting defendants and desire for works on chart. Note discrepancies: for example one defendant only speaks Spanish, but none of the works on the list is in Spanish.

Th. 9/11 JCL 1.5 – LR re plaintiff’s cost bond for out of state plaintiff; LR re new case filed by Mr. Lowe using erroneous declaration of CBC.

Mo. 9/15 JCL 1.0 – Review new Patzer testimony re misrepresentations; decision not to intervene.

Fr. 10/31 JCL 1.5 – Review incoming Orders regarding defaults, fees and sanctions, outline of response strategy.

Mo. 11/3 JCL 1.0 – LR re reconsideration and appeal issues for sanctions; review of Rule 11 materials re same.

Fr. 11/7 JCL 1.5 – Compile previous testimony re hours spent and associated tasks. Review bills and instructions to staff re redacting ACP and conversion into Declaration.

Mo. 11/10 JCL 1.5 – Correspondence exchange with Mr. Lowe re settlement; forward operative documentation to opposing counsel; revise Declaration.

We. 11/12 JCL 2.0 – Review ECF record re attorneys fees timeline; prepare same to augment bills.

Fr. 11/14 JCL 1.5 – Prepare JCL declaration draft to augment bill descriptions; correspond with opposing counsel.

Mo. 11/17 JCL 4.0 – Revise declaration; select exhibits; review and revise descriptions for ACP and ambiguity keeping time identical.

Tu. 11/18 JCL 4.0 – Revise declaration; select exhibits; review and revise descriptions for ACP and ambiguity keeping time identical; correspond with opposing counsel re settlement.

Th. 11/20 JCL 4.0 – Prepare declaration and exhibits; verify timesheets with source materials.

Fr. 11/21 JCL 4.0 – Prepare and finalize declaration and timesheets for filing.