

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE subscriber assigned IP address  
24.91.167.4,

Defendant.

Civil Action No. 3:16-cv-01245-JAM

**DECLARATION OF ERIN SINCLAIR IN SUPPORT OF PLAINTIFF'S MOTION FOR  
LEAVE TO TAKE DISCOVERY PRIOR TO A RULE 26(f) CONFERENCE**

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**DECLARATION OF ERIN SINCLAIR IN SUPPORT OF PLAINTIFF'S MOTION FOR  
LEAVE TO SERVE A THIRD PARTY SUBPOENA PRIOR TO A RULE 26(f)  
CONFERENCE**

**I, ERIN SINCLAIR, DO HEREBY DECLARE:**

1. I am over the age of eighteen (18) and otherwise competent to make this declaration.

2. The facts stated in this declaration are based upon my personal knowledge and, if called upon to do so, I will testify that the facts stated herein are true and accurate.

3. I am currently the Chief Operating Officer ("COO") for Malibu Media, LLC d/b/a as X-Art.com. I have held this position since Malibu Media was formed approximately five years ago. Prior to that, I worked directly for X-art.com. I have worked for X-Art.com since it was created.

4. As COO, I am responsible for managing the company's daily operations and reporting them to the Chief Executive Officer ("CEO"), Colette Pelissier.

5. My duties include maintaining and updating the website, overseeing all customer service, and overseeing all post-production.

6. As the website manager, I ensure all of Malibu Media's movies are completed and released on time, according to our schedule.

7. As the post-production manager, I oversee the editing process, film production, film schedules, and artwork, among other tasks.

8. As the customer service manager, I oversee billing, log-in information, communications to and from the website, and any issues subscribers may have.

9. Recently, I have also been tasked with overseeing and assisting Malibu Media's litigation counsel to assist with its anti-piracy efforts. Piracy is a major problem for Malibu

Media as each month, tens of thousands of people in the United States and hundreds of thousands throughout the world steal its content through the BitTorrent network.

10. Malibu Media's movies are in some instances infringed through large scale distribution utilizing "Unauthorized Packs" (commonly referred to as 'siterips') on the BitTorrent network.

11. These siterips are particularly damaging to Malibu Media's business because they enable infringers to access a large number of movies with ease in one media file. If an infringer can download nearly the entire contents of our website in one transaction, they will have no incentive to join and pay the subscription fee.

12. In this case, I was tasked with verifying that each movie contained in the infringing siterips belongs to Malibu Media and are exact or near identical copies.

13. I reviewed the zip files provided to me and:

a) I verified that the hash value(s) correctly correlated to the file(s), as set forth below:

1A44F938F9E34A86F83E4AD47EDB272E0B9AF2A3 - X-art Unauthorized Pack

1A44F93

b) I then opened the file(s) and extracted a universe of Malibu Media copyrighted movies.

c) I viewed the movies side-by-side to control copies from Malibu Media's X-art.com website.

d) I verified that each of the movies in the siterip media file(s) corresponding to the above hash(es) is a copy that is identical, strikingly similar, or substantially similar

to Malibu Media's copyright movies. These movies are listed on Exhibit C to the Complaint.

14. We want to stop the infringement of Malibu Media's movies. To further facilitate this goal, Malibu is opening investigations with law enforcement to stop the seeding of its movies. Our goal is stop the prolific infringer responsible for initially seeding the "Unauthorized Packs."

15. I compiled a list of movies present and the corresponding Hash of the file being distributed to forward to federal law enforcement to assist in their investigations.

16. The siterips containing Malibu Media's movie files on the BitTorrent distribution network are a serious risk to our business. We have no other choice but to take action.

**FURTHER DECLARANT SAYETH NAUGHT.**

**DECLARATION**

**PURSUANT TO 28 U.S.C. § 1746**, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 15 day of August, 2016.

**ERIN SINCLAIR**

By: 