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Re: Northern District of Illinois Copyright Troll Litigation

Dear colleagues:

I write with a question, having just retained another copyright troll victim who first spoke to a local copyright troll defense attorney and was encouraged, despite his professions of innocence, to offer \$1200 - \$1800 to one of Michael Hierl's clients in addition to the \$750 flat fee the lawyer required for "settlement negotiations." My question is this: Given the strong evidence that copyright trolling is largely an extortion scam, how can we best work together to help those who have been victimized?

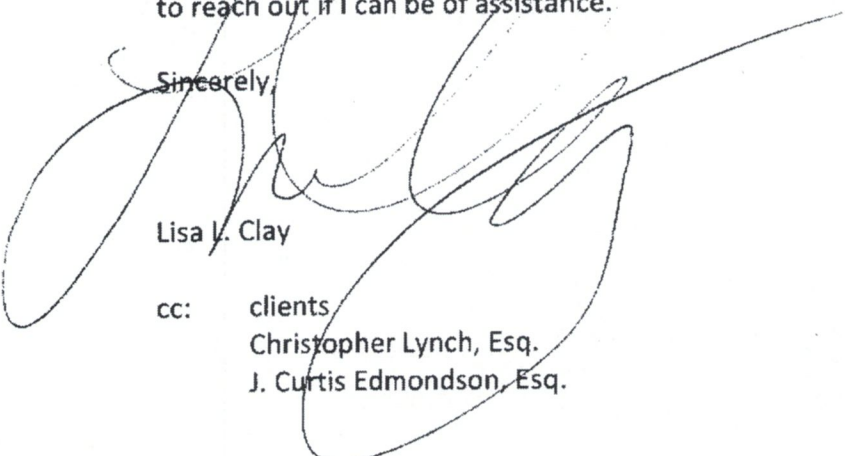
We have all done enough investigation to know that the plaintiffs' claims are highly suspect, and most of us know that inroads are being made with the court system through motions to dismiss and for summary judgment because the plaintiffs' "evidence" cannot withstand evidentiary muster. (If you haven't already seen it, I encourage you to review Judge Wood's recent dismissal order in Case No. 16 cv 1621 (Dkt. No. 75)). If you've done the level of research a handful of dedicated defense attorneys have done (i.e. Curt Edmondson and Chris Lynch, among others) you may suspect, as I do, that these cases are nothing more than a lawyer-driven extortion scam, powered by its victims' fear of the court system. Unfortunately, many attorneys still encourage everyone to settle, even those who profess their innocence. I write to suggest a different strategy.

I'm not a copyright attorney. I fell into troll defense somewhat accidentally, and relegated it to the "pro bono" column of my balance sheet from day one, since my clients never seemed to have much money. I've made my own way, defending my clients on the merits instead of negotiating settlements, and I've only represented a handful of clients who wanted to make a settlement offers. The remainder have stood firm, and obtained payment-free settlement agreements or voluntary dismissals. I want to urge everyone to encourage their clients to push back, and to offer some resources for helping you do just that.

We all know that copyright trolling is a scam, so why shouldn't we work together to shut it down? My colleague Chris Lynch and I have had significant success in obtaining voluntary dismissals using letters like those attached hereto, and I feel confident suggesting that in light of the Steele indictment, the barrage of new evidence on copyright troll websites, and the information provided in the letters herein, advising a client to pay money to a troll or charging more than \$1000 to settle may have some ethical challenges. It is simply too clear that litigants bringing these cases have neither the evidence to prove their case nor the interest in obtaining this evidence. To avoid these ethical hurdles, I charge clients a flat fee of \$250 to write a letter demanding a voluntary dismissal of their claims. To date those letters have resulted in voluntary dismissals 100% of the time. My flat fee is admittedly low because I view these cases as part of my pro bono obligations, but you could easily still make money charging between \$500 - \$1000, and presenting the evidence provided here in lieu of a settlement offer. If we work together, we can render the extortion scheme unprofitable by lowering the cost of defense and limiting settlement amounts paid.

We all know that the copyright troll's paradigm is a drain on both innocent victims and our court system. I encourage you to consider ways you can incorporate the information contained in the letters enclosed into your own negotiations, and further encourage you to reach out if I can be of assistance.

Sincerely,



Lisa L. Clay

cc: clients  
Christopher Lynch, Esq.  
J. Curtis Edmondson, Esq.