

May 16, 2017

David A. Lowe
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Re: ME2 Productions, Inc. v. Mosso, WD WA Case No. 2:17-cv-99

Dear Mr. Lowe:

This law firm represents Jeff Mosso with respect to the federal lawsuit your law firm has filed against him and personally served on him.

We reference our earlier letters regarding James Collins, Jasmin Teodoro, Patricia Alexander, Larry Lewis, Jaime Alacorn, Osamu Motoda, Deanna Robinson, Pauline Conley, Ms. Doe #19, William Krisanda, and Raymond Crockett. All the defenses we raised in those letters apply equally to Mr. Mosso.

Mr. Mosso is currently in his 29th year of service to our United States military. Currently, he is a Lieutenant Colonel U.S. Army deputy surgeon responsible for evacuation systems. He is a Medivac pilot by training. He is currently scheduled to be deployed beginning this summer to Australia and then to Korea.

Lt Col. Mosso is wholly innocent. Lt Col. Mosso is married, and Mrs. Mosso is likewise wholly innocent. Neither of the Mossos copied your client's movie and they do not know who, if anyone, may have copied it. The Mossos live in a suburban neighborhood on the Johnson Point peninsula north of Olympia in Thurston County. They purchased their home in 2011.

Lt Col. Mosso did not have Wi-Fi password protection at the time he is alleged to have been "observed infringing." Currently, Lt Col. Mosso can see over 12 Wi-Fi networks from his home.

Prior to this lawsuit, the Mossos had never heard of BitTorrent or your client's movie. They have no interest in either.



Lt Col. Mosso was asleep on Thursday December 29th at 11:21:16pm when your client's foreign investigator entrapped its blip. Lt Col. Mosso was at Joint Base Lewis-McChord by 6:30am the next morning for physical training, as is the customary start to his workday serving our country. We are informed that the United States Army has attendance and timesheet records to confirm this.

Mr. Mosso was personally served on May 6, 2017. His Answer is due Tuesday May 30, 2017.

We respectfully request that ME2 Productions voluntarily dismiss Lt Col. Mosso. If he is dismissed by Noon on Tuesday May 30, 2017, we will not Answer or seek defense attorneys' fees. If he is not dismissed by Noon Tuesday May 30, 2017, we will Answer on May 30, 2017 and seek defense attorneys' fees when Lt Col. Mosso wins, which is a certainty given his innocence.

In investigating for Lt Col. Mosso, we looked more closely at the declarations used by ME2 Productions in WD WA and in the other districts where it has filed its cases. We have previously explained the issues regarding Mr. Arheidt and his inability to provide sufficient testimony to authenticate the "Maverick Monitor" software, or to authenticate the typed up sheets of alleged infringement which differ in every district.

Likewise, we have previously explained the direct lineage (including use of identical declarations) of Mr. Arheidt claiming to work for "Maverickeye" to those of Mr. Macek claiming to work for "Maverickeye" and "Crystal Bay Corporation," to those of Mr. Achache claiming to work for Guardaley, to those of fictitious witness "Darren M. Griffin," also claiming to work for "Crystal Bay Corporation," to Mr. Gorfein claiming to work simultaneously for "IP Squared" and "Crystal Bay Corporation." Our guess is that the only one of those declarations that is "true" is Mr. Achache's.

We were surprised by your law firm's Opposition to Motion to Dismiss filed to oppose Adam Winter's Motion to Dismiss in WD WA Case No. 16-cv-1351, Dkt. #53. Footnote 2 on page 4 claims: "Likewise, references to a "Darrin [sic] Griffin" or "Crystal Bay Corporation" are irrelevant to this case. To the best of plaintiff's knowledge, the former is an investigator for the latter, but which has never been before this Court or relied upon by any part in this District." What?

We made it clear in Lamberson that we had concluded that "Darren M. Griffin" is fictitious, and that no such person signed the declarations used to get subpoenas in the *Elf-Man* cases. I directly confronted Ms. VanderMay about this and she claimed that "she would check" and after checking, she said that the witness in our case was Daniel Macek working for Crystal Bay Corporation. Your law firm in ECF No. 105 at page 3 claimed "Though much is made of Darrin [sic] Griffin, a former

investigator for Crystal Bay Corporation, there is no Darrin Griffin in this case, to the best of plaintiff's knowledge this former investigator has never been before this Court or been relied upon by any party in this District."

Maybe your statements to ED WA and WD WA in these two cases is technically "correct" since the fictitious "Darren M. Griffin" spelled "his" name "Darren" not "Darrin." But assuming that your firm was taking the position that this accused fictitious person was in fact a real person who worked for a real company, who never filed a declaration in Washington, how can you say that?

By our count, over 70 declarations of "Darren M. Griffin" were filed in WD WA. Our March 6, 2017 letter, for example, identifies numerous "first" and "second" declarations of "Darren M. Griffin" filed in WD WA, identifying cases by number. (Recall that the "first" declarations are the ones where "Darren M. Griffin" testifies that he "has a degree in computer science," and that the "second" declarations are the ones where "Darren M. Griffin" claims an identical work history to Messrs Achache, Padawet, Dinkela, and Arheit.)

Here is our count of the WD WA declarations. R&D Film No. 1 filed both types of "Darren M. Griffin" declarations in seven different cases. Flypaper Distribution LLC filed both types of "Darren M. Griffin" declarations. Private Lenders Group filed both types of "Darren M. Griffin" declarations. D3 Productions, LLC filed both types of "Darren M. Griffin" declarations. Riding Films, Inc. filed both types of "Darren M. Griffin" declarations in seven different cases. The Ledge Distribution LLC filed both types of "Darren M. Griffin" declarations in three different cases. Zembezia Film (Pty.) Ltd. filed both types of "Darren M. Griffin" declarations in thirteen different cases. Voltage Pictures, LLC filed both types of "Darren M. Griffin" declarations in eight different cases.

Seems that a correction to footnote 2 in Dkt. # 53 in Case No. 2:16-cv-1351 is in order. "Darren M. Griffin" has "been before this Court [and] relied on by [a] party in this District" (albeit as a fictitious witness with a bogus technical background.)

We could go on, but you get the point. Your client's foreign representatives have not "worked backward" from a copyright trial in an attempt to devise a system to prosecute actual infringers using admissible evidence sufficient to prove a case. Instead they have "worked forward" from their blip entrapping software using the fiction that it is enough to prove a case, when it is not. Too many innocent people are caught in this reckless net. We will continue to defend these falsely accused innocent people, trying our best to expose the truth about the system that ensnared them.



Please consider our offer to not Answer, nor pursue defense attorneys' fees, if the case against Lt Col. Mosso is dismissed by Noon, Tuesday May 30, 2017. Otherwise, we will submit our Answer that afternoon and patiently work towards Lt Col. Mosso's full exoneration and the ruling on our request for defense attorneys' fees.

Thank you for your consideration of our position.

Very truly yours,

LEE & HAYES, PLLC

A handwritten signature in blue ink, appearing to read "J. Christopher Lynch", is written over the printed name and contact information.

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c: Lt Col. Mosso
Kyle D. Nelson, Esq.