

**EXHIBIT A**

**From:** Chris Lynch [mailto:chris@leehayes.com]  
**Sent:** Monday, November 10, 2014 1:20 PM  
**To:** ccl@winstoncashatt.com; David Lowe  
**Subject:** Attorneys fees in Elf-Man

Counsel: Judge Rice has asked us to negotiate a resolution to our attorneys fees matter in Elf-Man v. Lamberson.

Our initial fee request was for \$206,580 plus costs. I am authorized to accept 90% of this amount or \$185,922, plus the full costs as awarded by the Court, if paid in full by the due date of our pleadings Friday 11/21. We assume it is your clients' best interests to settle now rather than to endure another round of pleadings shining light on APMC's system.

Please advise if you are willing to accept this offer and we can provide our wire-transfer instructions.

**From:** David Lowe [mailto:lowe@lowegramjones.com]  
**Sent:** Monday, November 10, 2014 1:58 PM  
**To:** Chris Lynch  
**Cc:** ccl@winstoncashatt.com  
**Subject:** RE: Attorneys fees in Elf-Man

Chris,

We would be very surprised if that represented a fair proposal, but please send us all of the underlying data in support of attorney's and costs for our review to allow us to fully consider your offer.

**From:** Chris Lynch [mailto:chris@leehayes.com]  
**Sent:** Monday, November 10, 2014 3:06 PM  
**To:** David Lowe  
**Cc:** ccl@winstoncashatt.com  
**Subject:** RE: Attorneys fees in Elf-Man

Not certain what is not fair about 90% of our requested fees. Would there have been some quicker or less expensive way to achieve a dismissal of the case against Mr. Lamberson?

Our claim is based on this underlying data:  
Doc #68 – paragraphs 26-37  
Doc #76 – paragraphs 10-13  
Doc #95 – paragraph 98

**From:** David Lowe <lowe@lowegramjones.com>  
**Sent:** Friday, November 14, 2014 4:45 PM  
**To:** Chris Lynch  
**Subject:** RE: Attorneys fees in Elf-Man

Chris,

I think that the Court has signaled that it is not inclined to award much for these cases, without even taking into account any Rule 11 and/or 1927 offsets in this case, and very little in the way of legitimate costs. I'm authorized to offer roughly 2x what the Court recently found reasonable in the default judgment cases, or \$5k, to settle all claims.

Please advise if your client is willing to accept this offer and we can arrange for an appropriate settlement agreement and funds transfer.

**From:** Chris Lynch [mailto:chris@leehayes.com]  
**Sent:** Tuesday, November 18, 2014 3:29 PM  
**To:** David Lowe; ccl@winstoncshatt.com  
**Cc:** Shaun Cross; Chris Lynch  
**Subject:** RE: Attorneys fees in Elf-Man

David/Collette: Shaun Cross is the CEO of our law firm and copied here. Our firm management team has become involved in the case and regarding appellate decisions. Shaun is our lead commercial/bankruptcy attorney and he will lead the collection efforts with this judgment, and I will lead the appeal of the sanctions rulings.

Your client's token offer is inadequate to resolve the matter. Your client had opportunities for a walk-away, but chose not to accept this solution. Once the walk-away period passed, Elf-Man and its counsel were evasive and deceitful at every turn, including, for example, proffering flat-out lies about the relationship of the parties, the investigators, and the existence of the Elf-Man "witness." We doubt the Court will reward Elf-Man for this behavior with a low fee award.

In the spirit of good faith negotiation in which the Court has asked us to engage, we are willing to make one more move. Our first offer was for 90% of our request and we are now authorized to accept 85% of our fee request, or \$175,593, plus the costs awarded.

Failing immediate payment, we are prepared to submit our timesheets and the ugly story they tell. Won't the remaining innocent defendants (Chinque Albright, Melinda Brommer, Amanda Simons, Ryan Hintz, Doug Boe, Rhonda Boe, Michael Herndon, Carry Haynes, and Joe Robb) use this roadmap to drive more voluntary dismissals and more fee requests? Does Guardaley/APMC really want to continue to throw Elf-Man LLC under the bus as APMC invites more scrutiny of its fraudulent scheme? For example, maybe now would be a good time for APMC to tell the truth about Elf-Man declarant Darren M. Griffin. If Mr. Griffin exists and we misunderstood his role in CBC, we are open to listening. But we suspect that our investigation was accurate and that APMC has filed over 100 fraudulent declarations in the name of a fake person purporting to work for a fake company in order to persuade federal courts to grant relief. That fraud continues to this day with the Macek declarations claiming he works for CBC of South Dakota which cannot be true. You know the truth about CBC and Mr. Griffin – why not enlighten us?

We are pretty certain that Elf-Man LLC was not presented with our walk-away offers. Elf-Man LLC now faces the prospect of multiple money judgments resulting from decisions it apparently did not make. We have already begun to make preparations to collect our judgment against Elf-Man LLC and its principals – principals who appear never to have had a voice in this action. We are also prepared to conduct post-judgment discovery as to the real parties in interest in the matter and to seek recovery from them, including APMC. We are prepared for your "client" to be as evasive and deceitful in collection of the judgment as it has been in litigation of the case, and we think this will only invite a bigger judgment with more fees, giving us more incentive to collect.

The principle of the matter is important to this law firm and its client. In other words, we are dedicated to this cause until our client and our firm are made whole. We trust this is evident.

We remain willing to negotiate in good faith. We are hopeful your client will see the wisdom of settling rather than prolonging this ugly story.

**From:** David Lowe <lowe@lowegramjones.com>  
**Sent:** Friday, November 21, 2014 4:30 PM  
**To:** Chris Lynch  
**Subject:** RE: Attorneys fees in Elf-Man

Chris,

I have not been authorized to alter our earlier offer, which we believe to be reasonable in this case. Please let us know if this is agreeable to your client.

**From:** Chris Lynch  
**Sent:** Friday, November 21, 2014 4:52 PM  
**To:** David Lowe  
**Cc:** Shaun Cross  
**Subject:** Re: Attorneys fees in Elf-Man

As we said below, the token offer is inadequate.  
Can you confirm that Mr. Griffin is fictitious? This will aid our analysis.  
Shaun will likely be the one negotiating with you from this point. Thank you.

**From:** Chris Lynch [mailto:chris@leehayes.com]  
**Sent:** Tuesday, December 02, 2014 11:24 AM  
**To:** Chris Lynch; David Lowe  
**Cc:** Shaun Cross  
**Subject:** RE: Attorneys fees in Elf-Man

David: We have an additional inquiry regarding our attorneys fees request.

Would you please explain the relationship of "MaverickEye UG" to CBC, IPP, APMC and Guardaley?

We saw an article today (below) about your client Dallas Buyers Club being ordered to produce its German investigators in Australia for deposition. Apparently, DBC has told the Australian Court that the investigator is MaverickEye of Germany, not Crystal Bay Corporation of South Dakota as the US DBC cases claim. Since the BT soak is global, we assumed that the investigators should be the same for its US cases as its Australia cases.

MaverickEye was never the subject of any disclosures in our Elf-Man case, but our investigation shows that MaverickEye's website claims the identical address in Stuttgart we were given for Messrs Macek and Patzer in the Initial Disclosures.

Would you mind explaining how MaverickEye is the investigator for the Australian cases, but for the US cases it is Mr. Macek of CBC, the same witness used in our Elf-Man case? To us, this seems like additional evidence that CBC is a sham and that Messrs "Griffin" and Macek never worked for CBC. Maybe Messrs Patzer and Macek work for MaverickEye. We would appreciate an explanation if you can provide one.

**From:** David Lowe  
**Sent:** Thursday, December 04, 2014 7:40 AM  
**To:** 'Chris Lynch'  
**Cc:** Caitlin Johnson  
**Subject:** Elf-Man v. Lamberson

Chris,

These issues are irrelevant, untimely and amount to more wasteful churning in this case. We don't have the time or resources to give you responses to random inquiries of this sort, particularly where (as here) they have nothing at all to do with this case.

**EXHIBIT B**

Lowe Ex. A

<b>3rd</b>	Unrelated cases or 3rd parties
<b>Block</b>	Block billing
<b>CC</b>	Failed counterclaims
<b>Dep</b>	Deposition after notification and voluntary dismissal
<b>Duplicate</b>	Work appears duplicative of identical activity
<b>Exx</b>	Excessive time for activity
<b>Griffin</b>	Unrelated 3rd party investigator
<b>Mail</b>	Challenge to Plaintiff attorney declaration of service
<b>MC</b>	Motion to compel after voluntary dismissal
<b>MS</b>	Motion to strike after voluntary dismissal
<b>PI</b>	Attempts to compel investigators provided by Plaintiff
<b>Sanctions</b>	Failed Rule 11, 1927 or other claims
<b>Unnec</b>	Unnecessary activity based on copyright claims
<b>Vague</b>	Unable to discern activity

Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
9/30/2013	JRS	1	\$200	\$200				Review Lamberson/Elfman Complaint and related issues. Review Court file status re subpoenas and summons.
10/4/2013	JRS	1	\$200	\$200	Block	Duplicate		Review Court file re propriety of summons and service, new Order from Judge Rice; LR re FRCP 4. Report to JCL.
10/8/2013	RVB	0.5	\$200	\$100	Block			Initial investigation re experts or joint defense options; call to EFF at request of Chris Lynch.
10/8/2013	JCL	0.5	\$250	\$125	Block	Sever	Griffin	Examination of Griffin declarations re Illinois Elf-Man cases. Review EFF amicus re joinder.
10/9/2013	RVB	0.7	\$200	\$140	Block	Duplicate		Meeting with Mr. Lamberson regarding case strategy; read Neville dec re tracing honeypots; contact potential expert.
10/9/2013	JRS	0.7	\$200	\$140		Duplicate		Meet with Ryan Lamberson to discuss representation and strategy related to Elf-Man copyright infringement defense.
10/9/2013	JCL	0.7	\$250	\$175				Review complaint and file against client; initial meeting with client.
10/11/2013	RVB	0.8	\$200	\$160		Vague		Calls to hard drive examination experts at request of Chris Lynch.
10/11/2013	JCL	1	\$250	\$250	Block	3rd		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.
10/14/2013	JCL	0.5	\$250	\$125				Client portion of LR re indirect infringement.
10/16/2013	JCL	1	\$250	\$250	Block	3rd	Griffin	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.
10/17/2013	JCL	0.7	\$250	\$175	Block	3rd		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.

Low Ex. A

Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
10/17/2013	JRS	0.8	\$200	\$160		Sever		LR re severing improperly joined claims.
10/18/2013	JCL	1	\$250	\$250	Block	Sanctions		Client portion of LR re file history; letter to opposing counsel inviting substantive discussion and proposing walk-away.
10/18/2013	JRS	0.8	\$200	\$160		Sever		Prepare and finalize Motion to Sever.
10/21/2013	JCL	0.2	\$250	\$50	Block	3rd		Client portion of LR re BT litigation abuse nationwide; correspond with opposing counsel re contradictory evidence of downloading.
10/22/2013	JCL	0.3	\$250	\$75		Unnec		Correspond with opposing counsel re copyright infringement fundamentals and innocence of client.
10/23/2013	JRS	1	\$200	\$200	Block	3rd		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.
10/23/2013	JCL	0.2	\$250	\$50		Vague		Secondary liability update.
10/24/2013	JCL	0.4	\$250	\$100	Block	3rd	Griffin	Client portion of meeting with BT defense counsel re plaintiff counsel abuse; investigation re Darren Griffin and CBC as Elf-Man investigators.
10/24/2013	JRS	0.5	\$200	\$100		3rd		Preparation for and meeting with associated defense counsel to discuss common strategy for defense of clients.
10/25/2013	JCL	2	\$250	\$500	Block	3rd	Griffin	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.
10/29/2013	JCL	0.5	\$250	\$125	Block	3rd		Client portion LR of copyright cases in the 9th Circuit; correspond with opposing counsel refusing to examine CPU.
10/30/2013	JCL	1	\$250	\$250	Block	Sever	Sanctions	Client portion of correspondence exchange with opposing counsel; review incoming pleadings re motion to sever; outline strategy for dismissal or fees.
11/1/2013	JCL	0.7	\$250	\$175	Block		Sanctions	Review incoming Motion under 12b6; prepare correspondence to opposing counsel; OC legal assistant re status of sever motion and procedure.
11/5/2013	JCL	1	\$250	\$250	Block	Sever	Sanctions	Prepare and finalize Reply re severance; LR re effect of severance on filing fee; review UW bt white paper on false positives.
11/20/2013	JCL	1.5	\$250	\$375	Block	3rd	CC	Investigation re bt cases and affirmative defenses and counterclaims; investigate re experts and bt false-positives.
11/21/2013	JCL	1.5	\$250	\$375	Block	CC		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.
11/22/2013	JCL	1.5	\$250	\$375	Block	CC	Sanctions	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.
11/22/2013	JRS	1	\$200	\$200			Sanctions	LR re FRCP 68 and copyright claims and attorneys fees as costs.
11/25/2013	JCL	1	\$250	\$250	Block	CC		Review incoming Notice from Court; prepare, revise and finalize letter to opposing counsel re FRCP 26; initial preparation of Answer and Affirmative Defenses.
11/26/2013	JCL	1.8	\$250	\$450	Block	CC	Unnec	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.

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Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
11/27/2013	JRS	1	\$200	\$200	Block	Duplicate	Sanctions	Review of recently filed pleadings by plaintiff. Conference with Chris Lynch regarding strategy moving forward. LR re counterclaims for abuse of process.
11/27/2013	JCL	1	\$250	\$250	Block	Sanctions		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.
11/29/2013	JCL	2	\$250	\$500		CC		Prepare Answer and Affirmative Defenses to First Amended Complaint.
12/2/2013	JCL	2	\$250	\$500	Block	CC	3rd	Review of bt litigation re other filed answers and counterclaims; meeting of counsel re 26f. Correspond with opposing counsel regarding copyright and bt investigation.
12/3/2013	JCL	1	\$250	\$250	Block	PI		Review incoming draft joint report; LR re private investigator laws in WA.
12/4/2013	JCL	0.8	\$250	\$200	Block	CC		Reply re joint report; LR re misuse and cancellation.
12/5/2013	JCL	2.7	\$250	\$675	Block	3rd	Griffin	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.
12/6/2013	JRS	1.5	\$200	\$300		Vague		Meet with RL to discuss settlement demand, additional issues surrounding defense of copyright infringement and facts of the investigation.
12/6/2013	JCL	0.5	\$250	\$125		3rd		Review 12b6 filed by Mr. Matesky and cited cases.
12/7/2013	JCL	2.5	\$250	\$625	Block	3rd		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.
12/8/2013	JCL	3	\$250	\$750	Block	CC	Vague	Prepare answer, affirmative defenses, and counterclaims; LR re declaratory relief and copyright; LR re barratry and champerty.
12/9/2013	JCL	2	\$250	\$500	Block	3rd	Vague	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.
12/10/2013	JCL	2	\$250	\$500	Block	3rd	Vague	Investigation re seeding of work by plaintiff; review of other Elf-Man DC actions re same; prepare declaratory relief causes of action.
12/11/2013	JCL	2	\$250	\$500	Block	3rd	Vague	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.
12/12/2013	RVB	0.5	\$200	\$100				Prepare requests for production to plaintiff.
12/13/2013	JCL	3	\$250	\$750	Block	3rd	Vague	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.
12/13/2013	RVB	1	\$200	\$200				Prepare requests for production of documents to plaintiff.
12/16/2013	JCL	2.5	\$250	\$625	Block	3rd	PI	Finalize Initial Disclosures; investigate IPP and witnesses; research use of foreign investigators; LR re WA investigator laws.
12/16/2013	RVB	1	\$200	\$200		Duplicate		First set of document discovery out to Elf-Man.
12/17/2013	JCL	5	\$250	\$1,250	Block	3rd	PI	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.



Lowe Ex. A

Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
12/18/2013	JCL	2.5	\$250	\$625	Block	3rd	PI	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.
12/18/2013	JRS	0.8	\$200	\$160	Block	3rd	PI	LR re deposing foreign investigators.
12/19/2013	RVB	0.5	\$200	\$100				Report to Mr. Lamberson on status of matter.
12/19/2013	JCL	3.5	\$250	\$875	Block	3rd	PI	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.
12/19/2013	JRS	0.7	\$200	\$140			PI	LR re deposition of German nationals and Court's suggestion re Letters Rogatory.
12/20/2013	JCL	2.5	\$250	\$625	Block	Sanctions		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.
12/27/2013	JCL	3	\$250	\$750	Block	Sanctions		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.
12/29/2013	JCL	2.5	\$250	\$625	Block	Sanctions	CC	LR re statutory damages and constitutionality; decisions re affirmative claims against statutory damages.
12/30/2013	JCL	2.5	\$250	\$625	Block	Sanctions	Griffin	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.
1/2/2014	JCL	2.5	\$250	\$625	Block	3rd		Investigation re IPP, plaintiff's German witnesses Patzer and Macek; LR re statutory damages and availability in absence of registration certificate.
1/3/2014	JCL	3.5	\$250	\$875	Block	3rd		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.
1/7/2014	JCL	1	\$250	\$250	Block	3rd	Sanctions	Prepare amendment to report re First Amended Complaint; outline re changes; LR re defense attorneys' fees in bt copyright cases.
1/8/2014	JCL	1.5	\$250	\$375	Block	3rd		TC client re status of matter and objectives; Investigation re IPP and CBC; investigation re Blood Money and other Vision Films seeded to bt.
1/9/2014	JCL	1	\$250	\$250	Block	3rd	Sanctions	Review German ruling re IPP techniques and fraud; investigate relationship of IPP and Guardaley.
1/13/2014	JCL	2	\$250	\$500	Block	Sever	3rd	Review 12b6 filings re issue of joinder; LR re secondary copyright liability including contributory infringement and inducement; LR re subscriber liability.
1/14/2014	JCL	4.5	\$250	\$1,125	Block	3rd		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.
1/15/2014	JCL	5	\$250	\$1,250	Block	3rd	Exx	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.

Lowe Ex. A

Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
1/16/2014	JCL	4	\$250	\$1,000	Block	Exx		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.
1/17/2014	JCL	4	\$250	\$1,000	Block	CC	3rd	Review incoming Motion to Dismiss filed by plaintiff; LR re issues therein; review Judge Lasnik orders; review incoming Motion to Dismiss cases.
1/17/2014	RVB	4.5	\$200	\$900	Block	Duplicate		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.
1/19/2014	JCL	3	\$250	\$750	Block	CC		Prepare Second Amended Answer and Counterclaim; LR re SLAPP and sham exceptions.
1/20/2014	JCL	3.5	\$250	\$875	Block	CC		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.
1/20/2014	RVB	6	\$200	\$1,200	Block	Exx		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.
1/22/2014	JCL	1.5	\$250	\$375	Block			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.
1/23/2014	JCL	1	\$250	\$250	Block	CC	3rd	Notice to Withdraw Motion to join Mr. Matesky's motion. LR re other motions against counterclaims in sham copyright litigation.
1/23/2014	JRS	1.6	\$200	\$320		CC		LR re anti-SLAPP claims and defenses thereto.
1/24/2014	JCL	0.5	\$250	\$125	Block	Vague		Correspond with plaintiff re discovery conference; OC re same.
1/24/2014	JRS	1.8	\$200	\$360	Block	CC		Review issues related to anti-SLAPP claim; gather cases re sham litigation defenses.
1/27/2014	JCL	1.5	\$250	\$375	Block	CC	3rd	LR re SLAPP and bittorrent; review status of other Elf-Man and bt cases re counterclaims.
1/28/2014	JCL	1	\$250	\$250	Block	Vague	3rd	Review of bt cases designed to take down the hash; review Tarantino case re same.
1/28/2014	JRS	2.8	\$200	\$560	Block	CC		Research related to anti-SLAPP claims brought by Plaintiff's counsel in her Motion to Stay Discovery.
1/29/2014	JRS	1.4	\$200	\$280	Block	Duplicate		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.
1/29/2014	JCL	1	\$250	\$250	Block			OC re discovery conference and discovery plan; LR re Motion to dismiss.
1/30/2014	JCL	1.5	\$250	\$375	Block	Exx		Execute PO; LR re submission of same; correspond with opposing counsel re discovery failures blaming the PO.
1/31/2014	JCL	1.5	\$250	\$375	Block	3rd		Review incoming discovery plan from plaintiff; Letter to opposing counsel re discovery plan. Investigate IPP and Guardaley including web URL ownership searches.
2/3/2014	JCL	1	\$250	\$250	Block	CC		Review incoming Memo in Opposition to Motion to Amend; review declaration; instructions re Reply and dates; LR re declaratory relief and affirmative defenses.
2/4/2014	JCL	1	\$250	\$250	Block	CC		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.

Lowe Ex. A

Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
2/5/2014	JCL	4	\$250	\$1,000	Block	3rd		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.
2/5/2014	RVB	2	\$200	\$400	Block	Duplicate		Communications with Mr. Lamberson regarding discovery, research and preparation of motion to compel discovery, report to attorney Chris Lynch.
2/6/2014	RVB	2	\$200	\$400		Duplicate		Additional research and changes to motion to compel discovery; identify all missing documents and relevance.
2/6/2014	JCL	5	\$250	\$1,250	Block	CC	Sanctions	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. Cite checking on Memorandum in Response to Plaintiffs motions as well as Chris Lynch
2/7/2014	RVB	2	\$200	\$400	Block	Duplicate	Vague	Declaration in preparation for filing. Report to attorney Chris Lynch re same.
2/7/2014	JCL	2	\$250	\$500		Vague		Review and finalize all pleadings for today including Memorandum in Opposition and Declaration.
2/10/2014	JCL	2.5	\$250	\$625	Block	Duplicate	Vague	Prepare and finalize Reply Memorandum to support motion to amend; final LR re same; filing instructions re Reply.
2/10/2014	RVB	3.5	\$200	\$700	Block	Exx		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.
2/11/2014	JCL	1	\$250	\$250	Block	Duplicate	3rd	Review of discovery demands; OC re Lamberson home visit; investigation re Guardaley/IPP.
2/11/2014	RVB	2.5	\$200	\$500	Block	Duplicate		Finished drafts of Discovery responses and prepared responsive documents for discovery, report to attorney Chris Lynch regarding responses to Elf-Man discovery.
2/12/2014	JCL	2	\$250	\$500	Block	Duplicate		Review incoming correspondence from opposing counsel re excuses for delay in production; review motion to compel discovery; edits to same.
2/13/2014	JCL	3	\$250	\$750	Block	Duplicate		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.
2/14/2014	JCL	2	\$250	\$500	Block	Duplicate		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.
2/18/2014	JCL	0.8	\$250	\$200	Block	Duplicate		Demand to opposing counsel to produce documents in advance of hearing. Review of final discovery responses out.
2/18/2014	RVB	1.5	\$200	\$300	Block	Duplicate		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.
2/19/2014	JCL	0.7	\$250	\$175	Block	Duplicate		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.

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Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
2/20/2014	JCL	3.5	\$250	\$875	Block	3rd	PI	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.
2/21/2014	JCL	4	\$250	\$1,000	Block	3rd	PI	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.
2/24/2014	JCL	3	\$250	\$750	Block	3rd	Exx	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.
2/25/2014	JRS	0.5	\$200	\$100		Duplicate		Conference re approach to argument at discovery conference with Judge Rice; review materials for argument.
2/25/2014	JCL	4	\$250	\$1,000	Block	Unnec		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.
2/26/2014	JCL	2	\$250	\$500	Block	Duplicate	3rd	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.
2/27/2014	JRS	1.5	\$200	\$300	Block	Duplicate		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.
2/27/2014	JCL	2	\$250	\$500	Block	3rd	Griffin	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.
2/28/2014	JCL	3.5	\$250	\$875	Block	3rd	Unnec	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.
3/3/2014	JCL	1	\$250	\$250	Block	3rd	Griffin	Review incoming order from court: LR re IPP and investigation processes; outline of IPP testimony re discovery; review Vision Films cases and Griffin decs.
3/4/2014	JCL	1	\$250	\$250			3rd	LR re IPP and Guardaley and foreign deposition procedures.
3/5/2014	JCL	2.2	\$250	\$550	Block	3rd	PI	Preparation of IPP testimony summaries; outline of procedure for foreign depositions.
3/6/2014	JCL	1.5	\$250	\$375	Block	3rd	PI	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.
3/7/2014	JCL	2	\$250	\$500	Block	3rd	Unnec	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.
3/10/2014	JCL	1	\$250	\$250				Review discovery produced re copyright standing.
3/11/2014	JCL	1	\$250	\$250	Block	Duplicate		Review incoming standing documents; compare to copyright certificates.

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Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
3/12/2014	JRS	2.1	\$200	\$420	Block	Duplicate		Review and analyze interrogatory answers, conference with Rhett Barney re report to client, correspondence with opposing counsel re outstanding discovery.
3/12/2014	RVB	0.5	\$200	\$100				Report to Mr. Lamberson re status of discovery.
3/13/2014	JCL	1	\$250	\$250		3rd		Investigate re false positives in bt monitoring and Guardaley class action in MA.
3/14/2014	JCL	2.5	\$250	\$625	Block	3rd		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.
3/17/2014	JRS	1.4	\$200	\$280	Block	Duplicate	Unnec	Review and analyze Judge Rice's ruling; LR re German deposition procedures at request of JCL.
3/17/2014	JCL	2	\$250	\$500	Block	Unnec		Review incoming Order from Court; review and finalize second amended Answer and exhibits for filing; OC re IPP and CBC subpoenas.
3/18/2014	JCL	2	\$250	\$500	Block	3rd		LR re copyright misuse and counterclaims, investigation re IPP and Keith Libscomb/Malibu Media connection to Elf-Man.
3/19/2014	JCL	1	\$250	\$250		3rd	Unnec	Vision Films investigation re bt abuse including Elf-Man misrepresentations to ED TN.
3/20/2014	JCL	2.5	\$250	\$625	Block	3rd	Unnec	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.
3/21/2014	JCL	2	\$250	\$500	Block	3rd	Griffin	Continue investigation re timeline of infringements re plausibility and Griffin declarations compared to Macek and Patzer data; review rulings against Guardaley for abuse.
3/24/2014	JCL	2.5	\$250	\$625	Block	3rd	Unnec	Investigation re Vision Films and subpoena methods; prepare interrogatories.
3/25/2014	JCL	2	\$250	\$500	Block	Exx	Griffin	Final revisions to discovery out second set to Elf-Man; investigation re Patzer, Macek, Feiser and Griffin.
3/26/2014	JCL	1.5	\$250	\$375	Block	Duplicate	Unnec	Prepare subpoenas re third party standing issues re Vision Films, investigate re same.
3/26/2014	JRS	1.5	\$200	\$300	Block	Duplicate	Vague	Instructions to associates re discovery and compelling production from Elf-Man.
3/26/2014	RVB	1.5	\$200	\$300	Block	Duplicate	Vague	Meeting re discovery and compelling production. Work with staff re identification of items not yet produced.
3/26/2014	JRS	1.5	\$200	\$300	Block	Duplicate	Vague	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.
3/27/2014	JRS	2.4	\$200	\$480	Block	Duplicate	3rd	Investigation re Vision Films and bt data. Update investigation re seeding of work by Vision Films Hero Master.
3/27/2014	JCL	2	\$250	\$500	Block	3rd	Unnec	Revise requests for admission; OC re discovery outstanding; investigation re Vision Films; revise interrogatories.
3/28/2014	JCL	1.5	\$250	\$375	Block	Duplicate	3rd	Revise requests for admission; LR re bt discovery abuse by Libscomb-related parties using Guardaley/IPP.
3/28/2014	JRS	1.9	\$200	\$380	Block	3rd	Vague	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.
3/31/2014	JCL	3	\$250	\$750	Block	Duplicate	Exx	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.

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Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
3/31/2014	JRS	3.8	\$200	\$760	Block	Duplicate	Exx	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.
4/1/2014	JCL	3.5	\$250	\$875	Block	Duplicate	Unnec	Review incoming Motion to dismiss; LR re immunity as applied to declaratory relief actions; outline of memo in opposition; finalize Vision Films subpoena.
4/2/2014	JCL	3.5	\$250	\$875	Block	Duplicate	Unnec	LR re Motion to dismiss, including Noerr-Pennington and sham exception; LR re declaratory relief; and outline of memorandum in opposition.
4/3/2014	JCL	2.5	\$250	\$625	Block	3rd	Unnec	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.
4/3/2014	JRS	0.4	\$200	\$80				Correspondence with Ms. VanderMay regarding discovery.
4/4/2014	JCL	3	\$250	\$750	Block	3rd	Unnec	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.
4/7/2014	JCL	2	\$250	\$500	Block	3rd	Unnec	Continued investigation re Guardaley sham litigation practices including bogus copyright certificates and bogus investigations; identify patterns of filing but not serving.
4/7/2014	JRS	0.8	\$200	\$160	Block	3rd	Unnec	Review new discovery documents produced by Ms. VanderMay. Report to JCL re same.
4/8/2014	JCL	2	\$250	\$500	Block	Duplicate	3rd	Continued LR re sham exception to Noerr-Pennington immunity; LR re inapplicability of Noerr-Pennington to declaratory relief; additional draft of memo in opposition.
4/8/2014	JRS	0.4	\$200	\$80	Block			Review incoming Comcast subpoena materials. Report to JCL re same.
4/9/2014	JCL	2	\$250	\$500	Block	Duplicate	3rd	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.
4/10/2014	JCL	2	\$250	\$500	Block	Duplicate	Unnec	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.
4/11/2014	JCL	2	\$250	\$500	Block	Duplicate	Unnec	Finalize sham litigation research. Finalize memorandum in opposition to motion to dismiss; finalize declaration and exhibits re same. Instructions re filing.
4/15/2014	JCL	2	\$250	\$500	Block	3rd	Vague	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.
4/15/2014	JRS	4.7	\$200	\$940	Block	PI	Vague	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.
4/16/2014	JCL	1.5	\$250	\$375	Block	PI	Unnec	Prepare and finalize letter to opposing counsel re implausible chain of investigator links.
4/17/2014	JRS	2.4	\$200	\$480	Block	Duplicate	Unnec	Further research and review of letters rogatory related to German witnesses and depositions; prepare report re options for discovery of investigators.
4/17/2014	JCL	1.5	\$250	\$375	Block	PI	Unnec	Additional investigation re CBC hiring German nationals; LR re immigration and employment or contractor.



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Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
4/18/2014	JCL	4	\$250	\$1,000	Block	3rd	Unnec	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.
4/18/2014	JRS	0.8	\$200	\$160		3rd	Unnec	Review and analyze APMC material.
4/21/2014	JCL	3	\$250	\$750	Block	3rd	Unnec	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.
4/21/2014	JRS	4	\$200	\$800	Block	3rd	Unnec	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.
4/21/2014	RVB	2.8	\$200	\$560	Block	3rd	Unnec	Research and attempted contact/communications with Gerephil Molina that created the APMC Prezi. Draft responses to additional requests for production/rogs from opposing counsel.
4/22/2014	JCL	1.5	\$250	\$375	Block	3rd	Unnec	Correspond with plaintiff's counsel; prepare and finalize discovery out – APMC RFP's.
4/22/2014	RVB	1	\$200	\$200	Block	3rd		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.
4/22/2014	JRS	3.2	\$200	\$640	Block	Exx		Finalization of response to opposing counsel's request for clarification of discovery. Draft letter to Comcast related to subpoena from opposing counsel.
4/23/2014	JCL	1	\$250	\$250	Block	3rd	Unnec	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.
4/23/2014	JRS	1.2	\$200	\$240	Block	Duplicate		Meeting with Mr. Lamberson to discuss status of case and upcoming issues; Draft letter to Comcast related to subpoena from opposing counsel.
4/24/2014	JCL	1	\$250	\$250		Unnec		LR re preservation of foreign witness testimony and use in trial.
4/25/2014	JRS	3	\$200	\$600	Block	Duplicate	Unnec	Review and analyze opposing counsel's reply memorandum, review and analyze response to Vision Films subpoena. Summarize cases at request of JCL.
4/25/2014	JCL	0.7	\$250	\$175	Block			Review incoming reply memo and related evidence; instructions to associate re same.
4/28/2014	JCL	2	\$250	\$500	Block	Unnec		Legal research re letters rogatory; review proposed exhibits for motion to compel; prepare same.
4/28/2014	JRS	1.9	\$200	\$380	Block	Unnec		Draft Declaration for Motion to Compel re process of deposing German nationals.
4/29/2014	JCL	2	\$250	\$500	Block	3rd	Exx	Review new white papers on bittorrent monitoring false positives; add to exhibit list.
4/29/2014	JRS	2	\$200	\$400	Block	Duplicate	Unnec	Additional revisions to declaration and exhibits for Motion to Compel and Request for Letters of Request.
4/30/2014	JRS	0.5	\$200	\$100		Unnec	Vague	Final review and execution of Declaration of Smith with accompanying exhibits.

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Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
4/30/2014	JCL	3.5	\$250	\$875	Block	Unnec		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.
5/1/2014	JCL	1	\$250	\$250	Block	Duplicate	Vague	Correspond with opposing counsel re her idea to suspend defense discovery. Develop strategy re same.
5/1/2014	JRS	1.7	\$200	\$340		Exx		Review and analyze plaintiff's response to our most recent discovery requests.
5/2/2014	JCL	2.1	\$250	\$525	Block	3rd	Griffin	Investigation re implausibility of CBC and Macek explanation; investigation re Griffin declarations and use of Griffin vs Macek.
5/5/2014	JCL	1.5	\$250	\$375	Block	Duplicate	PI	Review incoming discovery and outline of deficiencies. Correspond with opposing counsel re deposition days for client; LR re new MI private investigator CPU laws.
5/6/2014	JCL	2.1	\$250	\$525	Block	3rd	Unnec	LR re compelling testimony of foreign witnesses; continued investigation re CBC and IPP and APMC; WA and MI private investigator research.
5/6/2014	JRS	1.4	\$200	\$280	Block	Duplicate		Preparation for phone conference with opposing counsel, prehearing conference with opposing counsel, and post conference strategy meeting with team.
5/6/2014	RVB	1.5	\$200	\$300	Block	Duplicate		Conference with Ms. VanderMay re outstanding discovery and preparation meeting for conference with Judge Rice.
5/7/2014	JCL	1	\$250	\$250	Block	Duplicate		Review incoming letter to Court re Elf-Man discovery offer; LR re staging of discovery.
5/8/2014	JCL	1.5	\$250	\$375	Block	Duplicate		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.
5/8/2014	JRS	2.7	\$200	\$540	Block	Duplicate		Preparation for Discovery Conference before Judge Rice. Final review of materials in preparation for discovery conference before Judge Rice.
5/9/2014	JCL	1.5	\$250	\$375	Block	Duplicate		Review letters to the court; prepare argument notes; OC JRS re same; additional investigation re CBC and IPP and abuse of process.
5/9/2014	JRS	2.3	\$200	\$460	Block	Duplicate		Final preparations for phone conference with Judge Rice; Phone conference with Judge Rice and opposing counsel Maureen VanderMay regarding discovery issues. Report to JCL.
5/12/2014	JCL	1	\$250	\$250	Block	3rd		Investigate re German witnesses and testimony in Bellwether case; investigate plausibility of explanation provided by plaintiff.
5/13/2014	JCL	1	\$250	\$250	Block	Vague		Review incoming materials; investigate misrepresentations in ID's by Elf-Man.
5/14/2014	JCL	2	\$250	\$500	Block	3rd		Review incoming settlement offer and prepare reply to same; investigation re Germans and attorneys fees; finalize demand re same.
5/14/2014	JRS	1.4	\$200	\$280	Block	Exx		Draft email response to Plaintiffs counsel regarding suggested telephonic deposition of German witnesses.
5/15/2014	JCL	1	\$250	\$250	Block	PI	Unnec	Legal research re place of deposition and foreign fact witnesses; LR re WA and MI private investigator statutes.
5/16/2014	JCL	2.1	\$250	\$525	Block	PI	Unnec	Investigation re German witnesses and place of deposition; legal research re same. Outline of Motion to Compel deposition of investigators in Spokane.



Lowe Ex. A

Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
5/19/2014	JCL	3.4	\$250	\$850	Block	3rd	Unnec	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.
5/20/2014	JCL	1.7	\$250	\$425	Block	Duplicate	Unnec	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.
5/20/2014	JRS	1.2	\$200	\$240		Unnec		Review and revise declaration in support of defendant's reply to plaintiff's response re Motion to Compel.
5/21/2014	JCL	1.5	\$250	\$375	Block	PI	3rd	Investigation re bogus German phone numbers and witnesses; letter to opposing counsel re same; prep and finalize declaration re same; service of 30b6.
5/22/2014	JCL	1.5	\$250	\$375	Block	PI	3rd	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.
5/23/2014	JCL	1.4	\$250	\$350	Block	Duplicate	Vague	Update witness files; prepare amended Initial Disclosures re evidence and witnesses discovered despite EM's bogus explanation.
5/26/2014	JRS	0.6	\$200	\$120		Duplicate	Vague	Review and respond to correspondence with opposing counsel re discovery.
5/27/2014	JCL	2.2	\$250	\$550	Block	3rd		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.
5/28/2014	JCL	1.3	\$250	\$325	Block	3rd		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.
5/29/2014	JCL	1.2	\$250	\$300	Block	3rd		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.
5/30/2014	JCL	2	\$250	\$500	Block	Mail	Unnec	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.
5/30/2014	JRS	0.7	\$200	\$140	Block	Mail	Unnec	LR re waiver of objections in federal court by late submission.
6/1/2014	JCL	1	\$250	\$250	Block	Mail	Unnec	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.

Lowe Ex. A

Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
6/2/2014	JCL	3.5	\$250	\$875	Block	3rd	PI	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.
6/2/2014	JRS	1.2	\$200	\$240		Unnec		Review issues related to sudden withdrawal of opposing counsel at request of Chris Lynch including corporations acting pro se.
6/3/2014	JCL	4.5	\$250	\$1,125	Block	Mail	Exx	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.
6/4/2014	JRS	1.6	\$200	\$320		Duplicate		Review opposing counsel's Motion to Withdraw and research case law related to effect of withdrawal on pro se corporate defendant.
6/4/2014	JCL	4	\$250	\$1,000	Block	Mail		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.
6/5/2014	JCL	4	\$250	\$1,000	Block	3rd	Sanctions	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.
6/6/2014	JCL	2	\$250	\$500		Sanctions		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.
6/9/2014	JCL	3	\$250	\$750	Block	3rd	Sanctions	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.
6/10/2014	JCL	2.5	\$250	\$625	Block	3rd	Sanctions	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.
6/10/2014	JRS	2.1	\$200	\$420	Block	Dep	Unnec	Conference to discuss upcoming depositions, pleadings, and hearings in light of opposing counsel's Motion to Withdraw. Prepare shell re withdrawal opposition.
6/11/2014	JCL	2.5	\$250	\$625	Block	MC	Sanctions	Legal research re sanctions for ethical motion to withdraw;prepare Motion to Compel AMPC documents.
6/12/2014	JCL	3.5	\$250	\$875	Block	MC	3rd	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.

Lowe Ex. A

Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
6/13/2014	JCL	5.8	\$250	\$1,450	Block	3rd	Exx	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.
6/13/2014	JRS	3.3	\$200	\$660	Block	Duplicate	Sanctions	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.
6/13/2014	RVB	0.5	\$200	\$100		Dep	Unnec	Meeting with Mr. Lamberson and client deposition preparation.
6/16/2014	JCL	2.5	\$250	\$625	Block	Duplicate	Sanctions	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.
6/17/2014	JCL	2.5	\$250	\$625	Block	3rd	Griffin	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.
6/17/2014	JRS	1.5	\$200	\$300		Duplicate	Unnec	Legal research re conditioning 41a2 dismissal on payment of fees or sanctions.
6/18/2014	JCL	2	\$250	\$500	Block	Duplicate	Unnec	Review legal research re conditioning dismissal and update same; outline of Memo re Motion to Dismiss. OC re 30b6 objectives and exhibits.
6/19/2014	JCL	2.2	\$250	\$550	Block	Duplicate	Unnec	Prepare Memo re Motion to Dismiss; prepare declaration draft re same.
6/20/2014	RVB	1	\$200	\$200	Block	Dep	Unnec	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.
6/20/2014	JCL	2.3	\$250	\$575	Block	Duplicate	Unnec	Revise Declaration re Motion to Dismiss re ethics abuses, select exhibits re same.
6/23/2014	JCL	2	\$250	\$500	Block	Vague	Fees	Prepare timeline for fee request; review timesheets/bills and court docket re same.
6/23/2014	RVB	0.5	\$200	\$100		Vague		Preparation of draft Ryan Lamberson declaration.
6/24/2014	JCL	2	\$250	\$500	Block	3rd	Vague	Review ED WA and WD WA files re timeline of progress for fee request; revise declaration re same.
6/25/2014	JCL	2	\$250	\$500	Block	Duplicate	Fees	Review bills sent to client re fee request. Summarize bills and time for declaration. LR re AIPLA IP litigation statistics.
6/26/2014	JCL	1	\$250	\$250	Block	Duplicate	Sanctions	Revise declaration and timeline work; select exhibits re fraud on Court and abuse of process. 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.
6/27/2014	JCL	2	\$250	\$500	Block	3rd	Sanctions	Prepare and submit Notice re Motion to Compel; correspond with opposing counsel re same.
6/30/2014	JCL	2	\$250	\$500	Block	MC	Unnec	Revise declaration re Memo in Opposition of Motion to Dismiss; review tardy incoming pleadings from Elf- Man re Motion to Compel.

Lowe Ex. A

Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
7/1/2014	JCL	6	\$250	\$1,500	Block	MS	Exx	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.
7/2/2014	JRS	1.3	\$200	\$260	Block	Duplicate	Fees	Final review of AIPLA statistics re state of copyright fees for various types of cases. Report to JCL re declaration.
7/2/2014	JCL	3	\$250	\$750	Block	MC	Unnec	Preparation of Memo and Declarations re Motion to Compel and Motion to Dismiss; legal research re same; revise pleadings.
7/2/2014	RVB	1	\$200	\$200	Block	3rd		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.
7/3/2014	JCL	3	\$250	\$750	Block	MC		Finalize Reply Memo re Motion to Compel; finalize Memo re Motion to Dismiss; finalize Declaration of JCL and exhibits re same.
7/7/2014	JRS	1.2	\$200	\$240	Block	MC	Unnec	LR re Motion to Compel with Motion to Dismiss pending; LR re revival of action if dismissal withdrawn.
7/7/2014	JCL	1.5	\$250	\$375	Block	MS		Review incoming opposition to Motion to Strike; LR re local rules and Mr. Lowe's reading of them.
7/8/2014	JCL	4	\$250	\$1,000	Block	3rd	Griffin	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.
7/8/2014	JRS	2.2	\$200	\$440	Block	Duplicate	Unnec	LR re withdrawal of Motion to Dismiss and implications on pending motions.
7/9/2014	JCL	3.5	\$250	\$875	Block	MS	3rd	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.
7/10/2014	JCL	3	\$250	\$750	Block	Unnec		Review incoming Order from the Court; initial research re reconsideration for failure to award fee condition. LR re sanctions as condition.
7/11/2014	JCL	3	\$250	\$750	Block	Sanctions	Griffin	Legal research re 505 attorneys fees, sanctions under 1927 and Rule 11; outline facts re each; investigate Griffin and CBC fraud on Court.
7/14/2014	JCL	2.5	\$250	\$625	Block	Sanctions	Griffin	Legal research re defense fees under 17 USC 505; LR re Rule 11 sanctions in copyright; review Griffin declarations re fraud on Court.
7/15/2014	JCL	2.5	\$250	\$625	Block	Sanctions	Griffin	Legal research re defense attorneys fees under 17 USC 505; LR re 1927 sanctions in copyright.
7/15/2014	RVB	1	\$200	\$200	Block	Sanctions	Griffin	Communicate with client re status of matter and dismissal implications; report to Chris Lynch.
7/16/2014	JCL	3	\$250	\$750	Block	Sanctions	Griffin	Initial prep of Motion for 17 USC 505 attorneys fees and declaration re same; timeline and case comparisons re copyright fees.
7/16/2014	RVB	2	\$200	\$400	Block	Sanctions	Griffin	Exhibit selection re Griffin declarations; compare signatures to Fieser and Macek.
7/17/2014	JCL	3	\$250	\$750	Block	Sanctions	Griffin	Initial prep of Motion for FRCP 11 sanctions; timeline and declaration re same; exhibit selection; investigate re CBC and Griffin fraud on Court.
7/17/2014	RVB	2	\$200	\$400	Block	Sanctions	Griffin	Exhibit determination re Griffin declarations; compare signatures.
7/18/2014	JCL	3	\$250	\$750	Block	Sanctions	Griffin	Initial prep of Motion for 28 USC 1927 Sanction; timeline and declaration re same; exhibit selection.
7/21/2014	JCL	2	\$250	\$500	Block	Sanctions	Griffin	Finalize all three Motions and Declarations plus exhibits for filing; instructions re same.
7/23/2014	JCL	1	\$250	\$250		3rd	Griffin	Investigation into CBC and Darren Griffin re fraud on Court for Elf-Man and Vision Films.

Lowe Ex. A

Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
7/24/2014	JCL	1.5	\$250	\$375		3rd	Griffin	Investigation into whether Darren Griffin exists and fraud by Elf-Man and Thompsons Film and their counsel.
7/25/2014	JCL	1.5	\$250	\$375		3rd	Griffin	Investigation into Darren Griffin, Daniel Macek and Tobias Fieser re IPP; examine Fieser and Macek signatures to determine if Griffin fraud theories are true.
7/28/2014	JCL	2	\$250	\$500	Block	3rd	Griffin	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.
7/29/2014	JCL	1.5	\$250	\$375	Block	3rd	Griffin	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.
7/30/2014	JCL	1.5	\$250	\$375	Block	3rd	Griffin	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.
7/31/2014	JCL	1.5	\$250	\$375	Block	3rd	Griffin	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.
8/1/2014	JCL	1.5	\$250	\$375	Block	Sanctions	Griffin	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.
8/4/2014	JCL	2.5	\$250	\$625	Block	Sanctions	Griffin	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.
8/5/2014	JCL	2.5	\$250	\$625	Block	3rd	Sanctions	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.
8/6/2014	JCL	3	\$250	\$750	Block	3rd	Sanctions	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.
8/6/2014	JRS	2	\$200	\$400	Block	Fees		Review timesheets; draft JRS declaration for Motion for Attorney fees.
8/6/2014	RVB	3	\$200	\$600	Block	Sanctions		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.
8/7/2014	JCL	2.5	\$250	\$625	Block	Sanctions		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.
8/8/2014	JCL	1.5	\$250	\$375	Block	Sanctions	Griffin	Initial draft of JCL declaration re Ms. VanderMay's testimony; timeline re same; file review re Griffin representations by Ms. VanderMay.
8/9/2014	JCL	4	\$250	\$1,000	Block	Sanctions	Griffin	Draft 3 reply briefs re attorneys fees and sanctions; determine timeline of Griffin fraud from April 2012 to November 2013; select exhibits.
8/10/2014	JCL	2	\$250	\$500	Block	Sanctions	Griffin	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.

Lowe Ex. A

Date	Attorney	Time	Rate	Total	Tag01	Tag02	Tag03	Description
8/11/2014	JCL	4	\$250	\$1,000	Block	Sanctions	Griffin	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.
9/4/2014	JCL	0.5	\$250	\$125	Block	3rd		Review orders denying defaults; legal research re intervention.
9/9/2014	JCL	2.5	\$250	\$625	Block	3rd		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.
9/10/2014	JCL	2	\$250	\$500	Block	Vague	3rd	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.
9/11/2014	JCL	1.5	\$250	\$375	Block	3rd		LR re plaintiff's cost bond for out of state plaintiff; LR re new case filed by Mr. Lowe using erroneous declaration of CBC.
9/15/2014	JCL	1	\$250	\$250	Block	3rd		Review new Patzer testimony re misrepresentations; decision not to intervene.
10/7/2014	JCL	1	\$250	\$250	Block	Sever		Observe demonstration of bittorrent process; LR re joinder; investigation re BT copyright abuse in CD CA.
10/31/2014	JCL	1.5	\$250	\$375		Fees	Exx	Review incoming Orders regarding defaults, fees and sanctions, outline of response strategy.
11/3/2014	JCL	1	\$250	\$250	Block	Sanctions	Exx	LR re reconsideration and appeal issues for sanctions; review of Rule 11 materials re same.
11/7/2014	JCL	1.5	\$250	\$375	Block	Fees	Exx	Compile previous testimony re hours spent and associated tasks. Review bills and instructions to staff re redacting ACP and conversion into Declaration.
11/10/2014	JCL	1.5	\$250	\$375	Block	Fees	Exx	Correspondence exchange with Mr. Lowe re settlement; forward operative documentation to opposing counsel; revise Declaration.
11/12/2014	JCL	2	\$250	\$500	Block	Fees	Exx	Review ECF record re attorneys fees timeline; prepare same to augment bills.
11/14/2014	JCL	1.5	\$250	\$375	Block	Fees	Exx	Prepare JCL declaration draft to augment bill descriptions; correspond with opposing counsel.
11/17/2014	JCL	4	\$250	\$1,000	Block	Fees	Exx	Revise declaration; select exhibits; review and revise descriptions for ACP and ambiguity keeping time identical.
11/18/2014	JCL	4	\$250	\$1,000	Block	Fees	Exx	Revise declaration; select exhibits; review and revise descriptions for ACP and ambiguity keeping time identical; correspond with opposing counsel re settlement.
11/20/2014	JCL	4	\$250	\$1,000	Block	Fees	Exx	Prepare declaration and exhibits; verify timesheets with source materials.
11/21/2014	JCL	4	\$250	\$1,000		Fees	Exx	Prepare and finalize declaration and timesheets for filing.

**EXHIBIT C**



**THE VANDERMAY LAW FIRM PC**

2021 S. Jones Blvd.  
Las Vegas, Nevada 89146

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MONTY K. VANDERMAY  
ADMITTED IN:  
OREGON  
NEVADA  
HAWAII

TELEPHONE: (702) 538-9300 FAX: (702) 538-9301

MAUREEN C. VANDERMAY  
ADMITTED IN:  
OREGON  
CALIFORNIA  
WASHINGTON

May 13, 2014

J. Christopher Lynch  
Lee & Hayes, PLLC  
601 W. Riverside Avenue, Suite 1400  
Spokane, Washington 99201  
Email: [chris@leehayes.com](mailto:chris@leehayes.com)

**Sent via E-Mail Only**

RE: *Elf-Man, LLC v. Lamberson*  
USDC ED Washington, 2:13-CV-00395-TOR

Dear Chris:

Based on your representations regarding your client and the expense incident to litigating this action, we are concerned that any award, together with costs and fees, would push your client into insolvency. Given these circumstances, as a practical matter, Plaintiff may only be able to obtain equitable relief from your client. As you may know, the courts are split with respect to whether awards based upon the willful infringement of a plaintiff's rights are dischargeable in bankruptcy. Nonetheless, Plaintiff does not wish to force any party into bankruptcy. As such, Plaintiff offers to fully settle and resolve all claims between the parties for the equitable relief prayed for by Plaintiff, namely that your client agree to not infringe Plaintiff's rights going forward and delete any unauthorized copies of its film.

Such a settlement can be accomplished by a consent judgment granting Plaintiff the prayed for equitable relief with all costs and fees to be born by the separate parties, or through a confidential settlement agreement and a dismissal filed with the court. The manner of effecting the settlement we leave up to you and your client.

To be clear, we are prepared to fully and completely settle and resolve this case for equitable relief only and with no economic damages paid by your client. We simply need the acknowledgment of Plaintiff's rights and the agreement that Defendant will respect those rights going forward. Should your client wish to agree in principle to this resolution, we are open to your proposals on how you wish to effect this outcome.

Similarly, please note that should Defendant force this matter to trial under the belief that he can simply pursue bankruptcy protection to escape liability, willful acts are not always dischargeable



J. Christopher Lynch  
May 13, 2014  
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and courts have routinely denied such relief to vexatious litigants. *See Walker v. Stanley*, 231 B.R. 343 (N.D. Cal. 1999). Plaintiff also reserves the right to seek relief under 28 U.S.C. § 1927, which reads as follows:

"Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to reasonably incurred because of such conduct."

In closing, we are, of course, well aware of your repeated claims that your client is not liable and that you have approached this case in a manner designed to induce Plaintiff to abandon its claims. Please understand that we are equally convinced that Plaintiff will prevail in this action. We both recognize that each side faces considerable fees and costs to take this matter through trial. With the parties' respective positions and the cost of this litigation in mind, we designed this proposal to allow each party to put this matter behind them at this juncture.

Thank you for your attention to this matter. We look forward to hearing back from you on this proposal. If you believe that it could be helpful to discuss this matter by telephone, please feel free to give me a call at your convenience.

Sincerely yours,

**/s/ Maureen C. VanderMay**

Maureen C. VanderMay  
Attorney and Counselor at Law

MCV:ms

cc: Elf-Man/Lamberson EDWA File



601 West Riverside Avenue, Suite 1400  
Spokane, WA 99201

Phone | 509.324.9256  
Fax | 509.323.8979

May 14, 2014

VIA EMAIL

Maureen VanderMay  
The VanderMay Law Firm PC  
2021 S. Jones Blvd.  
Las Vegas, NV 89146  
[elfmanwa@vandermaylawfirm.com](mailto:elfmanwa@vandermaylawfirm.com)

*Re: Elf-Man, LLC v. Lamberson, ED WA Case No. 2:13-cv-00395-TOR  
Offer to Settle. Letter made pursuant to FRE 408.*

Dear Counsel:

We are in receipt of your offer to settle the case for a consent judgment granting the plaintiff the equitable relief it seeks. As we understand your client's own representations to the federal courts, your client does not accept "nuisance" settlements from otherwise innocent defendants. It seems your client's offer fits in this category. We appreciate you reaching out to engage in settlement dialogue, but we cannot recommend that Mr. Lamberson unnecessarily subject himself to a court order when he did not commit the act.

We remain, however, willing to settle the case by a dismissal with prejudice of both sides' claims plus payment of Mr. Lamberson's attorneys' fees to date. We made this identical offer on Friday April 18, 2014 where we indicated that there were many upcoming issues on the calendar, so it would be a good time to settle. You replied saying that we had not provided enough information to consider a settlement recommendation. We replied on April 21, 2014 by providing a copy of the BPO Cebu expose and providing twelve numbered paragraphs of explanation why acceptance of our settlement offer was a good idea. All twelve of those points remain valid, and settlement now remains a good idea.

If your client is willing to make an offer to settle that does not include any consent judgment and which would include payment to Mr. Lamberson (and a representation that Vision Films will not bring an identical case), we are willing to stipulate to an extension of the due date on the Motion to Compel brief you have due today, and then



we can work in good faith on the details, paperwork, and timing of payment to get this resolved without any more required discovery or court proceedings.

You are asking our client to do the practical thing and avoid future fees, and we would ask your client to do the same. There is much on the calendar: (i) the Motion to Compel, (ii) the required Answer to the Counterclaims if the judge denies your 12(b)(6) Motion, (iii) the APMC discovery, (iv) the travel and court reporter expenses related to Mr. Lamberson's deposition, (v) the travel and deposition copy expenses related to the 30(b)(6) deposition the next day, (vi) the computer forensics costs, including travel to Spokane to inspect the machines, and (vii) the travel expenses for your firm and the German witnesses if the judge is to grant the motion to Compel – all in the next 60 days. These immediate expenses could exceed our attorneys' fees incurred to date. Most certainly, the expenses of your client proceeding to trial will exceed our fees to date. Our offer is the "least cost" option your client is currently facing.

We understand your client's reluctance to participate in any of these seven items, not just from the expense standpoint. Your client can surely see that each of these seven items will further expose the investigative and proof problems that we have raised from the start. In other words, settling now allows your client to avoid the immediate costs of the seven items, plus the inevitable saved expense of dealing with these weaknesses as the case proceeds to trial. Not to mention the exposure into the public record of the backroom of APMC/Guardaley, or Hero Master's seeding of Vision Films' offerings – these could affect thousands of other innocent people ensnared in copyright actions. We know your client wants to keep these items from public view.

I trust your client and APMC see our tenacity and that we will not rest until we have a full understanding of the evidence against Mr. Lamberson. We know that not every accused defendant has sought this evidence, but since our suspicions continue to be confirmed, we see no reason not to continue to engage in discovery until the truth is known.

We offered your client multiple opportunities for a "no cost" settlement prior to our obligation to Answer. Your client rejected these offers, and took a risk that the Court would accept strict liability for having an IP address. We cautioned your client on this point, since there was no precedent for strict liability. Your client's failure to re-file against the Western District of Washington defendants is telling as a realization of its serious evidentiary and pre-filing investigation problems.



As we said on the phone, it seems APMC's machinery was put into place with good ideas about how to commence and settle cases, but without a lot of serious considerations about bringing a U.S. case to trial with admissible evidence.

We understand the bankruptcy laws as we hope your client understands them. Willful copyright infringement might not be dischargeable, but since we have control over those facts (i.e. we know Mr. Lamberson did not commit infringement, therefore we know he did not commit willful infringement), we are not especially concerned that a misguided jury verdict of general liability for your client could somehow become a permanent debt by virtue of your client bringing and then somehow prevailing in a bankruptcy court adversary proceeding showing non-dischargeable willfulness.

Frankly, we are more concerned about Elf-Man LLC filing bankruptcy to avoid the inevitable attorneys' fees against it. We think the *Walker v. Stanley* case you cite is interesting in this regard, since the debtor was criticized for serial filing of bogus legal proceedings, not for legitimately defending one. In other words, has Elf-Man LLC considered that bankruptcy may not be an option to avoid the inevitable money judgment against it?

We cannot see how 28 USC 1927 could be applied against Mr. Lamberson. How has Mr. Lamberson vexatiously multiplied the proceedings? It is obvious your client will do whatever it takes to avoid having to answer the counterclaims or to avoid explaining the truth about the investigators. We suspect the same will be true about the communications with APMC, and that we will be right back with the Court about APMC and Crystal Bay Corporation ("CBC"). It is true that we have taken aggressive approach to exposing the flaws in the case, but only after politely asking at each decision point for your client to admit the facts that we suspected were true. For example, we continue to be rebuffed in our polite inquiries about how South Dakota's CBC could possibly be enmeshed between APMC and Mr. Macek. CBC remains "delinquent" in the South Dakota records. CBC appears to be subject to administrative dissolution under SDCL 47-1A-1420 for several violations of South Dakota law, including failures in annual reporting, its fictitious registered agent and president, failure to house operative documents at its headquarters locations, and other violations of SDCL 47-1A. The proceedings would be simpler if your client could simply tell us the truth about CBC, or it could settle now and avoid the point. The same is true about APMC.



We recognize the costs of proceeding and the risks that your client could somehow “win.” But your client should recognize the same – and the chances that it will face a judgment for our attorneys’ fees through trial. We are fully prepared to try the case and we doubt your client would find the experience satisfactory. We see your claim that your client is “equally convinced” it will win at trial, but unless you can explain how this could possibly happen (especially if the forensics clear the machine), we are not concerned about proceeding to trial and winning the case.

The bottom line is that we appreciate your client reaching out to offer to settle. If you can convince your client to pay our fees, we can resolve it now. This matter will never be less expensive or easier to resolve than it is today.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Christopher Lynch", is written over a light blue circular stamp.

J. Christopher Lynch  
Lee & Hayes, PLLC  
601 W. Riverside, Suite 1400  
Spokane, WA 99201  
509-944-4792  
[Chris@leehayes.com](mailto:Chris@leehayes.com)

Enclosure

cc: Jeffrey Smith  
Rhett Barney

**THE VANDERMAY LAW FIRM PC**

2021 S. Jones Blvd.  
Las Vegas, Nevada 89146

\*\*\*\*\*

MONTY K. VANDERMAY  
ADMITTED IN:  
OREGON  
NEVADA  
HAWAII

TELEPHONE: (702) 538-9300 FAX: (702) 538-9301

MAUREEN C. VANDERMAY  
ADMITTED IN:  
OREGON  
CALIFORNIA  
WASHINGTON

May 19, 2014

J. Christopher Lynch  
Lee & Hayes, PLLC  
601 W. Riverside Avenue, Suite 1400  
Spokane, Washington 99201  
Email: [chris@leehayes.com](mailto:chris@leehayes.com)

**Sent via E-Mail Only**

RE: *Elf-Man, LLC v. Lamberson*  
USDC ED Washington, 2:13-CV-00395-TOR

Dear Chris:

Thank you for your response to our settlement proposal. The following sets forth Plaintiff's response to your counter-offer.

First, we do not see our proposed resolution as a "nuisance settlement." Rather, in light of the escalating costs of this litigation, we have proposed a means of resolving a disputed claim and one which takes account of your client's financial circumstances, at least as you have described them to the Court. More importantly, you mischaracterize our offer in stating that it requires a consent judgment. The offer very clearly proposed either entry of a consent judgment or, in the alternative, execution of a confidential settlement agreement with a provision that your client agrees not to engage in future infringement of Plaintiff's copyright and destruction of any unauthorized copies. If, in fact, your client does not intend to infringe Plaintiff's copyright in the future and if he has no unauthorized copies, we fail to see how such a confidential agreement would be problematic.

We appreciate that you have a fundamental belief in your position that is unlikely to change no matter the facts or outcome. As you, yourself, make clear, you would perceive a jury verdict in Plaintiff's favor as "misguided" and you seem to relish in the great expense that will be incurred by the parties in the next few weeks.

But there are a few key points you need to consider: 1) We are offering to resolve this case at no costs to your client. We only ask his agreement to respect our client's copyright, something he is already required to do by law. We are even willing to keep the agreement confidential, but that is

J. Christopher Lynch  
May 19, 2014  
Page 2

not required. 2) Whether you recommend your client accept this agreement or not, you must present it to him. In light of the expansive costs you so vigorously point out, and in light of your claims of the poverty of your client, you must also properly advise your client he must bear those costs, win or lose. (RPC 1.8(e)(1)). 3) Liability under 28 USC 1927 is not something that attaches to Mr. Lamberson, but to you personally and to your firm.

Thank you for your continued attention to this matter.

Sincerely yours,

**/s/ Maureen C. VanderMay**

Maureen C. VanderMay  
Attorney and Counselor at Law

MCV:ms

cc: Elf-Man/Lamberson EDWA File