

December 13, 2016

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**Re: LHF Productions v. Alexander, WD WA Case No. 16-cv-1017 RSM**

Dear Mr. Lowe:

This law firm represents Patricia Alexander with respect to the federal lawsuit your law firm has filed against her.

We reference our October 28, 2016 letter to you regarding James Collins, accused in this same lawsuit. All the same defenses and issues we raised as to Mr. Collins apply as to Ms. Alexander.

Like Mr. Collins, Ms. Alexander is wholly innocent. She is a 69 year-old grandmother who has an iPad, but no home computer and has never heard of, nor used, Bittorrent. Regrettably, Ms. Alexander is another innocent person who has been errantly named and served in a federal lawsuit at the direction of your foreign representatives.

We respectfully request that LHF voluntarily dismiss Ms. Alexander from the case. If she is dismissed by Noon on Monday December 19, 2016, we will not Answer the Amended Complaint, and we will not seek defense attorneys' fees or costs. If the case is not dismissed by Noon Monday December 19, 2016, we will Answer during the afternoon of December 19, 2016, and we will seek defense attorneys' fees when Ms. Alexander wins, which is a certainty given her innocence.

We remain concerned that these LHF cases continue to progress through the Western District of Washington when they have a direct tie to the prolific use (over 40 instances) of a fictitious declarant in the Western District of Washington. For example, we note Dkt. #16 filed by LHF in this WD WA matter cites the ED WA Elf-Man case as authority. That ED WA Elf-Man case is where your law firm represented to the Court (e.g. ECF No. 105 at p. 3) that the prolific fictitious

declarant was a “former investigator” for “Crystal Bay Corporation” of “South Dakota.” That same Dkt. # 16 also cites to other WD WA cases your law firm has filed (e.g. 2:14-cv-1336) using a declarant, Daniel Macek, who claimed to work for the same “Crystal Bay Corporation” of “South Dakota” in its “technical department,” just as the fictitious declarant falsely stated “he” worked for. That same declarant, Mr. Macek, has testified for LHF in WD WA, stating he now works for a German company (although he claims to work for Crystal Bay Corporation in an LHF declaration filed in Ohio). In discovery, we assume Mr. Macek will have no documentary evidence of his “work” for “Crystal Bay Corporation” and will have to admit that he has no personal knowledge of any “Darren M. Griffin,” despite being aware of declarations filed under that name.

We are intrigued that some of the other LHF Productions cases are being filed with a Motion to obtain an Order to proceed with discovery despite the prohibitions of Fed. R. Civ. P. 26(d)(1), but without the use of any declarant at all (e.g. LHF Productions v. Does, Case No. 1:16-cv-437 D. HI.) Presumably, those counsel are aware of the direct ties of the current Guardaley personnel to the fictitious declarant and are not willing to risk the direct association.

Also intriguing are the LHF cases in the D. OR benefitting from that Court’s Standing Order 2016-8 permitting initial discovery (despite the prohibitions of Fed. R. Civ. P. 26(d)(1)) without need for any Motion or any supporting testimony. Counsel in D. OR had been successful in moving for initial discovery without any declaration in multiple cases (e.g. 1:13-cv-333) before obtaining the Standing Order allowing discovery without Motion or testimony. We doubt the D. OR was advised that those same plaintiffs used the fictitious declarant in numerous other districts.

We also see Motions filed by LHF in the SD CA (e.g. 3:16-cv-2588) using local counsel to vouch for the typed up sheets of alleged infringement, despite counsel having no personal knowledge of the origins of entries on these typed up sheets, and despite Judge Alsup’s ruling in the ND CA (3:16-cv-1006, ECF No. 13) staying compliance with a subpoena based on the plaintiff’s attorney vouching for the typed up sheets.

Although Dkt. #16 at p. 5 in this LHF case calls the Arheidt declaration a “technical expert declaration,” Mr. Arheidt provides no background for being a “technical expert” – just like Mr. Macek did not provide, and just like “Darren M. Griffin” did not provide, with their declarations which are literally identical to Mr. Macek’s LHF declarations filed in the WD WA. Not providing any background is consistent with the APMC handbook “hoping the judge won’t question his qualifications too much.”

As a final point on these declarations, we note the use in ED VA (e.g. Case No. 3:16-cv-748, ECF No. 5-1) of a 27 page “Evaluation of the System MaverickMonitor” by Dr. Simone Richter who actually does identify her education, background and qualifications. Notably however, those Virginia cases, like the Hawaii ones, seek discovery without any witness to vouch for the typed up lists of accused infringement. Dr. Richter says nothing about those typed up sheets of alleged infringement, only that the software has the capacity to entrap data blips solicited by the foreign investigator.

To our knowledge, at no point have the LHF counsel who are filing Motions to conduct discovery despite the prohibitions of Fed. R. Civ. P. 26(d)(1) ever identified these anomalies in their *ex parte* presentations to the Court. Similarly, to our knowledge, no defendant has ever raised these anomalies in any Motion to Quash the sought-after subpoenas. At this point, we have no intention to file a Motion to Quash, since it appears moot as to Ms. Alexander, but we do fully intend to conduct discovery and to raise these declarant anomalies and their related evidentiary issues if our case progresses.

Another anomaly we note is that Dkt. #4 in this case states that LHF Productions, Inc.’s parent company is “A&T IP, Inc.” A&T IP, Inc. shares the same corporate address as LHF Productions, Inc. (appearing to be a residence) in Nevada (which is also the same address as its registered agent). The Secretary of State records show the A&T IP, Inc. status as “Default” with an “Expired Business License.” Needless to say, we are not surprised that this circle of corporations is not complying with the law – we saw these same tactics with the “Delinquent” “Crystal Bay Corporation” and its captive registered agent.

We are prepared to go forward representing Ms. Alexander, the falsely accused grandmother with no computer, through trial to her eventual exoneration – an exoneration which is absolutely certain given her innocence. In doing so, we will pursue the relevant discovery we have outlined in this letter and in our October 28, 2016 letter for Mr. Collins. We doubt your foreign representatives are eager to cooperate, but my firm is committed to seeing justice done in these cases where innocent people are put through the trauma of being named in a federal lawsuit when they have absolutely no liability.

Please consider our offer to not Answer, nor pursue defense attorneys’ fees, if the case against Ms. Alexander is dismissed by Noon, Monday December 19, 2016. Otherwise, we will submit our Answer that afternoon and patiently work towards Ms. Alexander’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".

J. Christopher Lynch

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c: Ms. Alexander  
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