

May 16, 2017

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**Re: ME2 Productions, Inc. v. Crockett, WD WA Case No. 2:17-cv-99**

Dear Mr. Lowe:

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

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

Mr. Crockett is a retired, disabled veteran of the United States Navy. Mr. Crockett served two tours in the Vietnam War on a Patrol Boat behind enemy lines.

Mr. Crockett is wholly innocent. Mr. Crockett is married, and Mrs. Crockett is likewise wholly innocent. Neither of the Crocketts copied your client's movie and they do not know who, if anyone, may have copied it. Prior to this lawsuit, Mr. and Mrs. Crockett had never heard of BitTorrent or your client's movie and they have no interest in either of them. If they had any interest in the movie, they could have rented it for no marginal cost using their Netflix account.

Mr. and Mrs. Crockett are grandparents. They purchased the home that they continue to occupy in Renton in 1984. The home is in a suburban neighborhood of the east Renton highlands, north of Cedar River and south of Liberty High School.

Mr. Crockett was asleep on Saturday December 17<sup>th</sup>, 2016 at 11:49:46am when your client's foreign investigator entrapped its blip. The Crocketts have Wi-Fi password protection at their home and they have no explanation for your client's investigator's errant data.

Mr. Crockett was personally served on May 4, 2017. His Answer is due Tuesday May 30, 2017.

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

In investigating for Mr. Crockett, we looked into the real party in interest issues that have continually clouded the transparency of your client's foreign representatives' invoicing program. Assignment of a bare right to sue for copyright infringement is not enough to confer standing under the Ninth Circuit's 2013 *Righthaven v. Hoehn* ruling. But, a true exclusive license coupled with an agency agreement may be enough to confer standing under the Ninth Circuit's 2015 *Minden v. Wiley* ruling. But in both cases, the parties need to be identifiable. Here, the real parties in interest are opaque.

For example, our December 13, 2016 letter to your law firm pointed out that "A&T IP, Inc." of Nevada had a status of "default" with an "expired business license." Nevertheless, your law firm continues to identify "A&T IP Inc." as the owner of some of your clients including LHF Productions, Inc., Criminal Productions, Inc., and ME2 Productions, Inc. This includes Dkt. #4 in this case, filed January 24, 2107.

Some districts require identification of the real parties in interests, which is the point of Fed. R. Civ. P. 7.1. For example, your client's representatives' counsel in MD FL identify "Millennium Films, Inc." and "Nu Image, Inc." as parties that "ha[ve] or may have an interest in the outcome of this case." What about AMPC? What about "Maverickeye?" What about Guardaley?

The discovery we obtained in Lamberson included an agreement for APMC to pursue piracy cases. The agreement was signed by "Patrick Achache" as "President" of APMC. Although we were never provided an un-redacted copy of this agreement, it made clear that APMC's recovery is directly contingent on the amount recovered in each case. We were also told that "Crystal Bay Corporation" had an "unwritten agreement" "with no terms" with APMC to do the investigations "for no money" – an unsatisfying explanation to say the least.

Mr. Achache has submitted declarations claiming to work for Guardaley. We have previously demonstrated that "Darren M. Griffin" and Daniel Arheidt (among others) have submitted declarations using the identical "technical background" to Mr. Achache. Indeed, Mr. Arheidt's declaration in D DC Case No. 1:11-cv-301, ECF No. 5-2 claims he works for Guardaley.

So why isn't Guardaley identified as a real party in interest? Your client's foreign representatives must be sensitive to this issue, since Mr. Patzer's declaration in Lamberson (ECF No. 89 at page 3) claims "No one, including myself, at Excipio has an ownership [sic] in Crystal Bay or vice versa. I do not have an ownership interest in Excipio. I am not paid for my testimony and am not entitled to any portion of any money received from settlement or judgment in Plaintiff's favor. Plaintiff has never paid Excipio or me anything." But, Mr. Macek's declaration in Lamberson (ECF No. 88) has no such disclaimer, even though it had been represented that Crystal Bay Corporation had done that investigation on an agreement "with no terms" "for no money". We already knew enough to know that Crystal Bay Corporation of South Dakota was, in fact, not the investigator – in part from the "Darren M. Griffin" revelation, and in part from the German phone number we were provided in discovery for Mr. Macek which was answered "Guardaley."

Like we said, opaque.

Although its status in December 2016 was in "default" – now, in May 2017, we can no longer find "A & T IP Inc." on the Nevada Secretary of State's roster of corporations (or California's.) Nevertheless, we see the continued filing of FRCP 7.1 statements identifying A&T IP, Inc. as the owner of ME2 Productions (and Criminal Productions and LHF Productions).

We tried working backward from the A&T IP, Inc. corporate ID number E0609522012-5 and found a record for a "Millennium IP, Inc." also showing Messrs. Lerner and Short as principals. So, maybe A&T IP Inc is now Millennium IP, Inc.? In any event, the FRCP 7.1 statements being filed by ME2 Productions, Inc. are not only incorrect, they are misleading in a manner consistent with the opacity that your client's foreign representatives have employed for years while abusing our United States District Court system.

The MD FL cases identify Nu Image, Inc. and Millennium Films, Inc. as real parties in interest. So maybe they are the owners of ME2 Productions and should be identified. Indeed, the plaintiff in the D DC case cited above where Mr. Arheidt testifies that he works for Guardaley is "Nu Image, Inc."

We assume Nu Image, Inc., Millennium Films, Inc. and Messrs. Lerner and Short as identified in these Rule 7.1 statements are the same four identical parties named as defendants two weeks ago in *Jane Roe v. Nu Image, Inc., Millennium Films, Inc., Avi Lerner and Trevor Short*, Case. No. BC659904 in the Superior Court of the State of California for the County of Los Angeles.

The Complaint in that lawsuit accuses those four defendants of numerous hostile work environment and harassment violations, among other claims. The allegations include that Mr. Lerner made demeaning comments in the workplace about women on a regular basis, including identification of numerous slurs allegedly used by Mr. Lerner (Complaint page 5).

My firm understands that a well pleaded Complaint does not necessarily equate to the truth. For example, in this case, Mr. Crockett was not “observed infringing” doing anything unlawful, despite the language of the pleadings to the contrary.

Sounds like your client’s owners also understand that complaints may be used nefariously as weapons of extortion and can be brought without foundation. Erik Pederson of Deadline Hollywood interviewed Mr. Lerner about the allegations of the Los Angeles County Complaint. Mr. Lerner’s quoted response: “It’s all lies. It’s all a joke.”

Maybe so. Maybe the claims brought against Mr. Lerner are “all lies.” Does Mr. Lerner have a unique perspective on that because the claims brought by his companies are procedurally perfect and impeccably investigated? Not really. “It’s all lies. It’s all a joke.”

Except it’s not a joke. Real, innocent people are falsely named and served in federal lawsuits where they have absolutely no connection to the allegations of the Complaint. Real, innocent people have had default judgments taken against them. Real, innocent people have had to pay hard earned money to defense lawyers to clear their names when they never should have been named in the first place.

We could go on, but you get the point.

If we are forced to Answer, we will investigate the connections of Messrs. Short’s and Lerner’s web of companies to the real parties in interest. We will investigate the connections of Nu Image to the plaintiff and to Mr. Arheidt’s declarations claiming to work for Guardaley and “Maverickeye.” None of it will support the representations by ME2 Productions in the various FRCP 7.1 Statements.

At trial, Mr. Crockett prevails, because he is wholly innocent. We are confident Judge Jones will award full attorneys’ fees.



Please consider our offer to not Answer, nor pursue defense attorneys' fees, if the case against Mr. Crockett is dismissed by Noon, Tuesday May 30, 2017. Otherwise, we will submit our Answer that afternoon and patiently work towards Mr. Crockett'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".

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c: Mr. Crockett  
Kyle D. Nelson, Esq.