

Honorable Thomas S. Zilly

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

VENICE PI, LLC,
Plaintiff,
v.
SEAN O’LEARY JR., et al.
Defendants.

Civil Action No. 17-cv-988TSZ

VENICE PI, LLC,
Plaintiff,
v.
JONATHAN DUTCZAK, et al.
Defendants.

Civil Action No. 17-cv-990TSZ

VENICE PI, LLC,
Plaintiff,
v.
MARTIN RAWLS, et al.
Defendants.

Civil Action No. 17-cv-991TSZ

VENICE PI, LLC,
Plaintiff,
v.
INA SICOTORSCHI, et al.
Defendants.

Civil Action No. 17-cv-1074TSZ

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VENICE PI, LLC,
Plaintiff,
v.
GREGORY SCOTT, et al.
Defendants.

Civil Action No. 17-cv-1075TSZ

VENICE PI, LLC,
Plaintiff,
v.
YELENA TKACHENKO, et al.
Defendants.

Civil Action No. 17-cv-1076TSZ

VENICE PI, LLC,
Plaintiff,
v.
CELINA POTTER, et al.
Defendants.

Civil Action No. 17-cv-1160TSZ

VENICE PI, LLC,
Plaintiff,
v.
TONJA LAIBLE, et al.
Defendants.

Civil Action No. 17-cv-1163TSZ

VENICE PI, LLC,
Plaintiff,
v.
VICTOR TADURAN, et al.
Defendants.

Civil Action No. 17-cv-1164TSZ

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VENICE PI, LLC,
Plaintiff,
v.
JESSE COOPER, et al.
Defendants.

Civil Action No. 17-cv-1211TSZ

VENICE PI, LLC,
Plaintiff,
v.
JASMINE PATTERSON, et al.
Defendants.

Civil Action No. 17-cv-1219TSZ

VENICE PI, LLC,
Plaintiff,
v.
DAVID MEINERT, et al.
Defendants.

Civil Action No. 17-cv-1403TSZ

SUPPLEMENTAL DECLARATION OF BENJAMIN PERINO

DECLARATION OF BENJAMIN PERINO

I, Benjamin Perino, declare as follows:

1. My name is Benjamin Perino.

2. I am over the age of 18 and am otherwise competent to make this declaration. This declaration is based on my personal knowledge and, if called upon to do so, I will testify that the facts stated herein are true and accurate.

3. I am willing to travel to the State of Washington and appear before Your Honor to answer any questions and to discuss the statements in this declaration and in my prior declarations.

4. Mr. Lynch's declaration claims that my declaration submitted to this Court contains an inaccurate work history. CM/ECF 45-1, p. 6-8. He cites to a number of declarations dating back to 2011 wherein I noted that I was a manager at U.S. Copyright Group ("USCG").

5. First, the work history listed in my declaration before this Court is accurate. Second, it was in my role as the CEO of GuardaLey, that I managed USCG's technical tasks dealing with the infringement detection system. At the time, USCG considered me to be a part of their managing team since I was CEO of GuardaLey and GuardaLey was tasked with managing and executing the technical projects related to the infringement detection system. I was only ever paid by GuardaLey. I was never paid by USCG.

6. Mr. Lynch's declaration discusses the various photographed signatures in a number of old declarations I signed. (Dkt. 45-1, p. 9-10) First, I have signed every one of my declarations submitted to this Court by printing, signing with a pen, and scanning the signature page. Many years ago, in unrelated cases, I had a photographed signature that I used to sign my declarations. This is a very common practice and was used in those cases to avoid the time-consuming task of printing and hand signing hundreds of documents. Regardless, this photographed signature was my hand signed signature which I authorized to be used to stamp into every approved declaration. While still a viable method of utilizing a signature, I have not used this method to sign documents in many years.

7. Mr. Lynch's declaration claims that in the spring of 2012, GuardaLey stopped filing declarations and instead, declarations were filed by Excubitor, Copyright Defenders, IP Squared Technologies, and Crystal Bay. (Dkt. 45-1, p. 13-15) Neither GuardaLey or I have ever owned or worked with these companies. I have reason to believe that Excubitor and Copyright Defenders are companies formed by individuals who owned and operated Excipio. I also have reason to believe that IP Squared Technologies was owned and operated by Joshua Partridge and William Gorfein who briefly worked with GuardaLey.

8. Lynch states that "[t]he typed up charts of alleged infringement cannot be direct output of a computer program." The infringement verification data is generated by a computer system. The resulting data may be formatted to adjust the margins, font, borders, etc., but that does not diminish in any way the veracity of the underlying data. The spreadsheets submitted in the various cases are a part of the verification process which Daniel Arheidt completes. Indeed, part of Mr. Arheidt's job is to verify that the spreadsheets contain accurate data matching the data in the infringement detection system's logs—meaning he ensures that there has been no inadvertent changes to the infringement data during the formatting process. Thereafter, the spreadsheets and the declarations regarding same are sent to Daniel Arheidt. Before Mr. Arheidt signs the declaration, a computer program checks the data in the spreadsheets against the original records in the database.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

EXECUTED the 5th day of APRIL, 2018.



Benjamin Perino

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served to all counsel or parties of record who are deemed to have consented to electronic service via the Court’s CM/ECF system.

s/ David A. Lowe