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MARK BORGHESE
LICENSED IN NEVADA
LICENSED IN WASHINGTON, D.C.

August [REDACTED] 2013

VIA EMAIL AND U.S. MAIL

[REDACTED]

Re: COPYRIGHT INFRINGEMENT
Our Reference No.: [REDACTED]

Dear [REDACTED]

This firm represents TaylorMadeClips with regard to certain intellectual property matters. It has come to our client's attention that you have distributed our client's videos without authorization and in violation of our client's rights. In particular, you have shared one of our client's videos on [REDACTED] under [REDACTED] using the file hosting site [REDACTED]. Each illegal distribution made of that video constitutes a separate act of copyright infringement directly attributable to you.

Specifically, our client has evidence of your illegal distribution of the following file:

[REDACTED]

Your distribution of our client's video without permission constitutes copyright infringement in violation of 17 U.S.C. § 501. United States Copyright Law grants exclusive rights to the creator of a video for use of that video, including the rights to reproduce the video, prepare derivative works based on the video, distribute copies of the video, and display the video. *See 17 USC §106*. When those rights are infringed, the copyright owner is entitled to recover damages suffered as a result of the infringement. *See 17 USC §504*.

If we are forced to file litigation it is our intent to forensically examine every single hard drive and other electronic storage device in your home, and to depose all

[REDACTED]

members of the household. Prior to moving forward with litigation, however, we are making one last attempt at a settlement.

SETTLEMENT DEMAND

Without waiving any of our client's rights in law or equity, our client demands that you:

1. Cease any further distribution of our client's videos;
2. Pay a settlement fee of \$2,500 to resolve our client's copyright infringement claims against you.

To the extent you are willing to cooperate, our client is prepared to consider a non-litigated resolution of this matter. However, if you fail to comply with these demands within fourteen (14) calendar days of the date of this letter, we will presume that you do not intend to voluntarily take the necessary actions outlined above. In such case, our client reserves the right to pursue all available avenues of legal redress for the aforementioned copyright infringement, including the commencement of formal legal action against you for copyright infringement without further notice.

DUTY TO PRESERVE ALL EVIDENCE

Furthermore, as you are on notice of potential litigation regarding your actions concerning our client's videos you have a duty to preserve all evidence that may be relevant to the dispute. This duty of preservation extends to, but is not limited to, data files, e-mails, calendars, telephone logs, access lists, and logs that are located on your computer networks, e-mail servers, mainframes, individual computer workstations, and external drives. This duty further extends to data located on any device within your control but not owned by you, such as web based email and cloud storage. Specifically, but not exclusively, you are on notice that you must preserve all evidence of your use and distribution of our client's videos.

You are required by law to suspend any practice, even a normal or routine practice, that might purge, delete, or overwrite any electronic document or other evidence, including database records, file remnants, and residual and hidden data. This duty extends to your partners, agents, and computer service providers. We request that you notify any such persons of this retention duty immediately. This duty further extends to the preservation of replaced computers, hard drives, and other storage media. If you back up your computer drives, you must preserve the back-up files, as well. We request that you immediately back up and archive any documents, including e-mails and all other communications, between you and all other persons and entities that relate to our client's videos. We further request that you suspend any act or practice that would cause defragmentation, compression, or reformatting of hard drives or deletion of cached information.

Sanctions for violating any of the foregoing duties can be severe and include substantial monetary sanctions and adverse inferences in evidentiary rulings. We remain hopeful that we can resolve this dispute short of litigation. The above duties, however, must be satisfied during any settlement or other discussions that we may have.

Nothing contained in or omitted from this letter is or shall be deemed to be either a full statement of the facts or applicable law, an admission of any fact, or a waiver or limitation or any of our client's rights or remedies, all of which are specifically retained and reserved.

We look forward to your prompt response.

Best regards,



Mark Borghese

cc: Client