

# **EXHIBIT 1**



Morgan Pietz &lt;morganpietz@gmail.com&gt;

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## Ingenuity 13 Appeal to Ninth Circuit

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Daniel J Voelker <daniel.voelker59@gmail.com>  
To: "Morgan E. Pietz" <mpietz@pietzlawfirm.com>  
Cc: Nicholas Ranallo <nick@ranallolawoffice.com>

Sun, Oct 20, 2013 at 7:50 PM

Morgan:

Thanks for your email. My name is Dan, not David, and to you Mr. Voelker.  
Please keep in mind that I will not be intimidated, especially by you.  
I have been litigating cases for almost 28 years.

If I even mildly feel like you are trying to intimidate me or my firm, I will report you to the Courts (every one of them) that you appear before, the Courts where you are licensed to practice as well as to the United States Attorneys in the appropriate jurisdictions,  
Play by the rules.

Have a good day and do not ever contact me again unless you have the legal right to do so.

Dan

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On Oct 20, 2013, at 7:51 PM, "Morgan E. Pietz" <mpietz@pietzlawfirm.com> wrote:

David,

In view of your recent appearance on the appellate docket, I write to introduce myself. I represent the John Doe defendant in *Ingenuity 13 v John Doe*, 12-cv-8333, which, as you know, is presently on appeal from C.D. Cal. to the Ninth Circuit.

In case you didn't get word from your clients or from the media coverage, I want to make sure you saw Brett Gibbs' filing in the district court last week, since I don't believe you are on the docket there. As a courtesy, please find attached a copy of Mr. Gibbs' recent papers (minus Exhibit G, which is a large photo file that I will try to send that separately, but it may be too big for email).

Don't take this next comment the wrong way, as I truly do offer it in the spirit of professional courtesy: If you are contemplating signing your name to any arguments in the appellate brief, which your clients may be urging on you, to the effect of 'there is no evidence in the record of X,' I would encourage you to be careful

about that. If I was you, I would make sure to look at all of the many exhibits below (not just the ones from the hearing) before I sign something like that. And if you would like to discuss any of those issues, or any other aspect of the case before you file your brief, please feel free to give me a call.

Best regards,  
Morgan

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Morgan E. Pietz  
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<240 - Main.pdf>

<240-1 - Memo of Ps and As.pdf>

<240-2 - Decl. of Brett Gibbs.pdf>

<240-3 - Exhibit A - Proposed Release Agreement.pdf>

<240-4 - Exhibit B - Proposed Indemnity Agreement.pdf>

<240-5 - Exhibit C - Warning Letter from Paul Duffy.pdf>

<240-6 - Exhibit D - Emails from John Steele Re Prenda Insurance Policy.pdf>

<240-7 - Exhibit E - Prenda Law Profit and Loss Detail 2012.pdf>

<240-8 - Exhibit F - Prenda OP Balance Sheet Detail Version 2012.pdf>

<240-10 - Proposed Order.pdf>