

EXHIBIT 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Honorable Judge Robert S. Lasnik

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

ZAMBEZIA FILM (Pty.) Ltd.)

Plaintiff,)

v)

Civil Case Nos.,)

DOES 1-47)

13-00307 JLR-RSL

DOES 1-66)

13-00308 MJP-RSL

DOES 1-66)

13-00309 RAJ-RSL

DOES 1-66)

13-00310 TSZ-RSL

DOES 1-66)

13-00311 RAJ-RSL

DOES 1-70)

13-00312 JLR-RSL

DOES 1-48)

13-00013 RAJ-RSL

DOES 1-58)

13-00014 JLR-RSL

DOES 1-51)

13-00315 RSM-RSL

DOES 1-51)

13-00316 RSL

DOES 1-18)

13-00317 MJP RSL

DOES 1-57)

13-00318 RSL

DOES 1-47)

13-00319 RSM-RSL

Defendants.)

**DECLARATION OF COUNSEL IN SUPPORT OF PLAINTIFF'S RESPONSE TO
ORDER TO SHOW CAUSE**

Declaration of Counsel

13-00307; 13-00308; 13-00309; 13-00310; 13-00311; 13-00312; 13-00313
13-00314; 13-00315; 13-00316; 13-00317; 13-00318; 13-00319

Frontier Law Group, PLLC
1001 4th Ave, Suite 3200
Seattle, WA 98154
Office: 206-682-7975

1 Under penalty of perjury I, Richard J. Symmes, hereby state as follows:

- 2 1. I am an attorney admitted to practice in Washington and Plaintiff's counsel in the
3 matters captioned above.
- 4 2. All matters in this declaration or submitted through personal knowledge and belief.
- 5 3. Shortly after the Plaintiff's motions for early discovery were granted, subpoenas and
6 Orders were immediately issued to the Internet Service Providers (ISP's).
- 7 4. After the Subpoena's and orders were sent out, an initial set up conference was
8 completed with Comcast to streamline the process and I received instructions from
9 Century Link, Frontier Communications and Wave Broadband about how they would
10 like to receive the subpoenas, data and Orders for early discovery.
- 11 5. Comcast is the largest ISP provider of the Doe defendants in the present cases and
12 Plaintiff has only received an estimated 30% of the data from them. Frontier
13 Communications and Wave Broadband have not provided any data and Century Link
14 has provided approximately 70% of the data requested from them. There are other very
15 small ISP's such as Charter communications and Nuestar who have also complied with
16 the subpoenas and have provided data on about 5 Doe Defendants. At this time,
17 Plaintiff estimates that 70% of the Doe information has not yet been provided to
18 Plaintiff as Comcast has postponed delivery of data on several cases to as late at June
19 20, 2013, making it impossible to complete discovery or name potential parties in the
20 current cases.
- 21 6. Filed under seal in these cases is client communications in which Plaintiffs provide the
22 communications between Plaintiff and alleged Doe Defendants. At no time was there

23 Declaration of Counsel

24 13-00307; 13-00308; 13-00309; 13-00310; 13-00311; 13-00312; 13-00313
13-00314; 13-00315; 13-00316; 13-00317; 13-00318; 13-00319

Frontier Law Group, PLLC
1001 4th Ave, Suite 3200
Seattle, WA 98154
Office: 206-682-7975

1 any coercion to convince Pro Se defendants to settle a case, but rather the emails and
2 phone calls served as an educational tool to help Pro Se's learn about copyright
3 infringement and what film was allegedly downloaded. Plaintiff never contacted a Pro
4 Se defendant by phone unless the Pro Se contacted the Plaintiff first to inquire after
5 receiving a letter from their ISP. Any demand letters that were sent out were estimated
6 to be less than 10 due to the lack of data received at this time and expending time
7 communicating and responding to Pro Se and represented clients various motions.

8 7. Additionally Pro Se's were told that if they could provide documentation that they were
9 not the one who committed the copyright infringement they could provide
10 documentation and be dismissed from the cases with prejudice and no further action
11 would be taken. With that said, after communicating with the Pro Se Doe's, they have
12 been able to identify and turn over information of individuals who may be named as
13 parties in the case, instead of the ISP account holder.

14 8. Pro Se's were told that if they have additional questions they should consult their own
15 attorney and were also given a referral to their local bar who may be able to provide
16 low cost legal assistance.

17 9. Opposing attorneys and Pro Se's have suggested that this is some kind of "get rich
18 quick scheme", however I can attest that nobody is getting rich thus far in the process
19 and the Plaintiffs are truly seeking redress for the harm caused due to the Copyright
20 infringement activity.

21
22
23 Declaration of Counsel
13-00307; 13-00308; 13-00309; 13-00310; 13-00311; 13-00312; 13-00313
24 13-00314; 13-00315; 13-00316; 13-00317; 13-00318; 13-00319

Frontier Law Group, PLLC
1001 4th Ave, Suite 3200
Seattle, WA 98154
Office: 206-682-7975

1 10. BitTorrent sites which profit from blatant copyright infringement, such as The Pirate
2 Bay, openly flaunt copyright violations by posting letters from rights holders and The
3 Pirate Bay's defiant responses which are replete with profanity. Exhibit 6.

4 11. Movies are very costly to create, with the movies involved in the current cases costing
5 several million dollars to create and distribute. (Exhibit 5).

6 12. In order to enforce the copyright infringement, the Plaintiff must hire a data company
7 to track the infringement, request data from ISP's which charge \$30-\$100 per name,
8 and retain legal counsel. All of these expenses are costly and prevent Plaintiff or any
9 of the parties involved from "getting rich," but rather compensate all parties for all
10 work completed and redress the Plaintiff for the damage that was incurred.

11 13. In the event of severance, Plaintiff estimates it will be able to afford to pursue 3% of
12 the infringements taking place in the Western District of Washington. This will result
13 in no more than 50 individual lawsuits per month in the Western District of
14 Washington for this movie. Plaintiff fears this will not be a sufficient number to deter
15 continued infringement of this movie.

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

18 Dated: May 24, 2013

19 By: /s/ Richard J. Symmes
20 Richard J. Symmes, Esq. WSBA #41475
21 1001 4th Ave, #3200
22 Seattle, WA 98154
23 Tel: (206) 682-7975
24 Fax: (206) 424-4691
Email: Richard@symmeslaw.com

23 Declaration of Counsel
24 13-00307; 13-00308; 13-00309; 13-00310; 13-00311; 13-00312; 13-00313
13-00314; 13-00315; 13-00316; 13-00317; 13-00318; 13-00319

Frontier Law Group, PLLC
1001 4th Ave, Suite 3200
Seattle, WA 98154
Office: 206-682-7975

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Declaration of Counsel
13-00307; 13-00308; 13-00309; 13-00310; 13-00311; 13-00312; 13-00313
13-00314; 13-00315; 13-00316, 13-00317; 13-00318; 13-00319

Frontier Law Group, PLLC
1001 4th Ave, Suite 3200
Seattle, WA 98154
Office: 206-682-7975