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Thursday, October 27, 2011

VIA FIRST CLASS MAIL



RE: COPYRIGHT INFRINGEMENT OF THE HURT LOCKER- Settlement Purposes Only Not Admissible Under FRE 408

United States District Court for the District of Columbia

Civil Action No.

Plaintiff: Voltage Pictures, LLC

Your IP Address:

Defendant Record ID:

ISP Providing Information: Charter Communications

Date and Time of Alleged Infringement: 4/29/2010 12:37:18 AM [UTC]

Dear

Our law firm has filed a Federal copyright infringement lawsuit in the U.S. District Court for the District of Columbia on behalf of our client, Voltage Pictures, LLC. The suit was filed against Doe Defendants. We subsequently obtained identifying contact information for many of these Defendants from their Internet Service Providers (ISPs). Your contact information was supplied to us by your ISP as one of the individuals who has illegally obtained or shared our client's copyrighted motion picture through a peer-to-peer network [*Gnutella, BitTorrent etc.*]. We are sending you this letter as a courtesy before we take more formal legal action, which could include our adding you as a named Defendant to this lawsuit or a lawsuit in your home jurisdiction.

According to our records, you have placed a media file that contains the copyright-protected film content for our client's motion picture entitled *The Hurt Locker* in a shared folder location enabling others to download copies of this content. In addition, we have evidence that the P2P client software that you used to obtain or share the film was BitTorrent 6.4.0, and that your file hash factor (a mathematical function through which a file can be identified with certainty) was BTIH: IRBQQ65ZVCOSH65YRJJ74VLL0APSGRLF. We also have obtained the file name of the movie, the file size and the GUID, all corresponding to an IP address that was assigned to your ISP account at the time the infringing activity occurred.

Copyright infringement (in this case obtaining a film without paying for it or sharing a film with others who have not paid for it) is a very serious problem for the entertainment industry. The law provides protection for copyright owners through the Federal copyright statute found at 17 U.S.C. §§ 501-506, which allows a copyright owner to impound infringing material, recover attorneys' fees, and seek damages of \$750 - \$150,000 per work, depending on the circumstances surrounding the infringement.

Given this compelling information establishing that you have infringed on our client's copyright, we have nevertheless prepared an offer to enable our client, the Copyright holder, to recoup the damages incurred and defray the costs of preventing this type of activity in the future.

In exchange for our client's giving you a release of legal claims that will eliminate our need to name you as a Defendant in a lawsuit, our firm is authorized to accept the sum of **\$2,900** as full settlement for these claims. **This offer will expire at 5pm EST on November 17, 2011.** Thereafter, our client will accept no less than the sum of **\$3,900** to settle this matter, but this increased settlement offer will expire on December 1, 2011. However, as a further condition of this release, you must remove the file from the shared folder or location where our client's film can be shared or copied within three (3) days of paying a settlement. If you have chosen not to settle by December 1, 2011, we may formally add you to the list of Defendants to be named to a lawsuit.



You may pay the settlement amount by (a) a check mailed to our address shown in the top right corner of this letter (include the signed Conditional Release & Settlement Agreement with your payment, available for printing at www.copyrightsettlement.info); or (b) by credit card on our online settlement payment site, also located at www.copyrightsettlement.info. Once we have processed the settlement, we will return to you a confirmation by email that your payment has been processed and that you will not be named to a lawsuit.

We look forward to resolving this without further action on our part, however if you do not comply with the above requests we may be forced to name you as a Defendant to a lawsuit and proceed directly against you on behalf of our client. If forced to do so, our client will be seeking to recover the maximum amount of damages provided under the Copyright Act for copyright infringement, i.e. \$30,000 for non-willful infringement and \$150,000 for willful infringement, plus attorneys' fees and costs of litigation.

Please consider this letter to constitute formal notice that until and unless we are able to settle our client's claim with you, we demand that you not delete any media files from your computer. If, in the course of litigation, it is established that you did delete media files after being on notice of our client's claims, our client will add a spoliation of evidence claim against you. Be advised that if we were to prevail on this additional claim, our client will be seeking an award of monetary sanctions, evidentiary sanctions and/or reasonable attorneys' fees.

Please understand that we are not your attorneys and that we represent a party that is asserting a legal claim against you. We strongly encourage you to consult with an attorney to review your rights and risk exposure in connection with this matter. We thank you in advance for your anticipated cooperation in this matter, and we look forward to resolving our client's claim against you in an amicable fashion, through settlement.

Sincerely,
Dunlap, Grubb & Weaver, PLLC