

Exhibit I

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IF BY MAIL, RESPOND TO:
445 HAMILTON AVENUE, SUITE 1102
WHITE PLAINS, NY 10601

May 6, 2016

BY PRIORITY MAIL
AND ELECTRONIC MAIL

One Way or Another Productions, LLC
Monica Trombley
General Counsel / Production Executive
29 East 32nd Street
New York, NY 10016
monica@1wayoranother.net

RE: Patrick Shipstad w/ One Way or Another Productions, LLC

Dear Ms. Trombley:

We serve as retained copyright litigation counsel to Mr. Patrick Shipstad, a photographer of considerable reputation. This office routinely litigates matters of this nature. We write regarding to your unauthorized use of our client's registered image in connection with your advertising, marketing and promotion of the movie "Alienated".

Please be advised that, our client has discovered that your client has employed our client's image of the late actor Taylor Negron in several different layouts, which it has used on movie posters and in other media and promotional materials to market, advertise, and promote the movie "Alienated".

A copy of our client's image of Taylor Negron is annexed hereto as **Exhibit "A"**. Mr. Shipstad is the sole owner of and holds the copyright in the Subject image, registration number VA 1-767-688, dated March 25, 2011. A copy of the registration is annexed hereto as **Exhibit "B"**. Copies of just some of the subject unauthorized uses of our client's image are annexed hereto as **Exhibit "C"**.

Additionally, you appear to have altered our client's copyright registered image, in direct violation of the exclusive rights granted to him by the United States Copyright Act. His image has

*admitted in New York
†admitted in New Jersey

been “Photoshopped” and colorized. Mr. Shipstad’s image of Taylor Negron has been modified by the alteration of Mr. Negron’s eyes, the thinning of his jaw, and the adding of shadows. Such changes constitute unauthorized derivative works of Mr. Shipstad’s copyright registered image. Annexed hereto as **Exhibit “D”** is a side by side comparison of Mr. Shipstad’s original image, and the alteration of same by you or on your behalf.

“Alienated” Producer, Princeton Holt stated in an article with FilmCourage.com that he exercised due diligence and consulted with an attorney (who according to the Iwayoranother.net website appears to be in house counsel) with regard to securing a distribution deal for “Alienated”. Holt also stated that he obtained the artwork containing our client’s Subject Image from one indie film graphic artist Jenny Menzel. Holt further revealed that he showed the artwork around to distribution companies, using same to promote the movie and secure a distribution deal, and determined that the image was “market ready”. [See “Stupid \$#!% Distributors Say by Alienated Movie’s Princeton Holt”, <http://filmcourage.com/2016/04/15/stupid-distributors-say-alienated-movies-princeton-holt/>].

The “artwork” featuring Mr. Shipstad’s copyright registered image has been credited with securing both foreign *and* domestic physical *and* digital distribution deals for “Alienated”.

In an article with FilmCourage, one JL Menzel stated as follows:

“Alienated received competing offers from three different distribution companies after attending AFM (American Film Market) because the artwork got them interested in viewing the trailer. The artwork PLUS the trailer made them ask to see the movie. Without that initial interest, without that first hook to grab their attention, it’s hard to say whether we would have even gotten distribution, let alone a deal with Gravitas Ventures. In addition to this, the foreign rights were sold to another company and our DVD rights to another, both well established and both will be using our same key art for each market, both physical and digital.

“You never get a second chance to make a great first impression.” [see “You Need Professional Designed Key Art to Sell Your Film By JL Menzel, <http://filmcourage.com/2016/04/25/need-professionally-designed-key-art-sell-film-jl-menzel/>].

You have used our client’s image for your own economic gain and profit, without our client’s license, authorization or consent. Such uses of our client’s image are without his license, authorization or consent. As you must be aware, the use of a creator’s photographic image *without written consent* or license is **violative of the United States Code, Title 17, and The Copyright Act**. Said federal statute affords the creator a plethora of remedies including one or more of the following: monetary relief in the form of compensatory and or statutory damages, an award of attorney’s fees and/or an injunction directing removal of the offending materials from the market place pending litigation. There may be additional damages available to our client under the United States Code, Title 17, Chapter 12.

No one from your company, nor an agent thereof, has ever sought or obtained a license from Mr. Shipstad to employ the subject image for any purpose whatsoever. Rather, you appear to have simply employed the photograph at your election, *without a license, authorization or consent from the copyright holder*; this directly violates the exclusive rights granted to the copyright holder of the images.

This letter shall serve as notice that you *immediately cease and desist* any and all unauthorized uses of our client's image. Any additional or further uses of our client's images will be at your peril. In the event that you seek a license and/or time to remove the imagery as set forth in paragraph number 7 below, your immediate attention and response to this letter is essential. This letter in no way serves as any consent for you to continue the unauthorized use of our client's image. All such uses are without his license, authorization or consent. Please be further advised that we have reason to believe that you intend to use the image at the Cannes Film Festival later this month, and that any such uses are strictly prohibited absent an express written license from the copyright holder permitting such use.

If you are in possession of any contract, license, agreement or writing of any kind or nature upon which you intend to rely for the proposition that such usage is *authorized* or in the alternative, conclusively establishes that our client's claim is without merit, formal request is made herein to provide same. Such request is made pursuant to Federal Rule 11 in a good faith effort to obviate litigation. *Failing the production of such license we will be constrained to assume that such usage is violative of law*. In such event, we intend to institute suit against your production and any other appropriate defendants in the appropriate judicial forum.

In the event you are not in possession of any exculpatory documents, and pursuant to our obligations under Rule 11, Rule 130 (and any other substantially equivalent rules or statutes), **formal request is made herein for the following information** and documents reflecting or demonstrating the requested information:

1. The full nature and extent of the use of our client's image, in any and all formats, inclusive of each broadcast media and website, distribution on physical posters, packaging, flyers, marketing materials, and any and all other media and publications, with description of each use and a notation of the dates, location and distribution of each such use.
2. Representative copies in any and all tangible form and media in which our client's image were incorporated or employed;
3. The source of the image(s) and the identities of the persons or companies preparing, supplying, editing, and/or producing same;
4. Copies of written agreements or documents, with any and all persons or entities, referencing the creation, and reproduction regarding the offending use(s) of our client's image;
5. Copies of any documents in any format upon which you intend to rely for the proposition that Mr. Shipstad had knowledge of and/or agreed to have his images published by your company, inclusive of any emails or documents of any kind by and between your company (and/or those acting on your behalf) and Mr. Shipstad (and/or those acting on his behalf);

6. Copies of any purported license or assignment relating to the image referenced herein and issued to your company by any third party;

7. The nature and extent of any prospective license(s) you may be seeking to allow for prospective authorized use(s), or which will provide adequate time to remove the offending images from the web obviating plaintiff's need to seek judicial intervention for the purposes of obtaining an injunction prohibiting any and all such uses of his image;

8. Copies of any copyright registrations filed with any government or agency thereof referencing, relating or including the imagery complained of herein;

9. Copies of written agreements or documents, with any and all persons or entities with whom you have transferred, assigned, licensed, or provided the image, which reference the subject images and/or any corresponding products or publications in which the image(s) are employed, including but not limited to any distribution agreements;

10. The identity of all third parties to whom you supplied the image(s), including but not limited to distribution companies, marketing personnel, and publication of the subject image on third party's websites.

11. Data showing the web traffic and analytics for web page on which our client's image was displayed, inclusive of any advertising or other revenue figures attendant thereto.

12. Documents reflecting the revenue realized with regard to the advertising, promotion, and distribution of the movie "Alienated";

Upon receipt of such information we can fairly consider and determine an appropriate amount of compensation which may or may not include the granting of a limited license for prospective use or in the alternative, a brief period of time within which to permit removal of the image from the production. It is not our client's preference to commence litigation and he would prefer to resolve the matter promptly and amicably. In order to do so, receipt of the above requested information within seven (7) business days of date is essential.

The following is to formally notify you, your company, its agents, employees and contractors **not to destroy, conceal or alter any goods, information, and/or images** stored in electronic form or generated by your computer systems or electronic devices including but not limited to its web sites. This information appears relevant to the above matters and may be unavailable from any other source. As you may know, such electronic information can easily be inadvertently destroyed and the failure to take **reasonable measures to preserve** it pending the completion of discovery can result in sanctions being imposed against you or your company. See, e.g., *Cedars Sinai Med. Ctr. v. Superior Ct.* (1998) 18 Cal 4th 1, 74 Cal Rptr 2d 248; *Zubulake v. UBS Warburg LLC* (SDNY 2003) 220 FRD 212, 216.

In order to comply with the discovery requests that we will make in this matter you may need to provide electronic evidence in its native format. You may also need to provide electronic documents, along with the metadata or information about data that is contained in those electronic documents. Even when a paper copy of a document or file exists, we will also seek the documents or files in their electronic format so that we also receive the information in the metadata. Our discovery requests will include certain data on your hard drives, floppy discs, and backup files, and

will include data not usually available to the ordinary computer user, such as deleted files and file fragments.

Thus the electronic data and the storage devices in which they are kept that you are *obligated to maintain and preserve* during the pendency of the discovery planned in this case include all of the following data and devices:

1. Electronic files including deleted files and file fragments, stored in machine-readable format on magnetic optical or other storage media, including hard drives or floppy disks in your client's desktop computers, laptop computers, home personal computers, zip drives, external hard drives, usb keys, and the backup media used for each;
2. E-mail, both sent and received, internally or externally;
3. Telephone files and logs such as voicemail and universal mobile telecommunications systems (UMTS) data;
4. Word processing files, including drafts and revisions;
5. Spreadsheets, including drafts and revisions;
6. Databases;
7. Electronic files in portable storage devices such as floppy discs, compact discs, digital video discs, ZIP drives, thumb drives or pen drives;
8. Graphs charts and other data produced by project management software;
9. Data generated by calendaring, task management and personal information management software, such as Microsoft Outlook;
10. Data created with the use of or stored on personal data assistants such as PalmPilot inclusive of substantially equivalent devices;
11. Data created, derived and/or edited with the use of editing software such as Photoshop, Adobe, and any accompanying software;
12. Data created with the use of paper and electronic mail logging and routing software;
13. Internet and web-browser generated history files, caches, and "cookies" generated by your client or at the workstation of each employee in your client's employ and on any and all backup storage media;
14. Logs of network use by you and your distributors and/or customer's employees, whether kept in paper or electronic format;

15. Copies of your backup tapes and the software necessary to reconstruct the data on those tapes on each and every personal computer or workstation and network server in your client's control and custody;

16. Electronic information in copiers, fax machines and printers;

17. Web-site files and records of any kind and all histories of those files;

18. All records of sales generated and processed through software for goods employing the offending image.

19. Records, copies, reproductions and evidence set forth above existing or printed on physical paper or paper product(s).

As previously stated, and as your legal counsel will be aware, the failure to maintain such information, and any other electronic information which may be called upon in discovery, can lead to severe penalties in the discretion of the Court. *We strongly urge you to retain independent legal counsel and provide him/her with a copy of this letter and its enclosures.*

We require delivery of the above sought documentation within seven (7) days of date. Absent an exculpatory document or license, any and all uses of our client's images will be made at your peril. Should we fail to hear from either you or your counsel we will file suit in the United States District Court against your company and any other appropriate defendants without further notice.

Very truly yours,



EDWARD C. GREENBERG

cc: Patrick Shipstad