

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.: 1:11-cv-1170-RBJ-KMT

LIBERTY MEDIA HOLDINGS, LLC

Plaintiff,

vs.

COLORADO MEMBERS OF SWARM
OF NOVEMBER 19, 2010 TO DECEMBER 11, 2010,
SHARING HASH FILE
A3E6F65F2E3D672400A5908F64ED55B66A0880B8;
AND COMPRISING JOHN DOE 1, JARRED KAMARAUSKAS
AARON KOONTZ, DANIEL HYATT AND DOES 5 through 7,

Defendants.

**DECLARATION IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANT DANIEL HYATT**

I, ERIKA DILLON, declare under penalty of perjury that:

1. I over the age of 18 and am a resident of the State of Nevada.
2. I have personal knowledge of the facts herein, and if called as a witness, could testify competently thereto.
3. I am employed by the Plaintiff as an in-house paralegal and online investigator. As part of my duties, I monitor and document the rampant infringement of Plaintiff's works online.
4. Plaintiff utilized the services of Excubitor, a company geared toward monitoring piracy via peer to peer ("P2P") networks. Malte Dinkela, the Vice President of Excubitor, monitors and handles the collection of data for the Plaintiff. Attached to this Declaration as Exhibit A is a true and correct copy of a declaration executed by Malte Dinkela for the Plaintiff in another case.

5. I regularly review the data collected by Excubitor and am familiar with how to interpret the data, particularly in determining the actual damages based upon a methodology decided upon by the principals of Liberty.

6. The Defendant in this case, Daniel Hyatt, utilized Internet Protocol address 67.164.225.114 to download Plaintiff's copyrighted work "Down on the Farm."

7. Our collections data demonstrates that the Defendant was number 385 in a swarm of 396. This indicates that eleven individuals joined the swarm and downloaded the file, in part or in whole, from the Defendant.

8. Accordingly eleven indicates the number of copies disseminated by the Defendant that we know of. Our processes only involve individuals in the United States, so it is theoretically possible that the Defendant unlawfully reproduced Liberty's works hundred or even thousands of more times, when considering that the P2P networks reach worldwide.

9. Liberty charges \$60 for the DVD of the same work. Therefore, Defendant cost Liberty \$660.00 in lost sales.

Signed under penalty of perjury this 20th day of July, 2012 in Las Vegas, NV.


Erika Dillon