

EXHIBIT 2

Honorable Judge Robert S. Lasnik

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

RIDING FILMS, INC)

Plaintiff,)

v)

Civil Case Nos.;

DOES 1-35)

13-00255

DOES 1-12)

13-00256

DOES 1-44)

13-00277

DOES 1-44)

13-00278

DOES 1-65)

13-00287

DOES 1-65)

13-00288

DOES 1-64)

13-00289

Defendants.)

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

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

1. I am an attorney admitted to practice in Washington and Plaintiff's counsel in the matters captioned above.
2. All matters in this declaration or submitted through personal knowledge and belief.

- 1 3. Shortly after the Plaintiff's motions for early discovery were granted, subpoenas and
2 Orders were immediately issued to the Internet Service Providers (ISP's).
- 3 4. After the Subpoena's and orders were sent out, an initial set up conference was
4 completed with Comcast to streamline the process and I received instructions from
5 Century Link, Frontier Communications and Wave Broadband about how they would
6 like to receive the subpoenas, data and Orders for early discovery.
- 7 5. Comcast is the largest ISP provider of the Doe defendants in the present cases and
8 Plaintiff has only received an estimated 30% of the data from them. Frontier
9 Communications and Wave Broadband have not provided any data and Century Link
10 has provided approximately 70% of the data requested from them. There are other very
11 small ISP's such as Charter communications and Nuestar who have also complied with
12 the subpoenas and have provided data on about 5 Doe Defendants. At this time,
13 Plaintiff estimates that 70% of the Doe information has not yet been provided to
14 Plaintiff as Comcast has postponed delivery of data on several cases to as late at June
15 20, 2013, making it impossible to complete discovery or name potential parties in the
16 current cases.
- 17 6. Filed under seal in these cases is client communications in which Plaintiffs provide the
18 communications between Plaintiff and alleged Doe Defendants. At no time was there
19 any coercion to convince Pro Se defendants to settle a case, but rather the emails and
20 phone calls served as an educational tool to help Pro Se's learn about copyright
21 infringement and what film was allegedly downloaded. Plaintiff never contacted a Pro
22 Se defendant by phone unless the Pro Se contacted the Plaintiff first to inquire after
23 receiving a letter from their ISP. Any demand letters that were sent out were estimated
24

1 to be less than 10 due to the lack of data received at this time and expending time
2 communicating and responding to Pro Se and represented clients various motions.

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

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

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

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

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

21 12. In order to enforce the copyright infringement, the Plaintiff must hire a data company
22 to track the infringement, request data from ISP's which charge \$30-\$100 per name,
23 and retain legal counsel. All of these expenses are costly and prevent Plaintiff or any
24

1 of the parties involved from "getting rich," but rather compensate all parties for all
2 work completed and redress the Plaintiff for the damage that was incurred.

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

8
9 I declare under penalty of perjury under the laws of the United States of America that
10 foregoing is true and correct.

11
12 Dated: May 24, 2013

13 By: /s/ Richard J. Symmes

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