

October 07, 2021,
Re: Claim Number: 565O0K FRE 408 Settlement Communication

Dear Jessamyn West,

Copyrighted work(s) owned by our client, Timothy White, were identified on MLTSHP Inc. website(s) (see attached screenshots). Unfortunately, we are unable to find any record of a license for such use. If you have a license, thank you for purchasing it. Please provide us the details at claims@higbeeassociates.com with the claim number (565O0K) included. Once we receive the license, we will close the claim and apologize for the brief intrusion.

The unauthorized use of our client's work deprives them of income and causes them to incur substantial costs in detection and enforcement.

If MLTSHP Inc. does not have a license, we believe the use of the work is a violation of The Copyright Act, Title 17 of the United States Code. My client has no desire to put you through any of the following, but I have an obligation to caution you about the seriousness of the matter. If forced to go to court to resolve the matter, my client will ask for the maximum justifiable damages. My client may also ask the court to order MLTSHP Inc. to pay their attorneys fees and court costs. Copyright lawsuits can result in judgments, wage garnishments and liens on property. In some instances, the business owner can be held individually liable. Please see the enclosed relevant section of the law and sources of additional information.

Timothy White would prefer to resolve this matter outside of court and is willing to offer a complete release of all liability associated with this image for \$7000. This offer is made based on the limited information available to Timothy White.

If you think this amount is disproportionate to the facts, please provide us with details about how long you used the work, the size of your business, any other ways the work was used, and any other details you deem relevant. Also, provide a counteroffer for us to provide to Timothy White. We can be reached by email at claims@higbeeassociates.com or by phone at 800-716-1245. You may also wish to have an attorney contact us.

The overwhelming majority of these types of claims get resolved in a fair and efficient manner. However, without your cooperation, our only option is to litigate the matter, which we frequently do, so please do not make the mistake of ignoring this. If this matter is litigated, the demand amount may likely quadruple or more, and then you may also have to pay attorneys fees. If you have general business liability insurance, you may wish to contact your provider.

If we do not hear from you within 10 days, we will assume that you do not have a license and that you do not want to resolve this matter outside of court.

If you wish to simply resolve this claim without contacting us, you can view details of the claim and make a payment at the URL provided.

To resolve this matter efficiently and amicably out of court, please follow these steps:

(1) Within five business days after receipt of this letter, remove all occurrences of the image from your website(s), cease using it in any way, and confirm in writing that you have done so.

Claim number: 565O0K

Corporate HQ 1504 Brookhollow Dr. Suite 112, Santa Ana, CA 92705

Phone (800) 716-1245 **Fax** (714) 597-6559 **Web** copyright.higbeeassociates.com/resolution

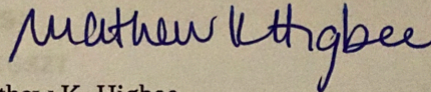
AND

(2) Within seven business days after receipt of this letter, return to our firm the attached Release License, along with your payment of **\$7000** made payable to **Higbee & Associates Client Trust Account**. This can be returned to us via US Mail. You can also pay over the phone or online at <http://copyright.higbeeassociates.com/resolution>. Your login is 565O0K. Your password is 83tggclv. If you choose to make your payment online, you can return the Release License via email to claims@higbeeassociates.com. Please include the case number (565O0K) in the subject line.

We understand that many companies are experiencing operational and personal challenges during these times. If you need additional time to investigate or resolve this matter, simply call or email us and we will put the claim on hold for 30 days. However, if you would like to save money and time by resolving the matter now, our client will, in effort to prevent the creation of a backlog of work, accept offers below the usual demand amount.

Please feel free to call or email us to discuss this matter, 800-716-1245 or send an email to claims@higbeeassociates.com

Sincerely,



Mathew K. Higbee
Attorney at Law

Claim number: 565O0K

EXHIBIT A



Image Name: a0099_131_Bebe-Neuwirth.jpg

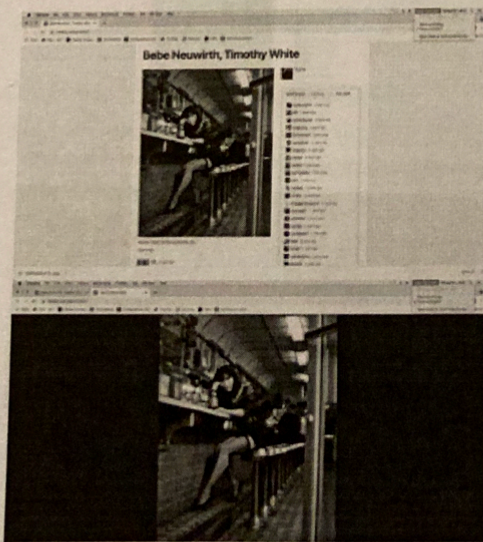
Infringing Webpages:

- <https://mltshp.com/p/1GSZ7>

Infringing File Locations:

- <https://s.mltshp.com/r/1GSZ7>

Infringing images and screenshots are shown below. You can receive copies of these images via email by sending a request to infringements@higbeeassociates.com. The email must include the case number (56500K) in the subject line.



Claim number: 56500K

EXHIBIT B



Image Name: Pee-Wee-Herman.jpg

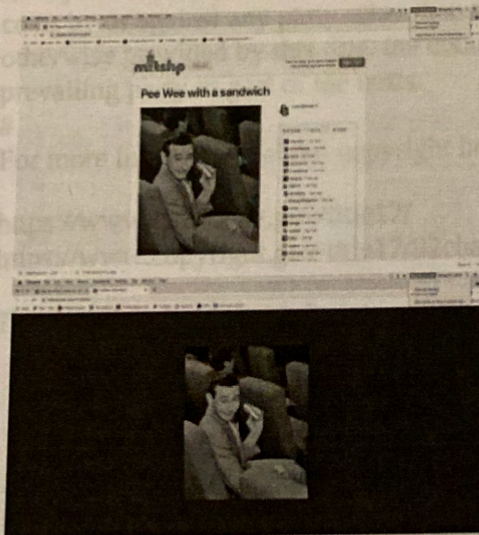
Infringing Webpages:

- <https://mltshp.com/p/1HZWW>

Infringing File Locations:

- <https://s.mltshp.com/r/1HZWW>

Infringing images and screenshots are shown below. You can receive copies of these images via email by sending a request to infringements@higbeeassociates.com. The email must include the case number (56500K) in the subject line.



If you are a non-commercial entity (meaning you do not derive income from the website) or if you do not do business in the US, please let us know as you are probably receiving this letter in error.

DAMAGES UNDER COPYRIGHT LAW - 17 US CODE §504 (In Part)

(a) Except as otherwise provided by this title, an infringer of copyright is liable for either—

(1) the copyright owner's actual damages and any additional profits of the infringer, as provided by subsection (b); or (2) statutory damages, as provided by subsection (c).

(b) Actual Damages and Profits.—

The copyright owner is entitled to recover the actual damages suffered by him or her as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer's profits, the copyright owner is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyrighted work.

(c) Statutory Damages. — (1) Except as provided by clause (2) of this subsection, the copyright owner may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for all infringements involved in the action, with respect to any one work, for which any one infringer is liable individually, or for which any two or more infringers are liable jointly and severally, in a sum of not less than \$750 or more than \$30,000 as the court considers just. For the purposes of this subsection, all the parts of a compilation or derivative work constitute one work.

COSTS & ATTORNEYS FEES UNDER 17 US CODE §505 (In Part)

In any civil action under this title, the court in its discretion may allow the recovery of full costs by or against any party other than the United States or an officer thereof. Except as otherwise provided by this title, the court may also award a reasonable attorney's fee to the prevailing party as part of the costs.

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For more information about copyright law consult an attorney or see:

<https://www.copyright.gov/title17/>

<https://www.copyright.gov/title17/92chap5.html>

This law is being provided as a courtesy. Higbee & Associates is not your attorney.

**SOME CLAIMS MAY ALSO INCLUDE ADDITIONAL LIABILITY FOR
REMOVING OR ALTERING COPYRIGHT MANAGEMENT INFORMATION**

17 US CODE SECTION 1202 (IN PART)

(b) Removal or Alteration of Copyright Management Information.—No person shall, without the authority of the copyright owner or the law—

(1) intentionally remove or alter any copyright management information...

Definition. — As used in this section, the term “copyright management information” means any of the following information....

(1) The title and other information identifying the work, including the information set forth on a notice of copyright. (2) The name of, and other identifying information about, the author of a work. (3) The name of, and other identifying information about, the copyright owner of the work, including the information set forth in a notice of copyright.

US CODE SECTION 1203 (IN PART)

(c) Award of Damages. —

(1) In general.—Except as otherwise provided in this title, a person committing a violation of section 1201 or 1202 is liable for either —

(A) the actual damages and any additional profits of the violator, as provided in paragraph

(2), or

(B) statutory damages, as provided in paragraph (3).

...

(3) (B) At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages **for each violation of section 1202 in the sum of not less than \$2,500 or more than \$25,000.**

For more information about copyright law consult an attorney or see:

<https://www.copyright.gov/title17/92chap12.html#1202>

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Copyright

United States Copyright Office

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Copyright Catalog (1978 to present)

Search Request: Builder = (Timothy White)[in Name Claimant]

Search Results: Displaying 2 of 301 entries

[◀ previous](#) [next ▶](#)

Labeled View

2019 Copyright. March Web Archive. Group 1.**Type of Work:** Visual Material**Registration Number / Date:** VAu001353964 / 2019-03-20**Application Title:** 2019 Copyright. March Web Archive. Group 1.**Title:** 2019 Copyright. March Web Archive. Group 1. [Group registration of unpublished photographs. 620 photographs]**Description:** 620 photographs : Electronic file (eService)**Copyright Claimant:** Timothy White. Address: 8744 Holloway Drive, Los Angeles, CA, 90069.**Date of Creation:** 2018**Authorship on Application:** Timothy White; Citizenship: United States. Authorship: photographs.**Rights and Permissions:** Timothy White, 8744 Holloway Drive, Los Angeles, CA, 90069, (917) 868-4041, info@twstudio.com**Copyright Note:** C.O. correspondence.

Regarding title information: Deposit contains complete list of titles that correspond to the individual photographs included in this group.

Regarding group registration: A group of unpublished photographs may be registered on one application with one filing fee only under limite

Photographs: (620 photographs):

1,2,3,4,5,6,7,8,9,1A,2A,3A,4A,5A,6A,7A,8A,9A,1B,2B,3B,4B,5B,6B,7B,8B,9B,1C,2C,3C,4C,5C,6C,7C,8C,9C,1D,2D,3D,4D,5D,6D,7D,8

Names: White, Timothy[◀ previous](#) [next ▶](#)**Save, Print and Email ([Help Page](#))**Select Download Format **Full Record**

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Mathew Higbee: CA # 241380, MI # P73980, MN # 0388759, NV # 11158, OR # 106514, UT # 11133, WA # 42755, TX # 24076924, IL # 6319929, OH #0094107 *
Ray Ngo: UT # 11936, NY # 4780706
Melissa Higbee: CA # 247998, AZ # 024644, FL # 62465, PA # 322114, NJ # 030812012, TN # 034677
Theodore Sell: CO # 44157
Taryn Murray: MA # 703750
Naomi Sarega: CA # 306967, IN # 34182-49 *
 * Multiple additional federal courts

LETTER OF REPRESENTATION POWER OF ATTORNEY

RE: Timothy White

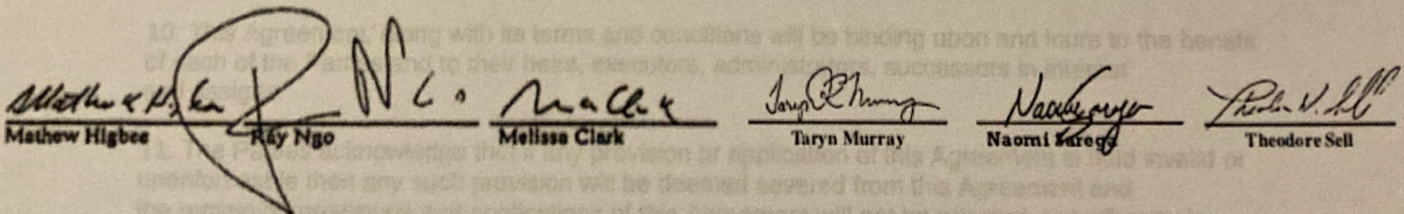
To Whom It May Concern:

Please be advised that the Law Firm of Higbee & Associates has been retained by Timothy White regarding a copyright infringement matter. As such, we have been appointed as attorney in fact with full power and authority in determining the validity of the above matter and assist in any negotiation, settlement, and payment. We are further authorized to pursue any legal remedies available to our client as a result of this matter. Any attorney, staff member or agent of Higbee & Associates is hereby authorized to discuss any effort to settle and resolve the above matter.

Effective immediately, all communication (mail, phone, electronic or otherwise) regarding the above matter must be forwarded to Higbee & Associates at:

Higbee & Associates
 1504 Brookhollow Drive, Suite 112
 Santa Ana, CA 92705
 (714) 617-8385 Telephone

Sincerely,


 Mathew Higbee Ray Ngo Melissa Clark Taryn Murray Naomi Sarega Theodore Sell

The undersigned have retained Higbee & Associates and grant full power and authority as described above.

Date: 10/05/20

Client: Timothy White

Signature: 