

Case No. _____

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

IN RE: DEAFUEH MONBO

Petitioner

Petition for Writ of Mandamus to the
United States District Court for the Eastern District of New York in
Monbo et al v. Nathan et al., Case No. 1:18-CV-05930-MKB-ST

PETITION FOR WRIT OF MANDAMUS

Deafueh Monbo
10451 Mill Run Circle #400
Owings Mills, MD 21117
410-207-0242
Petitioner

STATEMENT REGARDING ORAL ARGUMENT

Petitioner, Deafueh Monbo requests oral argument on this Petition.

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RELIEF SOUGHT

On September 4, 2019, Plaintiff Deafueh Monbo filed a Motion For The Issuance of Request To The Register of Copyrights pursuant to 17 U.S.C. § 411(b)(2). Three years after the September 4, 2019 Motion for The Issuance of Request To The Register of Copyrights was filed, District Court Judge Margo K. Brodie still has failed to issue a request to the Register of Copyrights as mandated by 17 U.S.C. § 411(b)(2). Plaintiff Deafueh Monbo seeks mandamus relief under 28 U.S.C. § 1651(a) and Federal Rule of Appellate Procedure 21, compelling the District Court to issue a request to the Register of Copyrights pursuant to 17 U.S.C. §411(b)(2) on whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration for Copyright Registration Nos. PAu003699143 and PAu003430990.

ISSUE PRESENTED

Three years after the September 4, 2019 Motion For The Issuance of Request To The Register of Copyrights was filed, District Court Judge Margo K. Brodie still has failed to issue a request to the Register of Copyrights as mandated by 17 U.S.C. § 411(b)(2). The Statute, 17 U.S.C. §411(b)(2) mandates the District Court *must* seek the advice of the Register of Copyrights when a Motion For The Issuance of Request To The Register of Copyrights is filed by a party alleging that (1) inaccurate information was included on an application for copyright registration with knowledge that it was inaccurate, and (2) that the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration. Plaintiff Monbo respectfully seeks a Writ of Mandamus compelling the District Court to comply with 17 U.S.C. §411(b)(2) and issue the request to the Register of Copyrights. Plaintiff Monbo has no adequate means of relief. The District Court has denied Plaintiff Monbo's request for

certification of an interlocutory appeal. *See* **Appendix 1**. The District Court has also ignored the August 31, 2021 mandate of the U.S. Court of Appeals for the Second Circuit. *See* **Appendix 2**. In doing so the District Court has simply disregarded the mandatory provisions of 17 U.S.C. § 411(b)(2).

STATEMENT OF FACTS

On September 4, 2019, Plaintiff Monbo moved the District Court for the issuance of a request to the Register of Copyrights pursuant to 17 § U.S.C. 411(b)(2)¹ for a determination on whether the inaccurate information contained in the certificates of copyright registration no. PAu003699143 and no. PAu003430990 would have caused the Register of Copyrights to refuse the registrations. *See* **Appendix 3**

17 U.S.C. §411(B)(2) provides, as follows:

In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

¹ 17 U.S.C. §411 provides, in pertinent part:

(b)(1)A certificate of registration satisfies the requirement of this section a ... regardless of whether the certificate contains any inaccurate information unless –

(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate, and

(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration

The mandatory provisions of 17 U.S.C. §411(B)(2) have been used in many District Court cases. See *Velazquez-Gonzalez v. Pina*, No. 07-1512, U.S.D. C., D.P.R. A copy of the request used in that case is attached for reference only at Appendix 4.

A. Declaratory Action

Plaintiff Deafueh Monbo and her co-Plaintiff Taje Monbo are the owners of the copyrights of the original 12 O’Clock Boyz film series released in 2001 and 2003.

Defendant Lofty Nathan is the owner of Defendants Red Gap Film Group, LLC and Vertical Entertainment, LLC.

On October 23, 2018, Plaintiff Monbo brought the present declaratory action concerning (1) copyright registration no. PAu003699143 and (2) copyright registration no. PAu003430990 to resolve a controversy between the parties to determine the validity of Defendant Red Gap Film Group, LLC (“Red Gap”) copyright registration no. PAu003699143 entitled “*12 O’Clock Boys*” issued on September 6, 2013 and Defendant Vertical Entertainment, LLC copyright registration no. PAu003430990 entitled “*The Twelve O’Clock Boyz*” issued on December 8, 2009.

Pursuant to 17 U.S.C. §411, Defendants Red Gap and Vertical Entertainment's copyrights are invalid because Defendants' copyright applications **include inaccurate information and material misstatements** that if known, would have caused the Register of Copyrights to refuse Defendant's copyright application pursuant to 17 U.S.C. § 411(b)(1)(A) of the Copyright Act.

I. Copyright Registration No. PAu003699143 entitled “12 O’Clock Boys”

Defendant Lotfy Nathan admits that his infringing 12 O’Clock Boys (2013) film includes upward of thirty (30) clips from Plaintiff Monbo’s 12 O’Clock Boyz Copyrighted Works.

Yet, Defendant Lotfy Nathan knowingly misrepresented in Red Gap's application to the Copyright Office that Red Gap's infringing 12 O’Clock Boys (2013) film did not include pre-existing materials from Plaintiff Monbo' 12 O’Clock Boyz Copyrighted Works.

Defendant Lotfy Nathan intentionally and purposefully concealed relevant information from the Copyright Office such as the inclusion of the thirty (30) clips taken from Plaintiff Monbo's 12 O’Clock Boyz Copyrighted Works.

Moreover, Red Gap alleges to be the author and owner **by work-for-hire** of Copyright Registration No. PAu003699143 for the film entitled “12 O’Clock Boys”, which was issued on September 6, 2013. *See Appendix 5*

However, **Red Gap did not exist at the time the infringing 12 O’Clock Boys film was being produced from 2009 to May 23, 2012.** *See Appendix 6*, at page 2. Red Gap was founded on May 24, 2012 (*See Appendix 6*, at page 2) and the infringing 12 O’Clock Boys film was being produced from 2009 to early 2012; in other words, prior to the existence of Red Gap. The copyright application submitted by Lotfy Nathan falsely identifies Red Gap as the author of the entire infringing 12 O’Clock Boys (2013) film. *See Appendix 5*

Under the “work for hire” doctrine, in order for the entity hiring the work to be able to claim ownership of the work, a written agreement to that effect must be signed prior to the creation of the work, 17 U.S.C. §201(b), *Community for Creative Non-Violence v. Reid*, 490 U.S. 730 (1989). Therefore, Red Gap is not entitled to claim authorship of the

12 O'Clock Boys (2013) film by Lotfy Nathan under the “work for hire” doctrine and, as a result, is not entitled to ownership of the Copyright Registration, PAu003699143.

Prior to registration, on December 2, 2013, the Copyright Office questioned Defendant Lotfy Nathan repeatedly about the authorship of the infringing 12 O'Clock Boys (2013) film. Each time, Defendant Lotfy Nathan knowingly misrepresented to the Copyright Office that Red Gap was the Author and that Red Gap acquired authorship by means of work-for-hire, when Red Gap did not even exist at the time the infringing 12 O'Clock Boys film was being produced from 2009 to May 23, 2012. *See Appendix 7*

Red Gap's application submitted at Defendant Lotfy Nathan's direction to the Copyright Office for copyright registration PAu003699143 for his infringing 12 O'Clock Boys (2013) film includes inaccurate information and material misstatements that if known, would have caused the Register of Copyrights to refuse Red Gap's copyright application pursuant to 17 U.S.C. § 411(b)(1)(A) of the Copyright Act.

II. Copyright Registration No. PAu003430990 entitled “The Twelve O'Clock Boyz”

Similarly, Vertical Entertainment, LLC alleges to be the owner by **work-for-hire** of Copyright Registration No. PAu003430990 for the six DVDs entitled “The Twelve O'Clock Boyz”, which was issued on December 8, 2009. *See Appendix 8*

Vertical Entertainment is not a true and original author of the six DVDs entitled “The Twelve O'Clock Boyz”. The copyright application submitted by Lotfy Nathan falsely identifies Vertical Entertainment as one of the authors of the six DVDs entitled “The Twelve O'Clock Boyz”. *See Appendix 8*

Vertical Entertainment was founded on October 27, 2009 (See Appendix 9) and the six DVDs entitled “The Twelve O’Clock Boyz” were produced in 2008, prior to the existence of Vertical Entertainment. **Vertical Entertainment did not exist at the time that the six DVDs entitled "The Twelve O'Clock Boyz" were being produced in 2008.** See Appendix 9, at page 2.

Under the “work for hire” doctrine, in order for the entity hiring the work to be able to claim ownership of the work, a written agreement to that effect must be signed prior to the creation of the work, 17 U.S.C. §20(b), Community for Creative Non-Violence v. Reid, 490 U.S. 730 (1989). Therefore, Vertical Entertainment is not entitled to claim authorship of the film entitled “The Twelve O’Clock Boyz” under the "work for hire" doctrine and, as a result, is not entitled to ownership of the Copyright Registration, PAu003430990.

Vertical Entertainment's application submitted at Defendant Lotfy Nathan's direction to the Copyright Office for copyright registration PAu003430990 for the six DVDs entitled “The Twelve O’Clock Boyz” includes material misstatements and false information that if known, would have caused the Register of Copyrights to refuse Vertical Entertainment's copyright application pursuant to 17 U.S.C. § 411(b)(1)(A) of the Copyright Act.

For the above-stated reasons, on September 4, 2019, (three years ago), Plaintiff Monbo moved the District Court pursuant to §411(b)(2) to issue a request to the Register of Copyrights under § 411(b)(1)(2) on whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration nos. PAu003699143 and PAu003430990.

Plaintiff Monbo’s Motion For The Issuance of Request To The Register of Copyrights included the below series of questions for the District Court to submit to the Register of

Copyrights under 17 U.S.C. § 411(b)(2):

1. As to Copyright Registration No. PAu003699143:

- a. Whether failure to disclose the pre-existing materials (space 6a)² would have caused the Copyright Register to refuse the application for registration no. PAu003699143?
- b. Whether knowingly filing an application with Red Gap as the author of *12 O'Clock Boys*, when Red Gap did not exist at the time when the film was produced (in 2009 - April 23, 2012), would have caused the Copyright of Register to refuse the application for registration no. PAu003699143?
- c. Whether failure to disclose that Red Gap did not have a written work-for-hire agreement signed prior to the creation of the film, *12 O'Clock Boys*, (because Red Gap did not exist) would have caused the Copyright Register to refuse the application for registration no. PAu003699143?
- d. Whether knowingly failing to disclose the publication date (space 3a)³ of the film, *12 O'Clock Boys*, when the film had already been published on March 10, 2013 at the South by Southwest film festival, would have caused the Copyright Register to refuse the application for registration no. PAu003699143?

2. As to Copyright Registration No. PAu003430990:

- a. Whether knowingly filing an application with Vertical Entertainment as the author of *The Twelve O'Clock Boyz*, when Vertical Entertainment did not exist at the time when the film was produced in 2008, would have caused the Copyright of Register to refuse the application for registration no. PAu003430990?
- b. Whether failure to disclose that Vertical Entertainment did not have a written work-for-hire agreement signed prior to the creation of the: film, *The Twelve O'Clock Boyz*, (because Vertical Entertainment did not exist), would have caused the Copyright Register to refuse the application for registration no. PAu003430990?

See **Appendix 3** for the Plaintiff Monbo's Motion For The Issuance of Request To The Register of Copyrights.

² Space 6(a) of the Form PA copyright application.

³ Space 3(a) of the Form PA copyright application.

B. Procedural History

On September 4, 2019, Plaintiff Monbo filed her Motion For The Issuance of Request To The Register of Copyrights under 17 § U.S.C. 411(b)(2). *See* **Appendix 3**

On September 27, 2019, Defendants filed an opposition to the Motion For The Issuance of Request To The Register of Copyrights. *See* **Appendix 12**

As of October 11, 2019, the Motion For The Issuance of Request To The Register of Copyrights was fully briefed. However, in total disregard for its own September 18, 2019 Order, the District Court *never* schedule any oral arguments and has failed to issue the request to the Copyright office. *See* **Appendix 10.**

Over thirty days would pass after the Motion For The Issuance of Request To The Register of Copyrights was fully briefed and the District Court would still fail to issue the request to the Register of Copyrights as mandated by § 411(b)(2). *See* **Appendix 11.**

On December 18, 2020, Plaintiff Monbo filed a request for leave to file an interlocutory appeal with respect to the District Court's failure to issue a request to the Register of Copyrights pursuant to 17 U.S.C. § 411(B)(2). The District Court has denied Plaintiff Monbo's certification request. *See* **Appendix 1**

On May 13, 2021, Plaintiff Monbo filed a Petition for Writ of Mandamus to the Court of Appeals to compel issue a request to the Register of Copyrights and for the Court of Appeals to aid in the administration of justice.

On August 31, 2021, the Court of Appeals mandated that if the District Court does not issue a request to the Register of Copyrights pursuant to 17 U.S.C. § 411(B)(2), Plaintiff Monbo is to re-submit her Petition Writ of Mandamus for relief from the Court of Appeals. *See* **Appendix 2**

The District Court has also ignored the August 31, 2021 mandate of the U.S. Court of Appeals for the Second Circuit. In doing so the District Court has simply disregarded the mandatory provisions of 17 U.S.C. § 411(b)(2).

Plaintiff Monbo has no adequate means of relief. The District Court has denied Plaintiff Monbo's request for certification of an interlocutory appeal. *See **Appendix 1***. The District Court has also ignored the August 31, 2021 mandate of the U.S. Court of Appeals for the Second Circuit. *See **Appendix 2***. In doing so the District Court has simply disregarded the mandatory provisions of 17 U.S.C. § 411(b)(2).

Under a plain reading of § 411(b)(2), the District Court is required to seek the advice of the Register of Copyrights *regardless* of whether the party making the request has any factual basis for its allegations of inaccurate information.

STANDARD OF REVIEW

The All Writs Act empowers "all courts established by Act of Congress" to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). A writ of mandamus is a "drastic and extraordinary remedy reserved for really extraordinary causes." *Cheney v. U.S. Dist. Court for Dist. of Columbia*, 542 U.S. 367, 380, 124 S.Ct. 2576, 159 L.Ed.2d 459 (2004) (internal quotation marks omitted). The writ has been used "both at common law and in the federal courts ... to confine the court against which mandamus is sought to a lawful exercise of its prescribed jurisdiction." *Id.* (alterations and internal quotation marks omitted). The Court of Appeals issues writ only in "exceptional circumstances amounting to a judicial 'usurpation of power' or a 'clear abuse of discretion.'" *Id.* (quoting *Will v. United States*, 389 U.S. 90, 95, 88 S.Ct. 269, 19 L.Ed.2d 305

(1967) and *Bankers Life & Cas. Co. v. Holland*, 346 U.S. 379, 383, 74 S.Ct. 145, 98 L.Ed. 106 (1953)) (citations and some internal quotation marks omitted).

Three conditions circumscribe the writ: (1) the petitioner must demonstrate that the “right to issuance of the writ is clear and indisputable”; (2) the party seeking issuance of the writ must have no other adequate means to attain the relief [it] desires”; and (3) “the issuing court, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances”. *Cheney*, 542 U.S. at 380–81, 124 S.Ct. 2576 (brackets, citations, and internal quotation marks omitted).

Each condition is satisfied here.

ARGUMENT

I. PLAINTIFF MONBO HAS A CLEAR AND INDISPUTABLE RIGHT TO THE REQUESTED RELIEF

Here, on September 4, 2019, Plaintiff Monbo filed her Motion For The Issuance of Request To The Register of Copyrights alleging that (1) inaccurate information was included on the Defendants’ application for copyright registration with knowledge that it was inaccurate, and (2) that the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration. *See Appendix 3*

Three years after the September 4, 2019 Motion For The Issuance of Request To The Register of Copyrights was filed, District Court Judge Margo K. Brodie still has failed to issue a request to the Register of Copyrights as mandated by 17 U.S.C. §411(b)(2). The District Court “clearly and indisputably” abused its discretion in failing to issue a request to the Register of Copyrights as mandated by 17 U.S.C. §411(B)(2).

The statutory language — “shall request” — is mandatory. The District Court's duty is triggered where “information described under paragraph (1) is alleged.” 17 U.S.C. § 411(b)(2) (emphasis added).

Accordingly, to the extent that Plaintiff Monbo alleges that Defendants submitted inaccurate information with its copyright registrations that would satisfy the two requirements of § 411(b)(1), the District Court *must* ask the Register of Copyrights whether the alleged inaccurate information, if known, would have caused it to refuse registration. Under a plain reading of § 411(b)(2), the District Court is required to seek the advice of the Register of Copyrights *regardless* of whether the party making the request has any factual basis for its allegations of inaccurate information.

Plaintiff Monbo’s right to a writ of mandamus is “clear and indisputable” because the District Court’s failure to issue a request to the Register of Copyrights as mandated by 17 U.S.C. § 411(B)(2) amounts to a “clear abuse of discretion,” if not a “judicial usurpation of power”.

II. PLAINTIFF MONBO HAS NOT OTHER ADEQUATE MEANS TO OBTAIN RELIEF

Plaintiff Monbo has no other adequate means to obtain the relief they seek — compelling the District Court to issue a request to the Register of Copyrights pursuant to 17 U.S.C. §411(b)(2) on whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration for Copyright Registration Nos. PAu003699143 and PAu003430990. The District Court Judge Margo K. Brodie has failed to issue a request to the Register of Copyrights for three years now and has shown reckless disregard for the 17 § U.S.C. 411(b)(2) statute. Thus, “because the District Court’s failure to issue a request to the Register of Copyrights is not immediately appealable, mandamus is the only adequate means available to

[Plaintiff Monbo] for protecting her interest.” *In re S.E.C. ex rel. Glotzer*, 374 F.3d 184, 187 (2d Cir. 2004).

Absent mandamus, Plaintiff Monbo will be unable to compel the District Court to issue a request to the Register of Copyrights pursuant to 17 U.S.C. § 411(B)(2). Mandamus is the only “adequate means” for Plaintiff Monbo to obtain the relief she seeks.

Plaintiff Monbo cannot compel the District Court to issue a request to the Register of Copyrights pursuant to 17 U.S.C. § 411(B)(2) by means of an interlocutory appeal. The District Court has denied Plaintiff Monbo’s certification request. See **Appendix 1**. The District Court has also ignored the August 31, 2021 mandate of the Court of Appeals. See **Appendix 2**. The Court of Appeals has jurisdiction over appeals “from final decisions of the district courts.” 28 U.S.C. § 1291. Thus, the Court of Appeals’ jurisdiction ordinarily “depends on the existence of a decision by the District Court that ends the litigation on the merits and leaves nothing for the [district] court to do but execute the judgment.” *Coopers & Lybrand v. Livesay*, 437 U.S. 463, 467, 98 S.Ct. 2454, 57 L.Ed.2d 351 (1978) (internal quotation marks omitted). As relevant here, the District Court’s failure to issue a request to the Register of Copyrights pursuant to 17 U.S.C. § 411(b)(2) is not immediately reviewable.

Plaintiff Monbo has been denied justice for three years now as a result of the District Court’s failure to comply with 17 U.S.C. § 411(b)(2) — none of which can be remediated by an appeal after final judgment. These harms to Plaintiff Monbo as a consequence of the District Court’s indisputable abuse of discretion call for the use of mandamus to confine the District Court to the proper exercise of its authority. “[T]he type of harm that is deemed irreparable for mandamus purposes typically involves an interest that is both important to and distinct from the resolution of the merits of the case.” *Linde v. Arab Bank, PLC*, 706 F.3d 92, 117 (2d Cir.2013).

III. MANDAMUS IS APPROPRIATE UNDER THE CIRCUMSTANCES

The District Court’s failure to issue a request to the Register of Copyrights pursuant to 17 U.S.C. § 411(B)(2) offers an opportunity for the Court of Appeals to reaffirm the mandatory provisions of 17U.S.C. § 411(B)(2) and to aid in the administration of justice. It is this extraordinary combination — the particularly serious harms preventable only through issuance of a writ of mandamus, the clarity of the District Court’s abuse of discretion, and the need for guidance from the Court of Appeals regarding 17 U.S.C. §411(B)(2), particularly as applied to cases where a party has alleged that (1) inaccurate information was included on an application for copyright registration with knowledge that it was inaccurate, and (2) that the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration — that renders this case ripe for mandamus relief.

“[T]he Supreme Court has also recognized the ability of mandamus to ‘serve as a useful safety valve for promptly correcting serious errors’” *In re The City of New York*, 607 F.3d at 939 (quoting *Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009)).

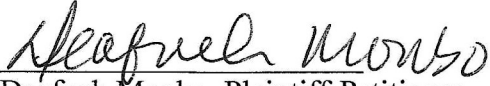
The District Court committed an abuse of discretion in failing to issue a request to the Register of Copyrights as mandated by 17 U.S.C. § 411(b)(2) for three years now, and mandamus relief is warranted to correct that abuse of discretion.

CONCLUSION

Plaintiff Monbo respectfully requests that the Court of Appeals grant a writ of mandamus and compel the District to issue a request to the Register of Copyrights as mandated by 17 U.S.C. §411(b)(2).

The opportunity, in this case, to shed light on the mandatory provisions of 17 U.S.C. §411(B)(2) especially as it applies to cases where the District Court must seek the advice of the Register of Copyrights pursuant to 17 U.S.C. §411(b)(2), combined with the fact that this petition presents legal issues whose resolution will aid in the administration of justice constitutes “exceptional circumstances” that warrant the issuance of the writ.

Respectfully Submitted,


Deafueh Monbo, Plaintiff-Petitioner
Date: September 6, 2022

CERTIFICATE OF COMPLIANCE

This Petition complies with: (1) the type-volume limitation of Federal Rule of Appellate Procedure 21(d) because it contains 4828 words, excluding the parts of the brief exempted by Rule 32(f); and (2) the typeface requirements of Rule 32(a)(5) and the type style requirements of Rule 32(a)(6) because it has been prepared in a proportionally spaced typeface (14-point Times New Roman) using Microsoft Word (the same program used to calculate the word count.)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 6, 2022, a copy of the foregoing Writ of Petition Mandamus for Deafueh Monbo was sent to:

Honorable Judge Margo K. Brodie

C/o US District Court for the Eastern District of New
225 Cadman Plaza East
Brooklyn, NY 1120

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Deafueh Monbo, Petitioner

APPENDIX

Appendix 1	District Court Order Denying Interculotory Appeal, issued January 6, 2021
Appendix 2	August 31, 2021 Mandate of the Court of Appeals
Appendix 3	Plaintiff's Motion For Issuance of A request to the Register of Copyrights
Appendix 4	<i>Velazquez-Gonzalez v. Pina</i> , No. 07-1512, U.S.D. C., D.P.R.: Copy of Request
Appendix 5	Red Gap 2013 Copyright
Appendix 6	Red Gap's Business Information from the State of Maryland
Appendix 7	Lotfy Nathan Email Communication with the Copyright Office
Appendix 8	Vertical Entertainment's 2019 Copyright
Appendix 9	Vertical Entertainment's Business Information from the State of Maryland
Appendix 10	Plaintiff Notice of Fully Briefed Motion
Appendix 11	Line: Motion For Issuance of A request to the Register of Copyrights
Appendix 12	District Court Order issued September 18, 2019

APPENDIX 1



Activity in Case 1:18-cv-05930-MKB-ST Monbo et al v. Nathan et al Order on Motion for Leave to File

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>

Wed, Jan 6, 2021 at 11:17 AM

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Case Name: Monbo et al v. Nathan et al

Case Number: 1:18-cv-05930-MKB-ST

Filer:

Document Number: No document attached

Docket Text:

ORDER: The Court declines to certify the questions for interlocutory appeal identified in plaintiff Deafueh Monbo's motion [173]. The proposed questions do not "involve[]... controlling question[s] of law as to which there is substantial ground for difference of opinion," and an immediate appeal from this Court's December 8, 2020 order will not "materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b); see also *In re Roman Catholic Diocese of Albany, New York, Inc.*, 745 F.3d 30, 36 (2d Cir. 2014) (noting that "the certification decision is entirely a matter of discretion for the district court"). This litigation can be efficiently resolved by Plaintiffs providing the Court with copies of Plaintiffs' works, which are integral to the Amended Complaint. Ordered by Judge Margo K. Brodie on 1/6/2021. (Goss, Natasha)

1:18-cv-05930-MKB-ST Notice has been electronically mailed to:

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ACP #18008
P.O. Box 2995
Annapolis, MD 21404

Taje Monbo
PO Box 441
Owings Mills, MD 21117

APPENDIX 2

E.D.N.Y. – Bklyn
18-cv-5930
Brodie, C.J.
Tiscione, M.J.

MANDATE

United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 10th day of August, two thousand twenty-one.

Present:

Rosemary S. Pooler,
Michael H. Park,
Steven J. Menashi,
Circuit Judges.


In Re: Deafueh Monbo,

21-1050

Petitioner.

Petitioner, pro se, has filed a petition for a writ of mandamus directing the district court to rule on a September 4, 2019 “Motion for Issuance of Request to the Register of Copyrights.” Upon due consideration, it is hereby ORDERED that the mandamus petition is DENIED without prejudice to renewal if the district court fails to act on the motion within a reasonable time.

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court




A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




MANDATE ISSUED ON 08/31/2021

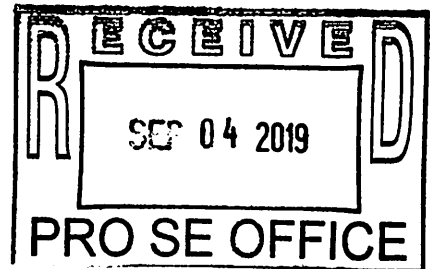
APPENDIX 3

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

TAJE MONBO, <i>et al.</i>	:	
	:	Civil Action No.: CV-18-5930
Plaintiffs,	:	
v.	:	Assigned Judge: Margo K. Brodie
	:	
LOTFY NATHAN, <i>et al.</i>	:	Magistrate Judge: Steven L. Tiscione
	:	
Defendants,	:	

PLAINTIFFS' MOTION FOR THE ISSUANCE OF REQUEST TO THE REGISTER OF COPYRIGHTS PURSUANT TO 17 § U.S.C. 411(B)(2)

Plaintiffs, Taje Monbo and Deafueh Monbo ("Plaintiffs") move this Court for the issuance of a request to the Register of Copyrights pursuant to 17 § U.S.C. 411(B)(2)¹ for a determination on whether the inaccurate information contained in the certificates of copyright registration no. PAu003699143 and no. PAu003430990 would have caused the Register of Copyrights to refuse the registrations. In support of their motion, Plaintiffs incorporate the following memorandum.



¹ 17 U.S.C. §411 provides, in pertinent part:

(b)(1)A certificate of registration satisfies the requirement of this section a ... regardless of whether the certificate contains any inaccurate information unless –

(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

MEMORANDUM IN SUPPORT OF MOTION

Plaintiffs have brought the present declaratory action with respect to Cause of Action No. 14 and No. 15 to resolve a controversy between the parties to determine the validity of Defendant Red Gap Film Group, LLC ("Red Gap") copyright registration no. PAu003699143 entitled "*12 O'Clock Boys*" issued on September 6, 2013 and Defendant Vertical Entertainment, LLC copyright registration no. PAu003430990 entitled "*The Twelve O'Clock Boyz*" issued on December 8, 2009.

Defendants Red Gap and Vertical Entertainment's copyrights are invalid because Defendant Lotfy Nathan failed to provide the copyright office with facts that, if known, would have caused the rejection of the registrations by the Copyright Office.

I. Copyright Registration No. PAu003699143 entitled "12 O'Clock Boys"

Defendant Lotfy Nathan and Red Gap made knowing material misrepresentations in Red Gap's registration application to the Copyright Office.

Defendant Lotfy Nathan admits that his infringing 12 O'Clock Boys (2013) film includes upward of thirty (30) clips from the Plaintiffs' 12 O'Clock Boyz Copyrighted Works.

Yet, Defendant Lotfy Nathan knowingly misrepresented in Red Gap's application to the Copyright Office that Red Gap's infringing 12 O'Clock Boys (2013) film did not include pre-existing materials from Plaintiffs' 12 O'Clock Boyz Copyrighted Works.

Defendant Lotfy Nathan intentionally and purposefully concealed relevant information from the Copyright Office such as the inclusion of the thirty (30) clips taken from the Plaintiffs' 12 O'Clock Boyz Copyrighted Works.

Moreover, Red Gap alleges to be the owner by work-for-hire of Copyright Registration No. PAu003699143 for the film entitled "12 O'Clock Boys", which was issued on September 6, 2013. *See Exhibit 1*

Copyright Registration No. PAu003699143 states that Red Gap is the author of the infringing film entitled "12 O'Clock Boys". *See Exhibit 1*

Red Gap is not the true and original author of the infringing film entitled 12 O'Clock Boys.

Red Gap was founded on May 24, 2012 (*Exhibit 2*, at page 2) and the infringing 12 O'Clock Boys film was being produced from 2009 to early 2012; in other words, prior to the existence of Red Gap. Red Gap did not exist at the time the infringing 12 O'Clock Boys film was being produced from 2009 to May 23, 2012. *See Exhibit 2*, at page 2.

The copyright application submitted by Lotfy Nathan falsely identifies Red Gap as the author of the entire infringing 12 O'Clock Boys (2013) film. *See Exhibit 1*

Under the "work for hire" doctrine, in order for the entity hiring the work to be able to claim ownership of the work, a written agreement to that effect must be signed prior to the creation of the work, 17 U.S.C. §201 (b), *Community for Creative Non-Violence v. Reid*, 490 U.S. 730 (1989). Therefore, Red Gap is not entitled to claim authorship of the 12 O'Clock Boys (2013) film by Lotfy Nathan under the "work for hire" doctrine and, as a result, is not entitled to ownership of the Copyright Registration, PAu003699143.

Red Gap's copyright registration PAu003699143 for the film entitled "12 O'Clock Boys" is invalid as a result of Lotfy Nathan's knowing material misrepresentations in Red Gap's registration application to the Copyright Office pursuant to 17 U.S.C. § 411(b)(1)(A).

Prior to registration, on December 2, 2013, the Copyright Office questioned Defendant

Lotfy Nathan repeatedly about the authorship of the infringing 12 O'Clock Boys (2013) film. Each time, Defendant Lotfy Nathan knowingly misrepresented to the Copyright Office that Red Gap was the Author and that Red Gap acquired authorship by means of work-for-hire, when Red Gap did not even exist at the time the infringing 12 O'Clock Boys film was being produced from 2009 to May 23, 2012. *See Exhibit 3*

Furthermore, on December 9, 2013, Defendant Lotfy Nathan knowingly misrepresented to the Copyright Office that his infringing 12 O'Clock Boys work had not yet been published, when in fact, his infringing 12 O'Clock Boys work had already been published, and had its world premiere on March 10, 2013 at the South by Southwest Film Festival. *See Exhibit 4*, at page 3.

Red Gap's application submitted at Defendant Lotfy Nathan's direction to the Copyright Office for copyright registration PAu003699143 for his infringing 12 O'Clock Boys (2013) film includes inaccurate information and material misstatements that if known, would have caused the Register of Copyrights to refuse Red Gap's copyright application pursuant to 17 U.S.C. § 411(b)(1)(A) of the Copyright Act. *See Exhibit 1*

II. Copyright Registration No. PAu003430990 entitled "The Twelve O'Clock Boyz"

Vertical Entertainment, LLC alleges to be the owner by work-for-hire of Copyright Registration No. PAu003430990 for the six DVDs entitled "The Twelve O'Clock Boyz", which was issued on December 8, 2009. *See Exhibit 5*

Copyright Registration No. PAu003430990 states that Vertical Entertainment is one of the authors of the six DVDs entitled "The Twelve O'Clock Boyz". *See Exhibit 5*

Vertical Entertainment is not a true and original author of the six DVDs entitled "The Twelve O'Clock Boyz".

The copyright application submitted by Lotfy Nathan falsely identifies Vertical Entertainment as one of the authors of the six DVDs entitled "The Twelve O'Clock Boyz". See **Exhibit 5**

Vertical Entertainment was founded on October 27, 2009 (See **Exhibit 6**) and the six DVDs entitled "The Twelve O'Clock Boyz" were produced in 2008, prior to the existence of Vertical Entertainment. Vertical Entertainment did not exist at the time that the six DVDs entitled "The Twelve O'Clock Boyz" were being produced in 2008. See **Exhibit 6**, at page 2.

Under the "work for hire" doctrine, in order for the entity hiring the work to be able to claim ownership of the work, a written agreement to that effect must be signed prior to the creation of the work, 17 U.S.C. §201 (b), *Community for Creative Non-Violence v. Reid*, 490 U.S. 730 (1989). Therefore, Vertical Entertainment is not entitled to claim authorship of the film entitled "The Twelve O'Clock Boyz" under the "work for hire" doctrine and, as a result, is not entitled to ownership of the Copyright Registration, PAu003430990.

Vertical Entertainment's copyright registration PAu003430990 for the six DVDs entitled "The Twelve O'Clock Boyz" is invalid as a result of Lotfy Nathan's knowing material misrepresentations in Vertical Entertainment's registration application to the Copyright Office pursuant to 17 U.S.C. § 411(b)(1)(A).

Vertical Entertainment's application submitted at Defendant Lotfy Nathan's direction to the Copyright Office for copyright registration PAu003430990 for the six DVDs entitled "The Twelve O'Clock Boyz" includes material misstatements and false information that if known, would have caused the Register of Copyrights to refuse Vertical Entertainment's copyright application pursuant to 17 U.S.C. § 411(b)(1)(A) of the Copyright Act. See **Exhibit 5**

17 U.S.C. §411(B)(2) provides, as follows:

In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

The mandatory provisions of 17 U.S.C. 411 (B)(2) have been used in many District Court cases. See *Velazquez-Gonzalez v. Pina*, No. 07-1512, U.S.D. C., D.P.R. A copy of the request used in that case is attached for reference only. See **Exhibit 7**

In this case, pursuant to 411(B)(2), Plaintiffs move the Court to issue a request to the Register of Copyrights on whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration:

1. As to Copyright Registration No. PAu003699143:

- a. Whether failure to disclose the pre-existing materials (space 6a)³ would have caused the Copyright Register to refuse the application for registration no. PAu003699143?
- b. Whether knowingly filing an application with Red Gap as the author of *12 O'Clock Boys*, when Red Gap did not exist at the time when the film was produced (in 2009 - April 23, 2012), would have cause the Copyright of Register to refuse the application for registration no. PAu003699143?
- c. Whether failure to disclose that Red Gap did not have a written work-for-hire agreement signed prior to the creation of the film, *12 O'Clock Boys*, (because Red Gap did not exist) would have caused the Copyright Register to refuse the application for registration no. PAu003699143?
- d. Whether knowingly failing to disclose the publication date (space 3a)⁴ of the film, *12 O'Clock Boys*, when the film had already been published on March 10, 2013 at the South by Southwest film festival, would have caused the Copyright Register to refuse the application for registration no. PAu003699143?

³ Space 6(a) of the Form PA copyright application.

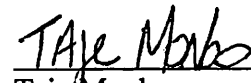
⁴ Space 3(a) of the Form PA copyright application.

2. As to Copyright Registration No. PAu003430990:

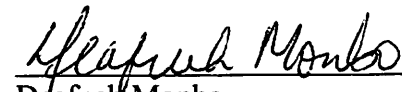
- a. Whether knowingly filing an application with Vertical Entertainment as the author of *The Twelve O'Clock Boyz*, when Vertical Entertainment did not exist at the time when the film was produced in 2008, would have caused the Copyright of Register to refuse the application for registration no. PAu003430990?
- b. Whether failure to disclose that Vertical Entertainment did not have a written work-for-hire agreement signed prior to the creation of the film, *The Twelve O'Clock Boyz*, (because Vertical Entertainment did not exist), would have caused the Copyright Register to refuse the application for registration no. PAu003430990?

Plaintiffs believe that the submission of this request is important for an early disposition of this controversy with respect to copyright registration Nos. PAu003699143 and PAu003430990.

Respectfully Submitted:



Taje Monbo



Deafuelh Monbo

Dated: September 4, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of this PLAINTIFFS' MOTION FOR THE ISSUANCE OF REQUEST TO THE REGISTER OF COPYRIGHTS PURSUANT TO 17 U.S.C. 411(B)(2) was mailed September 4, 2019 to:

Robert S. Meloni
Thomas P. McCaffrey
MELONI & MCCAFFREY, P.C.
3 Columbus Circle – 15th Floor
New York, New York, 10019
*Attorney for Defendants Oscilloscope Pictures, Inc.,
Oscilloscope Inc., Daniel Berger, and Thomas
Sladek*

Joel W. Sternman
Joel Weiner
Sean Atkins
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Overbrook Entertainment LLC, and Will Smith*

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Catherine A. Savio
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New York, NY 10178

*Attorney for Defendants Lotfy Nathan, Red Gap
Film Group and Vertical Entertainment*

Mission Film, Inc
2213 Lowells Glen Road, Unit #F
Parkville, MD 21234

Eric Blair
2213 Lowells Glen Road, Unit #F
Parkville, MD 21234

EXHIBIT 1

8/26/2019

WebVoyage Record View 1

Copyright

United States Copyright Office

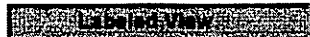
[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = pau003699143

Search Results: Displaying 1 of 1 entries



12 O'Clock Boys.

Type of Work: Motion Picture

Registration Number / Date: PAu003699143 / 2013-09-06

Application Title: 12 O'Clock Boys.

Title: 12 O'Clock Boys.

Description: Videodisc (DVD)

Copyright Claimant: Red Gap Film Group, LLC. Address: 194 S 2nd Street floor 3, Brooklyn, NY, 11211, United States.

Date of Creation: 2013

Authorship on Application: Red Gap Film Group, LLC, employer for hire; Domicile: United States. Authorship: entire motion picture.

Rights and Permissions: Lotfy Nathan, Red Gap Film Group, 194 S 2nd Street, Floor 3, Brooklyn, NY, 11211, United States, (508) 380-5202, (508) 380-5202, lotfynathan@gmail.com

Copyright Note: C.O. correspondence.

Names: Red Gap Film Group, LLC



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Select Download Format	Full Record ▾	Format for Print/Save
Enter your email address:	<input type="text"/>	<input type="button" value="Email"/>

[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

[Contact Us](#) | [Request Copies](#) | [Get a Search Estimate](#) | [Frequently Asked Questions \(FAQs\) about Copyright](#) | [Copyright Office Home Page](#) | [Library of Congress Home Page](#)

EXHIBIT 2



Want to PLAN, START, MANAGE,
or GROW your business?

▶ Click **HERE!**

➔ Maryland Business Express

🏠 Home

👤 Log In / Create Account

THE RED GAP FILM GROUP, LLC: W14693261

General Information

Filing History

Annual Report/Personal Property

General Information

Department ID Number:

W14693261

Business Name:

THE RED GAP FILM GROUP, LLC

Principal Office:

2239 KIRK AVENUE
BALTIMORE MD 21218

Resident Agent:

MARTI RYAN DANE NESTER
2239 KIRK AVENUE
BALTIMORE MD 21218

Status:

FORFEITED

Good Standing:

**THIS BUSINESS IS NOT IN GOOD
STANDING**

What does it mean if a business
entity is not in good standing or
forfeited?

» **Order Certificate of Status**

Business Type:

DOMESTIC LLC

Business Code:

5/16/2019

Register Your Business Online | Maryland.gov

20 ENTITIES OTHER THAN CORPORATIONS

Date of Formation/ Registration:

05/24/2012

State of Formation:

MD

Stock Status:

N/A

Close Status:

N/A

 [New Search](#)

[Order Documents](#)

[Privacy and Security Policy](#) | [Accessibility Policy](#)

FOR FILING AND BUSINESS RELATED QUESTIONS

Maryland Department of Assessments & Taxation
410-767-1184 | Outside the Baltimore Metro Area: 888-246-5941
Maryland Relay: 800-735-2258

FOR TECHNICAL QUESTIONS AND SUPPORT

NIC Maryland, eGov Services Partner of the Department of Information Technology (DoIT) and Maryland.gov
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SECURED

EXHIBIT 3



**COPY OF E-FILE
CORRESPONDENCE
PAu 3-699-143
(SR 1-971137331)**

Correspondence Activities Report

SR 1-971137331

Activity Type: Email - Outbound

Created on: 07/29/2013 1:53:21 PM

Subject: Confirmation of Receipt

Body:

THIS IS AN AUTOMATED EMAIL - PLEASE DO NOT REPLY. Your application and payment for the work 12 O'Clock Boys were received by the U.S. Copyright Office on 07/29/2013. PLEASE NOTE: Your submission is not complete until you upload or mail the material you are registering. To do so, logon to eCO (https://eco.copyright.gov/eService_enu/) and click on case number 1-971137331 in the Open Cases table. Follow the instructions to either upload a digital copy or mail a physical copy (with shipping slip attached) of the work being registered. Additional instructions and requirements for submitting the material being registered can be found at <http://www.copyright.gov/eco/tips/>. SHIPPING SLIPS: If you mail physical copies of the material being registered, the effective date of registration will be based on the date on which we receive the copies WITH CORRESPONDING SHIPPING SLIPS ATTACHED. A printable copy of the application will be available within 24 hours by clicking the My Applications link in the left top most navigation menu of the Home screen. You may check the status of this claim via eCO using this number 1-971137331. If you have questions or need assistance, Copyright Office contact information can be found at <http://www.copyright.gov/help/index.html#general>.

Activity Type: Letter - Inbound
Created on: 09/10/2013 10:12:37 AM
Comments: See scanned image in Electronic Files

12 O'CLOCK BOYS

1-971137331

CONTACT:

LOTFY NATHAN

Lotfy.nathan@gmail.com

(508) - 380-5202

Activity Type: Email - Outbound

Created on: 12/02/2013 4:23:23 PM

Attachment: Y

Subject: 1-971137331 12 O'Clock Boys

Body:

Dear Lotfy Nathan: We are writing because of questions about the authorship of this work and the deposit copy. Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers.

Sincerely, Gareth James Registration Specialist, U.S. Copyright Office Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. Reply to this message to confirm the date on which you mailed the copy(ies) to us. Please note that if we do not receive a response to this message within 45 days, we will close

this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]

Activity Type: Email - Inbound

Created on: 12/02/2013 4:45:16 PM

Attachment: Y

Subject: Re: 1-971137331 12 O'Clock Boys

Body:

Hello,

Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality. Please advise.

Thank you

Lotfy

Lotfy Nathan

+15083805202

On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office <cop-rc@loc.gov> wrote:

Dear Lotfy Nathan: We are writing because of questions about the authorship of this work and the deposit copy. Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). Also, the

deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. Sincerely, Gareth James Registration Specialist, U.S. Copyright Office

Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. Reply to this message to confirm the date on which you mailed the copy(ies) to us. Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]

Activity Type: Email - Outbound

Created on: 12/03/2013 07:58:31 AM

Attachment: Y

Subject: RE: Re: 1-971137331 12 O'Clock Boys

Body:

Hi, thanks for your reply. The application gives a publication date of 3/8/2013 - can you tell me what that refers to? For copyright purposes, publication means that copies of the work have been sold or distributed to the public (for example, a theatrical or home video release). I've attached our Publication Leaflet which gives more information on publication as the term relates to motion pictures. If the work has been published, then the required deposit is one copy of the "best edition" format that has been distributed at the time of registration. This is explained further in the Deposit Leaflet that was attached to my original email. If it has only been published as a DCP, then this would be the required format, however we would require an unencrypted copy that can be played on a PC or Mac computer. On the other hand, if after reading the Publication Leaflet you decide that the work has not been published, please let us know this. In this case, "best edition" requirements do not apply and we can go ahead with the registration using the DVD-R you originally submitted. Please send another reply to confirm the authorship/ownership of the work and the publication status. If you have any questions, I'm generally in the office on Tues/Wed/Thurs and my direct line is (202) 707-6082. Best, Gareth James Registration Specialist, U.S. Copyright Office

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2] -----Original Message----- From: lotfynathan@gmail.com Sent: 12/2/2013 04:44:48 PM To: Copyright Office

Subject: Re: 1-971137331 12 O'Clock Boys Hello, Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality. Please advise. Thank you

Lotfy Lotfy Nathan+15083805202 On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office wrote: Dear Lotfy Nathan: We are writing because of questions about the authorship of this work and the deposit copy. Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") Please reply and give us complete and accurate authorship

information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. Sincerely, Gareth James
Registration Specialist, U.S. Copyright Office
Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. Reply to this message to confirm the date on which you mailed the copy(ies) to us. Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]

Activity Type: Email - Inbound

Created on: 12/09/2013 1:26:54 PM

Attachment: Y

Subject: Re: Re: 1-971137331 12 O'Clock Boys

Body:

Hi Gareth,

The work has not yet been published. The date of 3/8/2013 is in reference to the date of completion.

The DVD then should suffice according to the leaflet you sent. Thank you.

Also, as per your suggestion, it is correct that the Author should be Red Gap Film Group, LLC.

I am the Copyright claimant and my information is:

Lotfy Nathan
194 S 2nd Street Floor 3
Brooklyn, NY, 11211

Thank you and please let me know if there are any further questions. Do not hesitate to call 5083805202.

Best, Lotfy

Lotfy Nathan
+15083805202

On Tue, Dec 3, 2013 at 8:10 AM, Copyright Office <cop-rc@loc.gov> wrote:

Hi, thanks for your reply. The application gives a publication date of 3/8/2013 - can you tell me what that refers to? For copyright purposes, publication means that copies of the work have been sold or distributed to the public (for example, a theatrical or home video release). I've attached our Publication Leaflet which gives more information on publication as the term relates to motion pictures. If the work has been published, then the required deposit is one copy of the "best edition" format that has been distributed at the time of registration. This is explained further in the Deposit Leaflet that was attached to my original email. If it has only been published as a DCP, then this would be the required format, however we would require an unencrypted copy that can be played on a PC or Mac computer. On the other hand, if after reading the Publication Leaflet you decide that the work has not been published, please let us know this. In this case, "best edition" requirements do not apply and we can go ahead with the registration using the DVD-R you originally submitted. Please send another reply

to confirm the authorship/ownership of the work and the publication status. If you have any questions, I'm generally in the office on Tues/Wed/Thurs and my direct line is (202) 707-6082. Best,

Gareth James Registration Specialist, U.S. Copyright Office

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]

-----Original Message-----From: lotfynathan@gmail.comSent: 12/2/2013 04:44:48 PM To: Copyright Office <cop-rc@loc.gov>Subject: Re: 1-971137331 12 O'Clock Boys

Hello, Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality. Please advise. Thank you Lotfy Lotfy Nathan +15083805202 On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office <cop-rc@loc.gov> wrote: Dear Lotfy Nathan: We are writing because of questions about the authorship of this work and the deposit copy. Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or

possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. Sincerely, Gareth James Registration Specialist, U.S. Copyright Office Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. Reply to this message to confirm the date on which you mailed the copy(ies) to us. Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]

Activity Type: Email - Outbound

Created on: 12/11/2013 08:18:51 AM

Subject: RE: Re: Re: 1-971137331 12 O'Clock Boys

Body:

Hi Lotfy, Thanks for your reply. I will go ahead and amend the record to delete the publication date and name the LLC as author of the entire motion picture. You and the company are two separate legal entities, so if the LLC is the author and there hasn't been a written transfer of the copyright, then the LLC should also be named as the copyright claimant. If that's the case, please confirm and we'll name the LLC as both author and claimant. Best regards, Gareth James Registration Specialist, U.S. Copyright Office

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2] -----Original Message----- From:

lotfynathan@gmail.com Sent: 12/9/2013 01:26:33 PM To: Copyright Office
Subject: Re: Re: 1-971137331 12 O'Clock Boys Hi Gareth, The work has not yet been published. The date of 3/8/2013 is in reference to the date of completion. The DVD then should suffice according to the leaflet you sent. Thank you. Also, as per your suggestion, it is correct that the Author should be Red Gap Film Group, LLC. I am the Copyright claimant and my information is: Lotfy Nathan 194 S 2nd Street Floor 3 Brooklyn, NY, 11211 Thank you and please let me know if there are any further questions. Do not hesitate to call 5083805202. Best, Lotfy Lotfy Nathan +15083805202 On Tue, Dec 3, 2013 at 8:10 AM, Copyright Office

wrote: Hi, thanks for your reply. The application gives a publication date of 3/8/2013 - can you tell me what that refers to? For copyright purposes, publication means that copies of the work have been sold or distributed to the public (for example, a theatrical or home video release). I've attached our Publication Leaflet which gives more information on publication as the term relates to motion pictures. If the work has been published, then the required deposit is one copy of the "best edition" format that has been distributed at the time of registration. This is explained further in the Deposit Leaflet that was attached to my original email. If it has only been published as a DCP, then this would be the required format, however we would require an unencrypted copy that can be played on a PC or Mac computer. On the other hand, if after reading the Publication Leaflet you decide that the work has not been published, please let us know this. In this case, "best edition" requirements do not apply and we can go ahead with the registration using the DVD-R you originally submitted. Please send another reply to confirm the authorship/ownership of the work and the publication status. If you have any questions, I'm generally in the office on Tues/Wed/Thurs and my direct line is (202) 707-6082. Best, Gareth James Registration Specialist, U.S. Copyright Office

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD

ID:1-HAOFJ2] -----Original Message----- From: lotfynathan@gmail.com
Sent: 12/2/2013 04:44:48 PM To: Copyright Office
Subject: Re: 1-971137331 12 O'Clock Boys Hello, Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality. Please advise. Thank you
Lotfy Lotfy Nathan+15083805202 On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office wrote: Dear Lotfy Nathan: We are writing because of questions about the authorship of this work and the deposit copy. Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. Sincerely, Gareth James Registration Specialist, U.S. Copyright Office Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. Reply to

this message to confirm the date on which you mailed the copy(ies) to us. Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]

Activity Type: Email - Inbound

Created on: 12/11/2013 10:28:33 AM

Attachment: Y

Subject: Re: 1-971137331 12 O'Clock Boys

Body:

Hi Gareth, Thanks so much. Let's confirm the LLC as author and claimant. Best Lotfy On Dec 11, 2013, at 8:21 AM, "Copyright Office" wrote: > > Hi Lotfy, > Thanks for your reply. I will go ahead and amend the record to delete the publication date and name the LLC as author of the entire motion picture. > > You and the company are two separate legal entities, so if the LLC is the author and there hasn't been a written transfer of the copyright, then the LLC should also be named as the copyright claimant. If that's the case, please confirm and we'll name the LLC as both author and claimant. > > Best regards, > Gareth James > Registration Specialist, U.S. Copyright Office > > > > When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. > > > > When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. > > [THREAD ID:1-HAOFJ2] > > -----Original Message----- > > From: lotfynathan@gmail.com > Sent: 12/9/2013 01:26:33 PM > To: Copyright Office > Subject: Re: Re: 1-971137331 12 O'Clock Boys > > Hi Gareth, > The work has not yet been published. The date of 3/8/2013 is in reference to the date of completion. > The DVD then should suffice according to the leaflet you sent. Thank you. > Also, as per your suggestion, it is correct that the Author should be Red Gap Film Group, LLC. > I am the Copyright claimant and my information is: > Lotfy Nathan 194 S 2nd Street Floor 3 Brooklyn, NY, 11211 > Thank you and please let me know if there are any further questions. Do not hesitate to call 5083805202. > Best, > Lotfy > Lotfy Nathan+15083805202 > > On Tue, Dec 3, 2013 at 8:10 AM, Copyright Office wrote: > Hi, thanks for your reply. The application gives a publication date of 3/8/2013 - can you tell me what that refers to? For copyright purposes, publication means that copies of the work have been sold or distributed to the public (for example, a theatrical or home video release). I've attached our Publication Leaflet which gives more information on publication as the term relates to motion pictures. > > If the work has been published, then the required deposit is one copy of the "best edition" format that has been distributed at the time of registration. This is explained further in the Deposit Leaflet that was attached to my original email. If it has only been published as a DCP, then this would be the required format, however we would require an unencrypted copy that can be played on a PC or Mac computer. > > On the other hand, if after reading the Publication Leaflet you decide that the work has not been published, please let us know this. In this case, "best edition" requirements do not apply and we can go ahead with the registration using the DVD-R you originally submitted. > > Please send another reply to confirm the authorship/ownership of the work and the publication status. If you have any

questions, I'm generally in the office on Tues/Wed/Thurs and my direct line is (202) 707-6082. > > Best, > Gareth James > Registration Specialist, U.S. Copyright Office > > > > When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. > > [THREAD ID:1-HAOFJ2] > > -----Original Message----- > > From: lotfynathan@gmail.com > Sent: 12/2/2013 04:44:48 PM > To: Copyright Office > Subject: Re: 1-971137331 12 O'Clock Boys > > Hello, > Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality. > > Please advise. > Thank you Lotfy > Lotfy Nathan+15083805202 > > On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office

wrote: > Dear Lotfy Nathan: > > We are writing because of questions about the authorship of this work and the deposit copy. > > Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. > > Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") > > Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) > > Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. > > Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) > > Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). > > Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. > > Please send us one copy of the best edition format as published. If you are sending a DCP,

please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. > > Sincerely, > Gareth James > Registration Specialist, U.S. Copyright Office > > Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. > > Reply to this message to confirm the date on which you mailed the copy(ies) to us. > > Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. > > When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. > > [THREAD ID:1-HAOFJ2]

Activity Type: Email - Outbound

Created on: 12/11/2013 11:21:35 AM

Subject: RE: Re: 1-971137331 12 O'Clock Boys

Body:

Great, thanks. I've finished up the registration and you should receive the certificate in the mail in the next couple of weeks. Best, Gareth When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]

-----Original Message----- From: lotfynathan@gmail.com Sent: 12/11/2013

10:14:17 AM To: Copyright Office

Subject: Re: 1-971137331 12 O'Clock Boys Hi Gareth, Thanks so much. Let's confirm the LLC as author and claimant. Best Lotfy On Dec 11, 2013, at 8:21 AM, "Copyright Office"

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however we would require an unencrypted copy that can be played on a PC or Mac computer. >> On the other hand, if after reading the Publication Leaflet you decide that the work has not been published, please let us know this. In this case, "best edition" requirements do not apply and we can go ahead with the registration using the DVD-R you originally submitted. >> Please send another reply to confirm the authorship/ownership of the work and the publication status. If you have any questions, I'm generally in the office on Tues/Wed/Thurs and my direct line is (202) 707-6082. >> Best, > Gareth James > Registration Specialist, U.S. Copyright Office >>>> When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. >> [THREAD ID:1-HAOFJ2] >> -----Original Message----- >> From: lotfynathan@gmail.com > Sent: 12/2/2013 04:44:48 PM > To: Copyright Office > Subject: Re: 1-971137331 12 O'Clock Boys >> Hello, > Thank you for sending this inquiry. I will get back to you on the copyright details I seem to have missed. But in the meantime, am I to send a DCP and not have it returned? They are quite expensive. The DVD represents the copy that will be seen by the public and I believe should be of acceptable quality. >> Please advise. > Thank you Lotfy > Lotfy Nathan+15083805202 >> On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office

wrote: > Dear Lotfy Nathan: >> We are writing because of questions about the authorship of this work and the deposit copy. >> Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. >> Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") >> Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) >> Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. >> Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) >> Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). >> Also,

the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. > > Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. > > Sincerely, > Gareth James > Registration Specialist, U.S. Copyright Office > > Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. > > Reply to this message to confirm the date on which you mailed the copy(ies) to us. > > Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. > > When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. > > [THREAD ID:1-HAOFJ2]

Activity Type: Email - Inbound

Created on: 12/11/2013 11:49:20 AM

Attachment: Y

Subject: Re: Re: 1-971137331 12 O'Clock Boys

Body:

Thank you for the attention to this, Gareth. I wasn't expecting to be able to email directly with a person at the copyright office!

Best,

Lotfy

Lotfy Nathan
+15083805202

On Wed, Dec 11, 2013 at 11:22 AM, Copyright Office <cop-rc@loc.gov> wrote:

Great, thanks. I've finished up the registration and you should receive the certificate in the mail in the next couple of weeks. Best, Gareth

When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct

office. [THREAD ID:1-HAOFJ2]-----Original

Message-----From: lotfynathan@gmail.com

Sent: 12/11/2013 10:14:17 AM

To: Copyright Office <cop-rc@loc.gov> Subject: Re: 1-971137331 12 O'Clock Boys
Hi Gareth, Thanks so much. Let's confirm the LLC as author and claimant. Best Lotfy

On Dec 11, 2013, at 8:21 AM, "Copyright Office" <cop-rc@loc.gov> wrote:>> Hi Lotfy,> Thanks for your reply. I will go ahead and amend the record to delete the publication date and name the LLC as author of the entire motion picture.>> You and the company are two separate legal entities, so if the LLC is the author and there hasn't been a written transfer of the copyright, then the LLC should also be named as the copyright claimant. If that's the case, please confirm and we'll name the LLC as both author and claimant.>> Best regards,> Gareth James> Registration Specialist, U.S. Copyright

Office>>>> When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office.>>>> When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office.>> [THREAD ID:1-HAOFJ2]>> -----Original Message----->>

From: lotfynathan@gmail.com> Sent: 12/9/2013 01:26:33 PM> To: Copyright Office <cop-rc@loc.gov>> Subject: Re: Re: 1-971137331 12 O'Clock Boys>>

Hi Gareth,> The work has not yet been published. The date of 3/8/2013 is in reference to the date of completion.> The DVD then should suffice according to the leaflet you sent. Thank you.> Also, as per your suggestion, it is correct that the Author should be Red Gap Film Group, LLC.> I am the Copyright claimant and my information is:> Lotfy Nathan 194 S 2nd Street Floor 3 Brooklyn, NY, 11211> Thank you and please let me know if there are any further questions. Do

not hesitate to call 5083805202.> Best,> Lotfy> Lotfy Nathan+15083805202>>
On Tue, Dec 3, 2013 at 8:10 AM, Copyright Office <cop-rc@loc.gov> wrote:> Hi,
thanks for your reply. The application gives a publication date of 3/8/2013 - can
you tell me what that refers to? For copyright purposes, publication means that
copies of the work have been sold or distributed to the public (for example, a
theatrical or home video release). I've attached our Publication Leaflet which
gives more information on publication as the term relates to motion pictures.>> If
the work has been published, then the required deposit is one copy of the "best
edition" format that has been distributed at the time of registration. This is
explained further in the Deposit Leaflet that was attached to my original email. If
it has only been published as a DCP, then this would be the required format,
however we would require an unencrypted copy that can be played on a PC or
Mac computer.>> On the other hand, if after reading the Publication Leaflet you
decide that the work has not been published, please let us know this. In this case,
"best edition" requirements do not apply and we can go ahead with the
registration using the DVD-R you originally submitted.>> Please send another
reply to confirm the authorship/ownership of the work and the publication status.
If you have any questions, I'm generally in the office on Tues/Wed/Thurs and my
direct line is (202) 707-6082.>> Best,> Gareth James> Registration Specialist,
U.S. Copyright Office>>>> When replying to this email, please include the
following thread id (entire line) within the body of your response to expedite
routing to the correct office.>> [THREAD ID:1-HAOFJ2]>> -----Original
Message----->> From: lotfynathan@gmail.com> Sent: 12/2/2013 04:44:48
PM> To: Copyright Office <cop-rc@loc.gov>> Subject: Re: 1-971137331 12
O'Clock Boys>> Hello,> Thank you for sending this inquiry. I will get back to you
on the copyright details I seem to have missed. But in the meantime, am I to
send a DCP and not have it returned? They are quite expensive. The DVD
represents the copy that will be seen by the public and I believe should be of
acceptable quality.>> Please advise.> Thank youLotfy> Lotfy
Nathan+15083805202>> On Mon, Dec 2, 2013 at 10:28 PM, Copyright Office
<cop-rc@loc.gov> wrote:> Dear Lotfy Nathan:>> We are writing because of
questions about the authorship of this work and the deposit copy.>> Your
application names you as the sole author of the entire work. The credits on the
copy, however, indicate that many other individuals also contributed to the
production of this motion picture and include the name of a production company
in the copyright notice.>> Usually several people are involved in making a
motion picture on videotape or film. These may include the producer, director,
writer, camera operator, editor, and others. These individuals may be the
authors of the work. Often, however, they are employed by a company or
another individual to make the motion picture, and the resulting work is a "work
made for hire." In this case, the employer is the legal author. (See Circular 9 at
<http://www.copyright.gov/circs/circ09.pdf> for more information about "works
made for hire.")>> Please reply and give us complete and accurate authorship
information. If the entire work was "made for hire," tell us the employer's name
(possibly The Red Gap Film Group, LLC). Do not give the names of the
employees. We will amend the record naming the employer as the sole author

and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.)>> Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly.>> Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.)>> Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement").>> Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration.>> Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers.>> Sincerely,> Gareth James> Registration Specialist, U.S. Copyright Office>> Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet.>> Reply to this message to confirm the date on which you mailed the copy(ies) to us.>> Please note that if we do not receive a response to this message within 45 days, we will close this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission.>> When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office.>> [THREAD ID:1-HAOFJ2]

EXHIBIT 4

12 O'Clock Boys

[Tweet](#)

[Synopsis](#)

[Credits](#)

[Director Bio](#)

[Contact](#)

[Still](#)

Synopsis

Pug, a wisecracking 13 year old living on a dangerous Westside block, has one goal in mind: to join The 12 O'Clock Boys; the notorious urban dirt-bike gang of Baltimore. Converging from all parts of the inner city, they invade the streets and clash with police, who are forbidden to chase the bikes for fear of endangering the public. Pug looks to the pack for mentorship, spurred by their dangerous lifestyle. He narrates their world as if explaining a dreamscape, complemented with unprecedented, action-packed coverage of the riders in their element. The film presents the pivotal years of change in a boy's life growing up in one of the most dangerous and economically depressed cities in the US.

Credits

Director: Lotfy Nathan

Executive Producer: Taylor Gillespie

Producer: Lotfy Nathan, John Kassab, Eric Blair

Cinematographer: Lotfy Nathan

Editor: Thomas Niles

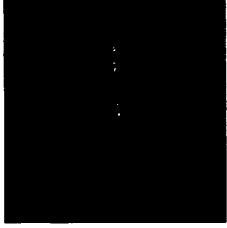
Music: Joe Williams

Additional Credits: Second Unit Camera: John Benam, Associate Producer: Tom Colley, Associate Producer: Ted Marcus, Consulting Editor: Ian Olds, Production Assistant: Larry Jackson

8/26/2019

12 O'Clock Boys | Schedule | sxsw.com

Director Bio



Lotfy Nathan, 26, is a fellow of the Garrett Scott Foundation, IFP Lab, IFP Spotlight, and a recipient of the Grainger Marburg Grant. His first film: "12 O'Clock Boys" has had preview screenings at Lincoln Center, IFC Center, Rooftop film festival, and Full Frame Festival. He was recently accepted to the Columbia University MFA Film Program.

Contact

Public Film Contact

Lotfy Nathan

lotfynathan@gmail.com

(508) 380-5202

Still



☆ **Sunday, March 10**

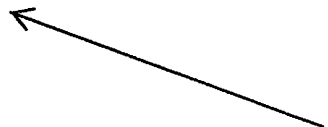
11:15AM -12:30PM

[Add to my schedule](#)

[Venue Info](#)

[Stateside Theatre](#)

719 Congress Ave



Credentials with access

Film Badge, Gold Badge, Platinum Badge, Film Festival Wristband

Director

Lotfy Nathan

Screening Section (THEME)

Documentary Competition

Details

World Premiere

Documentary Feature

English

USA

2013

DCP

75 MIN

<http://www.12oclockboys.com>

Additional Screening

★ **Monday, March 11**

1:45PM - 3:00PM

Venue: **Violet Crown 3&4**

★ **Friday, March 15**

11:15AM -12:30PM

Venue: **Stateside Theatre**

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8/26/2019

12 O'Clock Boys | Schedule | sxsw.com



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8/26/2019

12 O'Clock Boys | Schedule | sxsw.com



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EXHIBIT 5

Copyright

United States Copyright Office

[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = PAu003430990

Search Results: Displaying 1 of 1 entries



The Twelve O'clock Boyz.

Type of Work: Motion Picture

Registration Number / Date: PAu003430990 / 2009-12-08

Application Title: The Twelve O'clock Boyz.

Title: The Twelve O'clock Boyz.

Description: 6 videodiscs (DVD)

Copyright Claimant: Lotfy Nathan, 1986-. Address: 616 water street suite 225, Baltimore, MD, 21202, United States.

Date of Creation: 2009

Authorship on Application: Lotfy Nathan, 1986- ; Domicile: United States; Citizenship: United Kingdom. Authorship: direction/director, production/producer, entire motion picture, cinematography/cinematographer.

Vertical Entertainment, employer for hire; Domicile: United States; Citizenship: United States. Authorship: production/producer.

Pre-existing Material: script/screenplay, preexisting footage, preexisting photograph(s), preexisting music.

Basis of Claim: all other cinematographic material, additional new footage, production as a motion picture.

Rights and Permissions: Lotfy Nathan, 616 water street suite 225, Baltimore, MD, 21202, United States, (508) 380-5202, lotfynathan@gmail.com

Names: Nathan, Lotfy, 1986-

Vertical Entertainment



Save, Print and Email (Help Page)

Select Download Format	Full Record	Format for Print/Save
Enter your email address:	<input type="text"/>	
		<input type="button" value="Email"/>

[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

[Contact Us](#) | [Request Copies](#) | [Get a Search Estimate](#) | [Frequently Asked Questions \(FAQs\) about Copyright](#) | [Copyright Office Home Page](#) | [Library of Congress Home Page](#)

EXHIBIT 6

CORPORATE CHARTER APPROVAL SHEET

****EXPEDITED SERVICE****

**** KEEP WITH DOCUMENT ****

DOCUMENT CODE 40 BUSINESS CODE _____

Close _____ Stock _____ Nonstock _____

P.A. _____ Religious _____

Merging (Transferor) _____

Surviving (Transferee) _____



1000361998831964

ID # W13287958 ACK # 1000361998831964
PAGES: 0003
VERTICAL ENTERTAINMENT, LLC

10/28/2009 AT 03:31 P WO # 0001788794

New Name _____

FEES REMITTED

Base Fee:	_____	<u>100</u>
Org. & Cap. Fee:	_____	
Expedite Fee:	_____	<u>50</u>
Penalty:	_____	
State Recordation Tax:	_____	
State Transfer Tax:	_____	
Certified Copies	_____	
Copy Fee:	_____	
Certificates	_____	
Certificate of Status Fee:	_____	
Personal Property Filings:	_____	
Mail Processing Fee:	_____	
Other:	_____	

TOTAL FEES: _____ 150

Credit Card _____ Check Cash _____

_____ Documents on _____ Checks

Approved By: [Signature]

Keyed By: [Signature]

COMMENT(S): Walt-In

_____	Change of Name
_____	Change of Principal Office
_____	Change of Resident Agent
_____	Change of Resident Agent Address
_____	Resignation of Resident Agent
_____	Designation of Resident Agent and Resident Agent's Address
_____	Change of Business Code
_____	Adoption of Assumed Name
_____	Other Change(s)

Code 078

Attention: M'Linda Draughn

Mail: Name and Address

OBER, KALER, GRIMES AND SHRIVER
ATTN M'LINDA DRAUGHN
120 E BALTIMORE ST
BALTIMORE MD 21202-1674

Stamp Work Order and Customer Number HERE

CUST ID: 0002345756
WORK ORDER: 0001788794
DATE: 10-28-2009 03:31 PM
AMT. PAID: \$150.00

K

VERTICAL ENTERTAINMENT, LLC

ARTICLES OF ORGANIZATION

October 27, 2009



THE UNDERSIGNED, in order to form a limited liability company pursuant to the Maryland Limited Liability Company Act (the "LLC Act"), hereby acknowledges and certifies to the Maryland State Department of Assessments and Taxation that:

- 1. The name of the limited liability company (the "Company") is:**

Vertical Entertainment, LLC

- 2. The purposes for which the Company is formed are to (i) produce video, film and digital media, and (ii) engage in any lawful act or activity which may be carried on by a limited liability company under the LLC Act, whether or not related to any other business at the time or theretofore engaged in by the Company.**

The foregoing enumerated purposes shall be in addition to and not in limitation of the general powers of limited liability companies under the LLC Act.

- 3. The present address of the principal office of the Company in the State of Maryland is: 616 Water Street, Suite 225, Baltimore, Maryland 21202.**

- 4. The name and address of the resident agent of the Company in the State of Maryland are: Lotfy Nathan, 616 Water Street, Suite 225, Baltimore, Maryland 21202. Said resident agent is a citizen of the State of Maryland who resides in the State of Maryland.**

- 5. The authority of members to act for the Company solely by virtue of their being members is limited as follows:**

- (a) no member of the Company is an agent of the Company solely by virtue of being a member; and**

- (b) no member of the Company has authority to act for the Company solely by virtue of being a member.**

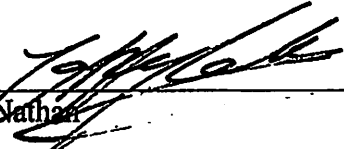
- 6. The duration of the Company shall be perpetual.**

- 7. No member of the Company shall be entitled to exercise the rights of an objecting member under Section 4A-705 of the LLC Act.**

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned, being an individual authorized to do so under the LLC Act, has signed these Articles of Organization, acknowledging the same to be the undersigned's act, on the date first above written.

Authorized Person:



Lotfy Nathan

CONSENT OF RESIDENT AGENT

The undersigned hereby agrees to serve as resident agent in the State of Maryland for Vertical Entertainment, LLC.



Lotfy Nathan

CUST ID: 0002345736
WORK ORDER: 0001788794
DATE: 10-28-2009 03:31 PM
AMT. PAID: \$150.00

EXHIBIT 7

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

LUIS A. VELAZQUEZ-GONZALEZ

Plaintiff

vs

CIVIL 07-1512CCC

RAFAEL PINA, d/b/a PINA RECORDS;
PINA ENTERTAINMENT GROUP, RAP
RECORDS; PINA MUSIC, INC.;
PINA ARTISTIC MANAGEMENT;
PINA INDUSTRIES; MAFER MUSIC
PUBLISHING, INC.; SONY/ATV DISCOS
MUSIC PUBLISHING; UNIVERSAL MUSIC
LATINO; UNIVERSAL MUSIC
DISTRIBUTION CORP.; JOSE NIEVES
JAIME p/k/a "R.K.M.;" KENNY VAZQUEZ,
p/k/a "KEN-Y;" and XYZ INSURANCE CO.

Defendants

**REQUEST TO THE REGISTER OF COPYRIGHTS
PURSUANT TO 17 U.S.C.§411(B)(2)**

Federal jurisdiction in the action arises from allegations of copyright infringement of the musical composition entitled "Amiga Mía." Plaintiff Luis Velázquez alleges that the "defendants have illegally and without Plaintiff's authorization, manufactured and/or distributed; publicly performed; facilitated and/ or induced the unauthorized manufacturing and/or distribution of unauthorized copies and/or derivative works of the Composition." Second Amended Complaint, docket entry 20, ¶1.

Before the Court is a Motion for Summary Judgment filed by defendants José Nieves-Jaime and Kenny Vázquez, authors/composers of "Amiga Mía." Among movants' contentions is the invalidity of the plaintiff's copyright because he failed to provide the Copyright Office with facts that, if known, would have caused the rejection of the registration by the Copyright Office. Because federal jurisdiction is dependent upon the validity of

CIVIL 07-1512CCC

2

plaintiff's copyright, the Court hereby requests advice from the Register of Copyrights, pursuant to 17 U.S.C. §411(b)(2).¹

On August 22, 2004 plaintiff Velázquez entered into an agreement entitled "License for Recording of Artistic Performances and Acceptance of Work for Hire," as "Producer" with defendants José Nieves and Kenny Vázquez, respectively, as artists. Although the title includes the phrase "work for hire," it does not meet the definition of a "work made for hire" found in 17 U.S.C. §101,² in that the song had been composed prior to the parties' agreement. It is undisputed that Nieves and Vázquez are the authors/composers of "Amiga Mia."

On January 3, 2007, plaintiff's attorney, Yolanda Alvarez, submitted an application for a Certificate of Registration of copyright on his behalf as Copyright Claimant, for the composition "Amiga Mia." The certificate falsely identifies Velázquez as the author-creator of the words and music. It makes no mention of the license agreement with the true authors.

¹17 U.S.C. §411 provides, in pertinent part:

(b)(1) A certificate of registration satisfies the requirement of this section a ... regardless of whether the certificate contains any inaccurate information unless—

(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

² Section 101 defines a "work made for hire" as (1) a work prepared by an employee within the scope of his or her employment; or (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work.

CIVIL 07-1512CCC

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Velázquez filed this action for copyright infringement and supplemental claims on June 14, 2007. Over the course of litigation, it became clear Nieves and Vázquez are challenging plaintiff's contention that all rights and interests in the composition "Amiga Mía" were transferred to Velázquez pursuant to the License for Recording of Artistic Performances. Notwithstanding that the composers deny having assigned the rights to the composition, thereby placing such ownership rights in issue, on March 7, 2008, Velázquez, again through his attorney, filed a supplementary Certificate of Registration, this time correctly identifying the authors as Vázquez and Nieves. As to "Explanation of Correction," plaintiff states that, "The authors of the work are Kenny Vázquez and José M. Nieves, who transferred their rights over the composition to Luis A. Velázquez." In sum, Velázquez failed to advise the Register of Copyrights that there was a lawsuit challenging his claim of ownership of all rights in the composition.

For the above-stated reasons, the Court seeks the advice of the Register of Copyrights, to be provided by July 21, 2009, on whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration:

I. As to the original Certificate of Registration: Three misrepresentations by Velázquez are contained therein: (1) identifying himself as the author; (2) claiming he created the words and music; and (3) failing to notify that the licensing agreement is the source of his alleged rights over the composition. Although plaintiff certainly knew he was not the composer of the words and music and any rights in the composition flowed from the agreement, he claims that the misstatements and the omission were "inadvertent."

II. As to the Supplementary Certificate of Registration: Plaintiff avers that he "is the sole and exclusive owner of the Composition and has the exclusive right to reproduce, copy, publicly perform, prepare derivative works, and distribute it." The authors deny and reject Velázquez' claim of ownership of all rights to the composition. This issue is at the center of the lawsuit before the court. Notwithstanding that there was a dispute as to the ownership rights to "Amiga Mía," plaintiff failed to inform the Register of Copyrights in his supplementary application that he did not have a clear title to the ownership rights.

The Clerk of Court shall notify this Request to all parties and to the Register of Copyrights as follows:

CIVIL 07-1512CCC

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David O. Carson,
General Counsel
U.S. Copyright Office
Copyright GC/I&R
P.O. Box 70400
Washington, D.C., 20024

SO ORDERED.

At San Juan, Puerto Rico, on June 1, 2009.

S/CARMEN CONSUELO CEREZO
United States District Judge

APPENDIX 4

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

LUIS A. VELAZQUEZ-GONZALEZ

Plaintiff

vs

CIVIL 07-1512CCC

RAFAEL PINA, d/b/a PINA RECORDS;
PINA ENTERTAINMENT GROUP, RAP
RECORDS; PINA MUSIC, INC.;
PINA ARTISTIC MANAGEMENT;
PINA INDUSTRIES; MAFER MUSIC
PUBLISHING, INC.' SONY/ATV DISCOS
MUSIC PUBLISHING; UNIVERSAL MUSIC
LATINO; UNIVERSAL MUSIC
DISTRIBUTION CORP.' JOSE NIEVES
JAIME p/k/a "R.K.M.;" KENNY VAZQUEZ,
p/k/a "KEN-Y;" and XYZ INSURANCE CO.

Defendants

**REQUEST TO THE REGISTER OF COPYRIGHTS
PURSUANT TO 17 U.S.C. §411(B)(2)**

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CIVIL 07-1512CCC

2

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(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

² Section 101 defines a "work made for hire" as (1) a work prepared by an employee within the scope of his or her employment; or (2) a work specially ordered or commissioned for use as a contribution to a collective work, as a part of a motion picture or other audiovisual work.

CIVIL 07-1512CCC

3

Velázquez filed this action for copyright infringement and supplemental claims on June 14, 2007. Over the course of litigation, it became clear Nieves and Vázquez are challenging plaintiff's contention that all rights and interests in the composition "Amiga Mía" were transferred to Velázquez pursuant to the License for Recording of Artistic Performances. Notwithstanding that the composers deny having assigned the rights to the composition, thereby placing such ownership rights in issue, on March 7, 2008, Velázquez, again through his attorney, filed a supplementary Certificate of Registration, this time correctly identifying the authors as Vázquez and Nieves. As to "Explanation of Correction," plaintiff states that, "The authors of the work are Kenny Vázquez and José M. Nieves, who transferred their rights over the composition to Luis A. Velázquez." In sum, Velázquez failed to advise the Register of Copyrights that there was a lawsuit challenging his claim of ownership of all rights in the composition.

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I. As to the original Certificate of Registration: Three misrepresentations by Velázquez are contained therein: (1) identifying himself as the author; (2) claiming he created the words and music; and (3) failing to notify that the licensing agreement is the source of his alleged rights over the composition. Although plaintiff certainly knew he was not the composer of the words and music and any rights in the composition flowed from the agreement, he claims that the misstatements and the omission were "inadvertent."

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The Clerk of Court shall notify this Request to all parties and to the Register of Copyrights as follows:

CIVIL 07-1512CCC

4

David O. Carson,
General Counsel
U.S. Copyright Office
Copyright GC/I&R
P.O. Box 70400
Washington, D.C., 20024

SO ORDERED.

At San Juan, Puerto Rico, on June 1, 2009.

S/CARMEN CONSUELO CEREZO
United States District Judge

APPENDIX 5



Want to PLAN, START, MANAGE,
or GROW your business?
▶ Click HERE!

➔ Maryland Business Express

Home

Log In / Create Account

THE RED GAP FILM GROUP, LLC: W14693261

General Information

Filing History

Annual Report/Personal Property

General Information

Department ID Number:

W14693261

Business Name:

THE RED GAP FILM GROUP, LLC

Principal Office:

2239 KIRK AVENUE
BALTIMORE MD 21218

Resident Agent:

MARTI RYAN DANE NESTER
2239 KIRK AVENUE
BALTIMORE MD 21218

Status:

FORFEITED

Good Standing:

THIS BUSINESS IS **NOT IN GOOD
STANDING**

[What does it mean if a business
entity is not in good standing or
forfeited?](#)

» [Order Certificate of Status](#)

Business Type:

DOMESTIC LLC

Business Code:

20 ENTITIES OTHER THAN CORPORATIONS

Date of Formation/ Registration:

05/24/2012

State of Formation:

MD

Stock Status:

N/A

Close Status:

N/A



[New Search](#)

[Order Documents](#)

[Privacy and Security Policy](#) | [Accessibility Policy](#)

FOR FILING AND BUSINESS RELATED QUESTIONS

Maryland Department of Assessments & Taxation
410-767-1184 | Outside the Baltimore Metro Area: 888-246-5941
Maryland Relay: 800-735-2258

FOR TECHNICAL QUESTIONS AND SUPPORT

NIC Maryland, eGov Services Partner of the Department of Information Technology (DoIT) and Maryland.gov
» [Click for 24/7 Support](#)

 Maryland.gov SECURED

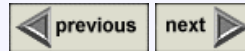
APPENDIX 6

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = 12 o'clock boys

Search Results: Displaying 1 of 1 entries



Labeled View

12 O'Clock Boys.

Type of Work: Motion Picture

Registration Number / Date: PAu003699143 / 2013-09-06

Application Title: 12 O'Clock Boys.

Title: 12 O'Clock Boys.

Description: Videodisc (DVD)

Copyright Claimant: Red Gap Film Group, LLC. Address: 194 S 2nd Street floor 3, Brooklyn, NY, 11211, United States.

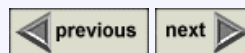
Date of Creation: 2013

Authorship on Application: Red Gap Film Group, LLC, employer for hire; Domicile: United States. Authorship: entire motion picture.

Rights and Permissions: Lotfy Nathan, Red Gap Film Group, 194 S 2nd Street, Floor 3, Brooklyn, NY, 11211, United States, (508) 380-5202, (508) 380-5202, lotfynathan@gmail.com

Copyright Note: C.O. correspondence.

Names: [Red Gap Film Group, LLC](#)



Save, Print and Email ([Help Page](#))

Select Download Format	Full Record	▼	Format for Print/Save
Enter your email address:	<input type="text"/>		Email

[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

[Contact Us](#) | [Request Copies](#) | [Get a Search Estimate](#) | [Frequently Asked Questions \(FAQs\) about Copyright](#) | [Copyright Office Home Page](#) | [Library of Congress Home Page](#)

APPENDIX 7



**COPY OF E-FILE
CORRESPONDENCE
PAu 3-699-143
(SR 1-971137331)**

Correspondence Activities Report

SR 1-971137331

Activity Type: Email - Outbound

Created on: 07/29/2013 1:53:21 PM

Subject: Confirmation of Receipt

Body:

THIS IS AN AUTOMATED EMAIL - PLEASE DO NOT REPLY. Your application and payment for the work 12 O'Clock Boys were received by the U.S. Copyright Office on 07/29/2013. PLEASE NOTE: Your submission is not complete until you upload or mail the material you are registering. To do so, logon to eCO (https://eco.copyright.gov/eService_enu/) and click on case number 1-971137331 in the Open Cases table. Follow the instructions to either upload a digital copy or mail a physical copy (with shipping slip attached) of the work being registered. Additional instructions and requirements for submitting the material being registered can be found at <http://www.copyright.gov/eco/tips/>. SHIPPING SLIPS: If you mail physical copies of the material being registered, the effective date of registration will be based on the date on which we receive the copies WITH CORRESPONDING SHIPPING SLIPS ATTACHED. A printable copy of the application will be available within 24 hours by clicking the My Applications link in the left top most navigation menu of the Home screen. You may check the status of this claim via eCO using this number 1-971137331. If you have questions or need assistance, Copyright Office contact information can be found at <http://www.copyright.gov/help/index.html#general>.

Activity Type: Letter - Inbound
Created on: 09/10/2013 10:12:37 AM
Comments: See scanned image in Electronic Files

12 O'CLOCK BOYS

1-971137331

CONTACT:

LOTFY NATHAN

Lotfy.nathan@gmail.com

(508) - 380 - 5202

Activity Type: Email - Outbound
Created on: 12/02/2013 4:23:23 PM
Attachment: Y
Subject: 1-971137331 12 O'Clock Boys
Body:



Dear Lotfy Nathan: We are writing because of questions about the authorship of this work and the deposit copy. Your application names you as the sole author of the entire work. The credits on the copy, however, indicate that many other individuals also contributed to the production of this motion picture and include the name of a production company in the copyright notice. Usually several people are involved in making a motion picture on videotape or film. These may include the producer, director, writer, camera operator, editor, and others. These individuals may be the authors of the work. Often, however, they are employed by a company or another individual to make the motion picture, and the resulting work is a "work made for hire." In this case, the employer is the legal author. (See Circular 9 at <http://www.copyright.gov/circs/circ09.pdf> for more information about "works made for hire.") Please reply and give us complete and accurate authorship information. If the entire work was "made for hire," tell us the employer's name (possibly The Red Gap Film Group, LLC). Do not give the names of the employees. We will amend the record naming the employer as the sole author and claimant of the "entire motion picture" in a "work made for hire." (See No. 1 on the attached Motion Picture Authorship Leaflet.) Or, if no part of the work was "made for hire," name the individuals who made the motion picture and briefly describe what each person did, for example, "producer," "director," "script writer," "camera operator," and so forth. (See No. 2 on the Authorship Leaflet.) We will amend the registration record accordingly. Possibly part of the work was "made for hire" and part was not. If so, give us the appropriate information and we will amend the record accordingly. (See No. 3 on the Authorship Leaflet.) Finally give the name and address of the copyright claimant. The claimant is the person(s) or organization that owns all rights in the motion picture. If any claimant is not an author, also tell us the legal means by which copyright was transferred (for example, "by written agreement"). Also, the deposit requirement for published motion pictures is one complete copy of the best edition published at the time of registration. This work appears to be a feature documentary, and we assume it was released in 35mm film format, or possibly in a digital format such as HDCam or as a Digital Cinema Package (DCP). If so, this format represents the best edition and is required for registration. Please send us one copy of the best edition format as published. If you are sending a DCP, please note that we require an unencrypted copy on a PC or Mac-mountable drive. We cannot accommodate drives that can only be attached to DCI servers. Sincerely, Gareth James Registration Specialist, U.S. Copyright Office Please print the attached Reply Sheets and attach them to the copy(ies) of your work before mailing the copy(ies) to the address on the Reply Sheet. Reply to this message to confirm the date on which you mailed the copy(ies) to us. Please note that if we do not receive a response to this message within 45 days, we will close

this case without processing your registration or notifying you further, and forward your deposit copy(ies) under the provisions of the current copyright law. The fee is not refundable. If you re-apply for registration after the case is closed, you must send a new application, copy and fee. The effective date of registration will be based on the new submission. When replying to this email, please include the following thread id (entire line) within the body of your response to expedite routing to the correct office. [THREAD ID:1-HAOFJ2]

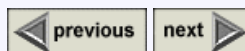
APPENDIX 8

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Copyright Number = PAu003430990

Search Results: Displaying 1 of 1 entries



Labeled View

The Twelve O'clock Boyz.

Type of Work: Motion Picture

Registration Number / Date: PAu003430990 / 2009-12-08

Application Title: The Twelve O'clock Boyz.

Title: The Twelve O'clock Boyz.

Description: 6 videodiscs (DVD)

Copyright Claimant: Lotfy Nathan, 1986- . Address: 616 water street suite 225, Baltimore, MD, 21202, United States.

Date of Creation: 2009

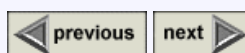
Authorship on Application: Lotfy Nathan, 1986- ; Domicile: United States; Citizenship: United Kingdom. Authorship: direction/director, production/producer, entire motion picture, cinematography/cinematographer. Vertical Entertainment, employer for hire; Domicile: United States; Citizenship: United States. Authorship: production/producer.

Pre-existing Material: script/screenplay, preexisting footage, preexisting photograph(s), preexisting music.

Basis of Claim: all other cinematographic material, additional new footage, production as a motion picture.

Rights and Permissions: Lotfy Nathan, 616 water street suite 225, Baltimore, MD, 21202, United States, (508) 380-5202, lotfynathan@gmail.com

Names: [Nathan, Lotfy, 1986-](#)
[Vertical Entertainment](#)



Save, Print and Email ([Help Page](#))

Select Download Format	Full Record	▼	Format for Print/Save
Enter your email address:	<input type="text"/>		Email

[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

[Contact Us](#) | [Request Copies](#) | [Get a Search Estimate](#) | [Frequently Asked Questions \(FAQs\) about Copyright](#) | [Copyright Office Home Page](#) | [Library of Congress Home Page](#)

APPENDIX 9

****EXPEDITED SERVICE****

**** KEEP WITH DOCUMENT ****

DOCUMENT CODE 40 BUSINESS CODE _____

Close _____ Stock _____ Nonstock _____

P.A. _____ Religious _____

Merging (Transferor) _____

Surviving (Transferee) _____



ID # W13287958 ACK # 1000361998831964
PAGES: 0003
VERTICAL ENTERTAINMENT, LLC

10/28/2009 AT 03:31 P WO # 0001788794

New Name _____

FEES REMITTED

Base Fee: _____ 100
Org. & Cap. Fee: _____
Expedite Fee: _____ 50
Penalty: _____
State Recordation Tax: _____
State Transfer Tax: _____
Certified Copies _____
Copy Fee: _____
Certificates _____
Certificate of Status Fee: _____
Personal Property Filings: _____
Mail Processing Fee: _____
Other: _____

TOTAL FEES: _____ 150

Credit Card _____ Check Cash _____

_____ Documents on _____ Checks

Approved By: [Signature]

Keyed By: [Signature]

COMMENT(S): Walk-In

_____ Change of Name
_____ Change of Principal Office
_____ Change of Resident Agent
_____ Change of Resident Agent Address
_____ Resignation of Resident Agent
_____ Designation of Resident Agent
and Resident Agent's Address
_____ Change of Business Code

_____ Adoption of Assumed Name

_____ Other Change(s)

Code 078
Attention: M'Linda Draughn

Mail: Name and Address _____

OBER, KALER, GRIMES AND SHRIVER
ATTN M'LINDA DRAUGHN
120 E BALTIMORE ST
BALTIMORE MD 21202-1674

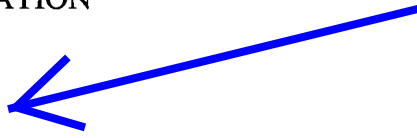
Stamp Work Order and Customer Number HERE

CUST ID: 0002345756
WORK ORDER: 0001788794
DATE: 10-28-2009 03:31 PM
AMT. PAID: \$150.00

VERTICAL ENTERTAINMENT, LLC

ARTICLES OF ORGANIZATION

October 27, 2009



THE UNDERSIGNED, in order to form a limited liability company pursuant to the Maryland Limited Liability Company Act (the "LLC Act"), hereby acknowledges and certifies to the Maryland State Department of Assessments and Taxation that:

1. The name of the limited liability company (the "Company") is:

Vertical Entertainment, LLC

2. The purposes for which the Company is formed are to (i) produce video, film and digital media, and (ii) engage in any lawful act or activity which may be carried on by a limited liability company under the LLC Act, whether or not related to any other business at the time or theretofore engaged in by the Company.

The foregoing enumerated purposes shall be in addition to and not in limitation of the general powers of limited liability companies under the LLC Act.

3. The present address of the principal office of the Company in the State of Maryland is: 616 Water Street, Suite 225, Baltimore, Maryland 21202.

4. The name and address of the resident agent of the Company in the State of Maryland are: Lotfy Nathan, 616 Water Street, Suite 225, Baltimore, Maryland 21202. Said resident agent is a citizen of the State of Maryland who resides in the State of Maryland.

5. The authority of members to act for the Company solely by virtue of their being members is limited as follows:

- (a) no member of the Company is an agent of the Company solely by virtue of being a member; and

- (b) no member of the Company has authority to act for the Company solely by virtue of being a member.

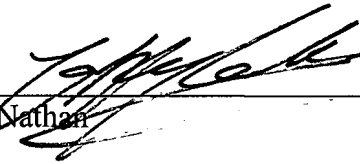
6. The duration of the Company shall be perpetual.

7. No member of the Company shall be entitled to exercise the rights of an objecting member under Section 4A-705 of the LLC Act.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned, being an individual authorized to do so under the LLC Act, has signed these Articles of Organization, acknowledging the same to be the undersigned's act, on the date first above written.

Authorized Person:



Lotfy Nathan

CONSENT OF RESIDENT AGENT

The undersigned hereby agrees to serve as resident agent in the State of Maryland for Vertical Entertainment, LLC.



Lotfy Nathan

CUST ID: 0002345756
WORK ORDER: 0001788794
DATE: 10-28-2009 03:31 PM
AMT. PAID: \$150.00

APPENDIX 10

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

TAJE MONBO, et al	*	Civil Action No.: CV-18-5930
Plaintiffs	*	Assigned Judge: Margo K. Brodie
V.	*	Magistrate Judge: Steven L. Tiscione
LOTFY NATHAN, et al	*	
Defendants	*	
* * * * *		

NOTICE OF FULLY-BRIEFED MOTION

Plaintiffs Taje Monbo and Deafueh Monbo submit this Notice of Fully-Briefed Motion to advise this Court that Plaintiffs' Motion For The Issuance of Request To The Register of Copyrights Pursuant to 17 § U.S.C. 411(B)(2) has been fully briefed.

1. The Plaintiffs' Motion was filed on September 4, 2019. (Dkt# 103)
2. Defendants' Opposition brief was filed on September 27, 2019. (Dkt# 109)
3. Plaintiffs' Reply brief was filed on October 11, 2019. (Dkt # 111)

In light of the importance for an early disposition of this controversy with respect to copyright registration Nos. PAu003699143 and PAu00343099, Plaintiffs respectfully request that the Court take notice that the Plaintiffs' pending Motion For The Issuance of Request To The Register of Copyrights Pursuant to 17 §U.S.C. 411(B)(2) has been fully briefed.

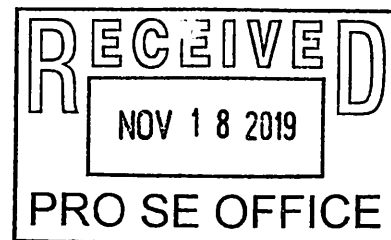
Respectfully Submitted:

Taje Monbo
Taje Monbo

Deafueh Monbo
Deafueh Monbo

Dated: November 7, 2019

CERTIFICATE OF SERVICE



CERTIFICATE OF SERVICE

I hereby certify that a copy of this NOTICE OF FULLY- BRIEFED MOTION was mailed November 7, 2019 to:

Robert S. Meloni Thomas P. McCaffrey
MELONI & MCCAFFREY, P.C.
3 Columbus Circle - 15th Floor
New York, New York, 10019
Attorney for Defendants Oscilloscope Pictures, Inc., Oscilloscope Inc., Daniel Berger, and Thomas Sladek

Joel W. Sternman
Joel Weiner
Sean Atkins
KATTEN MUCHIN ROSENMAN LLP
575 Madison Avenue New York, NY 10022-2585
Attorneys for Defendants Sony Picture Entertainment, Inc. Overbrook Entertainment, Inc., Overbrook Entertainment LLC, and Will Smith

Alan Friedman
Catherine A. Savio
FOXROTHSHILD, LLP
101 Park Avenue, 17th Fl.
New York, NY 10178
Attorney for Defendants Lotfy Nathan, Red Gap Film Group and Vertical Entertainment

Mission Film, Inc
2213 Lowells Glen Road, Unit #F
Parkville, MD 21234

Mission Film Productions
2213 Lowells Glen Road, Unit #F
Parkville, MD 21234



Taje Monbo



Deafueh Monbo

Dated: November 7, 2019

CERTIFIED MAIL

Case 1:18-cv-05930-MKB-ST Document 131 Filed 11/18/19 Page 3 of 3 PageID #: 1471

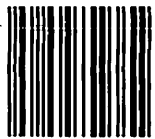
Deafueh Monbo
P.O. Box 1674
Bel Air, MD 21014



7019 1120 0001 1052 7151



1000



11201

U.S. POSTAGE PAID
FCM LETTER
ABINGDON, MD
21009
NOV 12, 19
AMOUNT

\$4.05

R2305H130959-1020

United States District Court, EDNY
Attn: Pro Se Office
225 Cadman Plaza East, Room 118
Brooklyn, NY 11201

LED
PRO SE OFFICE
COURT E.D.N.Y.

18 2019 ☆

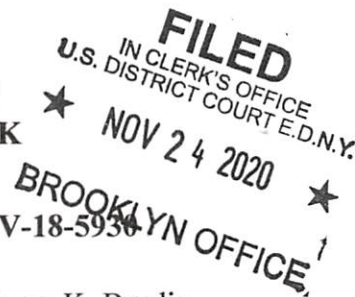
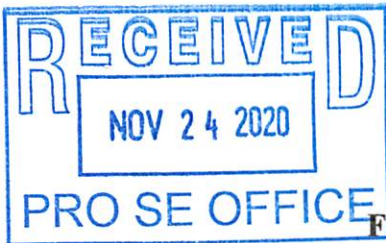
NYN OFFICE

559581-1024



2-1957, Document 5, 09/07/2022, 3378164, Page 109*

APPENDIX 11



IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

TAJE MONBO, *et al.*

Plaintiffs,
v.

LOTFY NATHAN, *et al.*

Defendants,

* * * * *

Civil Action No.: CV-18-5930
Assigned Judge: Margo K. Brodie
Magistrate Judge: Steven L. Tiscione

LINE:

PLAINTIFFS' MOTION FOR THE ISSUANCE OF REQUEST TO THE REGISTER OF COPYRIGHTS PURSUANT TO 17 § U.S.C. 411(8)(2) --- [Docket No. 103]

1. On September 4, 2019 (over one year ago), pursuant to 17 § U.S.C. 411(B)(2), Plaintiffs moved this Court for the issuance of a request to the Register of Copyrights for a determination on whether the inaccurate information contained in the certificates of copyright registration no. PAu003699143 and no. PAu003430990 would have caused the Register of Copyrights to refuse the registrations. **See Dkt 103**

2. On October 11, 2019, the Motion (Dkt 103) was fully briefed. **See Dkt 131**

3. As of today, November 24, 2020, this Court has not complied with the **mandatory provisions of 17 § U.S.C. 411(B)(2)** which requires the Court to seek the advice of the Register of Copyrights on whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse Copyrtight Registration Nos. PAu003699143 and PAu00343099. **(Dkt 111)**

4. Under the "fair use" defense, another author may make limited use of the original author's work without asking permission. **However, in this case, Red Gap is not a true author of the 12 O'Clock Boys 2013 film** and therefore, can not use the fair use defense against Plaintiffs' copyright infringement claims because the fair use defense is allowed for authors. The issuance of

a request to the Register of Copyrights is crucial and important because if the Register of Copyrights opines that Red Gap is not a true author of the 12 O'Clock Boys 2013 film because Red Gap did not exist at the time the 12 O'Clock Boys 2013 Film was produced, then Red Gap and Lotfy Nathan can not use the fair use defense against Plaintiffs' copyright infringement claims under the copyright act. (See Dkt 111)

5. Plaintiffs request a timely submission of the request to the Register of Copyrights *prior* to the Court's ruling on Defendants' proposed motion to dismiss. Plaintiffs believe that the timely submission of the request to the Register of Copyrights is important for an early disposition of this controversy with respect to copyright registration Nos. PAu003699143 and PAu003430990. **A delay will prejudice the Plaintiffs.**

6. Under a plain reading of Section 411(b)(2), the Court is required to seek the advice of the Register of Copyrights regardless of whether the party making the request has any factual basis for its allegations of inaccurate information. (See Dkt 111)

Respectfully Submitted,



Deafueh Monbo

November 24, 2020

Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of this PLAINTIFFS' MOTION FOR THE ISSUANCE OF REQUEST TO THE REGISTER OF COPYRIGHTS PURSUANT TO 17 § U.S.C. 411(8)(2) --- [Docket No. 103] was mailed November 24, 2020 to:

Robert S. Meloni Thomas P. McCaffrey
MELONI & MCCAFFREY, P.C.
3 Columbus Circle - 15th Floor
New York, New York, 10019
Attorney for Defendant scilloscope Picture, Inc. Oscilloscope Inc., Daniel Berger, and Thomas Sladek

Joel W. Stemman
Joel Weiner
Sean Atkins
KATTEN MUCHIN ROSENMAN LLP
575 Madison Avenue New York, NY 10022-2585
Attorneys for Defendants Sony Picture Entertainment, Inc. Overbrook Entertainment, Inc., Overbrook Entertainment LLC, and Will Smith

Alan Friedman
Catherine A. Savio
Daniel Rosales
FOXROTHSHILD, LLP
101 Park Avenue, 17th Fl.
New York, NY 10178
Attorney for Defendants Lotfy Nathan, Red Gap Film Group and Vertical Entertainment

Mission Film, Inc
2213 Lowells Glen Road, Unit #F
Parkville, MD 21234

Maria Mochin
ACP#18008
P.O. Box 2995
Annapolis MD 21404

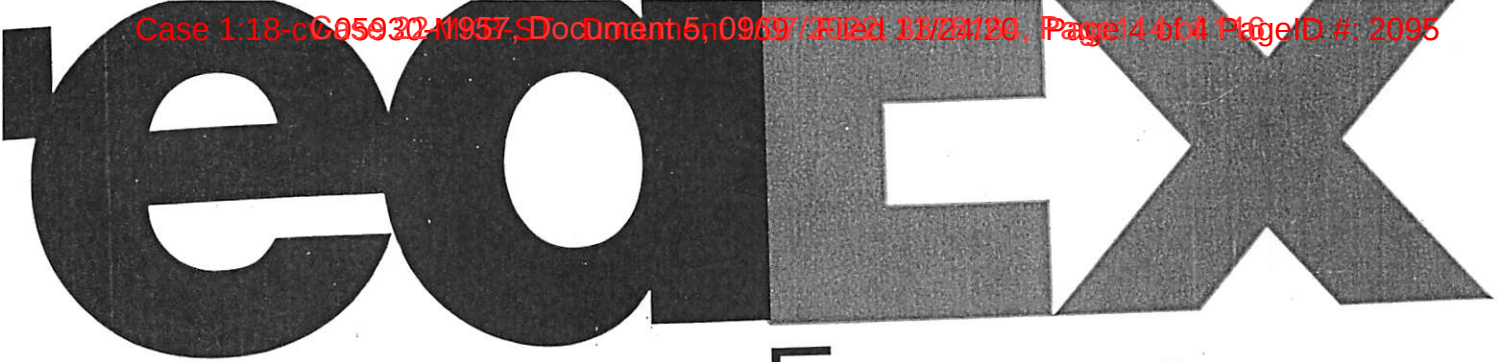
Mission Film Productions
2213 Lowells Glen Road, Unit #F
Parkville, MD 21234

Respectfully Submitted:



Deafueh Monbo

Dated: November 24, 2020



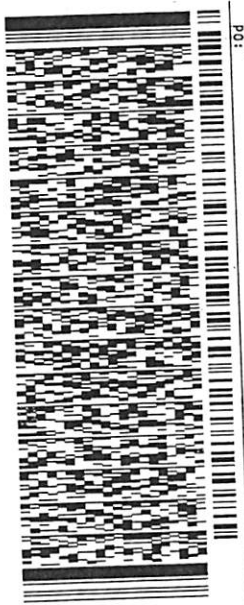
Express

ORIGIN ID: BUIA (410) 207-0242
DEAFUEH MONBO
POBOX 1674
BEL AIR, MD 21014
UNITED STATES US

SHIP DATE: 23NOV20
ACTWGT: 0.50 LB
CAD: 6993870/55FE2121
BILL CREDIT CARD

Part # 156297-9947648/55FE2121 10/21

TO PRO SE OFFICE
UNITED STATES DISTRICT COURT, EDNY
225 CADMAN PLAZA EAST
RM 118
BROOKLYN NY 11201
REF: (718) 613-2665
DEPT: NY



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REL# 3785346

TRK# 3992 7376 3010
0201

TUE - 24 NOV 4:30P
STANDARD OVERNIGHT

E2 EGXA

11201
NY-US EWR



TO: United States District Court, EDNY
Attn: Pro Se Office
225 Cadman Plaza East, Room 118
Brooklyn, NY 11201
Tel: 718-613-2665

FROM: Deafueh Monbo
P.O. Box 1674
Bel Air, MD 21014
Tel: (410)207-0242



RT 340
FZ B04
1 16:30
3010
11:24
C

APPENDIX 12



Activity in Case 1:18-cv-05930-MKB-ST Monbo et al v. Nathan et al Order

1 message

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>
To: nobody@nyed.uscourts.gov

Wed, Sep 18, 2019 at 2:37 PM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 9/18/2019 at 2:37 PM EDT and filed on 9/18/2019

Case Name: Monbo et al v. Nathan et al

Case Number: 1:18-cv-05930-MKB-ST

Filer:

Document Number: No document attached

Docket Text:

ORDER re [103] Plaintiffs Motion for Issuance of Request to the Register of Copyrights Pursuant to 17 U.S.C. 411(B)(2)(Other): Defendants shall file a response to the motion by September 27, 2019. Plaintiffs shall file a reply, if needed, by October 11, 2019. The District Court will schedule oral argument once the motion is fully briefed. So Ordered by Magistrate Judge Steven Tiscione on 9/18/2019. (Vasquez, Lea)

1:18-cv-05930-MKB-ST Notice has been electronically mailed to:

Joel W. Sternman j.sternman@kattenlaw.com, nyclerks@kattenlaw.com

Robert S. Meloni rmeloni@m2lawgroup.com, e.morin@m2law.net, tmccaffery@m2lawgroup.com

Alan R. Friedman afriedman@foxrothschild.com, hmaxwell@foxrothschild.com

Catherine Anne Savio csavio@foxrothschild.com

Joel R Weiner joel.weiner@kattenlaw.com, ecf.lax.docket@katten.com, joanna.hill@katten.com, sue.vigil@katten.com

Sean Akchin sean.akchin@kattenlaw.com

Deafueh Monbo 12oclockboyzlaw@gmail.com

1:18-cv-05930-MKB-ST Notice will not be electronically mailed to:

Taje Monbo
PO Box 441
Owings Mills, MD 21117