

12 O'CLOCK BOYZ

The Official 12 O'Clock Boyz

May 19, 2020

Warner Media, LLC
Attn: General Counsel
30 Hudson Yards New
York, NY 10001

**Re: "Charm City Kings"
Infringement of Copyright Rights**

Dear General Counsel:

I have been authorized by Taje Monbo to send this notice to Warner Media, LLC and HBO Max. Taje Monbo [REDACTED] d/b/a/ 12 O'Clock Boyz own the copyright in the film entitled 12 O'Clock Boyz. 12 O'Clock Boyz has registered its copyright on August 24, 2001 (Registration No. PAu002610236). See **Exhibit 1** for the Copyright Registration.

12 O'Clock Boyz understand that Sony Pictures Entertainment is the distributor of the infringing adaptation film entitled "Charm City Kings," which is based on the infringing documentary film, 12 O'Clock Boys (2013) by Lotfy Nathan. 12 O'Clock Boyz further understand that the infringing adaptation film, Charm City Kings was produced by Overbrook Entertainment and Will Smith.

"12 O'Clock Boyz" is a legendary motion picture that was released in 2001, documenting the exploits of young African-American dirt bike riders in Baltimore, Maryland. The title of the film was coined by 12 O'Clock Boyz. In 2018, 12 O'Clock Boyz filed a copyright infringement lawsuit against Overbrook Entertainment, Sony Pictures Entertainment, Oscilloscope Laboratories, Lotfy Nathan and his company, Red Gap Film which is pending. The case is Monbo et al v. Nathan et al, U.S. District Court, Eastern District of New York, Case No. 1:18-CV-05930, filed on October 23, 2018. See **Exhibit 4** for the copyright infringement lawsuit complaint.

Neither Overbrook Entertainment, Sony Pictures Entertainment, Will Smith, Oscilloscope Laboratories nor Lotfy Nathan and his company, Red Gap Film Group, LLC cleared, or licensed the rights to prepare derivative work based on the 12 O'Clock Boyz Copyrighted Works. See **Exhibit 2** for Attorney Letter

The use of the copyrighted elements from "12 O'Clock Boyz" (the "Copyrighted Work") in the adaptation film, "Charm City Kings" **is an infringement of 12 O'Clock Boyz exclusive rights under 17 U.S.C. § 106 to reproduce the Copyrighted Work and to prepare derivative works based upon the Copyrighted Work.** The release and distribution of the adaptation film, "Charm City Kings" containing copyrighted elements from "12 O'Clock Boyz" infringes 12 O'Clock Boyz exclusive rights to distribute copies of the Copyrighted Work and to perform the Copyrighted Work publicly.

Overbrook Entertainment, Sony Pictures Entertainment, Lotfy Nathan and his company, Red Gap Film Group, LLC did not clear, or license the rights to prepare derivative work based on the 12 O'Clock Boyz Copyrighted Works before producing "Charm City King" despite the fact that an online search of the Copyright Office database shows that "12 O'Clock Boyz" was registered in 2001, and that 12 O'Clock Boyz is the copyright owners. See **Exhibit 1**

According to an article released by Warner Media on May 5, 2020 bearing the headlines "HBO Max to release Warner Max feature film Charm City Kings", it is alleged that Warner Media and HBO Max intend to release and distribute the infringing adaptation film, "Charm City Kings" containing copyrighted elements from "12 O'Clock Boyz". See **Exhibit 3**

This letter constitutes 12 O'Clock Boyz demand that Warner Media and HBO Max refrain from any and all release and distribution of the infringing adaptation film, "Charm City Kings" containing copyrighted elements from "12 O'Clock Boyz".

Neither Overbrook Entertainment, Sony Pictures Entertainment, Will Smith, Oscilloscope Laboratories nor Lotfy Nathan and his company, Red Gap Film Group, LLC cleared, or licensed the rights to prepare derivative work based on the 12 O'Clock Boyz Copyrighted Works.

Pursuant to the U.S. Copyright Act, should Warner Media, LLC and HBO Max **fail to comply with 12 O'Clock Boyz demand, Warner Media and HBO Max will be held liable for Contributory Copyright Infringement**. Contributory Copyright Infringement by the Warner Media arises when Warner Media contributes to or facilitates infringing acts carried out by another party. See www.law.cornell.edu/wex/contributory_infringement

Please be strongly advised that 12 O'Clock Boyz will undertake all appropriate steps to protect the 12 O'Clock Boyz Copyrighted Works. Warner Media and HBO Max can avoid legal action by refraining from any and all release and distribution of the infringing adaptation film, "Charm City Kings" containing copyrighted elements from "12 O'Clock Boyz".

If the Warner Media and HBO Max or its attorney have any questions regarding this letter, please do not hesitate to contact me by telephone at (410) [REDACTED] or by postal mail at:

12 O'Clock Boyz

Attention: [REDACTED]

P.O. Box [REDACTED]

Bel Air, MD 21014

Email: [REDACTED]

Thank you for your prompt attention to this copyright infringement matter.

Sincerely,

[REDACTED]
[REDACTED]
12 O'Clock Boyz