

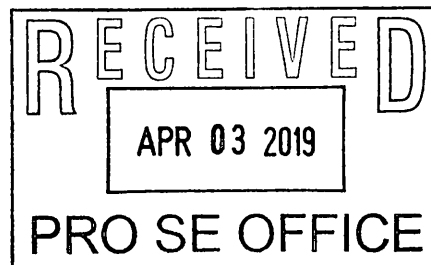
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IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK

_____	)	
MONBO <i>et al.</i>	)	
	)	Civil Action No. CV-18-05930 MKB-ST
Plaintiffs,	)	
	)	
v.	)	Assigned Judge: Margo K. Brodie
	)	
LOTFY NATHAN, <i>et al.</i> ,	)	Magistrate Judge: Steven L. Tiscione
	)	
Defendants,	)	
_____	)	

April 3, 2019

Honorable Margo K. Brodie  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201



Dear Judge Brodie,

Plaintiffs hereby notify the Court that Plaintiffs have not reached a resolution with the SPE Defendants. Plaintiffs have not made any agreements with the SPE Defendants in any form through counsel or otherwise.

Plaintiffs are not aware of any proposals for a resolution of the matter by the SPE Defendants despite the SPE Defendants asking the Court for time to discuss with Plaintiffs' counsel. The SPE Defendants still contend that they are entitled to create, distribute, market, advertise, promote, sell, or offer for sale derivative work of the Plaintiffs' 12 O'Clock Boyz Copyrighted Works.

SPE is preparing an unauthorized derivative work of the 12 O'Clock Boyz Copyrighted Works in the form of the SPE's *12 O'Clock Boys (2019)*. SPE is in the process of producing *12 O'Clock Boys (2019)*, without obtaining Plaintiff's authorization. The SPE Defendants have announced their intentions to incorporate numerous copyrighted 12 O'Clock Boyz elements that appear in Nathan's *12 O'Clock Boys (2013)* into the SPE *12 O'Clock Boys*

(2019) film, including but not limited to the fixed and tangible forms of expressions copied from Plaintiffs' 12 O'Clock Boyz Copyrighted Works.

An actual controversy has arisen and now exists relating to the rights and duties of Plaintiffs and the SPE Defendants under the United States copyright laws in that Plaintiffs contend that they are the sole owners of the 12 O'Clock Boyz Copyrighted Works and that SPE's *12 O'Clock Boys (2019)* infringe their rights in the 12 O'Clock Boyz Copyrighted Works.

**Pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 and 2202, and Rule 57 of the Federal Rules of Civil Procedure, Plaintiffs request a judicial determination of their rights, and a declaration that SPE's continued production of 12 O'Clock Boys (2019) constitutes infringement of the Plaintiffs' 12 O'Clock Boyz Copyrighted Works and Trademark.**

The Parties cannot agree to resolve their dispute through discussions. Plaintiffs request to proceed with the litigation. A judicial declaration is necessary and appropriate at this time in order that Plaintiffs may ascertain the parties' rights. Plaintiffs request that the SPE Defendants submit their answers to Plaintiffs' Complaint. SPE Defendants were already afforded two extensions.

### Amending Complaint

In the interest of justice, pursuant to Rule 15, Plaintiffs ~~intend~~<sup>seek</sup> to amend their complaint to identify the specific claims that pertain to the SPE Defendants and/or other Defendants. The Pre-Motion hearing requested by the SPE Defendants is not necessary and rendered moot. Plaintiffs request time to amend their complaint.

Respectfully Submitted

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of this Letter dated April 3, 2019 to Judge Brodie was mailed by Registered Mail on April 3, 2019 to:

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