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24<sup>th</sup> of May 2013.

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Belgium – Europe  
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2013 MAY 24 A 9 23

**No Counsel - PRO - SE**

DISTRICT COURT  
DISTRICT OF NEVADA

BY \_\_\_\_\_ DEPUTY

Teller, an individual  
  
Plaintiff.  
  
v.  
  
Gerard Dogge (Gerard Bakardy),  
an individual  
  
Defendant.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

**CASE N° 2:12-cv-00591-JCM-GWF**

**MOTION for**

**REJECTING some of  
PLAINTIFF's EXHIBITS  
And for sealing some of  
DEFENDANTS EXHIBITS**

Honourable Judge George Foley Jr.,

Forgive me for approaching the Court in this way, for defending myself in a poor English vocabulary. As mentioned before, I'm not a lawyer, and especially not an American lawyer.

I'm also not an American citizen, I'm European, with a Dutch nationality, born and residing in Belgium and therefore obliged to 'know' the Belgian law. Logical. In the same way as, I believe, the American citizens are expected to know the USA Federal Law.

So, forgive me, I don't know the American law. Although plaintiff was so kind to send me a 150 pages with the *Federal Rules of civil procedure* and another 150 pages with the *Local Rules of practice*, it is not realistic to expect that these documents make me a American citizen or lawyer. To translate and understand these 300 pages, written in English, into my language (Flemish-Dutch) would take a long time. To practice the USA law would take another number of years.

./..

**INTRODUCTION AND FACTUAL BACKGROUND**

As the Court is aware plaintiff, Teller, filed a complaint for alleged infringement on a copyrighted magic trick, performed by Teller, from Penn & Teller against defendant, Gerard Dogge.

Defendant was legally obliged to file a motion moving the Court to investigate the plaintiff's hard drives since he is concerned about possible criminal acts committed by the plaintiff.

Regarding the multiple suspicious behaviours of plaintiff and reading his answers in the discovery, now defendant is forced to file this motion.

**History.**

On date of 04.11.2012, plaintiff, Teller filed his complaint including his exhibits. Exhibit 3 in this complaint is incriminating and has led to a complaint filed in Antwerp, Belgium, by the defendant against plaintiff.

Due to the Pacer system, these exhibits became a public document.

Although the original exhibits were only published for 2 or 3 weeks on the Pacer website, unfortunately this was long enough for several websites to download them and publish them. Until now the incriminating exhibits/screenshots have been downloaded by thousands and seen by millions and are still downloadable without any passwords or fee's asked. That's how the internet is.

Some links where the incriminating exhibits can be seen and downloaded:

- <http://archive.org/details/gov.uscourts.nvd.86951>
- <http://ia601207.us.archive.org/28/items/gov.uscourts.nvd.86951/gov.uscourts.nvd.86951.1.3.pdf>

- 1
- 2 • [http://arstechnica.com/tech-policy/2012/04/silent-magician-teller-files-](http://arstechnica.com/tech-policy/2012/04/silent-magician-teller-files-copyright-suit-over-stolen-shadow-trick/)
- 3 [copyright-suit-over-stolen-shadow-trick/](http://arstechnica.com/tech-policy/2012/04/silent-magician-teller-files-copyright-suit-over-stolen-shadow-trick/)
- 4 • [http://www.themagiccafe.com/forums/viewtopic.php?topic=462255&forum](http://www.themagiccafe.com/forums/viewtopic.php?topic=462255&forum=7&start=0)
- 5 [=7&start=0](http://www.themagiccafe.com/forums/viewtopic.php?topic=462255&forum=7&start=0)
- 6 • [http://law.justia.com/cases/federal/district-](http://law.justia.com/cases/federal/district-courts/nevada/nvdce/2:2012cv00591/86951/1/)
- 7 [courts/nevada/nvdce/2:2012cv00591/86951/1/](http://law.justia.com/cases/federal/district-courts/nevada/nvdce/2:2012cv00591/86951/1/)
- 8

9 Apparently, by downloading or by Teller's personal handover, the Reuters  
10 reporter, John Stempel, came into possession of the lawsuit, including the  
11 incriminating exhibits, and contacted the defendant for comments.

12  
13 All this and so much more did form the base for the defendant to file a complaint  
14 in Belgium-Antwerp, against Mr. Teller. Pleadings are scheduled on June, 14<sup>th</sup> to  
15 be followed by a judgement.

16  
17 When the defendant asked Mr. Teller why he filed exhibits containing screenshots  
18 showing pervert web links referring to hard core porn for gay's, such as  
19 'MANTUBE', 'CFSelect', 'CORBIN', '2LONG' above the picture and name of the  
20 defendant, Gerard Bakardy, he did not respond. Defendant insisted on an  
21 explanation and needed to send 4 emails before Mr. Teller finally answered. His  
22 answer was quite shocking as he stated: "*There is no injury to you and there is*  
23 *no actionable bases for objecting to documents filed with the US Federal Court*"  
24 and that defendant should stop wasting his time. **(Exh.1)**

25  
26 After a few weeks it became clear that plaintiff re-filed the same exhibits, after  
27 being manipulated, at exactly the same moment that he was declaring that there  
28 was no reason to reject the exhibits at issue.

1  
2 **Motivation for this motion.**

3 Plaintiff seems to have his own opinion about 'under oath' or being truthful.  
4

5 For the first time in his life, defendant is confronted with a USA lawsuit and the  
6 discovery as used in this litigation. As he could study the discovery rules,  
7 defendant understood that the requests herein were meant to be answered  
8 truthfully, as 'under oath' and that's the way defendant answered the discovery  
9 questions.

10 However, plaintiff did not agree with the defendants answers and wrote multiple  
11 letters , asking to conduct a telephonic meet and confer conference to discuss the  
12 defendant's answers.

13 Defendant responded to plaintiff's letter (**Exh.2**) declaring that he wouldn't  
14 mind to have a phone conference but that he was not intend to change his  
15 answers to plaintiff's requests.

16 Nevertheless, when the phone conference took place, plaintiff tried to convince  
17 the defendant, to change some of his answers. This of course confused the  
18 defendant who believed that an answer given in the discovery is 'under oath' and  
19 is not given with the intention to change the answer whenever it is convenient.  
20 When defendant asked the plaintiff to explain why he should change his answers  
21 given 'under oath' , plaintiff confusingly stated that:

22 *Tratos: Would it be of no value for me to go through the ..questions, because you're*  
23 *not going to change your answer on any of them ??*

24 *Dogge: No, I don't think so.. I'm very surprised now with your question because I*  
25 *thought that all this questions and answers were given under oath. Isn't it?*

26 *Tratos: "Questions and answers are given, usually, under verification. And the*  
27 *verification is a form of oath, which basically says this is the truth."*

28 *Dogge: So, I answered the truth. And if I change my answer, than I start lying now?*  
29 *Or what ? I can't change my answer.*

1  
2 Plaintiff's (Tratos) explanation about 'the truth' and 'under oath', stating that  
3 verification is a form of oath, confuses the defendant.

4 In the defendant's opinion, whenever an answer is given truthfully, there is no  
5 need to change the answer. Changing your answer would mean that you were  
6 lying, what is prohibited when your answers are 'under oath'.

7 Apparently the plaintiff has a different definition of 'under oath', than most of us.  
8 In that same phone conversation, plaintiff tried to explain that confidence is not  
9 needed to sign a confidential agreement or when there is a confidential protective  
10 order...

11 *Dogge: "I think I'm not able to make a protective order where both parties could*  
12 *be happy with. Because one word is always coming up in such an order,*  
13 *.. "confidence". And I have no confidence in Teller or his lawyers."*

14 *Tratos: "Well, there is a difference between "confidence" and "confidential" ...*  
15 *"You don't have to rely upon Mr. Teller or his lawyers. All you have to rely*  
16 *upon is the Court, which is there to help enforce the protective order that*  
17 *is agreed on."*

18  
19 Plaintiff is actually stating that he or his lawyers are not to rely on without the  
20 existence of a protective order. And this worries the defendant.

- 21  
22
- Indeed, plaintiff and his lawyer were not to rely upon when he filed  
23 incriminating screenshots in the first place.
  - Indeed, plaintiff was not to rely upon when he stated that there was no  
24 harm done and that there was no reason to reject these exhibits, and that  
25 defendant should stop wasting his time, whilst he re-filed falsified exhibits,  
26 at exactly the same moment that he was declaring that there was no  
27 reason to reject the exhibits at issue.  
28  
29

- 1
- 2 • Indeed, plaintiff could have used the legal way to hide confidential and
- 3 sensitive information, simply by redacting or sealing the exhibits. Plaintiff
- 4 filed multiple motions to seal other truthful exhibits, and admitted that he
- 5 could also have sealed the exhibits 3, at issue. **(Exh.3)** But he didn't. The
- 6 exhibits were exchanged for manipulated and falsified evidence.
- 7 • Plaintiff was not to rely upon when he declared that the incriminating
- 8 screenshots showing web links referring to pervert hard porn such as
- 9 'mantube', 'Corbin', 'CFSelect', '2Long' were taken in the PC of the law firm
- 10 Greenberg Traurig. **(Exh.4)** since plaintiff answered 'under oath' to a
- 11 request in the discovery that he, Teller took the screenshots on his
- 12 computer. **(exh.5)**
- 13

14 As the Court can see, in the current discovery, plaintiff shows an evasive

15 behavior whenever he is asked questions about the exhibits at issue.

16 Most of the discovery requests ever asked to the plaintiff concerning the exhibit at

17 issue were not answered.

18 In a discovery orientated phone conversation plaintiff does not want to

19 'belabour' when truth emerges.

20 Although plaintiff explained the rules of the discovery to the defendant and

21 described the meaning of 'identify', whenever he is asked to identify his evidence,

22 exhibit 3 in particular, he calls the requests irrelevant. When plaintiff is asked to

23 produce the original digital screenshot in original format eg. pdf, jpeg, etc.. as how

24 they were filed on 04.11.2012 and 04.25.2012 he responds with an objection,

25 stating that: "...No response is required because this request is not relevant to the

26 pending copyright action". **(Exh.6)** It is remarkable that when plaintiff was asked

27 to identify his most crucial exhibit, showing a screenshot from the infringing video,

28 described as 'the heart of this litigation', he calls this question not relevant.

1  
2 There must be a serious reason to call the identification of your own evidence  
3 "not relevant". If there's nothing wrong with the evidence filed in the plaintiff's  
4 exhibit 3, there should be no reason to not identify the most crucial exhibit in the  
5 plaintiff's complaint.

6 The only explanation for the plaintiff's behaviour is that ..

7  
8 **The exhibits are false documents.**

9 The reason for plaintiff's evasive behaviour is obvious. The contradictions in  
10 plaintiff's answers do show that plaintiff is hiding the truth. Due to his own filings  
11 and statements, he brought himself in a difficult position.

12  
13 **Plaintiff lied multiple times to hide the falsity of his exhibits:**

- 14  
15 1. Plaintiff first states that the screenshots were taken by his attorney, from a  
16 computer owned by the law firm Greenberg Traurig. **(exh.4)**.
- 17 • A year later, after he had stated that the screenshots were taken by his  
18 attorney, plaintiff changes his story admitting that he, Mr. Teller, took the  
19 screenshots at issue, on his computer. **(exh.5)**
- 20 2. In the discovery interrogatory N° 22, plaintiff was asked by the defendant  
21 to identify his exhibit 3. Plaintiff answered that this was a screenshot taken  
22 on March 30<sup>th</sup> 2012, on his computer, showing a YouTube video posted by  
23 the defendant.
- 24 • Since the video was 'taken down' from the internet on the 22<sup>nd</sup> March,  
25 2012, and was not longer to be seen on the internet on the date that  
26 plaintiff states that the screenshot was taken, defendant presumed that  
27 plaintiff was mistaken.
- 28  
29

1  
2 3. Therefore defendant asked again in the discovery RFA second set – request  
3 39, to specify the date, requesting to admit that the previous answer given  
4 by plaintiff was vague and not clear about the date and time the screenshot  
5 was taken.

6 • As usual, again plaintiff answered with a lame excuse, finally stating that  
7 Teller denies this request for admission. In other words, plaintiff confirms  
8 his first answer, stating that the screenshot was taken on the 30<sup>th</sup> of March  
9 2012.

10 4. When plaintiff was asked to identify the exhibit at issue, exhibit 3 re-filed  
11 on 04.25.2012, he responded (under oath) that this is a screenshot.  
12 **(Exh.7)**

13 5. The plaintiff states and confirms that he was able to take screenshots on  
14 the 30<sup>th</sup> of March 2012. It's impossible to take screenshots on the 30<sup>th</sup> of  
15 March, from a YouTube video that was taken down on the 22<sup>nd</sup> of March  
16 2012, unless the video is an existing file in the computer of Mr. Teller. If so,  
17 defendant wonders why plaintiff filed a motion to copy defendants hard  
18 drive.

19 6. Because of all of plaintiff's confusing and evasive answers, defendant was  
20 hoping to bring some clarity for the Court, requesting to **(Exh.6)** :  
21 *"Produce the original digital screenshots, in original format e.g. pdf, jpeg,*  
22 *etc. filed in the plaintiff's exhibit 3 re-filed on 04.25.2012."*

23 • Plaintive responded: *"Objection, this request is not relevant,... no further*  
24 *response is required."*

25 Again, it shows, the more the truth emerges, the more evasive plaintiff behaves.

26 When comparing (the first filed) exhibit 3, filed on 04.11.2012 with (the second  
27 filed) exhibit 3, filed on 25.11.2012, it shows that the 2<sup>nd</sup> re-filed exhibit is a  
28 falsified copy of the 1<sup>st</sup> original exhibit and not a screenshot.



1  
2 Plaintiff was lying when he stated (under oath) that he filed a screenshot as exhibit  
3 on the 25<sup>th</sup> of April 2012. Plaintiff lied and even confirmed his lie.

4 The truth is that..

5 Plaintiff manipulated the exhibits.

6 As the Court can see, the 2<sup>nd</sup> filed exhibit 3 is greyed out. The toolbar with Mr.  
7 Tellers favourite web links is no longer to be seen, as it was on the original  
8 exhibits. Greyed out, manipulated, changed, painted, refreshed, enhanced,  
9 falsified or ...revised as the plaintiff likes to call this documents, does mean that  
10 the exhibits are not giving the real and truthful image of the screen were the shots  
11 were taken from. Therefore, this document cannot be called a 'screenshot'.

12  
13 Plaintiff's complaint is doubtful.

14 Plaintiff filed his complaint on 04.11.2012, stating on (page 5 line 9) :

15 "True and correct copies of screen captures of the YouTube pages containing the  
16 video "The Rose and her Shadow" are attached hereto as Exhibit 3."

17  
18 Plaintiff re- filed his complaint on 04.25.2012, again stating on (page 5 line 9) :

19 "True and correct copies of screen captures of the YouTube pages containing the  
20 video "The Rose and her Shadow" are attached hereto as Exhibit 3."

21  
22 The defendant and Court can see, comparing the exhibits 3, in both complaints  
23 filed by plaintiff, that someone did a job on the exhibits filed on 04.25.2012.  
24 The manipulated screenshots, as filed on 04.25.2012, do not show the "true and  
25 correct" captures of the screen where the alleged infringing video was played on  
26 as stated in the plaintiff's complaint.

27 Actually, from the beginning of this litigation, plaintiff shows he is not to rely  
28 upon. The plaintiff's entire complaint is based on fraudulent and doubtful exhibits.

1  
2 Plaintiff's complaint is doubtful because it's full of contradictions, with a lack of  
3 evidence in general and, not at least, doubtful statements and exchanged falsified  
4 exhibits.

5  
6 **Defendant tries to picture plaintiff's acts.**

7 With the deepest respect for the Court, defendant tries, but is unable to  
8 understand the plaintiff's behavior. Defendant tries to picture all plaintiff's actions  
9 when this would happen in, for example, a murder case, with as most important  
10 evidence: the 'gun'. (in this case the screenshots are the most important  
11 evidence).

12 Imagine that, a few weeks after the gun/murder weapon, full of fingerprints, is  
13 applied as legal evidence, then the accuser takes it back to remove the  
14 fingerprints and then files it again as truthful evidence. The evidence would be  
15 probably considered as destroyed, nullified and invalid.

16  
17 It's not easy to make a correct analogy, but sometimes it helps to understand a  
18 certain act, behaviour or ..story.

19  
20 Defendant is afraid that plaintiff's complaint is no more than that, a story.

21 A story made up by the plaintiff, to publicity boost his own business. To sell more  
22 tickets to the Penn & Teller shows. Plaintiff has no scruples to do so, in the past  
23 the 'Holy' Theresa, Ghandi, even God was called bullshit, by the plaintiff. The  
24 American veterans were shocked when they saw their American flag, burned in a  
25 Magic trick, by the plaintiff.

26  
27 Unfortunately, the plaintiff's desire for fame and prominence is now making the  
28 defendant a victim of a reckless complaint filed by Teller.

1  
2 Plaintiff is clever enough to realize that copyright can't stop improvement. The  
3 plaintiff's trick is almost 40 years old. In those days we were all watching to  
4 (copyrighted) black/white televisions. Now 40 years later we watch High Definition,  
5 full colour TV... on our wireless Smartphone's. Copyright couldn't stop  
6 improvement, and it never will, fortunately.

7  
8 **Legal aspect.**

9 The falsified exhibits are superfluous and even more, they are illegal. There is  
10 no reason for the Court to accept the plaintiff's falsified exhibits.

11 The originals, filed on 04.11.2012, are the only truthful and correct screenshots  
12 and do not block or stop the plaintiff from trying to prove the alleged infringement  
13 in his case.

14 For the defendant it is important to discuss the "*True and correct copies of*  
15 *screen captures of the YouTube pages containing the video "The Rose and her*  
16 *Shadow"* as stated by the plaintiff.

17 The falsified exhibits, filed by the plaintiff are an obstacle to find the truth in  
18 this litigation. And that's just the only thing that matters in Court, justice.

19  
20 As all defendant's correspondences with the Court begins with the same statement  
21 that he is not an American, nor an American lawyer, defendant did research the  
22 European law and could learn that it is a criminal offence to use falsified  
23 documents or testimonies. One of the European Law texts states the following:

24 *Hij die een geschrift dat bestemd is om tot bewijs van enig feit te dienen, valselijk opmaakt of*  
25 *vervalst, met het oogmerk om het als echt en onvervalst te gebruiken of door anderen te doen*  
26 *gebruiken, wordt als schuldig aan valsheid in geschrift gestraft, met gevangenisstraf van ten*  
27 *hoogste zes jaren of geldboete van de vijfde categorie...*

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Translated:

He, who serves a falsely writing or falsified document, with the intent to use, or allow others to use it, as genuine and true evidence to prove any fact, shall be guilty of forgery punished with imprisonment not exceeding six years or a fine of the fifth category...

(Articles of Dutch Law: 225 - 235 Articles of Belgian Law: 210bis,215,218,219,223bis)

Defendant does not, and is not supposed to know the American law since he is European, but is convinced that the American Law exercise the same justice.

The defendant has the right to a fair trial. The use of false documents is not only criminal but deprives the defendant's opportunity to demonstrate the unjustified complaint of the plaintiff and limits the defendant to bring up the true facts to light.

**Sealing the exhibits.**

As defendant understood, the original screenshots filed on 04.11.2012, as exhibit 3, are still a part of the evidence to discuss in the pleadings in Court.

To make sure that The Court is informed in a truthful way, defendant was forced to file the plaintiff's original exhibits as the defendants exhibit (1a,b) in the defendants emergency motion (#85) for the Court to investigate plaintiff's hard drives.

1  
2 Although, due to the plaintiff reckless filings on 04.11.2012, the exhibits at  
3 issue were spread and published all over the internet and seen by millions, causing  
4 an enormous defamation for the defendant, defendant does all possible to limit  
5 the defamation.

6 Therefore defendant respectfully requests the Court to urgently 'seal' the  
7 Exhibit 1a &1b in the motion, filed by the defendant on 05.17.2013 (#85).  
8

9 In this way the 'True and correct' exhibits can be used and discussed in trial, in  
10 front of the Judge and Jury.

11 **Conclusion.**

- 12 • Plaintiff has no objection to use the original exhibits, since he states  
13 *"..there is no actionable bases for objecting to documents filed with the*  
14 *US Federal Court" (exh.1)*
- 15 • It became clear that the plaintiff's exhibits filed on 04.25.2012 are more  
16 than likely falsified.
- 17 • It is under the Courts power to protect the integrity of the proceedings.
- 18 • Defendants is not obliged to defend himself against accusations based on  
19 falsified evidence.
- 20 • A complaint based on falsified evidence could form a reason to file a  
21 motion to dismiss the case/litigation.  
22

23 For now, defendant is not filing a motion to dismiss the case. It is for defendant  
24 important to clear his name, proving that he is not a thief or crook like plaintiff  
25 suggests in the media.  
26

27 Defendant is looking forward to the pleadings in Court, to defend himself, and to  
28 respond to statutory evidence against him.

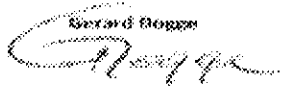
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**For this reasons,**

**Defendant respectfully requests the Court to grant defendant's motions:**

- **For the Court to urgently 'seal' the Exhibit 1a &1b in the motion, filed by the defendant on 05.17.2013 (#85).**
- **For the Court to reject the plaintiff's falsified exhibit 3, filed on 04.25.2012.**

With the deepest respect for the Court.



Hoevensebaan 2, B2950 Kapellen  
Belgium - Europe

May 24, 2013.

**Exhibit 1**

Teller Penn & Teller  
Aan gerard bakardj

24/04/2012

Dearwoodaan

Dear Gerard,

There is no injury to you and no actionable bases for objecting to documents filed with the United States Federal Court.

The screen shot was not made by you. It cannot be reasonably inferred that the sites you allude to are sites associated with you.

With all due respect, Gerard, you seem to be groping desperately for some shred of defense to your infringement and threat of future infringement.

If you have realistic, good-faith proposals to offer for settling this matter out of court, please make them.

Otherwise, please stop wasting my time.

Respectfully,

TELLER

**Exhibit 2.**

Dogge Gerard – Bakardy  
Belgium – Europe

04.06.2013.

Email to: Greenberg – Traurig, Las Vegas att. Mr. Mark Tratos,

Concerning: Your letters from 04.04.2013, Inadequate Discovery Responses,  
Draft Joint Interim status Report.

Dear Mr. Tratos,

I received your letter and could read more or less the same content as in your previous letters.

The letter starts stating that 'you would prefer not to file a second motion to compel'. The same letter ends with a threat 'unless ... I agree to a confer telephone within the next 72 hours you will file your next motion to compel.'

Secondly, you want me to change my responses/answers because you find them inappropriate, absurd, inadequate, wholly objectionable, harassing and spoliation to the case.

I can imagine that you don't like my answers nor my requests but they do have only one intention, to bring up the truth.

Further I could read, but can't help it, that you're not willing to understand or to answer my requests.

At this moment and in this situation it is in our both interest not to do statements, promises, questions nor answers, over the phone. I prefer to do all this in writing under the Courts eyes of justice.

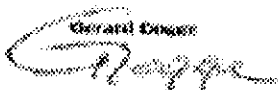
A phone conference will not make me change my requests nor my answers. Nevertheless I'm always willing to have a telephonic meet, just as I was willing to do so at the time Mr. Teller approached me to buy my truck. Mr. Teller knows my number, if you want you can call me on Tuesday, April 9<sup>th</sup> between 5 & 6 pm (Belgium Time).

In response to your "JOINT INTERIM STATUS REPORT" concerning the Trial Dates, I would like to propose any three dates somewhere in the second half of September 2013.

Further I cannot sign this report when it states in the two last paragraphs, 'Dogge has not responded'.

I did respond in my letter from 03.27.2013.

Sincerely,



Hoevensteensebaan 2, B-2930 Kapellen  
Belgium - Europe



**Exhibit 3.**

21 **REQUEST NO. 41:**

22 Admit that you, Teller, could have redacted or sealed exhibit 3, filed on 04.11.2012.

23 **RESPONSE:**

24 Objection. This request is not relevant to the pending copyright action, nor is it  
25 reasonably calculated to lead to the discovery of admissible evidence in the same. Instead,  
26 this request seeks information you presumably believe is related to the claims in the Belgium  
27 defamation litigation, and is accordingly outside the scope of the Federal Rules.  
28 Notwithstanding this objection, Teller admits this request for admission.

**Exhibit 4.**

May 23, 2012

Via Email: gerard-barkardy@hotmail.com

Gerard Barkardy

**Re: Teller / Barkardy**

Dear Mr. Barkardy:

I respond to your communication only because you assert you are not represented by counsel. I strongly urge you to retain competent US IP representation.

Your communication to my client over the past several weeks demonstrates a fundamental lack of knowledge of the relevant law and a misunderstanding of my client's claims against you.

First, the copyright infringement occurred when you posted, without my client's consent, an unauthorized video performance of my client's copyrighted work on YouTube. You later threatened to sell the illusion to others if Teller did not immediately agree to pay you \$125,000 US. It is that conduct which forms the basis for the unfair competition claim not the copyright claim. You posted two infringing videos that carry a possible \$150,000 statutory damage award each for up to \$300,000 US. As the copyright holder, when we prevail, we will also be entitled to an award of our attorney fees and the cost of suit.

Second, documents filed in a court proceeding are privileged. Your effort to feign an injury to your reputation because one of our research team may have recently investigated a possible infringement on an adult website does not create any realistic claim that you were injured by having your infringing video documented as a screen shot from a computer that had been used to research other potential infringements on such a site. No competent US lawyer I know would support such an unrealistic claim. Your claims of embarrassment demonstrate you are grasping at straws and this reveals your desperation to avoid answering for your unlawful infringement.

You have demonstrated no remorse at all for stealing from someone you claim to admire and respect. That is not Christian conduct thus your claims of injury as a Christian are either false or hypocritical.

GREENBERG TRAUGOT, LLP • ATTORNEYS AT LAW • WWW.GTLAW.COM  
3777 Howard Hughes Parkway, Suite 400 North • Las Vegas, Nevada 89169 • Tel 702.702.3773 • Fax 702.702.3682  
LV 419.767.860x1 131991.050400

**Exhibit 5.**

23 **INTERROGATORY NO. 27:**

24 Identify exhibit 3 used in your original complaint, filed on 11/04/2012.

25 **RESPONSE:**

26 Objection. This interrogatory is not relevant to the pending copyright action, nor is it  
27 reasonably calculated to lead to the discovery of admissible evidence in the same. Instead,  
28 this request seeks information you presumably believe is related to the claims in the Belgium

29

Page 9 of 14

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1 defamation litigation, and is accordingly outside the scope of the Federal Rules.  
2 Notwithstanding these objections, Exhibit 3 is a screenshot consisting of three pages of  
3 Defendant's infringing YouTube video, captured on or about March 30, 2012, on a computer  
4 owned by the company Buggs & Rudy Discount Corporation, a Nevada Corporation, posted by  
5 the defendant in an effort to sell his infringing litigation.

13 **REQUEST NO. 40:**

14 Admit that you, Teller, took the screenshots, among exhibit 3, filed on 04.11.2012.

15 **RESPONSE:**

16 Objection. This request is not relevant to the pending copyright action, nor is it  
17 reasonably calculated to lead to the discovery of admissible evidence in the same. Instead,  
18 this request seeks information you presumably believe is related to the claims in the Belgium  
19 defamation litigation, and is accordingly outside the scope of the Federal Rules.  
20 Notwithstanding this objection, Teller admits this request for admission.

**Exhibit 6.**

**REQUEST NO. 5:**

Produce the original digital screenshots, in original format e.g. pdf, jpeg, etc, filed in the plaintiff's exhibit 3 filed on 04.11.2012.

**RESPONSE:**

Objection. This request is not relevant to the pending copyright action, nor is it reasonably calculated to lead to the discovery of admissible evidence in the same. Instead, this request seeks information you presumably believe is related to the claims in the Belgium defamation litigation, and is accordingly outside the scope of the Federal Rules. Accordingly, no further response is required.

**REQUEST NO. 6:**

Produce the original digital screenshots, in original format e.g. pdf, jpeg, etc, filed in the plaintiff's exhibit 3 re-filed on 04.25.2012.

**RESPONSE:**

Objection. This request is not relevant to the pending copyright action, nor is it reasonably calculated to lead to the discovery of admissible evidence in the same. Instead, this request seeks information you presumably believe is related to the claims in the Belgium defamation litigation, and is accordingly outside the scope of the Federal Rules. Accordingly, no further response is required.

**Exhibit 7.**

6 INTERROGATORY NO. 23:

7 Identify exhibit 3 used in your complaint, re-filed on 25.04.2012.

8 RESPONSE:

9 Objection. This interrogatory is not relevant to the pending copyright action, nor is it  
10 reasonably calculated to lead to the discovery of admissible evidence in the same. Instead,  
11 this request seeks information you presumably believe is related to the claims in the Belgian  
12 defamation litigation, and is accordingly outside the scope of the Federal Rules.  
13 Notwithstanding these objections, Exhibit 3 is a screenshot of Defendant's infringing YouTube  
14 video, posted by defendant in an effort to sell his infringing illusion.

15 INTERROGATORY NO. 24:

16 Who is the owner/user of the computer where the screenshots filed on 04.11.2012, in  
17 exhibit 3 are taken from?

18 RESPONSE:

19 Objection. This interrogatory is not relevant to the pending copyright action, nor is it  
20 reasonably calculated to lead to the discovery of admissible evidence in the same. Instead,  
21 this request seeks information you presumably believe is related to the claims in the Belgian  
22 defamation litigation, and is accordingly outside the scope of the Federal Rules.