No. 12-57302

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CINDY LEE GARCIA, Plaintiff-Appellant

v.

GOOGLE, INC., YOUTUBE LLC, et al., Defendants-Appellees, and

NAKOULA BASSELEY NAKOULA, a.k.a. Sam Bacile, et al., Defendants.

On Appeal from the United States District Court
for the Central District of California
D.C. No. 2:12-cv-08315-MWF-VBK

APPELLANT CINDY LEE GARCIA'S EMERGENCY MOTION FOR A FINDING OF CONTEMPT, FOR SANCTIONS AND/OR FOR ORDER FOR IMMEDIATE COMPLIANCE

M. Cris Armenta (SBN 177403)
The Armenta Law Firm APC
11900 W. Olympic Blvd. Ste. 730
Los Angeles, CA 90064
Tel: (310) 826-2826
cris@crisarmenta.com

Credence Sol (SBN 219784)
La Garenne
86200 Chauvigny
France
Tel: 06 74 90 22 08
credence.sol@orange.fr

CIRCUIT RULE 27-3 CERTIFICATION

Pursuant to Ninth Circuit Rule 27-3, counsel for Appellant Cindy Garcia state:

1. The telephone numbers, email addresses, and office addresses of the attorneys for the parties are:

M. Cris Armenta THE ARMENTA LAW FIRM, APC 11900 W. Olympic Blvd, Suite 730 Los Angeles, CA 90064 Tel: (310) 826-2826 x108 cris@crisarmenta.com	Neal Kumar Katyal Christopher Handman Dominic F. Perella Sean Marotta HOGAN LOVELLS US LLP 555 Thirteenth St., N. W. Washington, D.C. 20004 Tel: (202) 637-5600 neal.katyal@hoganlovells.com
Credence E. Sol La Garenne 86200 Chauvigny, France Tel: 06 74 90 22 08 credence.sol@orange.fr	Timothy L. Alger Suita Bali PERKINS COIE LLP 1305 Porter Dr. Palo Alto, CA 94306 Tel: (650) 838-4334 talger@perkinscoie.com sbali@perkinscoie.com
Jason Armstrong The Law Office of Jason Armstrong 611 West Main St. Bozeman, MT 59715 Tel: (406) 587-2085 armstronglaw@mac.com	
Counsel for Plaintiff/Appellant Cindy Lee Garcia	*Counsel for Defendants/Appellees Google, Inc. and YouTube, LLC*

2. Appellant/Plaintiff Cindy Lee Garcia hereby files this emergency motion for contempt and/or an order for compliance against Defendants/Appellees Google, Inc., and YouTube LLC (hereinafter, "Google").

MOTION

3. On February 28, 2014, this Court's amended order went into effect, ordering Defendants/Appellees to "take down all copies of *Innocence of Muslims* from YouTube.com and from any other platforms under Google's control, and take all reasonable steps to prevent further uploads of *Innocence of Muslims* to those platforms. ***Google shall comply with this order within twenty-four hours of the issuance thereof.*** This order does not preclude the posting or display of any version of *Innocence of Muslims* that does not include Cindy Lee Garcia's performance." (Emphasis added.)

4. Google has failed to comply. As of this morning, at 7:55 a.m EST, a version of *Innocence of Muslims* that includes Ms. Garcia's performance is still available on Google's Worldwide Platform and also viewable in Egypt, the nation in which the *fatwa* was issued for Ms. Garcia's execution. All a viewer needs to do to view a copy of the video that contains the infringing material from any computer in the world and within in YouTube's global platform—and therefore is governed by the takedown order—is to change his or her settings to any country platform, such as "Egypt." Unfortunately, this failure to comply has been a recurrent issue since the Court first ordered the infringing material taken down. Despite the fact that Ms. Garcia's counsel has pointed out to Google *numerous times* that

Google has been in contempt of this Court and despite Ms. Garcia's offer (despite her limited resources) to show Google how and why it has failed to comply, its lack of compliance continues to this day. Attached to this Motion are the declarations of M. Cris Armenta and David Hardy, which provide (1) evidence of Google's multiple violations of the order; (2) correspondence between counsel on the issue; and (3) evidence that Google has the technology at its fingertips that would permit it to comply with the Court's order. *See* Declaration of M. Cris Armenta and Declaration of David Hardy, *passim*, and attached exhibits.

5. Notwithstanding its vast technical resources and standing as one of the largest and most sophisticated Internet companies in the world, Google and its army of lawyers have taken the position that Google is somehow incapable of complying with the order, that it is "deploying every resource" to comply, and that Ms. Garcia—who has virtually no resources—bears the burden of advising Google of each and every individual URL that remains on Google's platforms in defiance of the takedown order. Then and only then, according to Google has Google complied with the Court's takedown order.

6. Significantly, Ms. Garcia long ago advised Google—via her takedown notices issued in the fall of 2012 that included Google with a list

of 852 YouTube channels and URLs that contained the infringing material—of the 852 infringing channels. For Google, it is a pedestrian, technical exercise to take down those URLs, to hire an intern to just search for "Innocence of Muslims," and their suggestion that Ms. Garcia should comb through YouTube again, and provide Google with the information again, belies Google's claim that it is in compliance.

7. Because this case is within the jurisdiction of this Circuit, Ms. Garcia is somewhat at a loss as to how to proceed. However, were this case within the jurisdiction of the district court, Ms. Garcia would ask for a contempt penalty of $150,000 per violation. In this particular case, Google has violated the Court's order (and continued to illegally profit from traffic to the infringing material on YouTube) on several different channels. The maximum penalty of $150,000 per channel is the only fair measure of the contempt. In addition Ms. Garcia would ask the district court that Google post a bond equal to the statutory maximum for copyright infringement for each of the 852 channels identified in her initial takedown notices. Because of the unusual position in which Ms. Garcia finds herself, the matter of any contempt penalty or bond is submitted to the sound discretion of this Court. Those damages range from $30,000.00 to $150,000 per URL that was initially indicated in the takedown notices (852 URLs). This is because

Google has behaved with utter contempt for this Court's (amended) order of February 28, 2014 by allowing re-uploads of the video in violation of the Court order and for foisting its duties to police its own platform off to Ms. Garcia's team. This Court should not allow Google to continue to flagrantly defy its order without some corresponding consequences.

8. Additionally, as of the writing of this brief, Google has not "taken down" anything. Instead, it has merely *disabled* the various uploads displaying *Innocence of Muslims* in forms that contain infringing content, leaving the content up and viewable via thumbnails. Moreover, Google has failed to remove full copies of the video from its platforms, has failed to prevent new uploads of the video to YouTube, and continues to publish on its Google search index platforms links to numerous sites and platforms where the video can either be directly viewed or where it can be easily downloaded and saved to viewers' computers. Indeed, Google has not even made a *pro forma* attempt to comply with the order, choosing instead to temporarily disable only a few copies of the video that contain infringing content and putting in their place a snide message to the public that states:

> *"This video is no longer available due to a copyright claim by an actress over her 5-second appearance in the video. A U.S. court has ordered Google to remove the video. We strongly disagree with this copyright ruling and will fight it."*

As is clear from Google's near-total disregard of the order and its ridiculing of the Court's authority, Google is thumbing its nose at the Court and making a mockery of our judicial system in an apparent attempt to encourage the public to blame and harass Ms. Garcia and to continue to use the infringing content to generate YouTube revenues from traffic directed through the 852 URLs that have illegally posted the content.

March 25, 2014 /s/ M. Cris Armenta

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on March 25, 2014.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Heather Rowland

Heather Rowland

DECLARATION

Declaration of M. Cris Armenta

I. M. Cris Armenta, declare:

1. I am licensed to practice law in the State of California and admitted to practice before this Court. I am also the principal of The Armenta Law Firm and counsel to Cindy Lee Garcia, the appellant in this action. I make this declaration based on my own personal knowledge. If called as a witness, I would and could testify competently thereto.

2. Since this Court issued its order that the film *Innocence of Muslims* be removed from Google's platforms, I have personally viewed various videos that contain Ms. Garcia's performance. In order to give Google some reasonable grace period to comply, catalogs of the various infringements that our technical team, with extremely limited resources, have been kept. In exercising restraint, I have advised Mr. Alger, lead counsel for Google in this case, of various violations, as the video was still viewable on Google platforms, including both on YouTube and within or with the use of Google's signature and platform search engine.

3. Attached as Exhibit A is a true and correct copy of correspondence between me and my co-counsel and Mr. Alger with respect to this issue.

4. Attached as Exhibit B is a true and correct copy of the violations mined as of March 2, 2014. This list is likely underinclusive, because Ms. Garcia nor her legal advisors have the ability to technologically mine the data. These searches were done with very little technical know-how.

5. Attached as Exhibit C is an additional DMCA takedown request sent to Google's registered takedown agent, to which it has failed to respond.

6. I have now had 2 extensive telephonic conferences with Mr. Alger concerning what I perceive to be Google's flagrant violations of this Court's order. Mr. Alger and his co-counsel have taken the position that "Google is complying" and that they have, in fact, responded to Ms.

Garcia's delineation of Google's violations. As I expressed to Mr. Alger, Ms. Garcia nor her legal team should have to point out the violations. If I can find them with my limited technical expertise, so can Google. The latest conference took place between counsel today, during which I was informed (despite having provided Mr. Alger verifiable proof that the video is playing in Egypt – the country where the *fatwa* was initiated against Ms. Garcia) that "Google is complying."

I declare under the penalty of perjury that the foregoing is true and correct and that I executed this declaration on March 25, 2014 in San Diego, California.

/s/ M. Cris Armenta

EXHIBIT A

Cris Armenta

From: david@dmcasolutions.com on behalf of David Hardy <David.Hardy@DMCASolutions.com>
Sent: Tuesday, March 25, 2014 5:35 AM
To: Cris Armenta
Cc: Credence Sol (credence.sol@orange.fr); Jason Armstrong; Eric Bulock
Subject: Innocence of Muslims is Still Up on YouTube
Attachments: Screen Shot 2014-03-25 at 7.55.18 AM.png; Screen Shot 2014-03-25 at 7.53.58 AM.png

Cris -

Attached are screen shots of Cindy's scene in a version of the movie that's still up and running on YouTube (the screen shots are of the Worldwide YouTube and the Egypt YouTube - I tried several other countries and it appears that it's up everywhere).

This video was posted last September under the name "Innocence of Muslims" - very hard for Google/YouTube to miss it.

Here's the YouTube URL:
www.youtube.com/watch?v=TTd-DCj86u0&gl=US (Cindy's scene at 14:05)

David

--
David E. Hardy
DMCA Solutions, LLC
[redacted]
David.Hardy@DMCASolutions.com

e Edit View History Bookmarks Window Help 100% Tue 7:

Innocence of Muslims - YouTube

https www.youtube.com/watch?v=TTd-DCj86u0&gl=US

Upload dhardy@lifescap

Innocence of Muslims

Vinod Aryan · 45 videos

Subscribe 4

11 views

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Published on Sep 28, 2013

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ALL COMMENTS (2)

Share your thoughts

Heaven Is For Real Movie
AD by SonyPictures
16,819 views

DEBAT ISLAM KRISTEN MUHAMAD YAHYA WALONI MANTAN PENDETA
by Devi Candra
54,577 views

The Innocent Prophet - Must watch Muhammad Movie for Muslims (Full)
by HinduismIslam
97,071 views

RE : Innocence of Muslims Full Movie - Prophet Mohammed Biography
by TheMohammedFilms
250,174 views

RE : Innocence of Muslims - The hidden Origin of Quran
by TheMohammedFilms
29,317 views

THE LIFE OF MUHAMMAD (PBUH) BBC - Documentary
by nevertrustherkuffar
173,061 views

Innocence of Muslims Muhammad Movie FULL HD, Deceptions of Islam
by Matteus Evangeliet
23,553 views

LES MIRACLES SCIENTIFIQUES DU CORAN - COMPLET (Islam coran
by LeJardinDesVertueux
115,472 views

Difficult Questions that every LDS Mormon needs to answer.
by Spiritlessons
Recommended for you

e Edit View History Bookmarks Window Help 100% Tue 7:

Innocence of Muslims – YouTube

https www.youtube.com/watch?v=TTd-DCj86u0

innocence of muslims مترجم

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Innocence of Muslims

Vinod Aryan · 45 videos

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Published on Sep 28, 2013

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ALL COMMENTS (2)

Share your thoughts

Heaven Is For Real Movie
AD by SonyPictures
20,806 views

DEBAT ISLAM KRISTEN MUHAMAD YAHYA WALONI MANTAN PENDETA
by Devi Candra
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by HinduismIslam
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RE : Innocence of Muslims Full Movie - Prophet Mohammed Biography
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250,174 views

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Innocence of Muslims Muhammad Movie FULL HD, Deceptions of Islam
by Matteus Evangeliet
23,553 views

DEBAT ISLAM KRISTEN MUHAMAD YAHYA WALONI MANTAN PENDETA
by Debat Tivi
10,841 views

Cris Armenta

From: Alger, Timothy L. (Perkins Coie) <TAlger@perkinscoie.com>
Sent: Tuesday, March 18, 2014 1:16 PM
To: Cris Armenta
Cc: Credence Sol (credence.sol@orange.fr); 'Jason Armstrong (armstronglaw@me.com)'; David Hardy (David.Hardy@DMCASolutions.com); Schwartz, Julie E. (Perkins Coie)
Subject: RE: Garcia v. Google; Flynn v. Google

Thanks Cris. I understand regarding the notification of the registered takedown agent. If you would like, please feel free to copy me and Julie.

Do you have estimated timing for the Flynn complaint?

Tim

From: Cris Armenta [mailto:cris@crisarmenta.com]
Sent: Tuesday, March 18, 2014 11:46 AM
To: Alger, Timothy L. (Perkins Coie)
Cc: Credence Sol (credence.sol@orange.fr); 'Jason Armstrong (armstronglaw@me.com)'; David Hardy (David.Hardy@DMCASolutions.com); Schwartz, Julie E. (Perkins Coie)
Subject: RE: Garcia v. Google; Flynn v. Google

Tim:

We are required by law to alert the registered takedown agent, which has, in fact occurred. I simply wanted to, as a courtesy alert you, in case there are communication issues on your end, since the non-response is highly unusual.

Thank you for agreeing to accept service of the Flynn complaint. We will let you know when it is on its way.

Cris

From: Alger, Timothy L. (Perkins Coie) [mailto:TAlger@perkinscoie.com]
Sent: Tuesday, March 18, 2014 11:27 AM
To: Cris Armenta
Cc: Credence Sol (credence.sol@orange.fr); 'Jason Armstrong (armstronglaw@me.com)'; David Hardy (David.Hardy@DMCASolutions.com); Schwartz, Julie E. (Perkins Coie)
Subject: RE: Garcia v. Google; Flynn v. Google

Cris:

You may send takedown notices to me and Julie Schwartz (her email is above).

I am authorized to accept service of a summons and complaint by Gaylord Flynn on behalf of Google Inc. and/or YouTube, LLC. Has an action been filed, and when do you intend to serve me with the papers?

Tim

Timothy L. Alger | **Perkins Coie LLP**
PARTNER
3150 Porter Drive • Palo Alto, California 94304
Four Embarcadero Center, Suite 2400 • San Francisco, California 94111

PHONE: 650.838.4334 • MOBILE: 650.223.3791 • FAX: 650.838.4534
E-MAIL: TAlger@perkinscoie.com

From: Cris Armenta [mailto:cris@crisarmenta.com]
Sent: Monday, March 17, 2014 9:52 AM
To: Alger, Timothy L. (Perkins Coie)
Cc: Credence Sol (credence.sol@orange.fr); 'Jason Armstrong (armstronglaw@me.com)'; David Hardy (David.Hardy@DMCASolutions.com)
Subject: Garcia v. Google; Flynn v. Google

Tim:

We are letting you know that on behalf of our clients, Gaylord Flynn and Cindy Lee Garcia, that we sent new takedown notices directed to 111 URL's. Despite prior experience in receipt of a prompt response to DMCA takedown notices, we have not received any response on these. Are you authorized to accept service on behalf of Google and YouTube for a federal complaint filed by Gaylord Flynn?

M. Cris Armenta
The Armenta Law Firm, APC
11900 W. Olympic Boulevard, Suite 730
Los Angeles, California 90064
Telephone: (310) 826-2826
Facsimile: (310) 826-5456
www.crisarmenta.com[crisarmenta.com]

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* * * * * * * * * *

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Cris Armenta

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Sent: Tuesday, March 18, 2014 11:27 AM
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Subject: RE: Garcia v. Google; Flynn v. Google

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Tim

Timothy L. Alger | **Perkins Coie LLP**
PARTNER
3150 Porter Drive • Palo Alto, California 94304
Four Embarcadero Center, Suite 2400 • San Francisco, California 94111
PHONE: 650.838.4334 • MOBILE: 650.223.3791 • FAX: 650.838.4534
E-MAIL: TAlger@perkinscoie.com

From: Cris Armenta [mailto:cris@crisarmenta.com]
Sent: Monday, March 17, 2014 9:52 AM
To: Alger, Timothy L. (Perkins Coie)
Cc: Credence Sol (credence.sol@orange.fr); 'Jason Armstrong (armstronglaw@me.com)'; David Hardy (David.Hardy@DMCASolutions.com)
Subject: Garcia v. Google; Flynn v. Google

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* * * * * * * * * *

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Cris Armenta

From:	Cris Armenta
Sent:	Friday, March 07, 2014 12:54 PM
To:	'Alger, Timothy L. (Perkins Coie)'; Katyal, Neal K. (neal.katyal@hoganlovells.com)
Cc:	Credence Sol (credence.sol@orange.fr); 'Jason Armstrong (armstronglaw@me.com)'; David Hardy (David.Hardy@DMCASolutions.com)
Subject:	RE: Continued Blatant Contempt
Attachments:	geert wilders - Canada 3.7.2014 1252pm.pdf

Here is the screenshot of Ms. Garcia's performance which is still streaming through your servers.

From: Alger, Timothy L. (Perkins Coie) [mailto:TAlger@perkinscoie.com]
Sent: Friday, March 07, 2014 12:28 PM
To: Cris Armenta; Katyal, Neal K. (neal.katyal@hoganlovells.com)
Cc: Credence Sol (credence.sol@orange.fr); 'Jason Armstrong (armstronglaw@me.com)'; David Hardy (David.Hardy@DMCASolutions.com)
Subject: RE: Continued Blatant Contempt

Thanks Cris – The film does not appear for viewing when I click on the link below, but we will look into this. Tim

---

From: Cris Armenta [mailto:cris@crisarmenta.com]
Sent: Friday, March 07, 2014 10:40 AM
To: Alger, Timothy L. (Perkins Coie); Katyal, Neal K. (neal.katyal@hoganlovells.com)
Cc: Credence Sol (credence.sol@orange.fr); 'Jason Armstrong (armstronglaw@me.com)'; David Hardy (David.Hardy@DMCASolutions.com)
Subject: Continued Blatant Contempt

As our technical folks continue to find and locate continued violations of the 9th Circuit's unequivocal order, I just did a search in YouTube for "Innocence of Muslims". This was the 3rd hit, uploaded just 2 days ago, on the day that Tim and I met and conferred and he assured me that Google and YouTube were using all kinds of sophisticated methods to comply. I took me 2 seconds to find this.

http://www.youtube.com/watch?v=67drcU35B-I[youtube.com]

Once again, YouTube is wilfully violating the order. This situation is completely untenable and directly violates the Court's clear orders. At this point, my point about fixing the algorithms in the search engine and flagging those searches I believe is quite well supported, because Google is either wilful or completely incompetent to comply.

Cris

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* * * * * * * * * *

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please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Cris Armenta

From: Cris Armenta
Sent: Friday, March 07, 2014 10:40 AM
To: 'Alger, Timothy L. (Perkins Coie)'; Katyal, Neal K. (neal.katyal@hoganlovells.com)
Cc: Credence Sol (credence.sol@orange.fr); 'Jason Armstrong (armstronglaw@me.com)'; David Hardy (David.Hardy@DMCASolutions.com)
Subject: Continued Blatant Contempt

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Cris

Cris Armenta

From:	Alger, Timothy L. (Perkins Coie) <TAlger@perkinscoie.com>
Sent:	Thursday, March 06, 2014 11:38 AM
To:	Cris Armenta
Cc:	Credence Sol (credence.sol@orange.fr); Heather Rowland; 'Jason Armstrong (armstronglaw@me.com)'; David Hardy (David.Hardy@DMCASolutions.com)
Subject:	Re: Pre-Filing Conference

Cris --

We appreciated the call yesterday. While I disagree with several of the statements in your email, I want to move this discussion in a more productive direction. Google has taken this seriously and is working quite hard to comply with the Ninth Circuit's order. If you are interested, we think it's worth further discussions, and we'd like to give you more information about our efforts. We also are open to hearing your ideas.

Tim

Timothy L. Alger | Perkins Coie LLP
PARTNER
3150 Porter Drive • Palo Alto, California 94304
Four Embarcadero Center, Suite 2400 • San Francisco, California 94111
PHONE: 650.838.4334 • MOBILE: 650.223.3791 • FAX: 650.838.4534
E-MAIL: TAlger@perkinscoie.com

From: Cris Armenta <cris@crisarmenta.com>
Date: Wednesday, March 5, 2014 7:58 PM
To: TIMOTHY ALGER <talger@perkinscoie.com>
Cc: "Credence Sol (credence.sol@orange.fr)" <credence.sol@orange.fr>, Heather Rowland <heather@crisarmenta.com>, Jason Armstrong <armstronglaw@me.com>, David Hardy <David.Hardy@DMCASolutions.com>
Subject: Pre-Filing Conference

Tim:

This confirms our pre-filing conference this evening. Thank you for taking the time to return my call and for your time on the call. Cindy Lee Garcia's legal team has given Google multiple takedown orders that include hundreds of URL's that contained the film trailer "Innocence of Muslims." We have reminded Google's counsel multiple times that Google has failed to comply with the Court's order. Here is an example of a url that is still up, in direct violation of the Court's order. This is still up in the United States, and viewable if the YouTube country of origin is set up to Egypt, the country in which the fatwa was issued to Ms. Garcia. I can see this from my desk in the United States and so can everyone else. We believe that Google's decision to merely block instead of remove has caused room for failure as we discussed.

http://www.youtube.com/watch?v=aoobIgT4Zzg[youtube.com], This URL was identified in Garcia's DMCA takedown request #6, which was sent to Google's registered takedown agent on September 26, 2012. Client's performance can be confirmed as present at 8:23. It is Ms. Garcia's position that Google has wilfully infringed since it failed to follow its own guidelines and the law after the takedown requests, and that now that the Ninth Circuit issued a clear directive, the level

of willfulness is quite egregious at this point. There are MANY others, and it is our position that the Plaintiff need not expend her limited resource to police Google's noncompliance with the order.

Unless we can reach some reasonable compromise, we will be seeking sanctions against Google for continuing to violate the clear 9th Circuit order. We believe that statutory damages for wilful infringement for the various channels that are still up is a reasonable measure of damages in this scenario. I offered to have our technical folks talk to yours, but this offer was declined. If you can formulate some other appropriate compromise, we are willing to attempt to avoid a motion and if needed an ex parte to advance a hearing. We would of course give you notice of any such application of course.

Cris

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****

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Cris Armenta

From: Cris Armenta
Sent: Wednesday, March 05, 2014 5:29 AM
To: Alger, Timothy L. (Perkins Coie)
Cc: Perella, Dominic F.; Credence Sol; Jason Armstrong; David E. Hardy; Heather Rowland; Neal Katyal
Subject: Re: Urgent: Garcia v. Google

It was not "my suggestion". Your words:

> " Google has been promptly blocking those clips that fall within the Court's order as they come to Google's attention"

.

Sent from my iPhone

On Mar 4, 2014, at 6:46 PM, "Alger, Timothy L. (Perkins Coie)" <TAlger@perkinscoie.com> wrote:

> Cris --
>
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>
> Tim
>
> Timothy L. Alger | Perkins Coie LLP
> PARTNER
> 3150 Porter Drive € Palo Alto, California 94304
> Four Embarcadero Center, Suite 2400 € San Francisco, California 94111
> PHONE: 650.838.4334 € MOBILE: 650.223.3791 € FAX: 650.838.4534
> E-MAIL: TAlger@perkinscoie.com
>
> On 3/4/14 9:50 AM, "Cris Armenta" <cris@crisarmenta.com> wrote:

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"Blocking" is not the same as taking down from all Google-controlled platforms, and has left enormous issues and violations with respect to Google's non-compliance with the 9th Circuit's orders. Our team should not have to mine the information when Google is more than capable of complying with the Court's order. This was not passive order that permits Google to simply let the infringements "come to Google's attention" - it requires that Google use its skills and technical capacities to take down and prevent uploading which it has not, to date, done.

Cris

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Sent: Saturday, March 01, 2014 6:16 PM
To: Cris Armenta
Cc: Perella, Dominic F.; Credence Sol; Jason Armstrong; David E. Hardy; Heather Rowland; Neal Katyal
Subject: Re: Urgent: Garcia v. Google

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rma
nce/%23comments&k=06%2F1%2FwqqQY9VYFo4IVhphQ%3D%3D%0A&r=pDbveEioSGSuAQg
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XCc%3D%0A&s=cf7cde37f70302df55eb8183e954c12fbf850c1f3411a73cf42227148fb

620

35

Sincerely,

M. Cris Armenta

The Armenta Law Firm, APC

11900 W. Olympic Boulevard, Suite 730

Los Angeles, California 90064

Telephone: (310) 826-2826

Facsimile: (310) 826-5456

www.crisarmenta.com

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Sent: Thursday, February 27, 2014 11:48 AM

To: Cris Armenta

Cc: talger@perkinscoie.com; Perella, Dominic F.; Credence Sol; Jason

Armstrong; David E. Hardy; Heather Rowland

Subject: Re: Motion

Thanks so much.

Sent from my mobile.

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Sent from my iPhone

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* * * * * * * * * *

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Cris Armenta

From: Alger, Timothy L. (Perkins Coie) <TAlger@perkinscoie.com>
Sent: Tuesday, March 04, 2014 6:46 PM
To: Cris Armenta
Cc: Perella, Dominic F.; Credence Sol; Jason Armstrong; David E. Hardy; Heather Rowland; Neal Katyal
Subject: Re: Urgent: Garcia v. Google

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PARTNER
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>>The Armenta Law Firm, APC
>>11900 W. Olympic Boulevard, Suite 730
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Cris Armenta

From: Cris Armenta
Sent: Saturday, March 01, 2014 6:25 PM
To: 'Alger, Timothy L. (Perkins Coie)'
Cc: Perella, Dominic F.; Credence Sol; Jason Armstrong; David E. Hardy; Heather Rowland; Neal Katyal
Subject: RE: Urgent: Garcia v. Google

Tim

The point I raised with Neal, is that we should not have to be pointing these out to Google/YouTube. Your client has the technical ability to prevent uploading and sweep using content id. It's failure to do so is something we will address at the appropriate time.

Cris

M. Cris Armenta
The Armenta Law Firm, APC
11900 W. Olympic Boulevard, Suite 730
Los Angeles, California 90064
Telephone: (310) 826-2826
Facsimile: (310) 826-5456
www.crisarmenta.com

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To: Cris Armenta
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>nce/%23comments&k=06%2F1%2FwqqQY9VYFo4IVhphQ%3D%3D%0A&r=pDbveEioSGSuAQg
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>Cc: talger@perkinscoie.com; Perella, Dominic F.; Credence Sol; Jason
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Cris Armenta

From: Jason Armstrong <armstronglaw@mac.com>
Sent: Saturday, March 01, 2014 6:18 PM
To: Timothy L. Alger
Cc: Credence Sol; David E. Hardy; Cris Armenta
Subject: Re: Yet another

Tim,
Here is the URL for this video. https://www.youtube.com/watch?v=5AAg04ymmIY

This one contains the same sort of "preamble" as the clip I just sent to you that then contains the video four more times. This one was uploaded by YouTube user Yusuf Al Islami

On Mar 1, 2014, at 5:34 PM, Cris Armenta <cris@crisarmenta.com> wrote:

<image.png>

Sent from my iPad

Jason Armstrong
611 West Main Street
Bozeman, MT 59715
406-587-2084 Office

armstronglaw@mac.com

AGREEMENT: Any acceptance by the Law Office of Jason Armstrong, of any offer is conditional upon the client's final signature.
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Subject: Re: Urgent: Garcia v. Google

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>-apply-to-copies-of-the-film-that-exclude-plaintiff-cindy-garcias-perfo
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>nce/%23comments&k=06%2F1%2FwqqQY9VYFo4IVhphQ%3D%3D%0A&r=pDbveEioSGSuAQg

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Sent: Saturday, March 01, 2014 6:09 PM
To: Timothy L. Alger
Cc: Credence Sol; David E. Hardy; Cris Armenta
Subject: Re: 4:39 pm. Another

Tim,
The one referenced by the screen grab from Cris can be found at this URL, https://www.youtube.com/watch?v=2z6HGSEhdYE&bpctr=1393727637

It has at least 5 copies of the trailer contained in the 1:15 post cobbled together back to back and uploaded by YouTube user "downstreamTV."

I believe that we have already noticed your team re this particular video.

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<image.png>

Sent from my iPad

Jason Armstrong
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Subject: Yet another
Attachments: image.png; ATT00001.txt

ATT00001

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Pad 4:32 PM 13%

13:58 18:43

INNOCENCE OF MUSLIMS

26 views

0 0

Published on Dec 25, 2013 · Film yang mengungkapkan betapa bodohnya umat Kristen, hanya untuk mencari sensasi dan popularitas maka mereka harus menjatuhkan Islam ....
Roh Kudus yang selama ini mereka imani sebagai salah satu tuhan yang tiga ternyata tidak berdaya membimbing umat Kristen menjadi baik, ... tuhan (roh kudus) telah dikalahkan oleh manusia .... dan sejarah terulang kembali dimana ketika itu allah (yahwe) dikalahkan oleh Yakub dalam sebuah PERGUMULAN (Perkelahian)

Yusuf Al Islami
30 subscribers
SUBSCRIBE

SUGGESTIONS

DEBAT ISLAM KRISTEN Devi Candra
36,630 views

DR.M.YAHYA WALONI mstbpp
2,546 views

Pdt.Yusuf Roni mengalahkan KristenPenipu
9,794 views

film Daun Diatas Bantal full.FLV politix deso
83,222 views

Ceramah Lucu untuk anak- mstbpp
7,862 views

Perseteruan Terkait Adegan Breaking News Channel
155,131 views

MORE

Cris Armenta

From: Cris Armenta
Sent: Saturday, March 01, 2014 4:08 PM
To: Timothy L. Alger
Cc: Credence Sol; David E. Hardy; Jason Armstrong
Subject: Fwd: Innocence of Muslims

More!!
Screenshot of Cindy captured.
This is not acceptable.
Sent from my iPhone

Begin forwarded message:

> **From:** Jason Armstrong <armstronglaw@mac.com>
> **Date:** March 1, 2014, 3:42:03 PM PST
> **To:** Cris Armenta <cris@crisarmenta.com>, David Hardy <David.Hardy@DMCASolutions.com>, Credence Sol <credence.sol@sol-law.com>
> **Subject: Innocence of Muslims**
>
> Check out this video on YouTube: still on my phone.
>
> http://youtu.be/r7P7SnQwYlU
> Jason Armstrong
> 611 West Main Street
> Bozeman MT, 59715
> 406-587-2084 Office
> armstronglaw@mac.com
>
> This electronic mail transmission may constitute a privileged attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail or by calling the number above so that our address record can be corrected.

Cris Armenta

From: Cris Armenta
Sent: Saturday, March 01, 2014 4:04 PM
To: Katyal, Neal K.
Cc: talger@perkinscoie.com; Perella, Dominic F.; Credence Sol; Jason Armstrong; David E. Hardy; Heather Rowland
Subject: Re: Urgent: Garcia v. Google

Thank you. Will do.

Sent from my iPhone

On Mar 1, 2014, at 3:25 PM, "Katyal, Neal K." <neal.katyal@hoganlovells.com> wrote:

> Cris, please send these to Tim not me as he is handling these.
>
> Sent from my mobile.
>
>> On Mar 1, 2014, at 1:20 PM, "Cris Armenta" <cris@crisarmenta.com> wrote:
>>
>> Dear Neal:
>>
>> It has come to our attention that Google is STILL IN VIOLATION of the even most recent Ninth Circuit more limited order. Cindy Lee Garcia continues to be on display in the Innocence of Muslims, both in the United States and worldwide. We have attempted to bring these matters to your attention, however, we should not have to because Google has the technical capacity to comply with the Court's clear directive.
>>
>> Attached is a screenshot, an example of what one of our lawyers found today in about 1 minute of searching. We have a technical team now pulling content off YouTube worldwide and will provide more data, but again, this is not OUR responsibility. It is Google's responsibility to immediately comply.
>>
>> At this point, the violations are flagrant. We are looking into filing a motion for contempt immediately.
>>
>> Here is the link in the Washington Post article that links to the unedited version that includes Cindy Lee Garcia.
>>
>> http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/03/01/in
>> nocence-of-muslims-injunction-doesnt-apply-to-copies-of-the-film-that
>> -exclude-plaintiff-cindy-garcias-performance/#comments
>>
>> Sincerely,
>>
>>
>> M. Cris Armenta
>> The Armenta Law Firm, APC
>> 11900 W. Olympic Boulevard, Suite 730 Los Angeles, California 90064
>> Telephone: (310) 826-2826
>> Facsimile: (310) 826-5456
>> www.crisarmenta.com
>>

>>
>>
>>
>> -----Original Message-----
>> From: Katyal, Neal K. [mailto:neal.katyal@hoganlovells.com]
>> Sent: Thursday, February 27, 2014 11:48 AM
>> To: Cris Armenta
>> Cc: talger@perkinscoie.com; Perella, Dominic F.; Credence Sol; Jason
>> Armstrong; David E. Hardy; Heather Rowland
>> Subject: Re: Motion
>>
>> Thanks so much.
>>
>> Sent from my mobile.
>>
>>> On Feb 27, 2014, at 2:47 PM, "Cris Armenta" <cris@crisarmenta.com> wrote:
>>>
>>> Opposed.
>>>
>>> Sent from my iPhone
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>>>>> consideration of yesterday's opinion. Will you please state your
>>>>> position on the motion? Thank you,
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>>>>>
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>>>>
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>>
>>
>>
>> <Screen Shot 2014-03-01 at 2.31.05 PM.PNG>
>

Cris Armenta

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Cc: talger@perkinscoie.com; Perella, Dominic F.; Credence Sol; Jason Armstrong; David E. Hardy; Heather Rowland
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> http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/03/01/innocence-of-muslims-injunction-doesnt-apply-to-copies-of-the-film-that-exclude-plaintiff-cindy-garcias-performance/#comments
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> M. Cris Armenta
> The Armenta Law Firm, APC
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> Los Angeles, California 90064
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>>
>
>
>
> <Screen Shot 2014-03-01 at 2.31.05 PM.PNG>

Cris Armenta

From: Cris Armenta
Sent: Saturday, March 01, 2014 12:20 PM
To: 'Katyal, Neal K.'
Cc: talger@perkinscoie.com; Perella, Dominic F.; Credence Sol; Jason Armstrong; David E. Hardy; Heather Rowland
Subject: Urgent: Garcia v. Google
Attachments: Screen Shot 2014-03-01 at 2.31.05 PM.PNG

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http://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/03/01/innocence-of-muslims-injunction-doesnt-apply-to-copies-of-the-film-that-exclude-plaintiff-cindy-garcias-performance/#comments

Sincerely,

M. Cris Armenta
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Los Angeles, California 90064
Telephone: (310) 826-2826
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>

Edit View History Bookmarks Window Help Sat 2:

Innocence of Muslims - YouTube

www.youtube.com/watch?v=r7P7SnQwYIU

Will Photojournal...rs Technica View of the Hebrews My MSN

slims" injunction doesn't apply to copies of the film that exclude plaintiff Cindy Garcia's per...

Innocence of Muslims - YouTube

Upload dhardy@lifesc

Attention

WELL DONE!
You have a chance to **Win an iPad 3** or **iPhone 5** !

Click "OK" to answer a **simple question**

OK

Ads by save keep. More Info | Hide These Ads

Important Message

There's (1) iPad waiting to be won

iPad

OK

Ads by save keep. More Info | Hide These Ads

Innocence of Muslims

Super Jackleg's Movie Time · 1 video

Subscribe 0

33 views

0 0

Like About Share Add to

Zakir Naik Q&A-99 | Innocence of Muslims movie Dr Zakir Naik Reply
by ZakirNaik.net Official
11:20 5,272 views

Muhammad The Prophet Of Islam - The Movie - Official Trailer 2013 Movie HD
by NBTfilmchannel
2:56 Recommended for you

Innocence Of Muslims Filmmaker Speaks From Prison: If I Could Go
by MichaelSavage4Prez
2:33 9,220 views

Miley Cyrus & Katy Perry (Bangerz

Edit View History Bookmarks Window Help Sat 2:

Innocence of Muslims - YouTube

www.youtube.com/watch?v=r7P7SnQwYlU

Will Photojournal...rs Technica View of the Hebrews My MSN

slims" injunction doesn't apply to copies of the film that exclude plaintiff Cindy Garcia's per... Innocence of Muslims - YouTube

Upload dhardy@lifescap

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Ads by save keep. More Info | Hide These Ads

Important Message

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iPad

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Innocence of Muslims

Super Jackleg's Movie Time · 1 video

Subscribe 0

33 views

0 0

Like About Share Add to

Zakir Naik Q&A-99 | Innocence of Muslims movie Dr Zakir Naik Reply
by ZakirNaik.net Official
6,272 views
11:20

Muhammad The Prophet Of Islam - The Movie - Official Trailer 2013 Movie HD
by NBTfilmchannel
Recommended for you
2:56

Innocence Of Muslims Filmmaker Speaks From Prison: If I Could Go
by MichaelSavage4Prez
9,220 views
2:33

Miley Cyrus & Katy Perry (Bangerz

EXHIBIT B

Canada Infringements

The following 16 infringements are a very small sample based on queries for:

innocence of muslims movie full site:youtube.com
innocence of muslims full movie in english site:youtube.com
innocence of muslims trailer site:youtube.com
innocence of muslims full movie with english subtitles site:youtube.com
innocence of muslims movie 74 site:youtube.com

The following 16 videos depict Cindy Lee Garcia at various timestamps recorded in table below. The name of uploader and date is also recorded.

This work excluded versions of the trailer/film that did not have her scene.
Screenshots for each of the following are listed below with date/time in bottom right. Times are eastern time.
- Eric
Eric Bulock, DMCA Solutions

1	http://www.youtube.com/watch?v=jUUze7NeR8	8	0		14:06:00	Rusalan hadi	8/24/2013
2	http://www.youtube.com/watch?v=weMmJe9GMf4	8	0		14:06:00	Mike Cunningham	12/5/2013
3	http://www.youtube.com/watch?v=jQ87tgp0WXw	8	0		14:11:00	Vladyghost Girault	9/20/2012
4	http://www.youtube.com/watch?v=KoEvHGkkhRM	8	0	stats	14:08:00	Lokesh Giri	9/27/2012
5	http://www.youtube.com/watch?v=cRkV99v-F2U	8	0	stats	14:06:00	BlackHatWorld Channel	9/20/2012
6	http://www.youtube.com/watch?v=E54WfHIH0dM	8	0		14:06:00	Андрей Клепыч	9/17/2012
7	http://www.youtube.com/watch?v=lHY4HBeRynU	8	0		9:02:00	Copy Gaffots	2/27/2014
8	http://www.youtube.com/watch?v=EFEhaExoRQ	8	0		6:48:00	NaPakAsstani	9/13/2012

	A						
9	http://www.youtube.com/watch?v=cRTIBmdrRRQ	8	0		6:27:00	Dede Supriatna	9/19/2012
10	http://www.youtube.com/watch?v=qOu1c2fy0VM	8	0		10:00:00	Arega Keskis	9/17/2012
11	http://www.youtube.com/watch?v=UkM4S7tFi-I	8	0		:05	Bacon glutton Mohammed	12/1/2012
12	http://www.youtube.com/watch?v=P-Tk9SZZiH0	8	0		8:17:00	UAACS1	9/16/2012
13	http://www.youtube.com/watch?v=fHSSOL7Nabc	8	0		9:08:00	gyso	2/27/2014
14	http://www.youtube.com/watch?v=5-KOXG0sFHQ	8	0		10:04:00	Suho Pak	9/30/2012
15	http://www.youtube.com/watch?v=OANdJr5cAeY	8	0		9:09:00	The Husketeers	2/27/2014
16	http://www.youtube.com/watch?v=FlOzi9r0Lsw	8	0		:04	FightJihadi	9/12/2012

EXHIBIT C

DMCA Solutions
31 Hastings Street
Mendon, MA 01756

March 5, 2014

Sent by Email
Google, Inc.

Attn: Shantal Rands Poovala, Designated Agent
1600 Amphitheatre Pkwy
Mountain View, CA 94043
Email: dmca-agent@google.com

Re: DMCA Takedown Request: Copyright Infringement
Video – ***Innocence of Muslims*** – Takedown Request #1

Dear Ms. Shantal Rands Poovala:

DMCA Solutions, LLC, acting as agent on behalf of copyright holder Cindy Lee Garcia for the purposes of filing this Takedown Request, hereby submits the following:

What is the Issue:

Copyright Infringement: Cindy Lee Garcia, an actress, has an original copyright that remains vested in her in her audio-visual dramatic performance in a film in which her performance has been altered and adulterated without her consent and made available for download on websites, blogs, file-sharing and torrent sites published in the google search index, infringing her copyright.

Copyright Infringement: Who is Affected

Cindy Lee Garcia, the copyright owner

Identification of the Copyrighted Work Claimed to have been Infringed:

Cindy Lee Garcia's audio-visual dramatic performance in a film originally titled *The Desert Warrior* but altered without her consent and made available for download on websites, blogs, file-sharing and torrent sites under variations of the title ***Innocence of Muslims*** *and published in the Google search index.*

Identification of the material that is claimed to be infringing

Video made available for download on websites, blogs, file-sharing and torrent sites under variations of the title ***Innocence of Muslims*** *(*but originally titled *The Desert Warrior) and published in the Google search index.*

URLs of the Offending Videos:

http://kickass.to/innocence-of-muslims-2011-t6721368.html

DMCA Solutions
31 Hastings Street
Mendon, MA 01756

http://pirateproxy.net/torrent/7646360/Innocence_of_Muslims_-_Full_Movie_(74_min)

http://bayproxy.me/torrent/7694513/

Page 2

http://torrentz.eu/5b65f79572c7fca080279907492cf09690e8649f

http://torrentz.eu/680074758784312a3a6cce1e7fd885c6f0ca74ba

http://answers.yahoo.com/question/index?qid=20120914181435AAb5t12

http://thepiratebay.se/torrent/7639180/Innocence_of_Muslims_(HD_720p)

http://thepiratebay.se/torrent/7637365/Innocence_of_Muslims

http://thepiratebay.se/torrent/7646661/

http://thepiratebay.org/torrent/7639180/

http://bayproxy.me/torrent/7637365/

http://bayproxy.me/torrent/7637365/Innocence_of_Muslims

http://torrentz.eu/5cbc7cb7e01df17879b0458dba6dca9ffc3ebe55

http://pirateproxy.net/torrent/7658796/innocence_of_muslims_full_movie

http://pirateproxy.net/torrent/7639180/

http://torrentz.eu/c6193a3da218e6295545831d11118edf8959aa1d

http://torrentz.eu/60b490dbfe26511979d154f7a3cc0bcaad533d04

http://bayproxy.me/torrent/7646360/

http://torrentz.me/77b512290380ee34c2ea4f319bfd74a056bc1eec

http://torrentmedia.org/innocence+of+muslims+hindi+dubbed+torrents.html

http://www.torrentroom.com/torrent/4104777-Sam-Bacile-Muhammad-Movie-FULL-HD-Innocence-of-Muslims-YouTube-flv.html

DMCA Solutions
31 Hastings Street
Mendon, MA 01756

http://www.torrentroom.com/torrent/4110003-Muhammad-full-movie-Innocence-of-Muslims-74-Min-YouTube-WebM.html

http://torrentz.eu/5a6fc8c251e1ef4e664fe4b18411593886cb9936

Page 3

http://torrentz.eu/94efc7922d85f0dea12c62212a16c560a04b0686

http://torrentz-proxy.com/818f5b1b832b82797584bbc23d41b408496d49a2

http://www.88torrent.com/c6193a3da218e6295545831d11118edf8959aa1d

http://pirateproxy.net/torrent/7637365/Innocence_of_Muslims

http://torrentz.eu/7a0749325db8bbe2955f2a6f604e6caa6bb1f031

http://torrentz.eu/b2f3f06be00b3acd6346877bb72703a4b926fe65

http://torrentz.eu/b9e1c2229a372d3de26e156d03b0f6c9f49a0c41

http://pirateproxy.net/torrent/7694513/Innocence_of_Muslims_(Greek_Subbed)

http://www.proxybay.eu/torrent/7639180/

http://thepiratebay.se/torrent/7694513/Innocence_of_Muslims_(Greek_Subbed)

http://pastebin.com/bBDq0Quf

http://www.torrentroom.com/torrent/4104055-Sam-Bacile-Muhammad-Movie-FULL-HD-Innocence-of-Muslims-720p-mp4.html

http://194.71.107.82/torrent/7694513/Innocence_of_Muslims_(Greek_Subbed)

http://isohunt.to/torrent_details/5898403/Innocence-of-Muslims-2012-1080p-MultiSubs-HDD

http://torrentz.eu/9017e86e576bca29df9f2f162b0a5eff64bf8bb0

http://bitsnoop.com/innocence-of-muslims-2012-multisubs-q40260943.html

http://torrentz-proxy.com/d2189e90af30e46ae7950d5b6229f062ba29edf2

http://torrentmedia.org/innocence+of+muslims+full+movie+dual+audio+hindi+.html

DMCA Solutions
31 Hastings Street
Mendon, MA 01756

http://www.torrentreactor.net/torrents/5829500/Innocence-of-Muslims

http://freeware-hub.blogspot.com/2012/09/innocence-of-muslims-full-movie-74-min.html

http://torrentz-proxy.com/5a6fc8c251e1ef4e664fe4b18411593886cb9936

Page 4

http://www.torrenttab.com/movies/innocence+of+muslims

http://kickass.to/muhammad-movie-trailer-avi-t6655726.html

http://www.limetorrents.com/Innocence-of-Muslims-2012-1080p-MultiSubs--[DDR]-torrent-1386812.html

http://answers.yahoo.com/question/index?qid=20120921063945AATTLkV

http://torrentz.eu/5c6b03f9319858c3768395dad6ca51cc2959a890

http://www.ulozto.net/xuNZYrb/sam-bacile-presents-innocence-of-muslims-small-version-full-movie-by-anonymoust-3gp

http://www.torrentdownload.ws/Muhammad-full-movie--Innocence-of-Muslims-74-Min+webm/680074758784312A3A6CCE1E7FD885C6F0CA74BA

http://www.scribd.com/doc/106160683/Innocence-of-Muslims-on-YouTube-By-Sam-Bacile-first-spark-of-WWIII

http://www.torrentmedia.org/Free+download+english+movie+innocence+of+muslims+in+3gp+format.html

http://torrentz.eu/759db52bd934fd18661bd917769520d033ada426

http://www.88torrent.com/f293f25a177f5e8fa8d64c2b31fc96cedbeaa9b4

http://torrentz-proxy.com/e82fb9bb3daaa55e8f0eb8639d9188df20100b45

http://downloadtorrentgo2.net/bokep+muslim.html

http://www.torrentroom.com/torrent/5124658-The-Innocence-Of-Youth-7.html

DMCA Solutions
31 Hastings Street
Mendon, MA 01756

http://www1.zmovie.tw/movies/view/innocence-of-muslims-2012

http://www.jupiterbroadcasting.com/24637/the-blowback-decade-unfilter-17/

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http://www.torrentv.org/5043321/download-the-innocence-of-youth-7-2014-digitil-sin-split-scenes-torrent.html

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Page 7

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Copyright Owner's Name: Cindy Lee Garcia

Authorized Agent: DMCA Solutions, LLC
31 Hastings Street
Mendon, MA 01756

DMCA Solutions
31 Hastings Street
Mendon, MA 01756

USA
(202) 350-0200
eric@DMCASolutions.com

DMCA Solutions, LLC, has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

Page 8

The information in this notification is accurate, and under penalty of perjury, DMCA Solutions, LLC, is authorized to act on behalf of Cindy Lee Garcia, the owner of an exclusive right that is infringed.

DMCA Solutions, LLC

By:

Eric Bulock 3/05/2014

DECLARATION

DECLARATION OF DAVID HARDY

I, David Hardy, declare:

1. If called as a witness, I could and would testify completely as follows:

2. I am the President of DMCA Solutions LLC ("DMCA Solutions"), a Rhode Island limited liability company that provides managed online anti-piracy strategies and solutions for protecting and enforcing copyrighted content, such as films, videos, digital music and games, software, images, and written and recorded content. DMCA Solutions regularly acts as an agent on behalf of copyright owners and persons with legal rights to request that infringing content be "taken down" or disabled from YouTube or other online service providers ("OSPs"), including search engines such as Google and other Internet service providers pursuant to the Digital Millennium Copyright Act (the "DMCA"). I am familiar with the procedures that Google and YouTube normally follow when they receive takedown notices that are compliant with the DMCA.

3. DMCA Solutions is the appointed DMCA takedown agent for Plaintiff/Appellant Cindy Lee Garcia, and has been authorized to contact and deliver takedown notices to OSP's that display or facilitate the unauthorized copying and display of content on webpages ("URLs") that infringe on Ms. Garcia's copyright interests. I personally submitted the DMCA takedown notices to Google/YouTube on behalf of Ms. Garcia relating to Ms. Garcia's claims in this action. My emphasis in DMCA Solutions' representation of Ms. Garcia has been with respect to issues under the Digital Millennium Copyright Act ("DMCA') and the technical aspects of the Internet that arise in this case.

4. At approximately 7:50 AM (Eastern Time) on March 25, 2014, I went to YouTube on my computer and did a simple manual search within YouTube at its search bar (as an ordinary user would) for *"Innocence of Muslims."* Within a few seconds I found the YouTube www.youtube.com/watch?v=TTd-DCj86u0&gl=US uploaded under the title *"Innocence of Muslims."* I viewed this video and found Cindy Lee Garcia's performance beginning at 14:05 in the video. I then went to the bottom of the YouTube page and clicked-on the country designation "Egypt" and was immediately able to view the video within YouTube's "Egypt" country platform (again, with Cindy Lee Garcia's performance starting at 14:05 in the posted video). I then took screen shots of Cindy Lee Garcia's performance on both the "Worldwide" (US) and "Egypt" YouTube country platforms. I then checked to see if the video was viewable in other country platforms and found that it was. I noted that the YouTube upload information for the video stated that it had been uploaded to YouTube in September 2013 (viewable on the screen shots).

5. In undertaking this search, I did not use any sophisticated search techniques, search algorithms, or content ID technology which I believe to be readily available to Google, but rather a simple manual word search as a YouTube user would.

6. Attached as Exhibit A are the two screen shots I took on March 25, 2014, evidencing Cindy Lee Garcia's performance in the YouTube video referenced in Paragraph 4 above, one taken when in YouTube's "Worldwide" (US) platform, and one when in YouTube's "Egypt" platform.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 25th day of March, 2014.

David Hardy

EXHIBIT A

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Innocence of Muslims – YouTube

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