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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MATT HOSSEINZADEH,

Plaintiff,

– vs –

ETHAN KLEIN and HILA KLEIN,

Defendants.

Civ. No.: 16-cv-3081 (KBF)

**DECLARATION OF MICHAEL LEE IN
SUPPORT
OF DEFENDANTS' MOTION TO
DISMISS THE AMENDED COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

MICHAEL LEE, hereby declares and states under penalty of perjury as prescribed by 28 U.S.C. § 1746:

1. I am an active member of the bar of the State of New York and Partner with Morrison & Lee LLP. This declaration is submitted in support of defendants Ethan Klein and Hila Klein's ("Defendants") motion for to dismiss plaintiff Matt Hosseinzadeh's ("Plaintiff") Amended Complaint.

2. The declaration is submitted on my own personal knowledge and after a review of any relevant documents.

3. Of the 13:37 runtime of "The Big, the BOLD, The Beautiful" ("Defendants' Video"), only 3:42 of runtime features the Plaintiff's work "Bold Guy vs. Parkour Girl" ("Allegedly Infringed Video").

4. The 3:42 runtime of the Allegedly Infringed Video featured in the Defendants’ video is segmented into twenty-four (24) short clips, interpolated with Defendant’s transformative commentary, jokes, and critiques regarding the Plaintiff’s work.

5. The longest continuous clip of the Allegedly Infringed Video featured in the Defendants’ video is a mere twenty-five (25) seconds in length.

6. The average uninterrupted runtime of the Allegedly Infringed Video in Defendants’ video is 9.25 seconds.

7. On or about April 20, 2016, Plaintiff’s counsel sent my firm a cease and desist letter addressed to the Defendants that contained an already-drafted complaint and a demand for \$3,750 to pay for the unnecessarily drafted complaint.

8. After receiving the cease and desist letter, I then entered settlement discussions with Plaintiff’s counsel, Tim Bukher.

9. After reviewing Plaintiff’s YouTube channel at <https://www.youtube.com/c/MattHossZone> and Plaintiff’s copyright registration for “The Bold Guy & Horny Tony Volume 1” (US Copyright Reg. No. PAu 3-770-968), the following information regarding the titles of Plaintiff’s work, their publication dates, and their corresponding copyright registration entries can be found:

The Bold Guy & Horny Tony Volume 1

Title on YouTube	Title on Registration	Title Displayed in Video	Date of Publication
Bold Guy Picks Up Tough Girl	Bold Guy 1 Flirt 1 Tough Girl	Flirt	7/11/11 2009 notice in video
Bold Guy Picks Up Beach Girl	Bold Guy 2 Flirt 2 Beach Girl	Flirt 2	8/16/11
Bold Guy vs Angry Guy (+ Parkour)	Bold Guy 3 Epic Arm Wrestler	Epic Arm Wrestler	11/4/11

Bold Guy vs Bitchy Girl	Bold Guy 4 Flirt 3 Shady Girl	Flirt 3	1/26/12
Bold Guy Picks Up Yoga Girl	Bold Guy 5 Yoga Girl	Yoga Girl	April 2012
Bold Guy Picks Up MILF	Bold Guy 6 Flirt 5 MILF	Flirt 5: Motherly Love	9/15/12
Pillow Talk with a MILF (Bold Guy)	Bold Guy 7 Flirt 5 Pillow Talk with MILF	Flirt 5: Pillow Talk	9/16/12
Bold Guy Picks Up Girl During Parkour (Mystery Girl)	Bold Guy 8 Son of a MILF	Son of a MILF	5/22/13
Pillow Talk with Mystery Girl (Bold Guy)	Bold Guy 9 Pillow Talk with Mystery Girl	Pillow Talk with Mystery Girl	1/9/13
Bold Guy Picks Up Dream Girl	Bold Guy 10 Dream Girl	Dream Girl	5/1/13
Pillow Talk with Dream Girl (Bold Guy)	Bold Guy 11 Pillow Talk with Mystery Girl	Pillow Talk with Dream Girl	5/7/13
Bold Guy vs Parkour Girl	Bold Guy 12 Parkour Girl	Parkour Girl	8/11/13
Bold Guy vs Dance Girl (Freestyle Techno / House Battle)	Bold Guy 13 Freestyle Dance Girl	Freestyle Dance Girl	10/12/13
Pillow Talk with Dance Girl (Bold Guy)	Bold Guy 14 Pillow Talk with Freestyle Dance Girl	Pillow Talk with Freestyle Dance Girl	10/30/13
Bold Guy vs Vampire Girl (part 1)	Bold Guy 15 Vampire Girl 1	Vampire Girl: Part 1	3/13/14
Bold Guy vs Vampire Girl (part 2)	Bold Guy 16 Vampire Girl 2	Vampire Girl: Part 2	3/20/14
Bold Guy Picks Up Bisexual Girl	Bold Guy 17 Bisexual Girl	Bisexual Girl	7/3/14
Pillow Talk with Bisexual Girl (Bold Guy)	Bold Guy 18 Pillow Talk with Bisexual Girl	Pillow Talk with Bisexual Girl	7/10/14
Bold Guy Picks Up Girl During Parkour (Bus Stop Girl)	Bold Guy 19 Parkour, Philosophy, and the Bus Stop Girl	Parkour, Philosophy, and the Bus Stop Girl	8/21/14
Bold Guy vs Death (Parkour)	Bold Guy 20 Death	Death	10/16/14
Bold Guy & Horny Tony vs Psychic Girl (part 2)	Bold Guy 21 Psychic Girl 2	Horny Tony, the Bold Guy, and the Psychic Girl: part 2	12/29/14
The Bold Guy + Horny Hannah!	Bold Guy 22 Horny Hannah's Vlog Bold Guy	Horny Hannah's	3/5/15

		Vlog #274: The Bold Guy	
Horny Hannah's Search for the Bold Guy (part 1)	Bold Guy 23 Horny Hannah's Search for the Guy 1	Horny Hannah's Search for the Bold Guy: part 1	3/13/15
Bold Guy vs Tall Guy (Horny Hannah's Search part 2)	Bold Guy 23 Horny Hannah's Search for the Guy 2	Horny Hannah's Search for the Bold Guy: part 2	3/20/15
Horny Tony vs Working Girls	Horny Tony 1 Horny Tony and the Hookers	Horny Tony and the Hookers	3/10/12
Horny Tony vs Really Weird Girl	Horny Tony 2 A Tale of Two Pussies	A Tale of Two Pussies	7/6/12
Hug Rape! (Horny Tony)	Horny Tony 3 Hug Rape	Hug Rape	10/26/12
Horny Tony vs Call Girl	Horny Tony 4a Horny Tony and the Call Girl	Horny Tony & the Call Girl	March 2013
Horny Tony vs Horny Hannah 1	Horny Tony 5 Horny Tony and a Horny Friend	Horny Tony & a Horny Friend	7/5/13
Horny Tony vs Horny Hannah 2	Horny Tony 6 Horny Hannah's Desire 1	Horny Hannah's Desire: part 1	11/19/13
Horny Tony vs Horny Hannah 3	Horny Tony 7 Horny Hannah's Desire 2	Horny Hannah's Desire: part 2	11/26/13
Horny Hannah's Got Game! (part 1, Horny Tony)	Horny Tony 8 Horny Hannah's Got Game 1	Horny Hannah's Got Game: part 1	4/24/14
Horny Hannah's Got Game! (part 2, Horny Tony)	Horny Tony 9 Horny Hannah's Got Game 2	Horny Hannah's Got Game: part 2	5/1/14
Bold Guy & Horny Tony vs Psychic Girl (part 1)	Horny Tony 10 Psychic Girl 1	Horny Tony, the Bold Guy, and the Psychic Girl: part 1	12/22/14

See MattHossZone, *MattHossZone – Videos*, YOUTUBE, <https://www.youtube.com/user/MattHossZone/videos> [<https://perma.cc/KNE7-54F9>]; Plaintiff's First Amended Complaint and Jury Demand at Exhibit 1.

10. Wherefore it respectfully requested that Defendants' motion to dismiss the Amended Complaint be granted.

Dated: June 27, 2016



Michael Lee (WL 6353)