

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
(EAST ST. LOUIS)

GLEN CRAIG

Plaintiff,

- against -

POPMATTERS MEDIA, INC.

Defendant.

Docket No. 3:18-cv-01713 (SMY)

DECLARATION OF RICHARD LIEBOWITZ

I, RICHARD LIEBOWITZ, hereby swears under the penalty of perjury that the following is true and correct to the best of my personal knowledge.

1. I am lead counsel for Glen Craig (“Plaintiff”) in this action and admitted to practice in this District and in the State of New York.

2. I submit this declaration in response to Plaintiff’s unsworn letter to the Court, dated July 8, 2020, to address the allegations made by Plaintiff concerning my legal representation in this matter.

3. Attached as Exhibit A is a true and correct copy of an e-mail from Plaintiff to my employees, Anthony Funcheon and Donna Halperin, dated February 21, 2017, in which Plaintiff authorized our law firm to proceed with copyright infringement litigation against Defendant PopMatters Media, Inc. (“Defendant” or “PopMatters”) concerning the unauthorized use of Plaintiff’s photograph of jazz musician Miles Davis (the “Photograph”) on the following URL <http://www.popmatters.com/review/various-artists-miles-ahead-original-motion-picture-soundtrack/>, which is the substantive portion of the

URL identified in the initial complaint. [Dkt. #1-1, 10] Plaintiff's statement "NO NO" indicates that PopMatter's use was not authorized (as opposed to "OK" which means authorized). Plaintiff's statement "GO AFTER" means to file an infringement claim.

4. Attached as Exhibit B is a true and correct copy of an e-mail from Plaintiff to Mr. Liebowitz, dated January 22, 2018, in which Plaintiff reminded me to file his infringement case against PopMatters regarding Defendant's alleged unauthorized use of the Photograph.

5. Attached as Exhibit C is a true and correct copy of an e-mail from Plaintiff to Mr. Liebowitz, dated February 8, 2018, in which Plaintiff asked me again whether I had filed his infringement case against PopMatters regarding Defendant's alleged unauthorized use of the Photograph.

6. Attached as Exhibit D is a true and correct copy of an e-mail from Plaintiff to Mr. Liebowitz, dated February 26, 2018, in which Plaintiff reminded me again to file his infringement case against PopMatters regarding Defendant's alleged unauthorized use of the Photograph.

7. Attached as Exhibit E is a true and correct copy of an e-mail from Mr. Liebowitz to Plaintiff, dated September 11, 2018, in which I notified Plaintiff that his infringement case against PopMatters had been filed. The initial complaint was filed the same day, on September 11, 2018 [Dkt. #1]

8. During the pendency of this action, I spoke to Plaintiff numerous times about the case, including by telephone and in-person meetings at my office in Valley Stream, New York, and kept Plaintiff apprised of developments in the case, including Defendant's settlement offers, which Plaintiff rejected as being too low.

Respectfully submitted,

LIEBOWITZ LAW FIRM, PLLC

s/richardliebowitz/

Richard Liebowitz, Esq.

11 Sunrise Plaza, Ste. 305

Valley Stream, NY 11580

(516) 233-1660

RL@LiebowitzLawFirm.com

Counsel for Plaintiff Glen Craig