

EXHIBIT A

RICHARD WINELANDER

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February 19, 2008

Honorable M. Faith Angell
Robert N.C. Nix Building
900 Market Street, Suite 211
Philadelphia, PA 19107-4202

Via facsimile: 215-580-2165 (2 pages)

RE: *Explorologist, Ltd. v. Brian Sapiant aka Brian J. Cutler*
Case #07-1848

Dear Judge Angell:

I am in receipt of Mr. Slivers, February 15, 2008, correspondence and feel that I must respond.

First, the decision to dismiss the case was occasioned by the Court's Order. Prior to the conference my client knew that it could not produce Mr. Geller. In fact that's why he was not listed as a witness. We were quite happy with the Court's prior Order and were working quite hard to respond to the defendant's pending Motion for Summary Judgment. Prior to the conference I discussed, with my client, the possibility, that it might be ordered to produce Mr. Geller. I was instructed to dismiss the case should the Court Order Mr. Geller's deposition. I hoped this would not be the case but unfortunately it was. After the Court modified its Order, on Friday, I had no choice but follow my client's instructions. I subsequently filed for dismissal.

Second, after we filed for dismissal, Mr. Silver listed several conditions for a stipulation of dismissal. He wanted me to agree that a stipulation of dismissal in this case would not preclude his client from filing suit against my client in the future. I agreed. Next he wanted me to accept service of process and waive any jurisdictional argument I might on behalf of my client for any suit his client may file in the future. I could not and would not agree. Finally he wanted me to accept service of process on behalf of Mr. Geller for any suit his client may file in the future. I could not and would not agree.

Third, there is simply is no prejudice to Mr. Silver's client. This case can be dismissed with prejudice, precluding a second suit. I have just filed an Amended Motion to insure this is our intent. Moreover the time for filing a counterclaim in the case expired on November 29, 2007. *See*, Fed. Rule Civ. P. 13(a). Therefore Mr. Silver's client waived his right to file a counterclaim. This

Bar admissions:

The Supreme Court of the United States; The United States Court of Appeals for the 3rd, 4th and DC Circuits; The United States Court of International Trade; The United States District Court for The Districts of MD & DC; The Court of Appeals of Maryland and DC

Richard Winelander Esq.

February 19, 2008

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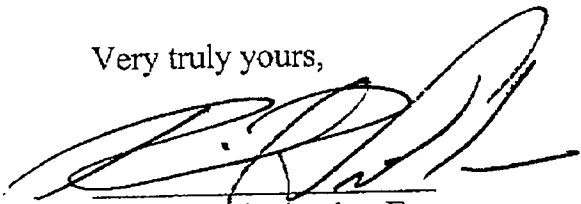
issue becomes even more complex since Mr. Silver apparently wants to sue Mr. Geller personally. I told Mr. Silver that the practical effect of a dismissal was that my client could not assert its rights, in the United States, over the intellectual property at issue in this case. So in effect his client already won. We cannot stop Mr. Cutler from filing a new claim we can only defend it if we're hired to do so. At this point in time any new suit would not face a Statute of Limitations bar.

I'm not quite sure what Mr. Silver is referring to when he says that he has "great concerns over the legitimacy of the factual basis for [my] client's lawsuit in the first place." The "Confirmatory Assignment" I sent Mr. Silver on Friday was prepared by the corporate Barrister and Solicitors. This document clearly indicates the Mr. Shtrang assigned the intellectual property rights, at issue in this case (a film he personally shot in 1987), to Explorologist, Ltd. on September 12, 2000. It was sent to him in the hope of avoiding a new lawsuit. If the Court wishes I would be happy to send a copy of this document.

I also told Mr. Silver that if he wanted to file a new suit he should at a minimum wait until Judge Jeremy Fogel of the U. S. District Court for the Northern District of California, rules in a pending case. In that case (*Lenz v. Universal Music Corp*, Case NO. CV 07-03783) the same Electronic Frontier Foundation (EFF) lawyers, involved in our case, sued Universal for misrepresentation, in violation of 17 U.S.C. § 512(f), based on a non-existent standard of "self-evident non-infringing fair use." (This is the same theory they sued Explorologist, Ltd for in California). Since this standard was alluded to in Judge Fogel's decision, in *Online Policy Group v. Diebold, Inc.*, 337 F. Supp. 2d 1195, 1204 (N.D. Cal. 2004) and was subsequently rejected by the ninth Circuit in *Rossi v. MPAA*, 391 F.3d 1000 (9th Cir. 2004). I suggested that he await Judge Fogel's interpretation of the appropriate standard in light of *Rossi*.

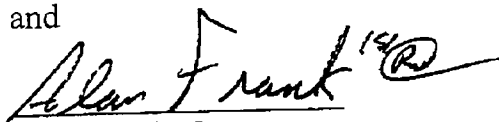
If I can provide you with any further information please do not hesitate in contacting me. Until such time, I remain,

Very truly yours,



Richard Winelander, Esq.

and



Alan Frank, Esq.

cc: Samuel Silver, Esq.

EXHIBIT B

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EXPLOROLOGIST LIMITED,)	Civil Action No. 2:07-cv-01848-LP
)	
Plaintiff,)	
)	
v.)	
)	
BRIAN SAPIENT a/k/a BRIAN J. CUTLER,)	
)	
)	
Defendant.)	

**BRIAN SAPIENT'S FIRST SET OF
INTERROGATORIES DIRECTED TO
PLAINTIFF EXPLOROLOGIST LIMITED**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Brian Sapient hereby submits the following interrogatories to be fully answered within thirty (30) days of service of these interrogatories.

DEFINITIONS

1. "Document" is intended to be all-inclusive and to mean any and all material that is written, printed, typed, photographed, recorded (electronically, magnetically, graphically or otherwise), or which is capable of being recorded in any form. It includes, but is not limited to, any logs, invoices, letters and other correspondence, offers, contracts, agreements, bids, proposals, applications, licenses, permits, reports to government agencies, other reports, minutes of meetings, memoranda, handwritten or other notes, calendar or diary entries, agendas, bulletins, graphs, charts, data, summaries, telegraphs, teletypes, computer printouts, magnetic tapes, disks, microfilm, microfiche, and recordings of calls.

2. “Communication” should be construed in its broadest sense and includes, but is not limited to, any exchange of information or the transmission of a word, statement, fact, thing, idea, instruction, demand or question, and includes all documents containing or contained in the communication.

3. “Relate(s)” or “relating to” means constituting, defining, containing, embodying, reflecting, identifying, stating, supporting, corresponding or referring to, dealing with, or in any way pertaining to.

4. “You,” “your” or “plaintiff” refers specifically to plaintiff Explorologist Limited and includes your agents, employees, attorneys, advisors, and any other person acting on your behalf.

5. “Amended Complaint” refers to Plaintiff’s Amended Complaint filed on May 22, 2007 in the Eastern District of Pennsylvania.

6. The “Shtrang Declaration” means the declaration of Shimshon Shtrang dated July 24, 2007.

7. The “Hughes Clip” means that portion of the video posted by Defendant on YouTube, (entitled, “James Randi exposes Uri Geller and Peter Popoff,” and available at <http://www.youtube.com/watch?v=M9w7jHYriFo>), that depicts an audience and a man behind a microphone introducing Uri Geller, which occurs at approximately 0:50 to 0:58.

8. The “Hexagon Show” refers to the public performance which took place at the Hexagon in Reading, England and referred to on page four of Defendant’s Opposition to

Plaintiff's Motion to Dismiss, which Plaintiff filed on June 28, 2007 in the Eastern District of Pennsylvania.

INSTRUCTIONS

(A) Whenever you are asked to "identify" a document, the following information should be given as to each document of which you are aware, whether or not you have possession, custody or control thereof:

(1) The nature of the document (e.g., letter, memorandum, computer print-out, minutes, resolution, tape recording, etc.);

(2) Its date (or if it bears no date, the date when it was prepared);

(3) The name, address, employer and position of the signer or signers (or if there is no signer, of the person who prepared it);

(4) The name, address, employer and position of the person, if any, to whom the document was sent;

(5) If you have possession, custody or control of the document, the location and designation of the place or file in which it is contained, and the name, address and position of the person having custody of the document;

(6) If you do not have possession, custody or control of the document, the present location thereof and the name and address of the organization having possession, custody or control thereof; and

(7) A brief statement of the subject matter of such document.

(B) Whenever you are asked to “identify” a person, the following information should be given:

(1) The name, present address and present employer and position of the person; and

(2) Whether the person has given testimony by way of deposition or otherwise in any proceeding related to the present proceeding and/or whether that person has given a statement whether oral, written, or otherwise, and if so, the title and nature of any such proceeding, the date of the testimony, whether you have a copy of the transcript thereof, the name of the person to whom the statement was given, where the statement is presently located if written or otherwise transcribed, and the present location of such transcript or statement if not in your possession.

(C) Whenever you are asked to identify a copyrighted audio-visual work, include the author/creator of the work, its title, its total length in minutes, the date(s) and time(s) it was filmed, and a detailed description of the events depicted.

(D) If you claim the attorney-client privilege or any other privilege or reason for withholding documents is applicable to any document requested, please do each of the following:

(1) Identify the document by date, author, addresses (if any), and type of document;

(2) Describe generally the subject matter of the document;

(3) Identify each person who has ever had possession, custody or control of the document, or any copy thereof; and

(4) Provide sufficient further information concerning the document and the circumstances of its creation to explain the claim of privilege and to allow the Court to adjudicate the propriety of such claim.

(E) These Interrogatories shall be deemed to be continuing Interrogatories.

Between the time of your answers to said Interrogatories and the time of trial, if you or anyone acting in your behalf learns the identity or whereabouts of other witnesses not disclosed in your answers, or if you obtain or learn of additional information requested herein, but not supplied in your answers, then you shall promptly furnish a supplemental answer under oath containing the same.

INTERROGATORIES

1. Identify all copyrighted works that you contend in paragraph 11 of the Amended Complaint were infringed by defendant, including but not limited to their title, author, year and place of creation, year and country of first publication and a description of their content.

2. Describe in detail when and how you obtained any legal rights to the copyrighted works identified in response to Interrogatory No. 1 above, including the nature of those rights.

3. Describe in detail how defendant has infringed the copyright in the work identified in response to Interrogatory No. 1 above.

4. Identify all persons who have knowledge or information regarding the creation of the work identified in response to Interrogatory No. 1 above, and describe in detail the substance of each person's knowledge.

5. Describe in detail any effect the infringement alleged in paragraph 11 of the Amended Complaint has had, if any, upon the potential market for, or the value of, the allegedly infringed copyrighted work.

6. Identify the copyrighted works to which Mr. Shtrang intended to assert ownership as referenced in paragraph 15 of the Shtrang Declaration, and, for any work so identified, state whether it is owned by Mr. Shtrang or Explorologist Ltd.

7. Describe all licenses pertaining to "the Film" referenced in paragraphs 4 and 6 of the Amended Complaint, including without limitation the parties to the license, term, conditions, consideration, whether the license is written or oral, and whether or not the license is exclusive.

8. Identify all facts, documents and other information in your possession, custody or control that support your allegation in paragraph 9 of the Amended Complaint that "Shimshon Shtrang assigned his intellectual property rights, including his copyright of 'the Film', to" you.

9. Identify all facts, documents and other information in your possession, custody or control that support your allegation in paragraph 14 of the Amended Complaint that you are the “assignee of certain property rights to the likeness and image [of] Uri Geller including the right to publicity.”

10. Identify all facts, documents and other information in your possession, custody or control that support your allegation on page 6 of the Amended Complaint that you were damaged in an “amount ... which is currently in excess of Seventy Five Thousand (\$75,000.00) Dollars.”

11. Describe every instance in which the film was publicly performed or published, including but not limited to whether such performance or publication was authorized, the date of such performance or publication, and the location of such performance or publication, the publisher or sponsor of the performance, and any revenue received.

12. Identify all facts, documents and other information in your possession, custody or control that support your allegation that “Sapient obtained a copy of the NOVA special in VHS tape format, then converted it to digital form, removed the copyright notice, renamed it, and uploaded his heavily edited version of it to YouTube.”

13. Describe in detail the skill, labor and judgment contributed by the author of the work identified in response to Interrogatory No. 1 above to the Hughes Clip, if any.

/s/ Chad Cooper
Samuel W. Silver (Pa. I.D. No. 56596)
Chad Cooper (Pa. I.D. No. 90067)
SCHNADER HARRISON SEGAL & LEWIS LLP
1600 Market Street, Suite 3600
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(215) 751-2309; (215) 751-2269

Marcia Hofmann (admitted *pro hac vice*)
Corynne McSherry (admitted *pro hac vice*)
Kurt Opsahl (admitted *pro hac vice*)
ELECTRONIC FRONTIER FOUNDATION
454 SHOTWELL ST.
SAN FRANCISCO, CA 94110
415-436-9333
Fax: 415-436-9993

*Attorneys for Defendant,
Brian Sapient*

Dated: December 31, 2007

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 31st day of December, 2007, a true and correct copy of the foregoing Brian Sapien's First Set of Interrogatories Directed to Explorologist Limited was served via electronic mail to Richard Winelander at the address rw@rightverdict.com, and by First Class U.S. Mail, postage prepaid, addressed as follows:

Alan L. Frank
Alan L. Frank Law Associates PC
8380 Old York Road
Suite 410
Elkins Park, PA 19027

Richard Winelander
1005 North Calvert St
Baltimore, MD 21202

/s/ Chad Cooper
Chad Cooper

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EXPLOROLOGIST LIMITED,

Plaintiff,

v.

BRIAN SAPIENT a/k/a BRIAN J. CUTLER,

Defendant.

Civil Action No. 2:07-cv-01848-LP

**BRIAN SAPIENT'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS DIRECTED TO
PLAINTIFF EXPLOROLOGIST LIMITED**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant Brian Sapient hereby requests that Plaintiff produce the documents and things described below on or within thirty (30) days of service of these Requests, at the offices of Schnader Harrison Segal & Lewis LLP, Suite 3600, 1600 Market Street, Philadelphia, Pennsylvania, 19103.

DEFINITIONS

1. "Document" is intended to be all-inclusive and to mean any and all material that is written, printed, typed, photographed, recorded (electronically, magnetically, graphically or otherwise), or which is capable of being recorded in any form. It includes, but is not limited to, any logs, invoices, letters and other correspondence, offers, contracts, agreements, bids, proposals, applications, licenses, permits, reports to government agencies, other reports, minutes of meetings, memoranda, handwritten or other notes, calendar or diary entries, agendas,

bulletins, graphs, charts, data, summaries, telegraphs, teletypes, computer printouts, magnetic tapes, disks, microfilm, microfiche, and recordings of calls.

2. "Communication" should be construed in its broadest sense and includes, but is not limited to, any exchange of information or the transmission of a word, statement, fact, thing, idea, instruction, demand or question, and includes all documents containing or contained in the communication.

3. "Relate(s)" or "relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, supporting, corresponding or referring to, dealing with, or in any way pertaining to.

4. "You," "your" or "plaintiff" refers specifically to plaintiff Explorologist Limited and includes your agents, employees, attorneys, advisors, and any other person acting on your behalf.

5. "Amended Complaint" refers to Plaintiff's Amended Complaint filed on May 22, 2007 in the Eastern District of Pennsylvania.

6. The "Shtrang Declaration" means the declaration of Shimshon Shtrang dated July 24, 2007.

7. The "Hughes Clip" means that portion of the video posted by Defendant on YouTube, (entitled, "James Randi exposes Uri Geller and Peter Popoff," and available at <http://www.youtube.com/watch?v=M9w7jHYriFo>), that depicts an audience and a man behind a microphone introducing Uri Geller, which occurs at approximately 0:50 to 0:58.

8. The "Hexagon Show" refers to the public performance that took place at the Hexagon in Reading, England and referred to on page 4 of Plaintiff's Opposition to Defendant's Motion to Dismiss, which Plaintiff filed on June 28, 2007 in the Eastern District of Pennsylvania.

INSTRUCTIONS

(A) Please produce a complete original or exact copy of each document responsive to these requests, including each non-identical copy (whether different from the original because of notes made on the copy or otherwise) of each writing of every kind and description (together with all worksheets, support documents, and other relevant materials), whether inscribed by hand or by mechanical, electronic, microfilm, photographic or other means (such as by recording, film, tape or other medium) from which information may be obtained.

(B) This request for production of documents, and all future requests for production of documents in this litigation, unless expressly indicated otherwise, pertains to the time period from January 1, 1987, through the date of your responses.

(C) For each document produced:

(1) indicate on the document or in some other reasonable manner, the numbered request(s) to which it responds; and

(2) number the documents in sequential order using a Bates number or other similar device.

(D) If anything is deleted from a document produced, state:

(1) the reason for the deletion; and

(2) the subject matter of the deletion.

(E) This request covers all documents in the possession, custody or control of Plaintiff, its attorneys, associates or other agents.

(F) If any document was, but no longer is, in Plaintiff's possession, custody or control, state:

(1) the disposition of the document

(2) the date such disposition was made

(3) the identity and address of the present custodian of the document

or, if it no longer exists, so state:

a. the person(s) who made the decision to dispose of the documents;

b. the reason(s) for the disposition; and

c. a description of the document and a description of the contents of the document.

(G) If any document is withheld under any claim of privilege or exemption, furnish a list identifying each document for which the privilege or exemption is claimed, together with the following information:

(1) its title and subject matter;

- (2) the date of origin;
- (3) the author or addressor;
- (4) the addressee(s) and recipient(s) of all copies;
- (5) the basis upon which privilege or exemption is claimed; and
- (6) the name, address and telephone number of the custodian of the document and/or a copy thereof.

(H) Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

(I) “Or” and “and” shall be construed either conjunctively or disjunctively to bring within the scope of the request for production of documents any information that might otherwise be construed to be outside their scope. The past tense includes the present tense where the meaning is not distorted by the change of tense.

REQUESTS FOR PRODUCTION

1. All documents identified in Part B of your initial disclosures, Docket No. 42.
2. All audio-visual material that comprises or contains “the Film” referenced in paragraphs 4 and 6 of the Amended Complaint.

3. All documents that refer or relate to “the Film” referenced in paragraphs 4 and 6 of the Amended Complaint.

4. All film and/or video footage created by Mr. Shtrang at the “Hexagon Show.”

5. All documents that refer or relate to Sambracal AG, a Liechtenstein corporation.

6. All documents that refer or relate to any purported assignment of the Film referenced in paragraphs 4 and 6 of the Amended Complaint, to any person, including but not limited to the “assignment” referenced in paragraph 9 of the Amended Complaint.

7. All documents that refer or relate to the “Hexagon Show.”

8. All documents that refer or relate to the “NOVA TV show entitled ‘Secrets of the Psychics’” referenced on page 4 of Plaintiff’s Opposition to Defendant’s Motion to Dismiss.

9. All documents that refer or relate to any alleged infringement of Explorologist's copyrights on YouTube, from January 1, 2002 to the present.
10. All documents that refer or relate to the YouTube DMCA form dated December 28, 2006, or any assertions contained therein, from January 1, 2002 to the present.
11. All documents that refer or relate to any revenue received by Explorologist from the licensing of "the Film" referenced in paragraphs 4 and 6 of the Amended Complaint.
12. All documents that refer or relate to any revenue received by Explorologist from the licensing of the likeness and image of Uri Geller, from January 1, 2002 to the present.
13. All documents that evidence the alleged assignment to Explorologist of the "certain property rights to the likeness and image [of] Uri Geller including the right to publicity" referenced in paragraph 14 of the Amended Complaint.
14. All documents that refer or relate to facts supporting the statement in paragraph 15 of the Shtrang Declaration that Mr. Shtrang's "intent was to assert copyright ownership on behalf of myself and Explorologist Ltd."
15. Documents sufficient to identify the copyrighted works to which Mr. Shtrang intended to assert his ownership as referenced in the Shtrang Declaration, including without limitation the works themselves.

16. Documents sufficient to identify the copyrighted works as to which Mr. Shtrang intended to assert Explorologist Ltd.'s ownership as referenced in the July 24, 2007, Shtrang Declaration, including without limitation the works themselves.

17. All non-privileged communications that refer or relate to the Defendant in this lawsuit.

18. All non-privileged communications that refer or relate to the use or appearance on YouTube of any materials as to which Plaintiff claims to hold a copyright interest.

19. All financial statements filed by you Explorologist, with any governmental body, from January 1, 2002, to the present.

20. All annual tax returns filed by with any governmental body from January 1, 2002 to the present.

21. All documents you contend support your allegation in paragraph 10 of the Amended Complaint that “the Defendant’s Title’ [was] digitally downloaded by members of the United Kingdom public.”

22. All documents you contend support your allegation on page 6 of the Amended Complaint that you were damaged in an “amount ... which is currently in excess of Seventy Five Thousand (\$75,000.00) Dollars” or otherwise reflects, quantifies or substantiates your alleged damages.

23. All documents you contend support your allegation in paragraph 8 of the Amended Complaint that “[t]he maker of the Film was one Shimshon Shtrang.”

/s/ Chad Cooper

Samuel W. Silver (Pa. I.D. No. 56596)
Chad Cooper (Pa. I.D. No. 90067)
SCHNADER HARRISON SEGAL & LEWIS LLP
1600 Market Street, Suite 3600
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Corynne McSherry (admitted *pro hac vice*)
Kurt Opsahl (admitted *pro hac vice*)
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454 SHOTWELL ST.
SAN FRANCISCO, CA 94110
415-436-9333
Fax: 415-436-9993

*Attorneys for Defendant,
Brian Sapient*

Dated: December 31, 2007

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 31st day of December, 2007, a true and correct copy of the foregoing Brian Sapien's First Set of Requests for Production of Documents and Things Directed to Explorologist Limited was served via electronic mail to Richard Winelander at the address rw@rightverdict.com, and by First Class U.S. Mail, postage prepaid, addressed as follows:

Alan L. Frank
Alan L. Frank Law Associates PC
8380 Old York Road
Suite 410
Elkins Park, PA 19027

Richard Winelander
1005 North Calvert St
Baltimore, MD 21202

/s/ Chad Cooper
Chad Cooper