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July 31, 2014

**VIA FACSIMILE: (718) 643-5875
AND NYSCEF EFILE SYSTEM**

Hon. Carolyn E. Demarest
Commercial Division, Kings County
Supreme Court of the State of New York
360 Adams Street, Room 1177
Brooklyn, NY 11201

Re: Westpaw Films Inc., v. Sprattley, et al., Index No. 505665/2014

Dear Judge Demarest:

We represent Defendants in the above-captioned action. We write in response to the facsimile transmission and attached proposed order sent to Your Honor today by Mr. Peter Dee, counsel for Plaintiff, and pursuant to Your Honor's oral instructions delivered yesterday, July 30, at the hearing on Plaintiff's Order to Show Cause.

Per your instructions, Defendants hereby submit an alternative proposed order, attached hereto as Appendix 1, and a blackline against Plaintiff's proposed order, for the Court's convenience, attached hereto as Appendix 2.

With respect to Defendants' proposed language, the changes reflect Defendants' understanding of Your Honor's oral order, and Defendants seek clear language on the final order reflecting that understanding. First, Defendants understand that the preliminary relief which Your Honor granted yesterday requires Defendants to refrain from further action which would disturb the *status quo*, and to avoid confusion have added language specifying the the order enjoins further action.

Second, Defendants understand that Your Honor intended to enjoin Defendants from contacting any of the parties involved with Plaintiff's film project about Defendants' film project. However, certain parties who were involved in Plaintiff's film project are personal friends of one or both of the individual Defendants, or are involved with one or more Defendants in unrelated business dealings. To avoid confusion, therefore, Defendants have added language specifying Defendants are enjoined from contacting such parties about Defendants' film.

Third, the term “D&D Production” is undefined in Plaintiff’s proposed order, but is defined in paragraph 1 of the Complaint as a “partnership or joint venture,” but is subsequently used to describe both the alleged partnership or joint venture and the film project currently undertaken by Plaintiff. To avoid confusion, Defendants have inserted language clarifying that, as used here, “D&D Production” means Plaintiff’s film project.

Fourth and finally, Defendants understand that Your Honor intended to permit Defendants to continue working on their film project during the pendency of this action, provided that they refrain from contacting those involved with Plaintiff’s film project, advertising Defendants’ own project, and attempting to raise further funds. To avoid confusion, therefore, Defendants have inserted the descriptor “financial,” to make clear that they are enjoined from raising financial support for their film project.

We respectfully submit the attached alternative proposed order for Your Honor’s endorsement.

Very truly yours,



Joshua Graubart

Attachments

cc: Peter C. Dee, Esq. (counsel for Plaintiff) (via email: pdee@mavrolaw.com)

APPENDIX 1

PRESENT: Hon. Carolyn E. Demarest
Justice

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

WESTPAW FILMS INC., directly and
derivatively on behalf of the D&D Production,

Plaintiff,

-against-

JAMES SPRATTLEY, MICHAEL ANDREW
PASCAL, and FANTASY GAME FILMS
LLC,

Defendants,

and

the D&D Production,

Nominal Defendant.

Index No. 505665/2014

[DEFENDANTS' PROPOSED]
PRELIMINARY INJUNCTION
ORDER

Upon the hearing held on July 30, 2014 on plaintiff's application for a preliminary injunction and all of the pleadings and papers submitted by the parties therewith, it is hereby:

ORDERED that defendants, James Sprattley, Michael Andrew Pascal, and Fantasy Game Films LLC are enjoined from further action which constitutes: (i) contacting any of the parties who were previously involved in the motion picture project referred to in the Complaint as the "D&D Production" about Defendants' motion picture project, currently referred to as "The Great Kingdom," (ii) any manner of advertising its efforts in connection with "The Great Kingdom" project, or (iii) soliciting any financial contributions that are intended to benefit their competing endeavor; and it is further:

ORDERED that, on or before August 8, 2014, the plaintiff shall post an undertaking with the Court in the amount of \$130,000.00.

The preliminary conference is set for October 1, 2014, at 2:30 p.m. in room 756.

Entered: July ____, 2014.

J.S.C.

APPENDIX 2

PRESENT: Hon. Carolyn E. Demarest
Justice

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

WESTPAW FILMS INC., directly and
derivatively on behalf of the D&D Production,

Plaintiff,

-against-

JAMES SPRATTLE, MICHAEL ANDREW
PASCAL, and FANTASY GAME FILMS
LLC,

Defendants,

and

the D&D Production,

Nominal Defendant.

Index No. 505665/2014

[DEFENDANTS' PROPOSED]
PRELIMINARY INJUNCTION
ORDER

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Upon the hearing held on July 30, 2014 on plaintiff's application for a preliminary
injunction and all of the pleadings and papers submitted by the parties therewith, it is hereby:

Deleted: the Court, having found that plaintiff has shown a probability of success on the merits of its case and that it will suffer imminent and irreparable harm if the following relief is not granted,

ORDERED that defendants, James Sprattley, Michael Andrew Pascal, and Fantasy Game

Films LLC are enjoined from further action which constitutes: (i) contacting any of the parties

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who were previously involved in the motion picture project referred to in the Complaint as the
"D&D Production," about Defendants' motion picture project, currently referred to as "The Great

Deleted: ,

Kingdom," (ii) any manner of advertising its efforts in connection with "The Great Kingdom"

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project, or (iii) soliciting any financial contributions that are intended to benefit their competing

Deleted: their competing endeavor, currently referred to as

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endeavor; and it is further:

ORDERED that, on or before August 8, 2014, the plaintiff shall post an undertaking with the Court in the amount of \$130,000.00.

The preliminary conference is set for October 1, 2014, at 2:30 p.m. in room 756.

Entered: July ____, 2014.

J.S.C.