

----- Forwarded message -----

From: **Piero Ruiz Rodriguez** <[REDACTED]@copycatlegal.com>

Date: Wed, 3 May 2023 at 14:03

Subject: RE: 04/26 Follow Up - Prepared Food Photos, Inc. v Lingerfelt Farms

To: Debbie Lingerfelt <[REDACTED]@gmail.com>

Ms. Lingerfelt,

I called you earlier today at (804) 931-5130 to discuss the below and it appears the call was hung up. I am working to find an amicable resolution to the matter but cannot do so if you ignore our communications and efforts to resolve. Note that my client has rejected your earlier offer and has returned a reduced counter in turn. You mentioned you are not interested in litigation, but our client can find no other remedy for compensation if we cannot further our settlement negotiation. Our client intends to instruct us to file a lawsuit against Lingerfelt Farms should we not receive a substantive response.

If you have no interest in settlement, please let me know and we will consult with our client on how they intend to proceed. Otherwise, please call or email me at the contact information below.

Respectfully,



Piero Ruiz Rodriguez

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[E: \[REDACTED\]@copycatlegal.com](mailto:info@copycatlegal.com)

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Coral Springs, Florida 33065

From: Piero Ruiz Rodriguez

Sent: Wednesday, April 26, 2023 1:48 PM

To: Debbie Lingerfelt <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>

Subject: 04/26 Follow Up - Prepared Food Photos, Inc. v Lingerfelt Farms

Good afternoon, Ms. Lingerfelt

Before relaying what I discussed with my client, I wanted to note receipt of a check for \$750.00. While that was your offer toward settlement (detailed below), I want to clarify that **we have not come to an agreement at this time**. I had yet to return to you with our client's response.

That said, they noted your below offer. While they did not accept it, I was able to get them to reduce their demand to \$23,000. They cited the below as the bottom end of a potential statutory damages multiplier reward of 2x their licensing fee of \$11,988 should this case be filed. That totals out to \$23,976, though I got them to reduce it to a cleaner figure at the aforementioned \$23,000.

My client notes the large delta between your last offer of \$750 and their reduced demand of \$23,000. The delta, at 22,250 (23,000-750), is nearly the quantity of my client's demand. They indicated that they are quite fixed on their current settlement parameters given this gap.

Please let me know if you have any offers in response to my client. In the effort to find some middle ground, I don't recall if we have discussed, but if you have general liability insurance that can review the matter, it might be helpful to review with them. Otherwise, please continue to communicate with me to work toward an amicable resolution.

Regards,



Piero Ruiz Rodriguez

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From: Piero Ruiz Rodriguez

Sent: Wednesday, April 19, 2023 10:12 AM

To: Debbie Lingerfelt <[REDACTED]@gmail.com>

Subject: Re: 04/11 Follow Up - Prepared Food Photos, Inc. v Lingerfelt Farms

Ms. Lingerfelt,

Thank you for forwarding your offer of \$750 toward settlement of the matter to my client. I will, of course, do my due diligence and consult with them on any offers made. Though please note, based on my extensive history with my client, that they generally do not settle in that range.

Prepared Foods has spent decades and millions of dollars developing its library of food photographs which they license exclusively on a subscription basis by offering their library of photos @ \$999/mo with a 12-month minimum commitment. Prepared Foods Photos calculates their lost revenue for even 1 photo being used for 1 day as $\$999 \times 12 = \$11,988.00$. There's also a compelling argument that an infringer should pay at least 2x – 3x the lost license fee as punishment/deterrence. See Buttnugget Publ'g v. Radio Lake Placid, Inc., 807 F. Supp. 2d 100, 110-11 (N.D.N.Y. 2011) (“[T]o put infringers on notice that it costs less to obey the copyright laws than to violate them, a statutory damage award should significantly exceed the amount of unpaid license fees.”). That's a fairly conservative estimate of the damages exposure.

That said, I will get back to you on my client's response and I look forward to resolution of the matter.

Regards,



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Piero Ruiz Rodriguez

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From: Debbie Lingerfelt <[REDACTED]32@gmail.com>
Sent: Tuesday, April 18, 2023 6:19 PM
To: Piero Ruiz Rodriguez <[REDACTED]@copycatlegal.com>
Subject: Re: FW: 04/11 Follow Up - Prepared Food Photos, Inc. v Lingerfelt Farms

Thank you for understanding that before we could make an offer, we first needed to consult with a professional in advertising and graphic design. He estimates that this nearly 30 year old photo has a market value of approx. \$50-60. He even stated that much higher quality photos can be obtained from subscriptions with Adobe Stock, Rawpixel, and even Canva for no more than \$29.99 per month. Please advise if your client will consider a settlement in the amount of \$750.

On Tue, 18 Apr 2023 at 12:14, Piero Ruiz Rodriguez <[REDACTED]@copycatlegal.com> wrote:

Ms. Lingerfelt,

Thank you for your timely response and clarifying the correct address to send correspondence to. We would also prefer to resolve the matter amicably via settlement, though please note that I am not authorized to negotiate against my client. While you are welcome to counter-offer, the client's demand of \$30,000 remains until I can consult with them on how they would like to respond to a counter from Lingerfelt Farms.

Regards,



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Piero Ruiz Rodriguez

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From: Debbie Lingerfelt [redacted]@gmail.com>

Sent: Tuesday, April 18, 2023 12:06 PM

To: Piero Ruiz Rodriguez [redacted]@copycatlegal.com>; Lauren Hausman [redacted]@copycatlegal.com>

Subject: Re: FW: 04/11 Follow Up - Prepared Food Photos, Inc. v Lingerfelt Farms

Good morning, Piero.

We are a small family farm and after discussing with my attorney, we are not interested in litigation. Please advise what your client would consider to be reasonable compensation. Additionally, please only address [redacted]@gmail.com in your communication.

On Tue, 18 Apr 2023 at 11:59, Piero Ruiz Rodriguez [redacted]@copycatlegal.com> wrote:

Ms. Lingerfelt,

I am following up on the below. Please give me a call or return my email to discuss resolution of the below via settlement negotiation. While removal was noted, as explained in the letter, simply removing the photo from display does nothing to compensate our client for the past infringement of its work and, while removal is required, it does not fully resolve the matter.

Should your aforementioned attorney remain retained for this case, please have them forward correspondence to Ms. Hausman (copied above).

Regards,



Piero Ruiz Rodriguez

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From: Piero Ruiz Rodriguez

Sent: Tuesday, April 11, 2023 4:24 PM

To: [REDACTED]@gmail.com; [REDACTED]@aol.com; [REDACTED]@Celanese.com

Cc: Lauren Hausman <[REDACTED]@copycatlegal.com>

Subject: 04/11 Follow Up - Prepared Food Photos, Inc. v Lingerfelt Farms

Good afternoon, Ms. Lingerfelt

I called earlier today in response to your correspondence dated **April 10, 2023** and I am following up here to keep a record. You noted the removal of our client's image from the Lingerfelt Farms Facebook page. While removal was noted, as explained in the letter, simply removing the photo from display does nothing to compensate our client for the past infringement of its work and, while removal is required, it does not fully resolve the matter.

In that light, you mentioned that you will speak with you attorney again. For your lawyer's accessibility, please find the lead attorney for this case, Ms. Hausman, copied above.

Regards,




Piero Ruiz Rodriguez

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