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**From:** Piero Ruiz Rodriguez <[REDACTED]@copycatlegal.com>  
**Sent:** Friday, February 3, 2023 1:55 PM  
**To:** Arcadia Academy /Thee Abbey Kitchen <[REDACTED]@hotmail.com>  
**Cc:** Lauren Hausman <[REDACTED]@copycatlegal.com>  
**Subject:** 02/03/2023 Follow Up - Prepared Food Photos, Inc. v Arcadia Academy, LLC d/b/a Thee Abbey Kitchen

Good afternoon Ms. Rouse,

It was nice speaking with you the other day. While my client appreciated your willingness to make an offer, it unfortunately rejected the \$500. As I mentioned in my January 18<sup>th</sup> email, the cost of our client's license for one year is \$11,988. For nine years of use, the cost of the license would have been \$107,892. To be candid, jurisdictions are split on whether they want to limit lookback for damages. Some jurisdictions only will consider three years of damages – which would make my clients lost license \$35,964. With those numbers in mind, the \$500 offer was just not made in good faith.

Based on your January 16<sup>th</sup> email, my response to it, and the offer you subsequently made, I feel that it would be more expeditious to provide to you our client's bottom number, as opposed to going back and forth. I know you want to resolve this expeditiously, of which I am trying to be respectful of. With all this in mind, I was able to get my client to lower it's offer to \$11,988 – the cost of one year's license. They have indicated that if you reject this offer – which is your

prerogative – then they would like us to get a lawsuit filed. I will respect whatever decision you make, but I wanted to be transparent with you. Please let me know how you would like us to proceed. I look forward to hearing from you.

**From:** Arcadia Academy /Thee Abbey Kitchen <[REDACTED]@hotmail.com>  
**Sent:** Monday, January 30, 2023 12:06 PM  
**To:** Piero Ruiz Rodriguez <[REDACTED]@copycatlegal.com>  
**Subject:** Re: 12/12/2022 Follow Up - Prepared Food Photos, Inc. v Arcadia Academy, LLC d/b/a Thee Abbey Kitchen

Mr. Ruiz,

After review of your response, we continue to believe that your client does not meet the preregistration requirement's 3 point threshold.

However, in an effort to settle this matter, we would offer a potential one-time Payment of \$500 to completely satisfy this claim. This is the amount of it will cost us to secure initial consultation with an IP Attorney.

We continue to assert that the post in question was legal, but feel it is in both our interests to settle this matter expeditiously without further cost.

Kindest regards,

Katherine

Arcadia Academy/Thee Abbey Kitchen  
211 South College Street  
Arcadia, MO 63621

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**From:** Piero Ruiz Rodriguez <[REDACTED]@copycatlegal.com>  
**Sent:** Wednesday, January 18, 2023 2:21 PM  
**To:** Arcadia Academy /Thee Abbey Kitchen <[REDACTED]@hotmail.com>  
**Cc:** Lauren Hausman <[REDACTED]@copycatlegal.com>  
**Subject:** RE: 12/12/2022 Follow Up - Prepared Food Photos, Inc. v Arcadia Academy, LLC d/b/a Thee Abbey Kitchen

Ms. Rouse,

Thank you for your response to our communications. In an effort to respond to each of your points, I will number accordingly.

1. Ms. Rouse, our communications to your office are simply following up on the matter in attempts to speak with you directly – no harassment. Now that I have a direct line, and per your request, I will keep to contacting you directly.

2. The significance of 2013 as the year in which the infringement occurred is in the way my client can pursue the matter. Pre-Registration infringements limit our client to elect actual damages rather than statutory damages and any multipliers statutory damages incur.
3. Statute of Limitations is three years from the discovery of the infringement – not three years from when the infringement began. Our client sent an initial infringement notice on the date of discovery: August 12, 2022. Thus, the statute of limitations for this case is August 12, 2025. Attached is a copy of the initial infringement notice.
4. Actual damages are the cost of lost licenses and a disgorgement of Defendant's profits. Our client makes its library available for \$999.00 per month (<https://preparedfoodphotos.com/featured-subscriptions/>) with a minimum subscription of twelve (12) months <https://preparedfoodphotos.com/terms.of.use.php>. Thus, irrespective of how long you utilized the subject photograph, the *minimum* license fee that would have been owed is \$11,988.00 (\$999.00 x 12 months).
5. I am sorry that you feel that things have been misrepresented – they have not. Our client very much so considers this matter open still. I am happy to discuss a reasonable settlement with you.

**From:** Arcadia Academy /Thee Abbey Kitchen <[REDACTED]@hotmail.com>

**Sent:** Monday, January 16, 2023 9:36 AM

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

**Subject:** Re: 12/12/2022 Follow Up - Prepared Food Photos, Inc. v Arcadia Academy, LLC d/b/a Thee Abbey Kitchen

To following correspondence will be send today via registered mail:

Copycat Legal PLLC  
3111 North University Drive,  
Suite 301  
Coral Springs, Florida 33065  
Attention: Pierro Ruiz Rodriguez

Mr. Rodriguez,

In response to an email sent December 12th, 2022 and after consulting with legal professionals I offer the following.

1. I am requesting that you immediately cease contacting my employees or my office; you have been harassing my employees during their hours of work. If you need to communicate further please send all correspondence to me at Arcadia Academy, 211 South College St., Arcadia, MO 63621.
2. My business's alleged use of the single photograph was in 2013 according to the photo you sent. However, it appears that your client's license business did not begin until 2016, three years after the alleged use. You have shown no evidence that the photo was available for licensing at the time of use. If you have evidence showing license availability from 2013, please send it to me immediately.
3. The time period for filing a copyright infringement claim is three years after the alleged infringement, which means the time period for bringing a claim expired in 2016.
4. You have presented no evidence of actual damages to your client, nor have you presented evidence that a Facebook post is a "commercial use" of the photo.

5. At no point after your clients alleged copy right of the aforementioned photo in 2016 did any one contact Arcadia Academy regarding the new copy right until your contact on December 12th, 2022, at which point you acknowledged in your correspondence that picture had already been removed. Unless you provide evidence as noted above, if you continue to pursue this matter, I will report you to the State Bar of Florida as engaging in misconduct by misrepresenting both the facts and the copyright laws regarding this matter.

Respectfully,

Katherine Rouse  
Arcadia Academy

Arcadia Academy  
211 South College Street  
Arcadia, MO 63621

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**From:** Piero Ruiz Rodriguez <[REDACTED]@copycatlegal.com>  
**Sent:** Monday, December 12, 2022 11:22 AM  
**To:** [REDACTED]@hotmail.com <[REDACTED]@hotmail.com>  
**Subject:** 12/12/2022 Follow Up - Prepared Food Photos, Inc. v Arcadia Academy, LLC d/b/a Thee Abbey Kitchen

Good afternoon,

I called Thee Abbey Kitchen earlier today at (573) 546-4249 regarding the demand package attached above and left my contact information with the lady who answered the phone. Please let us know if there is a convenient time to discuss. The attached letter was sent to you via email and FedEx on **November 18, 2022**. To date, we have heard nothing in response. Please understand that if you continue to ignore this issue, our client has little choice but to file a lawsuit and pursue its claims in court. 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. My preference is to resolve this amicably pre-suit, but I cannot do that if you and your company ignore our efforts to communicate on the matter. Our client's patience is running out and it is not going to delay filing suit for much longer.

Thank you,



Piero Ruiz Rodriguez

Copycat Legal PLLC  
3111 North University Drive,  
Suite 301  
Coral Springs, Florida 33065

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Copycat Protects.™**

