



Much Shelist, P.C.
Attorneys at Law
191 N. Wacker Drive
Suite 1800
Chicago, IL 60606
312.521.2000
muchlaw.com

November 6, 2025

DIRECT DIAL:
312.521.2438
muchlaw.com

FOR SETTLEMENT PURPOSES ONLY

Via Email: [REDACTED]@copycatlegal.com

Meghan Medacier, Esq.
CopyCat Legal PLLC
3111 North University Drive
Suite 301
Coral Springs, FL 33065

Re: *Rockefeller Photos, LLC v. National Law Forum, LLC d/b/a National Law Review*/Case No. 1:25-cv-08045

Dear Meghan:

I am serving with this letter an Offer of Judgment pursuant to Rule 68 in the amount of \$2,301.00, which is twice the amount of what we believe your client could possibly receive under any circumstance, assuming it prevails at all.

This letter provides a more detailed explanation of our position than my previous email and partially addresses your email of September 18th.

Facts

National Law Forum, LLC d/b/a/ The National Law Review (“*NLR*”) is a platform that enables lawyers and law firms to discuss legal news of interest. After articles are submitted for publication, *NLR*’s staff commonly chooses an image to accompany the article. Since its inception, *NLR* has maintained a strict policy of using only properly licensed images, consistently subscribing to numerous image licensing companies. Over the years, it has purchased images from services such as Getty Images, Adobe, and BigStock.

The complaint alleges an infringing use of a stock photo of a slice of pizza, used to illustrate a 2019 article about the rights of pizza drivers. But that was not the first time *NLR* had used that image. The first use was in October 2014, when the image was used to illustrate an article about a court decision about the liability of Domino’s Pizza for alleged sexual harassment of an employee of one of Domino’s franchisees by a manager of the franchisee.

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NLR's records indicate that the image was obtained through a proper license in 2014. However, the staff member who secured the photo is no longer employed by NLR, and no employee still at NLR can testify on personal knowledge as to how the image was obtained. The digital file for the photo displays the name of the photo's author and indicates that it was stored in Picasa, the former Google image-sharing system, which NLR used at the time to manage its collection of licensed images.

NLR's records show that it used the photo a total of six times. The first was for the article mentioned above; the second was for a 2016 article about the law affecting Domino's Pizza franchisees. Three articles were published in early 2017 (January, April, and again in April), and finally, the sixth was used in the 2019 article cited in your complaint.¹

The Offer of Judgment is intended to cover damage claims that you would likely advance based on all six uses.

Although all six articles have remained on NLR's website since they were first published, the photo over which you have sued does not. It was removed from all six articles last year, immediately upon NLR receiving your firm's demand letter. Moreover, it is doubtful that a significant number of readers even saw these articles, let alone the photo originally published with them, at any time within the three-year statute-of-limitations period preceding the date the Complaint was filed.

The reason for this is that a review of server analytics has revealed that the vast majority of views for any given article almost always occur within days of publication. Readership slows

¹ The six uses were for the following articles:

1. <https://www.natlawreview.com/article/ohio-district-court-delivers-win-pizza-drivers> - Nov 8, 2019 (Original link sent from Copycat)
2. <https://www.natlawreview.com/article/senate-ag-committee-chairman-calls-usda-to-provide-greater-flexibility-school-meals> - April 10, 2017
3. <https://www.natlawreview.com/article/connecticut-supreme-court-holds-restaurant-employer-may-not-use-tip-credit-delivery> - April 4, 2017
4. <https://www.natlawreview.com/article/trademarks-no-familyfamily-marks-little-caesars> - Jan 31, 2017
5. <https://www.natlawreview.com/article/new-york-attorney-general-contends-domino-s-joint-employer-franchisees> - June 7, 2016
6. <https://www.natlawreview.com/article/california-supreme-court-finds-franchisor-not-vicariously-liable-sexual-harassment> - Oct 7, 2014



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considerably a few days after publication because the article is no longer featured on the NLR’s homepage, and NLR’s readers have moved on to fresh news.

Indeed, our investigation of this specific matter determined the following number of visitors for each of the aforementioned articles:

Date Range	Article Title	Pub Date	Author	Total Views	Unique Views	Peak Views
2019-11-08 - 2019-12-31	https://nallawreview.com/article/ohio-district-court-delivers-win-pizza-drivers	Nov 8, 2019	Barnes Thornburg	175	159	32
2022-07-25 - 2025-07-25				79	61	
2017-04-17 - 2019-12-31	https://nallawreview.com/article/senate-ag-committee-chairman-calls-usda-to-provide-greater-flexibility-school	Apr. 17, 2017	Keller & Heckman	211	174	52
2022-07-25 - 2025-07-25				14	14	
2017-04-04 - 2019-12-31	https://nallawreview.com/article/connecticut-supreme-court-holds-restaurant-employer-may-not-use-tip-credits	Apr. 4, 2017	Jackson Lewis	57	54	22
2022-07-25 - 2025-07-25				16	11	
2017-01-31 - 2019-12-31	https://nallawreview.com/article/trademarks-no-family-family-marks-little-caesars	Jan 31, 2017	McDermott	174	162	14
2022-07-25 - 2025-07-25				14	12	
2016-06-07 - 2019-12-31	https://nallawreview.com/article/new-york-attorney-general-contends-dominos-s-joint-employer-franchisees	June 7, 2016	Epstein Becker	160	150	57
2022-07-25 - 2025-07-25				39	30	
2015-01-26 - 2019-12-31*	https://nallawreview.com/article/california-supreme-court-finds-franchisor-not-vicariously-liable-sexual-harassm	Oct. 7, 2014	Jackson Lewis	145	137	5
2022-07-25 - 2025-07-25				24	17	

Thus, assuming everyone who ever viewed these articles also saw the photo, the total number of people who saw it was modest indeed. Moreover, only a subset of readers would have also been able to see the photo due to website security protocols commonly employed by law firms and other companies.

Executive Summary Regarding Offer of Judgment Amount

Statutory damages are a minimum of \$750 (or a minimum of \$200 if Judge Rowland rules that, as we believe, NLR reasonably and in good faith believed that its use was licensed) for each allegedly infringed work (*not per each alleged infringing use*). Moreover, statutory damages are often assessed based on a rule of thumb (cited in your demand letter in this case, and in many of the briefs you have filed for the same client) of two or three times the lost license fee.

Of course, this assumes that (a) the photo at issue is indeed the image your client claims copyright on and which your Complaint defines as the “Work,” and (b) the license NLR obtained in March 2014 was not for perpetual use. I will leave these issues aside solely for this letter.

Since statutory damages are based on a small multiplier of actual damages, the three additional uses that *could* be the basis for seeking more in statutory damages (because they occurred after



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registration), assuming that you amend your complaint to allege infringement claims based on these earlier uses.

But what is the market value of a single use? The expert affidavit on damages in the *Pool World* suggests that the market value of a stock photo would be \$12. However, for this letter, we will generously assume the market value of the photo is \$50, or a total of \$150 for the last three uses. Multiply that amount by, say, three, and the predicted statutory damages award would be \$450 for the three uses that occurred after the date of registration, which is less than the minimum of \$750 but more than the minimum of \$200 under the reasonable basis/good faith exception.

Even assuming that you can seek actual damages for three of the uses and statutory damages for three other uses, the three additional uses would bring your predicted damages to an additional \$150. That would put the predicted damages at \$600. Thus, our offer of judgment is generous indeed.

The entirety of the above is without regard to the following.

The Validity of Prepared Foods' Copyright Registration

We question the validity of Prepared Foods' copyright registration.

AdLife asserted ownership of the photos at issue because Joel Albrizio took each of the 250 listed photos in the registration at issue, and that AdLife owns the copyright via a work-for-hire relationship with Albrizio. The digital file NLR acquired in 2014, however, reflects a different name as the photo's author.

And as you know, an affidavit from Albrizio's ex-wife, Sharon Ferretti, was submitted in *AdLife v. Fareway Stores*, 4:17-cv-04254-SLD-JEH (C.D. Ill.) stating that when, after Albrizio decided to change AdLife's business model to concentrate on making claims of infringement, AdLife did not have good records showing who had taken each photo, but Albrizio nonetheless instructed AdLife staff to record each photo as having been taken by Albrizio so that the papers could be filed quickly. See *Declaration of Sharon Ferretti in Fareway Stores*.

As you also know, however, AdLife was entitled to register the copyright in hundreds of photos in a single registration *only if* all of them had the same author. Unless plaintiff can produce admissible evidence showing who took all of the photos in the registration, we intend to ask the Court to refer this case to the Copyright Office to determine whether false claims in the application for registration should result in nullification of the registration.



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Statute of Limitations

This is a case about the use of a single photo of a generic-looking pizza that was created in 2006, which NLR first used in 2014, and which PFP did not purport to register its copyright for until 2017. Virtually everyone who was employed by NLR in 2014, when the image was acquired, and even in 2019, when it was last used, has moved on.

Forcing NLR to defend the use of an image it secured 11 years ago, when your client was readily making its images available through third parties without exercising any control or keeping records of licenses, is seriously unfair.

We expect to file a motion for summary judgment on statute of limitations grounds, not because we dispute that the discovery rule can be invoked in copyright cases generally, as you mistakenly assume we intend. Rather, our motion will be based on the same argument *Pool World* made regarding your client's inequitable conduct in the lawsuit that you recently dropped in the Eastern District of Washington against it. See generally *Prepared Food Photos Inc v. Pool World Inc* (2:23-cv-00160).

The Seventh Circuit agreed with the Ninth Circuit (as cited in *Pool World*) that the discovery rule is an equitable exception to the statute of limitations. *U.S. v. Spectrum Brands, Inc.*, 924 F.3d 337, 350 (7th Cir. 2019).² Moreover, the Seventh Circuit has displayed a particular distaste for copyright trolls. E.g. *Live Face on Web v. Cremation Socy. of Ill.*, 77 F.4th 630, 634 (7th Cir. 2023):

“The essence of trolling is that the plaintiff is more focused on the business of litigation than on selling a product or service or licensing their IP to third parties to sell a product or a service. The paradigmatic troll plays a numbers game in which it targets hundreds or thousands of defendants, seeking quick settlements priced just low enough that it is less expensive for the defendant to pay the troll rather than defend the claim.”

² See also *Rodrigue v. Olin Employees Credit Union*, 406 F.3d 434, 444, 447 (7th Cir. 2005). See also *Farris v. Vector Constr., Inc.*, 2022 WL 17550727, at *4 (C.D. Ill. Nov. 28, 2022), aff'd, No. 22-3183, 2023 WL 4883491 (7th Cir. Aug. 1, 2023) (“of the three equitable doctrines mentioned above, the most appropriately applicable is the discovery rule”); *Ericson v. Conagra Foods*, 559 F. Supp. 3d 705, 712 (N.D. Ill. 2021) (“The discovery rule, . . . is an equitable exception to the statute of limitations”).



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See also *Design Basics v. Lexington Homes*, 858 F.3d 1093, 1097 (7th Cir. 2017).³

The record in *Pool World* amply establishes that your client is a copyright troll that has not created any new content for nearly a decade, makes a small fraction of its income from licensing content to companies it has not threatened with infringement liability, while making millions of dollars by making bogus damages claims for the infringement of stock photos. In short, your client “is more focused on the business of litigation than on selling a product or service or licensing their IP to third parties.”

Moreover, when your firm’s owner, Mr. DeSouza, sent the demand letter to NLR, he was fully aware that AdLife’s claim as to its “baseline” monthly subscription fee of \$999 per month was false. As a result, I expect that he and Rockefeller Photos will be seen with a jaundiced eye and will likely be found to have failed to “do equity” and hence not be allowed to invoke the discovery rule.⁴

Rockefeller’s Claimed Damages Are Beyond Absurd

Even if Rockefeller could succeed in establishing liability, the amount of its claimed damages, on which it bases its settlement demand, is beyond absurd.

Although Rockefeller may submit its “baseline” monthly subscription fee as evidence of the market value of the license that it claims the NLR failed to buy, that fee is irrelevant as a matter

³ In *Righthaven v. Hill*, Copyright L. Rep. (CCH) ¶ 30,125, 2011 WL 12897489 (D. Colo. Sep. 11, 2011), assessing a different copyright owner that filed many infringement actions, the Court said:

“[T]here is substantial evidence that *Righthaven* has engaged in a pattern of filing copyright infringement suits against naive bloggers in order to secure settlement agreements, often with a minimal investment of time and effort. These lawsuits act as an effective bargaining chip in the negotiation of settlement agreements, because the cost of settlement is often less than the cost a defendant would incur in defending against *Righthaven*’s suit.”

⁴ It is curious that the Complaint (at ¶6) positions Rockefeller Photos, LLC (“**Rockefeller**”) as both “a premier provider of photography and videography in the highly-competitive food and beverage industry” and at the same time (at ¶7) as an agency representing Prepared Food Photos, Inc. (“**PFP**”) f/k/a Adlife Marketing & Communications Co. (“**AdLife**”). This is particularly so given that Rockefeller appears nothing more than a rebranding of PFP. See also *Don’t Be Fooled: Prepared Food Photos is Back as Rockefeller Photos – And More Aggressive Than Ever*; *Are Courts Finally Getting Fed Up With Copyright Shakedown?*



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of law in the Seventh Circuit just as it is irrelevant elsewhere. The supposed minimum of \$999 per month is based on a lie that your firm knows is a lie.⁵

The record in *Pool World* shows that the actual minimum monthly subscription fee among the subscription agreements that your client actually signed and accepted throughout the period from 2019 to 2024, when the photo of a slice of pizza was on the NLR website, was \$99 per month, and the minimum was \$95 per month for part of that period.

And that monthly subscription fee, even if it represented the market value of access to your client's entire database of 18,000 photos, does not represent the actual market value of the one photo that NLR used, and it is the market value of that allegedly infringing use that your client can properly seek to recover. *Bell v. Taylor*, 827 F.3d 699, 709-719 (7th Cir. 2016), citing *On Davis v. The Gap, Inc.*, 246 F.3d 152, 166 (2d Cir. 2001).

As the Seventh Circuit said in *Bell v Taylor*, "The question is not what the owner would have charged, but rather what is the fair market value," quoting *On Davis*. Moreover, the expert affidavit of Jessica Teal in *Pool World* indicates that the fair market value of a single food photo, similar to the one at issue in that case, was only a few dollars for perpetual use. The photo in this

⁵ Historically, AdLife was engaged in the legitimate business of creating advertising for food vendors. A core part of this business involved licensing an extensive library of stock photographs through established third-party platforms, such as iStock and Multi-Ad. This model was profitable; according to interrogatory responses in *Pool World*, PFP generated more than \$100,000 annually from licensing its stock photos through these channels.

But PFP subsequently pivoted away from the high-volume, low-cost iStock licensing model to a direct subscription service. According to analysis from one of our co-counsel Paul Levy, this subscription service appears to be a "charade" designed to support a "fraudulent damages theory." The financial evidence supports this conclusion: after the shift, legitimate licensing income dropped precipitously. In 2017 and 2018, licensing revenue fell well below \$100,000, averaging around \$50,000 annually, according to redacted bank records and credit card processing records supplied in discovery (and we believe, in some years, it was substantially less).

Despite this collapse in actual licensing revenue, PFP began sending demand letters claiming exorbitant damages based on a purported subscription rate of \$999 per month, even though PFP has accepted subscription payments as low as \$99 per month for the entire six-year period from 2019 to 2024, and once offered subscriptions for its entire photo database for as low as \$29.99 per month.



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case is even more generic (and to this day, pictures of pizza slices can be found on stock image sites for a few dollars).⁶

If you litigate this case and attempt to argue that your actual damages exceed a few dollars, based on your monthly subscription agreement theory, we will seek partial summary judgment barring your damages theory, and I expect we will prevail. Moreover, as Mr. DeSouza's demand letter explained, statutory damages would be about two or three times the actual damages, still under the value of even our first offer of judgment in the amount of \$750 that you have failed to accept in a timely fashion and far below our new offer of judgment that accompanies this letter.

And because our client had a reasonable and good faith belief that its use of the photo was pursuant to a valid license, the minimum award of statutory damages is \$200, far less than two or three times your client's actual damages.

⁶ Our research suggests that the *only* significant monetary judgments Rockefeller's predecessors have ever obtained are *default judgments* against defendants who, for various reasons, fail to appear in court and mount a defense. As summarized in a 9/19/25 TechDirt article, PFP "has been running a classic copyright troll operation for years. The company would find businesses using stock photos, then send threatening demand letters claiming massive damages based on their supposed "\$999 per month minimum" subscription fee. Small businesses, terrified of federal court litigation, would pay up rather than fight. *** There was just one problem: it was all a lie."

One of the few cases taken to trial was *Prepared Food Photos, Inc. v. NOFAL LLC & Sharif Jaber*. The transcript of that case reveals that the jury found Nofal LLC liable for direct copyright infringement but specifically found that the infringement was not willful and awarded PFP only \$200.00 for actual damages and \$1,000.00 for statutory damages. PFP elected the minimal actual damages award of \$200.00, despite initially seeking \$23,976.00 in actual damages based on the fictional \$999/month minimum subscription fee. PFP moved to amend the judgment or for a new trial, arguing the \$200 award was a "manifest error" because the only evidence presented supported the \$23,976.00 figure. The court denied the motion, noting that the jury was not required to accept PFP's damages testimony and that accepting PFP's premise required assuming the unreasonable fact that a willing buyer (a small grocery store) would pay nearly \$12,000 a year for a single photo.

In a now-deleted post published *Albrizio* admitted that after deciding that making claims for copyright infringement could be more lucrative than selling licenses, AdLife removed all its images from third-party licensing sites, registered its copyrights, and began searching for infringing uses over which it could make infringement claims.



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The Prior Availability of the Photo

We take note of the email from Mr. DeSouza to Jennifer Schaller (one of NLR's former owners) stating that this photo was made available to the public before 2017 via Multi-Ad. Mr. DeSouza's letter, however, *did not mention that the photo was also available until 2019 on iStock's freeimages.com service*, as shown in your client's records of reverse image searches on June 12, 2019.

Indeed, AdLife sued Getty Images over the availability of that very photo. See Complaint in Getty Images case. Moreover, Sharon Ferretti stated in her affidavit in *Fareway Foods* that Multi-Ad distributed AdLife's photos *without copyright restrictions for many years*, making it too easy for third parties to use the images without understanding that the use was impermissible. Ms. Ferretti also averred that *Albrizio deliberately seeded some of its photos around the Internet without any copyright indications, hoping to entrap unwitting companies into copyright infringements over which they could be sued.*

These facts will help establish that, if the permission that NLR thought it had to use the photo was not valid, at least it had a reasonable and good-faith belief that it had permission. As a result, the most you will likely get out of this case is a few dollars, and you will be precluded from recovering costs or attorney fees.

Attorney Fees

For the past 20 years, the Seventh Circuit has held that "prevailing defendants in copyright cases are presumptively entitled (and strongly so) to recover attorney fees." *Woodhaven Homes & Realty v. Hotz*, 396 F.3d 822, 824 (7th Cir. 2005). That presumption has particular force when the losing plaintiff is, like your client, a copyright troll; *Live Face on Web*, 77 F.4th at 634 (reversing denial of fees as an abuse of discretion). We intend to seek an award of attorney fees at the end of this case.

Conclusion

In sum, we are unwilling to accede to your demand for \$28,000. We made an offer of judgment of \$750, and you did not take it. We have now made a second offer of judgment. If you do not accept the offer of judgment, we need to meet and confer regarding the Joint Initial Status



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Report, which is due on November 14th. To that end, I've attached a proposed draft of that to the email that transmitted this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lorne T. Saeks".

Lorne T. Saeks

LTS/jw
Enclosure

cc: Amber Herda, [REDACTED]@kasdorf.com
Adrienne Love, [REDACTED]@stearnsweaver.com
Paul Levy, [REDACTED]@citizen.org
Phil Malone, [REDACTED]@law.stanford.edu