

FEDERAL COURT

BETWEEN:

VOLTAGE PICTURES LLC

Plaintiff

and

JOHN DOE and JANE DOE

Defendants

**AFFIDAVIT OF JOHN PHILPOTT**

(Sworn on June 24, 2013)

I, **JOHN PHILPOTT**, of the City of Toronto, in the province of Ontario, **MAKE OATH AND SAY AS FOLLOWS:**

1. I am an associate of the law firm Brauti Thorning Zibarras LLP, which represents the Plaintiff, Voltage Pictures LLC ("**Voltage**"), a movie production company based in Los Angeles, California, in this action and I have knowledge of the within proceedings. Where I do not have personal knowledge, I have stated the source of my information and believe it to be true.

2. On or about December 14, 2012, the Samuelson-Glushko Canadian Internet and Policy and Public Interest Clinic ("**CIPPIC**") sent the Court a letter stating its intention to intervene in this motion and outlining the issues it intended to raise. The letter did not mention establishing proof of copyright as an issue on this preliminary motion.

3. On or about December 21, 2012, CIPPIC served the Court with its materials seeking intervener status. These materials also did not mention establishing proof of copyright as an issue on this preliminary motion.

4. On or about February 13, 2013, Madam Prothonotary Mireille Tabib granted CIPPIC intervener status “notwithstanding CIPPIC’s failure to fully and specifically set out the type of evidence it might lead if it were granted leave to introduce evidence, or the factual issues it would contest if it were granted leave.”

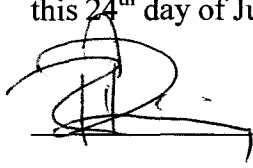
5. On or about March 4, 2013, after CIPPIC had been granted intervener status and had filed their materials, I engaged in a call with David Fewer of CIPPIC to determine what issues they were raising and to set a timetable for the submission of additional materials. I specifically asked, and Mr. Fewer confirmed, that CIPPIC was not raising proof of copyright as an issue at this preliminary motion.

6. On or about June 20, 2013, CIPPIC served its Memorandum of Fact and Law (one day later than contemplated under the set Court timetable). Here, for the first time, CIPPIC raised the issue of establishing proof of copyright.

7. Although such proof is not typically required on these preliminary motions, attached is the affidavit of Michael Wickstrom, Manager of Royalties for Voltage, confirming that Voltage has rights to the cinematographic works listed in Exhibit “A” to the Affidavit of Barry Logan. The affidavit of Michael Wickstrom is attached as **Exhibit “A”**.

8. I have sworn this affidavit in support of Voltage’s responding materials for CIPPIC’s motion for leave to intervene and for no improper purpose.

SWORN BEFORE ME at the City of )  
Toronto, in the Province of Ontario, )  
this 24<sup>th</sup> day of June, 2013 )  
)  
)  
)



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A Commissioner of Oaths, etc.

LSUCS 61465D



**JOHN PHILPOTT**

**FEDERAL COURT**

**BETWEEN:**

**VOLTAGE PICTURES LLC**

Plaintiff

**and**

**JOHN DOE and JANE DOE**

Defendants

**AFFIDAVIT OF MICHAEL WICKSTROM**

(Sworn on November 29, 2012)

I, **MICHAEL WICKSTROM**, of the City of Los Angeles, in the state of California, **MAKE OATH AND SAY AS FOLLOWS:**

1. I am the Manager of Royalties for the Applicant, Voltage Pictures LLC (“Voltage”). My duties include ensuring that Voltage is compensated for the use of its films and, as such, I have knowledge of these proceedings.
2. While Voltage is a producer of many notable films, such as the Hurter Locker, many of Voltage’s films are works that Voltage has acquired the exclusive rights to in Canada and in other countries.
3. I verify that Voltage has rights to the following films in Canada by virtue of its exclusive licence rights:
  - a) Code Name: Geronimo (2012)

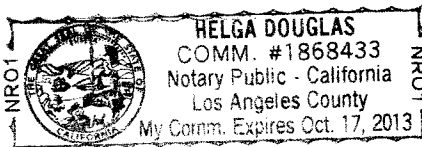
- b) Generation Um ... (2012)
- c) Tucker & Dale vs Evil (2010)
- d) True Justice: The Complete First Season (2010)
- e) The Third Act aka The Magic of Belle Isle (2012)
- f) Breathless (2012)
- g) Conviction (2010)
- h) The Good Doctor (2011)
- i) Rosewood Lane (2011)
- j) Another Happy Day aka Reasonable Bunch (2011)
- k) Killer Joe (2011)
- l) Rites of Passage AKA Party Killers (2012)
- m) Sacrifice (2011)
- n) Escapee (2011)

4. I make this affidavit in support of Voltage's motion seeking disclosure, so that Voltage may pursue claims against those who have infringed on Voltage's rights, and for no improper purpose.

SWORN BEFORE ME at the City of )  
 Los Angeles, in the State of California, )  
 this 29th day of November, 2012 )  
 )  
 )

Helga Douglas )  
 HELGA DOUGLAS )  
 A Commissioner of Oaths, etc. )

Michael Wickstrom  
 MICHAEL WICKSTROM



**VOLTAGE PICTURES LLC**  
Plaintiff

and

**JOHN DOE and JANE DOE**  
Defendants

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**FEDERAL COURT**

Proceeding commenced at Toronto

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**AFFIDAVIT OF MICHAEL WICKSTROM**

(Sworn on November 29, 2012)

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**VOLTAGE PICTURES LLC**

**VOLTAGE PICTURES LLC**  
Plaintiff

and

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**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

**AFFIDAVIT OF JOHN PHILPOTT**  
(Sworn on June 24, 2013)

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