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9 Attorneys for Plaintiff
10 MG PREMIUM LTD.

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 MG PREMIUM LTD, a limited liability
15 company organized under the laws of
16 the Republic of Cyprus,

17 Plaintiff

18 vs.

19 NGUYEN HOI AND DOES 1-20, d/b/a
20 PORNEZ.net

21 Defendants.

Case No. 2:23-cv-00349-CBM-PVC

**DECLARATION OF JASON
TUCKER IN SUPPORT OF
PLAINTIFF MG PREMIUM LTD.'S
MOTION FOR DEFAULT
JUDGMENT AGAINST
DEFENDANT NGUYEN HOI**

Date: August 7, 2023

Time: 10:00 AM

Judge: Honorable Consuelo B. Marshall

Courtroom: 8D (350 W. 1st Street)

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DECLARATION OF JASON TUCKER
ISO PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT
[2:23-cv-00349-CBM-PVC]

DECLARATION OF JASON TUCKER

I, Jason Tucker, under penalty of perjury of the laws of the United States, declare and state as follows:

1. I am a United States Citizen, over the age of 18 years old, make this declaration based upon personal knowledge and, if called to testify could and would testify competently to the facts set forth herein. I submit this Declaration in Support of Plaintiff’s Motion for Default Judgment as to Nguyen Hoi.

2. I am a Director of Battleship Stance Inc., a leading intellectual property management and anti-piracy enforcement company. Our clients include award-winning production companies, publishers, media, technology, and physical product corporations, internet advertising networks, documentarians, filmmakers, photographers, influencers, news outlets, and adult entertainment studios including Plaintiff.

3. For almost two decades I have been assisting rights holders in leveraging, managing, licensing, and enforcing their intellectual property (IP) portfolio around the world.

4. I have been and/or serve as a consultant and/or IP enforcement agent for major award-winning legal adult entertainment studios including AMA Multimedia, LLC, Hydentra home of Metart.com, Larry Flynt Publications (Hustler), Cybernet Entertainment d/b/a Kink.com, and others including Plaintiff in this case.

5. I have been involved in the industry of legal adult entertainment production, marketing, and management at an executive level for over twenty (20) years, serving over six as President of a company that produced, owned, and licensed one of the world’s largest erotic libraries of images.

1 6. I have created, purchased, managed, and operated paid membership
2 websites, and affiliate programs, and sold over US \$1.5 Million Dollars in top-
3 level domain names such as Erotica.com.

4 7. As an executive in the adult industry and based on my knowledge of
5 internet piracy, I am a frequent panelist at industry and related conferences
6 speaking on topics including, the state of the industry, internet piracy, copyright
7 and trademark infringement, content protection, and the costs associated with
8 piracy. I am quoted or featured in publications including Newsweek,
9 Businessweek, USA Today, Wired, Financial Times, and the Washington Post
10 regarding these same topics.

11 8. I have worked in the mainstream Entertainment and Music Industry
12 for over twenty years where I have been involved in the packaging, financing,
13 production, and licensing of major motion pictures to distributors worldwide
14 including Paramount, HBO, and VH-1 Networks in the US. In music, I was
15 responsible for elements of the music licensing for such shows as The Oscars,
16 Listen Up - The Lives of Quincy Jones, and Roseanne.

17 9. I have consulted Fortune 100 companies, including Microsoft
18 Corporation and Akamai Technologies. I assisted Microsoft in the rollout of
19 Windows Media Player into the market and their Digital Rights Management
20 (DRM) Platform.

21 10. I am a graduate of the FBI and DEA Citizens Academy and a
22 member of InfraGard. I have received advanced training by both agencies that in
23 turn have furthered my ability to assist in seeking out and defining operations and
24 pirate enterprises. My efforts have been acknowledged with awards from the State
25 of California Senate, the FBI, DEA, and the Los Angeles Sheriff's Department as
26 a few examples.

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1 11. I am familiar with the struggles a producer and distributor faces when
2 confronting piracy. My consulting work in the area of anti-piracy was born from
3 my experience developing tools and systems, and legal methods to identify and
4 hinder theft of my own content library of over 2 million images and 300 movies
5 while finding ways to monetize ahead of the wave of piracy.

6 12. Piracy is not a new concept; however, the Internet continually
7 exacerbates the problem by providing a vast, seemingly unending network of
8 distribution channels used for profit by both legal and unethical parties alike as
9 well as an ability for one to hide their identity. We know that the Internet is used
10 to create amazing new opportunities and connections as much as it is used to sell
11 illicit drugs and stolen merchandise.

12 13. In my experience, the people and companies who create websites like
13 PornEZ.net pray on the quality and desirability of pirated videos such as those
14 owned by MG Premium Ltd. because those qualities are key for a person or site
15 owner or operator to distinguish themselves from the massive amounts of content
16 and options on the internet. The uniqueness, quality, and exclusivity of the videos
17 one puts on a site has a major impact on whether or not a site will be successful
18 and thus influences the bottom line.

19 14. The goal for parties like the owners and operators of PornEZ.net is to
20 use highly desirable video content, such as that owned by MG Premium Ltd. as a
21 tool to entice and drive end users to advertisements and other opportunities to
22 profit themselves.

23 15. In addition, the owners and operators of sites such as Defendant's, in
24 my experience, do not care about what happens to the video once it is viewed on
25 their web property. They do not care about licenses or having it shared, stolen, or
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1 transferred around the internet as long as someone saw it on their unlicensed
2 website.

3 16. The owners and operators of sites such as PornEZ.net make money
4 off of the unauthorized use of the intellectual property of others, such as MG
5 Premium Ltd. They essentially put up a website and then utilize the copyrighted
6 works of others to attract internet traffic and realize substantial revenues from
7 advertisers, email lists, and possibly paid members to their own site(s).

8 17. Piracy has required changes to business models. Mainstream
9 Hollywood now creates films with highly complicated and expensive special
10 effects to entice viewers to go to movie theaters to garner the best visual and audio
11 experience. Studios such as MG Premium Ltd. incur great expense in the seeking
12 out of new talent and the consistency of production and quality required to stay
13 ahead of pirates' ability to monetize in the first place.

14 18. Battleship Stance Inc. was retained by MG Premium Ltd. to
15 investigate copyright violations and assist in enforcing their intellectual property
16 rights. I have been working with MG Premium Ltd. and its related companies for
17 over five years.

18 19. The least expensive MG Premium Ltd. paid membership is Brazzers
19 at \$9.99 per month.

20 20. MG Premium Ltd.'s paid membership websites and videos are among
21 the most popular in the world.

22 21. I have reviewed and made myself familiar with the Defendant's
23 website at issue in this case, PornEZ.net, a site that displays for free, lengthy,
24 professionally produced adult videos, most of which appear to be unlawfully
25 displayed.

26 22. Verisign, Inc. is the registry for .net domains.

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1 23. In my investigations, I discovered that 7,818 of MG Premium Ltd.’s
2 copyright registered full-length videos were displayed on 51,375 separate and
3 distinct web pages on PornEZ.net. Pornez.net were, and when last checked are,
4 allowing the unfettered display, sharing, and commercial use of lengthy,
5 professionally produced adult videos including those of MG Premium Ltd. and
6 specifically the MG Premium Ltd. movies at issue in this case.

7 24. PornEZ.net failed to fulfill the requisite conditions precedent to
8 qualify for the safe harbor provisions of the DMCA as they were not registered as
9 Internet Service Providers with the United States Copyright Office and takedown
10 notices were not honored.

11 25. On behalf of MG Premium Ltd., we have sent 19,586 DMCA
12 Compliant Takedown notices regarding the MG Premium Ltd. videos discovered
13 on PornEZ.net; these were sent in an attempt to remove 116,757 infringements of
14 MG Premium Ltd. Content on PornEZ.net.

15 26. Videos posted on PornEZ.net may be shared on other sites, in
16 addition to the user being provided with direct links for posting on or to any social
17 media site including Twitter, Google, Email, or direct messaging to anyone
18 regardless of age or location. Such functionality makes it impossible to know how
19 many times and where an unlicensed copyrighted video has been posted and
20 displayed illegally as a direct result of the Defendants' unlawful display.

21 27. In May 2023, PornEZ.net had approximately 20 MILLION monthly
22 visitors that spent an average of over 5 minutes on the Pornez.net website.
23 Attached hereto as Exhibit A is a true and correct copy of the SimilarWeb Report.

24 28. With Internet sites generating income and profits from
25 advertisements, the more traffic a website generates, the more revenue is
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1 generated for the owners and operators of that website. Pornez.net operates and
2 survives according to this model.

3 29. The business model for Pornez.net is wholly dependent on
4 advertising. Advertising space is sold on Pornez.net, and, on information and
5 belief, is the sole source of income and profits.

6 30. The higher quality and the more full-length videos on PornEz.net, the
7 more Internet traffic will be generated and thus more revenue for the owners and
8 operators.

9 31. As of my last review on May 28, 2023, PornEZ.net continues to
10 display all of MG Premium Ltd.'s copyright-registered materials identified in the
11 initial complaint.

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13 I declare under the penalty of perjury under the laws of the United States of
14 America that the foregoing is true and correct.

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16 Executed on the 9th day of June 2023, at Vallarta, Mexico.

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20 Jason Tucker

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