

Exhibit G

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA

v.

KRISTOPHER LEE DALLMANN,

DOUGLAS M. COURSON,

FELIPE GARCIA,

JARED EDWARD JAUREQUI,
a/k/a Jared Edwards,

PETER H. HUBER, and

YOANY VAILLANT,
a/k/a Yoany Vaillant Fajardo,

Defendants.

Crim. No. 1:19-CR-253

The Honorable T.S. Ellis, III

**AFFIDAVIT OF SPECIAL AGENT TIMOTHY LYNCH IN SUPPORT OF MOTION TO
CONFIRM WAIVER OF ATTORNEY-CLIENT PRIVILEGE**

I, Special Agent Timothy Lynch, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent employed by the Federal Bureau of Investigation (FBI), which is a federal law enforcement agency that conducts investigations involving various crimes to include criminal copyright infringement.

2. I have been employed by the FBI since February 2004, and during that time I have become knowledgeable about criminal violations of U.S. law, particularly violations of Title 18 of the U.S. Code. I am currently assigned to an FBI unit that focuses on corporate fraud

and white collar crime. Prior to joining the FBI, I served as an officer in the U.S. Marine Corps for four years.

3. My duties as a Special Agent with the FBI include conducting investigative interviews. I have received training on interview techniques and procedures, and I have conducted a number of custodial and non-custodial interviews of subjects and targets.

4. I am aware that Kristopher Lee Dallmann is being prosecuted for criminal copyright infringement and money laundering in connection with his operation of an online television streaming service called Jetflix. I first met Mr. Dallmann on November 16, 2017, when he agreed to a consensual and voluntary interview, for which I was the lead interviewer. FBI Special Agent Lance Shakespear also was present for the interview.

INTERVIEW OF KRISTOPHER LEE DALLMANN

5. The interview was conducted at Mr. Dallmann's residence in Las Vegas, Nevada. I, and other FBI agents, were at Mr. Dallmann's residence on November 16, 2017, in connection with the execution of a search warrant.

6. Prior to starting the interview, I advised Mr. Dallmann that he did not have to be present during the search of his residence. He indicated that he preferred to remain at his house. Mr. Dallmann also indicated that the FBI misunderstood the nature of Jetflix and claimed it provided aviation services. He further stated that he was willing to answer questions. I thereafter advised Mr. Dallmann of his *Miranda* rights, which he acknowledged by initialing and signing an advice-of-rights form.

7. The interview was not recorded. However, I took detailed notes. Based on those notes and my memory, I drafted an FD-302 in order to memorialize the interview. Special Agent Shakespear also reviewed the FD-302 and agreed with its contents.

8. Mr. Dallmann initially was not forthcoming. He described Jetflicks as a service through which customers could put their personal DVD collection onto a mobile device that could be utilized on aircraft. Mr. Dallmann claimed that Jetflicks provided minimal streaming services and that Jetflicks' primary source of income came from digitizing personal DVD collections. Yet, Mr. Dallmann also acknowledged that, during the course of Jetflicks' existence, there had been only two customers for the DVD-digitization service and they had paid a total of \$80,000.

9. Mr. Dallmann subsequently admitted that Jetflicks was streaming television shows without the permission of copyright holders. He claimed, however, that he was not violating the law because he would remove television shows anytime he received a complaint. Mr. Dallmann acknowledged he had a printout of the federal copyright code from 1978, but claimed he had never read it. Mr. Dallmann further asserted that he assumed "some sort of licensing" was needed to stream television shows, but claimed he was unsure if it was "defined or not" whether he could stream television shows without official permission.

10. At approximately 8:17 a.m., Mr. Dallmann asked to pause the interview to use the bathroom and make coffee. A break was then taken. I asked to use the bathroom, and Mr. Dallmann remained with Special Agent Shakespear. Upon returning from the bathroom, I noticed that Mr. Dallmann was crying. I asked Special Agent Shakespear what had happened, and Special Agent Shakespear indicated that Mr. Dallmann had started crying spontaneously. I then asked Mr. Dallmann if he wished to resume the interview, and he confirmed that he did. I also asked Mr. Dallmann if he was ready to be truthful, and Mr. Dallmann indicated that he had not been entirely truthful before. The interview thereafter resumed at approximately 8:40 a.m.

11. Upon resumption of the interview, Mr. Dallmann stated that the DVD-digitization

service was not successful. He advised that he turned to copyright infringement as a result, and he admitted to downloading copyrighted television shows from various websites and then illegally streaming them through Jetflixs. Mr. Dallmann added that from 2007 to 2008 he obtained copyrighted television shows through torrent networks.

12. Mr. Dallmann also volunteered that he had paid \$3,000 to an attorney, who he did not identify, for legal advice on “what can I do, what can’t I do” with respect to streaming television shows. He stated that the attorney told Mr. Dallmann that Jetflixs could operate legally in three categories. Mr. Dallmann did not explain all three categories, but he did say that the attorney told him this: “If you have content on there that someone doesn’t like, they will ask you to remove it. They can sue you if you don’t remove it.” Mr. Dallmann explained that, based on the attorney’s advice, he believed he was only committing copyright infringement if he continued to stream a television show after being asked to remove it.

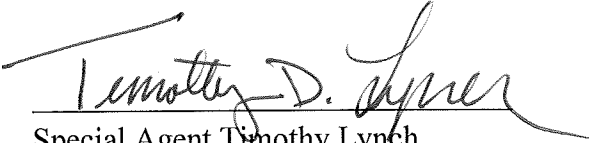
13. Mr. Dallmann further stated that the aforementioned attorney had authored a memorandum detailing the three categories in which Jetflixs could operate legally. He stated that the FBI would find that memorandum among the records in the residence.

14. In addition, Mr. Dallmann recalled receiving a cease-and-desist letter from the Motion Picture Association of America. Mr. Dallmann stated that he provided the letter to the aforementioned attorney, who opined, “this looks like it was written by an amateur” and advised Mr. Dallmann to “just ignore it.” Mr. Dallmann claimed that he followed the attorney’s recommendation and ignored the letter.


CONCLUSION

15. I have attached to this affidavit the advice-of-rights form executed by Mr. Dallmann.

16. The purpose of this affidavit is to provide a summary of a portion of my interview of Mr. Dallmann. It does not describe the entirety of that interview.


Special Agent Timothy Lynch
Federal Bureau of Investigation

I hereby certify that this is the original affidavit sworn to and subscribed to before me by Timothy Lynch on this 7th day of February, 2020, in Alexandria, Virginia.

 /s/ _____
Ivan D. Davis
United States Magistrate Judge

FD-395 (Rev. 11-5-02)

**FEDERAL BUREAU OF INVESTIGATION
ADVICE OF RIGHTS**

LOCATION

Place: Las Vegas, NV Date: 11/16/2017 Time: 6:30 AM

YOUR RIGHTS

Before we ask you any questions, you must understand your rights. Yes

You have the right to remain silent. Yes

Anything you say can be used against you in court. Yes

You have the right to talk to a lawyer for advice before we ask you any questions. Yes

You have the right to have a lawyer with you during the questioning. Yes

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish. Yes

If you decide to answer questions now without a lawyer present, you have the right to stop answering at any time. Yes

CONSENT

I have read this statement of my rights and I understand what my rights are. At this time, I am willing to answer questions without a lawyer present.

Signed: [Signature]

WITNESS

Witness: Timothy D. Lynch FBI-WFO 6:35 AM

Witness: Lance Shakespeare FBI-LV 6:35 am

Time: 6:35 AM