

Arbitration Award Summaries

(Listed in chronological order of the date of issuance of the Final Award)

No. 12-26 – Award issued on January 8, 2013

Claimant: *Nu Image, Inc.* (Licensor)
Respondent: *Ares Film* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: Richard Garzilli, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the final installments of the minimum guarantees due pursuant to the Agreement (after mitigation of damages) and the Agreement was terminated.

No. 12-44 – Award issued on January 8, 2013

Claimant: *Latinamerican Theatrical Group* (Distributor)
Respondent: *Swen International Holding* (Licensor)
Principals at the time Final Award issued: Jaime Penaranda, President, Latinamerican Theatrical Group; Murray Lipnik, President, Swen International Holding
Arbitrator: Bruce M. Polichar, Esq.

The Final Award found that Respondent wrongfully terminated the Distribution Agreement and ordered Respondent to pay to Claimant the amounts due under the Agreement. The Award further found that Claimant retained the distribution rights under the Agreement and reserved right to recover additional amounts due under agreements with third parties wrongfully executed by Respondent.

No. 12-72 – Award issued on January 25, 2013

Claimant: *Initiate Productions, LLC* (Licensor)
Respondent: *American Cinema International, Inc.* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: Henry J. Silberberg, Esq.

The Final Award found that Respondent breached the Distribution Agreement and ordered Respondent to pay to Claimant amounts due under the Agreement.

No. 12-54 – Award issued on February 5, 2013

Claimant: *White Tiger Productions, LLC* (Producer)
Respondent: *Ting Tong Productions* (On-Set-Producer)
Principals at the time Final Award issued: Karen Kaing, Manager, White Tiger Productions; George Tan dba Ting Tong Productions, LLC
Arbitrator: James W. Coupe, Esq.

The Final Award found that Respondent breached the Deal Memo and ordered it to pay damages to Claimant. The Award also found that Mr. Tan conducted business as Ting Tong Productions “which was not a legal separate entity, but was a trade name that Mr. Tan used when entering into the Deal Memo with Claimant.” The Award denied Respondent’s counterclaims.

No. 12-84 – Award issued on February 11, 2013

Claimant: *Magidson Films, Inc.* (Licensor)
Respondent: *Versatil Home Video* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: Michael L. Novicoff, Esq.

The Final Award (issued after a prove-up in a default case) found that Respondent breached the Distribution Agreement by failing to provide timely royalty statements and payments to Claimant and the Agreement was terminated.

No. 12-92 – Award issued on February 25, 2013

Claimant: *Nu Image, Inc.* (Licensor)
Respondent: *Horizon Film International* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: J. David Marks, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the remainder of the License Fee due pursuant to the Distribution Agreement and terminated the Agreement.

No. 12-59 – Award issued on March 5, 2013

Claimant/Cross-Respondent: *Akers-Berg Co.* (Licensor)
Respondent/Cross-Claimant: *MultiVisionnaire, Inc.* (Sales Agent)
Principal at the time Final Award issued: Unknown
Arbitrator: Max J. Sprecher, Esq.

The Final Award found that the parties’ Settlement Agreement was enforceable and terminated Sales Agency Agreements between the parties. The rights to all Pictures reverted to Claimant and Respondent was ordered to provide it with copies of license agreements made in connection with the Pictures.

No. 12-80 – Award issued on March 6, 2013

Claimant: *Freak Show Entertainment* (Licensor)

Respondent: *Camelot Distribution Group Inc.* (Distributor)

Principals at the time Final Award issued: Joseph Guzman, CEO, Freak Show Entertainment; Jessica Kelley, President, Camelot Distribution Group.

Arbitrator: Anat Levy, Esq.

The Final Award ordered Respondent to pay to Claimant the monies owed pursuant to the Distribution Agreement and the Agreement was terminated.

No. 12-50 – Award issued on March 20, 2013

Claimant/Cross-Respondent: *Broadcasturban Filmworks, LLC* (Producer)

Respondent/Cross-Claimant: *Loida Nicolas Lewis* (Copyright Owner)

Principals at the time Final Award issued: Unknown

Arbitrator: Michael L. Novicoff, Esq.

The Final Award found that the rights to the literary property properly reverted to Respondent after the Option/Literary Purchase Agreement expired. The Award further found that Claimant's production of a short film based on the literary property did not constitute copyright infringement and ordered Respondent to reimburse the option fee paid by Claimant.

No. 12-91 – Award issued on March 26, 2013

Claimant: *Nu Image, Inc.* (Licensor)

Respondents: *Horizon Film International and Sinetel Filmcilik* (Distributors)

Principals at the time Final Award issued: Unknown

Arbitrator: Mark Litwak, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondents to pay to Claimant the balance of the minimum guarantee due under the Distribution Agreement and terminated the Agreement. The Award further ordered Respondents to provide to Claimant copies of all license agreements Respondent entered into with third parties and the amounts received.

No. 12-79 – Award issued on April 30, 2013

Claimant: *Bradley Jackson* (Copyright Owner)

Respondent: *Ten/Four Pictures, LLC* (Producer)

Principals at the time Final Award issued: Unknown

Arbitrator: Hillary Bibicoff, Esq.

The Final Award (issued after a prove-up in a default case) found that Respondent failed to timely exercise its option under the Option and Literary Purchase Agreement, so the rights under the Agreement were either not transferred to Respondent or had reverted to Claimant.

No. 12-08 – Award issued on May 1, 2013

Claimant: *T. Films S.A.* (Licensor)

Respondent: *Cinemavault Releasing International Inc.* (Distributor)

Principals at the time Final Award issued: Heinz Thym, CEO, T. Films S.A.; Nick Stiliadis, CEO, Cinemavault Releasing International

Arbitrator: Christopher J. Pibus (licensed attorney in Canada)

The Final Award (issued after a prove-up in a default case) found that Respondent failed to provide Claimant with income statements due under the Sales Agency Agreement, and failed to report revenues from the distribution of the Picture over a five year period. The Award ordered Respondent to pay to Claimant an estimated amount of the unreported revenues.

No. 12-97 – Award issued on May 13, 2013

Claimant: *Pacific Mercantile Bank* (Licensor)

Respondent: *Village Films* (Distributor)

Principles at the time Final Award issued: Unknown

Arbitrator: Martin Perlberger, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the unpaid minimum guarantee under the Distribution Agreement, and the Agreement was terminated.

No. 13-04 – Award issued on August 22, 2013

Claimant/Counter-Respondent: *Kaleidoscope Film Distribution* (Distributor)

Respondent/Counter-Claimant: *Indomina Media, Inc.* (Licensor)

Principals at the time Final Award issued: Unknown

Arbitrator: Roy G. Rifkin, Esq.

The Final Award found that Respondent did not breach the Sales Agency Agreement by failing to obtain all music clearances for the Picture because no evidence was provided to show that such failure affected the marketability of the Picture and the breach of contract claim was only made by Claimant after Claimant had defaulted on the Agreement by failing to pay the final installment of the advance. The Award further found that Respondent was not entitled to the final installment of the advance owed by the Claimant and Claimant was ordered to provide a detailed accounting of the distribution of the Picture to the Respondent. The Agreement was terminated and all rights reverted to Respondent.

No. 12-98 – Award issued on August 30, 2013

Claimant: *Helping Hands Productions, LLC* (Producer)

Respondent: *Heather Hughes and Heather Hughes Productions, LLC* (Copyright Owner)

Principals at the time Final Award issued: Unknown

Arbitrator: Michael C. Donaldson, Esq.

The Final Award found that Respondent had performed rewrites of the material pursuant to the parties' Option/Literary Purchase Agreement and was entitled to collect a rewrite fee. The arbitrator also found that Claimant allowed the Agreement to lapse and denied the Claimant's claim for development costs.

No. 12-87 – Award issued on September 6, 2013

Claimants: *MIME Investments, LLC* (Investor) and *Mind in Motion Entertainment, Inc.* (Licensor)

Respondents: *GK Films, LLC, Parlay Films, LLC and Lisa Wilson* (Sales Agent)

Counter Claimants: *GK Films, LLC, Parlay Films, LLC and Lisa Wilson* (Sales Agent)

Counter Respondents: *MIME Investments, LLC* (Investor), *Mind in Motion Entertainment, Inc.* (Licensor), *Little Murder Production Co., Ryan Answell and Tim Gendreau* (Producers)

Principals at the time Final Award issued: Unknown

Arbitrator: Roy G. Rifkin, Esq.

The Final Award found that Claimant failed to substantiate its claims of fraud and negligent misrepresentation against Respondents. The Award also found that Counter Claimants failed to prove their counterclaims that Counter Respondents breached the Sales Agency and Settlement Agreements.

No. 13-58 – Award issued on September 20, 2013

Claimant: *Vision Films, Inc.* (Licensor)

Respondent: *Regal Media International* (Distributor)

Principals at the time Final Award issued: Unknown

Arbitrator: Michael C. Donaldson, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the unpaid minimum guarantees under the two Distribution Agreements. It further ordered the Agreements to be terminated and rights to revert to Claimant if Respondent failed to satisfy the Award within a specified time period.

No. 12-74 – Award issued on October 7, 2013

Claimant: *Wild Bunch* (Licensor)
Respondent: *Elephant Eye Distribution, Inc.* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: Louise Nemschoff, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the unpaid minimum guarantee under the Deal Memo. It further ordered that the Agreement be terminated and rights to revert back to Claimant. Respondent was ordered to return to Claimant all materials related to the Picture.

No. 13-32 – Award issued on October 11, 2013

Claimant: *GEM Entertainment, Kft.* (Licensor)
Respondent: *Mirovision, Inc.* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: Michael R. Diliberto, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the unpaid second installment of the minimum guarantee under the Distribution Agreement.

No. 13-62 – Award issued on October 16, 2013

Claimant: *United Artists Production Finance, LLC* (Licensor)
Respondent: *Momentum Film House, Ltd.* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: Max J. Sprecher, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the unpaid minimum guarantee under the Distribution Agreement. It further ordered the Agreement to be canceled as no rights were transferred from Claimant to the Respondent.

No. 13-53 – Award issued on December 17, 2013

Claimant: *IM Global, LLC on behalf of Autonomous Films* (Licensor)
Respondent: *Village Roadshow Film Distributors Greece S.A.* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: Edward S. Labowitz, Esq.

The Final Award ordered Respondent to pay to Claimant the balance of the minimum guarantees due under two Distribution Agreements. It further ordered the Agreements terminated and rights to revert back to Claimant. Respondent was ordered to return to Claimant all materials related to the Picture.