

Arbitration Award Summaries

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

No. 18-30 – Award issued on January 2, 2019

Claimant: *Star Alliance Movies (HK) Co., Ltd.* (Distributor)

Respondent: *Hannibal Classics, Inc.* (Licensor)

Principals at the time Final Award issued: Unknown

Arbitrator: Sol Rosenthal, Esq.

The Final Award found that Respondent failed to fully refund the deposits paid by Claimant after the parties agreed to terminate three Distribution Agreements. The Award ordered Respondent to remit refunds to Claimant and terminated Claimant's rights to the Films upon payment in full.

No. 18-12 – Award issued on January 15, 2019

Claimant: *Green Apple Entertainment, Inc.* (Distributor)

Respondent: *Dreambridge Films, LLC* (Licensor)

Principals at the time Final Award issued: Unknown

Arbitrator: Mark Fleischer, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the expenses it incurred preparing the Film for delivery under the terms of the Distribution Agreement. In addition, the Award found that Respondent fraudulently induced Claimant to enter into the Agreement.

No. 18-07 – Award issued on January 24, 2019

Claimants: *Union Patriot Capital Management II, LLC* (Financier)

and Justice Everywhere Productions, LLC (Licensor)

Respondent: *Eagle Films Middle East L.L.C.* (Distributor)

Cross-Respondent: *Hannibal Classics, Inc.* (Sales Agent)

Principals at the time Final Award issued: Unknown

Arbitrator: Mark Fleischer, Esq.

The Final Award found that the Notice of Assignment was valid and binding, and that Respondent breached the Agreement by failing to remit payment to the specified collection account. The Award ordered Cross-Respondent to remit restitution to Respondent for Respondent's error in remitting payment to Cross-Respondent instead of the specified collection account.

No. 18-57 – Award issued on February 1, 2019

Claimant: *Esperanto Kino, S de R.L. de C.V.* (Licensor)

Respondent: *IM Global, LLC* (Sales Agent)

Principals at the time Final Award issued: Unknown

Arbitrator: Lawrence Mortorff, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the unpaid shortfall due pursuant to the Sales Agency Agreement, and terminated the Agreement.

No. 18-29 – Award issued on February 27, 2019

Claimant: *Aletheia Films, LLC* (Production Company)

Respondent: *Raging Nation Films* (Production Company)

Principals at the time Final Award issued: Robert Rippenberger, Founder, Aletheia Films, LLC; Dale Resteghini, Principal, Raging Nation Films

Arbitrator: Anat Levy, Esq.

The Final Award found that the Memorandum of Understanding between the Parties was valid and binding, and that there was no coercion in its execution. The Award further found that Claimant did not materially breach the MOU and that Parties are joint owners of the Projects produced thereunder.

No. 18-58 – Award issued on March 7, 2019

Claimant: *Bleiberg Entertainment, LLC* (Licensor)

Respondent: *Fox Vison* (Distributor)

Principals at the time Final Award issued: Unknown

Arbitrator: Eve Wagner, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the minimum guarantees due under two Deal Memos.

No. 17-46 – Award issued on March 20, 2019

Claimant: *Storyteller Distribution Co., LLC d/b/a/ Amblin Partners* (Licensor)

Respondent: *Constantin Film Verleih GmbH* (Distributor)

Principals at the time Final Award issued: Unknown

Arbitrator: Michael Donaldson, Esq.

The Final Award found that Respondent breached the terms of the Output Agreement and ordered it to pay to Claimant the Installment Advances due under the Agreement. The Award also found that Claimant did not breach the Agreement by failing to perform its reporting and consulting duties to Respondent, and rights to the Film remain with Claimant.

No. 18-36 – Award issued on March 28, 2019

Claimant: *National Bank of Canada* (Financier)
Respondent: *Waterstone Entertainment, LLC* (Distributor)
Cross-Respondent: *Submergence SARL* (Licensor)
Principals at the time Final Award issued: Unknown
Arbitrator: Sol Rosenthal, Esq.

The Final Award found that Respondent breached the Notice of Assignment and ordered Respondent to pay to Claimant the unpaid balance of the minimum guarantee due under a subsequent Agreement. The Award also found that Respondent was not entitled to recoup any fees from its Distribution Agreement with Cross-Respondent.

No. 18-67 – Award issued on March 31, 2019

Claimant: *Cinetel Films, Inc.* (Licensor)
Respondent: *Golden River Intercine SDN BHD* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: Lawrence Mortorff, Esq.

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

No. 18-54 – Award issued on April 22, 2019

Claimant: *Cultural Solidarity Media Limited* (Licensor)
Respondent: *MonteCristo International Entertainment LLC* (Sales Agent)
Principals at the time Final Award issued: Unknown
Arbitrator: Michael Blaha, Esq.

The Final Award (issued after a prove-up in a default case) found that Respondent breached the Sales Agency Agreement by failing to providing royalty statements and remit payments due under the Agreement, and ordered Respondent to cease representing, licensing, marketing the Film and to return film materials and elements to Claimant.

No. 18-24 – Award issued on April 23, 2019

Claimant: *Ragnarok LLC* (Licensor)
Respondent: *108 Media Corporation* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: Peter L. Kaufman, Esq.

The Revised Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the unpaid balance of the minimum guarantee and provide revenue reports due under the Distribution Agreement, and terminated the Agreement.

No. 19-09 – Award issued on May 20, 2019

Claimant: *Cinema Management Group, LLC* (Licensor)
Respondent: *Flame Node Entertainment* (Distributor)
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 Respondent to pay to Claimant the unpaid balance of the minimum guarantees due under two Deal Memos, and terminated the Deal Memos.

No. 17-69 – Award issued on June 10, 2019

Claimant: *Artists Die Best in Black, LLC* (Licensor)
Respondent: *Taylor & Dodge, LLC* (Sales Agent)
Principals at the time Final Award issued: Unknown
Arbitrator: Michael L. Novicoff, Esq.

The Final Award found that Claimant was unable to prove that Respondent breached its contractual and fiduciary duties under the Sales Agency Agreement.

No. 17-62 – Award issued on June 23, 2019

Claimant: *Footprint Film 1, LLC* (Licensor)
Respondent: *ARC Entertainment, LLC* (Distributor)
Principals at the time Final Award issued: Adam Saunders, CEO and Founding Member, Footprint Film 1, LLC; Trevor Drinkwater, CEO, ARC, Entertainment, LLC
Arbitrator: Jack E. Freedman, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant monies due under a Settlement Agreement, and ordered Respondent to provide Claimant with an accounting of all revenue collected from its exploitation of the Picture under the Agreement and a quitclaim agreement. Respondent's rights in the Picture were terminated.

No. 19-17 – Award issued on July 3, 2019

Claimant: *Cinetel Films, Ince.* (Licensor)
Respondent: *H.G.C. Entertainment, Ltd.* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: James W. Coupe, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the unpaid balance of the minimum guarantees due under three Distribution Agreements. It also found that Respondent's rights in the Pictures did not vest due to its breaches of the Agreements, and the Agreements were terminated.

No. 19-12 – Award issued on July 23, 2019

Claimant: *Anaphrodisiac, LLC* (Licensor)
Respondent: *Archstone Distribution, LLC* (Sales Agent)
Principals at the time Final Award issued: Unknown
Arbitrator: Judith M. Sasaki, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the unpaid balance of the installment payment due under the Sales Agency Agreement.

No. 19-14 – Award issued on July 30, 2019

Claimant: *Cinetel Films, Ince.* (Licensor)
Respondent: *Synergy Cinema* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: M. Jason Zelin, Esq.

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

No. 18-71 – Award issued on August 12, 2019

Claimant: *Vision Films, Inc.* (Licensor)
Respondent: *Romis Entertainment Kft.* (Sales Agent)
Principals at the time Final Award issued: Unknown
Arbitrator: Ronald M. Monitz, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the unpaid balance of the minimum guarantees due under three Distribution Agreements. It also found that Respondent's rights in the Pictures did not vest due to its breaches of the Agreements, and the Agreements were terminated.

No. 18-32 – Award issued on August 21, 2019

Claimant: *The Lennon Report, LLC* (Licensor)
Respondent: *Spotlight Pictures, Inc.* (Sales Agent)
Principals at the time Final Award issued: Unknown
Arbitrator: Peter L. Kaufman, Esq.

The Revised Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the unpaid balance of the minimum guarantee and provide revenue reports due under the Distribution Agreement, and terminated the Agreement.

No. 19-04 – Award issued on August 29, 2019

Claimant: *Gravitas Ventures, LLC* (Licensor)
Respondent: *Archstone Distribution, LLC* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: Mark Fleischer, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to: provide Claimant a full accounting of gross receipts from exploitation of the Picture; allow Claimant to perform audit of Respondent's accounting records; and return Picture materials pursuant to the Distribution Agreement. The Award also found that Respondent waived its right to terminate the Agreement due to Claimant's failure to cure defects in the Picture by not providing written delivery notification, and the Agreement was ordered terminated.

No. 19-35 – Award issued on October 4, 2019

Claimant: *Crayhill Versa Funding LLC* (Financier)
Respondent: *Cinema SRL* (Distributor)
Principals at the time Final Award issued: Unknown
Arbitrator: Dixon Q. Dern, Esq.

The Final Award (issued after a prove-up in a default case) ordered Respondent to pay to Claimant the outstanding loan balance due under the Bridge and Production Loan Agreement and Security Agreement. The Award also granted Claimant's request to terminate Respondent's rights under the Distribution Agreement with the Producer of the Picture.

No. 19-18 – Award issued on October 11, 2019

Claimant: *Charis Feeney-Orchard* (Producer)
Respondent: *Kimberly Boyle* (Writer)
Principals at the time Final Award issued: Charis Feeney-Orchard; Kimberly Boyle
Arbitrator: Roy G. Rifkin, Esq.

The Final Award found that Claimant was liable for copyright infringement when it failed to remit the purchase price under the Screenplay Option Purchase Agreement to procure rights to the Screenplay, and subsequently produced and distributed the Picture. The Award also granted Respondent's counterclaim for compensatory damages and denied Claimant's demand for declaratory relief.

No. 19-03 – Award issued on October 31, 2019

Claimant: *Oops! Productions* (Licensor)
Respondent: *Princ Films* (Sales Agent)
Principals at the time Final Award issued: Unknown
Arbitrator: Ferdinand Peters, Esq. (licensed in MN)

The Final Award found that Respondent did not materially breach the Film Sales Agreement by licensing the Film to third-parties without Claimant's prior approval. The Respondent was ordered to assign its rights under third-party distribution agreements to Claimant and to direct future payments to Claimant. The Respondent also was ordered to remove the Film from media platforms.

No. 19-20 – Award issued on December 9, 2019

Claimant: *Ark Brothers, LLC* (Producer)
Respondent: *Montecristo International Entertainment, LLC* (Sales Agent)
Principals at the time Final Award issued: Unknown
Arbitrator: Judith M. Sasaki, Esq.

The Final Award terminated the Sales Agency Agreement and ordered Respondent to pay to Claimant adjusted amounts due after a review of the royalty statements.

No. 16-30 – Award issued on December 19, 2019

Claimant: *Huayi Brothers International Limited* (Sub-Distributor)
Respondent: *Poquito Productions, LLC* (Licensor)
Cross-Respondents: *J Wick Productions, LLC, The Longoria Trust, and
Queen Mab Productions, Inc (Beneficiaries/CAMA)*
Principals at the time Final Award issued: Unknown
Arbitrator: Michael R. Diliberto, Esq.

The Final Award found that Respondent breached the International License Agreement and ordered Respondent to pay to Claimant the minimum guarantee due under the Agreement. The Award also terminated the Agreement. Respondent's counterclaim for implied covenant of good faith and fair dealing was dismissed, although the Award did not affect Respondent's cross-claims against the Cross-Respondents.