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Case: 25-CCB-0121

Date: June 24, 2025

Defendant: Sambo Sampson

Plaintiff: Julie M. Johnson

Subject: Discovery Responses of Sambo Sampson

INTERROGATORY RESPONSES

Interrogatory No. 1: Witnesses. Respondent Sambo Sampson (2921 Sunnyside Rd, Brighton, TN 38011; email: sambo@example.com) will testify on his own behalf. He is expected to provide testimony about the conception and creation of the accused saddle pad design, the lack of any willful infringement, the prompt removal of the alleged image, and the absence of any sales or profits from the design. Respondent intends to question Claimant and any witnesses she may name. Respondent reserves the right to cross-examine her as needed and call impeachment witnesses if necessary.

Interrogatory No. 2: Other Persons with Knowledge. Other than the parties, Respondent is not presently aware of additional individuals with important information about this claim. Julie M. Johnson (8094 Southworth Rd, Valley Springs, CA 95252; email: juliejohnsonsells@gmail.com) has knowledge of her own design “Zane” and her communications asking Respondent to cease use of it. No third-party non-party witnesses (such as customers or industry experts) have been identified at this time with unique information about the alleged infringement. Respondent names any witnesses presented by the Claimant. Respondent reserves the right to amend this response.

Interrogatory No. 3: Agreements/Relationships with Claimant. There is no agreement, license, business partnership, or other pre-existing relationship between Respondent and Claimant relevant to this claim. The parties have never collaborated or contracted with each other. They are independent saddle pad sellers, and prior to this dispute, they had no personal or business relationship that relates to the “Zane” design or any other work at issue.

Interrogatory No. 4: Documents Once in Possession (No Longer Available). Respondent is aware of one primary document that existed but is no longer in his possession: the original Facebook Marketplace post (or similar online listing) from late September or early October 2023 in which the Claimant’s pad image was mistakenly used. That online listing (including any comments or messages associated with it) was deleted shortly after it was posted and is no longer accessible to Respondent. Respondent did not retain an archive or screenshot of the listing at the time. To the best of Respondent’s knowledge, no other relevant documents have been lost or destroyed. If the Claimant retained screenshots of the original post or any Facebook messages where she asked Respondent to remove the design, those would be in Claimant’s possession; Respondent does not have copies beyond what is being produced in these responses.

Interrogatory No. 5: Creation of Respondent's Work. Respondent conceived and created the saddle pad design at issue on his own. In mid-2023, Mr. Sampson developed an idea for a new show pad pattern using traditional geometric motifs (common diamonds, stepped borders, etc.). He is the sole designer of this pad. The concept was formed by Sambo Sampson around summer 2023, and the design's color scheme and pattern were finalized by late September 2023. Respondent arranged for one sample pad reflecting this design to be produced at that time. In other words, Sambo Sampson himself conceived the pattern and had a single prototype pad made in 2023. The design was based on Respondent's independent creative choices and inspiration from widely-used Western patterns, not copied from Claimant's work.

Interrogatory No. 7: Prior Exposure to Claimant's Work. Yes. Respondent acknowledges that he saw an image of the Claimant's "Zane" pad design on a public online source around the time he was preparing to list his own pad. Specifically, in fall 2023 (on or about late September), Respondent encountered a photograph of a saddle pad later identified as Claimant's work via social media or a Facebook group. The image was likely found on a Facebook page or marketplace listing where the Zane design was shown. Respondent viewed this image after he had devised his own pattern, but prior to or during the process of advertising his pad. Unfortunately, he mistakenly used that same photo in his online sales post, not initially realizing it was Claimant's copyrighted image. This was the extent of Respondent's exposure to Claimant's actual work prior to the claim – limited to seeing that publicly posted photograph on the internet.

Interrogatory No. 8: Lack of Access (if applicable). Please see the response above to No. 7.

Interrogatory No. 9: Differences Between Works. Respondent contends that his saddle pad design is not substantially similar to Claimant's "Zane" design in protectable expression. While both pads share a general Western saddle blanket style with geometric patterns, there are several notable differences in appearance and execution:

Claimant's "Zane" pad (and similar Legends Ranch pads) features a specific arrangement of geometric shapes with her chosen color palette. The pattern consists of traditional motifs (diamonds, stepped triangles, etc.) laid out in a repeating sequence. For example, Claimant's design uses a warm tan/buckskin base with black, brown, and gold accent patterns, creating a distinct visual look. The edges and borders in her pad have particular stepped designs and color transitions that reflect her personal style.

Respondent's pad (Down The Rail Promotions design) uses different colors and pattern emphasis. In the sample shown, for instance, Respondent's pad incorporated a bold red and gray color scheme with black and white accents, distinguishing it from Claimant's earth-toned palette. The arrangement of diamonds and bars in Respondent's work is not identical to Claimant's: certain motifs are placed differently or sized differently. Any similarity between the two pads lies only in the use of common geometric elements (shapes like diamonds and lines) that are ubiquitous in Western show pads, not in any unique creative elements. In summary, the overall look and "feel"

of the two pads are not substantially similar to an ordinary observer. The side-by-side comparison of images illustrates that, beyond a shared genre style, the designs diverge in color combination, specific pattern details, and artistic expression. Any resemblance is coincidental or stems from standard design conventions rather than a protectable copying of Claimant's creative choices.

Interrogatory No. 11: Cessation of Infringing Acts (if any) – When and How. All activity alleged to be infringing has ceased and did so quite some time ago. Respondent's use of the Claimant's pad image and any related offer for sale stopped completely in early October 2023. Specifically, as soon as Respondent realized the mistake (or was made aware by Claimant's objections), he immediately removed the Facebook listing that contained the photo of Claimant's design. No sales were made, and the image was deleted from Respondent's sales page at that time. By October 2023, Respondent was no longer displaying, advertising, distributing, or offering any product featuring the "Zane" design. Since that date, Respondent has not resumed any use of Claimant's work to his knowledge. The pad in question hasn't reappeared in any of Respondent's listings, social media, or inventory after the fall of 2023. In sum, the allegedly infringing conduct was promptly halted over two years ago, and there have been no continuing or subsequent instances of infringement.

Interrogatory No. 12: Publication of Respondent's Work. Respondent's saddle pad design was minimally "published" online for a very brief period. The first and only time the design was offered or displayed publicly was via a Facebook Marketplace listing (and related Facebook groups) in late September 2023. That online post was effectively the "first publication" of Respondent's work – it included a photograph (unfortunately, the wrong photograph) and an offer to sell one pad. However, this publication was short-lived. The listing was taken down shortly after it went up (in early October 2023), and the work has not been published or advertised anywhere since. Aside from that Facebook posting, Respondent did not publish the design elsewhere. It was never listed on any website, never put up on Respondent's own Down The Rail Promotions page after that, and never featured in any catalog or physical store. Therefore, the only publication occurred online in fall 2023 and ceased almost immediately. There have been no subsequent publications of the accused pad design from that point to the present.

Interrogatory No. 13: No Harm to Claimant – Basis. Respondent believes that Claimant was not harmed (or suffered at most de minimis harm) by the brief and halted incident, for several reasons. First, no sales were ever made – Respondent did not actually sell any pad using Claimant's design, so Claimant lost no revenue or customers as a result of Respondent's actions. There were no completed transactions, meaning Claimant did not lose out on a single sale of her own. Second, the market impact was negligible: the pad image was displayed online only for a short time and then removed, so any potential customer exposure was very limited. There is no evidence that Claimant's reputation or market for her "Zane" pad was affected; indeed, Claimant continues to market her show pads, and her designs command their usual prices. Third, Claimant has not identified any actual damage – she has not pointed to specific lost orders or licensing

opportunities caused by Respondent. In the absence of any sale or widespread distribution by Respondent, the situation amounted to a one-time, quickly corrected mistake that caused no tangible economic harm. Finally, Respondent derived no profit (and thus Claimant could not have lost profit in relation to him). Given these facts, Respondent maintains that Claimant suffered no meaningful injury from the alleged infringement. At most, the incident was a trivial use that did not diminish the value of Claimant's work in the marketplace.

Interrogatory No. 14: Sales of Accused Work. No, Respondent has not sold any copies of the work incorporating Claimant's design. There were zero sales of the saddle pad design in question. Although the pad was briefly offered online, no customer purchase occurred. Respondent did not complete any sale, did not receive payment, and did not deliver any product based on the "Zane" design. In short, no units were sold.

Interrogatory No. 15: Revenues, Expenses, and Profits from Allegedly Infringing Material:

a. Revenues/Profits: Respondent received no revenue or profit from the alleged infringing material. As noted, no sales took place. Thus, total revenue was $0, and accordingly no profits were earned, whether as sales income, licensing fees, or any other form of income. Respondent did not collect any money whatsoever related to the pad that is accused of infringement.

b. Expenses/Deductible Costs: Because there were no sales, Respondent did not incur typical production or sales costs to fulfill orders. The only potential expense was the cost of creating a sample pad (e.g. materials or a one-time manufacturing cost). Respondent estimates that the cost of that prototype pad (materials and labor) was approximately $100. However, since the pad was never sold, this cost was never recovered. Other than that, there are no specific expenses tied directly to the alleged infringing use – no advertising spend, no shipping, etc., since the endeavor was never carried through to a transaction.

c. Other Factors in Profit: Not Applicable.

Interrogatory No. 16: Defenses and Basis. Respondent relies on several defenses as indicated in his Response Form. For each defense, the factual basis is explained below:

Independent Creation / No Infringement: Respondent's primary defense is that he did not knowingly copy any protectable aspect of Claimant's work. He independently created his saddle pad design using common geometric patterns long present in western saddle blankets. There is no direct evidence of copying beyond the incidental use of a photograph. Respondent had limited access to Claimant's design (only a publicly posted image) and had already formulated his own pattern. The similarities between the works are coincidental and stem from genre conventions, not from copying Claimant's original expression. In other words, any overlap is in general ideas or common designs, which does not constitute unlawful infringement. Respondent will testify that he came up with the design on his own and any resemblance in the finished look was unintended.

Unprotectable Elements / Public Domain Motifs: Respondent asserts that the elements of Claimant's "Zane" design that he allegedly used are not protected by copyright because they are standard designs in the public domain. The zig-zags, diamonds, and stepped patterns are age-old motifs used widely in Navajo and Southwestern textiles and by many saddle pad manufacturers. Such scènes à faire (standard design elements dictated by tradition and function) cannot be exclusively claimed by Claimant. Because Claimant's pad incorporates these generic shapes and color layouts, Respondent's use of similar shapes in his own pad is coincidental with public domain design, not a theft of unique creativity. This defense challenges the originality of what Claimant is trying to protect – Respondent believes the design lacks the requisite originality or contains so much familiar material that any similarity is not infringement.

De Minimis and Non-Commercial Use: To the extent any technical infringement occurred (e.g. the brief posting of Claimant's photo), it was de minimis – so minor that it caused no harm and should not be actionable. Respondent's use of the image was fleeting and promptly corrected. The pad was not mass-produced or widely disseminated. Only a single image on a single occasion was involved, and it was taken down quickly. Importantly, there was no commercial exploitation: Respondent earned no money and did not complete any business from the use. This defense is based on the fact that any infringement was so minimal in scope and effect that it did not rise to the level of a substantive violation of Claimant's rights.

Lack of Damages: Respondent also defends on the ground that Claimant cannot demonstrate any actual damages or losses from the incident. As detailed earlier, there were no sales by Respondent and no provable lost sales for Claimant. In a copyright claim before the CCB, without evidence of either actual damage or ill-gotten profit, any recovery would in any event be limited to a very small statutory amount. This defense underlines that Claimant's demand for $5,000 lacks factual support because the real-world impact was negligible. Essentially, even if liability were found, the absence of harm means the award should be minimal – and this ties into Respondent's overall position that the claim lacks merit given the absence of damage.

Any other defenses raised in the Response (such as a general denial of liability) are encompassed by the above explanations. Respondent reserves the right to assert additional defenses if new information arises, but at present the focus is on independent creation, lack of protectable similarity, de minimis use, and no damages..

DOCUMENT PRODUCTION RESPONSES

Below is a list of documents Respondent will produce in response to the standard requests for production (as limited by the CCB's discovery order). The documents are identified by category according to each request number, with a brief description of each item. Copies of all listed documents (and images) are being provided to the Claimant alongside these responses or have already been provided in the pleadings.

Request No. 1: Documents Respondent may use to support defenses. Respondent will produce all documents he is likely to rely upon in defending this claim. This includes, inter alia: (a) a May 15, 2025 letter from Respondent's counsel to Claimant (which outlines Respondent's factual position and lack of infringement), (b) comparative photographs of the Respondent's pad design and the Claimant's "Zane" design (illustrating the differences in patterns and colors), (c) screenshots of relevant online information (such as the absence of the accused pad in any current listings, discussed further below), and (d) copies of communications relevant to the dispute. In general, all documents described in responses to Requests 2–7, 9, 10, 12, 13, and 16 below are also responsive to this Request and may be used in support of Respondent's defenses.

Request No. 2: Documents to disprove Claimant's infringement allegations or claimed damages. In order to rebut the allegations of ongoing infringement and harm, Respondent is producing: (a) Screenshots demonstrating no current sales or listings – for example, a current screenshot of the Legends Ranch Show Pads website showing that the "Zane" pad is not listed for sale on Claimant's own site (indicating that Respondent is certainly not selling it there, and also suggesting Claimant herself is not actively selling that design at present). Additionally, Respondent will provide (b) social media page screenshots from Respondent's Down The Rail Promotions Facebook page, confirming that as of 2025 the accused pad is nowhere to be found among Respondent's products or posts (supporting that any infringement ended long ago). Respondent is also producing (c) correspondence from Respondent to Claimant in which he denies any continued sales and informs her that the pad listing has been removed – this contemporaneous communication helps disprove the notion that infringement was ongoing after that point. Finally, to address damages, Respondent points to (d) the absence of any sales records for the pad – Respondent has no invoices or receipts of sale for the design, which itself is evidence (through absence) that no revenue was made. Together, these documents negate Claimant's claims of ongoing infringement and significant damage.

Request No. 3: Documents conflicting with Respondent's defenses. Respondent is not aware of any additional documents (aside from those already produced by either party) that contradict or undermine his defenses. All known relevant documents actually tend to support Respondent's narrative. For transparency, Respondent will produce the primary image at issue – the photo of Claimant's "Zane" pad that was mistakenly used in Respondent's Facebook post – even though Respondent's use of that image was inadvertent. That image could be seen as conflicting with Respondent's independent creation defense (inasmuch as it shows Respondent had access to and briefly used Claimant's exact design image). However, Respondent has already acknowledged this limited use. Other than that, Respondent has no documents in his possession that contradict his position.

Request No. 4: Documents referred to in preparing interrogatory answers. In answering the interrogatories, Respondent consulted a few key documents, all of which are being produced. These include: (a) the May 15, 2025 letter from Wooten Law Office to Claimant, which was

referenced for details on Respondent's position and timeline; (b) copies of communications between Claimant and Respondent in late 2023, which helped confirm dates (e.g., when Respondent told Claimant the listing was down); and (c) the photographs of both parties' pads, used to articulate differences in Interrogatory 9. Respondent also reviewed his business records to confirm that no sales occurred – while no formal document was generated for "no sales," he did verify that no invoice existed for the pad. In sum, any document that informed the interrogatory responses (dates, facts, comparisons) is included in this production (most of them are duplicates of documents identified in other categories here).

Request No. 5: Copies of all versions of Respondent's work that allegedly infringes Claimant's. Respondent will produce a photograph of the saddle pad design that he created and was intending to sell (the design accused of infringing "Zane"). This photo shows the Down The Rail Promotions pad in the color scheme and pattern Respondent conceived. To Respondent's knowledge, there is only one version of this pad ever made. (No alternate color versions or modified versions were produced.) The single sample pad is depicted in the produced photo. Thus, the photo can be considered a representative image of Respondent's work. In addition, Respondent is producing the photograph of Claimant's "Zane" pad that was used in his listing (as mentioned above). While that is actually Claimant's work, it was the image associated with Respondent's listing. Showing both images – Respondent's actual pad and the Claimant's pad photo that was mistakenly used – will allow a clear comparison of what was allegedly "copied." No other versions of Respondent's pad exist (he did not, for example, create multiple different blankets copying the design).

Request No. 6: Documents and communications referring or relating to Claimant's work or Respondent's use of it. Respondent will produce all known communications and documents that reference the "Zane" design or Respondent's use thereof. This includes: (a) correspondence between Claimant and Respondent in 2023 – specifically, screenshots) dated around October 1, 2023 in which Claimant Julie Johnson first contacted Respondent about the pad, and Respondent's reply assuring her that the item was removed and there would be no further use. These communications directly concern Claimant's work and Respondent's halt of any use.

Request No. 7: Documents related to the creation of Respondent's work. To the extent applicable, Respondent will produce what evidence he has of how his pad design was created. Photographs of the Respondent's pad (the finished product) are provided, as they show the outcome of his design process.

Request No. 9: Documents related to Respondent's right to use Claimant's work or elements of it. Respondent did not have any license or direct permission from Claimant to use the "Zane" design, so there are no license agreements or written permissions to produce. However, Respondent will provide documents supporting his justification for using certain design elements. Specifically, Respondent is producing several example images of saddle pads from other sources (public websites/catalogs) that feature similar geometric patterns. For instance, Respondent will include

printouts or screenshots of pads sold by Derby Originals, Saguaro Show Pads, and Mayatex which have comparable motifs (diamonds, stepped borders, etc.). These documents are being offered to demonstrate that the design elements in question are widely available and not exclusive to Claimant. In essence, they support Respondent's "right" to use those generic elements because they are in the public domain/common trade usage. Additionally, if Claimant's Legends Ranch Show Pads social media or site contained any statements about allowing others to use certain designs (unlikely, but in case of any public domain acknowledgment), Respondent would produce that; currently, none are known. Therefore, the focus is on industry examples and design references that substantiate Respondent's defense that he was free to use the general patterns he did.

Request No. 10: All communications with Claimant about the work at issue. Respondent will produce relevant communications exchanged with Julie M. Johnson (Claimant) regarding the design "Zane" or the subject matter of this claim. This includes: (a) an communication thread from approx. October 2023 – in this thread, Claimant contacted Respondent (via Facebook Messenger) demanding that he stop using her design, and Respondent's response, in which he apologized for the confusion, denied any continued sales, and confirmed the listing was removed. These communications have been produced or already exchanged by the parties in communications, discovery or pleadings.

Request No. 12: Documents showing where Respondent's work was published. Respondent will produce documents sufficient to identify where and when the accused pad design was publicly offered. The principal document here is a description of the Facebook listing (since the listing itself no longer exists online). Respondent is providing a written summary printout that includes the key details of the listing: the platform (Facebook Marketplace and affiliated Facebook "Show Pads for Sale" group), the date (around October 1, 2023), the product description used, and the fact that it included the image of Claimant's pad. To supplement this, Respondent is also producing a current screenshot of his Facebook Marketplace profile which indicates no active listings for any such pad – effectively showing that the work is not published anywhere now. Together, these documents show that the only place Respondent's pad was ever "published" was that single, now-removed Facebook post, and nowhere else (not on any retail website or physical catalog). There are no other publication locations to document.

Request No. 13: Documents showing Respondent's access to Claimant's work. To the extent Respondent had access to Claimant's copyrighted design, the evidence of that access is being produced. Specifically, Respondent will produce the digital photograph file of Claimant's "Zane" pad that he saved and inadvertently used. This is the exact image that Respondent saw on social media and downloaded for reference. By producing this image (in its original form as obtained), Respondent demonstrates how he accessed Claimant's work – through an online photo that was publicly available. Additionally, Respondent is producing a screenshot of the public post/listing where Claimant's pad was displayed (if available, for example from Claimant's own advertisement

or social media). For instance, if Claimant had posted the "Zane" pad for sale or showcased it on Instagram or Facebook (which is where Respondent encountered it), a screenshot of that source will be provided to show the context of access. These documents collectively show that Respondent's only access to Claimant's work was via online publicly-viewable content that Claimant herself (or her business) had posted. There were no private exchanges or other channels of access. In summary, the photo of the pad and the online source of that photo are provided as evidence of what access Respondent had to the "Zane" design.

Request No. 16: Documents showing revenues, profits, and related financial information (for Respondent defending an infringement claim). Respondent has conducted a diligent search of his financial records and has no documents indicating any revenue or profit from the accused pad design, because none were generated. There are no sales receipts, invoices, bank statements, deposit records, or accounting entries that reflect income from the pad at issue.

Regarding expenses (costs) related to the pad: Respondent has no dedicated financial documents solely for costs of this pad.

Regarding elements of profit attributable to factors other than the infringing material: Since there was no profit at all, there are no documents to produce on this subpoint.

In conclusion, Respondent's production will show a complete lack of financial gain from the alleged infringement. No further financial documents are applicable beyond confirming the absence of sales.

All of the above-listed documents (in Requests 1–7, 9, 10, 12, 13, and 16) are being provided concurrently or have already been filed in the pleadings. Respondent reserves the right to supplement.

This 14th day of October, 2025.

Respectfully Submitted,

WOOTEN LAW OFFICE

s/ William A. Wooten

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been sent via U.S. Mail and/ or email to the following party this 14th day of October, 2025:

Julie Johnson
juliejohnsonsells@gmail.com

s/ William A. Wooten
WOOTEN LAW OFFICE

Proof of Delivery

I hereby certify that on Wednesday, April 01, 2026, I provided a true and correct copy of the Interrogatory from Respondent to the following:

Sambo Sampson, represented by Sambo Sampson, served via MANUALEEMAIL

Signed: /s/ Julie Ma Johnson