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Letter Regarding Bad-Faith Conduct

April 1, 2024
23-CCB-0024 Shocked v Law Rocks

Dear Copyright Claims Board Staff

Thank you for extending the deadline for submission of position statement and evidence for the merit conference. I have submitted a request for leave to amend my previously filed statement and evidence

I am also requesting the Copyright Complaint Board to strike the submission by Law Rocks, “Law Rocks Position Statement for the Merits Conference.” In the alternative, I am asking the CCB to strike section II Part B “Claimant Michelle Shocked” of the document, as well as any other offensive statements impugning my character that have no bearing on the facts of the case. In my Evidence submission I have documented over 120 of these defamatory falsehoods, lies, misrepresentations, and mischaracterizations.

Respondent Law Rocks makes gratuitous attacks on my character and motivations in response to my claim of copyright infringement. Three examples include:

a. Law Rocks suggests that my “Fraudulent First Sale Coalition” is somehow a fraudulent enterprise yet they provide no evidence other than they could not find a website. My advocacy for copyright creators —whether or not Law Rocks likes it or not — is irrelevant to the question of copyright infringement in this case.

b. Law Rocks revisits the question of my 2013 concert encore, a Mennipean satire to demonstrate the widespread abuse of artists’ rights via concert bootlegs, by attributing an offensive statement I reportedly made, that was, in fact, not made. Law Rocks mischaracterizes this event because what they want to do is destroy my character before this court — not address the facts of their copyright infringement.

c. Law Rocks alleges that my legal demands to protect my copyrighted works are “threatening” and “harassment”. Yet making demands to copyright infringers is not a defense to copyright infringement.

These types of statements are no different than the rape defendant’s lawyer attacking the purity of the rape victim in order to influence the jury to acquit. It’s the same trick.

According to the CCB Handbook, page 2, conduct of participants in this proceeding must comply with the conduct requirements of the D.C. Bar. Those conduct rules include that “A lawyer shall not: ....(e) In trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence....” (DC Rule 3.4)

Assassination of my character is not “relevant” to this case nor is suggesting fraud without any evidence. Respondent Law Rocks and their counsel know that these attacks are not relevant, nor that they have no evidence of fraud.

For this reason, my request to strike from the record must be granted.

Michelle Shocked, Claimant

Proof of Delivery

I hereby certify that on Monday, April 01, 2024, I provided a true and correct copy of the #23 23-CCB-0024 LRX Letter Regarding Bad-Faith Conduct to the following:

Law Rocks, represented by Charles D. Jarrell, served via ESERVICE at cjarrell@allenmatkins.com

Signed: /s/ Michelle Shocked