Electronically Filed
Docket: 23-CCB-0381
Filing Date: 08/20/2024 05:18:37 PM EDT

COPYRIGHT CLAIMS BOARD

GAVIN O'NEILL

Claimant,

- against –

SABRINA CARROLL d/b/a SKY LOUNGE SKIN CARE

Case No.: 23-CCB-0381

INDEX OF EXHIBITS

TO THE BOARD, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Claimant Gavin O'Neill hereby submits the following exhibits in support of his Supplemental Party Statement and in response to the CCB's August 7, 2024 Order:

Exhibit Tab	**Declaration of Lauren Kelly**
A	Screenshot of Infringing Post with Time Stamp
B	Email from Lauren Kelly to Respondent
C	Horrigan Emails to Respondent
Exhibit Tab	**Declaration of Taryn Murray**
D	Screenshot of Respondent's Facebook
E	Screenshot of Respondent's Personal Facebook Page
F	Screenshot of Respondent's Website

DATED: August 20, 2024

Respectfully submitted,

/s/ Taryn R. Murray
Taryn R. Murray, Esq.
Bar No. 5888896
HIGBEE & ASSOCIATES
3110 W. Cheyenne Ave #200
N. Las Vegas, NV 89032
(714) 617-8373
(714) 597-6729 facsimile
tmurray@higbee.law
Attorney for Plaintiff

INDEX OF EXHIBITS

Exhibit “A”

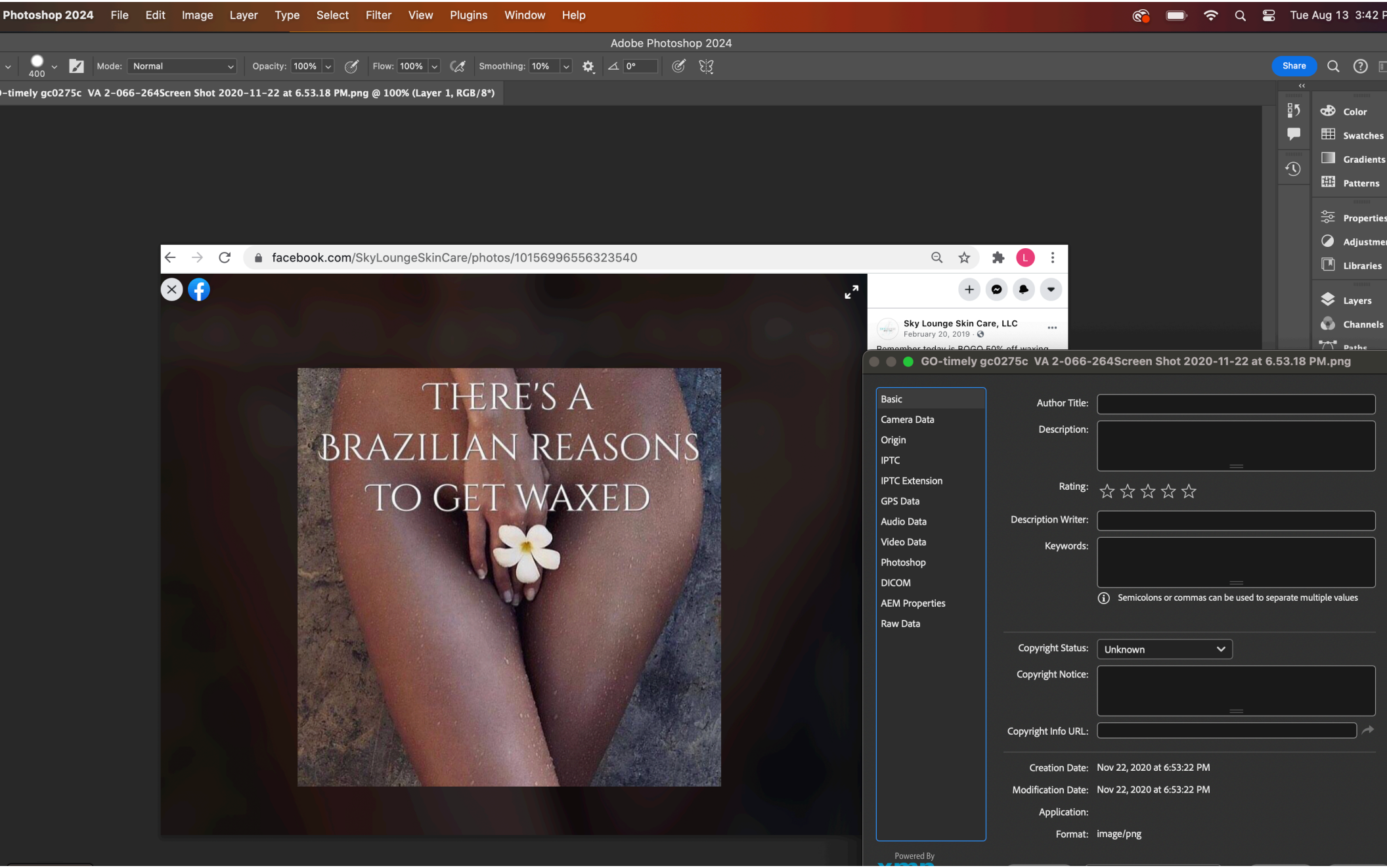

Photoshop 2024 File Edit Image Layer Type Select Filter View Plugins Window Help
Tue Aug 13 3:42 P
Adobe Photoshop 2024
Mode: Normal
Opacity: 100%
Flow: 100%
Smoothing: 10%
Share
-timely gc0275c VA 2-066-264Screen Shot 2020-11-22 at 6.53.18 PM.png @ 100% (Layer 1, RGB/8*)
Color
Swatches
Gradients
Patterns
Properties
Libraries
Layers
Channels
facebook.com/SkyLoungeSkinCare/photos/10156996556323540
Sky Lounge Skin Care, LLC
February 20, 2019
THERE'S A BRAZILIAN REASONS TO GET WAXED
GO-timely gc0275c VA 2-066-264Screen Shot 2020-11-22 at 6.53.18 PM.png
Basic
Camera Data
Origin
IPTC
IPTC Extension
GPS Data
Audio Data
Video Data
Photoshop
DICOM
AEM Properties
Raw Data
Author Title:
Description:
Rating:
Description Writer:
Keywords:
Semicolons or commas can be used to separate multiple values
Copyright Status: Unknown
Copyright Notice:
Copyright Info URL:
Creation Date: Nov 22, 2020 at 6:53:22 PM
Modification Date: Nov 22, 2020 at 6:53:22 PM
Application:
Format: image/png
Powered By

Exhibit “B”

Subject: Fwd: Urgent/ Unauthorized use of images
Date: Thursday, August 8, 2024 at 10:10:22 PM Eastern Daylight Time
From: Lauren Kelly
To: Taryn Murray
Attachments: Screen Shot 2020-11-22 at 6.52.59 PM.png, Screen Shot 2020-11-22 at 6.53.41 PM.png, Screen Shot 2020-11-22 at 6.54.05 PM.png, Screen Shot 2020-11-22 at 6.53.18 PM.png, Screen Shot 2020-11-22 at 6.53.08 PM.png, Screen Shot 2020-11-22 at 6.52.39 PM.png, Screen Shot 2020-11-22 at 6.52.18 PM.png

---------- Forwarded message ---------
From: **Lauren Kelly** <lk@lkcreativeconsulting.com>
Date: Sun, Nov 22, 2020 at 7:04 PM
Subject: Urgent/ Unauthorized use of images
To: <skyloungeskin@gmail.com>

Hello Sky Lounge Skin,
I have been authorized by several photographers and agencies to handle their claims of copyright infringement.

I am reaching out to inform you that Trunk Archive, Tamara Williams & Gavin O'Neill's copyrighted photographs have been posted on your social media accounts, for which we have no record of a license.

Could you please confirm that your team received permission to use this image, and could you provide documentation of this approval so that our records can be updated accordingly?

We look forward to hearing back from you.

This letter is without prejudice to Trunk Archive, Tamara Williams & Gavin O'Neill's rights and remedies, all of which are expressly reserved.

Thank you,

Lauren Kelly
LK Creative Consulting
617 894 5082
https://www.trunkarchive.com/

Exhibit “C”

Subject: Fwd: Unauthorized Use of Images by Sky Lounge Skin
Date: Thursday, August 8, 2024 at 10:10:44 PM Eastern Daylight Time
From: Lauren Kelly
To: Taryn Murray

---------- Forwarded message ---------
From: **William Horrigan** <william@lkcreativeconsulting.com>
Date: Tue, Aug 31, 2021 at 5:12 PM
Subject: Re: Unauthorized Use of Images by Sky Lounge Skin
To: Sabrina Carroll <info@skyloungeskincare.com>
Cc: Lauren Kelly <lk@lkcreativeconsulting.com>

Good afternoon,

Following up on our request for your attorney's information as we have yet to receive a response. LKCC does not wish to forward this case to our litigator but we are prepared to do so if forced. Please respond in order to initiate a dialogue regarding settlement of this matter.

Respectfully,
WMH

On Fri, Jul 30, 2021 at 1:28 PM William Horrigan <william@lkcreativeconsulting.com> wrote:

> Good afternoon,
>
> I'll be happy to take your attorney's information and get this discussion going. Please forward at your earliest convenience.
>
> Respectfully,
> WH
>
> On Fri, Jul 23, 2021 at 6:07 PM Sabrina Carroll <info@skyloungeskincare.com> wrote:
>
> > Good afternoon William,
> > I have reached out to the company I used for my marketing services in the time of question. I haven't heard back from them yet, however I will be contacting my attorney this weekend and we will be in touch. Thank you.
> >
> > *Sabrina Carroll*
> >
> > Owner/ Lead Esthetician
> >
> > Phone:(443)839-4901
> >
> > 519 N. Charles Street Suite 1st Floor Baltimore, MD 21201
> >
> > www.skyloungeskincare.com

On Jul 23, 2021, at 3:36 PM, William Horrigan <william@lkcreativeconsulting.com> wrote:

Good afternoon Sabrina,

Following up on this issue. Were you able to secure their letter(s) of authorization for the photos? If there was no authorization, then the responsibility will fall on Sky Lounge for posting the images unless the 3rd party is willing to assume responsibility. Please advise at your earliest convenience.

Respectfully,
WH

On Fri, Jun 25, 2021 at 5:06 PM Sabrina Carroll <info@skyloungeskincare.com> wrote:

> Good afternoon,
> I'm not quite sure how these emails slipped under my email. The pictures that you are referencing I didn't create that content on my own. I was using a company that would post for me 3 times a week and create captions. I can reach out to them but from my understanding they has the right to use the photos.
>
> ***Sabrina Carroll***
> Owner & Lead Esthetician
> Sky Lounge Skin Care
> 519 N. Charles Street Suite 100
> Baltimore, MD 21201
> 443-839-4901
> www.skyloungeskincare.com
>
> > On Jun 25, 2021, at 4:07 PM, William Horrigan <william@lkcreativeconsulting.com> wrote:
> >
> > Good afternoon,
> >
> > I'm forwarding the below email chain to info@skyloungeskincare.com as LKCC has not received a response from skyloungeskin@gmail.com. Please review the thread below for details regarding Sky Lounge's unauthorized use of copyrighted images. The images at issue are attached.
> >
> > Respectfully,
> > William Horrigan
> >
> > On Fri, May 28, 2021 at 11:52 AM William Horrigan <william@lkcreativeconsulting.com> wrote:
> >
> > > Good morning,
> > >
> > > I am following up as we have not received a response in 14 days. Please contact myself or LKCC at your earliest convenience to discuss further. LKCC reserves the

right to file a claim in court if no response is received. The settlement offer of $19,000 still stands.

Respectfully,
William Horrigan

On Tue, May 11, 2021 at 11:06 AM William Horrigan <william@lkcreativeconsulting.com> wrote:

> **Unauthorized Use of Images by Sky Lounge Skin**
>
> 11 May 2021
>
> Dear Madame,
>
> I am an attorney retained by LK Creative Consulting, LLC (LKCC) to pursue, on their behalf, a claim of copyright infringement from the unauthorized use of its client's images.
>
> It has come to LKCC's attention that images owned by its clients were being used online by your company and are being stored on your servers in the United States; according to our records there are no valid licenses issued to your company for the use of these images. I have attached the original infringements from LKCC's prior email correspondence (22 November 2020 - no response received) attached to this email.
>
> Use of these images without a valid license is copyright infringement and a violation of the Copyright Act, 17 U.S. Code § 106, entitling LKCC, on behalf of its client, to seek damages for the infringing use.
>
> As several of the images are registered timely with the U.S. Copyright Office, LKCC's clients are entitled to statutory damages as well as repayment of their attorney fees. We are offering a discounted settlement of $19,000 to settle the matter this month otherwise LKCC's clients have the right to file suit with an initial demand upwards of $35,000.
>
> LKCC, its clients, and myself aim to reach an amicable and speedy resolution to this matter. This letter is without prejudice to either LKCC or its clients' rights and remedies, all of which are expressly reserved.
>
> Respectfully,
>
> /s/
> William M. Horrigan, Esq.
> Attorney
> Horrigan Law, LLC
> LK Creative Consulting LLC

--
Respectfully,

William M. Horrigan, Esq.
Attorney (MA)
Horrigan Law, LLC

LK Creative Consulting, LLC

--
Respectfully,

William M. Horrigan, Esq.
Attorney (MA)
Horrigan Law, LLC
LK Creative Consulting, LLC

<Screen Shot 2020-11-22 at 6.52.59 PM.png>
<Screen Shot 2020-11-22 at 6.52.39 PM.png>
<EN-Screen Shot 2020-11-22 at 6.53.08 PM.png>
<Screen Shot 2020-11-22 at 6.53.18 PM.png>
<Screen Shot 2020-11-22 at 6.52.18 PM.png>
<Screen Shot 2020-11-22 at 6.53.41 PM.png>
<Screen Shot 2020-11-22 at 6.54.05 PM.png>

--
Respectfully,

William M. Horrigan, Esq.
Attorney (MA)
Horrigan Law, LLC
LK Creative Consulting, LLC

--
Respectfully,

William M. Horrigan, Esq.
Attorney (MA)
Horrigan Law, LLC
LK Creative Consulting, LLC

Exhibit “D”

facebook

Email or phone

Password

Log In

Sky Lounge Skin Care, LLC

1.6K followers · 15 following

Posts | About | Reels | Photos | Videos | ...

About

Contact and basic info

Page transparency

Details About Sky Lounge Skin Care, LLC

About Sky Lounge Skin Care, LLC

Sabrina Carroll is the sole owner and founder of Sky Lounge Skin Care, a spa dedicated to expert body waxing and custom facials driven by results. She is a licensed esthetician and professional wax trainer. Her goal is to promote beauty and self-care through spa and wellness services.

She began her journey as an esthetician in 2007. After graduating from the Baltimore School of Massage in 2009 with a certificate in esthetics, Sabrina decided to open her own spa specializing in quick, painless brazilians and facial treatments tailored to each individual's needs. Since then she has dominated in waxing, facials, and chemical peels.

Currently Sabrina is expanding Sky Lounge Skin Care in new services and sophisticated talent.

Thank you for being a part of one of the most exciting journeys of her life. Welcome to the Sky Lounge Skin Care

Exhibit “E”

facebook

Email or phone | Password





Sabrina QueenofWaxing Carroll

5.3K followers · 316 following

Posts | About | Reels | Photos | Videos | ...

About

Overview

Work and education

Places lived

Contact and basic info

Privacy and legal info

Profile transparency

Family and relationships

About Sabrina QueenofWaxing

Expert Wax technician, Esthetician, Makeup Artist, Manicurist and Teeth Whitening Practioner.
www.skyloungeskincare.com

Woman Of Power
Owner of Sky Lounge Skin Care

Become a fan of Sky Lounge :
http://www.facebook.com/home.php?#!/pages/Baltimore-MD/Sky-Lounge-Skin-Care-LLC/119370783539

I am the Owner and Operator of Sky Lounge Skin Care at 519 N. Charles Street in Baltimore, MD. I'm also a Esthetician, Makeup Artist, Nail Technician, Teeth Whitening and V- Steam Practitioner

facebook

Email or phone | Password





Sabrina QueenofWaxing Carroll

5.3K followers · 316 following

Posts | About | Reels | Photos | Videos | ...

About

Overview

Work and education

Places lived

Work

Owner-Operator at **Sky Lounge Skin Care, LLC**
June 2009 - Present

Serving the Baltimore area with premier skin care, waxing, and nail care services. Here at Sky Lounge Skin Care we specialize in Brazilian waxing. Owner Sabrina Carroll a.k.a the "Queen of Waxing" has the ability to make intimate waxing services something you don't have to dread. In addition to full body waxing we also provide skin treatments and natural nail care.

Exhibit “F”

The Wayback Machine - https://web.archive.org/web/20240619071235/https://www.skyloungeskincare.com/

SKY LOUNGE skin care

(/web/20240619071235/https://www.skyloungeskincare.com/)

- Home
- About Us
- Products
- Services
- Gift Cards (https://web.archive.org/web/20240619071235/https://clients.mangomint.com/gift-cards/638494)
- Glo2 Facials (/web/20240619071235/https://www.skyloungeskincare.com/glo2-facials)
- Massage (/web/20240619071235/https://www.skyloungeskincare.com/massage)
- Membership (/web/20240619071235/https://www.skyloungeskincare.com/membership)
- Promotions
- Blog
- FAQs
- Sezzle
- Shop Now
- Monthly Experiences

Your destination for an elevated spa + wellness experience.

Treat yourself with a rejuvenating experience at Sky Lounge Skin Care in Baltimore, MD.

Book Now (https://web.archive.org/web/20240619071235/https://booking.mangomint.com/638494)

Our Top Spa Services

Products Glo2Facial Membersh

(/web/20240619071235/https://www.skyloungeskincare.com/products) (/web/20240619071235/https://www.skyloungeskincare.com/glo2facials) (/web/20240619071235/https://www.skyloungeskincare.com/me

Our team of expert estheticians and massage therapists is committed to providing you with an unparalleled spa experience, ensuring that you leave feeling refreshed, renewed, and radiant.

Baltimore’s #1 Spa Day Destination

There’s a reason why Sky Lounge Skin Care has been known as the best med spa in Baltimore for more than 15 years. Whether you're seeking a youthful glow, relaxation from everyday stress, or a personalized skincare regimen, we’re here to elevate your self-care routine.

Visit our spa today and discover what happens when the most advanced treatment methods available intersect with the most comfortable environment possible.

Learn More (/web/20240619071235/https://www.skyloungeskincare.com/about-us)

Meet The Owner

Sabrina Carroll, the renowned "Queen of Waxing," is the founder of Sky Lounge Skin Care in Baltimore, MD. Specializing in virtually pain-free waxing and customized skincare treatments, Sabrina brings nearly 15 years of industry expertise to every service. Certified by PCA Skin, Dermaplane Pro, Glo2Facial, and The International Dermal Institute, she ensures a luxurious, personalized spa experience for busy moms, wives, and professionals.

At Sky Lounge Skin Care, guests enjoy a serene environment where comfort, quality products, and exceptional customer service are the standard. Sabrina's commitment to customization is showcased through her Glo2Facial treatments, offering seven unique options to meet the diverse needs of her clients.

Beyond the spa, Sabrina is a pillar in the Baltimore community, engaging with local youth and providing summer jobs to teens, reflecting her dedication to both personal and community well-being.

Swing by Sky Lounge Skin Care and see why it’s Baltimore’s top spot for skincare and waxing! Each visit promises not just a treatment, but an adventure in luxury and top-notch care. Come find out why Sabrina Carroll isn't just the Queen of Waxing—she's your go-to guru for skin that's not just treated, but transformed.

Our Studio







Your path to glowing skin, inner peace, and ultimate relaxation begins at Sky Lounge Skin Care

Schedule your appointment today at our Baltimore med spa and start your self-care journey with us!

Book a Spa Visit (https://web.archive.org/web/20240619071235/https://booking.mangomint.com/638494)


Carroll
Hot Towel Warmer







Artboard 1 copy.jpg

(https://web.archive.org/web/20240619071235/https://www.yelp.com/biz/sky-lounge-skin-care-baltimore-

(https://web.archive.org/web/20240619071235/https://www.skyloungeskincare.com/)

(443) 839-4901 (tel:4438394901) | 519 N. Charles St.Ste 100 Baltimore, MD 21201 (https://web.archive.org/web/20240619071235/https://m360.us/2b3a)

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Proof of Delivery

I hereby certify that on Tuesday, August 20, 2024, I provided a true and correct copy of the Index of Exhibits and Exhibits A-F to the following:

Sabrina Carroll, represented by Sabrina Carroll, served via MANUALEEMAIL

Signed: /s/ Taryn R. Murray