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 Respondent.	Case No. 23-CCB-0381 **DECLARATION OF LAUREN KELLY**

I, Lauren Kelly, declare as follows:

1. I am over the age of 18 years old. I have personal knowledge of all matters stated herein, and if called as a witness, I could and would competently testify thereto.

2. I am responsible for assisting with registering O'Neill work with the U.S. Copyright Office as well as searching for unauthorized uses of O'Neill's photographs.

3. On November 22, 2020, I discovered O'Neill's Beauty Photograph published to Respondent's Facebook.

4. Attached hereto as Exhibit A are true and correct screenshots of the Infringing Post, showing November 22, 2020 in the screenshot metadata as the date I discovered the infringement.

5. That same day, I reached out directly to Respondent to inquire as to whether they received authorization to use the Beauty Photograph and requesting any such documentation to evidence when and from whom they received permission.

6. Attached hereto as Exhibit B is a true and correct copy of the email I sent to Respondent.

7. I also confirmed with O'Neill that he did not provide authorization to Respondent for use of the Beauty Photograph.

8. Respondent did not reply to my November 22, 2020 email.

9. On May 11, 2021, following Respondent's failure to contact me directly, an attorney, William Horrigan, retained by my organization to assist with enforcing the copyrights of my clients, reached out to Respondent. Horrigan did not receive a response and subsequently sent follow up emails on May 28, 2021 and June 25, 2021.

10. On June 25, 2021, Respondent replied to Horrigan and indicated she would provide additional information as to where the Photograph was sourced from.

11. On July 23, 2021, Horrigan followed up with Respondent as he had not received the additional information.

12. That same day, Respondent indicated she would have her attorney reach out to Horrigan.

13. On August 31, 2021, Horrigan followed up with Respondent again as he had not heard from the Respondent or her attorney.

14. Attached hereto as Exhibit C is a true and correct copy of the emails between Horrigan and Respondent.

15. Horrigan ceased work on this matter on September 15, 2021 as it appeared that Respondent was not serious about resolving the matter.

16. In October 2023, realizing the statute of limitations was approaching, I reached out to O'Neill to inquire as to whether he would like to pursue this matter in litigation, which he confirmed.

17. Shortly thereafter, I sent this matter to Higbee & Associates to be filed

with the Copyright Claims Board on O'Neill's behalf.

I certify under penalty of perjury and under the laws of the United States that the foregoing is true and correct.

Executed on August 18 2024, in New York, New York.



Lauren Kelly

Proof of Delivery

I hereby certify that on Tuesday, August 20, 2024, I provided a true and correct copy of the Witness Statement - Lauren Kelly to the following:

Sabrina Carroll, represented by Sabrina Carroll, served via MANUALEEMAIL

Signed: /s/ Taryn R. Murray