Electronically Filed
Docket: 23-CCB-0037
Filing Date: 09/11/2024 10:38:29 AM EDT

Case Name: Osuchowski v. Lewis, et al (Mr Charles Osuchowski v. Mr Tyler F Lewis, Mr Christopher Annis, Ms Kathy E Diaz) Docket Number 23-CCB-0037 for Copyright Claims

Position Statement of Mr Tyler Lewis, Mr Christopher Annis, and Ms Kathy E Diaz

The Claimant left the musical group Obsidian in late July 2022. The claimant had sent over an invoice for things like labor and materials. Even though most of this stuff was paid for by the band through other vendors the band felt it would be best to pay the claimant to avoid any escalation. However, the Claimant insisted on having untraceable funds sent to him as payment and began to assert holding Obsidian Music LLC's assets for ransom. We filed a replevin case to which the Claimant counter-sued for Copyright Infringement. We won the first case for the replevin and settled with a payment of $550 for his infringement case. However, several of the items were created with other members of the band. "A Swamp" was Tyler Lewis's idea and several members of the band assisted in creating the prop. Tyler Lewis also took the photo. Tyler Lewis directed the artwork for "Living Dead" and based on their own experience that was the inspiration for the band's name. "Vultures" per the claimant's admission in a conversation with Kristopher Garcia, the artwork was to be re-worked for Obsidian.

At multiple points in time "Lips" was admitted by the Claimant to be derivative, as other bands using similar logos were brought up and if legal action should be taken. The font used on "Eros" which is a public domain work, was first used by Natasha Dykes who was paid $50 to create the original Obsidian logo. The font used is based on the Stanley Kubrick film A Clockwork Orange font.

Before settlement and copyright registration from the Claimant, all digital media was made free to download on the band Bandcamp page. Obsidian had purchased all materials for the vinyl records of “Vultures” from the claimant. From the cost of jacket materials and the vinyl records themselves. There were no physical media of “Living Dead”, “A Swamp”, or “Eros” as they had since been out of print production.

No physical media was recreated after the Claimant left Obsidian, and no profits were made from physical media disputed post-replevin. All the disputed artwork was removed to our knowledge since a settlement was reached with the claimant. The remaining artwork was removed once we were notified of its existence, all of which were posted by the Claimant. Obsidian has lost money on purchasing merchandise the Claimant constantly threatened against us and wishes to part ways with anything attached to the Claimant.

I swear these statements to be true under penalty of perjury. Signed,

Tyler Lewis

Christopher Annis

Kathy E Diaz

September 10, 2024

Proof of Delivery

I hereby certify that on Wednesday, September 11, 2024, I provided a true and correct copy of the Smaller Claims Position Statement to the following:

Charles Osuchowski, represented by Charles L Osuchowski, Mr., served via ESERVICE at chuck@ironforgepress.com

Christopher Annis, Mr, represented by Christopher Annis Mr, served via MANUALEEMAIL

Tyler F Lewis, Mr, represented by Tyler F Lewis Mr, served via MANUALEEMAIL

Signed: /s/ Kathy Diaz