



Election Systems
& Software

MAINTAINING VOTER CONFIDENCE.
ENHANCING THE VOTING EXPERIENCE.

EXPERIENCE
RELIABILITY
SECURITY
INNOVATION

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September 27, 2018

VIA ELECTRONIC MAIL TO:
johnbrakey@gmail.com
AND OVERNIGHT MAIL

Mr. John Roberts Brakey
Co-Founder and Director
Audit USA
1755 S. Jones Blvd., #R111
Tucson, AZ 85713

VIA OVERNIGHT MAIL

Ms. Arlene Leaf
Co-Founder and Treasurer
Audit USA
1755 S. Jones Blvd., #R111
Tucson, AZ 85713

Dear Mr. Brakey and Ms. Leaf:

Election Systems & Software, LLC ("ES&S") recently became aware of Audit USA's use of ES&S' copyrighted materials on its website, <http://www.auditelectionsusa.org>. Specifically, Audit USA's website has links to the following ES&S copyrighted documents:

- ES&S' Electionware® Volume I: Administrator's Guide;
- ES&S' Electionware® Volume II: Define User's Guide;
- ES&S' Electionware® Volume III: Design User's Guide;
- ES&S' Electionware® Volume IV: Deliver User's Guide;
- ES&S' Electionware® Volume V: Results User's Guide;
- ES&S' DS850® Operator's Guide;
- ES&S' System Overview;
- ES&S' DS200® Operator Guide; and
- ES&S' California Election Procedures Manual for ES&S' Central Scanners.

In addition to the above-referenced documents, Audit USA's website contains numerous proprietary photographs of ES&S' products; all of which are copyrighted by ES&S. The above-referenced documents and ES&S' photographs are collectively referred to herein as "ES&S' Copyrighted Materials." Please be advised that the unauthorized use by Audit USA of ES&S' Copyrighted Materials may result in significant liability for Audit USA.

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Copyright Infringement

As you know, ES&S is a world leader in providing total election management solutions. Of particular importance, ES&S has developed detailed technical materials including procedures for use, descriptions and photographs of its products, all as set forth in ES&S' Copyrighted Materials. These materials are all subject to copyright protection under United States federal law.

By using and posting ES&S' Copyrighted Materials, Audit USA is providing a means to infringe ES&S' copyright in its materials by enabling others to engage in unlimited and unauthorized downloading and publication of ES&S' Copyrighted Materials. The copying and posting of these copyrighted materials without permission is a violation of federal copyright law. Additionally, one who furnishes a copyrighted work to another, who in turn wrongfully copies from such work, may be liable as a contributory infringer.

As you may know, remedies for infringement of rights in copyrighted materials may include injunctive relief, seizure and impoundment of the infringing material, payment of damages to the copyright owner, and disgorgement of any profits made by the infringer attributable to the infringement. An infringer may also be liable for costs and attorney's fees.

Demand to Cease and Desist

Demand is hereby made that Audit USA immediately cease and desist from the unauthorized use of ES&S' Copyrighted Materials in any media or form, including posting on your website; that you immediately cease contributing to the unauthorized use by others by eliminating the ability to download ES&S' Copyrighted Materials off your website; and that you desist from this or other infringement of ES&S' rights in the future.

Be advised that if ES&S' demands, as set forth herein, are not complied with by Audit USA within ten (10) days of the date of this letter, ES&S will pursue any and all claims it may have against Audit USA. If litigation becomes necessary, ES&S will seek to recover any and all damages available to it, including associated court costs and attorneys' fees, all of which could result in a significant damages award against Audit USA.

We would hope that litigation does not become necessary, but will not hesitate to enforce our rights, obtain court ordered injunctive relief to prohibit your illegal activities, and recover any and all damages sustained by ES&S as a result of your illegal actions.

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We look forward to your immediate compliance with the demands made herein and request that you provide the undersigned with written verification of compliance. Govern your actions accordingly.

Sincerely,

A handwritten signature in blue ink, appearing to read "T = Hallett", with a horizontal line extending to the left.

Timothy J. Hallett
Associate General Counsel

cc: Eric Anderson – Vice President and General Counsel, ES&S