

RANDAZZA

LEGAL GROUP

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Via Email Only: infringements@ldschurch.org

Barry V. Taggart
Intellectual Property Office
The Church of Jesus Christ of Latter-day Saints
50 E. North Temple Street
Salt Lake City, UT 84150

Re: MormonLeaks™ | Copyright Infringement

Dear Mr. Taggart:

This law firm has the privilege of serving as counsel to MormonLeaks™, and your DMCA notice was forwarded to us for a response. You sent this DMCA notice to remove a PowerPoint presentation from the Internet. That PowerPoint discussed some of the LDS Church's inner workings and public relations strategies. My client obtained this document lawfully and had a right to distribute it in its capacity as a journalistic resource devoted to discussing facts about the LDS Church.

It is our position that your takedown notice was a misuse of the DMCA. Thus, my client has grounds to bring a claim against the LDS Church under 17 U.S.C. § 512(f). However, my client is prepared to forego this claim if your client is willing to be reasonable.

Despite the church's initial aggression, I believe that it will find our proposal reasonable. I believe this, because in modern times the LDS church seems to handle criticism and commentary with admirable grace, tact, and class.

I found the LDS church's reaction to *The Book of Mormon*, the musical, to be inspiring in the context of religious tolerance/intolerance of free speech. Where most religions react to mockery with anger, and sometimes even violence, the LDS Church embraced what others might have considered to be an insult. (If you are unfamiliar, the LDS church purchased an ad in the Parker & Stone production's playbill). There is no better way to demonstrate the strength of your beliefs than to tolerate criticism and mockery of them.

Of course, here we have a slightly different situation. We have a document about the inner workings of the LDS church, which someone decided they would rather keep a secret. Let us assume, *arguendo*, that my client did not have a right to distribute it.

Even if my client were to never lay eyes or fingers upon it again, it would still be disseminated worldwide. You tried to blow out a single candle, but in the process, you knocked it over into a field of dried leaves. You may have extinguished that initial flame. However, your attempted censorship simply caused the document to be further reproduced and redistributed that even a hypothetical divine being could not possibly undo the dissemination.

I recommend that the LDS Church look to the wisdom it had when it saw Trey Parker and Matt Stone's production as an *opportunity* rather than an *insult*. Whatever the inner workings of the Church, no matter what divinity you believe in, earthly religion is a manmade construct and will always have its defects and matters worthy of criticism. If it does something that warrants public attention, then let the sun shine upon it as the most effective disinfectant. If it has done wrong (I take no position that it has, or has not) then use this as an opportunity to improve. I imagine that if you believe in a divine being, you believe that this being can see what is happening behind closed doors – no matter who is in that meeting. If that being can see it, then why not all its children?

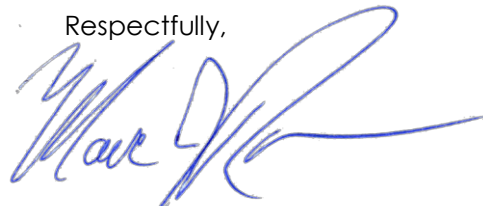
If you really believe that this document needs to be shielded from public view, perhaps you should ask yourself why that is. I imagine that any efforts to keep your inner workings under wraps would be more of an indictment of how the LDS church is doing things than any criticism it could suffer by release of this earthly document.

If you disagree, and it is still your intention to press this matter, I request that you think it through a little beyond the initial complaint. If you do seek to file a copyright infringement claim against my client, you will find that we will bring a vigorous fair use defense. We will have every right to engage in discovery in defending my client. Whatever it is you wish to keep a secret will now be not only disseminated on a few websites, but will become a matter of public record. Further, this document will become a far more important story than it was previously. In fact, those who found the story of minor interest will now find the attempt at censorship even more interesting.

In short, your efforts so far have backfired. Further efforts will backfire more.

At this point, my client is willing to let bygones be bygones. If your client is willing to step back from the brink, and to cease efforts to censor this material, my client is willing to refrain from bringing a claim under 17 U.S.C. § 512(f). Even better, my client is willing to be the instrument of the LDS Church claiming more moral high ground by doing away with the secrecy and embracing transparency.

Respectfully,



Marc J. Randazza

cc: Client (via separate email)