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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MATT HOSSEINZADEH,

*Plaintiff,*

– vs –

ETHAN KLEIN and HILA KLEIN,

*Defendants.*

**Civ. No.: 16-cv-3081 (KBF)**

**DECLARATION OF ETHAN KLEIN IN  
SUPPORT  
OF DEFENDANTS' MOTION TO  
DISMISS THE AMENDED COMPLAINT  
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

ETHAN KLEIN, hereby declares and states under penalty of perjury as prescribed by 28 U.S.C. § 1746:

1. I am a resident of the State of New York. This declaration is submitted in support of defendants Ethan Klein and Hila Klein's ("Defendants") motion for to dismiss plaintiff Matt Hosseinzadeh's ("Plaintiff") Amended Complaint.
2. The declaration is submitted on my own personal knowledge and after a review of any relevant documents. If called upon to testify to the facts stated herein, I could and would competently do so.
3. My wife, Hila, and I are popular entertainers that produce original works of comedy and parody that can be found on the [www.youtube.com](http://www.youtube.com) website ("YouTube").

4. My wife and I operate two separate channels on YouTube; our main channel is “h3h3Productions”, and our smaller secondary channel is called “Ethan and Hila”.

5. At the time of filing of this case, our “h3h3Productions” channel had approximately 1.2 million online subscribers on YouTube, and our “Ethan and Hila” channel had approximately 300,000 online subscribers on YouTube.

6. On or about February 15, 2016, Hila and I published a video on our “Ethan and Hila” channel titled “The Big, the BOLD, the Beautiful”.

7. “The Big, the BOLD, the Beautiful” is 13:37 minutes long and features Hila and I reacting to Plaintiff’s video entitled, on YouTube, “Bold Guy vs Parkour Girl”.

8. In response to a cease and desist letter sent to our counsel, Hila and I immediately unlisted “The Big, the BOLD, the Beautiful” from YouTube.

9. “The Big, the BOLD, the Beautiful” only generated a few hundred dollars in advertising revenue before Hila and I unlisted the video from YouTube.

10. In the middle of good faith negotiations, while the video was still unlisted and private on YouTube, Plaintiff filed a copyright takedown request against “The Big, the BOLD, the Beautiful”.

11. As a result of Plaintiff’s copyright takedown request, YouTube gave our channel a “copyright strike”. A copyright strike cannot be expunged from a YouTube account for six months, and we are still feeling the impact of Plaintiff’s wrongful takedown request today.

12. Wherefore it respectfully requested that Defendants’ motion to dismiss the Amended Complaint be granted.

Dated: 6/27, 2016



Ethan Klein