

**NO. 24-3978**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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IN RE: SUBPOENA OF INTERNET SUBSCRIBERS OF COX  
COMMUNICATIONS, LLC AND COXCOM LLC

CAPSTONE STUDIOS CORPORATION,

PETITIONER-APPELLANT,

V.

COXCOM, LLC

RESPONDENT-APPELLEE.

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On Appeal from  
the United States District Court  
for the District of Hawaii  
No. 1:20-cv-00426-JMS-WRP  
The Honorable J. Michael Seabright

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**BRIEF OF *AMICUS CURIAE*  
CHARLES MUSZYNSKI, PRO SE  
IN SUPPORT OF RESPONDENT  
APPELLEE COXCOM LLC AND AFFIRMANCE**

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### **STATEMENT OF INTEREST OF AMICUS<sup>1</sup>**

1. For four years, Muszynski has endured vexatious copyright trolls’ sham litigation, lies to U.S. and international courts by trolls, extortive “settlement” demands, and ruinous libel from a partnership of international copyright trolls who profit split with their general partner, Kerry S. Culpepper (“Culpepper”).

2. FRAP 32(6) permits a court to grant leave for later filing, and Muszynski requests leave from the Court pursuant to FRAP 29(a)(2) to do so. Given the longevity of criminality and concealment before this Court by copyright trolls, Muszynski prays it accepts the information to augment its own findings a decade ago.

3. Concealed copyright trolls continue to operate the same criminal racketeering and money laundering sham that sent Prenda Law’s lawyers to prison for decades by using, in every sense of the word, U.S. courts’ procedural rules to extort innocent victims threatening to prosecute fraudulent copyright infringement claims.

4. U.S. courts exposed Culpepper’s partners’ sham, racketeering, and money laundering a decade ago yet the same Ultimate Beneficial Owners (“UBO”), German nationals Benjamin Perino and Patrick Achache, unscathed continue to partner and fee-split with their new U.S. lawyers, Culpepper and co-counsel Joel B. Rothman (“Rothman”), both of whom have in S.D. Florida alone

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<sup>1</sup>Pursuant to Federal Rule of Appellate Procedure Rule 29(a)(4)(E), amicus certifies that no person or entity other than amicus curiae, its members, or its counsel, made a monetary contribution to the preparation or submission of this brief or authored this brief in whole or in part. Respondent CoxCom, LLC takes no position on the filing of this brief. Petitioner Capstone Studios Corp. objects.

been sanctioned and ordered to repay over \$260,000.00 in fees for abusive practices, similar to colleagues Richard Liebowitz, John Steele, and Paul Hansmeier.

5. Muszynski is not a U.S. citizen or resident. Due to Culpepper's scandalous and provably false claims, Muszynski is appealing dismissal of a ch.7 bankruptcy to the Court of Appeals for the First Circuit for technical errors by the D. Puerto Rico Bankruptcy Court, not for any factual disqualifying basis.

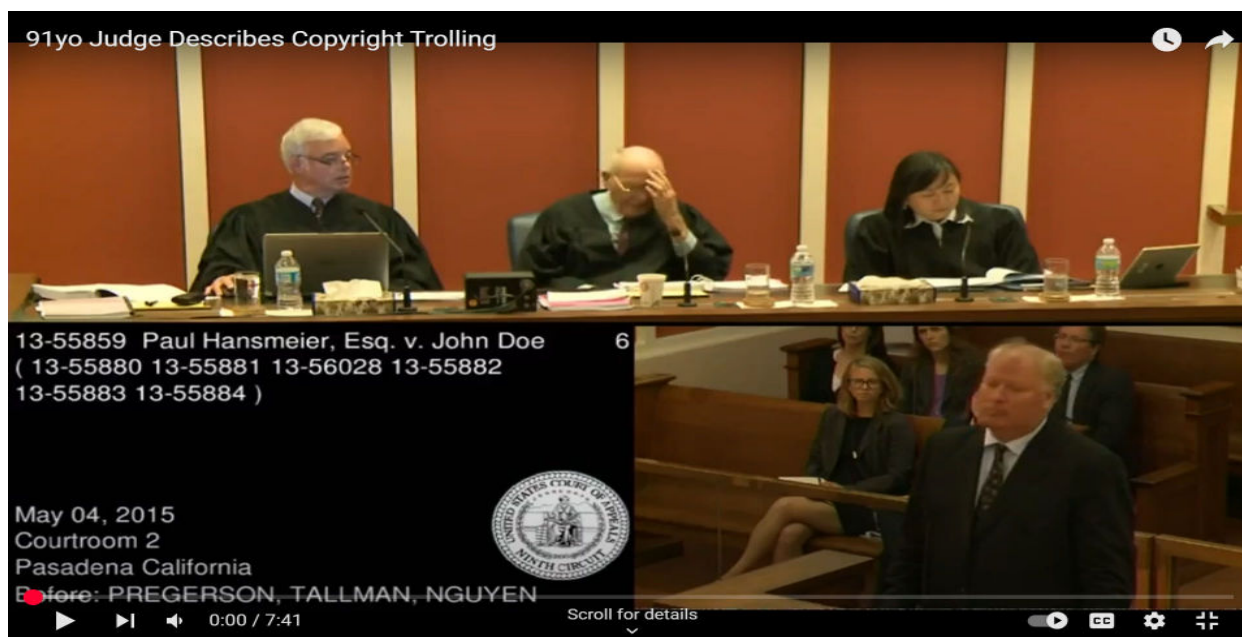
6. Muszynski's bankruptcy was due in part to Culpepper's copyright trolling sham, stemming from LiquidVPN's founder, David Cox's false affidavit to Culpepper in lieu of prosecution. For over ten years, Cox personally engaged in tens of thousands of copyright violations, amassing an inventory of "ripped" movies and recordings he maintains to this day. Culpepper ignored Cox's voluminous violations since, driven by barratry, dropped claims against Cox in return for Cox's signatures on false affidavits Culpepper could use to perpetuate his trolling sham's benefits. Cox willingly perjured himself and signed whatever Culpepper put in front of him to assist Culpepper's pursuit of Muszynski (represented by Cox as a "deep pocket").

7. Culpepper joined his alleged "movie company" entities jointly and severally in multiple fraudulent claims against Muszynski. With years of proof of Culpepper's and his concealed partners' criminality, lies of omission, and lies before federal and international courts, the cabal now asks the Ninth Circuit Court of Appeals to supercharge their discovery scheme by doing away with the smidge of accountability that purportedly protects ISP's from abusive subpoena request.

8. Culpepper and his German national partners, Benjamin Perino (“Perino”) and Patrick Achache (“Achache”), pray the Court’s memory is short.

### INTRODUCTION

9. Ten years ago, 4 May 2015, the Court of Appeals for the Ninth Circuit sat in Courtroom 2 in Pasadena and Judges Tallman and Nguyen listened to ninety-one-year-old Judge Pregerson (13 October 1923 – 25 November 2017) describe a copyright trolling scheme Culpepper and his partners run as “ingenuous”, “crooked”, “extortionate operation[s]” <https://youtu.be/m37QqmBU7Dc>



10. The UBO partners then were Prenda Law’s equity members, including Paul Hansmeier, who went to prison while the UBOs emerged unscathed and re-branded and partnered with Culpepper to continue funding and laundering in a multi-million-dollar extortion scheme. The German UBOs’ new non-performing entities (“NPE”) are PML Process Management Limited (“PML”) managed by

Parkaland Marketing Limited, LLC, both in the Republic of Cyprus with nominee members. A jurisdiction known for money laundering, organized crime, human trafficking, and a conduit for cash to parties with security interests adverse to the U.S. - Russia, China, and N. Korea. Where better to conceal ownership while laundering funds from U.S. copyright infringement “settlements”?

11. Culpepper and Rothman reorganized their firms’ corporate entities when Perino organized PML to continue with Achache, after Prenda’s incarcerations.

12. With astounding hubris, Culpepper’s concealed partner UBOs again “appear” before the Ninth Circuit Court of Appeals asking for permission to super-charge extortion revenues using drive-by subpoena power to lower legal costs, reach tens of thousands more “settlement” victims with Clerk’s pen stroke, and open and close their “discovery” case on the same day, denying opposition any challenge.

13. Culpepper conceals the principal entity here, as he has in multiple other federal and international courts. PML UBOs “appeared” in this Court behind names like Guardaley or Copyright Management Services. Their arguments ignore rampant criminality underlying the case to focus instead on technical details that will speed Perino’s and Culpepper’s unfettered subscriber access by abusing Section 512(h) provisions of the Digital Millennium Copyright Act. The Court should look at all facts and contemplate WHY the copyright trolls really want permission.

14. The holding established in Recording Industry Ass’n of Am. Inc. v. Verizon Internet Svcs., Inc., 351 F.3d 1229 (D.C. Cir. 2003) and In re Charter



Commc'ns, Inc., Subpoena Enforcement Matter, 393 F.3d 771 (8th Cir. 2005) has not been upended by any court of appeals and ensures important procedural safeguards for internet users against barratrous lawyers extorting “settlements” from subscriber lists. Affirming the district court and upholding the interpretation of the D.C. and Eighth Circuits will preserve this small protection, while allowing legitimate rightsholders’ ability to find and sue infringers. Culpepper’s partnership desires to continue abusing 17 U.S.C. § 512 to perpetuate its decade of racketeering.

### **ARGUMENT**

15. Amicus concurs, adopts, and incorporates arguments in the amicus brief by the Electronic Frontier Foundation. The Court’s recognition of the trolling partners’ sham ten years ago did not deter them. Exhibits below explain how their sham works, how their UBOs hide behind NPEs and split fees with U.S. lawyers, lie to courts, launder revenue through Cyprus, and why senior elected U.S. officials have national security concerns due to TPLF, like that used by the trolls.

Exhibit 1: W. D. Washington, J. Christopher Lynch Declaration, identifies some of the same parties appearing here, their crime perpetuated over a decade, and the foreign UBOs directing it.

Exhibit II: N. D. California Judge Otis Wright Order Issuing Sanctions, details entities directed by the same UBO in the instant matter, Perino, U.S. lawyers lying to courts, and forged evidence to extort internet users, as has Culpepper.

Exhibit III: W.D. Washington Court Judge Thomas Zilly’s Minute Order, outlines tactics used by UBO Perino’s sham and pattern of lies to U.S. courts.

Exhibit IV: Structure of Perino’s Cyprus Entities re-formed after Prenda Law partners went to prison, new Non-Performing Entities (“NPE”) formed in

Cyprus concurrent with Culpepper's and Rothman's reorganized entities.

Exhibit V: Torrentfreak.com, "Movie Companies Sue Lawyer In Dispute Over Piracy Settlement Cash" discusses how Culpepper's partner Perino uses NPEs and purported "movie companies" to bring fraudulent infringement claims and Heirl's termination in N.D. IL for "second agent", Culpepper, to take over.

Exhibit VI, A&B: D. Minnesota, Case No.: 16-334(JNE/KMM), Plea Agreements, of Paul R. Hansmeier and John L. Steele of defunct Prenda Law, detailing their criminality and fraud upon numerous U.S. courts.

Exhibit VII, A&B: U.S. Senators Letters, Marco Rubio, Rick Scott, and John Kennedy to U.S. Chief Justice, U.S. Attorney General, and U.S. District Chief Judges voicing national security concerns related to Third Party Litigation Funding and attacks on U.S. IT infrastructure. Culpepper and his UBO partners draw funds from Germany, Israel, Bulgaria, China, and the Philippines.

Exhibit VIII: Southern California Law Review [Vol. 86:723 2013], "Copyright Trolling" the harms perpetuated by copyright trolling create a judicial tax on all internet users by allowing trolls to fester and avoid accountability.

### **CONCLUSION**

16. Ten years ago, this court listened to the criminal underpinnings the same UBOs continue to employ in the instant matter while principals remain hidden and fund trolling through foreign-sourced TPLF, launder money, and continue to "legally" run a multi-million dollar racketeering enterprise.

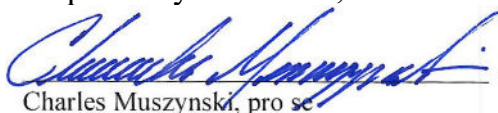
17. Driven by greed and for the benefit of the same UBO partners, Culpepper continues running the sham this Court exposed a decade ago. Bar members are violating their oaths, extorting innocent victims, and contemptuously trading courts' dignity for a fast buck. If Culpepper and his partners are permitted to upend long-established precedents in Verizon and Charter to super-charge their abuse

of §512(h) subpoenas, their datamining of ISPs and internet subscribers information will be a boon for scandalous lawyers and result in more extortive “settlements”, racketeering, money laundering, and barratry – contrary to the Legislature’s intent. Doing so will not aid legitimate copyright holders’ enforcement rights or encourage creativity; it will degrade their ability to prosecute legitimate claims.

18. The Court should affirm the district court’s quashing of the subpoena to CoxCom, refer Culpepper and his co-counsel Rothman to the U.S. Attorney’s office, the IRS’s CID, and their respective local and federal Bars for moral turpitude unbecoming as officers of the court. Criminal investigation of Culpepper and his purported “clients” began earlier this year in the Federation of St. Christopher and Nevis after Culpepper filed papers in S.D. Florida proving he and others criminally breached the law, committing jailable offenses. When will the U.S. hold scandalous members of the Bar accountable for their blatant racketeering and barratry?

14 April 2025

Respectfully submitted,



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### **CERTIFICATE OF COMPLIANCE**

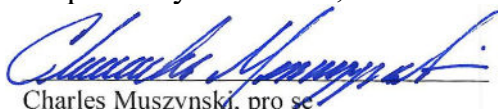
Pursuant to Fed. R. App. P. 32(g), I certify as follows:

1. This Brief of Amicus Curiae Charles Muszynski, pro se in Support of Respondent–Appellee CoxCom, LLC and Affirmance with the type volume limitation of Fed. R. App. P. 29(a)(5) because this brief contains 1,647 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f); and

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using MS Word 365, the word processing system used to prepare the brief, in 14-point Times New Roman font.

14 April 2025

Respectfully submitted,



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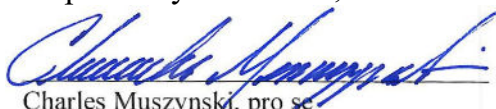
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was contemporaneously served on all counsel of record via the CM/ECF system.

14 April 2025

Respectfully submitted,



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**Exhibit 1**  
**W. D. Washington Court**  
**J. Christopher Lynch Declaration**

**Exhibit II**  
**N. D. California Court**  
**Judge Otis Wright Order Issuing Sanctions**

**Exhibit III**  
**W.D. Washington Court**  
**Judge Thomas Zilly Minute Order**

**Exhibit IV**  
**Benjamin Perino's Cyprus Entities**



**Exhibit V**  
**Torrentfreak.com,**  
**“Movie Companies Sue Lawyer**  
**In Dispute Over Piracy Settlement Cash”**

**Exhibit VI**  
**D. Minnesota, Case No.: 16-334(JNE/KMM)**  
**Plea Agreements**  
**A-Paul R. Hansmeier**  
**B-John L. Steele**

**Exhibit VII**  
**U. S. Senators' Letters to U. S. Federal Courts**  
**A - U.S. Senators Marco Rubio and Rick Scott**  
**B - John Kennedy**

**Exhibit VIII**

**Southern California Law Review [Vol. 86:723 2013],**

**“Copyright Trolling”**