

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MASSACHUSETTS

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LEAH BASSETT,  
Plaintiff

vs.

CIVIL ACTION  
No. 18-cv-10576-PBS

MONICA JENSEN, d/b/a NICA NOELLE;  
JON BLITT, personally and d/b/a MILE  
HIGH MEDIA, d/b/a ICON MALE;  
d/b/a TRANSSENSUAL;  
MILE HIGH DISTRIBUTION, INC.;

ET ALS.  
Defendants

\* \* \* \* \*

**PLAINTIFF'S MOTION TO COMPEL ANSWERS PER  
THE CLERK'S NOTES, DATED 9/6/2019**

NOW COMES Plaintiff Leah Bassett and respectfully moves to compel the so-called Mile High Defendants to provide complete and substantive responses to the two prior Discovery Requests identified generally in the Clerk's Notes (Doc. #65), stemming from the "Discovery Conference re disputes" held on September 6, 2019.

**I. An identification of all business entities that fall within the scope of "Mile High" Media/Distribution/D.V.D., etc.**

Ms. Bassett served the following Interrogatory #2 upon the entity and Co-Defendant known as Mile High Distribution, Inc.:

*Please describe all business entities, incorporated or otherwise, that fall within the scope of "Mile High Media", including the name; location; managerial officers; owners/shareholders; and, the business purposes and/or activities for each such entity.*

She received the following Answer, which was not signed "under oath" in compliance with Rule 33(b), but rather signed solely by Atty. Gary Jay Kaufman on the stated behalf of

"DEFENDANT JON BLITT":

*Mile High hereby incorporates the reservations in the preliminary statement and the general objections above. [Note: Those reservations and statement ran 3 1/2 pages].*

*Mile High further objects on the grounds that this interrogatory is compound, conjunctive and/or disjunctive, and contains subparts in an attempt to circumvent the FRCP, Rule 33(a)(1) and Local Rule 26.1(c).*

*Mile High objects to this interrogatory on the grounds that the information sought is not relevant, nor is it reasonably calculated to lead to the discovery of relevant and/or admissible evidence. This interrogatory is being posed solely for the improper purpose of unduly harassing parties unrelated to this action, or to cause an unnecessary delay or needlessly increase the cost of litigation.*

*This interrogatory seeks personal owner and shareholder information and/or private and proprietary business information that is beyond the scope of this litigation, and that is protected from disclosure by statutory and constitutional rights to privacy. Thus, Mile High additionally objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, and unduly burdensome, including as to the term "Mile High Media" as stated in the general objections above.*

*Notwithstanding the foregoing objections, and as it understands the interrogatory, Mile High responds as follows: The following information is provided for the defendant in this action, Mile High Distribution, Inc.*

*Mile High Distribution, Inc., 8148 Devonshire Rd., Mont-Royal, QC, H4P-2K3. CEO: Theodore Blitt. Business activities include the distribution of adult entertainment products. Mile High Distribution, Inc. does not have any parent companies or subsidiaries. (Underlined emphasis added).*

The Court will recall from the Hearing held on January 9, 2019 that Ms. Bassett had served the same Interrogatory #2, verbatim, on Co-Defendant Jon Blitt, who responded with a similar set of "boilerplate Objections" prior to giving the supposedly substantive response that: "*Mr. Blitt objects that this interrogatory inappropriately seeks records or information that are owned, possessed and/or controlled by another party, and not Mr. Blitt. This interrogatory is directed to the wrong party.*"<sup>1</sup>

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<sup>1</sup> In answering his Interrogatory #1, requesting his "*employment history since age 18, including each employer's name; location; your job title and duties; and any ownership interest that you had/have in each employment entity*", Jon Blitt interposed a similar set of boilerplate Objections before providing the following **partial** substantive Answer: "*Mr. Blitt was employed by Corporation Mile High D.V.D.; 8148 Devonshire Rd., Town of Mont-Royal, Quebec H4P-2K3. While he does not have a formal job title, Mr. Blitt's duties include overseeing sales, production, graphics and post-production. Mr. Blitt does not have any ownership interest.*" (Underlined emphasis added). conf. →

As the Court stated in its Clerk's Notes (Doc. #50) from the Jan. 9. 2019 Hearing in pertinent part: *"The Court notes that on the docket, Defendant Jon Blitt is named as 'personally doing business as Mile High Medica [sic] doing business as ICON Male doing business as Transsensual."*<sup>2</sup> It is also noteworthy that Interrogatory #1 directed to Mile High Distribution, Inc. required the respondent, *inter alii*, to: (a.) Identify *"each Mile High Distr.-associated individual... who has substantively participated in the preparation both of these Interrogatory Answers, as well as in the preparation of the Responses to Plaintiff's Requests for Documents (First Set) being transmitted herewith..."* as to each numbered Response; (b.) Identify *"Each such individual's name; business address and email; job title and duties with Mile High Distr.; and, the number of years of his/her business relationship with Mile High Distr.;"* and, (c.) *"The name of any individual associated with Mile High Distr. who would have been more knowledgeable in the preparation of each Interrogatory Number and Documents Request Number respectively than the individual(s) identified in Clause (b.) above, as well as an explanation as to why that individual was unavailable to substantively participate in these Discovery Responses."*

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As the Court will note, that entity. -- which has the words "Corporation" and "Mile High" in its name, -- is located at the same physical address as Mile High Distribution, Inc., while Jon Blitt's stated "duties" for that entity would appear to be the same set of functions that **someone** connected to "Mile High" would have been charged with performing in relation to the Mile High Distribution, Inc.-owned Icon Male and Transsensual films/DVDs and Stills that were shot on Ms. Bassett's premises in 2014-15 without her permission or lawful authority. Yet, the Mile High Defendants continue to refuse to identify who that person, singular or plural, was, -- if not Jon Blitt, -- as well as by what entity he/she was employed.

<sup>2</sup> With respect to that noted misspelling of "Media", that word is spelled correctly both in the case caption and in para. 3 of Ms. Bassett's Verified Complaint with respect to the identification of Jon Blitt as a Co-Defendant.

After the usual litany of obstructionist-intended Objections, the purportedly substantive and terse Answer was: "*Jon Blitt and Melissa Sandy, both of whom can be contacted via The Kaufman Law Group.*"<sup>3</sup>

In short, it appears more than disingenuous for the Mile High Defendants to have identified Melissa Sandy by implication as one of the two most knowledgeable individuals, along with Jon Blitt, as to each of the Interrogatories and Documents Requests served on Mile High Distribution, -- if her only job function(s) relate to that Corporation's television-related activities per its President Ted Blitt's testimony. Moreover, the related and highly unsettling to Ms. Bassett implication to be derived from that terse identification of Ms. Sandy in Interrogatory Answer #1, when combined with her solely-identified job function(s), is that Mile High had **also**, -- without explicit disclosure to date, -- been distributing some or all of the films and Stills shot on Ms. Bassett's premises to one or more television networks.

It was noted in the undersigned counsel's recent pleadings that the Defendants had never identified the existence of the **corporate** entity, known as Mile High Media, Inc., prior to Ted Blitt's following testimony on July 30, 2019: "*Mile High Media is a corporation that is set up to distribute the content in the States. It's an American corporation.*" (Depo. at 26-27, which he further testified had been incorporated in Delaware, and without any physical office(s) in the U.S. or any employees). Related thereto, it was noted in Part III of Ms. Bassett's pending Motion for

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<sup>3</sup> The following exchange took place during Theodore (Ted) Blitt's Deposition (pages 64-65) on July 30, 2019:

*Q. And who is Melissa Sandy?*

*A. She's somebody who works for us.*

*Q. And what's her position?*

*A. She prepares some things for the television. You know, you have to -- I don't know. Like, it's all kind of metadata for the television...*

*Q. So, at times, when you're not able to conduct business as president, are the two primary contact people Jon (Blitt) and Melissa Sandy?*

*A. I don't know. Nobody has any reason to contact her, actually.*

Injunctive Relief that both Mile High Distribution, Inc. and Mile High Media, Inc. were required to secure a "doing business" certification from the Massachusetts Secretary of State's Office per M.G.L. c.156D in relation, severally and jointly: (1.) In contracting for the production of Mile High-owned porn films and Stills on a large-scale basis over a multi-year span per its Icon Male and Transsensual studios/brands in Massachusetts; coupled with, (2.) Distributing for its commercial purposes those films and Stills shot in Massachusetts to end-line viewers, whether by direct DVD sales; Internet subscriptions/viewings; television broadcast viewings it would appear; and/or, via third-party distributors, such as Gamma Entertainment and now former Co-defendant TLA Entertainment, throughout the U.S., including Massachusetts. As also noted in that Part III, that certification form requires the applicant to disclose as a public record most of the same information that Ms. Bassett was seeking in Interrogatory #2.

It was also noted in the undersigned counsel's recent pleadings that the Defendants had never identified prior to Ted Blitt's Deposition the existence of the entity, incorporated in Canada, known as Original Cut, Inc., which he identified as a "holding company" that he owned solely that, in turn, owned 100% of the shares in both Mile High Distribution, Inc. and Mile High Media, Inc..

It is, of course, also noteworthy that the unverified Answer to that Interrogatory #2 claimed that "*Mile High Distribution, Inc. does not have any parent companies or subsidiaries.*" It would certainly appear, -- in the absence of Mile High's production of its corporate filings and tax returns, -- that Mile High Media, Inc. is a subsidiary, or otherwise related, company; that Corporate Mile High D.V.D. is a subsidiary, or otherwise related, company; and that Original Cut, Inc. is a parent, or otherwise related, company. There may be other subsidiary, or otherwise related, companies/entities, whether incorporated or otherwise, that have been created by

members of the Blitt family in furtherance of their porn-related commercial activities, and Ms. Bassett has a right per the principles established in Rule 26 to a full disclosure as to them.

Rather disingenuously, the Defendants interposed as their General Objections #7 that:

*"Mile High further objects to the defined terms 'Mile High Distribution, Inc.', 'Mile High' and 'Mile High Media' in that they are vague, ambiguous, unintelligible, and overly broad."*

The plain fact is that it is the Defendants and their counsel who have repeatedly failed to provide the necessary clarification as to the several and sundry "Mile High"-related entities connected to the unauthorized, unlawful, and commercial porn activities conducted on Ms. Bassett's, and the presumably scores of other unsuspecting U.S. property owners', locations over the past 10+ years, -- despite their opportunity/obligation to do so in their 93A Response Letter; their Answer to the Complaint; their Rule 26 Disclosures Statement; and/or, their respective Rules 33 & 34 Responses. In that regard, Ms. Bassett notes the following:

(A.) Atty. Megaloudis' letter, dated Jan. 4, 2016 (attached as Exhibit 4 to Plaintiff's Verified Complaint), contained the following opening clause: *I am writing on behalf of my client Mile High Distribution ("Mile High Media"), in response...;*

(B.) Atty.s Megaloudis' and Roach's filed Motion for Preliminary Injunction, dated May 17, 2018, contained the following opening clause: *The Defendants Monica Jensen, Jon Blitt, Mile High Media, and Mile High Distribution, Inc. (collectively "the Defendants" or "Mile High") in this matter...;*

(C.) Every email communication directed to or from Jon Blitt that was produced per his and Ms. Jensen's respective Rule 34 production stated as his email address: *jonnyb@mile-high-media.com*, -- while recalling his Interrogatory Answer #2's averment that his **only** employer is

with the entity known as Corporate Mile High D.V.D.;<sup>4</sup>

(D.) One of the exhibits (i.e., #C) attached with Leah Bassett's Affidavit, dated Aug. 28, 2019, and filed with the pending Motion for Injunctive Relief (Doc. #62), displayed an on-going advertisement for one of the films shot on her premises (with her one of her registered artworks in plain display on the film jacket's back cover) on a "Mile High"-owned website that reads as its label: "*mile high media*";

(E.) Another exhibit (i.e., #A) attached with said Affidavit displayed several Stills or screenshots shot on her premises as on-going advertisements for films being marketed on an on-line website named "*Transsensual*", which includes a statement thereon reading: "*transsensual.com is a site owned and operated by Gamma Entertainment, Inc.*", -- while noting that when Ted Blitt was shown that same exhibit on July 30, 2019 (i.e., Depo. Exh. 6), he acknowledged that the **actual** owner of that website was, in reality, "Mile High" per the following colloquy:

*Q. Who owns this website, Transsensual?*

*A. We do.*

*Q. Even though on the first page it says the site is owned and operated by Gamma Entertainment, Inc.?...*

*A. It's operated by, not owned by... we own it.*

*Q. You own the site?*

*A. We own the name Transsensual. (T. Blitt Depo. at pg. 87)*

(F.) Other Exhibits attached with said Affidavit, as illustrative examples only of the numerous such depictions Ms. Bassett was still able to find on many websites per her stated

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<sup>4</sup> As stated in the Plaintiffs Documents-Related Status Report, dated Aug. 12, 2019, para. 1(e), the only documents produced by Jon Blitt per the 25 numbered Rule 34 Requests were 305 Bates-numbered pages, each labeled "*Mile High* [and the following page number]", which consisted principally of emails exchanged between he and Ms. Jensen, - the majority of which had no connection to her Icon Male and Transsensual activities on behalf of Mile High.

As the stated individuals reviewing/responding to the ensuing Rule 34 Requests propounded to Mile High Distribution, Inc., Jon Blitt and Melissa Sandy refused to produce **any** documentary records/materials.

Para.s 2 & 14, displayed on-going images shot on her premises per, *inter alii*, websites named "*TransSensual @TransSensual*"; "*transsensualfilms*"; and, "*Icon Male @IconMale*".

(G.) A considerable number of "conflicting" references, to put it mildly, become apparent when one conducts a Google search of Jon Blitt, Ted Blitt, Mile High Media, Mile High Distribution, etc., as to the inter-relationship of those individuals and/or entities. For example,

-- (i.) Per a document introduced as Exhibit 1 in Ted Blitt's Deposition from the website labeled "*mile high media*" per a stated copyright notice thereon of "©2019 Mile High Distribution INC." under the heading: "*Mile High Media - Contact us*", it provides the name and address of "*Mile High Distribution INC.*" and lists as the first contact person thereunder as "*Jon Blitt -- Vice president sales -- jonnyb@mile-high-media.com*". That's their own copyright-noted webpage circa 2019, identifying him as both a titled officer and the primary contact person for Mile High Distribution, Inc., (while noting that neither Ted Blitt's name nor anyone identified as the president is listed thereon, perhaps due to his health-impaired condition and non-involvement with Mile High's business activities for some number of years).

(ii.) Per a document introduced as Exhibit 3 in Ted Blitt's Deposition from a website called "*Government of Canada -- Search for a Federal Corporation*", there were listed as associated corporations with Mile High Distribution, Inc. as of "2016-02-27" the following two Canadian corporations: "*Amusement Hollywood Inc./Hollywood Entertainment Inc.*", and "*Mile High Video Inc.*". It did not make any reference to the entity identified by Jon Blitt as his "true" employer, Corporate Mile High D.V.D., located at the same address as Mile High Distribution. It also would not have referenced any "foreign" incorporated entities, such as Mile High Media, Inc. in Delaware.

(iii.) Per Ms. Bassett's Affidavit's para. 17 filed with her pending Motion for Injunctive



Relief, she avers as to her discovery on one of Mile High's websites found at "[www.milehighonline.com](http://www.milehighonline.com)" as to her re-confirmation on Aug. 27, 2019 "*that Mile High is still marketing by my count at least 4,297 films/DVDs categorized under a variety of different studio lines, or in Mr. Blitt's preferred terminology 'labels/brands'.*" Per her Affidavit-attached Exhibit L, most of them, including the Icon Male and Transsensual films, were being marketed per copyright statements on their jacket covers in the name of "*Mile High Distribution, Inc.*", but she noted that a number of them were also being marketed by that "milehighonline" website in the names of "*O.L. Entertainment, Inc.*" and "*OC Post Production, Inc.*". She also noted therein that she had found various published announcements about Mile High's operations and products "*by Mile High Media's Vice-President Jon Blitt*".

The bottom line is that the "Mile High"-associated Defendants continue to refuse to identify per **any** documentary production or other verifiable records per Ms. Bassett's repeated inquiries, either for her and the trial judge's and jury's eventual edification, "who's who", and "what's what" relative to their respective inter-relationships, with regards to the individuals and/or entities that were responsible for shooting the porn films and Stills on her premises; bringing the 30+ actors and crewmembers onto her premises; paying the wages and other film production costs; editing the films in final form; creating the advertising and marketing materials; providing the advertising and marketing materials to the actors and crew for them to post on their respective Social Media sites; entering into licensing agreements with related-entity subsidiaries, such as Mile High Media, Inc., and Corporate Mile High D.V.D.; entering into licensing agreements with unrelated-entity companies, such as TLA Entertainment, Inc., and Gamma Entertainment, Inc.; providing internal and/or external accounting services for the DVD sales of the 21 known films that included action scenes and/or Stills shot on Ms. Bassett's premises, presumably in the 1,000s of

such DVD sales, as well as for the Internet viewings of those films, film clips, and Stills, estimated per the pending Motion for Injunctive Relief to exceed 10,000,000 such viewings; and, filing tax returns in which the income received from those presumed 1,000s of DVD sales and estimated 1,000,000s of viewings for commercial purposes has been reported in those countries and States in which those monies derived from the respective purchasers of the DVDs and/or Internet viewings/downloads.

II. The production of all tax returns by the Mile High-associated Defendants

Ms. Bassett served the following Documents Request #13 upon Co-Defendant Mile High Distribution, Inc.:

*Please produce a copy of all tax returns filed by Mile High Distr., and any separately-incorporated subsidiaries, for the years 2014-to-present in all federal, state, provincial, or other geographical jurisdictions in which Mile High Distr., directly or indirectly, markets its adult entertainment products.*

In their Response, signed solely by Atty. Kaufman under the printed name of "DEFENDANT JON BLITT", they refused to do so per the usual boilerplate Objections as follows:

*Mile High hereby incorporates the reservations in the preliminary statement and the general objections above.*

*This request seeks private financial and tax information that has no bearing on the allegations in this case and the claims asserted by Plaintiff. Thus, the request seeks information and/or documents that are not relevant, nor reasonably calculated to lead to the discovery of relevant and/or admissible evidence. It also seeks private and proprietary business information and is posed for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.<sup>5</sup>*

Ms. Bassett also served the following Documents Request #5 on Co-Defendant Jensen:

*Please provide a copy of all tax returns filed by you, individually and/or in any*

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<sup>5</sup> An identically-worded Documents Request #13 was previously served on Co-Defendant Jon Blitt, except for the substitution of the entity "Mile High Media" for "Mile High Distr.", leading to a similar refusal to provide any such documents per, *inter alii*, the claim that it was "directed to the wrong party" -- while noting additionally that the very first disclosure by any of the Defendants and their counsel that there was a Delaware-incorporated entity named "Mile High Media, Inc." occurred during Ted Blitt's Deposition on July 30, 2019.

*business capacity, for the years 2014-to-present in all federal, state, provincial, or other geographical jurisdictions.*

In her Response, signed solely by Atty.s Roach and Megaloudis under the printed name of "DEFENDANT MONICA JENSEN", she refused to do so per the usual boilerplate Objections as follows:

*Jensen objects to this Request on the grounds that it is not proportional to the needs of this case. More specifically, further objects on the grounds that her tax returns are privileged and contain private confidential [sic] and there is no substantial need for them. Jensen further objects to this Request on the grounds that disclosure of her private address or addresses and private information will put her at risk of bodily harm and harassment.*

Ms. Bassett proceeded to serve a Second Set of Documents Requests on Co- Defendant Jensen in response to her Interrogatory Answer #2 disclosure, -- previously unstated in any communications by her counsel in the 93A Response Letter; later correspondence; Answer; and, Rule 26 Disclosures Statement, -- that she had allegedly been conducting her commercial porn activities as the Producer, Writer, and Director of all of the Mile High-owned Icon Male and Transsensual porn films and Stills in her capacity as the "sole officer, director, and shareholder" of a California-incorporated entity named "Toaster Kidd, Inc."<sup>6</sup>

The singular fact that Ms. Jensen has claimed in her Discovery Responses that she has **no tax records whatsoever** within her possession or control, either in her individual name or in

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<sup>6</sup> That Documents Request #2 reads as follows: *With respect to the entity identified as Toaster Kidd, Inc., please produce a copy of all tax returns that have been filed with the Internal Revenue Service, as well as with any State revenue agency, in the name of that entity for the years 2014-to-present.* Following her usual boilerplate Objections, she responded in that Response signed solely by her counsel that: *Without waiving, expressly reserving, and subject to the foregoing objections, Jensen has no such records.*

There was also Documents Request #4 which reads as follows: *With respect to the entity identified as Toaster Kidd, Inc., please produce a copy of all tax filing documents in the form of IRS W-2s, 1099s, K-1s, etc. that were issued in the name of that entity to any officer, director, shareholder, employee, temporary worker, independent contractor, or any other individual performing tax reportable services for pay for the years 2014 and 2015.* After her usual boilerplate Objections, she again averred soley via her counsel that "Jensen has no such records."

Toaster Kidd, Inc.'s name<sup>7</sup>, as to the multi-year porn-creation activities that she was performing as the Mile High Defendant's retained Producer, Writer, and Producer for the scores of porn films, as well as the tens of thousands of Stills, that she was shooting in Massachusetts and other States between 2014-18,<sup>8</sup> lends support to Ms. Bassett's long-standing suspicion that Ms. Jensen, individually and in conjunction with her Mile High partner(s)/employer, was engaged in a massive tax evasion/fraud in conjunction with the other known efforts that they made to create their commercial porn products in strict secrecy from the U.S.-based shoot location owners, such as Ms. Bassett; the city/town municipalities which had land use-related permitting requirements; the 48 States, including Massachusetts, which required them to obtain "doing business" certifications; and/or, the federal statute that required them to obtain and maintain so-called Section 2257 Records as to the legal name, date of birth, all pseudonyms, etc., for each of the actors engaged in the porn shoots. In that regard, Ms. Bassett expressly incorporates by reference Parts I thru IV of her pending Motion for Injunctive Relief, scheduled for Hearing on October 16, 2019. (Doc. #66).

Similarly, the various Mile High-associated individuals/entities' refusal to produce **any tax records** lends support to that long-standing suspicion as to their respective tax evasion/fraud activities in relation to the porn materials that they have created principally in the U.S.

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<sup>7</sup> It is to be noted also that while Ms. Jensen's Interrogatory Answer identified that entity as "Toaster Kidd, Inc." -- with double "d"s, -- she was shown as Depo. Exh. 44 a series of checks circa October 2104 voluntarily supplied by Mr. Spafford as the payee, and "Monica Jensen" as the signatory, which bear the pre-printed name of "TOASTER KID, INC." thereon. Thus, even the identification "under oath" in that prior Interrogatory Answer appears to have been deliberately misleading and erroneous, -- compounded by her refusal/failure to produce a single corporate record as to that purported entity.

<sup>8</sup> The Court will recall from the January 9, 2019 Hearing that the Defendants had forwarded to the undersigned counsel over 140 separate films in DVD form, representing all of the Icon Male and Transsensual films that had been shot between 2014 thru Oct. 2018, rather than just the ones shot on Ms. Bassett's premises, as well as over 22,000 Stills, representing the ones that had been shot by Mr. Spafford in his capacity as the Still Photographer during portions of 2014-15.

(referencing the two Blitts' Deposition testimony to that effect), and that they appear to be marketing/selling principally in the U.S. per Ted Blitt's testimony that the sole purpose and function of the Mile High Media, Inc. subsidiary is to "*distribute the content in the States.*"

Related thereto, Ms. Bassett's long-standing suspicion as to the **real reason** why the Mile High-associated Defendants and their counsel have been so steadfastly unwilling to produce the legal names, dates of birth, current or last known addresses, and any other contact information for the 30+ actors and crewmembers who were on Ms. Bassett's premises for the unauthorized and unlawful porn production purposes is that their "noble professions of concern" as to those allegedly "independent contractor" actors' privacy rights and risk of physical harm/harassment due to their alleged "rock star-akin status" is nothing more than a facile smokescreen, -- especially where none of the Defendants' counsel is representing any one of those 30+ individuals in this lawsuit, nor produced a single affidavit from any one of them in first-hand and credible support of these "personal safety-related" concerns. Rather, it appears that what the Defendants and their counsel actually fear is that one or more of the actors/crewmembers will be inclined to acknowledge in testimonial and/or affidavit form that they were being paid, wholly or in part, "under the table" for their services, combined with his/her failure to file federal and/or MA DOR tax returns in which the income received from the Icon Male and/or Transsensual commercial shoots was reported.<sup>9</sup>

As noted in the pending Motion for Injunctive Relief more fully, Ms. Bassett is perfectly

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<sup>9</sup> Ms. Bassett's stated suspicion as to the tax evasion/fraud aspect of the Defendants' commercial porn activities on her premises is **not** a recent construct, as evidenced by the following passage in her 93A Demand Letter, dated Oct. 6, 2015 (attached as Exh. 1 of her Verified Complaint) in pertinent part: "*As a far more serious issue prospectively for RICO purposes, I have not yet checked into whether you have filed all of the requisite tax forms with the MA Dept. of Revenue and/or the IRS for the commercial activity conducted on the Vineyard in 2014 and 2015 in terms of W2s or their equivalent for all of the 'actors' and film crew members, Estimated Tax payments, and of course, Annual Tax Returns for all of the income arising from the film/video sales or subscribed viewings from 'scenes' shot in MA.*"

serious in her pursuit of her Count X's civil RICO Count and the eventual goal of securing a permanent injunction "*enjoining each of these Defendants from creating, marketing, and/or selling adult entertainment/pornographic materials of any kind or description for commercial purposes within the United States and/or its Territories.*" They are already known to have engaged, individually and/or collectively, in at least two predicate-qualifying sets of violations of federal statutes per the numerous violations of the hybrid criminal/civil U.S. Copyright Act, as well as per the Deposition-confirmed violation by Ms. Jensen as to her failure to maintain the records required by the hybrid criminal/civil Child Protection and Obscenity Enforcement Act of 1988 (as amended by the Child Protection Restoration and Penalties Enhancement Act of 1990), 18 U.S.C. s. 2257, -- while the Mile High Defendants continue to refuse to produce documentary evidence of **their** compliance with that federal statute (while noting, ominously for them, Ted Blitt's testimonial admission at Depo. pg. 46 that Mile High Distribution, Inc. does not actually have a designated "Custodian of Records" as required by that Act).

While the past, and in many instances on-going, porn-related displays in what credibly appears to be 10,000,000+ individual instances of Ms. Bassett's own Copyright-protected artworks is of major concern to her, the pattern of blatant disregard which these Defendants have displayed towards the wholesale violation of the U.S. Copyright Act and the "Section 2257 Records" Act may well prove to be the proverbial frosting and cherry on the cake, relative to the spectre of a pervasive and long-standing pattern/conspiracy of federal and State tax evasion/fraud. Ms. Bassett has a right, both per her Chapter 93A Count and her Civil RICO Count respectively, to demand credible and documentay proof in Discovery as to whether the Defendants, individually or collectively, have complied with all tax reporting obligations connected to their commercial porn activities conducted on her premises specifically, as well as conducted generally

within Massachusetts and other States/Territories relative to the creation and marketing of their porn materials during the years 2014-present.

As stated in the Plaintiff's Discovery-Related Report, dated Sept. 3, 2019 (Doc. #63), the majority of the Discovery disputes as to Ms. Jensen were resolved "*per an agreement that she would substantively respond to them subject to a confidentiality stipulation that Ms. Bassett would not disclose the information for any purpose other than reasonably related to this lawsuit.*" That agreement, reached verbally during the undersigned counsel's phone conference with Atty. Megaloudis on Aug. 29 extended to her and/or Toaster Kid, Inc.'s tax records and returns for the pertinent years, although they have not yet been produced. The undersigned counsel offered to enter into the same confidentiality stipulation agreement as to the Mile High Defendants' tax records and returns for the pertinent years during my phone conference with Atty.s Kaufman and Reiffman also on Aug. 29, but they declined to enter into that agreement.<sup>10</sup>

WHEREFORE, the Plaintiff respectfully requests that the Defendants, respectively, be compelled to provide full and complete responses to the aforequoted Interrogatory and Documents Requests seeking: (1.) An identification of all Mile High-related business entities; (2.) All tax returns filed from 2014 to the present; and/or (3.) Such other relief/directives that the Court deems meet and just within the context of Rule 26's stated aims, as previously quoted in the DeepGulf, Inc. case that the Defendants had cited in their recent "Emergency Motion":

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<sup>10</sup> Finally, Ms. Bassett notes that the Defendants' separately numbered 90 Documents Requests served on her included the following: "*Request #24: All DOCUMENTS reflecting all income received by the PLAINTIFF from January 1, 2010 to the present.*" While objecting via her undersigned counsel to the production of such "*documents related to her income during the years prior to her with Spafford...*", she substantively produced both her federal and MA returns as to her gross and adjusted income "*from her filed tax returns for the years 2014, 2015, 2016, & 2017 (while noting that her 2018 tax returns have not yet been prepared)*" per her Response, dated Feb. 21, 2019. In Ms. Bassett's view, her own tax returns for those years have far less, if any, relevance to the key issues and Counts raised in this lawsuit than the Defendants' tax records/returns, -- and yet she produced them upon the Defendants' Discovery Requests/Demands **without** any proffered, agreed or Court-issued confidentiality stipulation.

*The purpose of discovery is to provide a mechanism for making relevant information available to the litigants. Mutual knowledge of all relevant facts gathered by both parties is essential to proper litigation; to that end, either party may compel the other to disgorge whatever facts he has in his possession.*

333 F.R.D. 600 (FL, 2019)(citing Fed.R.Civ.P. 26).

LEAH BASSETT

By her attorney,

Date: September 23, 2019

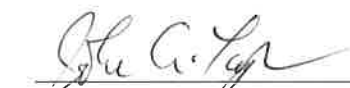
  
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Certificate of Compliance with Local Rule 7.1

The undersigned John A. Taylor, Esq. hereby certifies that I conducted a Discovery Conference with the Defendants' respective counsel on Aug. 27, 2019, which was followed by a contested Hearing on Sept. 6, 2019, which was followed by the Court's filed Clerk's Notes of even date authorizing Ms. Bassett to file this Motion on these issues.

Certificate of Service

The undersigned John A. Taylor, Esq. hereby certifies that a copy of this responsive pleading, along with its accompanying Affidavit (with Exhibits), will be transmitted on the above-stated date, electronically to the registered counsel of record as identified on the Notice of Electronic Filing.

  
John A. Taylor, Esq.