

Closed Captioning Exemption Request for Fallah Productions programs

Name of the Programming for which exemption is requested

There are three programs that would need Closed Captioning exemption.

- #1 – Windy City Poker Championship
- #2 – Chad Brown Poker Championship
- #3 – Jax50k Cash Game

The Nature and Cost of Closed Captioning

Quote from Aaron King CaptionMax

Unable to caption HDV (Primary source of show)

Live captioning \$200/hour



www.captionmax.com

ORDER CONFIRMATION

Project Name	realtime captioning	Date	12/19/2014
Quote Name	quote for live captioning	Quote Expires	1/18/2015
		Quote Number	00082638

Services Confirmed For:

Contact Name	Kirk Fallah	Prepared By	Aaron King
Account Name	Fallah Productions	Phone	612.656.1023
Address	18728 Center Ave Homewood, IL 60430	E-mail	aaron@captionmax.com
Phone	(708) 935-2861		
Email	kirk@focalpointfilms.com		

Service	Price	Quantity	Total Price
60-minute Realtime Closed Captioning	\$200.00	1.00	\$200.00
	Grand Total		\$200.00

Additional fees may apply if there are changes from this confirmation.

Terms and Conditions

The Terms and Conditions set forth below apply to all orders received by CaptionMax, Inc., ("CMI") from the Customer and all invoices issued by CMI unless specifically stated in writing by CMI to the contrary. CMI's acceptance of any request to provide services is specifically conditioned upon the Customer's acceptance of these terms and the Customer's retention of CMI to provide services to it constitute acceptance of these Terms and Conditions. CMI reserves the right to add, delete or amend these Terms and Conditions from time to time. Any change shall not apply to previously accepted orders or issued invoices.

1. Quotations and Prices. Written quotations for services automatically expire thirty (30) calendar days from the date issued, unless sooner terminated by notice from CMI. CMI reserves the right at any time to change its charges for services. If Customer requests that the scope of work agreed to by CMI be expanded, CMI shall have the right to charge its then current prices for the additional work so performed. Shipping costs are not included in the quotation and are billed as a separate line item. Sales tax, if any, is not included in the quotation and will be invoiced as a separate line item, if applicable. Customer agrees to pay any and all applicable taxes. Customer will be responsible for providing a certificate of tax exemption prior to any order placement. When applicable, Customer agrees to provide new tape stock to CMI. Used, reconditioned, refurbished, or recycled tape stock will not be accepted by CMI.

2. Payment Terms. Invoices will be submitted upon completion of the work. Invoices are due upon receipt. Any dispute must be raised no later than the sooner to occur of five (5) business days of receipt of the invoice, or ten (10) days after its issuance. Invoices not paid in full within sixty (60) days of the due date are subject to a finance charge of eighteen percent (18%) simple annual interest calculated daily on the unpaid balance from the due date. Payments received shall be applied first to any finance charges, then to any cost of collection, including attorneys' fees, then to the oldest outstanding invoice, or in such other order as determined. CMI shall have the right to withhold services if any invoice remains unpaid longer than thirty (30) days after the due date of the invoice. CMI reserves the right to withhold delivery until all invoices are paid in full.

3. Relationship of the Parties. CMI is Customer's independent contractor, and nothing shall be construed to create a partnership, joint venture, agency, or employment relationship. Neither party has authority to enter into agreements of any kind on behalf of the other, nor shall either party be considered the agent of the other.

4. Delays. CMI shall not be liable for any delay or failure to deliver any or all of the services where such delay or failure is caused by Customer's action, labor disputes, strikes, wars, riots, civil commotion, fire, flood, accident, storm, interference with transmission communications within the control of a third party, or any other cause beyond the reasonable control of CMI.

5. Limitation of Liability. CMI is not liable for lost profits, special, incidental, consequential or punitive damages which arise directly or indirectly out of the services it is asked to perform, whether such damages are asserted in any action brought in contract, tort or equity. CMI's liability shall in no event exceed the amount billed for the specific services provided that is the subject of the claim.

*Quote from Craig Wilson Dynamic Captioning
Unable to do HDV as well
Live Captioning \$120/hour*

Hi Kirk:

The 2015 Live Rate for a 60 minute program remains the same at \$120-.

You had also requested rate for a 60 minute program captioned and encoded to tape. This is a different workflow and the rates for offline captioning and encoding are as follows:

60 minute offline captioning, rollup format @ \$300.
60 minute HDCam encoding (including tape stock) @ \$210.
FEDEX shipping to Client: Pre-Paid and charged to client at cost.

** It should be noted that in HD format we can only encode to HDCAM video tape.

Yes we do accept VISA as payment.

Happy holidays and please let me know if I may be of additional assistance.

~ Craig

Craig Wilson
Sr. Account Executive

Dynamic Captioning
4650 N Breton CT SE
Grand Rapids, MI 49508
616.802.0181
Craig.Wilson@DynamicCaptioning.com
www.DynamicCaptioning.com



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On Fri, Dec 19, 2014 at 3:35 PM, WindyCityPoker
<kirk@windycitypokerchampionship.com> wrote:
Craig,

I wanted to follow up and find out the rates for Dynamic Captioning for Closed Captioning in 2015 on CSN Chicago for a 1-hour long program. I believe it \$120. You take VISA as payment? I am preparing new shows for 2015 and would like to know the live CC cost for captioning a program. Can you also provide me with the captioning rate for a 60 minute program produced in HD and submitted via HDV Mini DV Tape? I may send the show to other networks and they may require a CC'ed tape.

Sincerely,
Kirk Fallah
Windy City Poker Championship

Annual costs and examples:

Windy City Poker Championship, Chad Brown Poker Championship, and Jax50K Cash Game have produced a total of 40+ programs. These programs have broadcasted minimally 3-5 times on each network we have worked with. Approx 13 sports networks.

40 shows x 3 broadcasts = 120 broadcasts per network x \$120 (lowest live cost for CC) = \$14,400 in closed captioning cost per network

13 networks x \$14,400 = \$187,200 in closed captioning cost to date if required

In 2015 the plan is to re-broadcast 27 previous episodes + 5 new episodes in Chicago, Houston, Milwaukee, and many other networks. Minimally 5 sports networks right now is the goal for the programs. They would air these 27 old programs and 5 new shows minimally 2 times. Taking into consideration the cheapest cost which is live Closed Captioning, as well as taking into consideration that HDV which is the cheapest format and ONLY format these programs are able to be produced on (which can not be captioned). The minimal cost for LIVE CC would be 32 x 2 = 64 total broadcasts per network. 64 x 5 networks = 320 broadcasts x \$120 per broadcast = **\$38,400 in closed captioning cost.**

One would suggest then why the need for only live CC? It comes down to the quality and timing of the program, for example each show has dated references, or if we do have any sponsors are local to the Chicago market which means they need not be broadcasted in Milwaukee, or Houston. Additionally the distribution network we work with is on a low cost/barter basis which means we need to place their own advertising in the shows that are sent around the nation. So not only is there significant time in re-editing each show for a new market, but this means that one episode has 5 different edits of the program, which also have different timing for segments and commercial breaks. That means Closed Captioning on a single physical tape to be duplicated is not possible as that would require 5 separate tapes per episode. Which also means up-converting and dubbing to a

HD Cam specification which means a new cost for dubbing, as well as purchasing a HD Cam tape which can be \$100 +.

http://www.bhphotovideo.com/bnh/controller/home?O=&sku=214529&gclid=CPC-v_p18ICFck-Mgodb2oAJg&Q=&is=REG&A=details

Equipment to purchase option for Closed Captioning

To purchase equipment is not only an additional cost for the physical hardware, but it would require taking a significant amount of time to try and make the system work with the current consumer grade editing and video equipment. Additionally this means having more work to do when these current projects do not currently have a post production budget. The editor is I...Kirk Fallah. The reason for this is because there are no editors that would work on a "barter" basis for shows that take 120 hours to complete for one episode. Working as my own editor makes it possible for my budget to cover the bare minimum which would be the equipment rental, and crew costs. In fact I re-use tapes to save \$3 each time I recycle a new tape into use.

CC Encoders range from \$800-\$9,000

<http://www.bhphotovideo.com/bnh/controller/home?O=&sku=996520&gclid=COTFptHq18ICFcKPMgodEzQAGQ&Q=&is=REG&A=details>

Impact of captioning in our programs

The cost of the closed captioning of our programs would significantly impact the shows and cause them to not be produced or broadcasted not only outside of the home market but in the home market as well. With no budget for extra resources, crew members, post production help, or even new tapes for episodes...if we were not exempt from CC requirements the shows would cost more than they would generate and no longer be a product that would be produced. This would impact not only the show, but the crew members who rely on a few good working jobs each year, the networks that rely on the good programming, and lastly the charities who benefit from the national TV exposure which in turn brings out lots of players to participate. Airing the shows outside of the home market as you saw above is a significant cost of more than \$14,000 per network for the current plans. Broadcasting in the home market is the same...expensive. I also would like for you to consider the nature of the program and how it is produced. If you are watching the show with no sound...and no Closed Captioning to read...you know EXACTLY what is going on because the show is very graphics heavy. Every action of the player is dictated by graphics, you see the hand they are delt, the amount in the pot, the betting, their actions, the cards in the community...all of which are shown on the screen. This is done for the viewers who are at a bar and can not hear the action nor read any CC wording but can follow along with the graphics. There is no doubt in my mind that being required to CC these programs will end the run of the shows completely and cause me and my company to start over and try and find a new line of revenue and income. Trust me...I WANT to be in a position where I do not need to ask for exemption, but right now we just are not there because we are doing charity events which have zero budget like you would see a casino have or that you would see ESPN have.

Financial Resources
Information being gathered

Video programming distribution help

I currently have only one company that distributes my programs to other networks, this is on a minimal barter/cost basis because there is no budget to do more than a few extra networks. I reached out to Cap Sports for assistance but considering our arrangements it is not in the budget for them.

Kirk

Thank you for your email...

My company cannot commit more resources and time to this project than what we have done in 2014 moving forward ... The best we can do is to provide the level of service and commitment as we did last year ... This would not allow for us to cover the expenses of added costs of taking on the closed captioning costs ...

Thanks

Curt

-----Original Message-----

From: WindyCityPoker [<mailto:kirk@windycitypokerchampionship.com>]
Sent: Friday, December 19, 2014 3:29 PM
To: cap Sports Group
Cc: kirk@windycitypokerchampionship.com
Subject: Closed Captioning Assistance

Curt,

I wanted to inquire if your distribution company Cap Sports Group has any interest to sponsor the closed captioning for the Windy City Poker Championship, Chad Brown Poker Championship, or Jax50K programs that air nationwide. I would include a banner and a bumper with your company name and information that would promote you covering the costs for closed captioning on the programs.

I look forward to your reply.

Sincerely,
Kirk Fallah
Windy City Poker Championship

Additional sponsorships

I inquired with 3 of my show sponsors (Pride cleaners, AnteUp Magazine, and The Little Guys Home Technology) who I work with on a minimal basis to sponsor the closed captioning; unfortunately they are not able to allocate any funds or any additional funds beyond the current arrangements.

I appreciate you asking but at this time Pride Cleaners is not interested in advertising at this time.

Brian Ehman
Owner, Pride Cleaners

Sent from my iPhone

On Dec 21, 2014, at 1:12 PM, WindyCityPoker
<kirk@windycitypokerchampionship.com> wrote:

Brian,

I wanted to inquire if your company Price Cleaners has any interest to sponsor the closed captioning for the Windy City Poker Championship, Chad Brown Poker Championship, or Jax50K programs that air nationwide. I would include a banner and a bumper with your company name and information that would promote you covering the costs for closed captioning on the programs.

I look forward to your reply.

Sincerely,
Kirk Fallah
Windy City Poker Championship

At this time we cannot exceed our original plans for 2015. We are at max budget and there are no additional funds available. We will participate on the levels previously agreed to.

David Wexler
The Little Guys
19031 S Old LaGrange RD
store #209
Mokena IL 60448
708-754-8844 PH
708-479-8845 fax
www.thelittleguys.com
www.facebook.com/thelittleguys
www.twitter.com/thelittleguys

-----Original Message-----

From: WindyCityPoker [<mailto:kirk@windycitypokerchampionship.com>]
Sent: Friday, December 19, 2014 2:15 PM
To: davidw@thelittleguys.com
Cc: kirk@windycitypokerchampionship.com
Subject: Closed Captioning Sponsorship

David,

I wanted to inquire if your company The Little Guys Home Technology has any interest to sponsor the closed captioning for the Windy City Poker Championship, Chad Brown Poker Championship, or Jax50K programs that air nationwide. I would include a banner and a bumper with your company name and information that would promote you covering the costs for closed captioning on the programs.

I look forward to your reply.

Sincerely,
Kirk Fallah
Windy City Poker Championship

Hi Kirk,

I appreciate you thinking of us, but we unfortunately don't have a budget for this request.

Cheers,

Scott

Scott Long, Publisher
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Clearwater, FL 33761

On Fri, Dec 19, 2014 at 3:14 PM, WindyCityPoker
<kirk@windycitypokerchampionship.com> wrote:
Scott and Chris,

I wanted to inquire if your company AnteUp Magazine has any interest to sponsor the closed captioning for the Windy City Poker Championship, Chad Brown Poker Championship, or Jax50K programs that air nationwide. I would include a banner and a bumper with your company name and information that would promote you covering the costs for closed captioning on the programs.

I look forward to your reply.

Sincerely,
Kirk Fallah
Windy City Poker Championship

Type of operations

My production company started off as a film and music video editing house which did not progress further than a few small projects for artists that were going to “bring us along” if they made it big. Unfortunately that did not happen. Since then the company has turned into a poker production company only which televised charity poker events in and around the Chicago market and beyond. The company has no employees and is self sustaining with no outside assistance. Shows are organized, managed, and produced by one person with crew members being brought on once or twice a year for the productions only. Pre-production, directing, and all of post production including writing, graphics, audio editing, video editing and so forth are done by a single individual due to the lack of budget for hiring crew members.

Affidavit

OFFICIAL DESIGNEE AFFIDAVIT

I, Kirk Fallah, of the City of Homewood, in the Province/State (Country) of Illinois, HEREBY MAKE OATH AND SAY:

1. THAT I hereby state that Windy City Poker Championship, Chad Brown Poker Championship, and the Jax50K cash game owned by Fallah Productions Inc. is unable to afford Closed Captioning due to the lack of funding for the project, and lack of sponsorship resources. The exemption from Closed Captioning is vital to the existence of the program(s) future, without the exemption. The show(s) would no longer be in production due to lack of available funds causing severe issues for all of those who benefit from the show.

2. I am a copyright owner, or an authorized officer or director of the corporate entity, Fallah Productions Inc., which is a copyright owner of the production/series Windy City Poker Championship.

SWORN before me at the City of

Olympia Fields, in the

Province/State of Illinois,

this 21st day of December, 2014.



Signature

Kirk Fallah

Print Name

President Fallah Productions Inc.

Title and company name (where applicable)

12-21-14

Date



Notary Public or Commissioner of Oaths (Affix seal)

