

**Safe Harbor Letter**

Date: June 20, 2012

FROM:

H3 Exports, LLC  
1283 Havenhurst Drive #103  
West Hollywood, CA 90046

TO:

Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

RE: Certification Pursuant to 18 U.S.C. § 2257A(h) & 28 C.F.R. § 75.9

This letter is submitted on behalf of H3 Exports, LLC, a corporation organized and existing pursuant to the laws of the State of California, and the producer of the motion picture tentatively titled "HATCHET 3."

***Statement of Eligibility***

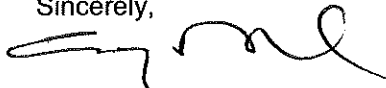
[Name Entity] is permitted to avail itself of the exemption set forth in 18 U.S.C. §2257A(h)(1)(A) or 18 U.S.C. §2257A(h)(1)(B) and 28 C.F.R. §75.9.

The visual depictions produced by [Name Entity] either (i) are intended for commercial distribution and are created as part of a commercial enterprise that meets the requirements of 18 U.S.C. 2257A(h)(1)(A)(ii), and are not produced, marketed or made available to another in circumstances such that an ordinary person would conclude that they contain a visual depiction that is child pornography as defined in 18 U.S.C. §2256(8), or (ii) are subject to regulation by the Federal Communications Commission acting in its capacity to enforce 18 U.S.C. §1464 regarding the broadcast of obscene, indecent or profane programming, and are created as part of a commercial enterprise that meets the requirements of 18 U.S.C. 2257A(h)(1)(B)(ii).

***Certification Statement***

The undersigned hereby certifies that [Name Entity] regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by [Name Entity] pursuant to tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address and date of birth of the performer, in accordance with 28 C.F.R. part 75.

Sincerely,



Cory Neal  
H3 Exports, LLC

**Definitions:** [18 United States Code §2257A and the following definitions are applicable regardless of the age of the performer]

- a) **“Simulated Sexually Explicit Conduct”** means conduct engaged in by performers that is depicted in a manner that would cause a reasonable viewer to believe that the performers engaged in actual sexually explicit conduct [i.e., (i) *sexual intercourse, including genital to genital, oral-genital, anal-genital, or oral anal, whether between persons of the same or opposite sex; (ii) bestiality; (iii) masturbation; (iv) sadistic or masochistic abuse; and (v) lascivious exhibition of the genitals or pubic area*] even if in fact the performers did not so engage in such conduct. It does not mean sexually explicit conduct that is merely suggested.
- b) **“Lascivious exhibition of the genitals of pubic area”** does not require nudity, and is determined by a review of following criteria:
  - i) Whether the focal point of the visual depiction is the genitalia or pubic area;
  - ii) Whether the setting of the visual depiction is sexually suggestive (i.e., in a place or pose generally associated with sexual activity);
  - iii) Whether the subject is depicted in an unnatural pose, or in inappropriate attire, considering for children his/her age [This is the only criteria that is “age” specific];
  - iv) Whether the subject is fully or partially clothed or nude;
  - v) Whether the visual depiction suggests sexual coyness or willingness to engage in sexual activity;
  - vi) Whether the visual depiction is intended or designed to elicit a sexual response in the viewer.