

1 ANDRÉ BIROTTE JR.
 United States Attorney
 2 CHRISTINE C. EWELL
 Assistant United States Attorney
 3 Chief, Criminal Division
 BRUCE H. SEARBY (SBN 183267)
 4 Assistant United States Attorney
 Major Frauds Section
 5 JONATHAN E. LOPEZ (SBN 210513)
 Senior Trial Attorney, Fraud Section
 6 United States Department of Justice
 1100 United States Courthouse
 7 312 North Spring Street
 Los Angeles, California 90012
 8 Telephone: (213) 894-5423
 Facsimile: (213) 894-6269
 9 bruce.searby@usdoj.gov

10 Attorneys for Plaintiff
 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,)	CR No. 08-59(B)-GW
14)	
Plaintiff,)	<u>GOVERNMENT'S SUR-REPLY MEMORANDUM</u>
15)	<u>RE: FACTUAL ASSERTIONS MADE BY</u>
v.)	<u>DEFENDANTS GERALD GREEN AND</u>
16)	<u>PATRICIA GREEN IN LATEST</u>
GERALD GREEN and)	<u>SENTENCING REPLY BRIEF; EXHIBIT</u>
17 PATRICIA GREEN,)	
)	Sent. Date: April 29, 2010
18 Defendants.)	Sent. Time: 9:30 a.m.
)	
19)	
20)	

21 Plaintiff United States of America, through its counsel of
 22 record, the United States Attorney's Office for the Central
 23 District of California, and the Fraud Section, United States
 24 Department of Justice, Criminal Division, hereby submits the
 25 attached **sur-reply** memorandum and exhibits re: factual assertions
 26 regarding lack of harm to the victim made by defendant GERALD
 27 GREEN and defendant PATRICIA GREEN ("defendants"), in their
 28 latest sentencing reply memorandum, filed on March 26, 2010.

1 The government respectfully requests the opportunity to
2 supplement its position as to sentencing as necessary.

3 DATED: April 7, 2010

Respectfully submitted,

4 ANDRÉ BIROTTE JR.
United States Attorney

5 CHRISTINE C. EWELL
6 Assistant United States Attorney
7 Chief, Criminal Division

8 _____ /s/
9 BRUCE H. SEARBY
Assistant United States Attorney
10 JONATHAN E. LOPEZ
Senior Trial Attorney
11 United States Department
of Justice, Fraud Section

12 Attorneys for Plaintiff
13 UNITED STATES OF AMERICA
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 INTRODUCTION

4 As a supposedly mitigating factor at sentencing, defendants
5 have argued that they were indispensable to the growth of the
6 Bangkok International Film Festival ("BKKIFF") from 2003 to 2006.
7 Defendants' latest reply brief elaborated on this, claiming that
8 this event declined because defendants lost the management
9 contract for it in late 2006. (Defs. Supp. Reply Mem., filed on
10 March 26, 2010, at 2-3.) At the last sentencing hearing, the
11 Court indicated that this claim may indeed bear on its analysis
12 of defendants' culpability. Assuming arguendo that such a claim
13 would be relevant, it actually turns the truth on its head.

14 As set forth in Government's Trial Exhibit 1328 (attached
15 hereto), which contains a contemporary account from a reliable
16 source within the Tourism Authority of Thailand ("TAT") in
17 December 2006, the primary reason for the TAT's downscaling of
18 the BKKIFF beginning in late 2006 was a profound distrust of
19 defendants and ex-Governor Juthamas Siriwan based on a well-
20 founded suspicion of their corrupt "secrets."

21 Thus, contrary to defendants' claims at sentencing that the
22 BKKIFF could not prosper without them, defendants' crime of
23 bribery actually damaged confidence in the TAT procurement
24 process, stunted the festival's potential to benefit Thailand,
25 and tarnished the image of U.S. businesses. Rather than being a
26 point in defendants' favor, the fate of the BKKIFF after their
27 ouster illustrates certain well-known types of harm from bribery
28 that should factor heavily against defendants at sentencing.

1 The government has already submitted many legal authorities
2 for the proposition that, as a matter of law and policy in a
3 bribery case, the Court should not consider defendants'
4 performance of the contracts to be a mitigating factor. Nor
5 should the Court try to compare defendants' record with their
6 successors'. It would be unwise to make defendants' sentencing
7 dependent on a mini-trial of such factual issues, because it
8 would set a precedent that is both impractical for the courts and
9 detrimental to deterrence of these crimes of calculation.

10 II.

11 DISCUSSION

12 A. THE DOWNSCALING OF THE BANGKOK INTERNATIONAL FILM FESTIVAL
13 WAS A CONSEQUENCE OF WELL-FOUNDED DISTRUST OF DEFENDANTS AND
JUTHAMAS SIRIWAN WITHIN THE TOURISM AUTHORITY OF THAILAND

14 An email, dated December 23, 2006 and written by a TAT
15 official then in charge of the BKKIFF, sets straight defendants'
16 false claim that the BKKIFF suffered after their ouster because
17 only defendants could successfully manage it.

18 1. Background to the December 23, 2006 email¹

19 After four years of managing the BKKIFF, defendants lost
20 their contracts at the end of November 2006. Defendants'
21 termination closely followed the end of Juthamas Siriwan's term
22 as TAT Governor on September 11, 2006. Defendants' loss of the
23 BKKIFF also followed a few months after the resignation in early
24 2006 of Craig Prater ("Prater"), who had been defendants'
25 festival director for the previous three years. Three weeks
26 following the defendants' termination as managers of the BKKIFF,

27 ¹ Government witness Susan Shore testified to these
28 undisputed background facts at trial.

1 the TAT announced that the 2007 BKKIFF was postponed from
2 February 2007 until July 2007. After defendants' termination,
3 the TAT official in charge of overseeing the 2007 BKKIFF was
4 Chattan Kunjara ("Chattan"). Juthamas Siriwan remained on as an
5 "advisor" to the TAT.

6 2. Chattan's December 23, 2006 email to Prater

7 In or about May 2007, defendants obtained a series of emails
8 between Chattan and Prater dated between December 2006 and May
9 2007, which were in an exhibit that Susan Shore identified at
10 trial, and were attached to a fax from defendant PATRICIA GREEN
11 to Juthamas Siriwan. (Government's Trial Exhibit 1328.) In
12 these emails, Prater was offering Chattan his assistance in the
13 upcoming 2007 BKKIFF. In a December 23, 2006 reply email to
14 Prater, Chattan states in relevant part:

15 My team and I have done our utmost to move
16 the festival along as best we can, but you
17 know that there are forces beyond our control
18 that have consistently thwarted our attempts
19 to put together a great event.

20 The most important of these has nothing to do
21 with unready venues, national politics, or
22 public dissatisfaction. It is the general
23 unwillingness to support the event by TAT
24 executives that has put the event in jeopardy
25 since Day One. Keng and I feel that the
26 festival is Khun Juthamas' legacy but not
27 anyone else's. No one higher up at TAT
28 really supports it. People were and are
uncomfortable dealing with [the Greens'
company] FFM and believe there are secrets
between Khun Juthamas and FFM that they would
not care to learn about. Everybody is
distancing himself from the event. I have
said to my team all along that under such a
condition, it is beyond comprehension that a
festival be held at all.

(Id. at Bates No. 018824.) (emphasis added.)

1 Bureaucracy and distrust of foreigners also posed hurdles,
2 but the lack of internal TAT support for the BKKIFF born of
3 suspicion of defendants and Juthamas Siriwan was the "most
4 important" force working against the BKKIFF's future success.
5 (Id.) There is no evidence in the record that the TAT tried but
6 simply could not recruit anyone with defendants' managerial
7 talent and Hollywood clout. Indeed, Prater himself was quite
8 clearly angling through these emails with Chattan to take over
9 the BKKIFF in the wake of defendants' termination.²

10 Fundamentally, defendants' bribery was what undermined the
11 potential for a thriving international film festival run by
12 experienced Hollywood hands for years to come.

13 B. DEFENDANTS' BRIBERY UNDERMINED CONFIDENCE IN THE TAT
14 PROCUREMENT PROCESS AND IN THE IMAGE OF AMERICAN BUSINESS IN
A MANNER THAT WARRANTS SEVERE PUNISHMENT

15 The above-referenced quote from Chattan's email illustrates
16 certain types of intangible harms that warrant severe punishment,
17 namely, a loss of confidence in the integrity of the governmental
18 process, and in U.S. businesses overseas.³

19 The government in this case has not sought any upward
20 departure under the sentencing guidelines given the already

21
22 ² Defendants' latest reply brief also cites a letter from
23 Prater as evidence that defendants "fought to keep the festival
24 on merit, and won that right on merit." (Defs. Reply Supp. Mem.,
25 at 1-2.) Prater's letter, which simply shows him replying to
criticism by another company whom Prater suspected of fishing for
business, cannot in any way support such a conclusion as
defendants attempt to hang upon it.

26 ³ In its analysis of the harm in this case, the
27 government has also relied on (a) the huge amount paid to the
28 Governor, an amount siphoned from the Thai Treasury and thus
diverted away from other productive public uses; (b) the harm to
actual or potential competitors from the "sole-source" or "no-
bid" contracting procedures used by the corrupt official.

1 extremely high offense levels, but nonetheless recommends to the
2 Court the following sentencing guidelines application note:

3 In a case in which the court finds that the
4 defendant's conduct was part of a systematic
5 or pervasive corruption of a governmental
6 function, process, or office that may cause
7 loss of public confidence in government, an
8 upward departure may be warranted.⁴

9 U.S.S.G. §2C1.1, Application Note 7.

10 Aside from any tangible dollar loss to public coffers⁵ and
11 to actual and potential competitors, corruption causes intangible
12 harms by breeding a cynicism and mistrust of public officials.
13 These intangible harms have factored in strict sentencing for
14 federal domestic bribery charges, even after the sentencing
15 guidelines became advisory.⁶ (Gov. Supp. Sent. Mem., filed on
16 March 12, 2010, at 15.)

17 Moreover, the history of the enactment of the Foreign
18 Corrupt Practices Act ("FCPA") shows that its penalties must be

19 ⁴ The "systematic" and "pervasive" nature of defendants'
20 corruption in this case is shown by the several contracts besides
21 the BKKIFF contracts in which defendants bribed the Governor --
22 the Thai Privilege Card, the book, the calendars, the website,
23 the video, and the public relations contract.

24 ⁵ At the April 1, 2010 hearing, the Court implied that
25 the \$1.8 million in bribes to the Governor was already "budgeted
26 for," so an argument could be made that it should not be
27 considered a loss to Thailand. Setting aside the straightforward
28 mandate of U.S.S.G. §2C1.1 to use the amount of bribes as an
29 alternate measure of harm, the government would like to remind
30 the Court of the evidence at trial proving that the Governor and
31 defendant GERALD GREEN set the budget amounts so as to include
32 room for the bribe payments they agreed upon. (Trial Transcript,
33 Susan Shore, September 1, 2009, at 100, 135-137).

34 ⁶ As even a pair of economists cited by defendants
35 acknowledge, bribery can often destabilize a country's
36 institutions, create "regime uncertainty," and ultimately reduce
37 investment in productive activities. (Gov. Reply Supp. Mem.
38 Filed on March 25, 2010, at 18.)

1 commensurate with the harm the bribery causes to the image and
2 perception of American business overseas. (Gov. Sent. Mem.,
3 filed on January 14, 2010, at 28-29.)

4 Here, Chattan sent his above-quoted December 23, 2006 email
5 to Prater a year before the charges in this case made defendants'
6 bribery a matter of public knowledge. But even back then, the
7 rumors of defendants' corrupt secrets within the TAT had already
8 resulted in precisely the types of harms -- to the BKKIFF, the
9 TAT, and Thailand generally -- that typically warrant a strict
10 sentence in bribery cases.

11 C. THE COURT SHOULD NOT MAKE SENTENCING A MINI-TRIAL OF FACT
12 ISSUES SUCH AS THE COMPARATIVE OUTCOMES OF THE BKKIFF UNDER
DEFENDANTS' MANAGEMENT VERSUS THEIR SUCCESSORS'

13 Defendants' effort to focus the sentencing on how they
14 managed the BKKIFF compared to their successors illustrates the
15 futility of trying to analyze the alleged benefit they conferred
16 upon Thailand as a mitigating factor.

17 Such an analysis sets the stage for a fact-intensive mini-
18 trial in which the Court attempts to assess in hindsight the
19 performance of various complex contracts, and to speculate on how
20 others who did not get to compete with defendants for the
21 contracts might have done. Meanwhile, defendants' illegal
22 conduct is set by the way-side.

23 Moreover, assessing the various benefits that a briber
24 provided by simply carrying out the corrupt contract sets a
25 perverse incentive for a would-be defendant, that is, one can
26 avoid prison time so long as a perceived benefit is shown.

27 As the government has argued, federal courts have rejected
28 such arguments by defendants who urge the courts to use powers of

1 hindsight to create a "sliding scale" of punishment based on how
2 successfully the defendant completed the contract. (Gov. Supp.
3 Sent. Mem., at 5-7.)

4 The structure of the public corruption guideline at U.S.S.G.
5 §2C1.1, which sets forth alternative measures of harm and applies
6 whichever is the greatest, wisely provides for severe punishment
7 in appropriate cases even if out-of-pocket loss to the government
8 is difficult to calculate or is non-existent. This is essential
9 to promote the value of deterrence and to reflect the scale of
10 the improper inducements to the official.

11 The Court should not be influenced by defendants' attempts
12 to shift the focus away from their illegal conduct to a
13 speculative and irrelevant exploration of their relative merits
14 as film festival organizers.

15 ///

16 ///

17 ///

18

19

20

21

22

23

24

25

26

27

28

1 III.

2 CONCLUSION

3 For the foregoing reasons, the Court should reject
4 defendants' arguments in their last reply brief that the recent
5 decline of the BKKIFF shows they alone could make the BKKIFF a
6 success, and that this purported "fact" supports lenience at
7 sentencing in this case. If anything, the Court should see what
8 truly happened to the BKKIFF as a result of the bribery as an
9 aggravating factor.

10 The government respectfully requests leave to supplement its
11 sentencing position as necessary, and at the time for hearing.

12 DATED: April 7, 2010

Respectfully submitted,

13 ANDRÉ BIROTTE JR.
United States Attorney

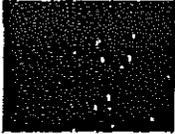
14 CHRISTINE C. EWELL
15 Assistant United States Attorney
16 Chief, Criminal Division

17 _____ /s/
18 BRUCE H. SEARBY
Assistant United States Attorney
19 JONATHAN E. LOPEZ
Senior Trial Attorney
20 United States Department
of Justice, Fraud Section

21 Attorneys for Plaintiff
22 UNITED STATES OF AMERICA
23
24
25
26
27
28

CASE NO. CR 08-59(B)-GW
UNITED STATES OF AMERICA
vs. GERALD GREEN and PATRICIA GREEN
PLAINTIFF'S EXHIBIT 1328
DATE _____ IDEN.
DATE _____ EVID.
BY _____
DEPUTY CLERK

EXHIBIT 1328



**FESTIVAL
MANAGEMENT**
INC.

8970 WILSHIRE BOULEVARD
SUITE 350
BEVERLY HILLS CA 90211
P. 323.655.8550
F. 323.866.3380

F A X

DATE: 5/9/07 TIME: _____

TO: _____

COMPANY: _____

FROM: _____

FAX #: 011-662-714-9640

TOTAL # OF PAGES: 17
(INCLUDING COVER)

Dear Khun Pithanas,

*These emails are in
chronological order for
better and easier
read*

FAXED

Thank you &

Best Regards,

Patricia

FAXED

Date: Fri, 22 Dec 2006 21:34:40 EST
From: FESTIVALOFESTS@aol.com
Reply-To: FESTIVALOFESTS@aol.com
Subject: CONFIDENTIAL TO Khun Chattan
To: chattan.kun@tat.or.th

Email 1 From Craig Prater

December 22, 2006

Confidential / Private Message

Dear Khun Chattan Kunjara Na Ayudhya:

I have just been sent the press release you released regarding the cancellation of The Bangkok International Film Festival. I know you gave a lot of thought to this re-scheduling move to July, 2007. I wish you the very best with the new date announcement.

Khun Chattan, we did not have the opportunity to work together, but my friends in Thailand told me that I missed a great opportunity during my 4 years in Bangkok of not being able to work with you. I am sending this note to you in private and I have not, nor will I, share this information with anyone else.

I spent 90% of my time from 2002-2006 working on the Bangkok International Film Festival. I made 4 trips per year meeting with Thai distributors, hotels, Embassies, radio and television stations as well as event locations and theaters. In addition to my trips during each year, leading up to and including the event, I moved to Bangkok for 2 months. Needless to say, I became very

familiar with the area, the people, the customs and basically the "ways of the Thai people." Having spent the past 20 years working on international film festivals, I believe the BKKIFF was elevated to a major international event in a very short period of time. This was done by a perfect marriage between TAT who knows how to host and execute special events better than anyone else and my knowledge of international film festivals.

It seriously saddens me to read comments in newspapers and the trade magazines and now hear about the postponement of your film festival. I became very personally attached to the event. As I have mentioned to you in prior emails, I was and continue to be very much aware that the local media does not want Westerners involved (I agree) and I also am aware that some of your staff members do not want Westerners involved and certainly did their share of making

that known. On many occasions, your staff was justified having that position. They were never given the recognition that they deserved. I have always wanted and recommended that any involvement from an outside company

(Westerners or anyone else) should be behind the scenes and let a Thai person or a TAT staff member be the FRONT PERSON. You may or may not know that this was

never allowed by the FFM executives which many of us had no voice. The owners of FFM were close friends of top officials at TAT so we were always told to play a visible role and tell TAT staff what they needed to do. NOT work

with them as a team.

I want the Bangkok International Film Festival to succeed and I want your event in July to make a very positive statement to the critics. I want it to continue in the same direction that it was going over the past 4 years. If you choose to make the festival a local Thai festival is one thing. If you choose to continue the event as an International event with an emphasis on Thai filmmakers which is recognized by the international film community, that's something different.

If you plan and hope to have the event continue as an international event that does three things: 1) Promote Thai filmmakers; 2) Promote Tourism; 3) Continue recognition on the international stage of the film industry, then I want to repeat myself by saying that I want you to succeed and take all the necessary steps to make that happen.

As you move forward with the development of the BKKIFF event scheduled now for July, 2007, I would like to confidentially tell you that I would be more than willing to offer my services to you personally at no charge and in strict confidence. Any and all information that I would share with you, would be as if it were your information. I want no compensation, recognition or acknowledgement of my involvement. No one needs to know that I am involved. Its only my desire and my way of saying to you that I believe in your event. I believe it can move forward and I want that to happen. Because I am no longer associated with FFM, I can say that it would also be important that as long as you have executives at TAT who have a close friendship with executives at FFM, it would not serve you or the event well to mention my offer. FFM was and continues to be very unhappy with my resignation.

I make this offer as a serious commitment to you and the film festival. I am certain at some point because of your abilities, you will be promoted to another position at TAT, but until then my offer stays on the table to you. I will not share this information with any of my friends at TAT; nor my associates in Thailand. This is confidentially between you and me. With over 20 years in the film industry, I have contacts all over the world. I would be happy to share with you a checklist that you can review as you plan for July. I will classify priorities for you to consider and then you can discuss with your staff at the festival and TAT staff members. It would be as if everything was coming from you.

Because emails can get lost or directed in the wrong way, I would appreciate your acknowledgement that you received this note. My offer is sincere because of my interest in the event, my time spent on the event over the past 4 years and my love for Thailand and the Thai people. Give it some thought. I look forward to your response. Thank you, Khun Chattan.

Sincerely,
Craig Prater

Sent: Sat, 23 Dec 2006 12:16:57 Email 2 From Chattan to Craig
From: chattan@bangkokfilm.org
To: FESTIVALOFESTS@aol.com
Subject: Fwd: CONFIDENTIAL TO Khun Chattan

Dear Khun Craig,

Thank you so much for your message. Like your e-mail, I would appreciate your keeping this response confidential.

Before I start expressing my views on the festival, I must tell you that I am grateful for your support and that I am honored to accept your offer of assistance.

My team and I have done our utmost to move the festival along as best we can, but you know that there are forces beyond our control that have consistently thwarted our attempts to put together a great event.

The most important of these has nothing to do with unready venues, national politics, or public dissatisfaction. It is the general unwillingness to support the event by TAT executives that has put the festival in jeopardy since Day One. Keng and I feel that the festival is Khun Juthamas' legacy but not anyone else's. No one higher up at TAT really supports it. People were and are uncomfortable dealing with FFM and believe there are secrets between Khun Juthamas and FFM that they would not care to learn about. Everybody is distancing himself from the event. I have said to my team all along that under such a condition, it is beyond comprehension that a festival be held at all.

Then there is this unfathomably slow bureaucratic process, greedy Thais and Farangs after the festival's money, woeful indecision at nearly every turn by some executives, and a lack of understanding by public and private offices how a film festival is organized.

But perhaps what saddens me most of all is that we deal with people who do not love movies. To me, a good motion picture is the highest art form. This feeling is shared by every single member of my team. We all want an event that not only celebrates the country, but also an event that displays this art in all its glory. However, for most people, the festival is just a thing to serve objectives. Money, power, fame, etc. The celebration of movies and the celebration of life itself have been relegated to footnotes in the overall scheme of things.

Having said all that, I do want the festival to be an International event that we can all be proud of, and I strongly trust in the ability of my team to make that happen. You are certainly correct to state there is hardline opposition by the media and my staff about working with Westerners. Throughout the many months I have been working on the festival, I have had to time and again engage in a delicate balancing act first between FFM and my staff, then between freelance

Westerners who want to work on it and my staff. Believe me when I say this has not been a fun aspect of the event. I do not blame my staff for this denial as I fully understand the oftentimes ridiculous work atmosphere they were subjected to prior to my arrival on the scene.

I totally agree with you on all 3 points you suggested on making this an international festival that can go head to head with the big boys at the global level. Therefore, I would very much like to open a line of communication with you to explore ways to make this happen. I feel we can be a good team.

I will have no hesitation in having you in Thailand before and during our July event to help me with stuff, providing that the festival remains in TAT's hands at that time. You would make a very important festival guest, with more concrete contributions than some of the other so-called VIP's. I will look at ways to once again have you a part of BKKIFF.

In the meantime, this is the season for joy. Let's leave all this outside the door at the moment while we kick back and have a good time with our family and friends.

Happy Holidays.

Sincerely,
Chattan

----- Start Forwarded Message -----

Email 3 From Craig to Chattan

Sent: Sat, 23 Dec 2006 12:15:01 EST

From: FESTIVALOFESTS@aol.com

To: chattan@bangkokfilm.org

Subject: Re: CONFIDENTIAL TO Khun Chattan

Dear Khun Chattan: You only confirmed what people have told me about you. You totally have an understanding of what has happened with the festival and what needs to happen. You have my word that this correspondence will not be shared with anyone...only you. I totally agree that the film festival is Khun Juthamas' legacy. It was her vision and she was responsible, in my opinion, for making the event happen on the level in which it did. Khun Chattan, we Westerners are more outspoken and maybe more appropriately the word might be "rude" than the polite, kind Thai people; so I will speak as a Westerner and say that one of the major problems from Day 1 with the film festival was the association between Khun Juthamas and Gerald Green. Mr. Green knew nothing about film festivals. He was involved for reasons, not associated with film festivals. With that said, many things were recommended to the Governor from Mr. Green that should not have been and many of us at FFM had our hands tied. Your staff and many of the Executives at TAT knew about this agreement between the Governor and Mr. Green and Mr. Green was never kind to your staff. Your staff's position is well grounded. Yes, I agree with you, under these circumstances, it's beyond comprehension that a festival could be held. You are right again about your comment about greedy Thais and Farangs trying to get the festival's money. In defense of the Thais, yes I agree, but they are no different than Americans in regards to government money. It's for this very reason that I have offered my assistance for no money, no compensation. It's a sincere interest in your festival. TAT paid me very well during my time there and I appreciated that. It seems to be the way of the world, people are greedy if we think it's government money and not our own. One of my biggest shocks in Thailand when preparing for the festival was the fact that hotels, restaurants, event companies, did not contribute more from themselves instead of expecting "the government/TAT to pay top prices. I would like to emphasize one thing. I am very much aware of the budget that the Governor gave Mr. Green. I was very involved with that. Also, knowing the cost of events, hotels and airline tickets, I can estimate very close the additional moneys that TAT spent each year on the event. Your records will verify that during last year's event because Mrs. Green (Patricia) refused to pay for tickets for filmmakers, journalists, etc that I used my personal credit card (\$121,000.00 USD) to get our guests to Bangkok. TAT later reimbursed me, but this was a FFM expense. Please know that I can help you tremendously in creating a budget that is real

which will save you lots of money. TAT was taken advantage of in many, many cases. I agree with you about the motion picture being the highest art form. If it brings comfort to you, please know that the Hollywood studios are greedy, self-serving entities too; so the greed is everywhere. It's for this very reason that I've always believed in promoting the unknown filmmaker and his/her film which was always the objective of the early day film festivals. The big Hollywood films with celebrities were the added attractions that helped promote the event, but film festivals were about the independent filmmaker which is where we fell short at the BKKIFF and the local media critics attacked us. They were right. We should have been promoting local Thai filmmakers and let the famous celebrity, movie stars just be the "icing on the cake", not the primary focus. Your local media, as tough as they are, understand that this is the way it should happen. I know most of your writers in Bangkok personally and they are no different than the rest of the world. In defense of your staff, yes, at times it was very frustrating. The lines of responsibility were never defined. No staff member at FFM believed that we should operate in a vacuum shutting TAT out of the picture. We continued to get other direction. It was my belief, especially after the first year's experience, that the FFM staff had great strengths in the film festival business that TAT needed to take advantage of and FFM needed to realize that no one does special events (Opening, Closing, Awards Gala, private parties) better than TAT. They were the best. FFM needed to give their information to an assigned TAT member and let them execute the procedures because then the media and critics would not resent "Outsiders" taking over the event. One thing that I failed to communicate properly to TAT staff members was the fact that international film festivals were dramatically different than other special events that TAT members developed and created so well. It takes 10-12 months to fully develop an international film festival (films, hotels, airlines, sponsors, advertisers, event locations, involvement and contributions from companies, embassies, distributors, etc.). In Cannes, Toronto, Berlin, Pusan, Sundance, Montreal, Rotterdam film festivals, all have hotels and airlines in place a year in advance which makes the procedure run more smoothly and allows the host city (i.e. TAT) to spend LESS money. Here's wishing you the best of holiday seasons and to the rest of your family and friends. I continue my commitment to you, the festival and TAT and that this information will NOT be shared with anyone except you.

Sincerely,

Craig Prater

----- Start Original Message -----

Email 4: Craig to Chattan

Sent: Fri, 5 Jan 2007 12:24:33 EST

From: FESTIVALOFESTS@aol.com

To: chattan@bangkokfilm.org, chattan.kun@tat.or.th

Subject: Information

> Dear Khun Chattan:

>

> You don't have to make a comment because it is none of my business, but I

> heard today that Patricia Green announced in her office that TAT was considering

> bringing Film Festival Management back in the Fall (September). For the

> staff of TAT's sake, I hope that's not true. And if that happens, there goes

> your budget out the door.

> On another note, did you get my miscellaneous check list. I just want to

> make certain you get my emails. You don't have to comment on anything. I just

> want to make certain you get emails. I know they can disappear sometimes.

> The best to you, Khun Chattan.

> Craig Prater

Sent: Sat, 06 Jan 2007 14:35:53 +0700 (ICT)

Email 5: Chattan to Craig

From: chattan@bangkokfilm.org

To: FESTIVALOFESTS@aol.com

Subject: Re: Information

Dear Khun Craig,

I have received your proposed check list, with thanks. The Bangkok bombings have been preoccupying me for the past few days and I will go over the list once I can get around to it.

The supposed announcement by Patricia Green is news to me. Whether or not TAT uses FFM again is not up to me and you know where I stand on this issue. I only want to see what is best for the festival, for TAT and for Thailand. If the powers that be determine that using FFM will achieve this, then I will go along with it, against my better judgment, of course.

All the best,
Chattan

From: FESTIVALOFESTS@aol.com

Email 6: Craig to Chattan

Date: 30-Jan-2007 12:33

Subject: Film Festival

To: chattan@bangkokfilm.org

Dear Khun Chattan:

I just heard that Gerald Green is making a bid with the new Governor to take over the film festival again. If the Bangkok Int'l Film Festival is open for bid again, I'd sure like to be considered. Gerald Green has NEVER had any experience running a film festival. I've run international film festivals for 20 years and have a network of programmers, publicists and agents in the film industry that surpasses Gerald Green by a long shot.

I've got the better network of people, I've personally got the qualifications that surpass anyone available today and can outbid Gerald Green any day. Last and not least, I've got a rapport with your staff that is considerably better than Gerald Green could ever hope to have. Please let me know if what I'm hearing is true and if so, if I can send in my proposal too.

I believe the new Governor knows me. Thank you, Khun Chattan.

Craig

----- Start Original Message -----

Email 7: Craig to Chattan

Sent: Thu, 15 Feb 2007 00:34:24 EST

From: FESTIVALOFESTS@aol.com

To: chattan@bangkokfilm.org

Subject: Touching Base

>

> Dear Khun Chattan: I just got back from Cape Town, S. Africa. It's a long trip. I used to complain about the distance from Los Angeles to Bangkok but Bangkok is close compared to Cape Town. Anyway, I wanted to touch base because while I was in Cape Town I heard that TAT canceled a press conference where they were going to talk about the film festival in July. I hope this doesn't mean that it has been canceled permanently. I contacted Khun Santi, director of the Los Angeles TAT office to see if he had heard anything about Bangkok's plans, but he said he had not. I'm certain Bangkok government is no different than everywhere else. If it helps you, your position and ultimately TAT, I'll make my offer again about helping you the first year for you to get it off the ground at no charge. If it works and I make a difference for you, I would like the opportunity to bid on the event for the second year. All I would ask is for my airline tickets (Business) to/from Bangkok to meet with you (at least once before the event) and then during the event plus my hotel room. I know the amount of money that TAT paid Film Festival Management for the management fees. You would be saving hundreds of thousands of dollars. I don't want to see the film festival go down the tubes so I'd do whatever it takes to keep it alive. I've still got the same team and even more staff for whatever is needed to help. I have film festivals that I'm working on in 2007 in September and then again March, April, 2008, but I'd make time for whatever you need. I have programmers who just got back from Iran and Berlin and then next month I have members in India, Singapore, Rome and Paris so I've got the contacts to make it whatever size you desire. I hope everything else is going well for you. I try to keep up on everything going on in Bangkok through the newspapers (The Nation and Bangkok Post) and then through friends who live there. I hope to hear from you.

Thanks, Chattan.

Craig Prater

Sent: Mon, 19 Feb 2007 15:51:00
From: chattan@bangkokfilm.org
To: FESTIVALOFESTS@aol.com
Subject: Re: Touching Base

Email 8: Chattan to Craig

Dear Khun Craig,

Thank you for reestablishing contact after some weeks of absence on my part.

The festival is still going ahead and we have scheduled a press conference for February 22. This time I am hoping it will not be cancelled. Once the press conference is held and the media is informed of dates, location and basic information on the festival, there is no turning back as it is then a commitment on TAT to see it through. I have been working on sort of auto pilot the last few weeks as has my staff, but hopefully I can switch gears after February 22.

Programming is of concern for me, but I have told my staff to do whatever it can under the current circumstances concerning budget and time. So as much as I would like to take up your offer in this area, I am committed to having my people get the most number of quality films (about 100) as they can muster.

Nonetheless, I think your presence is important for the festival to proceed smoothly, and I am okay with your request for tickets and hotel room. Let's set a period of time that is convenient for both of us. I think I will be needing your help with not only keeping the budget sensible, but also with getting certain high-profile media and some industry people to come. But we can talk and plan more when we meet.

Sincerely,
Chattan

Sent: Mon, 19 Feb 2007 10:42:43 EST

Email 9: Craig to Chattan

From: FESTIVALOFESTS@aol.com

To: chattan@bangkokfilm.org

Subject: Re: Touching Base

Dear Khun Chattan: So nice to hear from you. I knew that you must be working for hard on a million other things. You have my commitment to help you anyway I can. I like hearing that you are going to control the number of films (100). That will save you lots of money with rental fees, shipping fees, hotel rooms, etc. Good move. Regarding your comment about industry people and international people to attend, that is very easy to make happen for you. When we get a chance to discuss in more detail, I'll follow your guidelines regarding members from the media and industry to attend your event. Are you planning anything in Cannes this year? Don't hesitate to ask me for anything that I might be able to do. Craig Prater

From: FESTIVALOFESTS@aol.com

Email 10: Chattan to Craig

Date: 17-Mar-2007 10:49

Subject: VIP contacts

To: chattan@bangkokfilm.org

Dear Khun Chattan:

An important business couple from Bangkok, but now live in Los Angeles and have a very successful business are going to be in Bangkok setting up their new "pay for view" film network. I've told them that they should attend the film festival in July. They plan to do that. Is it possible to secure some VIP Passes for them? Because they will be doing film business, I'd like for them to be able to see as many films as possible as well as attend the film market. It is a husband and wife. Their names are as follows: Nayada Dhanaphatana and Sakda Dhanaphatana. Their company is WIN TV USA, 8701 Airline Avenue, Los Angeles, CA 90045. Thank you for extending some type of Passes to them.

Secondly, if your programming team is interested, have them check out the web site of the silent film star, Harold Lloyd. You might remember him as a silent film celebrity and he was an excellent comedian. His granddaughter has recently finished the restoration of all his silent films and the films are performed with a live orchestra. If it's something your programming team is interested in as a special event, the film or films from the collection are wonderful. I had them do a screening in Palm Springs. I'm happy to put your programming team in touch with her if they are interested.

Lastly, I understand that you've had the pleasure of having Mr. Gerald Green in Bangkok over the past few weeks. I don't envy you. I'm sorry. He's very difficult to deal with. I know. I worked for him for 4 years.

I hope you are doing well.

Craig Prater

Email 11: Chattan to Craig

In a message dated 3/28/2007 7:50:42 A.M. Pacific Daylight Time, chattan@bangkokfilm.org writes:

Dear Khun Craig,

First of all, my sincere apologies for this very late reply. I have just returned from the Hong Kong Film Festival and have been totally swamped with work since Monday.

The VIP passes requested are not a problem. However, I would like them to make contact with me directly so we get acquainted and I will have a better feel of how to assist them.

I will let my programming team know about Harold Lloyd. When I was a kid, we used to get old movies of his shown on local TV here. Who can forget him hanging from a building clock high above the street?

I did not really meet Gerald Green when he passed through here. Not having known each other for very long helps, I suppose. He gave Keng a call to follow up on his payment. We reported little progress, as Khun Pensuda, the acting Governor at the time TAT decided to terminate work with FFM, is still not signing the approval the company. There is some maneuvering for her to do so, but in the end it is up to her.

I would still like you to come prior and/or during the festival. I will discuss with Keng how we can achieve this and let you know.

The festival is picking up steam and I am ready to do some PR to regain confidence in people. Maybe not a lot of time to create the necessary buzz but with a programming team in place I now have a foundation on which to produce some news on the festival.

I hope you are well and I wish a happy Easter for you and your family.

Sincerely,
Chattan

Sent: Wed, 28 Mar 2007 11:48:06 EDT
From: FESTIVALOFESTS@aol.com
To: chattan@bangkokfilm.org
Subject: Re: VIP contacts

Email 12: Craig to Chattan

Dear Khun Chattan:Of course, I always know how busy you are. I will have the couple contact you directly about their VIP passes. They are a wonderful couple....Thai business people now living in Los Angeles, but doing business in Thailand and China. It looks like I may be involved with them in securing international films for their China/Thai "pay for view" television company. You might want to alert the person at TAT who is in charge of the film market. This would be an excellent contact.If your programming team is interested in Harold Lloyd, I can put them in direct contact with Sue Lloyd, Harold's granddaughter who now runs the company.If you want me to be in Bangkok prior to and during the festival, of course, I will do whatever I can to help you. Does your team have the lists for the international media? Just let me know where you might have so weak links and I'll try to help you in these areas. Just let me know as early as possible so I don't get booked into another location. I would love helping again. However, I've mentioned this before, I would recommend not telling anyone. It should be a total TAT, Thai thing.You lucky guy.....you missed the "Gerald Experience". Lucky you!Don't hesitate to ask for any help that I might be able to do.

Craig Prater

Email 13: Chattan to Craig

Sent: Thu, 19 Apr 2007 10:56:34 +0700 (ICT)
From: chattan@bangkokfilm.org
To: FESTIVALOFESTS@aol.com
Subject: Re:

Dear Khun Craig,

Very good to hear from you.

Speaking of jazz, I thought the Jazz Royale thing that Mr. Green had a hand in last year came out nicely. I went to the shows in Bangkok and Chiang Mai, and I must say the performances were special. However, our budget people do not share this sentiment as we are 18 million baht in the red!

By the way, I received yesterday a notice from Mr. Green's lawyers demanding payment from TAT by April 30. I have forwarded everything to Deputy Governor Suraphon and Khun Vunsadej, and they will have to find an amicable solution or risk having the organization being dragged through a very public legal mess.

Anyway, I feel the festival is proceeding smoothly. I have programmers who have told me they got most of the films selected. I have to tie up loose ends and, barring another coup, everything should be happening on schedule.

Best regards,
Chattan

From: FESTIVALOFESTS@aol.com

Email 14: Craig to Chattan

Date: 27-Apr-2007 10:59

Subject: Touching Base

To: chattan@bangkokfilm.org

Dear Khun Chattan:

I just returned from being out of the country for the past month and getting ready to go to Cannes in a couple of weeks. Are you going to Cannes?

I'm continue to watch your web site to get updates about your film festival. How is everything going? I know how difficult it is to produce an international event. I also realize the frustrations of working within the structure of government. I've been there, done that. If the day ever comes when TAT wants to secure an outside company who they have had experience working with for 4 years, I would really appreciate the opportunity to work on your project again. As I've told you in the past, it would be totally giving TAT the credit. I'm working with the African government right now as well as the Yugoslavian government. I totally miss Thailand. If TAT ever opens up the bidding process, please let me know. I could save you lots and lots of money. The event would be done correctly, you would have someone focused exclusively on the event, you would get the international press that you need, you would have access to all the international films that you need to have,

but I would still continue the focus on Thai films which I always expressed in the past, but I could never get agreement on and you would continue developing an event for Tourism which was the original objective. As I've mentioned, when I worked for entertainer Sonny Bono in the early days of the Palm Springs Film Festival, he wanted it to encourage tourism....nothing else. He, we succeeded. It can be done for Bangkok too. You might even want to continue have the event in different cities in Thailand on a rotating basis each year to encourage to various cities or have small satellite film events in other cities in Thailand to promote the main event in Bangkok.

I met with government officials last week from Taiwan about their film festivals. When asked if I was the guy from Bangkok, I smiled. Lovely people, but they weren't Thai. Which is what promoted my email to you.

Keep me posted on what is happening. I continue to wish you the best.

Craig Prater

From: FESTIVALOFESTS@aol.com

Email 14: Craig to Chattan

Date: 27-Apr-2007 10:59

Subject: Touching Base

To: chattan@bangkokfilm.org

Dear Khun Chattan:

I just returned from being out of the country for the past month and getting ready to go to Cannes in a couple of weeks. Are you going to Cannes?

I'm continue to watch your web site to get updates about your film festival. How is everything going? I know how difficult it is to produce an international event. I also realize the frustrations of working within the structure of government. I've been there, done that. If the day ever comes when TAT wants to secure an outside company who they have had experience working with for 4 years, I would really appreciate the opportunity to work on your project again. As I've told you in the past, it would be totally giving TAT the credit. I'm working with the African government right now as well as the Yugoslavian government. I totally miss Thailand. If TAT ever opens up the bidding process, please let me know. I could save you lots and lots of money. The event would be done correctly, you would have someone focused exclusively on the event, you would get the international press that you need, you would have access to all the international films that you need to have,

but I would still continue the focus on Thai films which I always expressed in the past, but I could never get agreement on and you would continue developing an event for Tourism which was the original objective. As I've mentioned, when I worked for entertainer Sonny Bono in the early days of the Palm Springs Film Festival, he wanted it to encourage tourism....nothing else. He, we succeeded. It can be done for Bangkok too. You might even want to continue have the event in different cities in Thailand on a rotating basis each year to encourage to various cities or have small satellite film events in other cities in Thailand to promote the main event in Bangkok.

I met with government officials last week from Taiwan about their film festivals. When asked if I was the guy from Bangkok, I smiled. Lovely people, but they weren't Thai. Which is what promoted my email to you.

Keep me posted on what is happening. I continue to wish you the best.

Craig Prater

Sent: Tue, 1 May 2007 18:41:21 EDT
From: FESTIVALOFESTS@aol.com
To: chattan@bangkokfilm.org
Subject: Cannes

Email 15: Craig to Chattan

>
> Dear Khun Chattan: Are you going to be in Cannes? If so, let me know and I'll treat you to a meal on the French Riviera. Craig Prater

Sent: Wed, 02 May 2007 08:06:29
From: chattan@bangkokfilm.org
To: FESTIVALOFESTS@aol.com
Subject: Re: Cannes

Email 16: Chattan to Craig

Dear Khun Craig,

Sounds delightful. Thanks for the invitation.

My trip to Cannes (as well as that of Keng and others) is pending approval from the TAT Governor. I should know sometime next week if it is and will let you know.

I look forward to finally meeting you after a year-long talk in cyberspace.

Sincerely,
Chattan

TRANSMISSION VERIFICATION REPORT

TIME : 05/09/2007 06:46

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

05/09 06:40
90116527149648
00:06:27
17
OK
STANDARD
ECM