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June 3, 2015

The Honorable Sterling Johnson Jr.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Microsoft v. John Does 1-39*, Case 1:12-cv-01335-SJ-RLM

Dear Judge Johnson:

Plaintiffs Microsoft Corp., FS-ISAC, Inc. and the National Automated Clearinghouse Association (“Plaintiffs”) hereby seek leave to amend and hereby move to amend the caption in the above-referenced action. Plaintiffs respectfully submit that good cause exists to amend the caption for the following reasons.

On March 19, 2012, Plaintiffs filed the complaint in this matter against John Does 1-39. (Dkt. 1)

On June 29, 2012, Plaintiffs filed a voluntary notice of dismissal of John Doe 36, having resolved the matter with respect to John Doe 36. (Dkt. 30)

On June 29, 2012, Plaintiffs filed an amended complaint naming Yevhen Kulibaba as John Doe 22, and naming Yuriy Konovalenko as John Doe 23/24. (Dkt. 31)

On August 31, 2012, Plaintiffs filed a voluntary notice of dismissal of Yevhen Kulibaba (John Doe 22) and Yuriy Konovalenko (John Doe 23/24), having resolved the matter with respect to those defendants. (Dkt. 34)

Thereafter, the remaining defendants were John Doe Defendants 1-21, 25-35, and 37-39.

On November 13, 2012, the Court entered an order that John Doe Defendants 1-21, 25-35, and 37-39 were in default (Dkt. 38).

On December 5, 2012, the Court entered a permanent injunction against John Doe Defendants 1-21, 25-35, and 37-39, which injunction further required limited assistance of certain third-party Internet service providers to affect the relief set forth in the injunction. (Dkt. 40).

The caption on the order for permanent injunction submitted by Plaintiffs in 2012, and entered by the Court at that time, inadvertently reflected the caption as of filing of the amended complaint, rather than reflecting that the only remaining defendants at that time were, in fact, John Doe Defendants 1-21, 25-35 and 37-39.



O R R I C K

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Plaintiffs intend to file a motion, pursuant to Rule 60, seeking a modest amendment to the permanent injunction order, pursuant to discussions with third party service providers who are assisting in effecting relief under the current permanent injunction.

Before doing so, in the interest of clarifying the current named defendants subject to the current injunction and who would be subject to any amended injunction order, Plaintiffs respectfully request that the case caption be amended to reflect that the current defendants are only John Does 1-21, 25-35 and 37-39. A proposed revised caption is submitted with this letter brief as Appendix A. Having the caption list only these named defendants would result in the caption stating accurately the current named defendants, and this was the manner in which the Court styled the caption in Docket 38, the order entering default. The Clerk of the Court has further indicated that such clarification would enable more clear and efficient management of the docket.

For these reasons, Plaintiffs respectfully request that the Court enter an order amending the case caption in accordance with the proposed caption submitted herewith.

Sincerely,

A handwritten signature in black ink, appearing to read "Gabriel M. Ramsey", located below the "Sincerely," text.

Gabriel M. Ramsey

**APPENDIX A**

MICROSOFT CORP., FS-ISAC, INC., and  
NATIONAL AUTOMATED CLEARING HOUSE  
ASSOCIATION,

Plaintiffs

-against-

JOHN DOES 1-21, 25-35 and 37-39

Defendants.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

MICROSOFT CORP., FS-ISAC, INC., and  
NATIONAL AUTOMATED CLEARING HOUSE  
ASSOCIATION,

Plaintiffs

v.

JOHN DOES 1-39 D/B/A Slavik, Monstr, IOO,  
Nu11, nvidiag, zebra7753, lexa\_Mef, gss, iceIX,  
Harderman, Gribodemon, Aqua, aquaSecond, it,  
percent, cp01, hct, xman, Pepsi, miami, miamibc,  
petr0vich, Mr. ICQ, Tank, tankist, Kusunagi,  
Noname, Lucky, Bashorg, Indep, Mask, Enx,  
Benny, Bentley, Denis Lubimov, MaDaGaSka,  
Vkontake, rfcid, parik, reronic, Daniel, bx1, Daniel  
Hamza, Danielbx1, jah, Jonni, jtk, D frank, duo,  
Admin2010, h4x0rdz, Donsft, mary.J555,  
susanneon, kainehave, virus\_e\_2003, spanishp,  
sere.bro, muddem, mechan1zm, vlad.dimitrov,  
jheto2002, sector.exploits AND JabberZeus Crew,  
AND YEVHEN KULIBABA AND YURIY  
KONOVALENKO, CONTROLLING COMPUTER  
BOTNETS THEREBY INJURING PLAINTIFFS,  
AND THEIR CUSTOMERS AND MEMBERS,

Defendants.

Hon. Sterling Johnson, Jr.

Case No. 12-cv-01335 (SJ/RLM)

**[PROPOSED] ORDER  
RE AMENDED CAPTION**

THIS MATTER comes before the Court on the Motion of Plaintiffs Microsoft Corporation, FS-ISAC, Inc., and National Automated Clearing House Association To Amend Caption (“Plaintiffs’ Motion”), submitted by letter on June 3, 2015.

The Court has considered Plaintiffs’ Motion. Based on the foregoing, the Court orders that the caption be amended to read as follows:

MICROSOFT CORP., FS-ISAC, INC., and  
NATIONAL AUTOMATED CLEARING HOUSE  
ASSOCIATION,

Plaintiffs

-against-

JOHN DOES 1-21, 25-35 and 37-39

Defendants.

**IT IS SO ORDERED.**

Entered this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
The Honorable Sterling Johnson, Jr. U.S.D.J.