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Attorneys for Plaintiffs
MICROSOFT CORPORATION,
FS-ISAC, INC. and NATIONAL AUTOMATED
CLEARING HOUSE ASSOCIATION

**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,
Null, 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, Veggi Roma, D
frank, duo, Admin2010, h4x0rdz, Donsft,
mary.J555, susanneon, kainehave, virus_e_2003,
spaishp, sere.bro, muddem, mechanlzm,
vlad.dimitrov, jheto2002, sector.exploits AND
JabberZeus Crew CONTROLLING COMPUTER
BOTNETS THEREBY INJURING PLAINTIFFS,
AND THEIR CUSTOMERS AND MEMBERS,

Defendants.

Case No. 12: CIV _____

FILED UNDER SEAL

FILED
CLERK

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U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

CV 12-1335

KORMAN, J.

MANN, M.J.

**PLAINTIFFS' APPLICATION
BY ORDER TO SHOW CAUSE TO TEMPORARILY SEAL CASE**

In connection with the *ex parte* Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction (the "Application for TRO"), filed concurrently herewith, of Plaintiffs Microsoft Corporation ("Microsoft"), FS-ISAC, Inc., and the National Automated Clearing House Association ("NACHA") pursuant to Federal Rule of Civil Procedure 65(b) and (c), the Computer Fraud and Abuse Act (18 U.S.C. § 1030), the CAN-SPAM Act (15 U.S.C. § 7704), the Electronic Communications Privacy Act (18 U.S.C. § 2701), the Lanham Act (15 U.S.C. § 1125), the Racketeer Influenced And Corrupt Organizations Act (18 U.S.C. § 1962(c)), the common law, and the All Writs Act (28 U.S.C. § 1651), Plaintiffs respectfully request that, upon the Motion to Temporarily File Case Under Seal (the "Motion") and the Declarations of Mark Debenham and Jacob M. Heath in support of Plaintiffs' Application for TRO, Brief in Support and the exhibits attached thereto, this Court grant the Motion, such that it is hereby

1. ORDERED, that the above-named Defendants show cause before this Court, at room 636, United States District Court House, Cadman Plaza East, Kings County, in the State of New York, U.S.A., March 29, 2012, at 10:00 o'clock A.m., or as soon thereafter as counsel may be heard, why an Order should not be issued temporarily sealing the case on Plaintiffs' Motion; and it is further

2. ORDERED, that, good and sufficient reason having been shown, therefore, pending the hearing of such Motion, that the instant case and the following documents be filed and maintained UNDER SEAL, such that they are not accessible on the Public Access to Court Electronic Records ("PACER") website or otherwise appear on the public docket, in accordance with Federal Rule of Civil Procedure 26(c)(1), pending execution of both the temporary restraining order and seizure order sought in Plaintiffs' Application for Emergency Temporary

Restraining Order, Seizure Order And Order to Show Cause Re Preliminary concurrently filed by Plaintiffs in this matter on March 19, 2012:

- a. Complaint;
- b. Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction;
- c. Brief In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction;
- d. Declaration of Mark Debenham In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction and Exhibits hereto;
- e. Declaration of Pamela Moore In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction and the Exhibits hereto;
- f. Declaration of William B. Nelson In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction and Exhibits hereto;
- g. Declaration of Jesse D. Kornblum In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction and Exhibits hereto;
- h. Declaration of William Johnson In Support Of Application For An Emergency Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction and Exhibits hereto; and

- i. Declaration of Jacob M. Heath In Support Of Application For An
Emergency Temporary Restraining Order, Seizure Order And Order To
Show Cause Re Preliminary Injunction and Exhibits hereto.

3. IT IS FURTHER ORDERED that, immediately upon execution of the temporary restraining order and seizure order sought by Plaintiffs in the Application for TRO, the instant case shall be unsealed and the foregoing documents shall be filed in the public docket.

4. IT IS FURTHER ORDERED that Plaintiffs, upon execution of the *ex parte* relief and seizure sought in the Application for TRO, shall file with the Clerk of the Court a Notice that the temporary restraining order and seizure order have been executed, and shall be permitted to disclose such material as is deemed necessary, including in order to commence their efforts to provide Defendants notice of the preliminary injunction hearing and service of the Complaint by publication and other means.

SO ORDERED.

Signed this 19th day of March, 2012



UNITED STATES DISTRICT COURT JUDGE