FILED
JUN 30 2020
CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

MICROSOFT CORPORATION, a Washington corporation, Plaintiff, v. JOHN DOES 1-2 CONTROLLING A COMPUTER NETWORK THEREBY INJURING PLAINTIFF AND ITS CUSTOMERS, Defendants.	Civil Action No: 1:20CV730 **FILED UNDER SEAL PURSUANT TO LOCAL CIVIL RULE 5**

DECLARATION OF GABRIEL M. RAMSEY IN SUPPORT OF MOTION FOR PROTECTIVE ORDER TEMPORARILY SEALING DOCUMENTS

I, Gabriel M. Ramsey, declare as follow:

1. I am an attorney admitted to practice in the State of California and the District of Columbia. I am a partner at the law firm of Crowell & Moring LLP ("Crowell"), counsel of record for Plaintiff in this matter, Microsoft Corporation ("Microsoft"). I make this declaration in support of Microsoft's Motion for a Protective Order Temporarily Sealing Documents. I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and would testify to the following under oath.

2. This case arises out of the harmful and malicious Internet activities of Defendants John Does 1 and 2 (collectively "Defendants"). I am informed and on that basis believe that Defendants are sophisticated cybercriminals who specialize in carrying out attacks against Microsoft and others. I am informed and on that basis believe that Defendants engaged in a coordinated attack against Microsoft. There was significant orchestration in the execution of the

attack. The attack targeted Microsoft's products and apparently was intended to attempt to steal information from Microsoft's products.

3. I am informed and believe that, for reasons explained in detail in the declaration of Peter Anaman In Support Of Microsoft's *Ex Parte* Motion for an Emergency Temporary Restraining Order and Order to Show Cause re Preliminary Injunction, filed contemporaneously herewith, permitting Defendants to learn of these proceedings prior to execution of the temporary *ex parte* relief sought in Microsoft's Preliminary Injunctive Order—in particular the portion to disable the domains in **Appendix A** to the Complaint—would preclude Microsoft's ability to obtain effective relief against Defendants. This is because Defendants are highly sophisticated cybercriminals capable of quickly adapting the command and control infrastructure used to perpetrate Defendants' unlawful conduct in order to overcome Microsoft's remediation efforts.

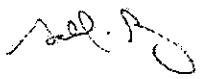
4. I am informed and believe that, absent a protective order, there is a substantial risk that Defendants will learn of these proceedings before the temporary *ex parte* relief to disable the domains in **Appendix A** to the Complaint can be effected and will take steps to evade the relief sought.

5. Over the past ten years, I have been involved with prosecuting over fifteen similar cases on behalf of Microsoft. These cases all involved similar litigation strategies and claims and have involved John Doe defendants conducting illegal activities through identifiable but movable online command and control infrastructures similar to that used by Defendants. In several of those cases, I personally observed that Defendants also immediately took action to attempt to defy and evade the court's order as soon as they detected legal action being taken against them.

6. Given the risk that Defendants will attempt to evade the effects of the Court's order if given notice in advance and given my past experience with cases under very similar

circumstance as those here, it is my belief that even disclosing that Microsoft has requested a Temporary Restraining Order to transfer control of the domains at **Appendix A** to the Complaint gives Defendants the opportunity to adapt the command and control infrastructure so that they can continue to perpetrate their unlawful conduct. For this reason, Microsoft respectfully requests that all documents filed in this case be temporarily sealed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed on this 30th day of June 2020, in San Francisco, California.



Gabriel M. Ramsey