

on my prior experience and based on Instacart's research regarding these domains, it is likely that further contact information has been provided by Defendants to the hosting companies and Internet domain name registrars during the domain name registration and maintenance process. This information may include individual and entity names, physical addresses, email addresses, facsimile numbers, and telephone numbers.

3. To the extent Defendants have provided such information, the information most likely to be accurate are e-mail addresses as, upon information and belief, such are necessary to register Internet domains and associated infrastructure. It is more likely that the email addresses exist and are functional than it is likely that the personal names and physical addresses are correct or accurate. I conclude this in part based on the fact that when registrants set up Internet domains and associated infrastructure they must receive confirmation from the Internet domain registrars or hosting companies via email in order to utilize and access the Internet domains and associated IP addresses. Other contact information, such as physical address information, is more likely to be false. In May 2010, the Internet Corporation for Assigned Names and Numbers ("ICANN")—an organization that administers the domain name system—issued a study indicating the ease with which name and physical mailing addresses for domain registrations may be falsified. Attached hereto as **Exhibit 1** is a true and correct copy of the ICANN's May 2010 study, "WHOIS Proxy/Privacy Service Abuse – Definition."

4. Based on my prior experience and from Instacart's research, I believe that the most reliable contact information for effecting communication with Defendants are email addresses that have been discovered to be associated with Defendants domains, IP addresses, and social media accounts and the contact information, particularly email addresses, in

possession of the Internet domain registrars, hosting companies or social media accounts.

From my research, I conclude that such contact information is likely to be valid, as it is necessary to obtain an account with these services. Through my research, I have not discovered any other information that would enable, at this point, further identification of or contact with Defendants other than that in the possession of these companies. I believe that absent an order directing Doe discovery, these companies will be unlikely to share contact information necessary to identify Defendants.

5. On behalf of Instacart, Crowell will attempt notice of the Contempt Motion and Order to Show Cause, by sending the pleadings and/or links to the pleadings to e-mail addresses, facsimile numbers and mailing addresses associated with Defendants or otherwise provided by Defendants to the Internet domain registrars, IP address hosting companies, and other third parties hosting content or infrastructure for LuckyBot.

6. On behalf of Instacart, Crowell will attempt notice of the Contempt Motion and Order to Show Cause by publishing those pleadings on a publicly accessible website located at: noticeofpleadings.com/ShopperHelper. Crowell will publish such notice on the website for a period of six months. The following information will be made available on the website:

- a. The information contained in the case caption and the content of the summons.
- b. The following summary statement of the Motion for Contempt Sanctions: “Plaintiff Maplebear Inc., dba Instacart (“Instacart”) has sued Defendants John Does 1-2 associated with the Internet infrastructure and activities described in the documents listed below. Instacart alleges that Defendants have violated Federal and state law by hosting, maintaining, and distributing an application, known as “Shopper Helper,” that is intended to profit off of Instacart’s proprietary software and illegally access Instacart’s servers. Instacart sought a permanent injunction directing the infrastructure providers that Defendants are using to control and distribute Shopper Helper, to take all steps necessary to disable access to and

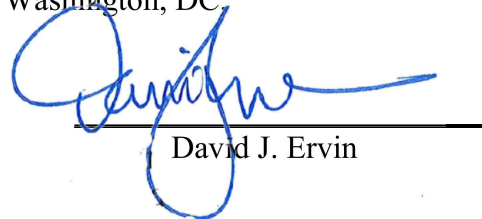
operation of the Defendants' infrastructure, to ensure that changes or access to the infrastructure cannot be made absent a court order and that all content and material associated with infrastructure are to be isolated and preserved pending resolution of the dispute. The court granted a Default Judgement and Permanent Injunction against Defendants. Instacart alleges that Defendants have continued the activities it was enjoined from doing by developing, publishing, and offering for sale the LuckyBot application. Full copies of the pleading documents are available at noticeofpleadings.com/ShopperHelper."

- c. The date of first publication.
- d. The following text: "NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY! You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called an opposition. The opposition must be given to the court clerk or administrator within 14 days of the date of first publication specified herein. It must be in proper form and have proof of service on the Instacart's attorneys, Warrington S. Parker, III at Crowell & Moring, 3 Embarcadero Center, 26th Floor, San Francisco, CA 94111. If you have questions, you should consult with your own attorney immediately."

On behalf of Instacart, Crowell will attempt notice of the Contempt Motion and Order to Show Cause by serving the email addresses associated with Defendants in **Exhibit 2**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 22 day of April, 2024, in Washington, DC



David J. Ervin