

**ssIN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

)	
MAPLEBEAR INC., d/b/a INSTACART, a)	
Delaware corporation,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No: 1:21-cv-00474 (AJT/IDD)
JOHN DOES 1-2, CONTROLLING AND)	
OPERATING A MALICIOUS)	
APPLICATION KNOWN AS SHOPPER)	
HELPER,)	
)	
Defendants.)	
)	

DECLARATION OF WARRINGTON S. PARKER, III IN SUPPORT OF MAPLEBEAR, INC. DBA INSTACART’S SUPPLEMENTAL BRIEF ON LIMITED EXPEDITED DISCOVERY

I, Warrington S. Parker, III, hereby declare and state as follows:

1. I am an attorney with the law firm of Crowell & Moring LLP (“Crowell”), and counsel of record for Plaintiff Maplebear, Inc. dba Instacart (“Instacart”). I make this declaration in support of Instacart’s Supplemental Brief on Limited Expedited Discovery (“Supplemental Brief”). I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. I understand that Instacart’s security engineers and agents have worked to determine the true identities of Defendants. On information and belief, the information provided by Defendants when registering their domains and other accounts is false. Based 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, Internet domain name registrars during the domain name registration and maintenance process, identifying information associated with cell phone carriers, and social media accounts. This information may include individual and entity names, physical addresses, email addresses, facsimile numbers, and telephone numbers.

3. Plaintiff sought limited expedited discovery on May 7, 2021 (Dkts.26-27) seeking a narrowly identified list of third-party providers and limited discovery from these providers. The providers Plaintiff included in its prior request for limited expedited discovery were limited to companies Plaintiffs believed at the time were most likely to provide identifying information.

4. On behalf of Plaintiff, colleagues at my firm endeavored to identify additional contact information through which Defendants could be served, as well as more specific identities. Over the course of Plaintiff's investigation, pursuant to the Court's discovery order on May 10, 2021, (Dkt. 30) we served ten subpoenas to nine different infrastructure providers used by Defendants (two subpoenas were served on Apple), waited for responses and analyzed the responses, in an effort to obtain additional information regarding Defendants' identities. Based on information obtained during the initial waves of discovery, attorneys at Crowell and Moring further pursued informal discovery, including server information from The Constant Company, LLC d/b/a Choopa until there were no further viable leads to pursue via discovery or informal means.

5. Crowell & Moring LLP served third-party subpoenas on Facebook, Square, Twitter, Apple, Microsoft, GoDaddy, Coinbase, Shopify, and Stripe, seeking account holder information, information on Defendants' server, Apple developer certificates, and payment

information.

6. Attached as **Exhibits A-J** are true and correct copies of the subpoenas Plaintiff served following the Court's May 21, 2021 Order.

7. These discovery efforts yielded various email addresses, addresses, names and payment information. Further investigation revealed that the payment information was through either Bitcoin or the China-based digital payments platform Alipay, neither of the accounts were associated with any particular identity.

8. Given Defendants' use of aliases and false information and use of anonymous payment means to create and maintain the infrastructure at issue in the case, our firm and Plaintiff have been unable to determine the "real" names and physical addresses of Defendants.

9. After Plaintiff discovered LuckyBot in January 2024, Plaintiff's in-house investigators, investigators at the investigation firm Nisos, and attorneys at Crowell & Moring LLP gathered intelligence indicating that LuckyBot is operated by the same individuals or entities associated with Shopper Helper. Furthermore, through this investigation, new infrastructure providers and social medial profiles were identified. Additional IP addresses and Apple App, user, and testflight account identities were discovered. This led to new avenues for Plaintiff to attempt to identify Defendants and prevent future harm.

10. Attached as **Exhibit K** is a copy of Plaintiff's proposed third-party subpoena to Apple, Inc.

11. Attached as **Exhibit L** is a copy of Plaintiff's proposed third-party subpoena to Cloudflare, Inc.

12. Attached as **Exhibit M** is a copy of Plaintiff's proposed third-party subpoena to Telegram FZ-LLC.

13. Attached as **Exhibit N** is a copy of Plaintiff's proposed third-party subpoena to Tik Tok, Inc.

14. Attached as **Exhibit O** is a copy of Plaintiff's proposed third-party subpoena to T-Mobile USA, Inc.

15. Attached as **Exhibit P** is a copy of Plaintiff's proposed third-party subpoena to The Constant Company, LLC, d/b/a Vultr.

16. Attached as **Exhibit Q** is a copy of Plaintiff's proposed third-party subpoena to WhatsApp, LLC.

17. Attached as **Exhibit R** is a copy of Plaintiff's proposed third-party subpoena to Google LLC, d/b/a YouTube, Inc.

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 20th day of May, 2024, in San Francisco, California.

A handwritten signature in blue ink, appearing to read 'WSP', is written over a horizontal line. The signature is stylized and includes a large loop at the beginning and a horizontal stroke at the end.

Warrington S. Parker, III