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

Microsoft Corporation, a Washington State Corporation and LF Projects, LLC, a Delaware State Series Limited Liability Company, Plaintiffs, v. Abanoub Nady (also known as MRxC0DER), and John Does 1-4, Controlling A Computer Network and Thereby Injuring Plaintiffs and Its Customers, Defendants.	Civil Action No. **FILED UNDER SEAL PURSUANT TO LOCAL RULE 5**

DECLARATION OF JEFFREY L. POSTON IN SUPPORT OF MOTION FOR PROTECTIVE ORDER TEMPORARILY SEALING DOCUMENTS

I, Jeffrey L. Poston, declare as follow:

1.   I am a partner at the law firm of Crowell & Moring LLP, counsel of record for Plaintiffs Microsoft Corporation and LF Projects, LLC. I make this declaration in support of Plaintiffs' 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 Abanoub Nady and John Does 1-4 (collectively "Defendants"). I am informed and on that basis believe that Fake ONNX Defendants are sophisticated cybercriminals who have launched a sophisticate, robust phishing enterprise that specifically targets Microsoft

customers with the goal of infiltrating customers' accounts to further commit downstream cybercrimes, such as financial fraud, business email compromise, theft of proprietary information, and potential ransomware attacks.

3.   I am informed and believe that, for reasons explained in detail in the declaration of Jason B. Lyons In Support Of Plaintiffs' Ex Parte Application For Temporary Restraining Order and Order to Show Cause contemporaneously herewith, permitting Fake ONNX Defendants to learn of these proceedings prior to execution of the temporary ex parte relief sought in Plaintiffs' Ex Parte Application For Temporary Restraining Order and Order to Show Cause – in particular the portion to disable the domains in **Appendix A** to the Complaint – would preclude Plaintiffs' ability to obtain effective relief against Fake ONNX Defendants. This is because Fake ONNX Defendants are highly sophisticated cybercriminals capable of quickly adapting the command and control infrastructure used to perpetrate Defendants' unlawful conduct in order to overcome Plaintiffs' remediation efforts.

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

5.   Over the past decade, my colleagues and I have been involved in prosecuting over a dozen similar cases against similarly situated cybercriminal organizations. 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 the Fake ONNX Defendants in this action. In several of those cases, Microsoft observed defendants also immediately act to attempt to defy and

evade the court's order as soon as they detected legal action being taken against them.

6. Thus, given our past experience with cases with very similar circumstance as those here, it is my belief that even disclosing that Plaintiffs has requested a Temporary Restraining Order to disable the domains at Appendix A to that order gives the Fake ONNX Defendants the opportunity to adapt the command and control infrastructure so that they can continue to perpetrate their unlawful conduct. For this reason, Plaintiffs 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 11th day of November 2024, in Washington, D.C.

Jeffrey L Poston

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Jeffrey L. Poston