

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

MICROSOFT CORPORATION, a  
Washington corporation,

Plaintiff,

v.

JOHN DOES 1-2, CONTROLLING A  
COMPUTER NETWORK AND THEREBY  
INJURING PLAINTIFF AND ITS  
CUSTOMERS,

Defendants.

Civil Action No: 1:19-cv-00716-ABJ

**FILED UNDER SEAL PURSUANT TO  
LOCAL RULE 5.1**

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**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 the Plaintiff in this matter, Microsoft Corporation (“Microsoft”). I make this declaration in support of Microsoft’s Motion for 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 stealing sensitive information from computer networks. I am informed and on that basis believe that Defendants make and have continued to make unauthorized access to Microsoft’s services and software, hack into a target’s

computer network, and in particular Microsoft's software, install malware on those networks giving them long-term and surreptitious access to those networks, and then locate and exfiltrate sensitive information from them.

3. I am informed and believe that, for reasons explained in detail in the declaration of David Anselmi In Support Of Microsoft's *Ex Parte* Motion For Fourth Supplemental Preliminary Injunction Order, filed contemporaneously herewith, permitting Defendants to learn of these proceedings prior to execution of the temporary *ex parte* relief sought in Microsoft's Motion For Fourth Supplemental Preliminary Injunction Order—in particular the portion to disable the domains in **Appendix A** to that Order—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 and can and have done so repeatedly.

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 Fourth Supplemental Preliminary Injunction Order can be effected and will take steps to evade the relief sought.

5. Over the past ten years, I, on behalf of Microsoft, have been involved with prosecuting fifteen similar cases. 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 Phosphorus. 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. Thus, given Defendants' defiance of this Court's injunctive orders and my past

experience with cases with very similar circumstances as those here, it is my belief that even disclosing that Microsoft has requested a Fourth Supplemental Preliminary Injunctive Order to disable the domains at **Appendix A** to that Order 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 connection with the Fourth Supplemental Preliminary Injunction 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 17th day of July 2020, in San Francisco, California.

A handwritten signature in black ink, appearing to read "Gabriel M. Ramsey", written over a horizontal line.

Gabriel M. Ramsey