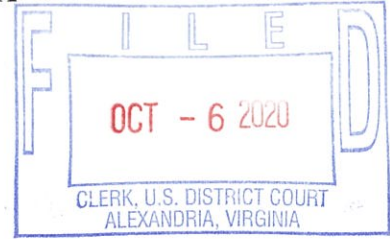


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division



MICROSOFT CORPORATION, a
Washington corporation, and FS-ISAC, INC.
a Delaware corporation,

Plaintiffs,

v.

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

Defendants.

Civil Action No:

1:20cv1171

**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 the Plaintiffs in this matter, Microsoft Corporation (“Microsoft”) and FS-ISAC, Inc. (“FS-ISAC”). 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 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 unauthorized access to Plaintiffs' services and software, hack into a target's computer network, and in particular infringe and fraudulently use Microsoft's intellectual property to infiltrate 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, including bank account information, from them.

3. I am informed and believe that, for reasons explained in detail in the declaration of Jason Lyons In Support Of Plaintiffs' *Ex Parte* Motion for Preliminary Injunction Order, filed contemporaneously herewith, permitting Defendants to learn of these proceedings prior to execution of the temporary *ex parte* relief sought in Plaintiffs' Motion For Preliminary Injunction Order—in particular the portion to disable the IP addresses in **Appendix A** to the Complaint—would preclude Plaintiffs' 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 Plaintiffs' 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 IP addresses in **Appendix A** to the Complaint can be effected and will take steps to evade the relief sought.

5. Over the past nine years, I, on behalf of Microsoft, have been involved with prosecuting many 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 Trickbot. In several of

those cases, I personally observed that several defendants there 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 the foregoing experiences in cases with very similar circumstances and similarly situated defendants as those here, it is my belief that even disclosing that Plaintiffs have requested a Temporary Restraining Order to disable the IP addresses 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, Plaintiffs respectfully request 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 5th day of October 2020, in Alexandria, Virginia.



Gabriel M. Ramsey