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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 NEXON AMERICA INC., a Delaware  
corporation, and NEXON KOREA  
13 CORPORATION, a Korean corporation,

14 Plaintiffs,

15 v.

16 GAMEANARCHY, LLC, a Georgia  
Limited Liability Company, DAVID  
17 ALLEN BAKER, a/k/a "Drunken  
Cheetah," an individual, and DOES 1  
18 through 10,

19 Defendants.  
20

CASE NO. CV12-2083 JHN (PLx)

**NOTICE OF *EX PARTE*  
APPLICATION AND *EX PARTE*  
APPLICATION FOR LEAVE TO  
TAKE IMMEDIATE DISCOVERY  
RE: SERVICE AND IDENTITY OF  
DOE DEFENDANTS AND  
IDENTITY OF DEFENDANTS'  
HOST SERVER;**

**MEMORANDUM OF POINTS AND  
AUTHORITIES**

Declaration of Marc E. Mayer and  
[Proposed] Order filed concurrently  
herewith.

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1 By this Application, Nexon seeks to serve a subpoena for the production of  
2 documents and depositions, if necessary, pursuant to Federal Rule of Civil  
3 Procedure 45 on the following entities:

- 4 • **YouTube, LLC**, a company through which a number of individuals  
5 and entities post instructional videos relating to GameAnarchy;
- 6 • **Facebook, Inc.**, a company through which Defendants advertised and  
7 marketed the GameAnarchy website and service.
- 8 • **Cloudflare**, a company that provides certain domain services to the  
9 GameAnarchy Website.
- 10 • **PaymentWall**, a company that handles and processes payments on  
11 behalf of GameAnarchy
- 12 • **Pineland Technology Solutions**, a company that provided office  
13 space and may have provided computers used for the operation of GameAnarchy.
- 14 • Should these efforts fail, any other third parties that are aware of the  
15 identities of the Doe Defendants that may be uncovered by Nexon's limited  
16 discovery from the entities described above, including those Internet Service  
17 Providers ("ISPs") that provide service to individuals using IP addresses disclosed  
18 by the foregoing discovery.

19 Good cause exists for allowing Nexon to take the requested discovery on an  
20 expedited basis. First, Nexon has reason to believe that without expedited  
21 discovery, crucial evidence may be lost or destroyed (either deliberately or  
22 inadvertently). Thus, it is critical that Nexon immediately identify those  
23 individuals or entities (including hosting services) who may possess relevant data  
24 and either subpoena those entities for such data or instruct them to preserve the  
25 data. Second, Nexon has taken reasonable and diligent steps to locate the Doe  
26 Defendants, but has been unable to do so. Third, expedited discovery will  
27 substantially move this case forward, without prejudice to any responding party.

1 This Application is based upon this *Ex Parte* Application, the attached  
2 Memorandum of Points and Authorities, the attached supporting Declaration of  
3 Marc E. Mayer, the Complaint in this action filed on March 12, 2012, and such  
4 other and further oral or documentary evidence and legal memoranda as may be  
5 presented at or before any hearing on this application.

6 Nexon has given notice of this Application to defendants GameAnarchy  
7 LLC and Baker.

8  
9 DATED: March 16, 2012

KARIN G. PAGNANELLI  
MARC E. MAYER  
MITCHELL SILBERBERG & KNUPP LLP

11  
12 By: /s/ Marc E. Mayer

13 Marc E. Mayer  
14 Attorneys for Plaintiffs  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 By this *Ex Parte* Application, Nexon America Inc. and NEXON Korea  
4 Corporation ("Nexon") seeks leave to take certain limited early discovery for the  
5 limited purpose of (1) learning the true identities of the Doe defendants, in order to  
6 properly add them as named defendants in this action and serve them with process,  
7 and (2) obtaining critical information concerning the identity and location of  
8 servers used to host and provide content offered by GameAnarchy. The limited  
9 expedited discovery sought by this Application is critical in order to identify, add  
10 and serve all relevant defendants and to provide notice to relevant hosting  
11 companies to preserve potentially relevant data before it can be deleted or  
12 destroyed.

13 This lawsuit involves a highly sophisticated, for-profit venture known as  
14 "GameAnarchy." Defendants are the owners and operators of GameAnarchy,  
15 which (as the name suggests) is a venture designed to profit from the disruption  
16 and destruction of Nexon's popular online game "Combat Arms." Specifically,  
17 Defendants have developed, and currently distribute and offer for sale, software  
18 tools and code that allow their customers to alter the gameplay of "Combat Arms"  
19 in order to give these individuals competitive advantages (i.e. to cheat) in the  
20 game. Defendants' conduct has caused immense harm to Nexon and its products.

21 After an extensive investigation, Nexon identified the owner of  
22 GameAnarchy as an entity known as GameAnarchy LLC, and the primary coder of  
23 GameAnarchy as an individual named David Allen Baker a/k/a  
24 "DrunkenCheetah." During the course of its investigation, Nexon also learned that  
25 several other individuals also have been involved in the creation and operation of  
26 GameAnarchy, or have been involved in developing, marketing and advertising the  
27 service. These include individuals using the anonymous handles "Flamez," "Lord



1 Eternal,” “Stealth,” and “Crojo.” Nexon has attempted to continue its investigation  
2 of Defendants’ activities and to gather evidence of Defendants’ conduct (such as  
3 message board postings on the GameAnarchy.com website). However, Defendants  
4 employed technical measures to block Nexon from accessing the GameAnarchy  
5 website and saving relevant website pages. Defendants also have deleted or  
6 destroyed relevant evidence, including videos that had been uploaded to YouTube  
7 by “Crojo” promoting the GameAnarchy service.

8 Courts have recognized that where tortious conduct occurs through on-line  
9 activity, “[s]ervice of process can pose a special dilemma for plaintiffs” because  
10 tortfeasors are able “to commit certain tortious acts, such as . . . copyright  
11 infringement” virtually “pseudonymously or anonymously” by providing  
12 “fictitious or incomplete identifying information.” Columbia Ins. Co. v.  
13 Seescandy.com, 185 F.R.D. 573, 577-78 (N.D. Cal. 1999). Courts also have  
14 recognized that electronic data is particularly susceptible to destruction or  
15 alteration by individuals engaged in acts of copyright infringement. Psychopathic  
16 Records Inc. v. Anderson, No. 08-13407-DT, 2008 WL 4852915, at \*2 (E.D.  
17 Mich. Nov. 7, 2008) (expedited discovery on internet service providers is  
18 appropriate because “[c]ourts have recognized the possibility of evidence being  
19 destroyed with the passage of time as a factor which may show good cause for  
20 granting expedited discovery”). These factors are present here.

21 By this Application, Nexon seeks an extremely limited body of early  
22 discovery, designed in order to (1) identify the Doe Defendants, and (2) identify  
23 servers used by Defendants and preserve evidence contained thereon. This  
24 discovery will be directed at the following entities:

25 • **YouTube, LLC**, a company through which a number of individuals  
26 and entities post instructional videos relating to GameAnarchy;

1           •     **Facebook, Inc.**, a company through which Defendants advertised and  
2 marketed the GameAnarchy website and service.

3           •     **Cloudflare**, a company that provides domain services to the  
4 GameAnarchy Website.

5           •     **PaymentWall**, a company that handles and processes credit card  
6 payments on behalf of GameAnarchy.

7           •     **Pineland Technology Solutions**, a company that provided office  
8 space and may have provided computers used in the operation of GameAnarchy.

9           •     Should these efforts fail, any other third parties that are aware of the  
10 identities of the Doe Defendants that may be uncovered by Nexon's limited  
11 discovery from the entities described above.

12           By virtue of their business and financial relationships with the Doe  
13 Defendants or their predecessors, each of these third parties likely possesses  
14 information concerning (or relevant to discovering) the Doe Defendants' true  
15 identities. Accordingly, Nexon seeks an order from the Court granting leave to  
16 serve Rule 45 subpoenas for the production of documents and deposition, if  
17 necessary, on these persons and entities immediately.

## 18 19     **II.     STATEMENT OF THE CASE**

20           **Nexon's Combat Arms Game.** Nexon is the owner of copyright in the  
21 computer game "Combat Arms." Complaint, ¶¶ 1, 17. Combat Arms is an online,  
22 multiplayer, "first person shooter" ("FPS") game, in which players assume the role  
23 of a military commando and engage in weapons-based combat against other  
24 players. *Id.*, ¶ 18. As they play the game, players are rewarded with new weapons  
25 or weapon modifications, gain access to different player models, outfits, and  
26 additional game "maps" and "modes," and advance in the game's on-line  
27 leaderboards (which ranks players by skill level). *Id.* Combat Arms is a highly

1 competitive, skill-based game with a fixed set of rules and regulations that have  
2 been carefully designed to ensure that all players stand on equal footing and have a  
3 fair chance to defeat their opponents and progress in the game. Id.

4 **Defendants and GameAnarchy.** Defendants are the developers and  
5 distributors of a software product and related service collectively known as  
6 “GameAnarchy.” Complaint, ¶ 30. Defendants promote, sell, and distribute the  
7 GameAnarchy software and service via their website [www.gameanarchy.com](http://www.gameanarchy.com) (the  
8 “GameAnarchy Website”). Id. Defendants are the owners, operators, and  
9 administrators of the GameAnarchy Website. Id.

10 GameAnarchy is an easy-to-use software product and service that enables  
11 users to run (or “inject”) a variety of hacks into certain online games, including  
12 Combat Arms. Complaint, ¶ 31. In basic terms, GameAnarchy consists of two  
13 separate components: (1) a software product that users install on their personal  
14 computers (referred to herein as the “GameAnarchy Client”), and (2) a  
15 subscription service by which users in possession of the GameAnarchy Client may  
16 (including from within the GameAnarchy Client itself), purchase, obtain and  
17 implement a variety of “hacks” and “cheats” that modify and alter a variety of  
18 online games, including Combat Arms. Id.

19 When GameAnarchy is used in connection with Combat Arms, the  
20 GameAnarchy Client generates a stand-alone user interface that runs alongside the  
21 game and offers a variety of options for modifying or “hacking” the online game.  
22 Complaint, ¶ 33. By merely clicking various buttons on the user interface, users  
23 may toggle these options “on” or “off” and in doing so either enable gameplay  
24 features that are not present in the game or disable elements of the game that have  
25 been put into place by the game designers. Id. Hacks that are incorporated into  
26 GameAnarchy allow a player, for example, to automatically aim his or her weapon  
27 (“Auto Aim”), to more easily target enemies or target only specific enemies, to kill

1 opponents remotely (“Tele Kill”), to shoot through walls (“Super Bullets”), to  
2 reduce or eliminate weapon recoil (“No Recoil”), to disable environmental effects  
3 such as fog or smoke (“No Fog”), to increase his or her speed or jump height, to  
4 teleport around the map (“Teleport”), and to turn invisible (“Ghost”). Id., ¶ 34.  
5 Additionally, the Game Anarchy Client contains several hacks intended to destroy  
6 or disrupt the online game, such as hacks that cause the game to crash  
7 (“Disconnect”) or send unsolicited “spam” messages to other players (“Spam”).  
8 Id.

9 By developing, distributing, and selling GameAnarchy and its related  
10 services, Defendants have infringed Nexon’s copyrights in Combat Arms and  
11 induced others to engage in infringement (including by creating derivative works  
12 of Combat Arms). They also have circumvented access-control measures  
13 incorporated into Combat Arms (including the anti-cheating tool known as  
14 “HackShield”), trafficked in circumvention devices, breached their contracts with  
15 Nexon, and induced others to breach their contracts with Nexon. Complaint, ¶¶  
16 49-115.

17 **Procedural History and Need For Expedited Discovery.** Nexon filed its  
18 Complaint on March 12, 2012, against defendants GameAnarchy LLC and David  
19 Allan Baker. The Complaint alleges nine claims for relief, including copyright  
20 infringement; secondary copyright infringement (inducement, contributory  
21 infringement, and vicarious infringement), violation of Section 1201 of the  
22 DMCA, breach of contract, intentional interference with contract, and unfair  
23 competition. The Complaint was served on the named defendants on March 14,  
24 2012. Declaration of Marc E. Mayer (“Mayer Decl.”), ¶ 9.

25 Prior to filing this lawsuit, Nexon conducted an investigation into  
26 GameAnarchy. Mayer Decl., ¶ 2. Based on that investigation, Nexon learned that  
27 GameAnarchy and the GameAnarchy website purportedly was owned by a

1 Georgia limited liability company titled "GameAnarchy LLC." Id. Nexon also  
2 learned that the primary coder of the GameAnarchy software was an individual  
3 using the handle "Drunken Cheetah." Nexon has learned that "Drunken Cheetah"  
4 is defendant David Allan Baker, and Nexon has reason to believe that Baker is the  
5 owner or one of the owners of GameAnarchy LLC. Id.

6 In the course of its investigation, Defendants also learned that several other  
7 individuals also may have been involved in creating, distributing, marketing, or  
8 promoting GameAnarchy. These individuals use anonymous handles such as  
9 "Flamez," "Lord Eternal," "Stealth," and "Crojo." Mayer Decl., ¶ 2. Because  
10 these individuals have taken steps to remain anonymous and have not disclosed  
11 their true identities on the GameAnarchy website, Nexon has been unable to  
12 determine their identity or where they are located. Id., ¶ 3. Nexon's efforts to  
13 identify these individuals has been further hampered by the fact that Defendants  
14 make large portions of the GameAnarchy website inaccessible to the public, use  
15 domain name privacy services to register relevant domain names, conduct business  
16 via third-party payment services such as "PaymentWall," and hide the identity of  
17 their host server behind a company known as "Cloudflare."

18 Additionally, Nexon has reason to believe that critical evidence is in the  
19 process of being destroyed. Mayer Decl., ¶ 8. For example, prior to filing the  
20 lawsuit, Nexon attempted to gather evidence the GameAnarchy website, but  
21 Defendants used technical measures designed to prevent copyright owners such as  
22 Nexon from accessing and copying website pages. Id. Additionally, Nexon has  
23 just learned that immediately after the lawsuit was served, one of the Doe  
24 Defendants (an individual using the handle "Crojo") deleted from YouTube dozens  
25 of videos that he posted promoting the GameAnarchy service and instructing users  
26 how to use the GameAnarchy software. Id.

27 Defendants have not yet responded to the Complaint or contacted Nexon to

1 discuss this matter. However, Nexon has given notice of this Application to  
2 Defendants at the e-mail addresses possessed by Nexon.

3  
4 **III. NEXON SHOULD BE GRANTED LEAVE TO TAKE IMMEDIATE**  
5 **DISCOVERY.**

6 While discovery ordinarily is deferred until the parties have conducted the  
7 Rule 26(f) conference, District courts have broad discretion in scheduling  
8 discovery, including broad discretion to order expedited discovery. Hallet v.  
9 Morgan, 296 F.3d 732, 751 (9th Cir. 2002). The court may authorize expedited  
10 discovery for “good cause.” Semitoool, Inc. v. Tokyo Electron Am., Inc., 208  
11 F.R.D. 273, 276 (N.D. Cal. 2002); accord American LegalNet, Inc. v. Davis, 673  
12 F. Supp. 2d 1063, 1066 (C.D. Cal. 2009); Rose v. Abraham, 2008 WL 3540542, at  
13 \*2 (E.D. Cal. Aug. 13, 2008); UMG Recordings, Inc. v. Doe, 2008 WL 2949427,  
14 at \*3 (N.D. Cal. July 30, 2008) (collecting cases). Good cause generally exists  
15 “where the need for expedited discovery, in consideration of the administration of  
16 justice, outweighs the prejudice to the responding party.” Semitoool, 208 F.R.D. at  
17 276. Moreover, “good cause is frequently found in cases involving claims of  
18 infringement and unfair competition.” Id.

19 **A. The Requested Discovery Is Necessary and Appropriate.**

20 The requested (limited) expedited discovery is necessary here in order to  
21 identify the Doe Defendants, to avoid potential spoliation of evidence, and stop the  
22 irreparable harm of further infringement.

23 *First*, the discovery will enable Nexon to identify and serve the Doe  
24 Defendants, as well as to identify all servers that are hosting the GameAnarchy  
25 website. Specifically:

26 • Nexon has learned that individuals promoting the GameAnarchy  
27 service have used Facebook and YouTube to conduct these activities. Nexon

1 expects that Facebook and YouTube have retained e-mail addresses, IP addresses  
2 and other information concerning the individuals who created these pages. Mayer  
3 Decl., ¶¶ 3, 4.

4 • Nexon has learned that GameAnarchy has collected (substantial)  
5 income using a third party payment service “PaymentWall.” Nexon expects that  
6 PaymentWall possesses identifying information concerning the individual or  
7 individuals who created the account and to whom payments are remitted. Mayer  
8 Decl., ¶ 5.

9 • Nexon has learned that Defendants have used the service known as  
10 “Cloudflare” to direct the relevant domain names ([www.gameanarchy.com](http://www.gameanarchy.com)) to  
11 servers hosting GameAnarchy content. Cloudflare will possess information  
12 concerning the individuals who administer the GameAnarchy website, as well as  
13 the hosting company that provides services for GameAnarchy. Mayer Decl., ¶ 6.

14 • Nexon has learned that GameAnarchy registered as its corporate  
15 address an office belonging to a computer company owned by Pineland  
16 Technology Solutions. Accordingly, it is likely that computers owned by Pineland  
17 Technology Solutions contain data relevant to the operation of GameAnarchy.  
18 Pineland may also maintain logs reflecting the identities of users that accessed and  
19 operated its computers. Mayer Decl., ¶ 7.

20 Courts routinely allow pre-service discovery to identify Doe defendants.  
21 See Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980) (“where the identity of  
22 [the] alleged defendant[] [is] not [] known prior to the filing of a complaint[,] the  
23 plaintiff should be given an opportunity through discovery to identify the unknown  
24 defendants, unless it is clear that discovery would not uncover the identities, or that  
25 the complaint would be dismissed on other grounds”); see also Wakefield v.  
26 Thompson, 177 F.3d 1160, 1163 (9th Cir. 1999) (holding that district court erred in  
27 dismissing Doe defendant “simply because [plaintiff] was not aware of Doe’s



1 identity at the time he filed his complaint”); Valentin v. Dinkins, 121 F.3d 72, 75-  
2 76 (2d Cir. 1997); Munz v. Parr, 758 F.2d 1254, 1257 (8th Cir. 1985); Maclin v.  
3 Paulson, 627 F.2d 83, 87 (7th Cir. 1980). Such discovery is especially appropriate  
4 where individuals “pseudonymously or anonymously” commit tortious acts over  
5 the Internet. UMG Recordings, Inc. v. Doe, No. C 08-1193 SBA, 2008 WL  
6 4104214, at \*4 (N.D. Cal. Sept. 3, 2008) (“In internet infringement cases, courts  
7 routinely find good cause exists to issue a Rule 45 subpoena to discover a Doe  
8 defendant’s identity, prior to a Rule 26(f) conference, where a plaintiff makes a  
9 prima facie showing of infringement, and there is no other way to identify the Doe  
10 defendant, and there is a risk an ISP will destroy its logs prior to the conference.”);  
11 Seescandy.com, 185 F.R.D. at 578-81 (authorizing plaintiff to conduct pre-service  
12 discovery to ascertain the identities of Doe defendants accused of committing  
13 trademark infringement over the Internet).<sup>1</sup>

14 ***Second***, expedited discovery is necessary because there is a tangible risk that  
15 the information Nexon seeks will be lost or destroyed. ISPs typically retain user  
16 activity logs containing the information sought for only a limited period of time –  
17 sometimes for as little as a few weeks – before erasing the data. Also  
18 disconcerting is the fact that Nexon has been blocked by Defendants from  
19 preserving data contained on the GameAnarchy website. Because Defendants have  
20 taken extensive steps to conceal their activities (including by operating  
21 anonymously), Nexon has reason to believe that Defendants may attempt to shut  
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23 <sup>1</sup> “Service of process can pose a special dilemma for plaintiffs in cases like this in  
24 which the tortious activity occurred entirely on-line. The dilemma arises because,  
25 as here, the defendant may have used a fictitious name and address in the  
26 commission of the tortious acts. ... With the rise of the Internet has come the  
27 ability to commit certain tortious acts, such as defamation, copyright infringement,  
28 and trademark infringement, entirely on-line. The tortfeasor can act  
pseudonymously or anonymously and may give fictitious or incomplete identifying  
information. Parties who have been injured by these acts are likely to find  
themselves chasing the tortfeasor from Internet Service Provider (ISP) to ISP, with  
little or no hope of actually discovering the identity of the tortfeasor.”  
Seescandy.com, 185 F.R.D. at 577-78.



1 down their servers, erase their message boards, or otherwise conceal relevant  
2 information. Mayer Decl., ¶ 8. Accordingly, if Nexon is to pursue its lawsuit to  
3 protect its copyrighted works, Nexon must have swift access to this information.

4 Where “physical evidence may be consumed or destroyed with the passage  
5 of time, thereby disadvantaging one or more parties to the litigation,” good cause  
6 for expedited discovery exists. Qwest Commc’ns Int’l Inc. v. Worldquest  
7 Networks, Inc., 213 F.R.D. 418, 419 (D. Colo. 2003); see Monsanto Co. v. Woods,  
8 250 F.R.D. 411, 413 (E.D. Mo. 2008) (granting request for expedited discovery  
9 because “as time passes, the likelihood of discovering evidence relevant to their  
10 claims will decrease”); Pod-Ners, LLC v. N. Feed & Bean of Lucerne LLC,  
11 204 F.R.D. 675, 676 (D. Colo. 2002) (allowing plaintiff expedited discovery to  
12 inspect beans in defendant’s possession because the beans might no longer be  
13 available for inspection if discovery proceeded in the normal course).

14 **Third**, expedited discovery is necessary where, as here, the complaint  
15 alleges claims of infringement. Qwest, 213 F.R.D. at 419 (“The good cause  
16 standard may be satisfied . . . where the moving party has asserted claims of  
17 infringement and unfair competition.”). Expedited discovery is necessary because  
18 infringement claims involve irreparable harm to the plaintiffs. Sun Microsystems,  
19 Inc. v. Microsoft Corp., 188 F.3d 1115, 1121 (9th Cir. 1999) (“Federal copyright  
20 law presumes irreparable harm from the infringement of a copyright.”); see also  
21 4 M. & D. Nimmer, Nimmer On Copyright § 14.06[A], at 14-125 (2007); Taylor  
22 Corp. v. Four Seasons Greetings, LLC, 315 F.3d 1039, 1041-42 (8th Cir. 2003);  
23 ABKCO Music, Inc. v. Stellar Records, Inc., 96 F.3d 60, 66 (2d Cir. 1996). Here,  
24 it is necessary to identify and serve the Doe Defendants as quickly as possible so as  
25 to ensure they do not continue to infringe the copyrights of Nexon.

1           **B. The Requested Expedited Discovery Will Further The**  
2           **Administration of Justice.**

3           In addition to being necessary, Nexon's proposed expedited discovery is  
4 critical to ensure that those who operate and profit from the unlawful infringement  
5 in this case can be brought before the Court as soon as possible. Information from  
6 the third parties sought to be subpoenaed will likely identify the individuals or  
7 entities who created GameAnarchy and who operate the GameAnarchy website,  
8 each of whom should timely be made Defendants in this case. See Knapp v.  
9 Americredit Fin. Servs., Inc., 204 F.R.D. 306, 308-09 (S.D. W.Va. 2001) (granting,  
10 in a case with Doe defendants and a named defendant, expedited discovery because  
11 it "further[s] the goal of assuring that the necessary parties are joined and  
12 participating in this action at the earliest possible date"); Semitool, 208 F.R.D. at  
13 277 (reasoning that expedited discovery is justified where it will "substantially  
14 contribute to moving th[e] case forward").

15           **C. The Requested Expedited Discovery Will Not Prejudice**  
16           **Defendants or Any Third Party.**

17           This Application seeks leave to subpoena a limited number of entities, for  
18 the limited purpose of learning the Doe Defendants' true identities, whereabouts,  
19 and relationship to GameAnarchy.

20           If the Court grants this Application, Nexon will promptly serve subpoenas  
21 requesting information identifying those affiliated with GameAnarchy and the  
22 servers used to host GameAnarchy. Nexon will provide a reasonable response date  
23 for the subpoenas (no less than 14 days). The Subpoenaed Parties will be able to  
24 notify the Doe Defendants that Nexon is seeking their identities and all parties will  
25 have the opportunity to raise objections by filing a motion to quash in this Court  
26 before the return date of the subpoena. The Subpoenaed Parties will be asked for  
27 information that they would have eventually provided in the normal course of

1 discovery, so they take on no extra burden by responding to expedited discovery.  
2 Thus, the Doe Defendants will not be prejudiced if this Application is granted.

3 In addition, Nexon's narrowly tailored discovery does not exceed the  
4 minimum information required to advance this lawsuit and, thus, will not prejudice  
5 the Doe Defendants or Subpoenaed Parties. See Capitol Records, Inc. v. Doe, No.  
6 07-cv-1570-JM (POR), 2007 WL 2429830, at \*1 (S.D. Cal. Aug. 24, 2007)  
7 (motion for immediate discovery granted because of narrow tailoring of requests,  
8 allegations of copyright infringement, danger of lost evidence, and need for the  
9 discovery to move the case forward).

10  
11 **IV. CONCLUSION**

12 For the foregoing reasons, Nexon's *Ex Parte* Application for leave to take  
13 expedited pre-service discovery should be granted.

14  
15 DATED: March 16, 2012

MITCHELL SILBERBERG & KNUPP LLP  
MARC E. MAYER

17  
18 By: /s/ Marc E. Mayer  
Attorneys for Plaintiffs

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF Los Angeles

3 I am employed in the County of Los Angeles, State of California, I am over  
4 the age of eighteen years and am not a party to this action; my business address is  
5 Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles,  
6 CA 90064-1683, and my business email address is sgd@msk.com.

7 On March 16, 2012, I served a copy of the foregoing document(s) described  
8 as **NOTICE OF EX PARTE APPLICATION AND EX PARTE**  
9 **APPLICATION FOR LEAVE TO TAKE IMMEDIATE DISCOVERY RE:**  
10 **SERVICE AND IDENTITY OF DOE DEFENDANTS AND IDENTITY OF**  
11 **DEFENDANTS' HOST SERVER; MEMORANDUM OF POINTS AND**  
12 **AUTHORITIES** on the interested parties in this action at their last known address  
13 as set forth below by taking the action described below:

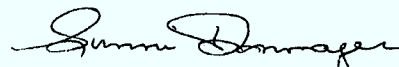
14 UNITED STATES CORPORATION AGENTS, INC.  
15 7851 Old Morrow Road  
16 Jonesboro, GA 30236

17 *Agent for Service of Process for Game Anarchy, LLC*

18 ☒ **BY OVERNIGHT MAIL:** I placed the above-mentioned document(s) in  
19 sealed envelope(s) designated by the carrier, with delivery fees provided for,  
20 and addressed as set forth above, and deposited the above-described  
21 document(s) with [Name of Messenger Service] in the ordinary course of  
22 business, by depositing the document(s) in a facility regularly maintained by  
23 the carrier or delivering the document(s) to an authorized driver for the  
24 carrier.

25 I declare under penalty of perjury under the laws of the United States that  
26 the above is true and correct.

27 Executed on March 16, 2012, at Los Angeles, California.

28 

Sunni Donmoyer

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF Los Angeles

3 I am employed in the County of Los Angeles, State of California, I am over  
4 the age of eighteen years and am not a party to this action; my business address is  
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11 **DEFENDANTS' HOST SERVER; MEMORANDUM OF POINTS AND**  
12 **AUTHORITIES** on the interested parties in this action at their last known address  
13 as set forth below by taking the action described below:

14 David Allen Baker  
15 9 N Zetterower Ave., Ste. C  
16 Statesboro, GA 30456

17 E-mail: David@bo-solutions@gmail.com

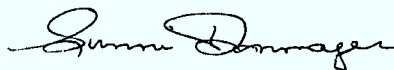
18 *Defendant*

19 ☒ **BY OVERNIGHT MAIL:** I placed the above-mentioned document(s) in  
20 sealed envelope(s) designated by the carrier, with delivery fees provided for,  
21 and addressed as set forth above, and deposited the above-described  
22 document(s) with FedEx in the ordinary course of business, by depositing  
23 the document(s) in a facility regularly maintained by the carrier or  
24 delivering the document(s) to an authorized driver for the carrier.

25 ☒ **BY ELECTRONIC MAIL:** I served the above-mentioned document  
26 electronically on the parties listed at the email addresses above and, to the  
27 best of my knowledge, the transmission was complete and without error in  
28 that I did not receive an electronic notification to the contrary.

I declare under penalty of perjury under the laws of the United States that  
the above is true and correct.

Executed on March 16, 2012, at Los Angeles, California.



Sunni Donmoyer