UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICROSOFT CORPORATION, a Washington State Corporation, Plaintiff, v. John Doe 1, John Doe 2, a/k/a SamCodeSign, a/k/a "Fox Tempest," and John Does 3–4, a/k/a "Vanilla Tempest," Defendants.	Civil Action No. 26 Civ. 3737

DECLARATION OF ADAM S. HICKEY IN SUPPORT OF PLAINTIFF'S REQUEST FOR CLERK'S CERTIFICATE OF DEFAULT

I, Adam S. Hickey, declare and state as follows:

1. I am a Partner at the law firm of Mayer Brown LLP ("Mayer Brown") and am counsel of record for Plaintiff Microsoft Corporation ("Microsoft") in the above-captioned action.

2. I submit this Declaration pursuant to Rule 55(a) of the Federal Rules of Civil Procedure in support of Microsoft's request for a Clerk's Certificate of Default against John Does 1–4 ("Defendants"). Unless otherwise noted, the facts set forth below are based on my personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

3. Upon information and belief, none of the Defendants against whom a notation of default is sought is an infant, an incompetent person, or a member of the United States military. I

base this statement on the fact that the Defendants have engaged in sophisticated acts of cybercrime.

4. The Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367(a).

5. The Court has personal jurisdiction over the Defendants, because the Defendants have engaged in tortious conduct in New York, have committed tortious acts causing injury to persons and property in New York, and have utilized instrumentalities located in the State of New York and the Southern District of New York to carry out the acts alleged in the Complaint. Dkt. No. 4 ¶ 19.

6. This action was commenced on May 6, 2026, when Microsoft filed, under seal, a Complaint (Dkt. No. 30) and Emergency Motion for an *Ex Parte* Temporary Restraining Order and Order to Show Cause re Preliminary Injunction ("TRO Motion") (Dkt. No. 19).

7. On May 8, 2026, the Court granted Microsoft's application for issuance of a TRO and authorized alternative service upon the Defendants, including by email and publication. Dkt. No. 28 at 12. On May 12, 2026, the Court granted Microsoft's application to extend the TRO. Dkt. No. 33 at 1.

8. Through May 19, 2026, Microsoft executed the TRO by working with the Defendants' infrastructure providers, GoDaddy and Cloudzy, to disrupt Defendants' operations. Microsoft worked with GoDaddy, the domain registrar, to effectuate the transfer of the signspace[.]cloud domain, meaning that the website, as used by the Defendants, was shut down. Additionally, Microsoft worked with Cloudzy to disable the virtual machines used by the Defendants and transfer any existing data associated with them to Microsoft.

9. True and correct copies of the Summons, Complaint, and the motion papers associated with Microsoft's TRO Motion were served upon Defendants on May 19, 2026. *See* Dkt. No. 14. On May 21, 2026, Microsoft submitted the declaration of Adam S. Hickey detailing Microsoft's service efforts ("Hickey Declaration"). *Id*.

10. Consequently, pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i), an answer was due from the Defendants on or before June 9, 2026. To date, the Defendants have not responded to or answered Microsoft's Complaint, and the time for the Defendants to answer Microsoft's Complaint has expired.

11. This action seeks a judgment of liability against the Defendants and entry of a permanent injunction.

DEFENDANTS HAVE NOT RESPONDED TO THIS ACTION

12. As described more fully below, the Defendants have been properly served with the Summons, Complaint, and the order, pleadings, and evidence in this action pursuant to means expressly authorized by the Court in the TRO (Dkt. No. 28) and the Court's Endorsement (Dkt. No. 33). The Defendants have failed to appear or otherwise defend the action.

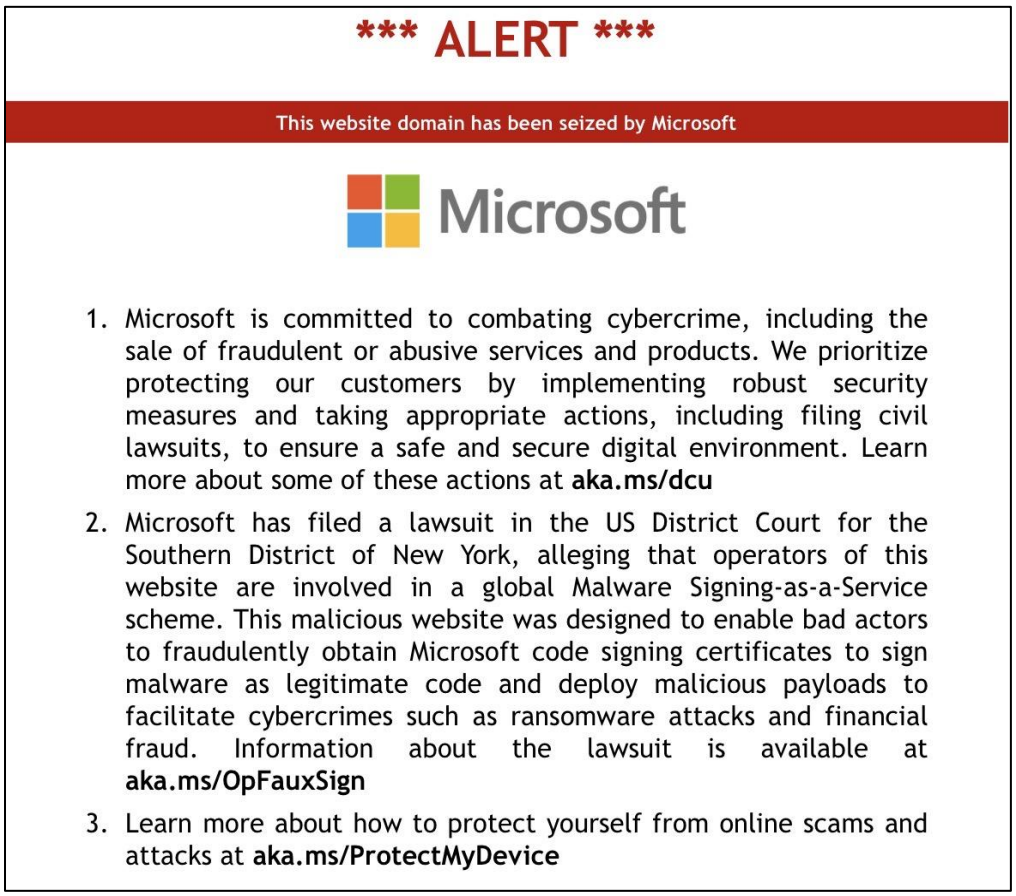
13. As of October 22, 2026, I have not been contacted by the Defendants regarding this case, or with respect to any other matter. I have also conferred with members of Microsoft's Digital Crimes Unit ("DCU"). DCU confirmed that neither Microsoft nor any party associated with it has been contacted by the Defendants regarding this case or with respect to any other matter. The Defendants have not objected to the relief obtained in the TRO, the Court's Endorsement extending the TRO, the Preliminary Injunction Order, or any other order issued by this Court. Furthermore, the Defendants have not objected to or disputed any pleading, declaration, fact, evidence, or submission in this case.

SERVICE OF PROCESS AND NOTICE UPON DEFENDANTS

A. Impact of TRO and Preliminary Injunction

14. It is reasonable to conclude that the Defendants are aware of this proceeding given the significant impact of the TRO and preliminary injunction, in combination with the steps Microsoft took to serve process by personal delivery, mail, email, and publication, as discussed below.

15. If the public or the Defendants visited the URL of the seized signspace[.]cloud domain, they were shown the following page, alerting them to this action and directing them to the Notice of Pleadings Page.



16. Further, as described above, Microsoft worked with the Defendants' infrastructure providers to transfer the signspace[.]cloud domain and to disable the virtual machines used by the

Defendants, thereby shutting down the infrastructure through which the Defendants operated their illegal scheme. Based on this disruption and its impact on Defendants' infrastructure, I conclude that the Defendants are likely aware of the impact of the relief granted through the course of this action and aware that this proceeding is the cause of that impact.

B. Service by Email

17. Microsoft has served process through email, as authorized by the TRO and Preliminary Injunction Order, which provide that service may be effected by "transmission by email … to the contact information provided by Defendants to their domain registrars and/or hosting companies and as agreed to by Defendants in the domain registration and/or hosting agreements[.]" Dkt. No. 28 at 12; Dkt. No. 34 at 11.

18. Through its pre-filing investigation efforts, Microsoft identified the email addresses John Does 1–2 used to register and operate Microsoft tenants and Cloudzy virtual machines, as well as the registrant email addresses for the domains operated by John Does 3–4. Microsoft also identified an additional email address for John Doe 1 through its investigation. Because the Defendants provided false names and addresses to the providers of their infrastructure, the Defendants would expect to receive notice regarding their use of the infrastructure through those email addresses.

19. On May 19, 2026, consistent with the TRO, Microsoft served copies of the Summons, Complaint, TRO Motion, *Ex Parte* Temporary Restraining Order and Order to Show Cause re Preliminary Injunction, and related filings on Defendants by email. The service email contained the following language:

> On behalf of Microsoft Corporation ("Microsoft"), please find attached the Summons, Complaint, Ex Parte Temporary Restraining Order and Order to Show Cause re Preliminary Injunction, and related filings from *Microsoft Corporation v. John Does 1 – 4*, Civil Action No. 26 Civ. 3737 (S.D.N.Y. May 8, 2026), a civil

> action against John Doe [#], who operates the website []. The contact information above is associated with the registrant of this website. These materials are also publicly available at the following website: www.noticeofpleadings.net/opfauxsign.
>
> John Doe 1[-4] must appear in this case or Microsoft will win automatically. The Court has ordered that the Order to Show Cause Hearing re Plaintiff's Motion for Preliminary Injunction is scheduled for **May 22, 2026 at 12:30 p.m.**, in Courtroom 1506 at the Thurgood Marshall Courthouse for the Southern District of New York, located at 40 Foley Square, New York, NY 10007, before Judge Ronnie Abrams.
>
> If you are not John Doe [#], we request that you forward this letter and enclosures to John Doe [#], the operator of the website [].

20. On May 27, 2026, consistent with the Preliminary Injunction, Microsoft served copies of the Preliminary Injunction Order on Defendants by email.

21. In connection with sending the service emails to the email addresses for John Does 1–4, my associate used the "delivery receipt" and "read receipt" features on Microsoft Outlook to track the email correspondence. My associate also used an online service called "Read Notify" to track the delivery of the Summons, Complaint, TRO Motion, Ex Parte Temporary Restraining Order and Order to Show Cause re Preliminary Injunction, and related filings to John Does 1–4. By using these features, we confirmed the successful delivery (*i.e.*, no bounce back) of at least one email to each Defendant.

22. Despite this robust notice and service, Defendants have not contacted me, anyone at my firm, or Microsoft, nor have they otherwise appeared, objected to, or disputed any pleading, declaration, fact, evidence, or submission in this case.

C. Service by Internet Publication

23. Microsoft has served process by Internet publication, as authorized by the TRO and Preliminary Injunction, which provide that service may be effected by "publishing notice on a publicly available Internet website[.]" Dkt. No. 28 at 12; Dkt. No. 34 at 12. On May 19, 2026, Microsoft published the Complaint, TRO Motion, *Ex Parte* Temporary Restraining Order and

Order to Show Cause re Preliminary Injunction, and related filings in this action on the publicly available website https://www.noticeofpleadings.net/OpFauxSign/. All subsequent pleadings and orders, including the Preliminary Injunction Order, have been made available on that website throughout the case. A link to the website was included in the service of process email sent to the Defendants at the email addresses associated with them. A true and accurate copy of the homepage for https://www.noticeofpleadings.net/OpFauxSign/ is attached to my declaration as **Exhibit 1**.

24. Following execution of the TRO and the unsealing of the record in this action, Microsoft also engaged in widespread press relations and media activity announcing this action. *See* Steven Masada, *Disrupting Fox Tempest: A cybercrime service that turned "verified" software into a pathway for ransomware*, Microsoft Blog, available at: https://blogs.microsoft.com/on-the-issues/2026/05/19/disrupting-fox-tempest-a-cybercrime-service/ (May 19, 2026); Microsoft Threat Intelligence, *Exposing Fox Tempest: A malware-signing service operation*, Microsoft Blog, available at: https://www.microsoft.com/en-us/security/blog/2026/05/19/exposing-fox-tempest-a-malware-signing-service-operation/ (May 19, 2026). To the extent that the Defendants were made aware of the action via Microsoft's media activity or third-party news publications, the Defendants would have been able to access the Notice of Pleadings website and access the pleadings.

25. Despite this robust notice and service, the Defendants have not come forward in this action to defend or seek reinstatement of their infrastructure.

D. Attempted Notice and Service by Mail and Personal Delivery

26. Microsoft also attempted to serve process by mail, as authorized by the TRO and Preliminary Injunction, which provide that service may be effected by "transmission by … mail … to the contact information provided by Defendants to their domain registrars and/or hosting

companies and as agreed to by Defendants in the domain registration and/or hosting agreements[.]" Dkt. No. 28 at 12; Dkt. No. 34 at 11-12. Through its pre-filing investigation efforts, Microsoft identified the addresses for the registrants of the domains operated by John Does 1–4.

27. Microsoft served via mail copies of the Summons, Complaint, TRO Motion, *Ex Parte* Temporary Restraining Order and Order to Show Cause re Preliminary Injunction, and related filings on John Does 1-4 on May 19, 2026. Tracking information from United Parcel Service showed that several addresses provided by the Defendants did not exist or did not appear to be associated with the Defendants. *See* Hickey Declaration ¶ 7, Dkt. No. 14. For that reason, copies of the Preliminary Injunction Order were served by mail only on John Does 1-2 on May 27, 2026.

28. Microsoft also attempted to serve process through personal delivery, as authorized by the TRO and Preliminary Injunction, which provide that service may be effected by "transmission by … personal delivery to the contact information provided by Defendants to their domain registrars and/or hosting companies and as agreed to by Defendants in the domain registration and/or hosting agreements[.]" Dkt. No. 28 at 12; Dkt. No. 34 at 11-12.

29. On May 19, 2026, consistent with the Court's Endorsement extending the TRO, I hired process servers to serve copies of the Summons, Complaint, TRO Motion, *Ex Parte* Temporary Restraining Order and Order to Show Cause re Preliminary Injunction, and related filings on each Defendant. The process servers successfully served the registrants associated with John Does 1–2 but were unable to serve John Does 3–4, because the addresses provided were either invalid or inaccessible. *See* Hickey Declaration ¶ 8, Dkt. No. 14. Accordingly, on May 27, 2026, I directed process servers to serve the Preliminary Injunction Order on the registrants associated with John Does 1–2, the only addresses at which personal service has proven feasible.

30. From the foregoing, we conclude that the email addresses associated with the infrastructure used by the Defendants are the most viable means of communicating with the Defendants in this action.

INVESTIGATION REGARDING DEFENDANTS' CONTACT AND IDENTIFYING INFORMATION

31. On behalf of Microsoft, I endeavored to identify additional contact information through which Defendants could be served, as well as more specific identities. No further legitimate contact information was identified.

32. Given (a) the Defendants' use of aliases and false information, (b) the ease with which anonymous activities can be carried out through the Internet, and (c) the sophistication of the Defendants, Microsoft has been unable to specifically and definitively determine the "real" names and addresses of John Does 2–4.

33. While Microsoft has identified the suspected identity of John Doe 1 and has informed the Court of the special circumstances concerning international law enforcement's activities regarding John Doe 1 (*see* May 12, 2026 Letter, Dkt. No. 77; *see also* May 26, 2026 Letter, Dkt. No. 36), Microsoft has been unable to identify with any greater particularity John Doe 1's physical address for the purposes of service. Based on the multiple methods by which Microsoft has served John Doe 1, I believe that John Doe 1 has received adequate notice of this action.

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 28th day of October, 2026, in Dubai, United Arab Emirates.

Adam S. Hickey

EXHIBIT 1

Date of first publication: May 19th, 2026

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICROSOFT CORPORATION, a Washington State Corporation, Plaintiff, v. JOHN DOE 1, JOHN DOE 2, a/k/a SamCodeSign, a/k/a "Fox Tempest," and JOHN DOES 3-4, a/k/a "Vanilla Tempest," Defendants.	)	Civil Action No. 26 Civ. 3737

Plaintiff Microsoft Corporation ("Microsoft") brings this action against Defendants John Does 1-4, members of an organized criminal enterprise that has harmed plaintiff, its customers, and the public at large. Plaintiff alleges that Defendants have violated federal and state law by fraudulently obtaining code signing certificates from Microsoft's Artifact Signing service, using those certificates to sign malware, and deploying the malware to gain unauthorized access to victim computers for the purpose of stealing information, deploying ransomware, and extorting victims. Plaintiff seeks a preliminary injunction directing the domain registrar and virtual machine provider identified in the Complaint to take all steps necessary to disable access to and operation of the Defendants' infrastructure and isolate and preserve all material and content associated with the infrastructure pending resolution of the dispute. Plaintiff seeks a permanent injunction, other equitable relief, and damages. Full copies of the pleading documents are available at https://www.noticeofpleadings.net/OpFauxSign.

NOTICE TO DEFENDANTS: READ THESE PAPERS CAREFULLY! You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 21 days of the date of first publication specified herein. It must be in proper form and have proof of service on Microsoft's attorney, Adam S. Hickey at Mayer Brown LLP, 1221 Avenue of the Americas, New York, NY 10020, ahickey@mayerbrown.com. If you have questions, you should consult with your own attorney immediately.

NOTICE TO DEFENDANTS: The Court has ORDERED that the Show Cause Hearing re Plaintiffs' Motion for Preliminary Injunction will be SCHEDULED for May 22, 2026, at 12:30 p.m. in Courtroom 1506 at the Thurgood Marshall Courthouse in the Southern District of New York before Judge Ronnie Abrams. Note the updated timing from the TRO and Order to Show Cause.

COURT ORDERS

i. Signed 05.05.2026 Order to File Case Under Seal.pdf

ii. Signed 05.08.2026 TRO and Order to Show Cause.pdf

iii. Signed 05.12.2026 Order Extending TRO.pdf

iv. Signed 05.20.2026 Letter to Clarify Scope of Sealing.pdf

v. Signed 05.22.2026 Preliminary Injunction.pdf

vi. Signed 05.27.2026 Letter Request to Redact and Seal.pdf

vii. Signed 05.27.2026 Letter Request for Continued Sealing.pdf

viii. Signed 07.31.2026 Letter to Request Unsealing.pdf

COMPLAINT

i. Civil Cover Sheet.pdf

ii. Civil Complaint.pdf

iii. Ex. 1 to Complaint.pdf

iv. Ex. 2 to Complaint.pdf

v. App. A to Complaint.pdf

vi. App. B to Complaint.pdf

vii. Proposed Summons as to John Doe 1.pdf

viii. Proposed Summons as to John Doe 2.pdf

ix. Proposed Summons as to John Doe 3.pdf

x. Proposed Summons as to John Doe 4.pdf

MOTIONS TO SEAL

i. 05.19.2026 Letter to Clarify Scope of Sealing.pdf

ii. 05.26.2026 Letter Request to Redact and Seal.pdf

iii. 05.26.2026 Letter Request for Continued Sealing.pdf

APPLICATION FOR EMERGENCY TEMPORARY RESTRAINING ORDER (TRO) AND PRELIMINARY INJUNCTION

i. Ex Parte Application for TRO.pdf

ii. Memorandum in Support of Ex Parte Application for TRO.pdf

iii. A. Hickey Declaration in Support of Ex Parte Application for TRO.pdf

iv. Ex. 1-12 to A. Hickey Declaration.pdf

v. M. Mason Declaration in Support of Ex Parte Application for TRO.pdf

vi. Ex. 1 to M. Mason Declaration.pdf

vii. A. Hickey Declaration re Service Upon Defendants.pdf

viii. Letter App. re Proposed Preliminary Injunction Order.pdf

CONTACT US

If you wish to contact us, please direct your communication as follows:

Adam S. Hickey
Mayer Brown LLP
1221 Avenue of the Americas
New York, NY

Tel: (212) 506-2500
Fax: (212) 262-1910
Email: ahickey@mayerbrown.com

Microsoft Privacy Statement – Microsoft privacy