MAYER | BROWN

Mayer Brown LLP
1999 K Street, N.W.
Washington, DC 20006-1101
United States of America

T: +1 202 263 3000
F: +1 202 263 3300

mayerbrown.com

Adam S. Hickey
Partner
T: +1 202 263 3024
AHickey@mayerbrown.com

VIA ECF FILING

May 26, 2026

Hon. Ronnie Abrams
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Microsoft v. Doe, 26-cv-03737 (RA) –Letter re Justification for Continued Sealing

Dear Judge Abrams:

Pursuant to the Court's direction at the Order to Show Cause Hearing on Friday, May 22, 2026, we write to provide an update regarding the status of law enforcement actions and the justification for continued sealing of portions of the record in this case.

Microsoft was advised by law enforcement on Friday that the investigation of John Doe 1 is ongoing and that actions planned for early to mid-July may be impacted by unsealing. Law enforcement requested that details in the record related to the law enforcement investigation of John Doe 1 remain under seal for the time being.

Notably, although we have served John Doe 1, and it is now public that Microsoft has worked to disrupt the Certificate Abuse Enterprise and obtained control of their infrastructure, those are just the actions of a private party. It is *not* yet public that law enforcement is actively investigating the defendant or that they have planned actions for the summer, because, with the Court's permission, we have consistently redacted those details from our submissions before they were unsealed.

As courts in this District have held, "the countervailing interests of law enforcement outweigh the common law and First Amendment right of access to the sealed documents" when "disclosing the details of [law enforcement's] efforts to obtain evidence will undoubtedly hamper the investigation, as the individuals and entities under investigation would be put on notice." *United States v. Madoff*, 626 F. Supp. 2d 420, 427–28 (S.D.N.Y. 2009). Because the details of ongoing law enforcement activities are incidental to the merits of this case, and because their disclosure risks "impairing law enforcement[,]" the balance of equities militates in favor of

Mayer Brown is a global services provider comprising an association of legal practices that are separate entities including Mayer Brown LLP (Illinois, USA), Mayer Brown International LLP (England & Wales), Mayer Brown Hong Kong LLP (a Hong Kong limited liability partnership) and Tauil & Chequer Advogados (a Brazilian law partnership).

VIA ECF FILING

keeping the narrowly tailored redactions in this case under seal. *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995). This is particularly true when, as here, the redactions "play only a negligible role in the performance of Article III duties, [and] the weight of the presumption [of access] is low and amounts to little more than a prediction of public access absent a countervailing reason." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 121 (2d Cir. 2006) (quoting *Amodeo*, 71 F.3d at 1050).

For the reasons above, Microsoft respectfully requests that the sealed documents in this case remain sealed for a period of 60 days to Monday, July 27, 2026. To keep the Court apprised of the basis for continued sealing, Microsoft respectfully suggests that we provide another letter regarding the status of law enforcement's activities (to the extent we are aware of them) and any justification for continued sealing in this case on or before that date.

This letter is submitted in accordance with the Court's Individual Rule 1.A.

We thank the Court for its consideration.

Respectfully submitted,



Adam S. Hickey
Partner