**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MICROSOFT CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. __1:25-CV-2695-MHC__
	)	
DOES 1-10,	)	**FILED UNDER SEAL**
	)	
Defendants.	)	
	)	
	)	
	)	

**DECLARATION OF ROBERT L. URIARTE IN SUPPORT OF
APPLICATION OF MICROSOFT CORPORATION FOR AN
EMERGENCY *EX PARTE* ORDER FOR TEMPORARY
RESTRAINING ORDER AND RELATED RELIEF**

I, Robert L. Uriarte, hereby declare and state as follows:

1.   I am an attorney with the law firm of Orrick, Herrington &

Sutcliffe LLP ("Orrick"), and counsel of record for Plaintiff Microsoft

Corporation ("Microsoft"). I make this declaration in support of the

Application of Microsoft Corporation for an Emergency *Ex Parte* Order for

Temporary Restraining Order and Related Relief ("TRO Application"). I make

this declaration of my own personal knowledge and, if called as a witness, I

could and would testify competently to the truth of the matters set forth herein.

2.   Plaintiff seeks an Emergency *Ex Parte* Order for Temporary

Restraining Order and Related Relief to disable the Internet domains used Does

1 – 10 ("Defendants") to operate a sophisticated Internet-based cybercriminal

operation referred to in the complaint as Lumma, LummaC2, or LummaStealer

("Lumma") Enterprise. Defendants use Lumma and internet infrastructure to

steal information from victim computers.

3.   As counsel for Microsoft, I am aware of previous efforts to disable

other types of unlawful Internet activity, including the "**Waledac**" Botnet in

February 2010 in the Eastern District of Virginia, the "**Rustock**" Botnet in

March 2011 in the Western District of Washington, the "**Kelihos**" Botnet in

September 2011 in the Eastern District of Virginia, the "**Zeus**" Botnets in

March 2012 in the Eastern District of New York, the "**Bamital**" Botnet in

February 2013 in the Eastern District of Virginia, the "**Citadel**" Botnets in May

2013 in the Western District of North Carolina, the "**ZeroAccess**" Botnet in

November 2013 in the Western District of Texas, the "**Shylock**" Botnet in June

2014 in the Eastern District of Virginia, the "**Ramnit**" Botnet in February 2015

in the Eastern District of Virginia, the "**Dorkbot**" Botnet in November 2015 in

the Eastern District of New York; the "**Strontium**" cybercrime group in August

2016 in the Eastern District of Virginia; the "**Phosphorous**" cybercrime group

in March 2019 in the District of the District of Columbia; and the **ZLoader**

cybercriminal operation in April 2022. I served as counsel of record for some

of these cases.

4.   I believe that *ex parte* relief is necessary, as notice to Defendants would allow them to destroy the evidence of their illicit activity and give them an opportunity to move the instrumentalities they used to conduct their unlawful activity. Based on my prior experience, I am aware that similarly situated parties have attempted to evade relief upon receiving notice of actions like the instant matter.

5.   For example, I am aware that the operators of the Rustock botnet—after learning of an attempt to disable the botnet—attempted to migrate that botnet's command and control infrastructure to new infrastructure and attempted to delete files from the seized host servers. I am also aware that the Dorkbot botnet's operators attempted to activate previously dormant command and control domains so that they could continue to illegally control the Dorkbot infected devices one day after Microsoft executed the court's temporary restraining order in November 2015. Further, during the action regarding the ZeroAccess botnet in November 2013, the operators of that botnet immediately attempted (unsuccessfully) to take action in response to the seizure of domains to attempt to move the botnet's command and control infrastructure. In another recent action, *Microsoft Corp. v Yadegarnia et al*, E.D.VA Case No. 1:24-cv-2323, Defendants and other actors using their services learned of the pendency

of the action and were able to identify the attorneys involved in the case before pleadings were served on Defendants.

6.   Microsoft's counsel has not attempted to provide notice of the TRO Application to Defendants, and I respectfully submit should not be required to provide notice at this time. I respectfully submit that good and sufficient reasons exist for this TRO Application to be made by Order to Show Cause in lieu of by notice of motion. Microsoft has previously sought ex parte temporary restraining orders in a number of United States District Courts in the following matters: *Microsoft Corporation v. John Does 1-27*, Case No. 1:10-cv-00156 (E.D. Va. 2010) (Brinkema, J.); *Microsoft v. John Does, 1-11,* Case No. 2:11-cv-00222 (W.D. Wa. 2011) (Robart, J.); *Microsoft Corporation v. Dominique Piatti et al.*, Case No. 1:11-cv-01017 (E.D. Va., 2011) (Cacheris, J.); *Microsoft Corporation et al. v. John Does 1-39 et al.*, Case No. 12-cv-1335 (E.D.N.Y. 2012) (Johnson, J.); *Microsoft Corporation v. Peng Yong et al.,* Case No. 1:12-cv-1005-GBL (E.D. Va. 2012) (Lee, J.); *Microsoft Corp. v. John Does 1-18 et al.*, Case No. 1:13-cv-139-LMB/TCB (E.D. Va. 2013) (Brinkema, J.); *Microsoft v. John Does 1-82*, Case No. 3:13-CV-00319-GCM (W.D. N.C. 2013) (Mullen, J.); *Microsoft v. John Does 1-8*, Case No. A-13-CV-1014-SS (Sparks, J.) (W.D. Tex 2013); *Microsoft v. John Does 1-8,* Case No. 1:14-cv-811-LO-IDD (O'Grady, J.) (E.D. Va. 2014); *Microsoft v. John Does 1-3,* Case

No. 1:15-cv-240-LMB/IDO (Brinkema, J.) (E.D. Va. 2015); *Microsoft v. John Does 1-5,* 1:15-cv-06565-JBW-LB (E.D.N.Y. 2015); *Microsoft Corporation v. John Does 1-2,* Case No. 1:16-cv-993 (E.D. Va., 2016) (Lee, J.); and *Microsoft Corporation v. John Does 1-2*, Case No. 1:19-cv-00716-ABJ (D.C. 2019) (Jackson, J.); *Microsoft Corp. v Yadegarnia et al*, 1:24-cv-2323 (E.D.V.A 2024). Microsoft has also previously sought this particular *ex parte* relief in this district, though not as to these particular Defendants, in the following matter: *Microsoft Corporation, FS-ISAC, INC., and HEALTH-ISAC, INC. v. Denis Malikov, and John Does 1-7*, Case No. 1:22-cv-1328-MHC (N.D. Ga., 2022) (Cohen, M.).

7.   On behalf of Microsoft, Orrick will attempt notice of any TRO and preliminary injunction hearing, as well as service of the Complaint by sending the pleadings and/or links to the pleadings to e-mail addresses, facsimile numbers and mailing addresses associated with Defendants or otherwise provided by Defendants to the Internet domain registrars and IP address hosting companies. I know from my role in past similar cases from Microsoft that providing notice through domain registrars and registries is very likely to result in actual notice, as I have successfully achieved notice this way in the past.

8.   Microsoft will also attempt notice of any TRO, preliminary injunction hearing and service of the Complaint by publishing those pleadings

on a publicly accessible website and will publish such notice on the website for a period of six months.

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 on May 13, 2025.

/s/ Robert L. Uriarte
Robert L. Uriarte