

Sealed

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CIVIL ACTION NO.

MICROSOFT CORPORATION, H2-
PHARMA, LLC, and GATEHOUSE DOCK
CONDOMINIUM ASSOCIATION, INC.,

Plaintiffs

v.

DOES 1-7,

Defendants

FILED BY _____ D.C.

JAN 07 2026

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

FILED UNDER SEAL

**PLAINTIFFS' EMERGENCY MOTION FOR PROTECTIVE ORDER TEMPORARILY
SEALING THIS CASE**

Plaintiffs Microsoft Corporation, H2-Pharma, LLC, and Gatehouse Dock Condominium Association, Inc. ("Plaintiffs") have filed a Complaint and Emergency *Ex Parte* Motion for Temporary Restraining Order and Related Relief ("TRO Motion") to stop the harmful and malicious Internet activities of Defendants Does 1-7, which are aimed at Plaintiffs, their customers, members, and the public. Plaintiffs seek emergency *ex parte* relief on or before July 8, 2026, to file this case under seal because advance public disclosure or notice of this case or the requested relief would allow Defendants to evade such relief and further prosecution of this action, thereby perpetuating the irreparable harm at issue.

As explained more fully below and in Plaintiffs' concurrently filed Complaint and TRO Motion, Plaintiffs seek seizure of Internet domains that are currently being used by Defendants to carry out ongoing violations of law. It will likely take one to two business days for the third-party domain registries at issue to effect any seizure order, and time is of the essence given imminent actions that are expected to occur outside the United States next week. Absent

emergency relief, Defendants may learn of these and other proceedings before the Court can grant effective relief and would be in a position to thwart important efforts here and abroad.

Therefore, Plaintiffs request that this case and all documents filed in this case be sealed pending execution of the temporary restraining order sought in Plaintiffs' TRO Motion. Plaintiffs' request is narrowly tailored to impose the least restriction on the public's right of access to information. Plaintiffs request that all sealed documents be immediately unsealed upon execution of the temporary restraining order. Plaintiffs respectfully request that should the Court decide not to grant the *ex parte* relief requested in Plaintiffs' TRO Motion, that the materials be sealed indefinitely.

ARGUMENT

The public has a right to access judicial records and documents, but this right is not absolute. *Romero v. Drummond Co., Inc.*, 480 F.3d 1234, 1245 (11th Cir. 2013). "The right of access does not apply to discovery and, where it does apply, may be overcome by a showing of good cause." *Id.* Pleadings and motions that are "presented to the court to invoke its powers or affect its decisions," whether or not characterized as dispositive," are subject to the public's right of access, and a showing of good cause must be made to seal them. *Id.* (citation omitted); *see also FTC. v. AbbVie Prods. LLC*, 713 F.3d 54, (11th Cir. 2013).

When deciding whether to grant a party's motion to seal, the court is required to balance the historical presumption of access against any competing interest. *See Newman v. Graddick*, 696 F.2d 796, 803 (11th Cir.1983); *see also Romero*, 480 F.3d at 1246. In balancing these interests, courts look to "whether allowing access would impair court functions or harm legitimate privacy interests, the degree of and likelihood of injury if made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether

the information concerns public officials or public concerns, and the availability of a less onerous alternative to sealing the documents.” *Romero*, 480 F.3d at 1246.

Good cause can exist under a variety of circumstances where the moving party’s right to protect a legitimate interest outweighs the public’s right of access. One such circumstance is “when disclosure will cause the party to suffer a clearly defined and serious injury.” *Smith v. Target Corp.*, No. 21-80307-CIV, 2021 WL 5501566, at *1 (S.D. Fla. Nov. 23, 2021) (citation omitted). Another is when a party’s privacy or proprietary interests are at stake, such as trade secrets. *Romero*, 480 F.3d at 1246; *Arthrex, Inc. v. Parcus Med., LLC*, No. 2:11-CV-694-FTM-29CM, 2014 WL 1569149, at *4 (M.D. Fla. Apr. 17, 2014) (finding good cause to protect confidential and proprietary information when disclosure would harm the parties’ legitimate privacy interest in the information).

Other courts in this Circuit have sealed records in a case similar to the one at hand. *See Microsoft Corp. v. Malikov*, No. 1:22-CV-1328-MHC, 2022 WL 1742862, at *5 (N.D. Ga. Apr. 8, 2022) (directing Plaintiffs to “move the Court to unseal this case and make the appropriate portions of the filings in this action accessible to the public.”) Moreover, courts in other judicial circuits have sealed records when doing so was necessary to protect against cybercrime. *E.g.*, *Oneamerica Financial Partners, Inc. v. T-Systems North America, Inc.*, No. 115CV01534TWPKL, 2016 WL 891349, at *4 (S.D. Ind., Mar. 9, 2016) (granting motion to seal information regarding plaintiffs’ IT security and infrastructure that if disclosed, could make plaintiff vulnerable to a hacker attack); *In re Google Inc. Gmail Litig.*, 2013 WL 5366963, at *3 (N.D. Cal. Sept. 25, 2013) (holding that compelling reasons existed to seal complaint because it contained information that could be used “to circumvent Google’s anti-virus and anti-spam mechanisms”). Thus, an effort to thwart future cyberattacks is sufficient good cause to seal

sensitive information. *See Music Group Macao Commercial Offshore Ltd v. Foote*, No. 14-cv-03078-JSC, 2015 WL 3993147, at *2 (N.D. Cal. Jun. 30, 2015) (“Weighing the public interest in understanding the judicial process against Plaintiff’s allegation that disclosing server data may harm it by encouraging another cyberattack, or at least making it feasible, the Court finds a compelling reason to seal”).

In this case, Plaintiffs’ rights and interests in protecting their ability to obtain *ex parte* temporary relief, and the necessity of sealing to Plaintiffs’ ability to obtain such relief, is paramount over any competing public interest to immediate access to the information Plaintiffs request to be sealed. If Plaintiffs’ papers are not sealed, the relief sought would very likely be rendered fruitless, and there is substantial risk Defendants would destroy evidence. The harm that would be caused by public filing of Plaintiffs’ papers would far outweigh the public’s right to access that information. Moreover, there is no need for public access to these documents while Plaintiffs are seeking *ex parte* temporary relief, which will only be effective if the materials remain under seal until after Plaintiffs are able to obtain that relief. Applying the balancing test demonstrates that Plaintiffs’ interests in protecting the confidentiality of the pleadings far outweighs any public right to disclosure of that information.

There is a real and substantial risk that if this case and documents filed are made public before Plaintiffs can execute the temporary restraining order, Defendants will destroy all evidence of their prior activities, change their online identities, and move their infrastructure to different servers to continue carrying out their illicit activities. Further, Plaintiffs only seek to seal such information for a limited period of time. After Plaintiffs obtain effective *ex parte* temporary relief, Plaintiffs intend to immediately commence their efforts to provide Defendants notice of the preliminary injunction hearing and service of the Complaint. All documents will

then be unsealed, subject to a handful of narrowly tailored redactions, which Plaintiffs will move to maintain sealed at that time, and the public will be given effectively full access to these proceedings. Plaintiffs, upon execution of the *ex parte* relief, will file with the Clerk of the Court a Notice that the temporary restraining order has been executed and a further motion identifying the discrete portions of the record they seek to maintain under seal.

Should, however, the Court decide not to grant the *ex parte* temporary relief that Plaintiffs request in their TRO Motion, Plaintiffs respectfully requests that such materials remain sealed for an indefinite period, as public disclosure or notice absent the *ex parte* relief requested would facilitate Defendants' harmful and malicious Internet activities.

CONCLUSION

For the foregoing reasons, Plaintiffs request that this case and all associated documents be kept under seal in accordance with Fed. R. Civ. P. 26(c)(1) pending execution of the *ex parte* relief sought in the forthcoming TRO Motion.

Plaintiff further requests that upon execution of the temporary restraining order, Plaintiffs be permitted to disclose such materials as they deem necessary, including to commence their efforts to provide Defendants notice of the preliminary injunction hearing and service of the Complaint.

Plaintiffs respectfully request that should the Court decide not to grant the *ex parte* temporary relief requested in TRO Motion, that the materials be sealed indefinitely.

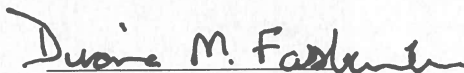
LOCAL RULE 7.1 EMERGENCY CERTIFICATION

After reviewing the facts and researching applicable legal principles, I certify that this motion in fact presents a true emergency (as opposed to a matter that may need only expedited treatment) and requires an immediate ruling because the Court would not be able to provide

meaningful relief to a critical, non-routine issue after the expiration of seven days. I understand that an unwarranted certification may lead to sanctions.

Dated: January 7, 2026

Respectfully submitted,


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