

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

**DECLARATION OF ROBERT L. URIARTE IN SUPPORT OF EMERGENCY MOTION
FOR PROTECTIVE ORDER TEMPORARILY SEALING THIS CASE**

I, Robert L. Uriarte, declare as follows:

1. I am an attorney admitted to practice in the State of California. I am a partner at the law firm of Orrick, Herrington & Sutcliffe LLP ("Orrick"), counsel of record for the Plaintiffs Microsoft Corporation, H2-Pharma, LLC, and Gatehouse Dock Condominium Association, Inc. My pro hac vice application is forthcoming. I make this declaration in support of Plaintiff's Emergency Motion for a Protective Order Temporarily Sealing This Case. I have personal knowledge of the facts set forth in this declaration, except for facts stated on information and belief, which I believe to be true. If called to testify as a witness, could and would testify to the following under oath.

2. This case arises out of the harmful and malicious Internet activities of Defendants Does 1-7. I am informed and believe that Defendants are sophisticated cybercriminals who

specialize in distributing and exploiting software and services targeting Microsoft customers and others for financial fraud.

3. I am informed and believe that permitting Defendants to learn of these proceedings prior to execution of the temporary *ex parte* relief sought in the TRO Motion will significantly impede Plaintiffs' ability to obtain effective relief against Defendants. This is because Defendants are highly sophisticated cybercriminals capable of quickly moving infrastructure used to perpetrate Defendants' unlawful conduct and/or of deleting evidence of their activities.

4. I am informed and believe that, absent a protective order sealing this action pending execution of any TRO, there is a substantial risk that Defendants will learn of these proceedings before the temporary *ex parte* relief sought in the forthcoming TRO Motion can be effected and will take steps to evade the relief sought. Over the past decade, Microsoft has prosecuted many similar cases. These cases all involved similar litigation strategies and claims and have involved Doe defendants conducting illegal activities through identifiable but movable online infrastructures similar to that used by Defendants. I am informed and believe that in multiple of those cases, the Doe defendants immediately took action to attempt to defy and evade the court's order as soon as they detected legal action being taken against them.

5. For example, in a case against operators of a botnet known as "Rustock," (*Microsoft v. John Does, 1-11*, Case No. 2:11-cv-00222 (W.D. Wa. 2011) (Robart, J), the defendants attempted to destroy evidence on a server using remote means very shortly after Microsoft began execution of the seizure order and literally while forensic investigators were examining the server.

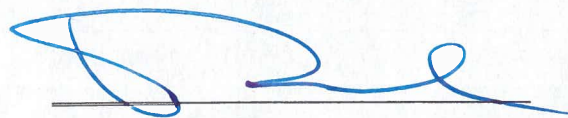
6. In cases against operators of two other botnets, “ZeroAccess” (*Microsoft Corporation v. John Does 1-8 et al.*, Case No. A13-cv-1014-SS (W.D. Tex. 2013) (Sparks, J.)) and “Dorkbot” (*Microsoft v. John Does 1-5*, Case No. 1:15-cv-06565-JBW-LB (E.D.N.Y. 2015)), the defendants in each case attempted to defy the court’s injunctive order by attempting to move their command and control infrastructure as soon as they detected legal action being taken against them.

7. In another recent case, *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. Defendants made efforts to delete evidence of their misconduct.

8. It is my belief that even disclosing that Plaintiffs have initiated this case will give Defendants the opportunity to adapt, move, or destroy their infrastructure so that they can continue to perpetrate their unlawful conduct and evade Plaintiffs efforts to obtain judicial relief. For this reason, Plaintiffs respectfully request that all documents filed in this case be temporarily sealed.

9.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed this 7th day of January, 2026.



Robert L. Uriarte