

1 KARIN G. PAGNANELLI (SBN 174763),
kgp@msk.com
2 MARC E. MAYER (SBN 190969),
mem@msk.com
3 MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
4 Los Angeles, California 90064-1683
Telephone: (310) 312-2000
5 Facsimile: (310) 312-3100

6 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NEXON AMERICA INC., a Delaware
corporation, and NEXON KOREA
CORPORATION, a Korean corporation,

Plaintiffs,

v.

GAMEANARCHY, LLC, a Georgia
Limited Liability Company, DAVID
ALLEN BAKER, a/k/a "Drunken
Cheetah," an individual, and DOES 1
through 10,

Defendants.

CASE NO. CV12-2083 JHN (PLAx)

**DECLARATION OF MARC E.
MAYER IN SUPPORT OF *EX
PARTE* APPLICATION FOR
LEAVE TO TAKE IMMEDIATE
DISCOVERY RE: SERVICE AND
IDENTITY OF DOE DEFENDANTS,
AND IDENTITY OF DEFENDANTS'
HOST SERVER**

DECLARATION OF MARC E. MAYER

I, Marc E. Mayer, declare as follows:

1. I am an attorney at law, duly licensed to practice law in the State of California. I am, through my professional corporation, a partner in the law firm Mitchell Silberberg & Knupp LLP, counsel for plaintiffs Nexon America Inc. and NEXON Korea Corporation (“Nexon”) in this action. I know all of the following of my own personal knowledge and, if called as a witness, could and would competently testify thereto.

2. In 2011, my office conducted an investigation into the owners and operators of the Combat Arms cheating service known as “GameAnarchy.” Based on that investigation, we concluded that GameAnarchy was owned by a Georgia Limited Liability Company. We also concluded that the primary “coder” of GameAnarchy was someone using the name “DrunkenCheetah.” Our investigation revealed that “DrunkenCheetah” is defendant David Allen Baker. We also concluded that a number of other individuals, using anonymous handles such as “Flamez,” “Lord Eternal,” “Stealth,” and “Crojo” were involved in operating the GameAnarchy service, promoting the GameAnarchy service, or coding the GameAnarchy software product.

3. Because these individuals have taken steps to remain anonymous and have not disclosed their true identities on the GameAnarchy website, Nexon has been unable to determine their identity or where they are located. In an attempt to learn the identities of the owners and operators of GamerSoul, my office spent a significant amount of time searching publicly available sources, such as user-

1 generated content websites and search engines. We determined that individuals
2 involved with GameAnarchy had (1) posted videos on YouTube promoting and
3 demonstrating GameAnarchy, (2) created and maintained a Facebook page
4 promoting GameAnarchy, (3) received payments from the sale of GameAnarchy
5 subscriptions via a third-party payment service known as "PaymentWall," and (4)
6 used computers owned by Pineland Technology Solutions. I believe that
7 subpoenas to these entities will assist greatly in locating any additional owners and
8 operators of GameAnarchy, for the reasons set forth below.

9
10 4. In order to post content on websites such as YouTube and Facebook,
11 it is necessary to register an account and provide an e-mail address and username.
12 Additionally, websites such as YouTube and Facebook collect Internet Protocol
13 ("IP") addresses at the time accounts are created. An IP address is a unique
14 address that computers use to identify and communicate with each other on a
15 computer networking utilizing the Internet Protocol standard. Once an IP address
16 has been determined, that IP address can be linked to an Internet Service Provider
17 ("ISP"), which provides detailed information about that subscriber. An ISP is a
18 business or organization that provides access to the Internet and related services,
19 including Internet transit, domain name registration and hosting, web hosting and
20 colocation. ISPs maintain "user activity logs" that match an IP address (along with
21 date and time) with particular subscribers. However, ISPs typically retain such
22 user activity logs for only a limited period of time – sometimes for as little as a few
23 weeks – before erasing data.

24
25 5. Additionally, it is likely that PaymentWall maintains information
26 concerning the identities of those persons who receive money from the operation
27 of GameAnarchy. In order to use the GameAnarchy system to cheat in Combat

1 Arms, it is necessary to purchase “credits” from GameAnarchy. These credits are
2 used to “unlock” the cheats and hacks offered by GameAnarchy. To purchase
3 these credits, GameAnarchy directs customers to PaymentWall, which collects
4 credit card information and processes payments to GameAnarchy. Thus,
5 PaymentWall presumably remits the funds it collects to a bank account or to a
6 person. It is extremely likely that PaymentWall possesses the true names of those
7 persons to whom it makes payments.
8

9 6. In our investigation of GameAnarchy, we also learned that
10 GameAnarchy is using a service known as “Cloudflare” to route its domain names
11 to the servers on which content is located. Thus, for example, when one types in
12 “gameanarchy.com” into a web browser, the browser is first directed to Cloudflare
13 and then to the web host. As a result, members of the public are unable to identify
14 the web host on which a website’s servers are located. However, Cloudflare keeps
15 logs of IP addresses used both by those who log in to the Cloudflare service (i.e.
16 the operators of the website) and the IP addresses used to host content. As a result,
17 Cloudflare possesses critical information concerning not only the owners of
18 GameAnarchy, but also which servers are used to host GameAnarchy.
19

20 7. Additionally, during our investigation of GameAnarchy, I learned that
21 GameAnarchy LLC is registered with the Georgia Secretary of State at the
22 following address: 9C North Zetterower Ave., Statesboro GA 30459. When I did
23 a search for that address online, I learned that it is the address of a computer
24 company “Baker & Owens Computer Solutions,” owned by Pineland Technology
25 Solutions. Based on that fact, I believe that computers owned by Pineland
26 Technology Solutions may have been used in connection with GameAnarchy. I
27 expect that Pineland Technology Solutions may possess data pertaining to
28

1 GameAnarchy or logs of users who accessed its systems in connection with
2 GameAnarchy.

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8. I have reason to believe that without expedited discovery, critical information may be lost or destroyed. For example, during the course of Nexon's investigation, my office attempted to save and archive certain of GameAnarchy's web pages. However, the owners of GameAnarchy implemented a "ban" on traffic from the internet addresses we were using, thus preventing us from gathering evidence. Additionally, just after the lawsuit was filed, we observed that all YouTube videos posted by "Crojo" were deleted. I also have reason to believe that Defendants have been deleting materials from the GameAnarchy website, including user postings about this lawsuit. Thus, it is very important that Nexon immediately seek information from these third parties and advise the third parties to preserve relevant evidence.

9. The Complaint in this action was filed on March 12, 2012, and was served on the named defendants on March 14, 2012.

10. I have given notice of this *ex parte* application to Defendants GameAnarchy LLC and David Baker. Additionally, I will give notice of the subpoenas to these defendants. I also will provide the third parties with no fewer than 14 days to respond to the subpoenas, so that Defendants will have an ample

1 opportunity to lodge any objections or file any motions concerning the subpoenas.

2

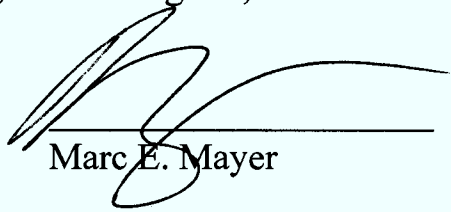
3 I declare under penalty of perjury under the laws of the United States that
4 the foregoing is true and correct.

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6 Executed on this 16th day of March 2012, in Los Angeles, California.

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Marc E. Mayer

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years and am not a party to this action; my business address is Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles, CA 90064-1683, and my business email address is sgd@msk.com.

On March 16, 2012, I served a copy of the foregoing document(s) described as **DECLARATION OF MARC E. MAYER IN SUPPORT OF EX PARTE APPLICATION FOR LEAVE TO TAKE IMMEDIATE DISCOVERY RE: SERVICE AND IDENTITY OF DOE DEFENDANTS AND IDENTITY OF DEFENDANTS' HOST SERVER** on the interested parties in this action at their last known address as set forth below by taking the action described below:

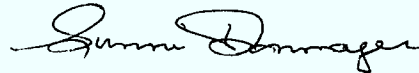
UNITED STATES CORPORATION AGENTS, INC.
7851 Old Morrow Road
Jonesboro, GA 30236

Agent for Service of Process for Game Anarchy, LLC

BY OVERNIGHT MAIL: I placed the above-mentioned document(s) in sealed envelope(s) designated by the carrier, with delivery fees provided for, and addressed as set forth above, and deposited the above-described document(s) with [Name of Messenger Service] in the ordinary course of business, by depositing the document(s) in a facility regularly maintained by the carrier or delivering the document(s) to an authorized driver for the carrier.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on March 16, 2012, at Los Angeles, California.



Sunni Donmoyer

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California, I am over
4 the age of eighteen years and am not a party to this action; my business address is
5 Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles,
6 CA 90064-1683, and my business email address is sgd@msk.com.

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9 David Allen Baker
10 9 N Zetterower Ave., Ste. C
11 Statesboro, GA 30456

12 E-mail: David@bo-solutions@gmail.com


13 *Defendant*

14 **BY OVERNIGHT MAIL:** I placed the above-mentioned document(s) in
15 sealed envelope(s) designated by the carrier, with delivery fees provided for,
16 and addressed as set forth above, and deposited the above-described
17 document(s) with FedEx in the ordinary course of business, by depositing
18 the document(s) in a facility regularly maintained by the carrier or
19 delivering the document(s) to an authorized driver for the carrier.

20 **BY ELECTRONIC MAIL:** I served the above-mentioned document
21 electronically on the parties listed at the email addresses above and, to the
22 best of my knowledge, the transmission was complete and without error in
23 that I did not receive an electronic notification to the contrary.

24 I declare under penalty of perjury under the laws of the United States that
25 the above is true and correct.

26 Executed on March 16, 2012, at Los Angeles, California.

27 

28 Sunni Donmoyer