

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	No. 3:11 CV 561 (VLB)
	:	
v.	:	
	:	
JOHN DOE 1, JOHN DOE 2, JOHN	:	
DOE 3, JOHN DOE 4, JOHN DOE 5,	:	
JOHN DOE 6, JOHN DOE 7, JOHN	:	
DOE 8, JOHN DOE 9, JOHN DOE 10,	:	
JOHN DOE 11, JOHN DOE 12, AND	:	June 16, 2011
JOHN DOE 13,	:	
	:	
Defendants.	:	

NOTICE OF PROCEEDINGS

PLEASE TAKE NOTICE that, on June 14, 2011, the United States of America ("Government") filed a motion to amend the Preliminary Injunction, a copy of which is attached as Exhibit 1;

PLEASE TAKE FURTHER NOTICE that, on June 15, 2011, the Court granted the Government's motion to amend the Preliminary Injunction, as shown in the Notice of Electronic Filing, a copy of which is attached as Exhibit 2;

PLEASE TAKE FURTHER NOTICE that, on June 6, 2011, the Government filed a motion for entry of default against each of the Defendants, a copy of which is attached as Exhibit 3;

PLEASE TAKE FURTHER NOTICE that, on June 16, 2011, the Court granted the Government's motion for entry of default and entered default against each of the Defendants, as shown in the Notice of Electronic Filing, a copy of which is attached as Exhibit 4;

PLEASE TAKE FURTHER NOTICE that, on June 16, 2011, the Government filed a motion for entry of a default judgment and permanent injunction, a copy of which is attached as Exhibit 5 (the "Motion for Default Judgment"); and

PLEASE TAKE FURTHER NOTICE that any opposition to the Motion for Default Judgment must be filed with the Court and served

on undersigned counsel for the Government on or before June 24,
2011.

DAVID B. FEIN
UNITED STATES ATTORNEY

By: /s/ Edward Chang
EDWARD CHANG (ct26472)
Assistant United States Attorney
157 Church St., 23rd floor
New Haven, CT 06510
Tel: (203)821-3796
Fax: (203)773-5373

/s/ David C. Nelson
DAVID C. NELSON (ct25640)
Assistant United States Attorney
450 Main St.
Hartford, CT 06103
Tel: (860)947-1101
Fax: (860)240-3291

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JOHN DOE 13,	:	
	:	
Defendants.	:	

GOVERNMENT'S MOTION TO AMEND PRELIMINARY INJUNCTION

The United States of America ("Government"), by and through its attorney, David B. Fein, United States Attorney for the District of Connecticut, respectfully moves, pursuant to Title 18, United States Code, Sections 1345 & 2521 and Rule 65(b) of the Federal Rules of Civil Procedure, to amend the Preliminary Injunction,

dated Apr. 25, 2011. A proposed Order Amending Preliminary Injunction is attached as Exhibit A.

Respectfully submitted,

DAVID B. FEIN
UNITED STATES ATTORNEY

By: /s/ Edward Chang
EDWARD CHANG (ct26472)
Assistant United States Attorney
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New Haven, CT 06510
Tel: (203)821-3796
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EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA, :
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 JOHN DOE 13, :
 :
 :
 Defendants. :

[PROPOSED] ORDER AMENDING PRELIMINARY INJUNCTION

WHEREAS the Court entered a Preliminary Injunction, dated April 25, 2011, that, inter alia, directed the United States Marshal and the Federal Bureau of Investigation to interdict the operation of the Coreflood Botnet through the operation of a substitute server, which has been used to stop Coreflood from running on infected computers in the United States and to uninstall Coreflood from infected computers whose owners provided written consent;

WHEREAS the plaintiff United States of America ("Government") represents that the size of the Coreflood Botnet has been significantly reduced through a combination of victim

notification, coordination with Internet service providers and anti-virus vendors, and the operation of the substitute server;

WHEREAS there is good cause to believe that further reductions in the size of the Corefood Botnet cannot reasonably be accomplished without the use of other remediation techniques;

WHEREAS the use of the substitute server to uninstall Coreflood on infected computers whose owners provided written consent is expected to be completed on or about June 17, 2011; and

WHEREAS the continued operation of the substitute server is no longer necessary, under the circumstances, to prevent the Defendants from using the Coreflood Botnet in furtherance of their scheme to commit wire fraud or bank fraud or to engage in unauthorized interception of electronic communications;

NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED this ____ of June 2011, at ____ a.m./p.m.:

1. The United States Marshal and the Federal Bureau of Investigation shall discontinue operation of the substitute server on or about June 17, 2011.

2. All other terms of the Preliminary Injunction shall remain in effect.

3. A copy of this Order shall be served on the Defendants in accordance with the Order Authorizing Service.

IT IS SO ORDERED.

HON. VANESSA L. BRYANT
UNITED STATES DISTRICT JUDGE

Chang, Edward (USACT)

From: CMECF@ctd.uscourts.gov
Sent: Wednesday, June 15, 2011 2:55 PM
To: CMECF@ctd.uscourts.gov
Subject: Activity in Case 3:11-cv-00561-VLB USA v. Doe et al Order on Motion to Amend/Correct

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

United States District Court for the District of Connecticut

Notice of Electronic Filing

The following transaction was entered on 6/15/2011 at 2:54 PM EDT and filed on 6/15/2011

Case Name: USA v. Doe et al

Case Number: [3:11-cv-00561-VLB](#)

Filer:

Document Number: 57(No document attached)

Docket Text:

ORDER granting Plaintiff's [55] Motion to Amend/Correct [51] Preliminary Injunction. Signed by Judge Vanessa L. Bryant on 6/15/2011. (Fernandez, Melissa)

3:11-cv-00561-VLB Notice has been electronically mailed to:

David Christopher Nelson [REDACTED]
[REDACTED]

Edward Chang [REDACTED]

3:11-cv-00561-VLB Notice has been delivered by other means to:

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,	:	
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Plaintiff,	:	No. 3:11 CV 561 (VLB)
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v.	:	
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JOHN DOE 6, JOHN DOE 7, JOHN	:	
DOE 8, JOHN DOE 9, JOHN DOE 10,	:	
JOHN DOE 11, JOHN DOE 12, AND	:	June 6, 2011
JOHN DOE 13,	:	
	:	
Defendants.	:	

GOVERNMENT'S MOTION FOR ENTRY OF DEFAULT

The United States of America ("Government"), by and through its attorney, David B. Fein, United States Attorney for the District of Connecticut, respectfully moves, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, for an entry of default against

each of the Defendants herein. In support of this motion, the Declaration of Edward Chang is filed herewith.

Respectfully submitted,

DAVID B. FEIN
UNITED STATES ATTORNEY

By: /s/ Edward Chang
EDWARD CHANG (ct26472)
Assistant United States Attorney
157 Church St., 23rd floor
New Haven, CT 06510
Tel: (203)821-3796
Fax: (203)773-5373

/s/ David C. Nelson
DAVID C. NELSON (ct25640)
Assistant United States Attorney
450 Main St.
Hartford, CT 06103
Tel: (860)947-1101
Fax: (860)240-3291

Chang, Edward (USACT)

From: CMECF@ctd.uscourts.gov
Sent: Thursday, June 16, 2011 10:08 AM
To: CMECF@ctd.uscourts.gov
Subject: Activity in Case 3:11-cv-00561-VLB USA v. Doe et al Order on Motion for Default Entry 55(a)

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

United States District Court for the District of Connecticut

Notice of Electronic Filing

The following transaction was entered on 6/16/2011 at 10:08 AM EDT and filed on 6/16/2011

Case Name: USA v. Doe et al

Case Number: [3:11-cv-00561-VLB](#)

Filer:

Document Number: 59(No document attached)

Docket Text:

ORDER granting [53] Motion for Default Entry 55(a) Motion for default judgment due by 7/16/2011. A Motion for Default Judgment pursuant to FRCP 55(b) shall be filed or this action will be dismissed by the Clerk pursuant to Rule 41(b) FRCP.. Signed by Clerk on 6/16/11. (LaLone, L.)

3:11-cv-00561-VLB Notice has been electronically mailed to:

David Christopher Nelson [REDACTED]
[REDACTED]

Edward Chang [REDACTED]

3:11-cv-00561-VLB Notice has been delivered by other means to:

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JOHN DOE 11, JOHN DOE 12, AND	:	June 16, 2011
JOHN DOE 13,	:	
	:	
Defendants.	:	

GOVERNMENT'S MOTION FOR DEFAULT JUDGMENT
AND PERMANENT INJUNCTION

The United States of America ("Government"), by and through its attorney, David B. Fein, United States Attorney for the District of Connecticut, respectfully moves, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, for entry of a default judgment and permanent injunction against each of the Defendants on June 24,

2011 or on such later date as may be convenient to the Court. A proposed Order is attached as Exhibit A.

Respectfully submitted,

DAVID B. FEIN
UNITED STATES ATTORNEY

By: _____
EDWARD CHANG (ct26472)
Assistant United States Attorney
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New Haven, CT 06510
Tel: (203)821-3796
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DAVID C. NELSON (ct25640)
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 :
 :
 Defendants. :

[PROPOSED] ORDER

WHEREAS the plaintiff United States of America
("Government") filed a Complaint against the Defendants, alleging that
the Defendants have been using malicious software known as
"Coreflood" to engage in wire fraud, bank fraud, and unauthorized
interception of electronic communications, in violation of Title 18,
United States Code, Section 1343, 1344, and 2511;

WHEREAS the Complaint further alleged that this Court has
both subject matter jurisdiction over the action and personal
jurisdiction over the Defendants and that venue lies in the District of
Connecticut;

WHEREAS the allegations in the Complaint were supported by the Declaration of Kenneth Keller, dated April 12, 2011 and made under penalty of perjury;

WHEREAS the Defendants have failed to answer the Complaint or otherwise to plead in accordance with Rule 12 of the Federal Rules of Civil Procedure;

WHEREAS the Court entered a Preliminary Injunction, dated April 25, 2011, as amended by Order, dated June 15, 2011, that, inter alia, prohibited the Defendants from using Coreflood in furtherance of any scheme to commit wire fraud, bank fraud, or to engage in unauthorized interception of electronic communications;

WHEREAS the Court granted the Government's motion for entry of default against each of the Defendants by Order dated June 16, 2011 (the "Order of Default");

WHEREAS the Government has filed a Motion for Default Judgment and Preliminary Injunction, dated June 16, 2011 (the "Motion for Default Judgment"); and

WHEREAS the Government has properly served each of the Defendants, in accordance with the Order Authorizing Service, dated Apr. 12, 2011, with copies of the Summons, the Complaint, the Preliminary Injunction, as amended, the Order of Default, and the Motion for Default Judgment, as set forth in the Declaration of Jane M. Domboski, dated Apr. 23, 2011 and the Declaration of Jane M. Domboski, dated June 20, 2011;

NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED this _____ of June 2011, at _____ a.m./p.m.:

1. The Court finds that it has subject matter jurisdiction over this action and personal jurisdiction over the Defendants and that venue is proper in this district.

2. The Motion for Default Judgment is granted, and the Clerk shall enter a default judgment in favor of the plaintiff against each of the Defendants.

3. The Preliminary Injunction, dated April 25, 2011, as amended by Order, dated June 15, 2011, is converted and made into a permanent injunction.

4. A copy of this Order and the Judgment in this action shall be served on the Defendants in accordance with the Order Authorizing Service.

5. The Defendants are hereby advised that any appeal in this action must be taken within sixty (60) days after Judgment is entered by filing a Notice of Appeal with the Clerk of this Court. A failure to file a timely Notice of Appeal constitutes a waiver of the right to appeal.

IT IS SO ORDERED.

HON. VANESSA L. BRYANT
UNITED STATES DISTRICT JUDGE