

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	Civil Action No.
	)	
v.	)	<b>FILED EX PARTE</b>
	)	<b>AND UNDER SEAL</b>
EVGENIY MIKHAILOVICH BOGACHEV,	)	
et al.	)	
	)	
Defendants.	)	

**MOTION FOR TEMPORARY RESTRAINING ORDER,  
ORDER TO SHOW CAUSE, AND OTHER ANCILLARY RELIEF**

Plaintiff, the United States of America, by and through its attorneys, David J. Hickton, United States Attorney for the Western District of Pennsylvania, Leslie R. Caldwell, Assistant Attorney General, Michael A. Comber, Assistant United States Attorney, and Ethan Arenson and David Aaron, Trial Attorneys, respectfully moves *ex parte*, pursuant to Title 18, United States Code, Sections 1345 and 2521 and Rule 65(b) of the Federal Rules of Civil Procedure, for a Temporary Restraining Order and Order to Show Cause why a Preliminary Injunction Should Not Be Granted, and Other Ancillary Relief.

As more fully set forth in the attached Memorandum of Law, the Defendants are responsible for two of the most sophisticated and destructive forms of malicious software (“malware”) in existence, and are using those malware programs to engage in wire fraud, bank fraud, and illegal interception of electronic communications on a massive scale. To halt this conduct, the United States requests that this Court enter the proposed Temporary Restraining Order, which commands the Defendants to cease their criminal activity, authorizes the Government to undertake a technical disruption of the Defendants’ malware infrastructure, and

orders the Defendants to appear before this Court and show cause, if any, why a preliminary injunction should not be issued.

Respectfully submitted,

DAVID J. HICKTON

LESLIE R. CALDWELL

United States Attorney

Assistant Attorney General

By: /s/ Michael A. Comber  
MICHAEL COMBER  
Assistant U.S. Attorney  
Western District of PA  
U.S. Post Office & Courthouse  
700 Grant Street, Suite 4000  
Pittsburgh, PA 15219  
(412) 894-7485 Phone  
(412) 644-6995 Fax  
PA ID No. 81951  
Michael.Comber@usdoj.gov

By: /s/ Ethan Arenson  
ETHAN ARENSON  
DAVID AARON  
Trial Attorneys  
Computer Crime and Intellectual  
Property Section  
1301 New York Avenue, NW  
Washington, DC 20530  
(202) 514-1026 Phone  
(202) 514-6113 Fax  
DC Bar No. 473296 (Arenson)  
NY Bar No. 3949955 (Aaron)  
Ethan.Arenson@usdoj.gov  
David.Aaron@usdoj.gov