

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

2013 NOV 22 A 11: 34

UNITED STATES OF AMERICA)

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

v.)

Criminal No. 1:12CR3

~~KIM DOTCOM, et al.,~~)

~~EX PARTE & UNDER SEAL~~

Defendants)

No Longer Under Seal

ORDER

In accordance with the request in the government's *ex parte* Motion for Alternative Victim Notification Procedures, the Court hereby ORDERS:

That for purposes of providing victim notification, pursuant to 18 U.S.C. § 3771(d)(2), the government is authorized to employ the alternative victim notification procedures as set forth below, in lieu of those prescribed by section 3771(a), (b), and (c), on the grounds that the number of crime victims in this case makes it impracticable to accord all the crime victims the rights described in subsection 3771(a). Having fully considered the government's *ex parte* Motion and the particular circumstances of this case, the Court also finds that the alternative notification procedures proposed by the government are reasonable and sufficient to give effect to the crime victim rights outlined in Section 3771 and will not unduly complicate or prolong the proceedings.

IT IS HEREBY ORDERED that the government shall provide notification to the trade associations identified in the government's Motion. The notice shall include the following:

- The name of the defendants, the case number, and charges;
- Notification that the associations' members, and non-members producing similar copyrighted intellectual property, may have been victimized by the alleged activities of the named defendants;
- All of the victim rights codified at 18 U.S.C. § 3771(a);

- The identity and contact information of the prosecutors in the case;
- A description and explanation of the government's Victim Notification System (VNS); a Victim Identification Number (VIN); and a Personal Identification Number (PIN); and the means by which the associations and potential victims can obtain current case information from the VNS web site (www.notify.usdoj.gov) or from the VNS call center (1-866-DOJ-4YOU/1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767) using the above information.

- Copies of, or links to, a summary of the evidence which has already been provided to the defendants facing extradition from New Zealand and which may be relevant to the interests of potential victims in the United States and elsewhere. (Such summary need not be exhaustive of the evidence in the possession of the United States or that the United States will seek to admit at trial; if the New Zealand District Court chooses to unseal the Record of the Case and its supplements in the extradition proceedings before it, the Record of the Case and its supplements may be used for this purpose).
- A list of MD5 hash values for each digital file that the government has identified to date as having been reproduced and/or distributed by or through computer servers associated with the defendants.

IT IS FURTHER ORDERED that, in order to provide timely notice to all alleged victims that are not members of the trade associations, the government shall issue a press release containing (a) general case information; (b) contact information for potential victims to communicate with the prosecution; (c) a summary of the evidence which has already been provided to the defendants facing extradition from New Zealand and which may be relevant to the interests of potential victims in the United States and elsewhere (Such summary need not be exhaustive of the evidence in the possession of the United States or that the United States will seek to admit at trial; if the New Zealand District Court chooses to unseal the Record of the Case and its supplements in the extradition proceedings before it, the Record of the Case and its supplements may be used for this purpose); and (d) a list of MD5 hash values for each digital file that the government has identified to date as having been reproduced and/or distributed by or through computer servers associated with the defendants.

The Court finds that providing victims with such notice at this time is appropriate because it will provide information potentially necessary to vindicate rights that may otherwise be lost.

IT IS FURTHER ORDERED that the government provide victim notification consistent ~~with the terms of this Order as soon after December 12, 2013 as practicable.~~

IT IS FURTHER ORDERED that the government is authorized to provide a copy of this Order to the New Zealand authorities for disclosure to the extradition court as well as the parties to that proceeding. At the time that any victim notification is first made under this Order, this Order shall be unsealed.

IT IS SO FOUND AND ORDERED this 22nd day of November 2013.



THE HONORABLE LIAM O'GRADY
UNITED STATES DISTRICT JUDGE