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Clerk, U.S. District and
Bankruptcy Courts

VIA EMAIL TO LEGAL@CLOUDFLARE.COM

October 23, 2019

Justin Paine
Cloudflare, Inc.
101 Townsend Street
Legal Department
San Francisco, CA 94107

Case: **1:19-mc-00181**
Assigned To : **Unassigned**
Assign. Date : **10/23/2019**
Description: **MISC.**

Dear Mr. Paine:

I am contacting you on behalf of the Recording Industry Association of America, Inc. (RIAA) and its member record companies. The RIAA is a trade association whose member companies create, manufacture and distribute approximately eighty-five (85) percent of all legitimate sound recordings sold in the United States.

We have determined that users of your system or network have infringed our member record companies' copyrighted sound recordings.

Enclosed is a subpoena compliant with the Digital Millennium Copyright Act. The subpoena requires that you provide the RIAA with information concerning the individuals offering infringing material described in the attached notice.

As is stated in the attached subpoena, you are required to disclose to the RIAA information sufficient to identify the infringers. This would include the individuals' names, physical addresses, IP addresses, telephone numbers, e-mail addresses, payment information, account updates and account history.

If you have any questions please feel free to contact me via email at antipiracy@riaa.com, via telephone at (202) 775-0101, or via mail at RIAA, 1025 F Street N.W., 10th Floor, Washington, D.C., 20004.

Sincerely,

Victoria Sheckler
Deputy General Counsel

RECORDING INDUSTRY ASSOCIATION OF AMERICA

1025 F STREET, NW, 10TH FLOOR, WASHINGTON, DC 20004
PHONE: 202.775.0101 FAX: 202.775.7253 WEB: www.riaa.com

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

In Re:

DMCA 512(h) SUBPOENA TO
CLOUDFLARE, INC.

Case: **1:19-mc-00181**
Assigned To : **Unassigned**
Assign. Date : **10/23/2019**
Description: **MISC.**

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DECLARATION OF MARK McDEVITT

**IN SUPPORT OF ISSUANCE OF
SUBPOENA PURSUANT TO 17 U.S.C §
512(h)**

I, MARK McDEVITT, the undersigned, declare that:

1. I am a Senior Vice President, Online Content Protection for the Recording Industry Association of America, Inc. (RIAA). The RIAA is a trade association whose member companies create, manufacture or distribute sound recordings. The RIAA is authorized to act on its member companies' behalf on matters involving the infringement of their copyrighted video and sound recordings.
2. The RIAA is requesting the attached proposed subpoena that would order Cloudflare, Inc. to disclose the identities, including names, physical addresses, IP addresses, telephone numbers, e-mail addresses, payment information, account updates and account histories of the users operating the following websites:

<https://wi.to/09dadced0f117906>

<https://wi.to/dba6d1fcabc8dd0f>

<https://wi.to/6a19aa8eab08b482>

3. The purpose for which this subpoena is sought is to obtain the identities of the individuals assigned to these websites who have reproduced and have offered for distribution our members' copyrighted sound recordings without their authorization. This information will only be used for the purposes of protecting the rights granted to our members, the sound recording copyright owner, under Title II of the Digital Millennium Copyright Act.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information or belief.

Executed at Washington, District of Columbia, on October 23, 2019.

A handwritten signature in black ink, appearing to read 'Mark McDevitt', with a long horizontal flourish extending to the right.

Mark McDevitt



VIA EMAIL TO LEGAL@CLOUDFLARE.COM

October 23, 2019

Justin Paine
Cloudflare, Inc.
101 Townsend Street
Legal Department
San Francisco, CA 94107

Case: **1:19-mc-00181**
Assigned To : **Unassigned**
Assign. Date : **10/23/2019**
Description: **MISC.**

Dear Mr. Paine:

I am contacting you on behalf of the Recording Industry Association of America, Inc. (RIAA) and its member record companies. The RIAA is a trade association whose member companies create, manufacture and distribute approximately eighty-five (85) percent of all legitimate sound recordings sold in the United States. Under penalty of perjury, we submit that the RIAA is authorized to act on behalf of its member companies on matters involving the infringement of their sound recordings, audiovisual works and images, including enforcing their copyrights and common law rights on the Internet.

We have learned that your service is hosting the below-referenced websites on its network. These websites are offering recordings which are owned by one or more of our member companies and have not been authorized for this kind of use, including without limitation that referenced at the URLs below. We have a good faith belief that this activity is not authorized by the copyright owner, its agent, or the law. We assert that the information in this notification is accurate, based upon the data available to us.

We ask that you consider the widespread and repeated infringing nature of the site operators' conduct, and whether the sites' activities violate your terms of service and/or your company's repeat infringer policy.

This e-mail does not constitute a waiver of any right to recover damages incurred by virtue of any such unauthorized activities, and such rights as well as claims for other relief are expressly retained. In addition, our use of your service's required notice form, if applicable, is merely meant to facilitate removal of the infringing material listed below

RECORDING INDUSTRY ASSOCIATION OF AMERICA

1025 F STREET, NW, 10TH FLOOR, WASHINGTON, DC 20004
PHONE: 202.775.0101 FAX: 202.775.7253 WEB: www.riaa.com

and is not meant to suggest or imply that your activities and services are within the scope of the DMCA safe harbor.

You may contact me at RIAA, 1025 F Street N.W., 10th Floor, Washington, D.C., 20004, Tel. (202) 775-0101, or e-mail antipiracy@riaa.com, to discuss this notice.

Sincerely,



Victoria Sheckler
Deputy General Counsel

<https://wi.to/09dadced0f117906>
Katy Perry - Harleys In Hawaii

<https://wi.to/dba6d1fcabc8dd0f>
Camilla Cabello - Easy

<https://wi.to/6a19aa8eab08b482>
Young Thug - All The Time (Alex Tumay Mix)

UNITED STATES DISTRICT COURT
for the
District of Columbia

In re DMCA 512(h) Subpoena to Cloudflare, Inc.
Plaintiff
v.
Defendant
Case: 1:19-mc-00181
Assigned To : Unassigned
Assign. Date : 10/23/2019
Description: MISC.

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Cloudflare, Inc., 101 Townsend Street, Legal Department, San Francisco, CA 94107

(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Information sufficient to identify the alleged infringers of the sound recordings described in the attached notification. This would include the individuals' names, physical addresses, IP addresses, telephone numbers, e-mail addresses, payment information, account updates and account history.

Place: Victoria Sheckler, Esq. Recording Industry Association of America, Inc., 1025 F Street NW, 10th Floor, Washington, DC 20004, antipiracy@riaa.com
Date and Time: 11/05/2019 5:00 pm

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:
Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 10/23/19

CLERK OF COURT ANGELA D. CAESAR

Signature of Clerk or Deputy Clerk OR Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party), who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).