



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1751/2018

**TAKE-TWO INTERACTIVE SOFTWARE, INC** and another named in the schedule of parties

First Applicant

**THE PERSON/S KNOWN AS “CHRISTOPHER ANDERSON”, “CYRUS LESSER”, “SFINKTAH”, “KOROUGH ANDERSON” AND “KOROUGH JEDDIAN”**

Respondent

### **ORDER**

**JUDGE:** JUSTICE NICHOLAS

**DATE OF ORDER:** 21 SEPTEMBER 2018

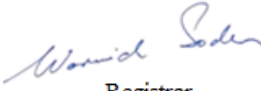
**WHERE MADE:** Sydney

#### **THE COURT ORDERS THAT:**

See the orders set out in the annexures attached hereto, namely:

- Annexure A (the Search Orders);
- Annexure B (the Freezing Orders);
- Annexure C (the Interlocutory Orders): and
- Annexure D (the Scheduling Orders).

Date that entry is stamped: 21 September 2018

  
Registrar



**Schedule of Parties**

No: NSD1751/2018

Federal Court of Australia  
District Registry: New South Wales  
Division: General

Second Applicant:            **ROCKSTAR GAMES, INC**



## ANNEXURE A

Federal Court of Australia  
District Registry: New South Wales  
Division: General

No: NSD1751/2018

**TAKE-TWO INTERACTIVE SOFTWARE, INC** and another named in the schedule of parties  
First Applicant

**THE PERSON/S KNOWN AS "CHRISTOPHER ANDERSON", "CYRUS LESSER", "SFINKTAH", "KOROUGH ANDERSON" AND "KOROUGH JEDDIAN"**  
Respondent

### ORDER

**JUDGE:** JUSTICE NICHOLAS  
**DATE OF ORDER:** 21 SEPTEMBER 2018  
**WHERE MADE:** Sydney

### PENAL NOTICE

**TO:** (a) The person/s known as "Christopher Anderson", "Cyrus Lesser", "sfinktah" and "Koroush Anderson" and "Koroush Jeddian"; and  
(b) The occupant/s of [REDACTED]  
(c) The occupant/s of [REDACTED]

**IF YOU (BEING THE PERSON BOUND BY THIS ORDER):**

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THE ORDER FOR THE DOING OF THE ACT, INCLUDING REFUSING TO PERMIT MEMBERS OF THE SEARCH PARTY TO ENTER THE PREMISES IN ACCORDANCE WITH THIS ORDER; OR
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,

**YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.**



**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.**

**TO: (a) The person/s known as “Christopher Anderson”, “Cyrus Lesser”, “sfinktah”, “Koroush Anderson” and “Koroush Jeddian”;**

**(b) The occupant/s** [REDACTED]

**(c) The occupant/s of** [REDACTED]

**THE COURT ORDERS THAT:**

This is a search order made against you on 21 September 2018 by Justice Nicholas of the Federal Court of Australia at a hearing without notice to you after the Court was given the undertakings set out in **Annexure D** and after the Court read the affidavits listed in **Annexure D**.

**INTRODUCTION**

- A1. The Applicants’ Interlocutory Application dated 21 September 2018 is made returnable immediately.
- A2. Subject to the next paragraph, this order has effect up to and including the Return Date. On the Return Date at 9:15 am, there will be a further hearing in respect of this order before Justice Nicholas in Sydney. You may appear at the hearing on the Return Date via video-link or telephone (by prior arrangement with the NSW Registry of the Court).
- A3. You may apply to the Court to vary or discharge this order in accordance with **Annexure D**.
- A4. This order may be served upon you only between 8am and 4pm on any day other than a public holiday in Melbourne, Victoria. For the avoidance of doubt, the independent lawyer may attempt to serve this order on you on more than one occasion.
- A5. In this order, the following terms have the following respective meanings:



- (a) **Applicants** means Take-Two Interactive Software, Inc. and Rockstar Games, Inc.;
- (b) **computer** includes without limitation a desktop computer, laptop computer, tablet computer and any other thing which reasonably appears to the independent computer expert to be, or to be containing, a computer, but does not include a smartphone;
- (c) **independent computer expert** has the meaning given in paragraph A21(a) below and is any person identified as an independent computer expert in the search party referred to in **Schedule A1** to this order;
- (d) **independent lawyer** means any person identified as an independent lawyer in the search party referred to in **Schedule A1** to this order;
- (e) **listed thing** means any thing identified as a listed thing in **Schedule A1** to this order;
- (f) **Oswald St Premises** means the premises located at the address [REDACTED];
- (g) **Parnell St Premises** means the premises located at the address [REDACTED];
- (h) **premises** means the premises and any part of the premises identified in **Schedule A1** to this order, including any vehicles and vessels that are under your control on or about the premises or that are otherwise identified in **Schedule A1**;
- (i) **Respondent** means any or all of the person/s known as “Christopher Anderson”, “Cyrus Lesser”, “sfinktah”, “Koroush Anderson” and “Koroush Jeddian” (who might without limiting the foregoing be one person);
- (j) **Return Date** is the date defined in **Annexure D**;
- (k) **search party** means the persons identified or described as constituting the search party in **Schedule A1** to this order;
- (l) **thing** includes a document within the meaning of the *Federal Court Rules 2011*;



- (m) **you** means the person/s against whom this order is made and, where there is more than one of you, includes all of you.
- (n) any requirement that something be done “**in your presence**” means in the presence of those of you who are at the premises at the time the act is done, and in the presence of those of the persons described in sub-paragraphs A6(b)-(c) below who are at the premises at the time the act is done.

A6. This order must be complied with by:

- (a) yourself;
- (b) any director, officer, partner, employee or agent of yourself; or
- (c) any other person having responsible control of the premises.

A7. This order must be served by, and be executed under the supervision of, the independent lawyer.

#### **ENTRY, SEARCH AND REMOVAL**

A8. Subject to paragraphs A11 to A21 below, upon service of this order you must permit members of the search party to enter the premises so that they can carry out the search and other activities referred to in this order.

A9. Without limiting the generality of paragraph A8, upon service of this order, the occupant/s at one of the premises (that is, either the Oswald St Premises or the Parnell St Premises) must permit members of the search party to enter the other premises, provided that the occupant/s at the first premises have the means to permit entry to the second premises.

A10. Having permitted members of the search party to enter the premises, you must:

- (a) permit them to leave and re-enter the premises on the same and the following day until the search and other activities referred to in this order are complete;
- (b) permit them to search for and inspect the listed things and to make or obtain a copy, photograph, film, sample, test or other record of the listed things;



- (c) disclose to them the whereabouts of all the listed things in the Respondent's possession, custody or power, whether at the premises or otherwise;
- (d) disclose to them the whereabouts of all computers, all computer disks, drives or memory, and all electronic information storage devices or systems at the premises or otherwise accessible by you from the premises in which any listed thing is or may be embodied, stored, located or recorded, and cause and permit those things to be printed, copied, photographed, filmed, sampled, tested or otherwise recorded;
- (e) do all things necessary to enable them to print, copy, photograph, film, sample, test, record or otherwise access the listed things, including by opening or providing keys to physical or digital locks and enabling them to access and operate computers and providing them with all access means, including passwords and security credentials;
- (f) permit the independent lawyer to remove from the premises into the independent lawyer's custody:
  - (i) the listed things or things which reasonably appear to the independent lawyer to be the listed things and any things the subject of dispute as to whether they are listed things (in all cases, excluding smartphones); and
  - (ii) the copies, photographs, films, samples, tests, other records and printed things referred to above; and
- (g) permit the independent computer expert to:
  - (i) search any computer, any computer disk, drive or memory, and any electronic information storage device or system at the premises or otherwise accessible by you from the premises (in all cases, excluding smartphones);
  - (ii) make a copy or digital copy of any of those things; and
  - (iii) remove any of those things from the premises into the independent lawyer's custody or the independent computer expert's custody (as the independent lawyer decides), as set out in paragraphs A21 and A22 below (in all cases, excluding smartphones).



### **RESTRICTIONS ON ENTRY, SEARCH AND REMOVAL**

A11. This order may not be executed at the same time as a search warrant (or similar process) is executed by the police or by a regulatory authority.

A12. You are not required to permit anyone to enter the premises until:

- (a) the independent lawyer serves you or causes you to be served with copies of the documents referred to in **Annexure D** (except that confidential exhibits, if any, need not be served until further order of the Court); and
- (b) you are given an opportunity to read this order and, if you so request, the independent lawyer explains the terms of this order to you.

A13. Before permitting entry to the premises by anyone other than the independent lawyer, you, for a time not exceeding 2 hours from the time of service (or such longer period as the independent lawyer may permit):

- (a) may seek legal advice;
- (b) may ask the Court to vary or discharge this order (subject to paragraph A3 above);
- (c) may gather together any things which you believe may tend to incriminate you or make you liable to a civil penalty, and hand them to the independent lawyer in (if you wish) a sealed envelope or container; and
- (d) may gather together any documents that passed between you and your lawyers for the purpose of obtaining legal advice or that are otherwise subject to legal professional privilege or client legal privilege, and hand them to the independent lawyer in (if you wish) a sealed envelope or container.

A14. Subject to paragraph A23 below, the independent lawyer must not inspect or permit to be inspected by anyone, including the Applicants and the Applicants' lawyers, any thing handed to the independent lawyer in accordance with subparagraphs A13(c) and A13(d) above, and the independent lawyer must deliver it to the Court at or prior to the hearing on the Return Date.





A15. During any period referred to in paragraph A13 above, you must:

- (a) inform and keep the independent lawyer informed of the steps being taken;
- (b) permit the independent lawyer to enter the premises but not to start the search;
- (c) not disturb or remove any listed things. In the case of smartphones, you may continue to use any smartphone (for example, to obtain legal advice), provided that you comply with the terms of paragraphs A25 and A26 (“Prohibited Acts”) below in relation to any such use; and
- (d) otherwise comply with the terms of paragraphs A25 and A26 (“Prohibited Acts”) below.

A16. Any thing the subject of a dispute as to whether it is a listed thing must promptly be handed by you to the independent lawyer for safekeeping, pending resolution of the dispute or further order of the Court. This paragraph does not apply to smartphones.

A17. Before removing any listed things from the premises (other than things referred to in the immediately preceding paragraph), the independent lawyer must supply a list of them to you, give you a reasonable time to check the correctness of the list, and give you and the Applicants’ lawyers a copy of the list signed by the independent lawyer.

A18. The premises must not be searched, and things must not be removed from the premises, except in the presence of you or of a person who appears to the independent lawyer to be your director, officer, partner, employee, agent or other person acting on your behalf or on your instructions.

A19. If the independent lawyer is satisfied that full compliance with the immediately preceding paragraph is not reasonably practicable, the independent lawyer may permit the search to proceed and the listed things to be removed without full compliance.

A20. The Applicants’ lawyers and the independent lawyer must not allow the Applicants in person to inspect or have copies of any thing removed from the premises nor communicate to the Applicants information about its contents or about anything observed at the premises until 4:30pm on the Return Date or other time fixed by further order of the



Court. For the avoidance of doubt, this paragraph does not prevent the Applicants' lawyers from communicating such information to the Applicants' barristers at any time.

### COMPUTERS

- A21. (a) The search party will include one or more computer experts who are independent of the Applicants and of the Applicants' lawyers (**independent computer experts**).
- (b) Any search of a computer, computer disk, drive or memory, or electronic information storage device or system must be carried out only by an independent computer expert.
- (c) An independent computer expert may make a copy or digital copy of any computer, computer disk, drive or memory, or electronic information storage device or system (or any part thereof), and remove that copy or digital copy from the premises (in all cases, excluding smartphones).
- (d) An independent computer expert may search (any part of) any computer, computer disk, drive or memory, or electronic information storage device or system or the copy or digital copy at the premises and/or away from the premises for listed things and may copy the listed things electronically or in hard copy or both (in all cases, excluding smartphones).
- (e) For the avoidance of doubt, an independent computer expert may search and make a copy or digital copy of (any part of) any computer, computer disk, drive or memory, and electronic information storage device or system not physically located at the premises but otherwise accessible by you from the premises, including without limitation any offsite data storage platforms/services and cloud platforms/services.
- (f) The independent computer experts must as soon as practicable and, in any event, prior to the hearing on the Return Date, deliver all copies or digital copies made of any computer computer disk, drive or memory, or electronic information storage device or system and all electronic and hard copies of listed things to the independent lawyer, together with a report of what the independent computer experts have done, including a list of such electronic and hard copies.



- (g) The independent lawyer must, at or prior to the hearing on the Return Date, deliver to the Court all things received from the independent computer experts and serve a copy of the latter's report on the parties.
- A22. (a) This paragraph applies if you wish to object to any of the steps in paragraph A21 above on the grounds that some or all of the information that will be disclosed as a result of those steps, may tend to prove that you:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
  - (ii) are liable to a civil penalty.
- (b) If this paragraph applies, you must:
- (i) allow the steps in paragraph A21 above to be done to the extent that no objection is taken; and
  - (ii) prepare an affidavit containing the information to which objection is taken, and deliver it to the Court in a sealed envelope; and
  - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

### **INSPECTION**

- A23. Prior to the Return Date, you or your lawyer or representative shall be entitled, in the presence of the independent lawyer, to inspect any thing removed from the premises and to:
- (a) make copies of the same; and
  - (b) provide the independent lawyer with a signed list of things which are claimed to be privileged or confidential and which you claim ought not to be inspected by the Applicants and setting out the basis for any such privilege or confidentiality claim.



### **PROVISION OF INFORMATION**

A24. The Court notes that, on the Return Date, the Applicants intend to seek an order against you requiring that you provide information about the listed things. You may be heard on the Return Date in relation to the making of any such order.

### **PROHIBITED ACTS**

A25. Except for the sole purpose of obtaining legal advice, you must not, until 4:30pm on the Return Date, directly or indirectly inform any person of the nature or existence of this proceeding, the nature or existence of this order, the execution of this order, or tell any person that a proceeding has been commenced by the Applicants.

A26. Until 4:30pm on the Return Date you must not directly or indirectly destroy, tamper with, cancel, render inaccessible, or part with possession, power, custody or control of, any of the listed things, or aid, abet, counsel, procure or induce any other person to do so, otherwise than in accordance with the terms of this order or further order of the Court.



## SCHEDULE A1

### Premises

A1-1. The premises are:

- (a) the Parnell St Premises; and
- (b) the Oswald St Premises,

including any vehicle or vehicles under your control on or about those premises, including without limitation those bearing Victorian number plate [REDACTED] D-[REDACTED]

### Listed Things

A1-2. Computers computer disks, drives or memory, electronic information storage devices or systems at the premises or otherwise accessible by you from the premises.

A1-3. All things (including documents) evidencing, and documents referring to, the development, distribution, offering for sale or sale of software titled “Infamous”.

A1-4. All things (including documents) evidencing, and all documents referring to, the development, distribution, offering for sale or sale of software intended for use with *Grand Theft Auto V*.

### Search Party

A1-5. The following independent lawyers:

- (a) Darron Saltzman of Davies Collison Cave Law;
- (b) Ian Pascarl of Davies Collison Cave Law;
- (c) such other lawyers of Davies Collison Cave Law that Mr Saltzman and Mr Pascarl may nominate, provided that those lawyers also give the independent lawyer undertakings in **Annexure D**.

A1-6. The following of the Applicants’ lawyers:

- (a) Sophie Dawson, partner of Bird & Bird;



(b) Joel Parsons, solicitor of Bird & Bird.

A1-7. Any of the following independent computer experts of the firm Deloitte Forensic:

- (a) Graeme Conn, principal;
- (b) Chris Pilgram, principal;
- (c) Andrew Cox, senior manager;
- (d) Norman Napiza, manager;
- (e) Chris Charalampidis, senior analyst.

Date that entry is stamped: 21 September 2018

  
Registrar



**Schedule of Parties**

No: NSD1751/2018

Federal Court of Australia  
District Registry: New South Wales  
Division: General

Second Applicant: ROCKSTAR GAMES, INC



## ANNEXURE B

Federal Court of Australia  
District Registry: New South Wales  
Division: General

No: NSD1751/2018

**TAKE-TWO INTERACTIVE SOFTWARE, INC** and another named in the schedule of parties  
First Applicant

**THE PERSON/S KNOWN AS "CHRISTOPHER ANDERSON", "CYRUS LESSER", "SFINKTAH", "KOROUGH ANDERSON" AND "KOROUGH JEDDIAN"**  
Respondent

### ORDER

**JUDGE:** JUSTICE NICHOLAS  
**DATE OF ORDER:** 21 SEPTEMBER 2018  
**WHERE MADE:** Sydney

### PENAL NOTICE

**TO: The person/s known as "Christopher Anderson", "Cyrus Lesser", "sfinktah" and "Korouh Anderson" and "Korouh Jeddian"**

**IF YOU (BEING THE PERSON BOUND BY THIS ORDER):**

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THE ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

**YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.**





**TO: The persons known as “Christopher Anderson”, “Cyrus Lesser”, “sfinktah”, “Koroush Anderson” and “Koroush Jeddian”**

**THE COURT ORDERS THAT:**

This is a freezing order made against you on 21 September 2018 by Justice Nicholas of the Federal Court of Australia at a hearing without notice to you after the Court was given the undertakings set out in **Annexure D** and after the Court read the affidavits listed in **Annexure D**.

**INTRODUCTION**

B-1. The Applicants’ Interlocutory Application dated 21 September 2018 is made returnable immediately.

B-2. Subject to the next paragraph, this order has effect up to and including the Return Date. On the Return Date at 9:15am, there will be a further hearing in respect of this order before Justice Nicholas in Sydney. You may appear at the hearing on the Return Date via video-link or telephone (by prior arrangement with the NSW Registry of the Court).

B-3. Anyone served with or notified of this order, including you, may apply to the Court to vary or discharge this order or so much of it as affects the person served or notified, in accordance with **Annexure D**.

B-4. In this order, the following terms have the following respective meanings:

- (a) **Applicants** means Take-Two Interactive Software, Inc. and Rockstar Games, Inc.;
- (b) **you** means the person/s against whom this order is made and, where there is more than one of you, includes all of you;
- (c) **Relevant Amount** has the meaning given in paragraph B-6 below;
- (d) **Return Date** is the date defined in **Annexure D**;
- (e) **third party** means a person other than you and the Applicants;



(f) **unencumbered value** means value free of mortgages, charges, liens or other encumbrances.

B-5. (a) If you are ordered to do something, you must do it by yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions.

(b) If you are ordered not to do something, you must not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

#### **FREEZING OF ASSETS**

B-6. (a) You must not remove from Australia or in any way dispose of, deal with or diminish the value of any of your assets in Australia (**Australian assets**) up to the unencumbered value of AU\$286,609.80 (the **Relevant Amount**).

(b) If the unencumbered value of your Australian assets exceeds the Relevant Amount, you may remove any of those assets from Australia or dispose of or deal with them or diminish their value, so long as the total unencumbered value of your Australian assets still exceeds the Relevant Amount.

(c) If the unencumbered value of your Australian assets is less than the Relevant Amount:

(i) you must not dispose of, deal with or diminish the value of any of your Australian assets and your assets outside Australia (**ex-Australian assets**) up to the unencumbered value of the Relevant Amount; and

(ii) you may dispose of, deal with or diminish the value of any of your ex-Australian assets, so long as the unencumbered value of your Australian assets and ex-Australian assets still exceeds the Relevant Amount.

(d) If the unencumbered value of your Australian assets and ex-Australian assets is less than the Relevant Amount, you must not dispose of, deal with or diminish the value of any of your Australian assets or ex-Australian assets except in accordance with this order.



B-7. For the purposes of this order,

(a) **your assets** include:

- (i) all your assets, whether or not they are in your name and whether they are solely or co-owned;
- (ii) any asset which you have the power, directly or indirectly, to dispose of or deal with as if it were your own (you are to be regarded as having such power if a third party holds or controls the asset in accordance with your direct or indirect instructions);
- (iii) any cryptocurrency or other digital currency; and
- (iv) the following assets in particular:

(A) any money in PayPal account 2220667447162211736, in the name of "Christopher Anderson".

(b) the value of your assets is the value of the interest you have individually in your assets.

#### **PROVISION OF INFORMATION**

B-8. The Court notes that, on the Return Date, the Applicants intend to seek an order against you requiring that you provide information about your assets. You may be heard on the Return Date in relation to the making of any such order.

#### **EXCEPTIONS TO THIS ORDER**

B-9. This order does not prohibit you from:

- (a) paying your ordinary living expenses;
- (b) paying your reasonable legal expenses;
- (c) dealing with or disposing of any of your assets in the ordinary and proper course of your business, including paying business expenses bona fide and properly incurred;



- (d) for the purpose of the preceding sub-paragraph (c), your business **excludes** any business involving the development, distribution, sale or offering for sale of the software titled “Infamous” or any other software that modifies or is intended to modify the operation of any video game published by the Applicants, including *Grand Theft Auto V*; and
- (e) in relation to matters not falling within sub-paragraph (a), (b), (c) or (d), dealing with or disposing of any of your assets in discharging obligations bona fide and properly incurred under a contract entered into before this order was made, provided that before doing so you give the Applicants at least two working days’ written notice of the particulars of the obligation before such dealing or disposal.

B-10. You and the Applicants may agree in writing that the exceptions in the preceding paragraph are to be varied. In that case the Applicants or you must as soon as practicable file with the Court and serve on the other parties a minute of a proposed consent order recording the variation signed by or on behalf of the Applicants and you, and the Court may order that the exceptions are varied accordingly.

B-11. (a) This order will cease to have effect if you:

- (i) pay the Relevant Amount into Court; or
  - (ii) pay the Relevant Amount into a joint bank account in the name of your lawyer and the lawyer for the Applicants as agreed in writing between them; or
  - (iii) provide security in the sum of the Relevant Amount by a method agreed in writing with the Applicants to be held subject to the order of the Court.
- (b) Any such payment and any such security will not provide the Applicants with any priority over your other creditors in the event of your insolvency.
- (c) If this order ceases to have effect pursuant to subparagraph B-11(a) above, you must as soon as practicable file with the Court and serve on the Applicants notice of that fact.



## **PERSONS OTHER THAN THE APPLICANTS AND RESPONDENT**

### **B-12. Set off by banks**

This order does not prevent any bank from exercising any right of set off it has in respect of any facility which it gave you before it was notified of this order.

### **B-13. Bank withdrawals by the Respondent**

No bank need inquire as to the application or proposed application of any money withdrawn by you if the withdrawal appears to be permitted by this order.

### **B-14. Persons outside Australia**

- (a) Except as provided in subparagraph (b) below, the terms of this order do not affect or concern anyone outside Australia.
- (b) The terms of this order will affect the following persons outside Australia:
  - (i) you and your directors, officers, employees and agents (except banks and financial institutions);
  - (ii) any person (including a bank or financial institution) who:
    - (A) is subject to the jurisdiction of this Court; and
    - (B) has been given written notice of this order, or has actual knowledge of the substance of the order and of its requirements; and
    - (C) is able to prevent or impede acts or omissions outside Australia which constitute or assist in a disobedience of the terms of this order; and
  - (iii) any other person (including a bank or financial institution), only to the extent that this order is declared enforceable by or is enforced by a court in a country or state that has jurisdiction over that person or over any of that person's assets.



**B-15. Assets located outside Australia**

Nothing in this order shall, in respect of assets located outside Australia, prevent any third party from complying or acting in conformity with what it reasonably believes to be its bona fide and properly incurred legal obligations, whether contractual or pursuant to a court order or otherwise, under the law of the country or state in which those assets are situated or under the proper law of any contract between a third party and you, provided that in the case of any future order of a court of that country or state made on your or the third party's application, reasonable written notice of the making of the application is given to the Applicants.

Date that entry is stamped: 21 September 2018

  
Registrar



**Schedule of Parties**

No: NSD1751/2018

Federal Court of Australia  
District Registry: New South Wales  
Division: General

Second Applicant:       ROCKSTAR GAMES, INC



## ANNEXURE C



Federal Court of Australia  
District Registry: New South Wales  
Division: General

No: NSD1751/2018

**TAKE-TWO INTERACTIVE SOFTWARE, INC** and another named in the schedule of parties  
First Applicant

**THE PERSON/S KNOWN AS "CHRISTOPHER ANDERSON", "CYRUS LESSER", "SFINKTAH", "KOROUGH ANDERSON" AND "KOROUGH JEDDIAN"**  
Respondent

### ORDER

**JUDGE:** JUSTICE NICHOLAS  
**DATE OF ORDER:** 21 SEPTEMBER 2018  
**WHERE MADE:** Sydney

### PENAL NOTICE

**TO: The person/s known as "Christopher Anderson", "Cyrus Lesser", "sfinktah" and "Koroush Anderson" and "Koroush Jeddian"**

**IF YOU (BEING THE PERSON BOUND BY THIS ORDER):**

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THE ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

**YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.**





**THE COURT ORDERS THAT:**

C-1. The Respondent be restrained until the Return Date (as defined in **Annexure D**) from, whether by themselves, their servants, agents or otherwise, developing, distributing, selling and offering for sale any version of the software titled "Infamous" or any software that provides a player (**Player**) of *Grand Theft Auto V* (**GTA V**) access to unauthorised or restricted features in *GTA V*, including any of the following features:

- (a) teleporting the Player within the *GTA V* game environment;
- (b) manipulating the *GTA V* game environment and virtual currency for the benefit of the Player;
- (c) generating virtual currency for the Player and other players of *GTA V*;
- (d) the "god mode" feature;
- (e) the "super jump" feature;
- (f) generating "Reputation Points" for the Player, without completing any required in-game tasks or missions;
- (g) creating copies of virtual currency, virtual goods or other in-game objects for the Player or other players of *GTA V*; and
- (h) providing the Player with access to unlimited ammunition, weapons and vehicles.

**THE COURT NOTES THAT:**

C-2. For other matters affecting this order, see **Annexure D**.

Date that entry is stamped: 21 September 2018

  
Registrar



**Schedule of Parties**

No: NSD1751/2018

Federal Court of Australia  
District Registry: New South Wales  
Division: General

Second Applicant:       ROCKSTAR GAMES, INC



## ANNEXURE D

Federal Court of Australia  
District Registry: New South Wales  
Division: General

No: NSD1751/2018

**TAKE-TWO INTERACTIVE SOFTWARE, INC** and another named in the schedule of parties  
First Applicant

**THE PERSON/S KNOWN AS "CHRISTOPHER ANDERSON", "CYRUS LESSER", "SFINKTAH", "KOROUGH ANDERSON" AND "KOROUGH JEDDIAN"**  
Respondent

### ORDER

**JUDGE:** JUSTICE NICHOLAS

**DATE OF ORDER:** 21 SEPTEMBER 2018

**WHERE MADE:** Sydney

#### THE COURT NOTES:

- D-1. The orders made in proceeding no. NSD 1033 of 2018 dated 20 September 2018.
- D-2. The undertakings given by the Applicants in **Schedule D1**, and the undertakings to be given by the Applicants' lawyers, the independent lawyers and the independent computer experts in **Schedules D2-D4**.

#### THE COURT ORDERS THAT:

##### *Documents to be served*

- D-3. The Applicants must provide the following documents to the independent lawyers, and the independent lawyers must serve the following documents on the persons against whom the orders in **Annexures A-D** are made, on or before by 26 September 2018 at 12pm:



- (a) a copy of the orders in **Annexures A-D** as made;
- (b) the Applicants' Interlocutory Application dated 21 September 2018;
- (c) the Originating Application dated 20 September 2018;
- (d) the Statement of Claim dated 20 September 2018;
- (e) the affidavit of David Andrews affirmed 18 September 2018;
- (f) the affidavit of Sophia Jane Dawson affirmed 20 September 2018;
- (g) the affidavit of Rich Hawkins affirmed 19 September 2018;
- (h) the affidavit of Liam Maguire affirmed 19 September 2018;
- (i) the affidavit of Joel Stuart Parsons affirmed 20 September 2018;
- (j) copies of annexures and exhibits (other than confidential annexures and exhibits);
- (k) the Applicants' written submissions dated 20 September 2018 (redacting any submissions on the confidential annexures and exhibits), and

respectively provide and serve a transcript of the *ex parte* hearing on 20 September 2018 when available.

D-4. The Applicants must also serve the documents referred to in paragraph D-3 on the Respondent via email at the following email addresses, as soon as reasonably practicable after execution of the search activities referred to in the orders in **Annexure A**:

- (a) [sfinktah@paypal.spamtrak.org](mailto:sfinktah@paypal.spamtrak.org);
- (b) [sfinktah@telstra.koroush.anderson.spamtrak.org](mailto:sfinktah@telstra.koroush.anderson.spamtrak.org);
- (c) [sfinktah@optus.spamtrak.org](mailto:sfinktah@optus.spamtrak.org).

D-5. Time fixed by the Rules be abridged accordingly.



*Return Date*

- D-6. For the purpose of the orders in **Annexures A-D**, the **Return Date** is **28 September 2018 at 9:15 am**, or such date in lieu thereof as fixed by the Court. Any interested person (including the Applicants) may apply to the Court to fix a later Return Date, including having regard to the progress of the search activities referred to in **Annexure A**.
- D-7. The proceeding be listed for further hearing in respect of the orders in **Annexures A-D** on the Return Date.

*Varying or discharging these orders*

- D-8. Any interested person (including the Applicants) may apply to the Court to vary or discharge the orders in **Annexures A-D** as follows:
- (a) upon service of the orders in **Annexures A-D** on the persons against whom they are made and up to 2 hours thereafter — upon immediate notice to the Applicants;
  - (b) from 2 hours after the orders in **Annexures A-D** on the persons against whom they are made — upon 2 business hours' notice to the Applicants;
  - (c) for any application to be made or returnable at the Return Date — upon notice to the Applicants on or before 3pm on the business day before the Return Date (i.e. 3pm on 27 September 2018, unless the Court otherwise orders).
- D-9. An application to vary or discharge the orders in **Annexures A-D** may be made by telephone to Justice Nicholas or to the Duty Judge:

Associate to Justice Nicholas – telephone: (02) 9230 8392

Associate to Duty Judge (Justice Flick) – telephone: (02) 9230 8484

*Costs*

- D-10. The costs of the Applicants' Interlocutory Application dated 20 September 2018 be reserved.



***Suppression orders***

D-11. An order pursuant to s 37AF or 37AI of the *Federal Court of Australia Act 1976* (Cth) that, until the Return Date, on the ground that the order is necessary to prevent prejudice to the proper administration of justice, the disclosure by any person other than the Applicants of the following kinds of information (whether by publication or otherwise) is prohibited:

- (a) information about the nature or existence of this proceeding;
- (b) information tending to reveal the identity of either of the Applicants as a party to a proceeding in this Court;
- (c) information in the affidavits listed in paragraph D-3 above, including Confidential Annexure DA-1 to the affidavit of David Andrews affirmed 18 September 2018;
- (d) information in the Applicants' written submissions dated 20 September 2018;
- (e) the transcript of the hearing on 20 September 2018,

except as between any person against whom the orders in **Annexures A-D** is made and their legal representative/s, provided that a copy of these orders is provided to any recipient of the disclosure before the disclosure is made.

D-12. Pursuant to s 37AF(2) of the *Federal Court of Australia Act 1976* (Cth), until the Return Date, an order directing the Registrar that not to publish the details of this proceeding (including any listing) on the Court's website, the Commonwealth Courts Portal or any other publication by or on behalf of the Court to the public.



**SCHEDULE D1 (UNDERTAKINGS GIVEN TO  
THE COURT BY THE APPLICANTS BY THEIR COUNSEL)**

- D1-1. The Applicants undertake to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the orders in **Annexures A-D**.
- D1-2. The Applicants will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of the search order in **Annexure A** or the freezing order in **Annexure B**, for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
- D1-3. The Applicants will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.
- D1-4. On or before 21 September 2018, the Applicants will deposit AU\$25,000 into the Applicants' lawyers' trust account, with a written irrevocable instruction to use that sum to satisfy any order the Court might make pursuant to the undertaking in paragraph D1-1 above.
- D1-5. For the search order in **Annexure A**, the Applicants will pay the reasonable costs and disbursements of the independent lawyer and of any independent computer expert.
- D1-6. For the freezing order in **Annexure B**, the Applicants will pay the reasonable costs of anyone other than the Respondent which have been incurred as a result of that order, including the costs of finding out whether that person holds any of the Respondent's assets.
- D1-7. If the freezing order in **Annexure B** ceases to have effect, the Applicants will promptly take all reasonable steps to inform in writing anyone to who has been notified of the order, or anyone who the Applicants have reasonable grounds for suspecting may act upon the order, that it has ceased to have effect.
- D1-8. The Applicants will not, without leave of the Court, seek to enforce the freezing order in **Annexure B** in any country outside Australia or seek in any country outside



Australia an order of a similar nature or an order conferring a charge or other security against the Respondent or the Respondent's assets.





**SCHEDULE D2 (UNDERTAKINGS GIVEN TO  
THE COURT BY THE APPLICANTS' LAWYERS)**

Undertakings given by each lawyer representing the Applicants and present at the execution of the search order in **Annexure A**, by signing a copying and causing it to be filed with the Court:

- D2-1. The Applicants' lawyer will answer to the best of the lawyer's ability any question as to whether a particular thing is a listed thing within the meaning of the search order in **Annexure A**.
- D2-2. The Applicants' lawyer will use the lawyer's best endeavours to act in conformity with the search order in **Annexure A** and to ensure that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to the Respondent.
- D2-3. The Applicants' lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of the search order in **Annexure A** for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
- D2-4. The Applicants' lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.
- D2-5. The Applicants' lawyer will not disclose to the Applicants any information that the lawyer acquires during or as a result of execution of the search order in **Annexure A**, until 4:30pm on the Return Date or other time fixed by further order of the Court.
- D2-6. The Applicants' lawyer will use best endeavours to follow all directions of the independent lawyer.



**SCHEDULE D3 (UNDERTAKINGS GIVEN TO  
THE COURT BY THE INDEPENDENT LAWYER)**

Undertakings given by each independent lawyer present at the execution of the search order in **Annexure A**, by signing a copying and causing it to be filed with the Court:

- D3-1. Before executing the search order in **Annexure A**, the independent lawyer will:
- (a) offer to explain the terms and effect of the search order to the person served with the order and, if the offer is accepted, do so; and
  - (b) inform the person of their right to take independent legal advice.
- D3-2. The independent lawyer will retain custody of all things removed from the premises by the independent lawyer pursuant to the search order in **Annexure A** until delivery to the Court or further order of the Court.
- D3-3. At or before the hearing on the Return Date, the independent lawyer will provide a written report on the carrying out of the search order in **Annexure A** to the Court and provide a copy to the Applicants' lawyers and to the Respondent or the Respondent's lawyers. The report will attach a copy of any list made pursuant to the order and a copy of any report received from an independent computer expert.
- D3-4. The independent lawyer will use best endeavours to ensure that members of the search party act in conformity with the search order in **Annexure A** and that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to the Respondent, and will give such reasonable directions to other members of the search party as are necessary or convenient for the execution of the order.
- D3-5. The independent lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of the search order in **Annexure A** for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
- D3-6. The independent lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.



**SCHEDULE D4 (UNDERTAKINGS GIVEN TO  
THE COURT BY THE INDEPENDENT COMPUTER EXPERT)**

Undertakings given by each independent computer expert present at the execution of the search order in **Annexure A**, by signing a copying and causing it to be filed with the Court:

- D4-1. The independent computer expert will use his or her best endeavours to act in conformity with the search order in **Annexure A** and to ensure that the order, so far as it concerns the independent computer expert, is executed in a courteous and orderly manner and in a manner that minimises disruption to the Respondent.
- D4-2. The independent computer expert will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of the search order in **Annexure A** for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
- D4-3. The independent computer expert will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.
- D4-4. The independent computer expert will use best endeavours to follow all directions of the independent lawyer.

Date that entry is stamped: 21 September 2018

  
Registrar



**Schedule of Parties**

No: NSD1751/2018

Federal Court of Australia  
District Registry: New South Wales  
Division: General

Second Applicant:       ROCKSTAR GAMES, INC