



ELECTRONIC FRONTIER FOUNDATION
Protecting Rights and Promoting Freedom on the Electronic Frontier

June 21, 2016

Magistrate Judge John F. Anderson
Albert V. Bryan U.S. Courthouse
401 Courthouse Square
Alexandria, VA 22314-5798
via ECF

Re: Meet and Confer in Case No. 1:12cr00003, *United States v. Kim Dotcom, et al.*; Civil Action No. 1:12cv0327 (LO/IDD), *Microhits, Inc., et al v. Megaupload, Ltd., et al.*; Civil Action No. 1:14cv0362 (LO/IDD), *Twentieth Century Fox Film Corporation, et al. v. Megaupload Ltd, et al.*; and Civil Action No. 1:14cv0374 (LO/IDD), *Warner Music Group Corp., et al. v. Megaupload Ltd., et al.*

Dear Magistrate Judge Anderson:

We represent Kyle Goodwin, a former customer of Megaupload who lost access to his valuable property as a result of the government's seizure of servers that stored Megaupload data. In 2012, Mr. Goodwin sought relief from this Court, requesting that the Court establish a procedure for the return of his data. That motion remains pending before the Court. Both of the companies currently in possession of the hard drives containing Megaupload user data, Cogent and QTS Realty Trust, Inc. (the successor to Carpathia Hosting Inc.), have indicated that the hard drives are subject to physical wear over time and that the data may become difficult or impossible to retrieve.

According to Judge O'Grady's Order of June 2, 2016 in the *Twentieth Century Fox* case (ECF No. 58), parties to the above-cited cases will be meeting and conferring with Your Honor to determine how best to preserve the Megaupload data. It is our understanding that the meeting will take place on June 27 at 2pm, and that counsel for Cogent and QTS will be present. Counsel for Mr. Goodwin respectfully request to participate in the meeting. John Davis, of the Williams Mullen law firm, is prepared to attend on behalf of Mr. Goodwin.

Counsel for Mr. Goodwin has notified all of the parties to the above-captioned actions that we seek to participate in the meeting. Megaupload consents to our participation; no other parties have responded.

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We believe Monday's meeting should address the probable location of Megaupload customers' data, including the data held by Cogent and QTS. The meeting should also address the scope and volume of user data that does not infringe the copyrights of the civil plaintiffs, and how best to preserve that data, including, if necessary, the unfreezing of Megaupload's funds for that purpose.

Respectfully submitted,

/s/ John S. Davis

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