

The Honorable Tana Lin

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

ELITE BOSS TECH INCORPORATED,  
11020781 CANADA INC., DANIEL  
FAGERBERG LARSEN, ROBERT JAMES  
DUTHIE NELSON, SEBASTIAAN JUAN  
THEODOOR CRUDEN A/K/A  
“LUZYPHER,” JOHN DOE NO. 4 A/K/A  
“GOODMAN,” YUNXUAN DENG A/K/A  
“YIMOSECAI,” ANTHONY ROBINSON  
A/K/A “RULEZZGAME,” EDDIE TRAN  
A/K/A “SENTIENT”, CHENZHIJIE CHEN  
A/K/A “CHENZHIJIE402, DSOFT, CVR  
37454303, MARTA MAGALHAES A/K/A  
MINDBENDER A/K/A BLUEGIRL, AND  
JOHN DOES NO. 9-20,

Defendants.

Case No. 2:21-cv-01112-TL

DECLARATION OF KATHRYN  
TEWSON

I, Kathryn Tewson, declare as follows:

1. I am a paralegal and investigator with Kamerman, Uncyk, Soniker & Klein, P.C. (“KUSK”). I have personal knowledge of the events described herein and could and would testify to those events if called upon to do so.

1           2.       In the course of my work for KUSK, I am regularly tasked with identifying and  
2 locating Doe Defendants and other relevant anonymous and pseudonymous individuals.

3           3.       Most recently in this case, I identified defendant Eddie Tran, who was served on  
4 February 28, 2023.

5           4.       I also was able to identify Defendants Cruden, Chen, Deng, Magalhaes, Robinson,  
6 and “Goodman” (collectively, the “International Defendants”) as relevant individuals.

7           5.       Based on all the information we have been able to gather so far, all these  
8 International Defendants reside outside the United States.

9           6.       My work to fully identify and confirm the locations of the International  
10 Defendants remains ongoing. For many of these International Defendants, all we have right now  
11 are names (which may be fictitious names) and the city and country were they supposedly reside.

12          7.       Bungie has settled with previous defendants, and put information received from  
13 those settlements to good use.

14          8.       Based on information received through settlements and my own investigation, the  
15 International Defendants are all located outside the United States. To the best of our knowledge,  
16 Defendant Cruden resides in the Netherlands, Defendant Robinson resides in Germany,  
17 Defendant Deng resides in Shanghai, Defendant Chen resides in Beijing, Defendant “Goodman”  
18 resides in China, and Defendant Magalhaes resides in Portugal or possibly Romania.

19          9.       Based on information received in settlements and my own investigation,  
20 Defendant Magalhaes may also be operating under the name “Bruno Silva.”

21          10.       All of the International Defendants operate incognito under assumed names and  
22 take other steps to hide their identities and avoid detection.

23          11.       Because of the International Defendants’ intentional efforts to evade identification  
24 and detection, it is time-consuming and labor intensive to locate physical addresses for them  
25 sufficient to effectuate service.  
26

1           12.     Based on information received in settlement and my own investigation, I have  
2 identified email addresses for each of the International Defendants.

3           13.     On February 23, 2023, I delivered Requests for Waivers of Service pursuant to  
4 Fed. R. Civ. P. 4(d) to each of the International Defendants by email to the addresses I had  
5 identified.

6           14.     None of these emails bounced or otherwise indicated issues with delivery.

7           15.     Apart from Defendant Magalhaes, none of the Defendants even responded to  
8 these emails.

9           16.     On February 24, 2023, Defendant Magalhaes responded (under the name “Bruno  
10 Silva”) and disclaimed any knowledge of or participation in activities related to the instant  
11 action. A true and correct copy of our email exchange is attached hereto as **Exhibit 1**.

12           17.     That same day, I responded and asked Defendant Magalhaes / “Bruno Silva” to  
13 confirm their address.

14           18.     Defendant Magalhaes / “Bruno Silva” responded and told me their address was  
15 Calea Victoriei 118, Sector 1, 010093 Bucharest.

16           19.     Further investigation determined that the address given corresponds to that of the  
17 Romanian Copyright Office.

18           20.     Based on information received in settlement and my own investigation, I believe  
19 the information provided by defendant Magalhaes / “Bruno Silva” is likely false and that the  
20 individual who responded to the email is the proper defendant in this case, and probably resides  
21 in Portugal.

22           21.     Bungie is in the process of confirming all of the International Defendants’  
23 addresses and commencing Hague service on all International Defendants. These efforts are  
24 continuous and ongoing.

1           22.     In an effort to control costs, Bungie elected not to begin Hague service on the  
2 International Defendants until the Fed R. Civ. P. 4(d)(1)(F) deadline to respond to those waiver  
3 requests had expired.

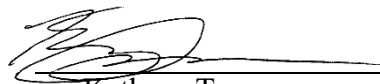
4           23.     Bungie has issued a subpoena to Google in an effort to obtain information on  
5 Defendant Magalhaes (or Silva) sufficient to effectuate service under Fed. R. Civ. P. 4. The  
6 return date for that subpoena is June 15th.

7           24.     Bungie is also optimistic that another settlement with another defendant is  
8 forthcoming.

9           25.     Bungie expects the information obtained in the course of that settlement, from its  
10 subpoena to Google, and its own continuing investigation will be useful in obtaining further  
11 relevant evidence sufficient to effectuate service on the remaining International Defendants and  
12 to identify further Doe defendants.

13           I declare under penalty of perjury under the laws of the United States that the foregoing is  
14 true and correct.

15           DATED this 25<sup>th</sup> day of May, 2023 at Seattle, Washington.

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Kathryn Tewson

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