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9 *Attorneys for Plaintiff TRILLER FIGHT CLUB II LLC*

10 **UNITED STATES DISTRICT COURT**
 11 **CENTRAL DISTRICT OF CALIFORNIA**

12 TRILLER FIGHT CLUB II LLC, a
 13 Delaware Limited Liability Company,

14 Plaintiff,

15 vs.

16
 17 FILMDAILY.COM, an unknown
 business entity; ACCESSTVPRO.CO, an
 18 unknown business entity;
 19 ONLINE2LIVESTREAM.US, an
 unknown business entity;
 20 CRACKSTREAMSLIVE.COM, an
 unknown business entity; SPORTS-
 21 TODAY.CLUB, an unknown business
 entity; MY-SPORTS.CLUB, an unknown
 22 business entity; BILASPORT.COM, an
 unknown business entity; TRENDY
 23 CLIPS, an unknown business entity;
 24 MIKE, an unknown business entity;
 25 YOUR EXTRA, an unknown business
 entity; ECLIPT GAMING, an unknown
 26 business entity; ITSLILBRANDON, an
 unknown business entity; the H3
 27 PODCAST, an unknown business entity;
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CASE NO.: 2:21-cv-03502-PA-RAO

PLAINTIFF'S *EX PARTE*
APPLICATION FOR EXPEDITED
DISCOVERY

Complaint Filed: April 23, 2021

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H3H3 PRODUCTIONS, an unknown
business entity; and DOES 1 through 100,
inclusive,

Defendants.

1 **TO THE COURT, THE PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that Plaintiff TRILLER FIGHT CLUB II LLC, a
3 Delaware Limited Liability Company (“Plaintiff” or “Triller”) applies *ex parte*,
4 pursuant to Federal Rules of Civil Procedure 26(f)(1) and Local Rule 7-19, for an order
5 for expedited discovery (the “Application”). This Application is based upon this
6 Notice, the enclosed Memorandum of Points and Authorities, the enclosed Declaration
7 of Michael O’Brien, and such other evidence as may be presented to the Court at any
8 hearing on the Application.

9 By this Application, Triller seeks limited discovery on an expedited basis in
10 order to learn the nature and extent of the ongoing infringement of Triller’s copyright
11 interest by Defendants. Triller needs discovery to develop the evidentiary record for
12 an imminent request for a preliminary injunction barring Defendants’ wrongful and
13 infringing conduct—circumstances that courts routinely have found to justify
14 expedited discovery. *See, e.g., Apple Inc. v. Samsung Electronics Co.*, 2011 WL
15 1938154, at *2 (N.D. Cal., May 18, 2011); *Interserve, Inc. v. Fusion Garage PTE,*
16 *Ltd.*, 2010 WL 143665, at *2 (N.D. Cal., Jan. 7, 2010).

17 Pursuant to Local Rule 7-3 (and, to the extent applicable, Local Rule 37),
18 Plaintiff’s counsel has attempted to contact Defendants’ counsel to discuss the
19 contents of this motion. Given the time-sensitive nature of this Application, Plaintiff
20 now files this Application.

21
22 Dated: May 5, 2021

NOVIAN & NOVIAN, LLP
Attorneys at Law

23
24 By: /s/ Farhad Novian

FARHAD NOVIAN
MICHAEL O’BRIEN
ALEXANDER BRENDON GURA

25
26
27 *Attorneys for Plaintiff TRILLER FIGHT*
28 *CLUB II LLC*

MEMORANDUM OF POINTS & AUTHORITIES

I. INTRODUCTION

This is a case about cyber-crime. Unsurprisingly, cyber-criminals go to great lengths to conceal their actual identities. Plaintiff Triller Fight Club II LLC (“Plaintiff” or “Triller”) seeks early discovery in order to unearth Defendants’ true identities from behind their online aliases in order to properly serve Defendants and to obtain relief from legal persons. In particular, Triller seeks to serve subpoenas upon various online platforms—including YouTube LLC and Google LLC—and domain name registrars to learn Defendants’ true identities. Registrars are required to maintain records of the individuals who and entities that register domain names. Such records will assist Triller in ascertaining Defendants’ true identities. Without the discovery in order to unearth Defendants’ true identities from behind their online aliases, Triller will be unable to seek an injunction halting Defendants’ unlawful conduct.

II. FACTUAL BACKGROUND

Plaintiff is the copyright owner and publisher of the Triller Fight Club broadcast of the “Jake Paul vs. Ben Askren” boxing event, including all undercard bouts and the entire television broadcast, exhibited via closed circuit television and via encrypted satellite signal (hereinafter referred to as the “Broadcast”). On April 17, 2021, Triller made the Broadcast available to licensed content distributors such as Plaintiff’s authorized online platforms.

Triller has since learned that certain individuals and entities utilized various torrent and streaming websites such as <https://youtube.com>, <https://filmdaily.co>, <https://accesstvpro.co>, <https://online2livestream.us>, <https://crackstreamslive.com>, <https://sports-today.club/>, <https://my-sports.club/>, and <https://bilasports.com> to unlawfully upload, distribute, and publicly display, without authorization, the Broadcast to the users of such websites. Thus far, Triller has identified as wrongdoers Defendants Filmdaily.com, an unknown business entity (“Filmdaily.com”); Accesstvpro.co, an unknown business entity (“Accesstvpro.co”);

1 Online2livestream.us, an unknown business entity (“Online2livestream.us”);
2 Crackstreamlive.com, an unknown business entity (“Crackstreamlive.com”); Sports-
3 today.club, an unknown business entity (“Sports-today.club”), My-sports.club, an
4 unknown business entity (“My-sports.club”), Bilasport.com, an unknown business
5 entity (“Bilasport.com”), Trendy Clips, an unknown business entity (“Trendy Clips”),
6 Mike, an unknown business entity (“Mike”), Your Extra, an unknown business entity
7 (“Your Extra”), Eclipt Gaming, an unknown business entity (“Eclipt Gaming”),
8 ItsLilBrandon, an unknown business entity (“ItsLilBrandon”), the H3 Podcast, an
9 unknown business entity (“H3 Podcast”), h3h3 Productions, an unknown business
10 entity (“H3H3”).

11 Accordingly, on April 23, 2021, Triller filed a complaint (the “Complaint”).

12 On April 28, 2021, the Court issued the OSC. In the OSC, the Court noted that
13 “Plaintiff alleges that it ‘is informed and believes, and thereon alleges, that the actions
14 and omissions that serve as the basis for this complaint were undertaken jointly and
15 with the consent, conspiracy, cooperation, and joint participation of all defendants.’”
16 (OSC, at 2 (quoting Compl., at ¶ 21).) “The Complaint also alleges, on information
17 and belief, “that at all times mentioned herein, each defendant was the agent, joint
18 venture, and/or employee of each and every other defendant, and in doing the things
19 alleged in this complaint, each defendant was acting within the course and scope of
20 such agency, joint venture, and/or employment and with the permission and consent
21 of each of the other defendants.” (*Id.* (quoting Compl., at ¶ 22.)

22 In the OSC, the Court also wrote that “it appears that Plaintiff has improperly
23 joined its claims against multiple different alleged infringers who have no apparent
24 connection to one another, and who each allegedly infringed Plaintiff’s intellectual
25 property rights by making the Broadcast available on the separate websites controlled
26 by each of the separate defendants[,]” and that “[t]he Complaint does not sufficiently
27 allege, identify, or explain any plausible relationship between all of the Defendants.”
28 (OSC, at 2.)

1 **III. ARGUMENT**

2 Defendants' blatant theft of Triller's copyright expression is illegal, irreparably
3 harms Triller, and must be stopped before it is too late. Expedited discovery is
4 warranted here so that Triller can quickly file a motion to enjoin Defendants from
5 rebroadcasting the Broadcast and thus infringing Triller's copyrightable expression.
6 (*See, e.g.*, Compl. ¶ 14 (seeking injunctive relief).) This is an established basis for
7 expedited discovery, and expedited discovery is supported by good cause here due to
8 the extreme burden and irreparable harm to Triller if this matter is delayed.

9 **A. Triller Has Good Cause to Proceed *Ex Parte*.**

10 As a direct result of Defendants' continuing misappropriation and use of
11 Triller's confidential information, Triller is unable to request expedited discovery from
12 the Court via noticed motion without suffering severe harm. If Triller filed a noticed
13 motion, its motion for expedited discovery would be heard, per Local Rule 6-1, on
14 June 7, 2021, at the earliest. By that time, Defendants will have misappropriated and
15 used Triller's Broadcast for approximately six weeks, causing further and irreparable
16 damage to Triller.

17 Additionally, in the Court's recent OSC, the Court warned of an imminent risk
18 that certain Defendants may be dismissed because "[t]he Complaint does not
19 sufficiently allege, identify, or explain any plausible relationship between all of the
20 Defendants." (OSC, at 2.) As noted above, however, Defendants have taken steps to
21 conceal their identities. Through this Application, Triller seeks to obtain the
22 information it—and the Court—acknowledge is necessary to further identify
23 Defendants. Because Triller's response to the OSC is due on or before May 10, 2021,
24 it is imperative that Triller immediately obtain this discovery. This independent reason
25 provides Triller good cause to proceed *ex parte*.

26 **B. Triller's Request for Expedited Discovery Is Supported By Good**
27 **Cause.**

28 Pursuant to Federal Rule of Civil Procedure 26(d), a plaintiff may seek leave to

1 “seek discovery from any source” prior to the occurrence of a Rule 26(f) conference.
2 To obtain leave, a plaintiff must show “good cause.” *See, e.g., In re Countrywide Fin.*
3 *Corp. Derivative Litig.*, 542 F. Supp. 2d 1160, 1179 (C.D. Cal. 2008); *Am. LegalNet,*
4 *Inc. v. Davis*, 673 F. Supp. 2d 1063, 1066 (C.D. Cal. 2009). Good cause is present
5 when “the need for expedited discovery, in consideration of the administration of
6 justice, outweighs the prejudice to the responding party.” *Semitool, Inc. v. Tokyo*
7 *Electron America, Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002). Among the factors
8 commonly considered in determining the reasonableness of expedited discovery are:
9 (1) whether a preliminary injunction is pending; (2) the breadth of the discovery
10 requests; (3) the purpose for requesting the expedited discovery; (4) the burden on the
11 responding party in complying with the request; and (5) how far in advance of the
12 typical discovery process the request was made. *Am. Legalnet*, 673 F.Supp.2d at 1067;
13 *see also Disability Rights Council of Greater Washington v. Washington Metropolitan*
14 *Area Transit Authority*, 234 F.R.D. 4, 6 (D.D.C. 2006).

15 In the instant matter, expedited discovery should be granted because all the
16 commonly considered factors for granting expedited discovery weigh in Triller’s
17 favor. Triller seeks expedited discovery to in order to unearth Defendants’ true
18 identities from behind their online aliases and to seek an injunction halting
19 Defendants’ unlawful conduct. The expedited discovery Triller seeks is narrowly-
20 tailored to those purposes, and will pose minimal burden on the recipients.

21 **1. Triller Intends to Use the Expedited Discovery to Support a Motion**
22 **for a Preliminary Injunction.**

23 This case has all the hallmarks of one requiring expedited discovery. *First*, the
24 discovery is sought in conjunction with an imminent motion for a preliminary
25 injunction. According to the Advisory Committee Notes to Federal Rule of Civil
26 Procedure 26, early discovery is appropriate in cases “such as those involving requests
27 for a preliminary injunction.” Notes to the 1993 amendments to Rule 26(d); *see also*
28 *Am. Legalnet*, 673 F.Supp.2d at 1066 (“The good cause standard may be satisfied

1 where a party seeks a preliminary injunction.”) *Second*, courts routinely observe that
2 expedited discovery is particularly appropriate “in cases involving claims of
3 infringement and unfair competition.” *First Time Videos, LLC v. Doe*, 2012 WL
4 1355725, at *3 (E.D. Cal., Apr. 18, 2012); *see also Pink Lotus Entertainment, LLC v.*
5 *Doe*, 2012 WL 260441, at *2 (E.D. Cal., Jan. 23, 2012); *Hard Drive Productions, Inc.*
6 *v. Doe*, 2012 WL 126247, at *1 (E.D. Cal., Jan. 17, 2012).

7 A motion for a preliminary injunction need not be “pending” for expedited
8 discovery to be warranted. Numerous courts have ordered expedited discovery where,
9 as here, information is needed to develop the evidentiary record for an impending
10 request for an injunction. For example, in *Apple Inc. v. Samsung Electronics Co.*, the
11 District Court for the Northern District of California granted a plaintiff’s request for
12 “extensive discovery . . . approximately two-and-a-half months before discovery
13 would ordinarily be available” where it was necessary “to allow [the plaintiff] to
14 determine whether to seek an early injunction.” 2011 WL 1938154, at *2. The *Apple*
15 court noted that early expedited discovery was “relevant to [the plaintiff’s] claims of
16 infringement,” which would “likely [] be central to any motion for preliminary
17 injunction.” *Id.* Thus, “expedited discovery would allow the Court to address any
18 request for preliminary injunctive relief at the outset of the case, thereby providing a
19 measure of clarity to the parties early in the proceeding and facilitating effective case
20 management.” *Id.* Numerous other courts have also ordered expedited discovery in
21 cases like this one—where a plaintiff announces its intention to seek an injunction in
22 connection with the theft of its intellectual property. *See, e.g., Interserve, Inc. v.*
23 *Fusion Garage PTE, Ltd.*, 2010 WL 143665, at *2 (N.D. Cal., Jan. 7, 2010) (granting
24 expedited discovery in intellectual property dispute where it “will allow plaintiff to
25 determine whether to seek an early injunction”); *OMG Fid., Inc. v. Sirius Techs., Inc.*,
26 239 F.R.D. 300, 304 (N.D.N.Y. 2006) (granting expedited discovery in trade secret
27 misappropriation and unfair competition dispute in advance of preliminary injunction
28 to give plaintiff “an early opportunity to develop evidence for use in support of such a

1 motion”).

2 Triller’s intention to file an imminent motion seeking a preliminary injunction
3 against, among other things, Defendants’ misappropriation, infringement, and unfair
4 and unlawful business practices is, therefore, a sufficient basis for ordering the limited
5 discovery Triller seeks here.

6 **2. The Expedited Discovery Sought by Triller is Narrowly-Tailored.**

7 Triller’s application for expedited discovery is also supported by good cause
8 because each of its discovery requests is narrowly tailored and directly relevant to the
9 issues that will form the core of Triller’s anticipated motion for a preliminary
10 injunction. Triller seeks to serve subpoenas on a limited number of online platforms
11 and domain name registrars, requesting records indicating Defendants’ true identities.
12 Triller does not seek expedited discovery from any other parties or on any other subject
13 matter.

14 **3. Triller’s Purpose For Seeking Expedited Discovery Counsels in**
15 **Favor of Allowance.**

16 Here, the discovery sought may help Triller to ascertain Defendants’ true
17 identifies for the purpose of facilitating a motion for preliminary injunction, and to
18 determine what additional steps should immediately be taken to protect Triller’s
19 intellectual property. This is a well-recognized and widely accepted basis for seeking
20 expedited discovery. *See Amazon.com, Inc. v. Fitzpatrick*, No. C20-1662 RSM, 2021
21 WL 211540, at *1 (W.D. Wash. Jan. 21, 2021) (noting that the “the ‘ordinary
22 circumstances’ giving rise to motions for expedited discovery” are “a motion seeking
23 to identify an unknown internet user that unlawfully accessed a plaintiff’s intellectual
24 property”).

25 *Arista Records LLC v. Does 1–43*, 2007 WL 4538697 (S.D. Cal. Dec. 20, 2007)
26 is instructive. There, the plaintiffs alleged that unidentified defendants had used an
27 online media distribution system to download and distribute plaintiffs’ copyrighted
28 works to the public without permission. *See Arista Records LLC*, 2007 WL 4538697,

1 at *1. Because the plaintiffs were only able to identify each defendant by a unique
2 internet protocol address assigned to that defendant, plaintiffs filed an *ex parte*
3 application seeking leave to serve immediate discovery on a third-party internet
4 service provider (“ISP”) to identify the Doe defendants' true identities. *Id.* The court
5 found good cause to allow expedited discovery based on the plaintiffs’ *prima facie*
6 showing of infringement, the risk that the ISP would not preserve the information
7 sought, the narrow tailoring of the requests to the minimum amount of information
8 needed to identify the defendants without prejudicing their rights, and the fact that the
9 expedited discovery would substantially contribute to moving the case forward. *Id.*
10 The court further noted that, without such discovery, plaintiffs could not identify the
11 Doe defendants and would not be able to pursue their lawsuit to protect their
12 copyrighted works from infringement. *Id.*

13 **4. The Expedited Discovery Sought by Triller Places Minimal Burden** 14 **on the Recipients.**

15 Triller intends to ask only that various online platforms—including YouTube
16 LLC and Google LLC—and domain name registrars produce records prepared and
17 maintained in the normal course of business. (*See* Declaration of Michael O’Brien in
18 Support of Plaintiff’s Motion for Expedited Discovery (“O’Brien Decl.”), Exs. A &
19 B.). Without prejudice to its ability to negotiate the proper format for future
20 productions, Triller will accept the documents in the very same format in which these
21 online platforms and domain name registrars prepare and maintain them in the normal
22 course of business. Triller is *not* seeking to take any depositions. The fact that the
23 requests are narrowly tailored to impose the least possible burden on online platforms
24 and domain name registrars counsels very strongly in support of allowing expedited
25 discovery.

26 **IV. CONCLUSION**

27 Expedited discovery is appropriate at this time as good cause exists such that
28 the administration of justice outweighs the burden on the defendants. Accordingly, it

1 is respectfully requested that this Court grant Triller’s *ex parte* application for
2 expedited discovery.

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Dated: May 5, 2021

NOVIAN & NOVIAN, LLP
Attorneys at Law

By: /s/ Farhad Novian
FARHAD NOVIAN
MICHAEL O’BRIEN
ALEXANDER BRENDON GURA,

*Attorneys for Plaintiff TRILLER FIGHT
CLUB II LLC*

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DECLARATION OF MICHAEL O'BRIEN

I, Michael O'Brien, declare as follows:

1. I am of counsel to the law firm of Novian & Novian, LLP, counsel to Plaintiff Triller Fight Club II LLC ("Plaintiff" or "Triller") in this action. I submit this declaration in support of Triller's *Ex Parte* Application for Expedited Discovery. If called as a witness in this action, I could and would testify competently to the matters set forth herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of Triller's proposed subpoena to Google LLC.

3. Attached hereto as **Exhibit B** is a true and correct copy of Triller's proposed subpoena to YouTube LLC.

4. While the parties, let alone their counsel are not yet known with particularity, YouTube and the Registrars have a policy of immediately informing real parties in interest of a subpoena and giving the real parties in interest an opportunity, through counsel, to contest the subpoena in this Court. The real parties in interest face no prejudice as a result of the expedited discovery.

5. Triller's application to proceed *ex parte* is supported by good cause because, if Triller filed a noticed motion, its motion for expedited discovery would be heard, per Local Rule 6-1, on June 7, 2021 at the earliest. By that time, Defendants will have misappropriated and used Triller's Broadcast for approximately six weeks, causing further and irreparable damage to Triller.

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

Executed this 5th day of May 2021, at Los Angeles, California.

/s/ Michael O'Brien

Michael O'Brien

EXHIBIT A

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Triller Flight Club II LLC

Plaintiff

v.
Filmdaily.com, et al.

Defendant

Civil Action No. 2:21-cv-03502-PA-RAO

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

To: Google LLC

(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. See Attachment A

Table with 2 columns: Place (Network Deposition Services, 1801 Century Park East, Suite 1201, Los Angeles, California 90067) and Date and Time.

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.

Table with 2 columns: Place and 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: 4/30/2021

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Triller Flight Club II LLC, who issues or requests this subpoena, are: Farhad Novian; farha@novianlaw.com/Alexander Gura; gura@novianlaw.com; 310-553-1222

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).

Civil Action No. 2:21-cv-03502-PA-RAO

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Triller Fight Club II LLC v. Filmdaily.com, et al.

United States District Court for the Central District of California

Case No. 2:21-cv-03502-PA-RAO

ATTACHMENT A

1. All personal identifying information, including, but not limited to (i) name, (ii) mailing address, (iii) email address, (iv) phone number, and (v) history of credit card purchases, for the following users:
 - a. Filmdaily.com, an unknown business entity, who maintains the website located at <https://filmdaily.co>;
 - b. Accesstvpro.co, an unknown business entity, who maintains the website located at <https://accesstvpro.co>;
 - c. Online2livestream.us, an unknown business entity, who maintains the website located at <https://online2livestream.us>;
 - d. Crackstreamslive.com, an unknown business entity, who maintains the website located at <https://crackstreamslive.com>;
 - e. Sports-today.club, an unknown business entity, who maintains the website located at <https://sports-today.club/>;
 - f. My-sports.club, an unknown business entity, who maintains the website located at <https://my-sports.club/>; *and*
 - g. Bilasport.com, an unknown business entity, who maintains the website located at <https://bilasports.com>.

EXHIBIT B

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Triller Flight Club II LLC

Plaintiff

v. Filmdaily.com, et al.

Defendant

Civil Action No. 2:21-cv-03502-PA-RAO

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

To: YouTube LLC

(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. See Attachment A

Table with 2 columns: Place (Network Deposition Services, 1801 Century Park East, Suite 1201, Los Angeles, California 90067) and Date and Time.

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.

Table with 2 columns: Place and 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: 4/30/2021

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Triller Flight Club II LLC, who issues or requests this subpoena, are: Farhad Novian; farha@novianlaw.com/Alexander Gura; gura@novianlaw.com; 310-553-1222

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).

Civil Action No. 2:21-cv-03502-PA-RAO

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Triller Fight Club II LLC v. Filmdaily.com, et al.

United States District Court for the Central District of California

Case No. 2:21-cv-03502-PA-RAO

ATTACHMENT A

1. All personal identifying information, including, but not limited to (i) name, (ii) mailing address, (iii) email address, (iv) phone number, and (v) history of credit card purchases, for the following users:
 - a. Trendy Clips, an unknown business entity, whose YouTube channel is located at
<https://www.youtube.com/channel/UCYj6TdieiWvyuQc4s6J88uw>;
 - b. Mike, an unknown business entity, whose YouTube channel is located at
https://www.youtube.com/channel/UCc6_H_Qrmy_yGUe6M6vOClw;
 - c. Your Extra, an unknown business entity, whose YouTube channel is located at
https://www.youtube.com/channel/UCc6_H_Qrmy_yGUe6M6vOClw;
 - d. Eclipt Gaming, an unknown business entity, whose YouTube channel is located at
https://www.youtube.com/channel/UCc6_H_Qrmy_yGUe6M6vOClw;
 - e. ItsLilBrandon, an unknown business entity, whose YouTube channel is located at
https://www.youtube.com/channel/UCc6_H_Qrmy_yGUe6M6vOClw;
 - f. The H3 Podcast, an unknown business entity, whose YouTube channel is located at
<https://www.youtube.com/channel/UCLtREJY21xRfCuEKvdki1Kw>; *and*
 - g. H3H3 Productions, an unknown business entity, whose YouTube channel is located at <https://www.youtube.com/user/h3h3Productions>.