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8  
9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11 WESTERN DIVISION  
12

13 PARAMOUNT PICTURES  
CORPORATION; UNIVERSAL CITY  
14 STUDIOS PRODUCTIONS LLLP;  
UNIVERSAL CONTENT  
15 PRODUCTIONS LLC; UNIVERSAL  
TELEVISION LLC; WARNER BROS.  
16 ENTERTAINMENT INC.;  
COLUMBIA PICTURES  
17 INDUSTRIES, INC.; DISNEY  
ENTERPRISES, INC.; NETFLIX  
18 STUDIOS, LLC; NETFLIX US, LLC;  
and NETFLIX WORLDWIDE  
19 ENTERTAINMENT, LLC,

20 Plaintiffs,

21 vs.

22 DOES 1-10 d/b/a PRIMEWIRE,  
23 Defendants.  
24

Case No. 2:21-cv-09317-MCS-SK

**PLAINTIFFS' REPLY IN SUPPORT  
OF MOTION [1] TO MODIFY  
PERMANENT INJUNCTION AND  
[2] FOR MORE TIME TO  
CONDUCT DAMAGES  
DISCOVERY**

Judge: Hon. Mark C. Scarsi  
Date: Monday, August 22, 2022  
Time: 9:00 a.m.  
Courtroom: 7C

Filed concurrently herewith:  
(1) Declaration of Jan van Voorn; and  
(2) Declaration of Shannon Aminirad

1 No party has appeared to oppose Plaintiffs’ motion: [1] to modify the  
2 Permanent Injunction to apply to hydrawire.tv, a virtual copy (with a different  
3 name) of the previously enjoined PrimeWire websites; and [2] for additional time to  
4 conduct discovery related to damages for PrimeWire’s mass infringement of  
5 Plaintiffs’ copyrighted works. Plaintiffs respectfully submit the motion should be  
6 granted.

7 Plaintiffs wish to apprise the Court of yet another anonymous communication  
8 they received after they filed and served their injunction-related request. Like  
9 previous emails sent by “The PrimeWire Team,” the most recent emailer will not  
10 reveal their identity but wants Plaintiffs to know the emailer’s intentions have been  
11 misunderstood. The sender of this email claims to have launched HydraWire. They  
12 say they did so because they “saw an opportunity to have a website with lot[s] of  
13 visitors” and “wanted to continue [PrimeWire’s] legacy.” Declaration of Shannon  
14 Galvin Aminirad, filed concurrently (“Aminirad Decl.”) Ex. A. The emailer then  
15 said they had “shut down hydrawire for good” and offered to “transfer the domain”  
16 to Plaintiffs. *Id.* In an effort to put a temporary stop to this latest infringement of  
17 their rights, Plaintiffs accepted the transfer of the domain and took control of the  
18 domain, which is now offline. Declaration of Jan van Voorn, filed concurrently  
19 (“van Voorn Decl.”) ¶¶ 2–3.

20 Plaintiffs are submitting this email, as they have done with the emails that  
21 preceded it, to ensure the Court has the latest information relating to HydraWire.  
22 The sender no doubt knows that Plaintiffs will do this. But this email, like the ones  
23 on which it is modeled, does not substitute for a proper appearance and a statement  
24 of position that complies with the Federal Rules. And nothing in these most recent  
25 events changes the equities supporting Plaintiffs’ motion. No one—not the  
26 Defendants who operated PrimeWire, and not the most recent anonymous emailer  
27 (if that is in fact a different person)—has sustained “the formidable burden of  
28 showing that it is absolutely clear the allegedly wrongful behavior could not

1 reasonably be expected to recur.” *Friends of the Earth, Inc. v. Laidlaw Env’t Servs.*  
 2 *(TOC), Inc.*, 528 U.S. 167, 189–90 (2000). The facts involving HydraWire confirm  
 3 that PrimeWire’s infringing operations live on, and that the Permanent Injunction  
 4 should be amended (and Plaintiffs’ time to conduct damages discovery extended) to  
 5 address the ongoing, brazen defiance of the Court’s Orders and violation of  
 6 Plaintiffs’ rights.

7  
 8 **I. The Latest Email Continues A Pattern Of Self-Serving, Anonymous**  
**Emails Instead Of Responses To Plaintiffs’ Motions**

9 The most recent email episode bears an uncanny resemblance to Defendants’  
 10 previous attempts to assert their positions by email instead of appearing in Court.  
 11 Pursuant to the Order authorizing electronic service, *see* Dkt. 22, Plaintiffs have  
 12 served all of their filings and the Court’s Orders on Defendants’ known email  
 13 addresses. After Defendants filed and served their motion for a preliminary  
 14 injunction, “The PrimeWire Team” emailed Plaintiffs’ counsel. Dkt. 20-1 Ex. B.  
 15 The sender claimed to own the domains for the PrimeWire websites and offered to  
 16 remove the links to Plaintiffs’ copyrighted works. *Id.* Plaintiffs provided the emails  
 17 to the Court, which treated the motion as unopposed and granted the preliminary  
 18 injunction. Dkt. 30. The Court made clear that it was ready and willing to address  
 19 Defendants’ objections (if any) to the Court’s conclusions—but only if such  
 20 objections were “presented with any contrary evidence in a properly noticed motion  
 21 to dissolve or modify the preliminary injunction.” *Id.* at 5. Defendants have never  
 22 filed any such motion.

23 Plaintiffs thereafter filed and served a motion for partial default judgment and  
 24 a permanent injunction. Dkt. 36. After the Court took the motion under submission,  
 25 Defendants launched a new PrimeWire website, primewire.tf. Defendants moved  
 26 for an order amending the proposed injunction to cover this new domain. Dkt. 39.  
 27 The next day, “The PrimeWire Team” again emailed Plaintiffs’ counsel. Dkt. 42-1  
 28 ¶ 4 & Ex. A. The sender said they wanted “to clarify [their] recent actions, and

1 explain the motivation behind them and their intended effect,” which purportedly  
2 was “to comply with the temporary injunction.” *Id.* Ex. A at 4. The sender asserted  
3 that the permanent injunction should exclude primewire.tf, “as there is no evidence  
4 to suggest that any links to unauthorized streams of the Plaintiffs[’] works is being  
5 or has ever been distributed over this domain.” *Id.* Plaintiffs submitted this email to  
6 the Court, which declined to consider the sender’s arguments. The Court held that  
7 “[i]t is the burden of the party voluntarily ceasing its conduct to appear and make  
8 the strong showing it cannot reasonably be expected to restart its behavior,” and that  
9 Defendants had not done so, “despite receiving notice and despite changing the  
10 PrimeWire website in response to the Court’s orders.” Dkt. 43 at 9. The Court  
11 made clear that Defendants were “free to enter an appearance and move to set aside  
12 the default judgment.” *Id.* Defendants have never filed any such motion.

13         The motion currently before the Court asks the Court to amend the Permanent  
14 Injunction to add hydrawire.tv to the list of enjoined domains and to extend the time  
15 for Plaintiffs to take discovery related to damages. Dkt. 44. As explained in  
16 Plaintiffs’ motion, HydraWire appeared online the day after the Court entered the  
17 Permanent Injunction. The new site claimed to be PrimeWire’s successor—“the  
18 product of [the] PrimeWire hydra effect”—and shared the same appearance,  
19 features, hosting provider, and registrar as the enjoined PrimeWire websites had.  
20 *See* Dkt. 44-1 ¶¶ 3–12.

21         Plaintiffs provided notice and a copy of their papers to the email addresses  
22 previously associated with Defendants and submitted a message about the motion to  
23 the HydraWire “Contact” web form. Dkt. 44-9 ¶ 13; *see also* Aminirad Decl. ¶ 2.  
24 Two days later, Plaintiffs’ counsel received an email from hydrawi@runbox.com.  
25 Like the prior emailers, the person sending this email would not identify themselves.  
26 They did, however, attempt to explain away their actions. The sender said they  
27 created HydraWire “because [they] liked primewire [sic] and wanted to continue  
28 their legacy” with a website that had a “lot of visitors.” Aminirad Decl. ¶ 3 & Ex.

1 A. The sender claimed they were not connected to PrimeWire’s operators “in any  
 2 form,” and that it was “just [a] coincidence” that they launched HydraWire the day  
 3 after the Court entered the Permanent Injunction. *Id.* Ex. A at 1. The sender said  
 4 they had “shut down hydrawire for good” in order “to not get into any trouble,” and  
 5 offered to “transfer the domain . . . if you want it.” *Id.* The sender subsequently  
 6 sent a code to Plaintiffs to authorize the transfer of the hydrawire.tv domain. *Id.* ¶ 5  
 7 & Ex. C. Plaintiffs used the code to transfer control of the hydrawire.tv domain.  
 8 Van Voorn Decl. ¶¶ 2–3.

9  
 10 **II. The Correspondence From “HydraWire” Does Not Affect The Merits Of  
 Plaintiffs’ Motion**

11 The person who sent the most recent email correspondence to Plaintiffs’  
 12 counsel remains anonymous. The fact that the sender followed “The PrimeWire  
 13 Team’s” playbook for responding to Plaintiffs’ requests for injunctive relief  
 14 suggests the same person (or persons) may be behind all of this. Regardless of who  
 15 the source is, nothing about the “HydraWire” email changes the merits of the  
 16 motion. Plaintiffs’ motion to modify the injunction and extend the time to take  
 17 damages discovery remains unopposed. As before, if any interested party wishes to  
 18 object to relief the Court enters, that party remains free to appear before the Court  
 19 and request a modification of that relief. *See* Dkt. 30 at 5; Dkt. 43 at 9.

20 Plaintiffs highlight just a few additional points arising out of the recent  
 21 events:

22 *First*, Plaintiffs’ request to modify the injunction is not moot. Although the  
 23 email sender asserted they were done with HydraWire, that does not come close to  
 24 sustaining “the formidable burden”—which must be met to show that voluntary  
 25 cessation moots a request for injunctive relief—“of showing that it is absolutely  
 26 clear the allegedly wrongful behavior could not reasonably be expected to recur.”  
 27 *Friends of the Earth*, 528 U.S. at 189–90; *see also Already, LLC v. Nike, Inc.*, 568  
 28 U.S. 85, 91 (2013). No one has made such a showing.

1 As noted, Plaintiffs do currently control the *hydrawire.tv* domain name. But  
2 Defendants, the sender of the “HydraWire” email (if that person is not one of the  
3 PrimeWire Defendants), or someone else could launch another HydraWire website  
4 and make it, too, a copy of PrimeWire’s illicit websites. *See* Dkt. 39-2 ¶ 7  
5 (describing how Defendants have previously created additional “mirror” websites to  
6 allow users to get around court orders restricting access to the PrimeWire websites  
7 in other jurisdictions). Naming *hydrawire.tv* as an enjoined domain in the  
8 Permanent Injunction provides clear notice that Defendants, and those acting in  
9 concert with them, are enjoined from linking to Plaintiffs’ copyrighted works.

10 *Second*, the facts surrounding HydraWire, including the email response to the  
11 motion, strongly suggest the domain was “operated by Defendants and infringe[d]  
12 Plaintiffs’ Copyrighted Works.” Dkt. 43 at 11. The email follows Defendants’  
13 pattern of using anonymous email correspondence as a substitute for appearing in  
14 Court and responding to a filed motion. The email also follows Defendants’ pattern  
15 of misrepresenting their motivations. For instance, “The PrimeWire Team” claimed  
16 that *primewire.tf* had never offered links to unauthorized streams of Plaintiffs’  
17 copyrighted works, *see* Dkt. 42 at 2; Dkt. 42-2, whereas Plaintiffs’ evidence showed  
18 the site had done so, *see* Dkt. 39-2 ¶ 5. Likewise, the “HydraWire” sender’s claim  
19 that they had “no need to be connected to *primewire* [sic] developers” is suspect.  
20 Aminirad Decl. Ex. A. In particular, the sender said they did not need such a  
21 connection to create an option for PrimeWire users to upload their libraries of links  
22 to infringing content. But there also was no need for PrimeWire to create the option  
23 for users to *download* their libraries other than to have them available for  
24 subsequent upload to a successor site, such as HydraWire. The sender also claims  
25 that it was “just coincidence” that HydraWire launched on April 21, the day after the  
26 Court entered the Permanent Injunction. Aminirad Decl. Ex. A at 1. In light of the  
27 other circumstances surrounding HydraWire, the claimed “coincidence” appears to  
28 be implausible. The facts instead indicate that HydraWire is “merely a disguised

1 continuance of” the already enjoined PrimeWire Defendants. *Regal Knitwear Co. v.*  
2 *NLRB*, 324 U.S. 9, 14–15 (1945) (citations omitted); *see also Walling v. James V.*  
3 *Reuter, Inc.*, 321 U.S. 671, 674 (1944).

4 *Third*, even if the person sending the email is not part of “The PrimeWire  
5 Team,” that person at a minimum acted in concert and participation with the  
6 enjoined parties. *Saga Int’l, Inc. v. John D. Brush & Co.*, 984 F. Supp. 1283, 1286  
7 (C.D. Cal. 1997); Fed. R. Civ. P. 65(d). The person sending the email admitted they  
8 created HydraWire “to continue [PrimeWire’s] legacy” and saw it as “an  
9 opportunity to have a website with lot[s] of visitors.” Aminirad Decl. Ex. A at 1.  
10 The anonymous creator has further admitted that they copied texts directly from  
11 PrimeWire. *Id.*

12 *Fourth*, the appearance of HydraWire shows continued disrespect for the  
13 Court’s injunctive orders and disregard for Plaintiffs’ rights. In the event another  
14 successor site appears, Plaintiffs reserve the right to request that the Court enter  
15 further relief to vindicate the effectiveness of its Orders and to protect Plaintiffs’  
16 rights.

17 \* \* \*

18 For these reasons, as well as those stated in Plaintiffs’ motion, Plaintiffs  
19 respectfully request that the Court grant their motion to modify the permanent  
20 injunction and extend the time for Defendants to take discovery in support of their  
21 damages claims.

23 DATED: August 8, 2022

MUNGER, TOLLES & OLSON LLP

24 By:           /s/ Kelly M. Klaus          

25 KELLY M. KLAUS

26 Attorneys for Plaintiffs

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