

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

UMG RECORDINGS, INC.; CAPITAL RECORDS, LLC; WARNER BROS. RECORDS INC.; ATLANTIC RECORDING CORPORATION; ELEKTRA ENTERTAINMENT GROUP, INC.; FUELED BY RAMEN, LLC; NONESUCH RECORDS INC.; SONY MUSIC ENTERTAINMENT; SONY MUSIC ENTERTAINMENT US LATIN LLC; ARISTA RECORDS LLC; LAFACE RECORDS LLC; and ZOMBA RECORDING LLC,

Plaintiffs,

v.

TOFIG KURBANOV d/b/a FLVTO.BIZ and 2CONV.COM;  
And DOES 1-10,

Defendants.

**Case No.  
1:18-CV-00957-CMH-TCB**

**DEFENDANT'S MEMORANDUM IN SUPPORT OF MOTION FOR  
LEAVE TO FILE SUPPLEMENTAL MATERIALS IN SUPPORT  
OF MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

Pursuant to the order of remand from the United State Court of Appeals for the Fourth Circuit, this Court is considering the question of whether an exercise of personal jurisdiction over Defendant Tofig Kurbanov, a Russian citizen, would be constitutionally reasonable. As part of that analysis, this Court considers the plaintiff's interest in obtaining convenient and effective relief. *Consulting Eng'rs Corp. v. Geometric Ltd.*, 561 F.3d 273, 277-79 (4th Cir. 2009).

In their opposition to Mr. Kurbanov's Motion to Dismiss, the Plaintiffs argued that it would be a "startling suggestion that Plaintiffs should travel to Russia to assert their rights under U.S. copyright law," and that doing so was "not an effective strategy for vindicating rights under American law or for obtaining meaningful relief against internet pirates." See "Defendant's Memorandum in Opposition Motion to Dismiss, or, in the Alternative, to Transfer to the Central District of California," at 16, n.7 (Doc 28).

Pursuant to Local Rule 7(F), Mr. Kurbanov seeks leave to provide the Court with certain newly-discovered supplemental materials to bring to the Court's attention to the existence (and apparent success) of recent lawsuits brought *in Russia* by certain of the Plaintiffs herein (Universal Music, Warner, and Sony Music), alleging violations of Plaintiffs' copyrighted works. Specifically, the supplemental materials, which are attached to the Motion, include the following:

1. "Court Orders Google to Remove Pirate Music App or Face Blocking," *Torrentfreak*, December 26, 2000
2. "Apple Targeted By Record Labels For Distributing Music Piracy Apps," *Torrentfreak*, October 7, 2020
3. "Apple sued in Russia over music piracy apps by major labels," *iMore*, October 7, 2020
4. "Russian court for the first time demanded from Google Play to remove the pirated application," *craneip.com*
5. "VKontakte case puts Russian music piracy into spotlight," *BBC News*, August 11, 2014
6. "Nine Music Labels Plan To Sue Vkontakte, The Facebook Of Russia, Over 6,000 Illegal Tracks," *Techcrunch*, December 27, 2013

These materials demonstrate that Plaintiffs are clearly comfortable in the Russian courts and have effective means to protect their rights in Russia, where Mr. Kurbanov lives; where he operates the websites in question; and where every alleged act underlying Plaintiffs' claims took place.

Because Mr. Kurbanov believes that the consideration of the supplemental materials would be of use to this Court in its consideration of the reasonableness prong of its due process analysis, he respectfully moves for leave to supplement his Motion to Dismiss (Doc. 24) to include the same.

Dated: January 29, 2021

Respectfully submitted,

**TOFIG KURBANOV**

By Counsel

/s/ Jeffrey H. Geiger  
Jeffrey H. Geiger (VSB No. 40163)  
SANDS ANDERSON PC  
1111 E. Main Street, Suite 2400  
Bank of America Plaza  
P.O. Box 1998 (23218)  
Richmond, Virginia 23218-1998  
Telephone: (804) 783-7248  
jgeiger@sandsanderson.com

/s/ Valentin Gurvits  
Valentin D. Gurvits (*pro hac vice*)  
BOSTON LAW GROUP, PC  
825 Beacon Street, Suite 20  
Newton Centre, Massachusetts 02459  
Telephone: 617-928-1804  
vgurvits@bostonlawgroup.com

/s/ Evan Fray-Witzer  
Evan Fray-Witzer (*pro hac vice*)  
CIAMPA FRAY-WITZER, LLP  
20 Park Plaza, Suite 505  
Boston, Massachusetts 02116  
Telephone: 617-426-0000  
Evan@CFWLegal.com

/s/ Matthew Shayefar

Matthew Shayefar (*Pro hac vice*)  
LAW OFFICE OF MATTHEW SHAYEFAR, PC  
925 N La Brea Ave  
West Hollywood, California 90038  
Telephone: 323-948-8101  
matt@shayefar.com

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of January, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

Michael K. Lowman, Esquire  
Jenner & Block LLP  
1099 New York Ave, NW  
Suite 900  
Washington, DC 20001-4412  
Email: mlowman@jenner.com  
*Counsel for Plaintiffs*

Kenneth L. Doroshow, Esquire  
Jenner & Block LLP  
1099 New York Avenue, NW  
Suite 900  
Washington, DC 20001-4412  
Email: kdoroshow@jenner.com  
*Counsel for Plaintiffs (admitted pro hac vice)*

Alison I. Stein, Esquire  
Jenner & Block LLP  
1099 New York Avenue, NW  
Suite 900  
Washington, DC 20001-4412  
Email: astein@jenner.com  
*Counsel for Plaintiffs (admitted pro hac vice)*

Jonathan A. Langlinais, Esquire  
Jenner & Block LLP  
1099 New York Avenue, NW  
Suite 900  
Washington, DC 20001-4412  
Email: [jlanglinais@jenner.com](mailto:jlanglinais@jenner.com)  
*Counsel for Plaintiffs (admitted pro hac vice)*

Matthew J. Oppenheim, Esquire  
Oppenheim + Zebrak, LLP  
4530 Wisconsin Avenue, NW, 5th Floor  
Washington, DC 20016  
Email: [matt@oandzlaw.com](mailto:matt@oandzlaw.com)  
*Counsel for Plaintiffs*

/s/ Jeffrey H. Geiger  
Jeffrey H. Geiger (VSB No. 40163)  
SANDS ANDERSON PC  
1111 E. Main Street, Suite 2400  
Bank of America Plaza  
P.O. Box 1998 (23218)  
Richmond, Virginia 23218-1998  
Telephone: (804) 783-7248  
[jgeiger@sandsanderson.com](mailto:jgeiger@sandsanderson.com)