

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

WARNER MUSIC GROUP CORP., <i>et al.</i>)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	No. 1:14cv374
)	(LO / IDD)
MEGAUPLOAD LIMITED, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

**CONSENT MOTION OF DEFENDANT MEGAUPLOAD LTD.
FOR A STAY PENDING A PARALLEL CRIMINAL PROSECUTION**

Defendant Megaupload Limited (“Megaupload”) hereby moves for a continuation of the stay of this action, and, in support thereof, states as follows:

1. Plaintiffs filed this action on April 10, 2014, alleging claims for direct and secondary copyright infringement (Dkt. No. 1, *Complaint*). The defendants in this civil action are Megaupload, Vestor Limited (“Vestor”), Kim Dotcom (“Dotcom”), Mathias Ortmann (“Ortmann”), and Bram van der Kolk (“van der Kolk”), all of whom are foreign nationals (*Id.*, *Complaint* ¶¶ 18 – 22).

2. Megaupload and the other defendants in this civil action also have been indicted for racketeering, criminal copyright infringement, and other alleged crimes. *United States v. Kim Dotcom, et al.*, No. 1:12-cr-00003-LO (E.D. Va. filed Jan. 5, 2012) (“*Criminal Action*”). The *Criminal Action* is still pending.

3. Defendants Megaupload, Dotcom, Vestor, Ortmann, and van der Kolk have been sued in two other civil actions now pending in this Court related to the same conspiracy alleged in the *Criminal Action*. *Microhits, Inc. v. Megaupload, Ltd.*, No. 1:12cv327-LO/IDD (E.D. Va.

filed Mar. 21, 2012) (“*Microhits Action*”); *Twentieth Century Fox Film Corp. v. Megaupload, Ltd.*, No. 1:14cv3362-LO/IDD (E.D. Va. filed Apr. 7, 2014) (“*Twentieth Century Action*”). All three of these civil actions have been stayed, and recently the *Microhits Action* was dismissed. In particular, this action has been stayed by several prior orders (Dkt. Nos. 36, 42, 44 & 49).

4. In addition, the parties in the this action and the *Twentieth Century Action*, as well as counsel for the United States in the *Criminal Action*, have been ordered to meet and confer regarding the preservation of certain digital evidence in the hands of Cogent Communications, Inc. (the “Cogent Data”). *Twentieth Century Fox Film Corp. v. Megaupload, Ltd.*, No. 1:14cv3362-LO/IDD, Order, Dkt. No. 58 (E.D. Va. June 6, 2016). Counsel have met and conferred and are negotiating a preservation order regarding the Cogent Data, and they anticipate reaching an agreement and presenting a consent motion and stipulated preservation order to the Court for entry. However, until such a preservation order is entered, the parties each reserve their rights to file motions seeking preservation of the Cogent Data on appropriate terms and conditions.

5. Defendant Megaupload hereby moves the Court to enter the attached proposed order, continuing the stay in this case for an additional six months, subject to the terms and conditions stated in the proposed order.

6. Plaintiffs consent to continuation of the stay on the terms and conditions stated in the proposed order.

The parties do not seek oral argument on this motion.

WHEREFORE, Defendant Megaupload Ltd. respectfully requests that the Court enter the attached proposed order.

Dated: October 21, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2016, the foregoing was filed and served electronically by the Court's CM/ECF system upon all registered users:

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