

1 DAVID W. HANSEN (Bar No. 196958)
JACK P. DICANIO (Bar No. 138782)
2 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
525 University Avenue, Suite 1400
3 Palo Alto, California 94301
Telephone: (650) 470-4500
4 Facsimile: (650) 470-4570
DAVID.HANSEN@SKADDEN.COM
5 JACK.DICANIO@SKADDEN.COM

6 Attorneys for Plaintiff,
DOTLOOP, INC.
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11	DOTLOOP, INC.,)	CASE NO.: 3:13-cv-2654-RS
)	
12	Plaintiff,)	PLAINTIFF’S CASE MANAGEMENT
)	STATEMENT
13	v.)	
)	Date: March 5, 2014
14	JOHN DOE (d/b/a “Ian Dawtnapstur”),)	Time: 10:00 a.m.
)	Room: Courtroom 3, 17th Floor
15	Defendant.)	United States Courthouse
)	450 Golden Gate Avenue
16)	San Francisco, CA
)	Judge: Hon. Richard Seeborg
17)	

18 Pursuant to Federal Rule of Civil Procedure 26(f) and Civil Local Rule 16-9(a), Plaintiff,
19 dotloop, Inc., submits this Case Management Statement for the Case Management Conference
20 scheduled for March 5, 2014 at 10:00 a.m.

21 1. Jurisdiction and Service. Plaintiff brings this action under the Computer Fraud and
22 Abuse Act (“CFAA”), 18 U.S.C. § 1030 *et seq.*, California Penal Code § 502(c), common law
23 trespass, breach of contract, and tortious interference with actual and prospective economic
24 advantage, to remedy Defendant’s unlawful conduct. This action arises under a federal statute and
25 this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331. This
26 action also arises from Defendant’s violation of California statutory and common law. This Court
27 has supplemental jurisdiction over Plaintiff’s state law claims pursuant to 28 U.S.C. § 1367.
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1 By order dated August 27, 2013, the Court granted Plaintiff's Motion For Leave To
2 Conduct Third Party Discovery to learn Defendant's true identity. As a result of that discovery,
3 Plaintiff recently learned Defendant's identity. Defendant is represented by counsel. Plaintiff's
4 counsel and Defendant's counsel are in discussions to settle this matter.

5 2. Facts. Defendant is an experienced computer hacker. As set forth in the Complaint,
6 Defendant fraudulently posed as an Administrator of one of Plaintiff's largest clients in order to
7 unlawfully access Plaintiff's protected computer system, without authorization, and misappropriate
8 and wrongfully disseminate a large volume of information stored on Plaintiff's system. Defendant
9 also unlawfully provided third parties with the means to improperly access and use Plaintiff's
10 computer system and information contained on that system. Defendant went to great lengths to
11 conceal his true identity and hide from liability for his wrongdoing.

12 3. Legal Issues. Whether Defendant violated the CFAA and California Penal Code §
13 502(c), and whether Defendant committed common law trespass, breach of contract, and tortious
14 interference with actual and prospective economic advantage.

15 4. Motions. The Court previously granted Plaintiff's Motion For Leave To Conduct
16 Third Party Discovery to learn Defendant's true identity, which served its intended purpose. There
17 are no motions pending at this time.

18 5. Amendment of Pleadings. If the parties are unable to settle this matter shortly,
19 Plaintiff will likely amend the Complaint to correct the Defendant's true identity.

20 6. Evidence Preservation. Plaintiff has reviewed the Guidelines Relating to the
21 Discovery of Electronically Stored Information ("ESI Guidelines"). The parties have not yet met
22 and conferred pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and proportionate steps taken
23 to preserve evidence relevant to the issues reasonably evident in this action.

24 7. Disclosures. Plaintiff only recently learned Defendant's true identity and no initial
25 disclosures have been made pursuant to Fed. R. Civ. P. 26.

26 8. Discovery. The only discovery taken to date is that which lead to the discovery
27 of Defendant's true identity. If the parties do not settle shortly, Plaintiff likely will amend the
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1 Complaint, serve the Defenadant and thereafter undertake discussions concerning the proper scope
2 of discovery in this action.

3 9. Class Actions. This is not a class action.

4 10. Related Cases. There are no related cases or proceedings pending before another
5 judge of this court, or before another court or administrative body.

6 11. Relief. Plaintiff seeks damages, an injunction and other appropriate relief against
7 Defendant, including reasonable attorneys' fees.

8 12. Settlement and ADR. Through their respective counsel, Plaintiff and Defendant are
9 currently engaged in settlement discussions.

10 13. Consent to Magistrate Judge For All Purposes. On June 24, 2013, Plaintiff
11 requested reassignment of this case to a District Judge and by order dated June 26, 2013, this case
12 was reassigned to the Hon. Richard Seeborg.

13 14. Other References. Plaintiff does not believe at this time that this case is suitable for
14 reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15 15. Narrowing of Issues. Plaintiff is not currently aware of an issues that can be
16 narrowed by agreement, motion or otherwise.

17 16. Expedited Trial Procedure. Plaintiff believes that this is the type of case that can be
18 handled under the Expedited Trial Procedure of General Order No. 64 Attachment A.

19 17. Scheduling. Plaintiff will meet with Defendant to discuss scheduling if this action
20 does not settle.

21 18. Trial. See No. 16 above.

22 19. Disclosure of Non-party Interested Entities or Persons. Plaintiff has filed the
23 "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. Pursuant to that
24 rule Plaintiff certified that, in addition to the parties to this case, Trinity Ventures, an investor in
25 Plaintiff, has an interest in this case.

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1 DATED: February 27, 2014

SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP

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By: /s/ David W. Hansen
DAVID W. HANSEN

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Attorneys for Plaintiff,
DOTLOOP, INC

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