

**SEALED**

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**FILED**

MAY - 1 2006

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

MICROSOFT CORPORATION, a  
Washington corporation,

Plaintiff,

v.

OLEG MEDVEDKOV, d/b/a 1ST CHOICE  
SOFTWARE, 030801, LEJEPEK,  
LEJEPEKA, and ARTOW, an individual; and  
LYNN LAYHEE, d/b/a 030801, an  
individual,

Defendants.

NO. CIV S-06-0949 FCD GGH

ORDER GRANTING MICROSOFT'S *EX*  
*PARTE* APPLICATION FOR (1)  
TEMPORARY RESTRAINING ORDER  
FREEZING DEFENDANTS' PAYPAL  
AND RELATED ACCOUNTS, AND (2)  
ORDER TO SHOW CAUSE

**[FILED UNDER SEAL]**

THIS MATTER comes before the Court upon plaintiff Microsoft's ("Microsoft") *Ex Parte* Application for (1) a Temporary Restraining Order freezing the PayPal account owned or controlled by defendants Oleg Medvedkov and Lynn Layhee (collectively, "Defendants") and related accounts, and (2) an Order requiring Defendants to appear and

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1 show cause why the identified accounts should not remain frozen pending the trial in this  
2 action. Having reviewed the materials submitted, and being fully advised, the Court  
3 GRANTS Microsoft's application as follows:

4 (1) The Court GRANTS Microsoft's *Ex Parte* Application without notice to  
5 Defendants because the Court finds that there is a real and substantial probability that  
6 Defendants will secrete or transfer beyond the Court's jurisdiction the funds that are the  
7 subject of this Temporary Restraining Order.

8 (2) The Court GRANTS Microsoft's *Ex Parte* Application for a Temporary  
9 Restraining Order freezing Defendants' PayPal and related accounts upon finding that  
10 plaintiff Microsoft has carried its burden of showing (a) irreparable harm, and (b) either a  
11 likelihood of success on the merits or sufficient questions on the merits to make them a fair  
12 ground for litigation and a balance of hardships tipping decidedly in its favor.

13 (3) The Temporary Restraining Order is granted pursuant to Federal Rule of  
14 Civil Procedure 65, the Court's general equitable power, 17 U.S.C. § 504(b) (copyright  
15 infringement), 15 U.S.C. § 1117(a) (trademark infringement), and 18 U.S.C. §  
16 2318(f)(3)(A) (counterfeit and illicit certificates of authenticity).

17 (4) The Court hereby RESTRAINS AND ENJOINS defendants Oleg  
18 Medvedkov and Lynn Layhee, and any persons or entities acting on their behalf, including  
19 but not limited to the financial institutions or third parties identified below, from  
20 transferring, disposing of, encumbering or secreting any of the following accounts:

21 (a) Any PayPal account(s) in the names of, linked to, or otherwise  
22 associated with Oleg Medvedkov and/or Lynn Layhee.

23 (b) Any PayPal account(s) in the names of, linked to, or otherwise  
24 associated with the email addresses artow@home.com, 030801a@sbcglobal.net,  
25 lejepeka@sbcglobal.net, lejepeka@sbcglobal.net, sales@webuysoft.com and/or  
26 mcoleg@yahoo.com.

1 (c) Any PayPal account(s) in the names of, linked to, or otherwise  
2 associated with eBay Seller names "030801," "lejepek," "lejepeka," "artow" and/or  
3 "1<sup>st</sup> Choice Software."

4 (d) Any PayPal account(s) in the names of, linked to, or otherwise  
5 associated with PriceGrabber names "030801," "lejepek," "lejepeka," "artow" and/or  
6 "1<sup>st</sup> Choice Software."

7 (e) Any bank account(s) or other types of accounts linked to or receiving  
8 deposits from any of the PayPal account(s) identified in Paragraphs 4(a) through (d)  
9 of this Order.

10 (5) As soon as practical upon service of this Order, PayPal is directed to identify  
11 by bank name and location, account holder, and account number any account(s) that is/are  
12 linked to or receiving deposits from any of the PayPal account(s) identified in Paragraphs  
13 4(a) through (d) of this Order.

14 (6) Within three business days upon service of this Order, PayPal is directed to  
15 provide account information in sufficient detail to identify the (a) account holder, (b)  
16 address or contact information, and (c) current balance for each account subject to this  
17 Order. The required information shall be delivered to counsel for Microsoft. As soon as  
18 practical, counsel for Microsoft is directed to serve Defendants with copies of all account  
19 information received from PayPal.

20 (7) This Temporary Restraining Order shall take effect immediately and shall  
21 remain in effect pending the Show Cause Hearing or further order of this Court.  
22 Defendants may apply to the Court for dissolution or modification of this Order on two  
23 court days' notice to Microsoft.

24 (8) Microsoft is directed to file proof of bond in the amount of \$10,000 within  
25 three court days of this Order. The bond shall serve as security for all claims with respect  
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1 to this Temporary Restraining Order and any additional injunctive relief ordered by the  
2 Court.

3 (9) Defendants are ordered to appear on May 5, 2006, at 10:00 a.m., and show  
4 cause why the account(s) that is/are the subject of this Order should not remain frozen  
5 pending the trial in this action.

6 (10) Defendants shall serve and file any papers in opposition to the continued  
7 freeze not less than three court days before the Show Cause Hearing. Plaintiff Microsoft  
8 shall serve and file any reply papers not less than one court day before the Hearing.

9 (11) Defendants may apply to the court for modification or dissolution of this  
10 order on two (2) court days notice by personal service or such service as the court shall  
11 allow.

12 DATED this 1st day of May, 2006 at 4:45 p.m.

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17 United States District Judge  
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