

The Honorable Marsha J. Pechman

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON CONTENT SERVICES LLC, a
Delaware corporation, PENGUIN RANDOM
HOUSE LLC, a Delaware corporation, LEE
CHILD, SYLVIA DAY, JOHN GRISHAM, C.J.
LYONS, DOUG PRESTON, JIM
RASENBERGER, T.J. STILES, R.L. STINE,
MONIQUE TRUONG, SCOTT TUROW,
NICHOLAS WEINSTOCK, AND STUART
WOODS,

Plaintiffs,

v.

KISS LIBRARY d/b/a KISSLY.NET,
WTFFASTSPRING.BID, LIBLY.NET, and
CHEAP-LIBRARY.COM, RODION
VYNNYCHENKO, ARTEM
BESSHAPOCHNY, JACK BROWN, and
DOES 1-10,

Defendants.

NO. 2:20-cv-01048 MJP

**ORDER ISSUING PRELIMINARY
INJUNCTION AND AUTHORIZING
CONTINUED EXPEDITED DISCOVERY**

This matter comes before the Court on *ex parte* motion by Publishers Amazon Content Services LLC and Penguin Random House LLC, and Authors Lee Child, Sylvia Day, John Grisham, C.J. Lyons, Doug Preston, Jim Rasenberger, T.J. Stiles, R.L. Stine, Monique Truong, Scott Turow, Nicholas Weinstock, and Stuart Woods (collectively, “Plaintiffs”) for an Alternate Service Order, Expedited Discovery Order, a Temporary Restraining Order (collectively, the “TRO”), and a Hearing for Defendants Kiss Library, Rodion Vynnychenko,

PRELIMINARY INJUNCTION &



1 Artem Besshapochny, Jack Brown, and Does 1-10 (collectively, “Defendants”) to Show Cause
2 why the Court should not enter a Preliminary Injunction.

3 Seeking relief under Federal Rules of Civil Procedure (“Rule”) 4, 26, and 65, Plaintiffs
4 filed their Complaint and *ex parte* motion on July 8, 2020, which provided evidence showing
5 that Defendants are engaged in ongoing, widespread copyright infringement of Plaintiffs’
6 works (the “Works”) through a ring of substantively identical mirror websites, including but
7 not limited to kissly.net, wtffastspring.bid, libly.net, and cheap-library.com (the “Websites”),
8 and other websites that redirected to those Websites such as kisslibraryemails.com. Dkts. 1-4.

9 On July 9, 2020, the Court issued its TRO and granted Plaintiffs’ requested relief,
10 including a temporary injunction, alternate service, and expedited discovery. Dkt. 10. That
11 same day, Plaintiffs served process through electronic means to Defendants’ email address,
12 contact@kisslibrary.com, providing notice of Plaintiffs’ Complaint, *ex parte* motion, and the
13 Court’s Order to Show Cause as to why a Preliminary Injunction should not issue. The Court
14 directed Defendants to file and serve any answering papers before 5:00 p.m. on August 14,
15 2020, and to appear at the show cause hearing on August 25, 2020, at 4:15 p.m. Dkt. 10 at 9.

16 On July 15, 2020, Plaintiffs posted a \$10,000 bond with the Court Registry. Also
17 pursuant to the Court’s Order, Plaintiffs’ counsel filed a declaration on August 17, 2020, Dkt.
18 12, which provided evidence of service, confirmed restraint of Defendants’ Websites, including
19 kisslibrary.com, kisslibraryemails.com, kisslibrary.net, kissly.net, wtffastspring.bid, libly.net,
20 cheap-library.com, books.coffee, getebooks.net, booksgreatchoice.com, maximumbook.org,
21 bsebooks.com, bookspc.com, crucialbooks.com, osebooks.com, wordered.com, thekissly.net,
22 kisslibraryemails.net, quabook.com, and luckybooks.online, identified an unnamed Doe
23 Defendant, Ihor Kliman, and confirmed the restraint of Defendants’ assets associated with
24 email addresses roddiku@gmail.com, sofleadecen1987@mail.ru, kmytz@yandex.ru,
25 redoxyzo@gmail.com, jjpetruninas@gmail.com, robert.teifeld@gmail.com, and
26 dmitriy.chernyay@gmail.com.

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PRELIMINARY INJUNCTION &

1 The Court held its show cause hearing on August 25, 2020 at 4:15 p.m. through
2 teleconference means, to provide Defendants an opportunity to show cause as to why a
3 preliminary injunction should not be entered for the pendency of the litigation. Despite having
4 received notice of the hearing time, date, and call in numbers, Defendants did not appear at the
5 hearing or file any response to Plaintiffs' papers or the Court's Order.

6 The Court, having reviewed the Complaint, Plaintiffs' motion, and all supporting
7 declarations and exhibits, and having conducted a show cause hearing, finds as follows:

8 **1.** Plaintiffs have demonstrated they are entitled to immediate injunctive relief by
9 establishing (a) they are likely to succeed on the merits of their copyright claims, (b) they have
10 and are suffering irreparable injury in the absence of an injunction based on Defendants' illegal
11 reproduction, display, and distribution of Plaintiffs' Works, (c) the balance of hardships weighs
12 in Plaintiffs' favor, and (d) the public interest favors granting injunctive relief;

13 **2.** With respect to likelihood of success on the merits, Plaintiffs have demonstrated
14 that they are likely to succeed in showing:

15 **a.** Plaintiffs are the exclusive and beneficial owners of copyrights in the Works,
16 which were registered before this action;

17 **b.** Defendants have engaged in direct copyright infringement of those Works
18 by reproducing, displaying, and distributing the Works for profit through the
19 Websites identified in the Complaint and in Plaintiffs' supplemental papers
20 and declarations, *see* Dkt. 12;

21 **c.** Defendants have induced, caused, and materially contributed to others'
22 infringement of those Works, through the intentional solicitation,
23 facilitation, and ability to control and supervise others' upload of the
24 infringed Works on the Websites for profit;

25 **d.** As a result of Defendants' conduct, third-party purchasers have also
26 impermissibly copied Plaintiffs' protected works, further infringing
27 Plaintiffs' rights in those Works;

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1 e. Defendants knew of and intentionally contributed to and furthered the
2 infringing activity; and

3 f. At a minimum, Defendants acted with willful blindness to, or in reckless
4 disregard of, Plaintiffs' registered copyrights and exclusive rights.

5 3. The reproduction, display, and distribution of Plaintiffs' Works will result in
6 immediate and irreparable injury to Plaintiffs' reputations, prospective and current customers,
7 goodwill, negotiating positions, distribution arrangements, and other intangible assets, if the
8 existing injunctive relief is not continued for the duration of this litigation;

9 4. Plaintiffs' harm from denying the requested continued injunctive relief would
10 outweigh any harm to Defendants' legitimate interests from granting such relief;

11 5. It is in the public's interest to protect Plaintiffs' copyrights and enjoin
12 unauthorized distribution of their Works;

13 6. With regard to the need for injunctive relief to secure assets without notice and
14 expedited discovery to discover Defendants' identities and assets, the Court finds Plaintiffs
15 have provided evidence showing:

16 a. Defendants have gone to great lengths to conceal their identities, locations,
17 and proceeds from Plaintiffs' and this Court's detection, including using
18 multiple false identities and addresses associated with their operations and
19 purposely-deceptive contact information;

20 b. At least some of the Defendants are likely overseas and Defendant Kiss
21 Library appears to communicate solely through email; and

22 c. Defendants would likely destroy, move, hide, or otherwise make
23 inaccessible the proceeds of their infringement, copies of infringed Works,
24 and the Websites used to display and distribute those Works, to the Court
25 and Plaintiffs if they received advance notice, thus frustrating the ultimate
26 relief Plaintiffs seek in this action.
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PRELIMINARY INJUNCTION &

1 7. Entry of an order other than the requested Order would not adequately achieve
2 the purposes of the Copyright Act to preserve Plaintiffs' equitable remedies for copyright
3 infringement, including among other things: the restraint of Defendants' unauthorized sale and
4 distribution of Plaintiffs' Works, including through Defendants' Websites, the acquisition of
5 business records relating to Defendants' operations, and the preservation of Plaintiffs' right to
6 an equitable accounting of proceeds from Defendants' sale of Plaintiffs' Works;

7 8. Defendants received notice and service of process through electronic means of
8 Plaintiffs' Complaint, *ex parte* Motion, the Court's TRO and Order to Show Cause as to why a
9 Preliminary Injunction should not be issued, and the time and location of the show cause
10 hearing.

11 9. Defendants have failed to respond to the Court's Orders as directed, dispute
12 Plaintiffs' claims, evidence, or requested relief, or appear at proceedings, despite having
13 received adequate notice.

14 THEREFORE, IT IS HEREBY ORDERED that the Defendants and their associated
15 assets are hereby enjoined as follows:

16 **PRELIMINARY INJUNCTION**

17 IT APPEARING to the Court that Defendants are reproducing, displaying, distributing,
18 offering for sale, and/or selling Plaintiffs' Works through their Websites, and will continue to
19 carry out such acts unless restrained by Order of the Court, it is hereby:

20 ORDERED, Defendants, including their agents, servants, employees, confederates, and
21 any persons acting in concert or participation with them or third parties providing services used
22 in connection with Defendants' operations including, without limitation, payment processors,
23 banking or financial institutions, cryptocurrency processors, email providers, domain registrars
24 or hosts, Internet service providers, back-end service providers, affiliate program providers,
25 web designers, search engine or ad-word providers, and online business-to-business selling
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