

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION – FELONY BRANCH**

**IN THE MATTER OF THE SEARCH
OF WWW.DISRUPTJ20.ORG THAT
IS STORED AT PREMISES OWNED,
MAINTAINED, CONTROLLED, OR
OPERATED BY DREAMHOST**

Special Proceedings Nos. 17 CSW 3438

HEARING REQUESTED

FILED
IN SUPERIOR COURT
SPECIAL PROCEEDINGS
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UNITED STATES’S MOTION FOR DREAMHOST TO SHOW CAUSE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby moves the Court to order DreamHost, Inc. (“DreamHost”), to show cause why DreamHost should not be compelled to comply with a warrant issued by this Court on July 12, 2017, No. 17 CSW 3438, pursuant to 18 U.S.C. § 2703(a), and ordered immediately to provide to the government certain records and information specified within Attachment B to that warrant that are within the possession, custody, or control of Dreamhost, regardless of where such records or information may be stored.

BACKGROUND

On July 12, 2017, this Court authorized a search warrant pursuant to 18 U.S.C. § 2703(a), commanding DreamHost to disclose to the government records and information associated with the website www.disruptj20.org, including communications and content associated with the account. (Ex. A.) That website was used in the development, planning, advertisement, and organization of a violent riot that occurred in Washington, D.C., on January 20, 2017. Attachment A to the warrant identified the particular customer account that is the subject of the warrant, which was www.disruptj20.org. (Ex. A.) Attachment B, Subsection I, of the warrant, titled “Information to be disclosed by Dreamhost,” ordered Dreamhost to disclose the following information for that account:

- a. all records or other information pertaining to that account or identifier, including all files, databases, and database records stored by DreamHost in relation to that account or identifier;
- b. all information in the possession of DreamHost that might identify the subscribers related to those accounts or identifiers, including names, addresses, telephone numbers and other identifiers, e-mail addresses, business information, the length of service (including start date), means and source of payment for services (including any credit card or bank account number), and information about any domain name registration;
- c. all records pertaining to the types of service utilized by the user;
- d. all records pertaining to communications between DreamHost and any person regarding the account or identifier, including contacts with support services and records of actions taken.

(Ex. A.) Attachment B, Subsection II of the warrant limited the government's seizure to "[a]ll information described above . . . that constitutes fruits, evidence and instrumentalities of violations of D.C. Code § 22-1322[.]"

On Friday, July 14, 2017, the government sent a copy of the Court's search warrant and its attachments to DreamHost by email. (Ex. B.) DreamHost responded that same day acknowledging that it was in receipt of the search warrant but requested that the government personally serve a copy of the Court's search warrant on DreamHost in California. (Ex. B.) On Monday, July 17, 2017, an agent from the Federal Bureau of Investigation personally delivered a copy of the search warrant to DreamHost.¹ (Ex. C.) DreamHost acknowledged being personally served in an email message dated July 18, 2017. (Ex. C.)

¹ The government also sent copies of the Court's search warrant to DreamHost and to DreamHost's registered agent for service of process in California via Federal Express overnight delivery with signature required at delivery. The Federal Express tracking information for each of those packages indicates that they were delivered on July 18, 2017.

On July 19, 2017, the government requested that DreamHost begin an immediate production of materials in response to the Court's search warrant. (Ex. D.) The government also cautioned DreamHost that if DreamHost did not begin to comply with the Court's search warrant, the government may need to seek relief from the Court. (Ex. D.) That same day, the General Counsel for DreamHost replied to the government that DreamHost could not respond to the Court's search warrant at that time because "the entire company" had convened at an "offsite . . . day-long meeting" and "we're all out of the office." (Ex. E.) However, the General Counsel for DreamHost promised that "we will have an update for you (likely tomorrow [July 20]) with production information and instructions." (Ex. E.)

On July 20, 2017, the government again contacted DreamHost to request that the company begin a rolling production of materials responsive to the Court's search warrant. (Ex. F.) Later that day, the government received an email message from Raymond Aghaian, Esq., an attorney representing DreamHost, who requested to have a telephone call with the government to discuss the Court's search warrant. (Ex. F.) Later that day, the government unsuccessfully tried to reach Mr. Aghaian on the telephone to discuss this matter. (Ex. G.) The government also tried to reach Mr. Aghaian—again without success—the next morning, July 21, 2017. (Ex. G.)

On July 21, 2017, the government received an email message from Mr. Aghaian stating four "concerns" with the Court's search warrant:

1. There is some uncertainty as to the language in [Attachment B] Section II, paragraph 2, that we would like to clarify and get a better understanding of what exactly is requested. Moreover, we need to be able to inform the subscriber about the warrant, but it is difficult to do so without knowing specifically which accounts or domains are at issue.
2. The DC Code is very specific about the Superior Court's jurisdictional limit in issuance of search warrants within DC. Since the servers containing the records at issue here are located in