

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

PLAINTIFFS' UPDATE  
REGARDING DEFENDANT  
VYNNYCHENKO PROOF OF  
SERVICE, PURSUANT TO APRIL  
28, 2021 ORDER (DKT. 27)

Pursuant to the Court's April 28, 2021 Order (Dkt. 27), setting a June 4, 2021 deadline "to complete and file proof of additional service and file a status report describing the status of service and the litigation and propose a deadline by which the parties will file a joint status report," Plaintiffs provide the Court with this update.

As detailed in Plaintiffs' past updates and supporting declarations, Defendant Rodion Vynnychenko has intentionally caused delays and evaded service by deregistering his official address in Ukraine after Plaintiffs filed this suit. *See* Dkt. 25 ("April Update") at 2-3; Dkt. 26

PLAINTIFFS' JUNE UPDATE

1 (“Supp. Decl.”) ¶¶ 6-15. After substantial delays following his deregistration, Defendant  
2 Vynnychenko eventually registered a new purported address in the Kirovograd region, which  
3 required Plaintiffs to request and then have new service documents transferred to the Kirvoskyi  
4 District Court of Kirovograd. Supp. Decl. ¶¶ 8-13. Although the Kirovskyi Court initially set  
5 a hearing for March 4, 2021 to confirm service at Vynnychenko’s new official address, that  
6 hearing was continued to April 14, 2021 due to a funding shortage that prevented the court  
7 from attempting service. *Id.* ¶¶ 14-15.

8 Then, at the continued April 24, 2021 hearing, the Kirovskyi Court informed Plaintiffs’  
9 counsel that the court had determined that new address provided by Vynnychenko was not, in  
10 fact, his residence. *See* Third Declaration of Artem Krykun-Trush (“Third Decl.”) ¶ 2. As a  
11 result, the Kirovskyi District Court returned the request unexecuted to the Ministry for failure  
12 to confirm residence after the Kirovskyi clerk personally confirmed that Vynnychenko did not  
13 reside at the registered address he provided. *Id.* ¶ 3. Based on these repeated and intentional  
14 attempts to evade service, Plaintiffs engaged a private investigator to assist the Ukrainian  
15 government in identifying and confirming Defendant Vynnychenko’s place of residence. *Id.*  
16 ¶ 4.

17 Through those efforts, Plaintiffs located Vynnychenko’s true residence in Kyiv and  
18 forwarded his location to the Ministry for government-mandated service. *Id.* ¶¶ 5-6. On May  
19 25, 2021, the Ministry’s territorial department in Kyiv forwarded the service documents to the  
20 Holosiivskyi District Court of Kyiv, for purpose of effecting and confirming service at  
21 Vynnychenko’s residence. *Id.* ¶¶ 7-8. On June 3, 2021, the Holosiivskyi District Court  
22 received the service documents and set a hearing to confirm service for June 11, 2021 at  
23 10:00am. *Id.* ¶ 9. Given Vynnychenko’s attempts to avoid service and Ukrainian law—which  
24 requires the government to serve parties with original paper copies to confirm service under the  
25 Hague Convention, *see* Supp. Decl. ¶ 2—Plaintiffs respectfully request an additional sixty days  
26 to effect service on Defendant Vynnychenko and translate copies of service confirmation  
27 documents sent by mail from the Ukrainian government.

1 As to the Court's request for a litigation update and deadline by which the parties will  
 2 file a joint status report, Plaintiffs note that Defendants Artem Besshapochny and Jack Brown  
 3 have failed to appear despite confirmation of proper service. See Dkt. 22 ("February Update")  
 4 at 2; Dkt. 24 ("Goldmark Decl.") ¶¶ 3-4, Exs. B-C. Based on those failures and Defendant  
 5 Vynnychenko's evasion of service to date, Plaintiffs are unable to submit a joint status report to  
 6 the Court at this time. In addition to their diligent efforts to serve Defendant Vynnychenko,  
 7 Plaintiffs advise the Court that they have also been diligently pursuing discovery regarding the  
 8 identities and activities of any additional Doe defendants. Given those ongoing efforts,  
 9 complicated and delayed by the named Defendants' failures to appear and evasions of service,  
 10 Plaintiffs respectfully propose that they provide a further update in sixty days. By then,  
 11 Plaintiffs expect to have completed service on Defendant Vynnychenko, reviewed all incoming  
 12 discovery to uncover any additional Doe Defendants, and provide the Court with a deadline by  
 13 which they will move for default judgment or file an amended complaint.

14 DATED this 4th day of June, 2021.

15 DAVIS WRIGHT TREMAINE LLP

16 By s/ John A. Goldmark

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