

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELSEVIER INC., ELSEVIER B.V., ELSEVIER
LTD.

Plaintiffs,

v.

SCI-HUB d/b/a WWW.SCI-HUB.ORG, THE
LIBRARY GENESIS PROJECT d/b/a
LIBGEN.ORG, ALEXANDRA ELBAKYAN,
JOHN DOES 1-99,

Defendants.

Index No. 15-cv-4282 (RWS)

**DECLARATION OF JOSEPH V. DEMARCO IN SUPPORT OF PLAINTIFFS’
MOTION FOR DEFAULT JUDGMENT AND PERMANENT INJUNCTION**

I, JOSEPH V. DEMARCO, declare as follows is true and correct:

1. I submit this declaration in support of Plaintiffs’ motion for default judgment and permanent injunction against the Defendants in the above-captioned matter.

2. I am a member of the Bar of this Court and a partner of the law firm of DeVore & DeMarco LLP, attorneys for plaintiffs Elsevier Inc., Elsevier B.V., and Elsevier Ltd. (together the “Plaintiffs” or “Elsevier”) in this above-referenced matter. My office address is 99 Park Avenue, Suite 1100, New York, New York, 10016.

3. My firm has, since the entry of this Court’s Order authorizing service on Defendants by email (entered June 18, 2015, Dkt. 15, as corrected in this Court’s Order dated

June 25, 2015, Dkt. 17) served copies of filings in this matter at the email addresses specified in the Order.

4. I participated in two teleconferences with this Court relating to this matter (each before Hon. Ronnie Abrams) on July 7 and July 14, 2015. Defendant Alexandra Elbakyan participated in both teleconferences.

5. Following the entry of the Preliminary Injunction in this matter (entered October 30, 2015, Dkt. 53), I provided a copy of the Preliminary Injunction to the Public Interest Registry, which is the top-level domain registry for the “.org” top-level domain, and requested that the Public Interest Registry disable the domains estrorecollege.org, sci-hub.org, elibgen.org, and bookfi.org.

6. On November 5, 2015, the Public Interest Registry informed me by email that the domains estrorecollege.org, sci-hub.org, elibgen.org, and bookfi.org had been placed on registryHold/serverHold, as well as serverUpdate, serverDelete, and serverTransfer prohibited statuses. As a result, each of those domain names has been non-functional since that date.

7. My firm also, following the entry of the Preliminary Injunction in this matter, provided a copy of the Preliminary Injunction to Afilias, which is the top-level domain registry for the “.info” top-level domain, and requested that Afilias disable the domain libgen.info.

8. On November 3, 2015, Afilias informed me by email that the domain libgen.info had been placed on serverHold, serverDeleteProhibited, serverTransferProhibited, and serverUpdateProhibited locks.

9. Following the disabling of the above-referenced “.org” sites, Sci-Hub, Bookfi, and LibGen have each relocated their websites to domains, including those within other top-level domains such as “.io”, “.cc”, and “.ac”, which are administered by entities outside the United

States, and which are known to be less likely to comply with orders issued by United States courts.

10. Attached as Exhibit A is a true and correct copy of the Clerk's Certificate of Default in this matter, entered on February 16, 2017. My firm served the Certificate of Default on all Defendants by email on February 22, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

Dated May 12, 2017.


Joseph V. DeMarco