

**DISSEMINATED BY MERCURY PUBLIC AFFAIRS, LLC, A REGISTERED FOREIGN
AGENT, ON BEHALF OF Q CYBER TECHNOLOGIES LTD. MORE INFORMATION
IS ON FILE WITH THE DEPT. OF JUSTICE, WASHINGTON, DC.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WHATSAPP INC., a Delaware corporation,
and FACEBOOK, INC., a Delaware
corporation,

Plaintiffs,

v.

NSO GROUP TECHNOLOGIES LIMITED
and Q CYBER TECHNOLOGIES LIMITED,

Defendants.

Case No. 3:19-cv-07123-JSC

**[PROPOSED] ORDER GRANTING
MOTION OF DEFENDANTS NSO
GROUP TECHNOLOGIES LIMITED
AND Q CYBER TECHNOLOGIES
LIMITED FOR SANCTIONS AGAINST
PLAINTIFFS WHATSAPP INC.,
FACEBOOK, INC., AND THEIR
COUNSEL**

1 The Court, having heard argument on the motion of Defendants NSO Group
2 Technologies Limited and Q Cyber Technologies Limited (“NSO”) for sanctions against
3 Plaintiffs and their counsel and having given full consideration of Defendants’ motion, all points
4 and authorities filed in support of, and in opposition to, the motion, hereby finds Plaintiffs and
5 their counsel acted in bad faith by informing the Court that NSO had been served under the
6 Hague Convention.

7 **GOOD CAUSE THEREFOR APPEARING, IT IS HEREBY ORDERED:**

8 1. Plaintiffs and their counsel Cooley LLP are jointly and severally liable to
9 Defendants for attorney’s fees incurred by Defendants in setting aside the default
10 in the amount of \$ _____ pursuant to 28 U.S.C. § 1927 and the Court’s
11 inherent authority.

12 2. The Court imposes the following additional sanctions:

13 _____
14 _____
15 _____
16 _____
17 _____
18 _____

19
20 **IT IS SO ORDERED.**

21
22 Dated: _____, 2020

23 _____
24 THE HONORABLE JACQUELINE SCOTT CORLEY
25 UNITED STATES MAGISTRATE JUDGE
26
27
28

DISSEMINATED BY MERCURY PUBLIC AFFAIRS, LLC, A REGISTERED FOREIGN AGENT, ON BEHALF OF Q CYBER TECHNOLOGIES LTD. MORE INFORMATION IS ON FILE WITH THE DEPT. OF JUSTICE, WASHINGTON, DC.

1 JOSEPH N. AKROTIRIANAKIS (Bar No. 197971)
 2 *jakro@kslaw.com*
 3 AARON S. CRAIG (Bar No. 204741)
 4 *acraig@kslaw.com*
 5 KING & SPALDING LLP
 633 West Fifth Street, Suite 1700
 Los Angeles, CA 90071
 Telephone: (213) 443-4355
 Facsimile: (213) 443-4310

Attorneys for Defendants NSO GROUP TECHNOLOGIES
 LIMITED and Q CYBER TECHNOLOGIES LIMITED

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

11 WHATSAPP INC., a Delaware corporation,
 12 and FACEBOOK, INC., a Delaware
 13 corporation,
 14 Plaintiffs,
 15 v.
 16 NSO GROUP TECHNOLOGIES LIMITED
 and Q CYBER TECHNOLOGIES LIMITED,
 17 Defendants.

Case No. 3:19-cv-07123-JSC

**DECLARATION OF AARON S. CRAIG
 IN SUPPORT OF DEFENDANTS NSO
 GROUP TECHNOLOGIES LIMITED
 AND Q CYBER TECHNOLOGIES
 LIMITED'S MOTION FOR SANCTIONS
 AGAINST PLAINTIFFS WHATSAPP
 INC., FACEBOOK, INC., AND THEIR
 COUNSEL**

Date: April 16, 2020
 Time: 9:00 a.m.
 Ctrm: E

Action Filed: 10/29/2019

1 I, Aaron S. Craig, declare as follows:

2 1. I am a member of the California State Bar and the bar of this court and a partner in
3 the law firm of King & Spalding LLP, counsel to NSO Group Technologies Limited and Q Cyber
4 Technologies Limited (“Defendants”), defendants in this action. I have personal knowledge of the
5 facts set forth herein and, except as otherwise stated, could testify competently to each fact herein.

6 2. My hourly rate in this action is \$1,057.50. My partner Joseph N. Akrotirianakis’s
7 hourly rate is \$1,071.

8 3. On March 5 and 6, 2020, I spent at least twenty hours drafting, revising and
9 finalizing the Application of Defendants NSO Group Technologies Limited and Q Cyber
10 Technologies Limited to Set Aside Default and to Enlarge Time to File Responsive Pleading to
11 Complaint [Dkt. No. 24] and the supporting declarations and proposed order (the “Application”).
12 At least ten hours of this time was spent on the portion of the Application relating to the setting
13 aside of the default.

14 4. On March 5 and 6, 2020, Mr. Akrotirianakis spent at least five hours drafting,
15 revising, and finalizing the portion of the application relating to the setting aside of the default.

16 5. On March 3, 2020, Mr. Akrotirianakis and I jointly researched and wrote a letter to
17 Plaintiffs’ counsel Travis LeBlanc, Esq., of Cooley LLP, notifying him of his ethical obligation
18 not to knowingly make a false statement of fact or law to a tribunal and to correct a false statement
19 of material fact or law previously made to the tribunal by the lawyer. Mr. Akrotirianakis and I
20 each spent in excess of 0.5 hours on this letter.

21 6. NSO Group and Q Cyber will be billed \$11,103.75 for the 10.5 hours I spent on
22 these matters seeking to set aside the default that the Court entered after Facebook lied about Hague
23 Convention service. They will also be billed \$5,890.50 for the 5.5 hours that Mr. Akrotirianakis
24 spent on these matters seeking to set aside the default that the Court entered after Facebook lied to
25 it about Hague Convention service. The sum of these amounts is \$16,994.25.

26 7. The hourly rates for myself and Mr. Akrotirianakis are both reasonable and typical
27 in Los Angeles County for attorneys of comparable qualifications, skill level, and experience in
28 matters of the type and complexity of this matter, and on a number of occasions, other courts have

1 determined our hourly rates are reasonable for our qualifications, experience, and skill level.

2 8. I graduated from Yale University in 1995 and Yale Law School in 1999, where I
3 was an editor on the Yale Law Journal. I began practicing at Quinn Emanuel in 1999, and I have
4 been a partner in three law firms, including in King & Spalding which I joined in April 2017. King
5 & Spalding is a global firm with more than 1,000 attorneys in more than twenty offices. I am a
6 partner in King & Spalding's Trial and Global Disputes practice group. I am an experienced
7 litigator and trial lawyer with experience across a broad spectrum of industries, including computer
8 systems and software and semiconductors. I have represented companies such as Allergan, Micron
9 (in a jury trial in the Northern District of California), Nokia, Seiko Epson, Parsons, Johnson &
10 Johnson, Avery Dennison, Mattel, and Shell in high profile commercial litigation and intellectual
11 property litigation in federal and state courts as well as before the International Trade Commission.
12 I have been lead counsel or co-lead counsel in three jury trials and several other court trials. In
13 between college and law school, I worked as a technology analyst at the technology research and
14 advisory firm META Group in Stamford, CT (subsequently acquired by Gartner Group).

15 9. In May 1998, Mr. Akrotirianakis graduated second in his class of almost 400 from
16 Loyola Law School, *magna cum laude*, Order of the Coif, as a Sayre MacNeil Scholar, and as a
17 member of the St. Thomas More Law Honor Society. He served as a law clerk to the late
18 Honorable Harry Pregerson, United States Court of Appeals for the Ninth Circuit. He then started
19 practicing as a business litigator and trial lawyer at Quinn Emanuel in 1999. Mr. Akrotirianakis
20 has practiced before all levels of federal and California courts in matters involving commercial
21 disputes, intellectual property, government contracts, civil rights, and health care regulatory
22 investigations and enforcement actions, among others. His clients included Fortune 1000
23 companies, the largest health plan in the United States, corporate officers, the Mayor of Los
24 Angeles, and members of the Los Angeles City Council, police commissioners, and chiefs of
25 police. He has litigated a number of matters in the Bay Area, including before the United States
26 District Court for the Northern District of California.

27 10. In 2005, Mr. Akrotirianakis began working as an Assistant United States Attorney
28 ("AUSA") for the Central District of California, a position in which he served for seven and a half

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28