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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 **ANTHONY MITCHELL,**
10 Plaintiff,
11 v.
12 **EMORY ANDREW TATE III, et al.,**
13 Defendants.

Case No. **2:26-cv-00720-JAD-BNW**
PLAINTIFF’S REPLY IN SUPPORT OF
MOTION FOR LEAVE TO CONDUCT
LIMITED EXPEDITED THIRD-PARTY
DISCOVERY AS TO FUNDRAISER.COM
(ECF NO. 41)

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16 **INTRODUCTION**

17 Non-party Nicholas Thomas opposes the Motion (ECF No. 41) without denying its central fact: the
18 operator of fundraiser.com used GoDaddy’s customer-notification window to transfer the domain to a
19 new registrar and re-cloak behind a new privacy proxy before any records were produced under this
20 Court’s prior order (ECF Nos. 26, 40). That undisputed evasion is the good cause for the relief sought.
21 And the hackathon Thomas repeatedly calls merely “alleged” is live and operating as of the date of this
22 filing, as shown in Section IV and the accompanying Supplemental Declaration of Anthony Mitchell
23 and Exhibits A–B thereto.

24 Thomas’s lead argument—that GoDaddy “still retains” the registrant data under ICANN Registration
25 Data Policy § 12, so no new discovery is needed—collapses on its own terms. Section 12 requires
26 retention only of “data elements necessary for the purposes of the Transfer Dispute Resolution Policy,”
27 a registrar-versus-registrar arbitration mechanism, not the operator’s identity. And the registrant
28 GoDaddy retained was itself a privacy proxy—Domains By Proxy, LLC—which Plaintiff *already*
subpoenaed under this Court’s prior order, and which the operator evaded along with GoDaddy.
Thomas’s remaining objections fail for want of standing, misread the authority he cites, or seek a
use-restriction that would defeat the very purpose of identification. Plaintiff nonetheless agrees to a
protective order requiring redaction of the sensitive financial information he never sought—Social

1 Security numbers and payment-card and financial-account numbers—to the extent any is produced. The
 2 Motion should be granted.

3 ARGUMENT

4 **I. The Evasion of This Court’s Prior Order Is Undisputed and Establishes Good Cause.**

5 Thomas does not deny that GoDaddy notified its customer of the ECF No. 26 subpoena; that
 6 fundraiser.com was transferred from GoDaddy to Sea Wasp, LLC on the evening of May 18, 2026,
 7 before GoDaddy’s thirty-day response window elapsed and before any records were produced; or that
 8 the registrant was simultaneously re-cloaked behind a new proxy, privacy@dnic.JewellaPrivacy.com,
 9 listing a non-address (“LA”). (ECF No. 40 ¶¶ 7–11.) He calls this Plaintiff’s “theory” (Opp. at 6–7), but
 10 offers no contrary facts. An unrebutted, documented evasion of a court-authorized subpoena is the
 11 paradigm of “good cause” for further expedited discovery. *Gillespie v. Civiletti*, 629 F.2d 637, 642
 12 (9th Cir. 1980); *Amazon.com, Inc. v. Yong*, No. 21-170RSM, 2021 WL 1237863, at *1 (W.D. Wash.
 13 Apr. 2, 2021); *Semitool, Inc. v. Tokyo Electron Am., Inc.*, 208 F.R.D. 273, 276 (N.D. Cal. 2002).
 14 Applying *Gillespie* and *Amazon.com v. Yong*, this Court already found good cause to identify Doe
 15 Defendant 1 where the information sought is “maintained exclusively by GoDaddy.com and Domains
 16 by Proxy, LLC” and the discovery is “narrowly tailored to obtain information related only to the purpose
 of identifying those responsible for operating” the site. (ECF No. 26 at 2.) The operator’s evasion
 satisfies each factor with greater force than before: he has now demonstrated that a single-custodian,
 notify-first subpoena can be defeated, which is precisely why independent custodians beyond his reach
 are necessary.

17 **II. Thomas’s ICANN § 12 Argument Is Self-Defeating.**

18 Thomas argues there is no good cause because GoDaddy must retain the data fifteen months under
 19 ICANN Registration Data Policy § 12. (Opp. at 6.) The argument fails on the face of the policy he
 20 quotes.

21 **A. Section 12 retention is limited to transfer-dispute data, not registrant identity.** Section 12
 22 requires retention only of “those data elements necessary for the purposes of the Transfer Dispute
 23 Resolution Policy.” (Opp. at 6:21–24 (quoting § 12).) The Transfer Dispute Resolution Policy
 24 (“TDRP”) is an arbitration mechanism between a gaining and a losing registrar contesting whether an
 inter-registrar transfer was proper. Thomas quotes a registrar-versus-registrar retention clause and
 silently expands it to cover everything Plaintiff seeks. The policy does not say that.

25 **B. GoDaddy’s retained registrant was a privacy proxy that Plaintiff already subpoenaed—and**
 26 **that the operator also evaded.** The registrant of record for fundraiser.com during GoDaddy’s
 27 sponsorship was not the operator but a privacy proxy, Domains By Proxy, LLC. That is why this Court’s
 28 prior order authorized subpoenas to *both* GoDaddy.com, LLC *and* Domains By Proxy, LLC

1 (ECF No. 26), and why Plaintiff served both (ECF Nos. 29, 30). Whatever registrant data GoDaddy
2 retains under § 12 therefore identifies the proxy, not the operator; the true identity behind that proxy was
3 held by Domains By Proxy—which Plaintiff already subpoenaed. The operator evaded that entire
4 authorized arrangement: before either GoDaddy or Domains By Proxy produced any records, the
5 operator transferred fundraiser.com to a new registrar (Sea Wasp) and re-cloaked behind a new,
6 unrelated privacy proxy (Jewella). (ECF No. 40 ¶¶ 7–11.) Thomas’s “go back to GoDaddy” thus asks
7 Plaintiff to rely on the very two custodians the operator has already evaded. And even a belated
8 production from them would be historical only, would not reach the post-transfer current registrant now
9 held by Sea Wasp and Jewella, and would remain subject to the same notify-then-evade vulnerability
10 that already failed. The independent account-records custodians—Cloudflare, Vercel, and Google—hold
11 the operator’s identity in records that no registrar or proxy transfer can move, which is precisely why
12 they are necessary.

13 **C. Retention is not production, and § 12 is silent as to four of the six custodians.** Even if GoDaddy
14 retains something, the operator has already shown he will exploit the gap between retention and
15 production by evading before records issue. (ECF No. 40 ¶¶ 7–11.) And § 12 says nothing about why
16 VeriSign’s registry-level transfer log, Sea Wasp’s current registrant record, or Jewella’s true-identity
17 record are improper. Thomas’s good-cause argument is non-responsive to most of the relief sought.

18 **III. Thomas’s Standing Is Limited, and His Objections Exceed It.**

19 Thomas appears “specially” and “does not concede that he is Doe Defendant 1.” (Opp. at 2.) Yet he
20 asserts a personal privacy and “affected-person” interest in fundraiser.com’s account, billing, and
21 infrastructure records. (Opp. at 7.) A non-party has standing to object to a subpoena directed to a third
22 party only as to material in which he holds a personal right, privilege, or privacy interest. *Walker v.*
23 *Intelli-Heart Servs., Inc.*, 2019 U.S. Dist. LEXIS 33821, at *11 (D. Nev. Mar. 4, 2019); *Cal.*
24 *Sportfishing Prot. Alliance v. Chico Scrap Metal, Inc.*, 299 F.R.D. 638, 643 (E.D. Cal. 2014). This
25 produces a dilemma the Court need not resolve in Plaintiff’s favor for the Motion to be granted: to the
26 extent Thomas asserts a personal interest in fundraiser.com’s account records, he confirms the
27 connection that makes those records identity-bearing and the discovery proper; to the extent he
28 disclaims any connection, he lacks standing to object at all.

Thomas also expressly declines to assert the custodians’ burden objections. (Opp. at 7:9–10.) He
therefore has no standing to challenge records that are not personal to him—in particular, VeriSign’s
registry-level registrar-transfer log and SRS change history (institutional chain-of-custody data
documenting only which registrar held the domain when) and origin-server IP addresses (infrastructure
data identifying a hosting server, not a person). Those objections should be disregarded for lack of
standing.

1 **IV. The Discovery Is Identification Discovery, Not Merits Discovery, and Is Proportional.**

2 Thomas's central objection—that “creation date,” “dates of identity changes,” and registrar-transfer
3 history are impermissible “merits, ownership, or alter-ego” discovery (Opp. at 4, 7–8)—cannot be
4 reconciled with this Court's prior order. The subpoenas this Court already authorized sought precisely
5 those categories: “Registrant name, address & email,” “Creation date,” and “dates of identity changes.”
6 (ECF No. 29.) This Court found that discovery “narrowly tailored to obtain information related only to
7 the purpose of identifying those responsible for operating” fundraiser.com. (ECF No. 26 at 2.) Thomas
8 thus asks the Court to brand as forbidden merits discovery the very categories it already adjudicated to
9 be narrowly-tailored *identification* discovery. Nothing changed but the custodian: because the operator
10 evaded GoDaddy and Domains By Proxy before they produced, Plaintiff now seeks the same
11 identification categories from custodians beyond the operator's reach.

12 Thomas repeatedly characterizes this matter as concerning a hackathon “allegedly hosted at
13 fundraiser.com” and refers to “the alleged operator.” (Opp. at 2.) That framing is incorrect. As set forth
14 in the accompanying Supplemental Declaration of Anthony Mitchell and Exhibits A and B thereto, the
15 website fundraiser.com/hackathon is live and operating as of the date of this filing, with active
16 navigation to its Showcase, Prizes, Sponsors, FAQ, and Register pages and live calls to “Submit Your
17 Project,” “Register,” and “Find Your Team.” The page has remained live and has continued to solicit
18 submissions from approximately January 2025—when Defendant Tate published his January 12, 2025
19 video promoting it—through today, a period spanning the entire subpoena window of January 16, 2025
20 forward.

21 Because the site is presently live and operating, its operator is a current, identifiable person who must be
22 named and served under Rule 4. The historical registrant and ownership records Thomas seeks to
23 exclude—creation date, dates of identity changes, and registrar transfer history—are precisely the means
24 by which that operator's identity, concealed behind a proxy and since re-cloaked, can be ascertained
25 across the period he has operated the site. That is identification of the person to be named and served; it
26 is not merits, jurisdictional, or alter-ego discovery. The same records may also bear on ownership for
27 other purposes, but Plaintiff seeks them solely to identify the Doe Defendant for service, and the
28 identification need is antecedent to and independent of any merits use. The live page is described and
attached solely as evidence that the site is presently operating, and not for the truth of any representation
displayed on it; in the alternative, Plaintiff respectfully requests that the Court take judicial notice under
Fed. R. Evid. 201 of the existence and content of the fundraiser.com/hackathon page as of the filing
date, noticed solely as to what the page displayed and not for the truth of any representation on it.

The additional records Thomas challenges—IP addresses, transfer logs, origin-server IPs, and
connected-repository information—are identification tools for the same reason. Each answers a single
question—who operates fundraiser.com and where can the operator be served—and each exists in

1 redundant form because the operator has proven he will collapse any single path: VeriSign’s transfer log
2 authenticates the chain of custody of the evasion itself; the Cloudflare origin-server IP provides an
3 identification path a registrar transfer cannot sever; account-creation and identity-change dates show
4 who held each account when; and the Vercel connected-repository provider and account name identify
5 the developer account behind the site’s build, again independent of any registrar. That a fact identifying
6 Doe 1 may also bear on the merits later does not convert identification discovery into merits discovery;
7 nearly every identity fact is potentially relevant downstream. The test is whether the record identifies the
8 operator. Each does.

9 The discovery is proportional. Fed. R. Civ. P. 26(b)(1). The amount in controversy exceeds \$1,000,000
10 (FAC ¶ 3); the burden on each custodian is minimal and limited to a single domain or account; and the
11 benefit is decisive—six independent, non-overlapping identification paths that ensure no further evasive
12 transfer or account deletion can defeat identification before the Rule 4(m) deadline of August 15, 2026.

13 To the extent Thomas contends this discovery is broader than the subpoenas the Court previously
14 authorized (ECF No. 29), the difference is the direct and proportionate consequence of the evasion he
15 does not deny. The prior order’s narrow, two-custodian approach was defeated when the operator
16 transferred fundraiser.com and re-cloaked behind a new proxy before either authorized custodian
17 produced. (ECF No. 40 ¶¶ 7–11.) The additional custodians and fields do not expand the *object* of the
18 discovery—which remains, exactly as before, the identity of the person operating fundraiser.com—they
19 supply the redundant, independent paths that a single registrar-and-proxy subpoena proved unable to
20 secure. A plaintiff who has watched one authorized path be evaded is entitled to proportionate
21 redundancy, not confined to repeating the path that already failed.

22 **V. Plaintiff Agrees to a Protective Order for Redaction of Sensitive Financial Information; the 23 Court Should Reject Thomas’s Use-Restriction.**

24 **A. Plaintiff’s concessions.** Plaintiff never needed, and does not seek, payment-card numbers,
25 financial-account numbers, or Social Security numbers, and he withdraws any request for “account
26 credentials.” Plaintiff affirmatively consents to a protective order requiring redaction of full
27 payment-card numbers, financial-account numbers, and Social Security numbers from any production
28 and from any public filing, to the extent any such information is produced. Plaintiff seeks no other
confidentiality designation: the operator’s identifying information, and the records that identify him, are
the object of this discovery and may be used to name, serve, and prosecute Doe Defendant 1, including
in public filings such as an amended complaint and summons, which is the very purpose for which this
discovery is sought. That redaction is the protection the Doe-identification cases contemplate—guarding
against extra-litigation dissemination of genuinely sensitive financial data while leaving the plaintiff
free to use the identity to name and serve the defendant. *Twitch Interactive, Inc. v. Doe*, 2019 U.S. Dist.
LEXIS 132842, at *16 (N.D. Cal. Aug. 7, 2019); *Uber Techs., Inc. v. Doe*, 2015 U.S. Dist.

1 LEXIS 32979, at *11 (N.D. Cal. Mar. 16, 2015). This concession resolves Thomas’s only genuinely
2 personal privacy concern—the dissemination of financial information. Thomas’s repeated emphasis on
3 “billing information” overstates what the subpoenas seek. Each billing request is limited on its face to
4 records “sufficient to identify the account holder” (ECF No. 41, Ex. A)—that is, account-holder identity
5 such as a billing name and address, not payment-card numbers, financial-account numbers, or other
6 financial instruments, which Plaintiff agrees to redact in any filing. Any sensitive financial data will
7 therefore be removed under the protective order, leaving only the account-holder identity Plaintiff needs
8 to name and serve the operator—information Plaintiff remains free to use for that purpose, including in
9 public filings. Finally, a party’s pro se status is not a basis to restrict otherwise proper discovery, and the
10 protective order binds Plaintiff to the same extent it would bind counsel.

11 **B. The use-restriction must be rejected.** Thomas asks the Court to bar Plaintiff from using the
12 information “to support merits allegations, personal jurisdiction arguments, alter-ego theories,
13 ownership theories, party-expansion theories, [or] sanctions.” (Opp. at 2, 9.) That is not a protective
14 order; it would let Plaintiff learn who Doe 1 is but forbid him from using that knowledge to plead, to
15 establish personal jurisdiction, or to keep the defendant in the case—defeating the only purpose of
16 identification. Thomas’s own authorities are to the contrary. In *Twitch*, 2019 U.S. Dist. LEXIS 132842,
17 at *16, and *Uber*, 2015 U.S. Dist. LEXIS 32979, at *11, the courts restricted *public disclosure* of an
18 unserved Doe’s identity; they did not bar the plaintiff from using the information to litigate. Service and
19 the establishment of personal jurisdiction are themselves uses the Doe-identification cases contemplate
20 and require. A bar on making truthful factual arguments to this Court, untethered to any privilege, is an
21 improper prior restraint on litigation advocacy and should be denied.

22 CONCLUSION

23 Plaintiff respectfully requests that the Court grant the Motion (ECF No. 41) and authorize all six Rule 45
24 subpoenas, subject to a protective order requiring redaction of full payment-card numbers,
25 financial-account numbers, and Social Security numbers from any production and any public filing, to
26 the extent any such information is produced, and otherwise imposing no restriction on Plaintiff’s use of
27 the operator’s identity, or of the records that identify them, to name, serve, and prosecute Doe
28 Defendant 1, including in public filings. Plaintiff further requests that the Court reject the proposed
restriction on Plaintiff’s use of lawfully obtained identifying information within this litigation.

1 Dated: June 5, 2026

2
3 /s/ Anthony Mitchell

4 Anthony Mitchell, Plaintiff *Pro Se*

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9
10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on June 5, 2026, I electronically filed the foregoing Reply with the Clerk of the
12 Court using the CM/ECF system, which will serve all counsel of record who are registered CM/ECF
13 users, including counsel for Defendant Thrifty Consulting LLC and counsel for non-party Nicholas
14 Thomas.

15 /s/ Anthony Mitchell

16 Anthony Mitchell, Plaintiff *Pro Se*