

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,)	
)	The Honorable Liam O’Grady
Plaintiff,)	
)	Case No. 1:12-cr-00003-LO
v.)	
)	
KIM DOTCOM, <i>et al.</i>)	
)	
Defendants.)	

**MOTION OF KYLE GOODWIN FOR THE RETURN OF
PROPERTY PURSUANT TO 18 U.S.C. § 1963 AND/OR FEDERAL RULE OF
CRIMINAL PROCEDURE 41(g)**

Interested Party Kyle Goodwin moves this Court under 18 U.S.C. § 1963 or Rule 41(g) of the Federal Rules of Criminal Procedure to fashion an appropriate order for return of his property, which was rendered inaccessible when the government executed a search warrant and effectively seized more than 1,000 servers used by Megaupload in January of this year. Mr. Goodwin has appeared before this Court already, when he filed a brief in support of Carpathia’s Emergency Motion for a Protective Order. Since that time, Mr. Goodwin (through counsel) has participated both in a hearing and a mediation on this and related matters, and has attempted in good faith to negotiate terms of an agreement that would both preserve the data at issue for the pending criminal and civil matters and facilitate access to his rightfully-owned property.

Unfortunately, while some movement has been made toward an agreement to preserve the data, little progress has been made regarding access for third parties. Indeed, the government has refused to even consider Mr. Goodwin’s proposals. Given the

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