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5 Attorneys for Plaintiff
6 Take Two Interactive Software, Inc.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 TAKE-TWO INTERACTIVE SOFTWARE,
INC.,

12 Plaintiff,

13 v.

14 ANGELO PAPENHOFF, a/k/a AAP, an
15 individual; THEO MORRA, an individual;
ERAY ORÇUNUS, an individual; ADRIAN
16 GRABER, an individual; DOE 1 a/k/a ASH R.
and ASH 735, an individual; and DOES 2
17 through 10, inclusive,

18 Defendants.

CASE NO. 3:21-CV-6831-TSH

[Magistrate Judge Thomas S. Hixson]

**PROOF OF SERVICE OF SUMMONS
ON DEFENDANT ERAY ORÇUNUS**

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> Karin G. Pagnanelli (SBN 174763); Mark C. Humphrey (SBN 291718) Mitchell Silberberg & Knupp LLP 2049 Century Park East, 18th Floor Los Angeles, CA 90067-3120 TELEPHONE NO.: (310) 312-2000 FAX NO. <i>(Optional)</i> : (310) 312-3100 E-MAIL ADDRESS <i>(Optional)</i> : kgp@msk.com; mxh@msk.com ATTORNEY FOR <i>(Name)</i> : Plaintiff, Take Two Interactive Software, Inc.	FOR COURT USE ONLY
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Phillip Burton Federal Building & United States Courthouse	
PLAINTIFF/PETITIONER: Take Two Interactive Software, Inc. DEFENDANT/RESPONDENT: Angelo Papenhoff, a/k/a AAP, an individual, et al.	CASE NUMBER: 3:21-CV-6831-TSH
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution
 - d. Civil Case Cover Sheet
 - e. cross-complaint
 - f. other *(specify documents)*: See Attachment 1 for Additional Documents Served
3. a. Party served *(specify name of party as shown on documents served)*: ERAY ORÇUNUS, an individual

 b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) *(specify name and relationship to the party named in item 3a)*:
4. Address where the party was served: Kurtulu Mah., A. Menderes Bul. 2027.Sokak N0:1 K, Efeler, AY, TR, 09020 and via email at erorcunerorcun@hotmail.com.tr
5. I served the party (check proper box)
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on *(date)*: _____ (2) at *(time)*: _____
 - b. **by substituted service.** On *(date)*: _____ at *(time)*: _____ I left the documents listed in item 2 with or in the presence of *(name and title or relationship to person indicated in item 3)*:
 - (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on *(date)*: _____ from *(city)*: _____ **or** a declaration of mailing is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: Take Two Interactive Software, Inc.	CASE NUMBER: 3:21-CV-6831-TSH
DEFENDANT/RESPONDENT: Angelo Papenhoff, a/k/a AAP, an individual, et al.	

5. c. **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. **by other means** (*specify means of service and authorizing code section*): Pursuant to the Court's September 14, 2021 Order Eray Orçunus was served by Electronic Mail Service under Federal Rule of Civil Procedure 4(f)(3); and by Federal Express pursuant to Federal Rule of Civil Procedure 4(f)(2). A copy of the Court's September 14, 2021 Order is attached hereto as **Exhibit A**; a copy of the Email, emailed on September 17, 2021, is attached hereto as **Exhibit B**; and, a copy of the Federal Express delivery confirmation of September 21, 2021 is attached hereto as **Exhibit C**.

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (*specify*): _____
- c. as occupant.
- d. On behalf of (*specify*): _____
under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: _____ |

7. **Person who served papers**

- a. Name: Mark C. Humphrey
- b. Address: 2049 Century Park East, 18th Floor, Los Angeles, CA 90067-3120
- c. Telephone number: (310) 312-2000
- d. **The fee** for service was: \$0.00
- e. I am:
- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) a registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.: _____
- (iii) County: _____

8. **I declare** under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

or

9. **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.
Date: September 24, 2021

Mark C. Humphrey
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

 /s/ Mark C. Humphrey
(SIGNATURE)

SHORT TITLE: Take Two Interactive Software, Inc. vs. Angelo Papenhoff, a/k/a AAP, an individual, et al.	CASE NUMBER: 3:21-CV-6831-TSH
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ATTACHMENT (Number): 1

(This Attachment may be used with any Judicial Council form.)

- Plaintiff Take-Two Interactive Software, Inc.’s Certificate of Interested Parties and Corporate Disclosures
- Report on the Filing or Determination of an Action or Appeal Regarding a Copyright
- Order Setting Initial Case Management Conference and ADR Deadlines
- Administrative Motion of Plaintiff Take-Two Interactive Software, Inc. for Alternative Service on Theo Morra, Adrian Graber and Eray Orcunus
- Declaration of Karin G. Pagnanelli in Support of Administrative Motion of Plaintiff Take-Two Interactive Software, Inc. for Alternative Service on Theo Morra, Adrian Graber and Eray Orcunus
- [Proposed] Order Granting Administrative Motion of Plaintiff Take-Two Interactive Software, Inc. for Alternative Service on Theo Morra, Adrian Graber and Eray Orcunus
- Order Granting as Modified Administrative Motion of Plaintiff Take-Two Interactive Software, Inc. for Alternative Service on Theo Morra, Adrian Graber and Eray Orcunus
- Civil Standing Order for Magistrate Judge Thomas S. Hixson
- Discovery Standing Order for Magistrate Judge Thomas S. Hixson
- Notice of a Lawsuit and Request to Waive Service of a Summons
- Notice of Assignment of Case to a United States Magistrate Judge for Trial
- Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement
- Waiver of the Service of Summons

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

(Add pages as required)

EXHIBIT A

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TAKE-TWO INTERACTIVE SOFTWARE,
INC.,

Plaintiff,

v.

ANGELO PAPHENHOFF, a/k/a AAP, an
individual; THEO MORRA, an individual;
ERAY ORÇUNUS, an individual; ADRIAN
GRABER, an individual; DOE 1 a/k/a ASH R.
and ASH 735, an individual; and DOES 2
through 10, inclusive,

Defendants.

CASE NO. 3:21-CV-6831-TSH

The Honorable Thomas S. Hixson

**ORDER GRANTING AS MODIFIED
ADMINISTRATIVE MOTION OF
PLAINTIFF TAKE-TWO INTERACTIVE
SOFTWARE, INC. FOR ALTERNATIVE
SERVICE ON DEFENDANTS THEO
MORRA, ADRIAN GRABER AND ERAY
ORÇUNUS**

[Administrative Motion and Declaration of
Karin G. Pagnanelli filed concurrently
herewith]

1 The Court has read and considered all papers filed in support of and in opposition to the
2 Administrative Motion of Plaintiff Take-Two Interactive Software, Inc. (“Plaintiff” or “Take-
3 Two”) for Alternative Service on Defendants Theo Morra, Adrian Graber and Eray Orçunus.

4
5 The Motion is **GRANTED**. Take-Two may serve the summons and complaint on:

- 6 1. **Defendants Theo Morra, Adrian Graber, and Eray Orçunus by post**, at the
- 7 postal addresses specified in their respective DMCA counter notices at issue in this action.
- 8 2. **Defendant Eray Orçunus by email**, at the email address specified in his DMCA
- 9 counter notice at issue in this action.

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13 **IT IS SO ORDERED.**

14 DATED: September 14, 2021


 Honorable Thomas S. Hixson
 United States Magistrate Judge

EXHIBIT B

Melara, Suguey

From: Humphrey, Mark <mxh@msk.com>
Sent: Friday, September 17, 2021 3:39 PM
To: 'erorcunerorcun@hotmail.com.tr'
Cc: Pagnanelli, Karin; Mayer, Marc
Subject: Take-Two Interactive Software, Inc. v. Papenhoff et al., U.S.D.C. Case No. 3:21-cv-06831-TSH
Attachments: Initiating and Other Documents.zip; ECF 0001 COMPLAINT.pdf; Summons - Eray Orcunus.pdf

Mr. Orcunus:

We are counsel for Take-Two Interactive Software, Inc. ("Take-Two"). As you likely are aware, you have been named as a defendant by Take-Two in a lawsuit pending in the United States District Court for the Northern District of California, captioned as *Take-Two Interactive Software, Inc. v. Papenhoff et al.*, U.S.D.C. Case No. 3:21-cv-06831-TSH. Attached to this email are the following:

- Take-Two's Complaint
- Court-issued Summons
- A .zip file containing the following case-initiating documents and other filings:
 - Civil Cover Sheet
 - Plaintiff Take-Two Interactive Software, Inc.'s Certificate of Interested Parties and Corporate Disclosures
 - Report on the Filing or Determination of an Action or Appeal Regarding a Copyright
 - Order Setting Initial Case Management Conference and ADR Deadlines
 - Administrative Motion of Plaintiff Take-Two Interactive Software, Inc. for Alternative Service on Theo Morra, Adrian Graber and Eray Orcunus
 - Declaration of Karin G. Pagnanelli in Support of Administrative Motion of Plaintiff Take-Two Interactive Software, Inc. for Alternative Service on Theo Morra, Adrian Graber and Eray Orcunus
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 - Standing Order for All Judges of the Northern District of California – Contents of Joint Case Management Statement
 - Waiver of the Service of Summons

Pursuant to the enclosed order of the court granting Take-Two's Motion for Alternative Service, by this email you are being served with process.

Sincerely,
Mark Humphrey


Mark Humphrey | Attorney-at-Law

T: 310.312.3265 | mxh@msk.com

Mitchell Silberberg & Knupp LLP | www.msk.com

2049 Century Park East, 18th Floor, Los Angeles, CA 90067

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EXHIBIT C

Dear Customer,

The following is the proof-of-delivery for tracking number: 283728259939

Delivery Information:

Status:	Delivered	Delivered To:	Apartment Office
Signed for by:	E. ORCUNUS	Delivery Location:	AYDIN
Service type:	International Priority		
Special Handling:	Deliver Weekday; Residential Delivery		EFELEK, AY, 09020
		Delivery date:	Sep 21, 2021 10:47

Shipping Information:

Tracking number:	283728259939	Ship Date:	Sep 15, 2021
		Weight:	1.1 LB/0.50 KG

Recipient:
ERAY ORCUNUS, N/A
KURTULU MAH.
A. MENDERES BUL. 2027.SOKAK NO:1 K
EFELEK, AY, TR, 09020

Shipper:
M. HUMPHREY, MITCHELL SILBERBERG KNUPP LLP
2049 CENTURY PARK EAST
18TH FLOOR
LOS ANGELES, CA, US, 90067

Reference 39698-00067-00706

