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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

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13 In Re *Ex Parte* Application of HYBE Co., Ltd.
and BELIFT LAB Inc.,
14 Applicants.

CASE NO.
***EX PARTE* APPLICATION FOR ORDER
AUTHORIZING DISCOVERY FOR USE
IN FOREIGN PROCEEDINGS
PURSUANT TO 28 U.S.C. § 1782 FILED
BY HYBE CO., LTD. AND BELIFT LAB
INC.; MEMORANDUM OF POINTS AND
AUTHORITIES**

Filed Concurrently with:
(1) Declaration of Sun Jin Lee;
(2) Declaration of Kyong-Tae Paek;
(3) Proposed Subpoena; and
(4) [Proposed] Order

EX PARTE APPLICATION

1
2 Applicants, HYBE Co., Ltd. (“HYBE”) and BELIFT LAB Inc. (“BELIFT LAB”)
3 (collectively, “Applicants”), apply *ex parte* for an order authorizing limited discovery for use in
4 civil litigation in the Republic of Korea (“South Korea”) pursuant to 28 U.S.C. § 1782
5 (“Application”). Applicants request that the Court authorize the issuance of the proposed
6 subpoena appended as Exhibit A (“Subpoena”) to this Application. The Subpoena seeks limited
7 discovery from X Corp. (“X”) that is necessary to identify the owner(s)/user(s) of the X account,
8 @webelieveinbots—a defendant in a civil lawsuit that was filed in South Korea by Applicants.

9 This Application is supported by the accompanying Memorandum of Points and
10 Authorities, declarations of Sun Jin Lee and Kyong-Tae Paek and all exhibits thereto, the
11 Subpoena, the Proposed Order, and all matters upon which judicial notice may be taken. This
12 Application does not require notice to X, pursuant to L.R. 7-10 of the Civil Local Rules of the
13 United States District Court for the Northern District of California.

14 DATED: August 19, 2025

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18 By: /s/ Timothy B. Yoo
19 Timothy B. Yoo
20 Attorneys for Applicants HYBE Co., Ltd. and
21 BELIFT LAB Inc.
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 HYBE Co., Ltd. (“HYBE”) and BELIFT LAB Inc. (“BELIFT LAB”) (collectively,
4 “Applicants”) request the Court’s assistance to identify the anonymous user of an X (formerly
5 Twitter) account under the display name “webelieveingwarosa” and username @webelieveinbots
6 (the “Account”). Since March 2025, this Account has repeatedly posted defamatory and false
7 statements against Applicants and has posted approximately 3,063 tweets to date. Among other
8 things, the statements falsely accuse Applicants of pressuring its artists to participate in political
9 events, mistreating its artists and executives, deleting evidence, violating internal policies, and
10 covering up abuse. These statements have harmed HYBE and its subsidiary BELIFT LAB.

11 On August 8, 2025, Applicants initiated a civil lawsuit against the user of the Account in
12 South Korea (the “Korean Lawsuit”). On information and belief, the Account’s user is likely
13 Korean and must be identified so that Applicants can prosecute the Korean Lawsuit. Applicants,
14 however, cannot request account information from X in South Korea, as X resides outside of the
15 jurisdiction of the South Korean courts. Applicants thus file this Application pursuant to 28
16 U.S.C. § 1782(a), seeking this Court’s authorization to serve the Subpoena on X for limited
17 discovery that would enable Applicants to identify the user(s) of the @webelieveinbots X account.

18 The Court can grant the Application because Applicants have satisfied the three statutory
19 requirements of Section 1782(a): (1) X maintains two offices within the Northern District of
20 California, such that X is found in this district; (2) information obtained through Applicants’
21 Subpoena will be used to identify the defendant(s) to Applicants’ Korean Lawsuit; and (3)
22 Applicants are interested persons because they are plaintiffs in the Korean Lawsuit.

23 The Court should further exercise its discretion to authorize the Subpoena because all four
24 factors set forth in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004) support its
25 issuance. X is not a participant in the Korean Lawsuit; the presiding court in South Korea will
26 likely receive evidence obtained through the Subpoena; Applicants do not seek to circumvent
27 foreign proof-gathering restrictions or the policies of the United States; and the Subpoena is
28 narrowly tailored to identify the defendant(s), which is not unduly intrusive or burdensome.

1 Accordingly, Applicants respectfully request that the Court grant the Application and issue
2 an order that authorizes Applicants to serve the appended Subpoena on X.

3 **II. RELEVANT BACKGROUND**

4 **A. Applicants**

5 HYBE is an entertainment company based in South Korea. (Declaration of Sun Jin Lee
6 (“Lee Declaration”), ¶ 2.) BELIFT LAB is a subsidiary label under HYBE and wholly owned by
7 HYBE. (*Id.* at ¶ 3.) HYBE and BELIFT LAB are engaged in the entertainment business and,
8 among other things, manage and train singers and musicians performing in the globally popular K-
9 pop genre. (*Id.* at ¶ 4.) HYBE and BELIFT LAB use social media to cultivate audiences for the
10 artists and performers they represent and use the resulting fan engagement and interest into sales,
11 fandom energy, and artist-related content. (*Id.* at ¶ 5.) Statements made on social media
12 platforms, such as X, or elsewhere on the internet can thus dramatically affect HYBE’s business
13 and reputation. (*Id.*)

14 **B. The Subpoenaed Entity**

15 X is a Nevada corporation headquartered in Bastrop, Texas. (Declaration of Kyong-Tae
16 Paek (“Paek Declaration”), ¶ 5.) Upon information and belief, X maintains offices in San Jose and
17 Palo Alto, California. (*Id.* at ¶ 6.) X falls outside the jurisdiction of the courts of South Korea.
18 (*Id.* at ¶ 5.)

19 **C. The Korean Lawsuit**

20 On August 8, 2025, Applicants filed a civil lawsuit for defamation and harassment in
21 South Korea against the anonymous user of an X account under the username @webelieveinbots.
22 (Paek Decl., ¶ 3; *id.*, Ex. 1.) As described in Applicants’ complaint, the statements by the user
23 @webelievebots on the Account falsely accuse Applicants of pressuring its artists to participate in
24 political events, mistreating its artists and executives, deleting evidence, violating internal policies,
25 and covering up abuse. (*Id.*, Ex. 1; Lee Decl., ¶¶ 8–9.) These statements have harmed Applicants.
26 (Lee Decl., ¶ 9.) Applicants seek to hold those responsible accountable and to recover damages
27 through the Korean Lawsuit.
28

1 **D. Applicants' Proposed Subpoena and the Instant Application**

2 Through this Application, Applicants request that the Court authorize it to conduct limited
3 discovery by serving the Subpoena on X. The Subpoena seeks information that will allow
4 Applicants to ascertain the true identity of the owner(s) and user(s) of the Account. Specifically,
5 the Subpoena requests two categories of documents: (1) documents sufficient to identify the
6 account identifier(s), creation date(s), access logs, name(s), date(s) of birth, email address(es), and
7 other contact information of “the person(s) who created, used, and/or otherwise logged into” the X
8 Account; and (2) documents sufficient to identify the name(s), date(s) of birth, email address(es),
9 and other contact information of “the person(s) associated with credit card(s), bank account(s),
10 and/or other electronic commerce details registered with” the X Account. The latter request
11 specifically states that it “does not seek the actual credit card numbers, bank account numbers, or
12 the electronic commerce account numbers or passwords” and “does not seek any financial
13 transaction information.” (*See* Subpoena, Appl., Ex. A.) Because such information will allow
14 Applicants to identify the defendant(s) for the Korean Lawsuit, the Court should permit the
15 requested discovery.

16 **III. LEGAL STANDARD**

17 Section 1782(a) authorizes a district court to order a person “resid[ing] or “found” in that
18 district to “give his testimony or statement or to produce a document or other thing for use in a
19 proceeding in a foreign or international tribunal, . . . upon the application of any interested
20 person.” 28 U.S.C. § 1782(a); *Intel Corp.*, 542 U.S. at 246. There are three statutory
21 requirements: “(1) the person from whom the discovery is sought ‘resides or is found’ in the
22 district of the district court where the application is made; (2) the discovery is ‘for use in a
23 proceeding in a foreign or international tribunal’; and (3) the application is made by a foreign or
24 international tribunal or ‘any interested person.’” *Khrapunov v. Prosyankin*, 931 F.3d 922, 925
25 (9th Cir. 2019).

26 Once an applicant satisfies these three requirements, a district court has “substantial
27 discretion” to permit the requested discovery. *Id.* at 926. A court can exercise its discretion to
28 grant an application under Section 1782(a) after weighing four factors set forth by the U.S.

1 Supreme Court in *Intel Corp.*: “(1) whether the ‘person from whom discovery is sought is a
2 participant in the foreign proceeding’; (2) ‘the nature of the foreign tribunal, the character of the
3 proceedings underway abroad, and the receptivity of the foreign government or the court or
4 agency abroad to U.S. federal court judicial assistance’; (3) whether the request ‘conceals an
5 attempt to circumvent foreign proof-gathering restrictions or other policies of a foreign country or
6 the United States’; and (4) whether the request is ‘unduly intrusive or burdensome.’” *United*
7 *States v. Google LLC*, 690 F. Supp. 3d 1011, 1019 (N.D. Cal. 2023).

8 As discussed below, this Application satisfies the three statutory requirements of Section
9 1782(a). Further, because all four *Intel Corp.* factors weigh in favor of permitting the discovery
10 requested in the Subpoena, the Court should grant the Application.

11 **IV. THE COURT SHOULD GRANT THE APPLICATION**

12 **A. Ex Parte Relief Is Appropriate for the Application Under Section 1782.**

13 As a preliminary matter, this Application is the proper subject of *ex parte* relief. “It is
14 common for parties to file *ex parte* applications [for an order pursuant to Section 1782], as ‘parties
15 will be given adequate notice of any discovery taken pursuant to the request and will then have the
16 opportunity to move to quash the discovery or participate in it.’” *IPCom GMBH & Co. KG v.*
17 *Apple Inc.*, 61 F. Supp. 3d 919, 922 (N.D. Cal. 2014) (quoting *In re Republic of Ecuador*, No. C-
18 10-80225 MISC CRB, 2010 WL 3702427, at *2 (N.D. Cal. Sept. 15, 2010)). Courts thus
19 routinely grant Section 1782(a) applications on an *ex parte* basis. *Id.* at 922, 924. If X believes
20 that Applicants’ discovery requests are objectionable after service of the Subpoena, it will have the
21 opportunity to address those issues, including before this Court if necessary.

22 **B. Applicants Have Met the Three Statutory Requirements of Section 1782.**

23 First, X is found in the Northern District of California. Upon information and belief, X
24 maintains offices in San Jose and Palo Alto, California. (Paek Decl., ¶ 6.) These in-district
25 offices are sufficient to satisfy the first statutory requirement of Section 1782(a). *See Super*
26 *Vitaminas, S.A.*, No. 17-mc-80125-SVK, 2017 WL 5571037, at *2 (N.D. Cal. Nov. 20, 2017)
27 (finding that Microsoft was “found” in the Northern District of California based on its operation
28 of two corporate sales offices in Mountain View and San Francisco).

1 Second, the requested discovery will be used in a proceeding before a foreign tribunal.
2 Applicants filed the Korean Lawsuit against anonymous individual(s), entity, or entities behind the
3 Account. (Paek Decl., ¶ 3.) Applicants will use the requested discovery to identify the user of the
4 Account, which will, in turn, allow Applicants to name the user as a defendant in their complaint.
5 (*Id.* at ¶¶ 5, 7–8.) Thus, Applicants have satisfied the second statutory requirement. *See In re*
6 *Bleach, Inc.*, No. 24-mc-80021-PCP, 2024 WL 1898450, at *1–2 (N.D. Cal. Apr. 30, 2024)
7 (permitting subpoena on X for personally identifiable information of an anonymous X user, which
8 the applicant intended to use to file a lawsuit against that user in Japan).

9 Third, HYBE and BELIFT LAB are plaintiffs in the Korean Lawsuit and are interested
10 persons. *See Intel Corp.*, 542 U.S. at 256 (“No doubt litigants are included among, and may be the
11 most common example of, the ‘interested person[s]’”).

12 Because Applicants have satisfied the three statutory requirements of Section 1782(a), the
13 Court has the authority to grant the relief sought by the Application.

14 **C. All Four *Intel Corp.* Factors Support an Order Authorizing the Requested**
15 **Discovery from X Corp.**

16 The Court should exercise its discretion to grant the Application because all four factors
17 set forth in *Intel Corp.* further support permitting the requested discovery.

18 The first factor supports granting the Application, as X is not a “participant in the foreign
19 proceeding,” *Intel Corp.*, 542 U.S. at 247, and lies outside the jurisdiction of South Korean courts.
20 (Paek Decl., ¶ 5.) Accordingly, “the need for § 1782(a) aid” to obtain the requested discovery is
21 “apparent.” *United States*, 690 F. Supp. 3d at 1019.

22 The second factor also supports granting the Application because the South Korean court is
23 likely to consider the information requested by the Subpoena. The crux of this factor is “whether
24 the foreign tribunal is willing to consider the information sought.” *Id.* at 1020. “[T]his factor
25 weighs in favor of discovery unless the foreign tribunal in question has expressly made it clear
26 that it would not accept the evidence.” *Id.* (emphasis added). Here, South Korean courts have not
27 declared that they would reject evidence obtained through a subpoena in the United States. (Paek
28 Decl., ¶ 9.) Courts in this district have recognized that South Korean courts have not issued a

1 directive against the use of evidence obtained under Section 1782. *See In re Starship Entm't*, No.
2 23-mc-80147-BLF, 2023 WL 3668531, at *3 (N.D. Cal. May 24, 2023). Given the absence of
3 “authoritative proof” that South Korean courts would reject the discovery requested here, this
4 factor weighs in favor of the Subpoena. *In re Joint Stock Co. Raiffeisenbank*, No. 16-mc-80203-
5 MEJ, 2016 WL 6474224, at *5 (N.D. Cal. Nov. 2, 2016).

6 The third factor likewise supports granting the Application because Applicants do not seek
7 to “circumvent foreign proof-gathering restrictions or other policies of a foreign country or the
8 United States.” *Intel Corp.*, 542 U.S. at 265. “[A]bsence of evidence of attempted circumvention
9 of the foreign tribunal’s proof-gathering procedures weighs in favor of an application under §
10 1782.” *United States*, 690 F. Supp. 3d at 1021. Here, the declarations of Kyong-Tae Paek and
11 Sun Jin Lee show that the Application is not an attempt to circumvent foreign or U.S. procedures
12 or policies. Because X is not subject to the jurisdiction of South Korean courts, Applicants must
13 apply to this Court pursuant to Section 1782(a) for the requested information. (Paek Decl., ¶¶ 5, 7;
14 Lee Decl., ¶¶ 10–12.) Moreover, Applicants do not intend to use the information requested from
15 X in any criminal proceedings. (Paek Decl., ¶ 8.) Therefore, the third *Intel Corp.* factor weighs in
16 Applicants’ favor.

17 Finally, the fourth factor supports granting the Application because the Subpoenas are not
18 “unduly intrusive or burdensome.” *Intel Corp.*, 542 U.S. at 265. “Requests are unduly intrusive
19 and burdensome where they are not narrowly tailored, request confidential information, and
20 appear to be a broad ‘fishing expedition’ for irrelevant information.” *United States*, 690 F. Supp.
21 3d at 1023. Here, Applicants request information about one X account. The discovery is for a
22 limited purpose: to ascertain the identity of the defendant(s) for the lawsuit that Applicants filed in
23 South Korea. (Paek Decl., ¶¶ 5, 7; Lee Decl., ¶¶ 10–12.) The requests are narrowly tailored to
24 this purpose—the Subpoena does not seek the content of any communications associated with the
25 Account, does not seek sensitive financial information, and only seeks the last ten access logs.
26 (See Subpoena.) The Subpoena seeks basic identifying and contact information of the user(s) of
27 the X Account, which is not unduly intrusive or burdensome. *United States*, 690 F. Supp. 3d at
28 1023. As Applicants do not request unnecessary information, the final *Intel Corp.* factor weighs

