

# ANNEXURE B



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1751/2018

**TAKE-TWO INTERACTIVE SOFTWARE, INC** and another named in the schedule of parties  
First Applicant

**THE PERSON/S KNOWN AS “CHRISTOPHER ANDERSON”, “CYRUS LESSER”, “SFINKTAH”, “KOROUGH ANDERSON” AND “KOROUGH JEDDIAN”**  
Respondent

## ORDER

**JUDGE:** JUSTICE NICHOLAS

**DATE OF ORDER:** 21 SEPTEMBER 2018

**WHERE MADE:** Sydney

## PENAL NOTICE

**TO:** The person/s known as “Christopher Anderson”, “Cyrus Lesser”, “sfinktah” and “Korough Anderson” and “Korough Jeddian”

**IF YOU (BEING THE PERSON BOUND BY THIS ORDER):**

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THE ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

**YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.**



**TO: The persons known as “Christopher Anderson”, “Cyrus Lesser”, “sfinktah”, “Koroush Anderson” and “Koroush Jeddian”**

**THE COURT ORDERS THAT:**

This is a freezing order made against you on 21 September 2018 by Justice Nicholas of the Federal Court of Australia at a hearing without notice to you after the Court was given the undertakings set out in **Annexure D** and after the Court read the affidavits listed in **Annexure D**.

**INTRODUCTION**

- B-1. The Applicants’ Interlocutory Application dated 21 September 2018 is made returnable immediately.
- B-2. Subject to the next paragraph, this order has effect up to and including the Return Date. On the Return Date at 9:15am, there will be a further hearing in respect of this order before Justice Nicholas in Sydney. You may appear at the hearing on the Return Date via video-link or telephone (by prior arrangement with the NSW Registry of the Court).
- B-3. Anyone served with or notified of this order, including you, may apply to the Court to vary or discharge this order or so much of it as affects the person served or notified, in accordance with **Annexure D**.
- B-4. In this order, the following terms have the following respective meanings:
- (a) **Applicants** means Take-Two Interactive Software, Inc. and Rockstar Games, Inc.;
  - (b) **you** means the person/s against whom this order is made and, where there is more than one of you, includes all of you;
  - (c) **Relevant Amount** has the meaning given in paragraph B-6 below;
  - (d) **Return Date** is the date defined in **Annexure D**;
  - (e) **third party** means a person other than you and the Applicants;



(f) **unencumbered value** means value free of mortgages, charges, liens or other encumbrances.

B-5. (a) If you are ordered to do something, you must do it by yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions.

(b) If you are ordered not to do something, you must not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

### **FREEZING OF ASSETS**

B-6. (a) You must not remove from Australia or in any way dispose of, deal with or diminish the value of any of your assets in Australia (**Australian assets**) up to the unencumbered value of AU\$286,609.80 (the **Relevant Amount**).

(b) If the unencumbered value of your Australian assets exceeds the Relevant Amount, you may remove any of those assets from Australia or dispose of or deal with them or diminish their value, so long as the total unencumbered value of your Australian assets still exceeds the Relevant Amount.

(c) If the unencumbered value of your Australian assets is less than the Relevant Amount:

(i) you must not dispose of, deal with or diminish the value of any of your Australian assets and your assets outside Australia (**ex-Australian assets**) up to the unencumbered value of the Relevant Amount; and

(ii) you may dispose of, deal with or diminish the value of any of your ex-Australian assets, so long as the unencumbered value of your Australian assets and ex-Australian assets still exceeds the Relevant Amount.

(d) If the unencumbered value of your Australian assets and ex-Australian assets is less than the Relevant Amount, you must not dispose of, deal with or diminish the value of any of your Australian assets or ex-Australian assets except in accordance with this order.



B-7. For the purposes of this order,

(a) **your assets** include:

- (i) all your assets, whether or not they are in your name and whether they are solely or co-owned;
- (ii) any asset which you have the power, directly or indirectly, to dispose of or deal with as if it were your own (you are to be regarded as having such power if a third party holds or controls the asset in accordance with your direct or indirect instructions);
- (iii) any cryptocurrency or other digital currency; and
- (iv) the following assets in particular:

(A) any money in PayPal account 2220667447162211736, in the name of "Christopher Anderson".

(b) the value of your assets is the value of the interest you have individually in your assets.

### **PROVISION OF INFORMATION**

B-8. The Court notes that, on the Return Date, the Applicants intend to seek an order against you requiring that you provide information about your assets. You may be heard on the Return Date in relation to the making of any such order.

### **EXCEPTIONS TO THIS ORDER**

B-9. This order does not prohibit you from:

- (a) paying your ordinary living expenses;
- (b) paying your reasonable legal expenses;
- (c) dealing with or disposing of any of your assets in the ordinary and proper course of your business, including paying business expenses bona fide and properly incurred;



- (d) for the purpose of the preceding sub-paragraph (c), your business **excludes** any business involving the development, distribution, sale or offering for sale of the software titled “Infamous” or any other software that modifies or is intended to modify the operation of any video game published by the Applicants, including *Grand Theft Auto V*; and
- (e) in relation to matters not falling within sub-paragraph (a), (b), (c) or (d), dealing with or disposing of any of your assets in discharging obligations bona fide and properly incurred under a contract entered into before this order was made, provided that before doing so you give the Applicants at least two working days’ written notice of the particulars of the obligation before such dealing or disposal.

B-10. You and the Applicants may agree in writing that the exceptions in the preceding paragraph are to be varied. In that case the Applicants or you must as soon as practicable file with the Court and serve on the other parties a minute of a proposed consent order recording the variation signed by or on behalf of the Applicants and you, and the Court may order that the exceptions are varied accordingly.

B-11.(a) This order will cease to have effect if you:

- (i) pay the Relevant Amount into Court; or
  - (ii) pay the Relevant Amount into a joint bank account in the name of your lawyer and the lawyer for the Applicants as agreed in writing between them; or
  - (iii) provide security in the sum of the Relevant Amount by a method agreed in writing with the Applicants to be held subject to the order of the Court.
- (b) Any such payment and any such security will not provide the Applicants with any priority over your other creditors in the event of your insolvency.
  - (c) If this order ceases to have effect pursuant to subparagraph B-11(a) above, you must as soon as practicable file with the Court and serve on the Applicants notice of that fact.



## **PERSONS OTHER THAN THE APPLICANTS AND RESPONDENT**

### **B-12. Set off by banks**

This order does not prevent any bank from exercising any right of set off it has in respect of any facility which it gave you before it was notified of this order.

### **B-13. Bank withdrawals by the Respondent**

No bank need inquire as to the application or proposed application of any money withdrawn by you if the withdrawal appears to be permitted by this order.

### **B-14. Persons outside Australia**

- (a) Except as provided in subparagraph (b) below, the terms of this order do not affect or concern anyone outside Australia.
- (b) The terms of this order will affect the following persons outside Australia:
  - (i) you and your directors, officers, employees and agents (except banks and financial institutions);
  - (ii) any person (including a bank or financial institution) who:
    - (A) is subject to the jurisdiction of this Court; and
    - (B) has been given written notice of this order, or has actual knowledge of the substance of the order and of its requirements; and
    - (C) is able to prevent or impede acts or omissions outside Australia which constitute or assist in a disobedience of the terms of this order; and
  - (iii) any other person (including a bank or financial institution), only to the extent that this order is declared enforceable by or is enforced by a court in a country or state that has jurisdiction over that person or over any of that person's assets.



**B-15. Assets located outside Australia**

Nothing in this order shall, in respect of assets located outside Australia, prevent any third party from complying or acting in conformity with what it reasonably believes to be its bona fide and properly incurred legal obligations, whether contractual or pursuant to a court order or otherwise, under the law of the country or state in which those assets are situated or under the proper law of any contract between a third party and you, provided that in the case of any future order of a court of that country or state made on your or the third party's application, reasonable written notice of the making of the application is given to the Applicants.

Date that entry is stamped: 21 September 2018

*Warrick Soden*  
Registrar



**Schedule of Parties**

No: NSD1751/2018

Federal Court of Australia  
District Registry:New South Wales  
Division:General

Second Applicant:           **ROCKSTAR GAMES, INC**