

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-453 (RGA)
	)	
ACTIVISION BLIZZARD, INC.	)	
	)	
Defendant.	)	
<hr/>		
ACCELERATION BAY LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-454 (RGA)
	)	
ELECTRONIC ARTS INC.,	)	
	)	
Defendant.	)	
<hr/>		
ACCELERATION BAY LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-455 (RGA)
	)	
TAKE-TWO INTERACTIVE SOFTWARE,	)	
INC., ROCKSTAR GAMES, INC. and	)	
2K SPORTS, INC.,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION TO COMPEL COMPLIANCE WITH  
RULE 45 SUBPOENA TO FRED HOLT AND VIRGIL BOURASSA**

Pursuant to the Special Master Order Relating to Procedures for Resolving Discovery Motions (*see* C.A. No. 16-453, D.I. 62 at 2; C.A. No. 15-228, D.I. 113), Defendants move for an Order compelling Fred Holt and Virgil Bourassa to:

1. Produce documents concerning all financial arrangements between or among Messrs. Bourassa and/or Holt, on the one hand, and Acceleration Bay, Kramer Levin,

and/or Boeing, on the other, including consulting agreements and invoices/receipts issued pursuant thereto;

2. Produce a privilege log for any documents withheld on the basis of privilege, work product, or other such protections; and

3. Produce emails and electronically stored documents and an explanation for how such documents were searched.

Pursuant to D. Del. LR 7.1.1, Defendants state that they have made reasonable effort to reach agreement with Fred Holt and Virgil Bourassa on the matters set forth in this motion and the parties could not reach agreement.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

OF COUNSEL:

Michael A. Tomasulo  
Gino Cheng  
David K. Lin  
WINSTON & STRAWN LLP  
333 South Grand Avenue, 38th Floor  
Los Angeles, CA 90071  
(213) 615-1700

David P. Enzminger  
WINSTON & STRAWN LLP  
275 Middlefield Road, Suite 205  
Menlo Park, CA 94025  
(650) 858-6500

Dan K. Webb  
Kathleen B. Barry  
WINSTON & STRAWN LLP  
35 West Wacker Drive  
Chicago, IL 60601  
(312) 558-5600

March 31, 2017

/s/ Stephen J. Kraftschik\_\_\_\_\_

Jack B. Blumenfeld (#1014)  
Stephen J. Kraftschik (#5623)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@mnat.com  
skraftschik@mnat.com

*Attorneys for Defendant*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ACCELERATION BAY LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-453 (RGA)
	)	
ACTIVISION BLIZZARD, INC.	)	
	)	
Defendant.	)	
<hr/>		
ACCELERATION BAY LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-454 (RGA)
	)	
ELECTRONIC ARTS INC.,	)	
	)	
Defendant.	)	
<hr/>		
ACCELERATION BAY LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 16-455 (RGA)
	)	
TAKE-TWO INTERACTIVE SOFTWARE,	)	
INC., ROCKSTAR GAMES, INC. and	)	
2K SPORTS, INC.,	)	
	)	
Defendants.	)	

**PROPOSED ORDER**

WHEREAS, the Special Master, having consider Defendants; Motion to Compel Compliance With Rule 45 Subpoena To Fred Holt And Virgil Bourassa,

IT IS HEREBY ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2017, that Defendants' Motion to Compel is GRANTED. Within 7 days of this Order, Fred Holt and Virgil Bourassa shall:

1. Produce documents concerning all financial arrangements between or among Messrs. Bourassa and/or Holt, on the one hand, and Acceleration Bay, Kramer Levin, and/or Boeing, on the other, including consulting agreements and invoices/receipts issued pursuant thereto;

2. Produce a privilege log for any documents withheld on the basis of privilege, work product, or other such protections; and

3. Produce emails and electronically stored documents and an explanation for how such documents were searched.

---

Special Master Allen M. Terrell, Jr.

**CERTIFICATE OF SERVICE**

I hereby certify that on March 31, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on March 31, 2017, upon the following in the manner indicated:

Philip A. Rovner, Esquire  
Jonathan A. Choa, Esquire  
POTTER ANDERSON & CORROON LLP  
1313 North Market Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801  
*Attorneys for Virgil Bourassa and Fred Holt*

*VIA ELECTRONIC MAIL*

Paul J. Andre, Esquire  
Lisa Kobialka, Esquire  
James R. Hannah, Esquire  
Hannah Lee, Esquire  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
990 Marsh Road  
Menlo Park, CA 94025  
*Attorneys for Virgil Bourassa and Fred Holt*

*VIA ELECTRONIC MAIL*

Aaron M. Frankel, Esquire  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
1177 Avenue of the Americas  
New York, NY 10036  
*Attorneys for Virgil Bourassa and Fred Holt*

*VIA ELECTRONIC MAIL*

*/s/ Stephen J. Kraftschik*  
Stephen J. Kraftschik (#5623)