

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.

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March 31, 2017

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

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| 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.

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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:

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