

1 RANDALL S. NEWMAN (SBN 190547)
2 Attorney at Law
3 99 Wall St., Suite 3727
4 New York, NY 10005
5 212.797.3735
6 rsn@randallnewman.net

7 *Attorney for Plaintiff,*
8 *Christopher J. Cordova*

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 CHRISTOPHER J. CORDOVA,

12 Plaintiff,

13 vs.

14 JONATHAN HUNEALT,

15 Defendant.

Case No. 5:25-cv-04685-VKD

***EX PARTE* APPLICATION FOR
PRESERVATION ORDER;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF**

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE that Plaintiff Christopher J. Cordova will and hereby does
3 apply to the Court *ex parte* for entry of a preservation order directing that:

- 4 1. Defendant Jonathan Huneault shall preserve all content and data associated
5 with the YouTube channel known as “Frauditor Troll,” accessible at
6 <https://youtube.com/@FrauditorTroll>; and
7
8 2. YouTube (Google, LLC) shall preserve all content and associated metadata
9 for the “Frauditor Troll” channel, including, but not limited to, any deleted
10 or scheduled videos; community tab posts; comments; monetization data; IP
11 login history; account activity logs; and subscriber data as it existed on and
12 after June 6, 2025, the date on which Defendant was notified via email of the
13 commencement of this action.

14 This application is brought *ex parte* because time is of the essence. Since Plaintiff
15 commenced this action on June 3, 2025, and sent Defendant a courtesy email requesting
16 waiver of service on June 6, 2025, Defendant has deleted—or made private—more than
17 1,700 of the approximately 1,900 videos on his YouTube channel, representing nearly 90%
18 of the channel’s entire content library. The deletion began the same day Defendant received
19 notice and has continued unabated. This is textbook spoliation in real time. The Court’s
20 immediate intervention is not only justified—it is essential.

21 Dated: June 21, 2025

Respectfully submitted,

22 By: s/ Randall S. Newman
23 Randall S. Newman, Esq.
24 *Attorney for Plaintiff,*
25 *Christopher J. Cordova*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Plaintiff Christopher J. Cordova (“Plaintiff”) hereby respectfully submits this
3 Memorandum of Points and Authorities in support of his *ex parte* Application for a
4 preservation order.

5 **INTRODUCTION**

6 Plaintiff filed this copyright infringement action against Defendant Jonathan
7 Huneault (“Defendant”) for the unauthorized and non-transformative use of Plaintiff’s
8 video titled *Another Chad Exposed!!! Worthless Denver Cops...ASSAULTED!!!* (the
9 “Registered Video”). The infringing video reproduced multiple uninterrupted segments of
10 Plaintiff’s footage, totaling over 27 minutes of the 48-minute original.

11 Plaintiff previously submitted DMCA takedown notices to YouTube regarding the
12 Registered Video and other content. In response, Defendant submitted counter-
13 notifications claiming his videos constituted fair use, and stated that he had retained legal
14 counsel to defend against any lawsuit. One such counter-notice reads in part:

15 I am once again asking you to forward this counter notification to the
16 plaintiff... According to the fair use act of 1976 I am legally allowed to make
17 these types of videos... I have already hired an attorney to defend my fair use
18 videos in court and I am asking you to forward my counter notification to the
19 plaintiff so he can decide for himself if he chooses to go that route...

20 Defendant concluded his counter-notice by swearing under penalty of perjury that
21 he had a good faith belief the material had been removed by mistake or misidentification.
22 Relying on Defendant’s stated willingness to litigate the fair use issue in court, Plaintiff
23 sent a request to waive formal service on June 6, 2025, expecting a prompt and professional
24 response. Instead, Defendant began systematically deleting—or delisting—virtually his
25 entire video catalog. Despite knowing he had been sued for copyright infringement,
26 Defendant made no effort to preserve the evidence. On information and belief, Defendant
27 has also deleted data related to monetization, upload activity, and reuse of third-party
28 content—evidence central to Plaintiff’s claims and to any fair use defense.

FACTS AND PROCEDURAL HISTORY

1
2 Plaintiff commenced this action against Defendant Jonathan Huneault also known
3 as Frauditor Troll on June 3, 2025 (ECF No. 1) asserting a claim of copyright infringement
4 arising from Defendant’s unauthorized use of Plaintiff’s original YouTube video. That
5 video was reproduced and monetized on Defendant’s YouTube channel
6 <https://www.youtube.com/@frauditortroll> (the “Frauditor Troll Channel”) without
7 permission (the “Infringing Video”). (Declaration of Randall S. Newman (“Newman
8 Decl.” ¶ 2). Plaintiff’s video is registered with the U.S. Copyright Office (the “Registered
9 Video”). (*Id.* ¶ 3 and Ex. A).

10 On June 6, 2025, Plaintiff sent an email to Defendant notifying him of this action
11 and requesting that he waive service of summons. (*Id.* ¶ 4 and Ex. B). Plaintiff believed
12 Defendant would accept the waiver of service, as he had previously submitted multiple
13 counter-notices under the DMCA stating that he had retained counsel to defend his alleged
14 “fair use” of Plaintiff’s videos in court. (*Id.* ¶ 5 and Ex. C).

15 At the time the Complaint was filed, Defendant’s Frauditor Troll Channel contained
16 approximately 1,990 videos. (*Id.* ¶ 6 and Ex. D). On June 6, 2025, the same day Defendant
17 received Plaintiff’s email regarding this lawsuit, he deleted approximately 28 videos from
18 the Frauditor Troll Channel. (*Id.* ¶ 7 and Ex. D). Defendant subsequently continued
19 removing videos from his channel, including the Infringing Video at issue in this lawsuit.
20 (*Id.* ¶ 8 Exs. D, E and URL <https://youtu.be/I-J8sdKZ504?si=s9kES3XTGpURZ1A3>.)

21 On June 13, 2025, Plaintiff sent a follow-up email to Defendant regarding the waiver
22 of service. (*Id.* ¶ 10, Ex. F). Defendant deleted 27 videos on June 13 and 7 more on June
23 14. (*Id.* ¶ 11, Ex. D). Thereafter, Defendant deleted approximately 141 videos on June 16;
24 19 videos on June 17; 1,197 videos on June 18; 287 videos on June 19; and 2 videos on
25 June 21. (*Id.* ¶ 12, Ex. D). In total, Defendant has deleted more than 1,700 videos from the
26 Frauditor Troll Channel, close to 90% of the channel’s portfolio. ((*Id.* ¶ 13-14, Exs. D and
27 G). As of the date of this filing, only 286 videos remain on the Frauditor Troll Channel.
28 (*Id.* ¶ 15, Exs. D and G).

ARGUMENT

1
2 “Federal courts have the implied or inherent power to issue preservation orders as
3 part of their general authority ‘to manage their own affairs so as to achieve the orderly and
4 expeditious disposition of cases.’” *Am. LegalNet, Inc. v. Davis*, 673 F. Supp. 2d 1063, 1071
5 (C.D. Cal. 2009) (quoting *Pueblo of Laguna v. United States*, 60 Fed. Cl. 133, 135 (2004)).
6 Such powers “must be exercised with restraint and discretion.” *Id.* (quoting *Chambers v.*
7 *NASCO, Inc.*, 501 U.S. 32, 44 (1991)); *see also* Fed. R. Civ. P. 26(f) advisory committee’s
8 note (2006) (“The requirement that the parties discuss preservation does not imply that
9 courts should routinely enter preservation orders.”). “Once a complaint is filed, parties to
10 a lawsuit are ‘under a duty to preserve evidence that is relevant or could reasonably lead to
11 the discovery of admissible evidence.’ ” *Bright Solutions for Dyslexia, Inc. v. Doe I*, No.
12 15-CV-01618-JSC, 2015 WL 5159125, at *2 (N.D. Cal. Sept. 2, 2015) (quoting *Echostar*
13 *Satellite LLC v. Freetech, Inc.*, No. C 07-06124 JW, 2009 WL 8399038, at *2 (N.D. Cal.
14 Jan. 22, 2009)); *see also Leon v. IDX Sys. Corp.*, 464 F.3d 951, 959 (9th Cir. 2006). “This
15 obligation, backed by the court’s power to impose sanctions for the destruction of such
16 evidence, is sufficient in most cases to secure the preservation of relevant evidence.” *Id.*
17 (quoting *Young v. Facebook, Inc.*, No. No. 5:10-cv-03579-JF/PVT, 2010 WL 3564847,
18 at *1 (N.D. Cal. Sept. 13, 2010)). “Before additional measures to preserve evidence are
19 implemented, there must be some showing that there is reason for the court to be concerned
20 that potentially relevant evidence is not being preserved and that the opposing party may
21 be harmed as a result.” *Young*, 2010 WL 3564847, at *1.

22 In determining whether to issue a preservation order, courts in this circuit generally
23 consider three factors:

- 24 (1) the level of concern the court has for the continuing existence and
25 maintenance of the integrity of the evidence in question in the absence of an
26 order directing preservation of the evidence; (2) any irreparable harm likely
27 to result to the party seeking the preservation of the evidence absent an order
28

1 directing preservation; and (3) the capability of an individual, entity, or party
2 to maintain the evidence sought to be preserved.

3 *Bright Solutions for Dyslexia, Inc. v. Doe 1*, No. 15 CV-01618-JSC, 2015 WL 5159125, at
4 *2 (N.D. Cal. Sept. 2, 2015) (quoting *Echostar Satellite LLC v. Freetech, Inc.*, No. C 07-
5 06124 JW, 2009 WL 8399038, at *2 (N.D. Cal. Jan. 22, 2009)); *see also Jardin v.*
6 *Datallegro, Inc.*, No. 08CV1462IEGRBB, 2008 WL 4104473, at *1 (S.D. Cal. Sept. 3,
7 2008).

8 **A. Concern for Continuing Existence and Maintenance of Integrity of**
9 **Evidence.**

10 The first and most critical factor—risk of loss or destruction—strongly favors
11 granting the preservation order. After Plaintiff filed suit and sent a courtesy email to
12 Defendant seeking waiver of service on June 6, 2025, Defendant (or someone with control
13 of the Frauditor Troll Channel) began systematically deleting content. According to public
14 analytics on Socialblade.com, Defendant’s Frauditor Troll Channel went from over 1,900
15 videos down to fewer than 300 in a matter of days—over 62 million views' worth of content
16 vanished.

17 This is textbook spoliation risk. The very content at issue is vanishing in real time,
18 and no assurances have been made by Defendant or YouTube (Google LLC) regarding its
19 preservation. If a preservation order is not granted, there is a strong likelihood that critical
20 metadata, monetization records, upload logs, subscriber data, comments and original video
21 files will be permanently lost.

22 **B. Likelihood of Irreparable Harm.**

23
24 If a preservation order is not granted, there is a substantial risk that critical
25 evidence—namely, the original infringing video, associated metadata, and other related
26 uploads—will be lost, altered, or permanently deleted by either Defendant or YouTube
27 (Google LLC). Plaintiff has already documented the sudden removal of over 1,700 videos
28 from the Frauditor Troll Channel within days of being notified of this lawsuit, suggesting

1 an ongoing effort to conceal or destroy relevant evidence. Once deleted, this evidence—
2 including timestamps, view counts, monetization data, and unedited video files—cannot
3 be fully recovered through standard discovery. Without judicial intervention, Plaintiff faces
4 the irretrievable loss of key evidence necessary to prove the scope, willfulness, and
5 financial impact of the infringement, amounting to irreparable harm that would
6 fundamentally impair Plaintiff’s ability to obtain a just resolution in this case.

7
8 **C. Capability of Parties to Maintain Evidence.**

9 Both Defendant and YouTube (Google LLC) possess the technical capability and
10 infrastructure to preserve the relevant evidence without undue burden. YouTube, as a
11 subsidiary of Google, routinely retains video files, metadata, upload logs, and monetization
12 records for internal use, legal compliance, and enforcement of its terms of service.
13 Preserving these records requires no extraordinary effort and falls well within YouTube’s
14 standard data retention practices. Likewise, Defendant controls the Frauditor Troll Channel
15 and is fully capable of preserving existing videos and refraining from further deletions or
16 modifications. No complex forensic procedures are required—Defendant need only
17 maintain the current state of the channel and cease further spoliation. Given the ease and
18 routine nature of digital preservation, both Defendant and YouTube (Google LLC) are fully
19 capable of maintaining the relevant evidence pending further proceedings.

20 **CONCLUSION**

21 For the foregoing reasons, Plaintiff respectfully requests that the Court enter a
22 preservation order directing that:

- 23
24 1. Defendant Jonathan Huneault shall preserve all content, data, and metadata
25 associated with the YouTube channel known as “Frauditor Troll,” accessible
26 at <https://youtube.com/@FrauditorTroll> including without limitation: all
27 uploaded, deleted, scheduled, or privatized videos; video titles, descriptions,
28 tags, comments, likes/dislikes, view counts, monetization data, and
community posts; IP login history and account activity logs; and any

