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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**

5
6 CHRISTOPHER J. CORDOVA,

7 Plaintiff,

8 vs.

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10 JONATHAN HUDON-HUNEAULT,
11 NNEKA OHIRI,

12 Defendants.
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Case No. 25-cv-04685-VKD

**JOINT CASE MANAGEMENT
STATEMENT & [PROPOSED]
ORDER**

Date: November 4, 2025

Time: 1:30 p.m.

Place: Videoconference

Judge: Hon. Virginia K. DeMarchi

1 Pursuant to the Standing Order for All Judges of the Northern District of California,
2 this Court’s June 4, 2025 (ECF No. 4) and August 11, 2025 (ECF No. 14) Orders, Federal
3 Rule of Civil Procedure 16 and Civil L.R. 16-9, the parties to the above-entitled action
4 jointly submit this Joint Case Management Statement & Proposed Order.

5 **I. JURISDICTION & SERVICE**

6 The parties agree that this Court has subject-matter jurisdiction under 28 U.S.C. §§
7 1331 and 1338(a) because the action arises under the Copyright Act, 17 U.S.C. § 101 et
8 seq., and the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512.

9 The parties further agree that venue is proper in this District pursuant to 28 U.S.C.
10 §§ 1391(b) and 1400(a), as a substantial portion of the events giving rise to the claims
11 occurred here and the relevant conduct was directed toward this District through the use of
12 YouTube’s U.S.-based servers and DMCA processes.

13 Personal jurisdiction is proper because Defendants expressly consented to
14 jurisdiction in this District by submitting DMCA counter-notifications pursuant to 17
15 U.S.C. § 512(g)(3), which designate the Northern District of California as the appropriate
16 forum for any action arising from the disputed takedowns.

17 Plaintiff intends to file a First Amended Complaint on or before November 3, 2025,
18 adding 14693663 Canada Inc. as a Defendant. Defendants’ counsel has agreed to accept
19 service of the First Amended Complaint on behalf of that entity via ECF upon filing. The
20 parties are not aware of any outstanding issues regarding service, joinder, or jurisdiction at
21 this time.

22 **II. FACTS**

23 **A. Plaintiff’s Statement of Facts**

24 Plaintiff Christopher J. Cordova is the creator and operator of the YouTube channel
25 Denver Metro Audits (“DMA”), which publishes original video journalism documenting
26 interactions with public officials, police officers, and other government employees to
27 promote transparency and accountability. Plaintiff’s channel is part of the broader
28

1 “auditor” movement, a genre of citizen journalism focused on First Amendment rights and
2 public oversight.

3 Defendants Jonathan Hudon-Huneault, Nneka Ohiri, and 14693663 Canada Inc.
4 operate the Frauditor Troll YouTube channel, a self-described “reaction” channel and, in
5 substance, a satirical commentary channel that mocks or ridicules First Amendment
6 auditors. The channel monetizes videos built from unlicensed uses of other creators’
7 copyrighted works. Plaintiff alleges that Defendants used video-ripping or other
8 circumvention software in violation of YouTube’s Terms of Service and 17 U.S.C. § 1201
9 to obtain native copies of approximately 50 to 100 of Plaintiff’s copyrighted videos, which
10 they uploaded to generate advertising revenue through YouTube’s AdSense program.

11 Defendants’ uploads contained lengthy, unaltered portions of Plaintiff’s footage,
12 including up to six-minute stretches with no commentary, interspersed with brief ridicule,
13 public-domain or third-party copyrighted memes, or short comments that did not
14 meaningfully transform the original works. Between 2022 and 2025, Plaintiff estimates
15 Defendants published at least 50 such videos without authorization. The precise number
16 cannot yet be determined because Defendants deleted more than 1,700 videos from the
17 Frauditor Troll channel after learning of this action.

18 As of this filing, Plaintiff identifies three principal infringing videos:

- 19 1. “Frauditor DMA Gets Confronted by Angry Citizen (Hilarious)” – incorporates
20 approximately 25 minutes and 54 seconds of Plaintiff’s Another Chad Exposed
21 video (Reg. No. PA0002457989), representing about 56% of the copyrighted work;
- 22 2. “Frauditor DMA Gets Camera Touched and Cries a River” – incorporates
23 approximately 37 minutes and 16 seconds of Angry Mob at Belmar Library (Reg.
24 No. PA0002549333), representing about 81% of the work;
- 25 3. “Frauditors Ejected from Federal Courthouse (NEW)” – incorporates approximately
26 18 minutes and 46 seconds of Federal Courthouse Fail (registration pending),
27 representing about 62% of the work.

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1 Each video contains long, uninterrupted segments of Plaintiff's recordings with
2 minimal commentary and was monetized through the YouTube Partner Program for
3 commercial gain.

4 After Plaintiff issued DMCA takedown notices in July and October 2023,
5 Defendants filed twelve counter-notifications under 17 U.S.C. § 512(g), claiming their
6 uploads were protected by "the fair use act of 1976," that Mr. Huneault was "the original
7 creator of the Fair Use videos," and that counsel had been retained. Plaintiff alleges these
8 statements were false, asserting that the channel is owned and monetized by Ms. Ohiri, that
9 both Defendants reside in Canada though they listed "99 Wall Street, New York, NY" as
10 their address, and that no attorney had been retained. Public statements by Defendants
11 indicate they viewed the counter-notice process as a way to force YouTube to reinstate
12 their videos rather than to assert a legitimate fair-use defense.

13 YouTube reinstated nine of the disputed videos in reliance on those counter-
14 notifications. Following service of this lawsuit, Defendants deleted more than 1,700 videos,
15 including most of the reinstated works, while continuing to deny wrongdoing.

16 **B. Defendants' Statement of Facts**

17 YouTube is not forced to forward counternotices to a party issuing a DMCA
18 takedown letter. Many times, they determine a person does not have good standing, and
19 they refuse to forward the counternotice. As Plaintiff notes, YouTube DID forward these
20 counternotices recognizing that while the clip use may involve a good portion of Plaintiff's
21 original videos, Defendants videos are a MEME and a PARODY of Plaintiff's "first
22 amendment auditing" that involves this Plaintiff having been forced to cease and desist
23 activities at the social security administration office, and he has even instigated
24 confrontation in at least one courthouse creating a ruckus and interfering with the
25 administration of justice. They do this for one reason only, to create a YouTube channel.
26 The evidence will show other creators use large portions of Plaintiff's works and he does
27 not sue them because they are favorable to their disruptive activities that interrupt
28 government services, and costs taxpayers' money for this. Defendant's videos are clearly

1 a 100% parody (much like the 2 Live Crew case) and Defendants are entitled to fair use
2 defense. The final product is completely transformative using commentary, memes, and
3 criticism of their activities. There is no infringement. Plaintiff has no evidence of illegal
4 ripping tools being used, and such allegation will be subject to Rule 11 overview.

5 **III. LEGAL ISSUES**

- 6 1. Whether Defendants engaged in unlawful circumvention of technological protection
7 measures in violation of 17 U.S.C. § 1201.
- 8 2. Whether Defendants' use of Plaintiff's copyrighted video content constitutes fair use
9 under 17 U.S.C. § 107.
- 10 3. Whether Defendants' DMCA counter-notifications contained material
11 misrepresentations in violation of 17 U.S.C. § 512(f).
- 12 4. Whether Plaintiff is entitled to damages, injunctive relief, or attorneys' fees under
13 the Copyright Act or the DMCA.
- 14 5. Whether Plaintiff is the prevailing party to this action and should be awarded
15 attorney fees.

16 **IV. MOTIONS**

17 Defendants intend on filing a Motion to Dismiss Plaintiff's First Amended
18 Complaint on or before November 24, 2025 pursuant to Fed. R. Civ. P. 12(b)(6) for failure
19 to state a claim and for dismissal due to clear fair use rights.

20 **V. AMENDMENT OF PLEADINGS**

21 Plaintiff will file a First Amended Complaint on November 3, 2025. Plaintiff intends
22 to file a Second Amended Complaint after the registration for Federal Courthouse Fail is
23 issued by the U.S. Copyright Office.

24 **VI. EVIDENCE PRESERVATION**

25 The parties certify that they have reviewed the ESI Guidelines, and confirm that they
26 have met and conferred pursuant to Fed. R. Civ. P. 26(f) regarding reasonable and
27 proportionate steps taken to preserve evidence relevant to the issues reasonably evident in
28 this action.

1 **A. Plaintiff’s Position**

2 Defendants purportedly deleted more than 1,700 videos from the Frauditor Troll
3 channel after being informed about this action. Plaintiff believes that between 50 and 100
4 of those videos contained substantial portions of Plaintiff’s copyrighted works and that
5 many others were created using similar technical methods of reproduction and re-upload,
6 which are relevant to both Defendants’ knowledge and Plaintiff’s claim under 17 U.S.C.
7 §1201.

8 Plaintiff does not contend that every deleted video is substantively relevant, but
9 seeks discovery sufficient to: (1) identify which deleted videos used Plaintiff’s footage,
10 and (2) evaluate Defendants’ methods of obtaining and re-posting copyrighted material.
11 To that end, Plaintiff requests preservation and production of metadata (video titles, upload
12 dates, durations, and available thumbnails) for all deleted videos, with full video file
13 production limited to those shown to contain Plaintiff’s works.

14 **B. Defendants’ Position:** There is a timing question and a proof issue as to
15 whether Defendant was aware of any evidence preservation issue.

16 **VII. DISCLOSURES**

17 Plaintiff and Defendants will have served their Rule 26(a) Initial Disclosures as of
18 the date of this Joint Case Management Statement, October 28, 2025.

19 **VIII. DISCOVERY**

20 Plaintiff was previously granted leave to serve a third-party subpoena on Google
21 LLC regarding the ownership and operation of the Frauditor Troll YouTube channel.
22 Google produced responsive documents on August 25, 2025.

23 The parties agree that the most relevant evidence will consist of YouTube videos,
24 channel metadata, and correspondence with Google concerning the disputed takedowns.
25 Plaintiff has preserved all source files, copyright registration certificates, and related
26 communications. Plaintiff has requested that Defendants preserve all raw video files,
27 channel analytics, and communications with YouTube or any other hosting platforms.

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1 Given the limited volume of electronically stored information (ESI) anticipated, the
2 parties do not presently expect to require e-discovery vendors, formal search protocols, or
3 specialized review platforms. The parties will cooperate in good faith to exchange relevant
4 materials in native or reasonably usable format and will meet and confer regarding a
5 stipulated E-Discovery Order if the need arises.

6 No discovery disputes have been identified at this time.

7 **IX. CLASS ACTION**

8 This is not a class action.

9 **X. RELATED CASES**

10 There are no related cases.

11 **XI. RELIEF**

12 **A. Plaintiff's Position**

13 Plaintiff seeks monetary damages for copyright infringement, statutory and/or actual
14 damages for violations of 17 U.S.C. § 1201 (circumvention of technological protection
15 measures), and damages and attorneys' fees under 17 U.S.C. § 512(f) for the knowing
16 submission of materially false DMCA counter-notifications.

17 Plaintiff also seeks injunctive relief prohibiting further infringement or
18 circumvention, and an order requiring the removal of infringing videos and related
19 derivative works from YouTube and any other online platforms under Defendants' control.

20 **B. Defendants' Position:** Defendant will seek attorney fees as prevailing party
21 to this action.

22 **XII. SETTLEMENT AND ADR**

23 The parties have discussed settlement prior to the filing of this case, and the possible
24 terms of settlement are understood by the parties. Pursuant to ADR Local Rule 3-5, the
25 parties have reviewed the ADR Handbook, discussed it with their counsel, and come to the
26 following conclusions:

27 **A. Plaintiff's Position:** Plaintiff may be open to mediation after a decision on
28 Summary Judgment regarding Defendants' Fair Use Affirmative Defense.

1 **B. Defendants’ Position:** Following discovery, Defendant may be open to
2 mediation.

3 **XIII. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES**

4 The parties consented to the Magistrate Judge for all purposes

5 **XIV. OTHER REFERENCES**

6 The parties do not believe that this case is suitable for reference to binding
7 arbitration, special master, or the Judicial Panel on Multidistrict Litigation.

8 **XV. NARROWING OF ISSUES**

9 The parties do not believe that it is possible to narrow the issues at this time. Potential
10 narrowing after discovery on ownership and counter-notice authenticity

11 **XVI. EXPEDITED TRIAL PROCEDURE**

12 The parties do not believe that his case is appropriate to be handled under the
13 Expedited Trial Procedure of General Order 64.

14 **XVII. SCHEDULING**

Event	Proposed Deadline
Completion of Fact Discovery	June 30, 2026
Expert Disclosures	July 31, 2026
Completion of Expert Discovery	August 31, 2026
Deadline for Dispositive Motions	September 30, 2026
Pretrial Conference	January 2027
Bench Trial (Estimated 2 days)	February 2027

22 **XVIII. TRIAL**

23 The parties consent to a bench trial (estimated 2 days).

24 **XIX. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR**
25 **PERSONS**

26 Plaintiff has filed the required certification; no non-party interested entities other
27 than Google LLC (YouTube) may be implicated.

1 **XX. PROFESSIONAL CONDUCT**

2 Counsel have reviewed the Guidelines for Professional Conduct and will comply.

3 **XXI. OTHER**

4 By signing this Joint Case Management Statement and [Proposed] Order, the counsel
5 for each party listed below concur in its filing
6

7 Dated: October 28, 2025

s/ Randall S. Newman

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14 Dated: October 28, 2025

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CASE MANAGEMENT ORDER

The above JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER is approved as the Case Management Order for this case and all parties shall comply with its provisions. [In addition, the Court makes the further orders stated below:]

IT IS SO ORDERED.

Dated:

VIRGINIA K. DEMARCHI, UNITED
MAGISTRATE JUDGE