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

LIBERTY TROLL LLC,

Plaintiff,

vs.

ROBERT ALAN REED and JOHN DOE
dba "Frauditor Roundup"
www.youtube.com@FrauditorRoundup,

Defendants.

Case No. 25-cv-06878-SVK

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

Date: November 18, 2025

Time: 9:30 a.m.

Place: Videoconference

Judge: Hon. Susan van Keulen

1 Pursuant to the Standing Order for All Judges of the Northern District of California,
2 this Court’s August 14, 2025 (ECF No. 5) Order, Federal Rule of Civil Procedure 16 and
3 Civil L.R. 16-9, the parties to the above-entitled action jointly submit this Joint Case
4 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 Defendant has consented to personal jurisdiction in this District by filing an Answer
14 (ECF No. 8) without first filing a Rule 12(b)(2) motion. Under Fed. R. Civ. P. 12(h)(1),
15 any objection to personal jurisdiction has therefore been waived. In any event, Defendant
16 purposefully directed his conduct toward this District by submitting counter-notifications
17 to YouTube, a company headquartered in San Bruno, California, with knowledge that the
18 DMCA dispute would be processed and acted upon here.

19 **II. FACTS**

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

21 Plaintiff Liberty Troll LLC is the owner, by written assignment, of the exclusive
22 rights in and to the video that was the subject of a DMCA takedown notice submitted to
23 YouTube on or about April 23, 2025. Following the removal of the infringing upload from
24 the channel known as Frauditor Roundup, Defendant Robert Alan Reed, an attorney with
25 no known experience in copyright law, filed a DMCA counter-notification under 17 U.S.C.
26 § 512(g)(3), claiming the entirety of the content was “de facto fair use.” That representation,
27 signed under penalty of perjury, was legally baseless and factually false, as the Roundup
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1 video contained extensive, uninterrupted segments of Plaintiff’s work with little or no
2 commentary or transformation.

3 After filing this action, Plaintiff learned that Reed was not acting as counsel for the
4 Frauditor Roundup channel but was operating what appears to be a counter-notice mill, a
5 business that offers to prepare and submit DMCA counter-notifications for YouTube
6 creators in exchange for payment. Evidence indicates that Reed has submitted dozens of
7 counter-notices on behalf of multiple channels, including reaction and “anti-auditor”
8 channels, using nearly identical boilerplate language asserting that all content is “fair use”
9 without reviewing the underlying videos or performing any individualized analysis of the
10 statutory fair-use factors. Such automated filings reflect a reckless disregard for the truth
11 of the representations made under 17 U.S.C. § 512(g) and demonstrate a pattern of conduct
12 designed to game YouTube’s notice-and-takedown system rather than comply with it.

13 Although Reed has provided Plaintiff with a purported name for the operator of the
14 Frauditor Roundup channel, Plaintiff has been unable to verify that information. Based on
15 statements made by Frauditor Roundup in publicly available YouTube posts and
16 community comments, Plaintiff has reason to believe that Reed may not possess the correct
17 identity of the channel owner. Accordingly, the true operator remains unidentified and is
18 sued herein as John Doe d/b/a Frauditor Roundup.

19 Through this action, Plaintiff seeks to hold Reed and the John Doe defendant
20 accountable for knowingly and materially misrepresenting the legal basis for the Counter-
21 Notice and to obtain a declaration that the Roundup video infringes Liberty Troll’s
22 copyrighted work.

23 **B. Defendants’ Statement of Facts**

24 Defendant Robert Alan Reed was retained by YouTube user “Frauditor Roundup”
25 (Ruben Martinez, address and phone number provided to Plaintiff in September, 2025, and
26 included in the proof of service on Reed’s answer to Plaintiff’s complaint) for the sole
27 purpose of serving as agent for service of process. Reed was not retained – in any capacity
28 – as an attorney.

1 Reed provided a service for YouTube channels that had notoriously been the victim
2 of false DMCA claims filed against them. These false claims would generally be made to
3 get personal information, having no intention to pursue justice, but instead seeking to
4 harass, harm, and most importantly, squelch YouTube user’s fair use rights to criticize
5 and/or mock other material uploaded publicly to the platform. Defendant Reed is a
6 “YouTuber” and has experienced this first hand, which led him to provide the service to
7 other “YouTubers” for a nominal fee.

8 The substantial majority of those who retained Reed as agent for service of process
9 would file their counter on their own, using Reed’s law office address. In the instant case,
10 Reed was asked to submit the claim on Defendant “Frauditor Roundup’s” behalf. Reed’s
11 submission was rejected by YouTube (see Plaintiff’s attached Exhibit to the complaint).
12 YouTube did eventually accept the counter claim when filed directly by Defendant
13 “Frauditor Roundup,” himself.

14 When retaining Reed as “agent for service” of process, “Frauditor Roundup”
15 provided his personal information (to be provided to any DMCA filer who, in fact, did file
16 a copyright lawsuit as it was in this case), agreed to all of the requirements of 17 U.S.C. §
17 512(g)(3), and agreed that he had reviewed the fair use requirements and was of his own
18 “good faith” belief that his use of the material at issue was compliant with the elements of
19 fair use. In reliance of these assertions, made under penalty of perjury by “Frauditor
20 Roundup” on Defendant Reed’s platform, Defendant Reed had the good faith belief that
21 the assertions were true.

22 Defendant Reed contends that the representations made by him as asserted in the
23 DMCA counter were in “good faith,” and because YouTube rejected the submission made
24 directly by Defendant Reed, the assertions were not material to YouTube’s decision to
25 reinstate the video at issue. Reed had no personal relationship with Defendant “Frauditor
26 Roundup,” nor did he have any involvement in the creation of the video at issue.

27 Lastly, of note, Reed has closed his law practice, including the service provided to
28 “YouTubers” at issue in this case. Reed further contends that any issues of declaratory

1 relief for the use of such a service to protect a YouTuber’s identity would best be
2 addressed in a lawsuit against Google.

3 **III. LEGAL ISSUES**

- 4 1. Whether the Frauditor Roundup channel’s use of Plaintiff’s copyrighted video
5 content constitutes fair use under 17 U.S.C. § 107.
- 6 2. Whether Defendants’ DMCA counter-notifications contained material
7 misrepresentations in violation of 17 U.S.C. § 512(f).
- 8 3. Whether Reed’s operation of a counter-mill was a violation of 17 U.S.C. §§ 512(f)
9 and (g).
- 10 4. Whether Plaintiff is entitled to damages, injunctive relief, or attorneys’ fees under
11 the Copyright Act or the DMCA.
- 12 5. Whether Google (as proprietor of YouTube) is the appropriate party for Plaintiff’s
13 seeking of declaratory and/or injunctive relief under the Code.

14 **IV. MOTIONS**

15 No motions are currently pending. The parties intend to enter into a stipulation
16 consolidating these proceedings with *Executive Lens LLC v. Reed*, Case No. 25-cv-7150-
17 SVK. Consolidation is appropriate because both actions arise from the same series of
18 DMCA counter-notifications, involve overlapping parties and counsel, and present
19 substantially identical questions of law and fact regarding fair use, copyright ownership,
20 and damages under 17 U.S.C. § 512(f). Consolidation will promote judicial efficiency,
21 avoid duplicative discovery, and ensure consistent rulings on common legal and factual
22 issues.

23 **V. AMENDMENT OF PLEADINGS**

24 Plaintiff intends to amend the complaint to add the operator of the Frauditor
25 Roundup YouTube channel as a defendant after third-party discovery on Google LLC.
26 Plaintiff reserves the right to seek leave to amend after discovery reveals the scope of
27 Reed’s counter-notice mill.

1 **VI. EVIDENCE PRESERVATION**

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

6 The parties do not anticipate any issues concerning evidence preservation at this time
7 but will promptly raise any disputes with the Court if they arise.

8 **VII. DISCLOSURES**

9 Plaintiff and Defendants will have served their Rule 26(a) Initial Disclosures as of
10 the date of this Joint Case Management Statement, November 11, 2025.

11 **VIII. DISCOVERY**

12 No discovery has been conducted to date. The parties have discussed the scope of
13 anticipated discovery and agree that discovery should proceed in accordance with the
14 Federal Rules of Civil Procedure and this Court's local rules.

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

20 No discovery disputes have been identified at this time.

21 **IX. CLASS ACTION**

22 This is not a class action.

23 **X. RELATED CASES**

24 There are no related cases.

25 **XI. RELIEF**

26 **A. Plaintiff's Position**

27 Plaintiff seeks relief under 17 U.S.C. § 512(f) for Defendant's knowing and material
28 misrepresentations in DMCA counter-notifications submitted to YouTube on or about

1 August 7, 2025. Specifically, Plaintiff requests (1) actual damages caused by the
2 misrepresentations, including expenses and attorney’s fees incurred to prevent
3 reinstatement of infringing videos; and (2) a declaratory judgment under 28 U.S.C. § 2201
4 confirming that Defendant’s use of Plaintiff’s copyrighted works does not constitute fair
5 use under 17 U.S.C. § 107; and (3) injunctive relief restraining Defendant from further use,
6 publication, or republication of Plaintiff’s copyrighted videos at issue.

7 **B. Defendants’ Position:**

8 Defendant Reed prays for judgment, as follows: (1) that Plaintiff’s complaint be
9 dismissed in its entirety; (2) that Defendant Ruben Martinez aka “Frauditor Roundup’s”
10 use of Plaintiff’s YouTube video constituted fair use and that any alleged
11 “misrepresentations” asserted in the counter DMCA filing were, in fact, not
12 misrepresentations at all, but were true and correct; (3) that Reed’s assertions made in the
13 counter DMCA filing were in good faith and, in fact, were not material in YouTube’s
14 decision to reinstate the video at issue; and, (4) that Plaintiff suffered no damages and/or
15 failed to mitigate damages as a result of the video reinstatement.

16 **WXII. SETTLEMENT AND ADR**

17 Pursuant to ADR Local Rule 3-5, the parties have reviewed the ADR Handbook,
18 discussed it with their counsel, and come to the following conclusions: the parties are open
19 to early mediation. Defendant Reed specifically requests an Early Neutral Evaluation.

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

21 The parties consented to the Magistrate Judge for all purposes

22 **XIV. OTHER REFERENCES**

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

25 **XV. NARROWING OF ISSUES**

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

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1 **XVI. EXPEDITED TRIAL PROCEDURE**

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

4 **XVII. SCHEDULING**

5 Event	Proposed Deadline
6 Completion of Fact Discovery	July 31, 2026
7 Expert Disclosures	August 31, 2026
8 Completion of Expert Discovery	September 30, 2026
9 Deadline for Dispositive Motions	October 31, 2026
10 Pretrial Conference	February 2027
11 Bench Trial (Estimated 1 day)	March 2027

12 **XVIII. TRIAL**

13 The parties consent to a bench trial (estimated 1 day).

14 **XIX. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR**
15 **PERSONS**

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

18 **XX. PROFESSIONAL CONDUCT**

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

20 **XXI. OTHER**

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

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1 Dated: November 11, 2025

2 s/ Randall S. Newman
3 Randall S. Newman, Esq. (190547)
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6 (212) 797-3735
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8 *Attorney for Plaintiff,*
9 *Liberty Troll, LLC*

10 Dated: November 11, 2025

11 s/ Robert Reed
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14 Encino, CA 91436
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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:

SUSAN VAN KEULEN, UNITED STATES
MAGISTRATE JUDGE