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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 DAYBREAK GAME COMPANY LLC,

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14 Plaintiff,

15 v.

16 KRISTOPHER TAKAHASHI, *et al.*,

17 Defendants.
18

Case No. 25-cv-01489-BAS-BLM

**STIPULATED ORDER
RESOLVING PLAINTIFF’S
AMENDED MOTION FOR
TEMPORARY RESTRAINING
ORDER**

19 WHEREAS, on June 10, 2025, Plaintiff Daybreak Game Company LLC
20 (“Daybreak”) filed a Complaint (ECF No. 1) alleging copyright infringement,
21 violations of the Digital Millennium Copyright Act (“DMCA”), trademark dilution,
22 unfair competition, breach of contract, and unjust enrichment against individuals
23 Kristopher Takahashi and Alexander Taylor (“Defendants”)¹ in connection with their
24 alleged illegal creation, operation, and promotion of “The Heroes’ Journey” (“THJ”)
25 emulator that, Daybreak alleges, *inter alia*, copies Daybreak’s copyrighted game
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27 ¹ Defendants allege that the company that operates THJ—Another Quest LLC—is the
28 proper defendant in this matter, and allege that Daybreak has improperly named the company’s two
members, Mr. Takahashi and Mr. Taylor, as defendants in this lawsuit. Daybreak rejects this
argument.

1 content, circumvents Daybreak’s technological protection measures, dilutes
2 Daybreak’s famous EVERQUEST mark, and generates revenue through a “donation”
3 system;

4 WHEREAS, on June 16, 2025, Daybreak filed its Amended Application for a
5 Temporary Restraining Order and Preliminary Injunction (“Amended TRO
6 Application”) (ECF No. 10) seeking, *inter alia*, to immediately halt the operation of
7 THJ;

8 WHEREAS, on June 17, 2025, Daybreak filed an *Ex Parte* Application to
9 Advance Hearing Date on its Amended TRO Application (“Motion to Advance”)
10 (ECF No. 13), which Defendants opposed on June 23, 2025 (ECF No. 22);

11 WHEREAS, the Court granted Daybreak’s Motion to Advance in part on June
12 24, 2025, scheduling the oral argument on the temporary restraining order sought by
13 Daybreak in its Amended TRO Application for July 2, 2025 (ECF No. 24);

14 WHEREAS, the Parties agree, in order to preserve judicial resources and
15 facilitate a prompt hearing and determination of Daybreak’s request for a preliminary
16 injunction (“Motion for Preliminary Injunction”), to submit this Stipulated Order
17 resolving Daybreak’s Amended TRO Application, pending Court approval and
18 endorsement, and request that this Stipulated Order be entered;

19 WHEREAS, Defendants deny any wrongdoing;

20 WHEREAS, the Parties have agreed to stipulate to the below restrictions until
21 the Court can hear oral argument from both sides regarding Daybreak’s Motion for
22 Preliminary Injunction;

23 WHEREAS, the Court retains the power to enforce any violation by
24 Defendants, or Another Quest LLC, or any parties acting in concert with them, of this
25 Order;

26 **THEREFORE, IT IS NOW HEREBY STIPULATED AND AGREED** by
27 and between the Parties, through their counsel, and **ORDERED** by this Court, that
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1 pending the hearing and determination of Daybreak's Motion for Preliminary
2 Injunction:

3 **I. AGREED-UPON RESTRICTIONS AND ACTIONS**

4 Defendants, and all persons in their control and acting in concert with them,
5 shall immediately cease and desist from and/or take the following actions within one
6 business day of entry of this Stipulated Order:

7 **A. Update Restriction and Preservation of Revenue**

8 1. *Suspension of THJ Updates*: Defendants shall postpone, cancel, or
9 otherwise refrain from releasing the announced major update to THJ that
10 had been scheduled for approximately June 20, 2025, and all other
11 updates, including new content, in-game items, and game mechanics,
12 other than minor bug fixes or other routine changes to maintain THJ
13 (collectively, "Updates"). Defendants shall not otherwise disseminate
14 the June 20, 2025, update or any other Updates (whether in whole, in
15 part or in any modified form) until permitted to do so by this Court or
16 by agreement of the Parties.

17 2. *Preservation and Escrow of Revenue*: Defendants will not disseminate
18 any proceeds from all donation systems, payment processing, and/or
19 revenue collection mechanisms associated with THJ other than for
20 professional services and other ordinary and reasonable business
21 expenses, and agree to maintain records of the dissemination of any such
22 proceeds. Defendants also will provide an accounting to counsel for
23 Daybreak on a weekly basis of all such proceeds and payments.
24 Daybreak reserves the right to challenge the propriety of any such
25 dissemination of proceeds including, without limitation, as part of
26 Daybreak's damages as set forth in the Complaint. On the last business
27 day of each month while this Stipulated Order is in place, any remaining
28 proceeds will be placed in an agreed-upon third-party escrow account.

B. Agreed Public Statement

1. No later than one business day after entry of this Stipulated Order, Defendants agree to post prominently on THJ's Discord server and website (heroesjourneyemu.com) the following public statement:

“The Heroes’ Journey is currently subject to pending litigation brought by Daybreak Game Company LLC regarding intellectual property and other related matters. While that case proceeds, a Stipulated Order found here [with hyperlink] has been agreed to by the Parties in that litigation and is subject to enforcement by the United States District Court for the Southern District of California.”

II. PRESERVATION OF EVIDENCE

1. *Comprehensive Preservation Order*: Defendants, and all those acting in concert with them, including, but not limited to, Another Quest LLC, shall immediately preserve all evidence related to THJ within their possession, custody, and control, including, but not limited to, the following:

- a. All source code;
- b. All communications between Defendants and contributors;
- c. All financial records and transaction data;
- d. All promotional materials and marketing content; and
- e. All GitHub repositories, Discord communications, and online content.

III. TEMPORARY JURISDICTIONAL AND PROCEDURAL WAIVERS

1. Defendants will not file any motion prior to the Court's hearing and determination of Daybreak's Motion for Preliminary Injunction raising any of the following:

- a. Any challenge to this Court's personal jurisdiction over Defendants;
- b. Any challenge to venue in the United States District Court for the Southern District of California; and
- c. Any other procedural challenges under Federal Rule of Civil Procedure 12.


Defendants reserve the right to raise such arguments before the Court in their briefing or as part of the hearing on the Motion for Preliminary Injunction or thereafter, including, without limitation, as one of the grounds on which to deny the Motion for Preliminary Injunction and/or dismiss the Complaint.

IV. CONTINUATION OF EXISTING OPERATIONS

1. *Existing Player Access*: Nothing in this Stipulated Order shall prevent THJ users from continuing to access and play on THJ servers using their accounts until the Court's determination on Daybreak's Motion for Preliminary Injunction, provided that Defendants do not release substantive new content (*e.g.*, the June 20, 2025, patch) or implement new in-game items or mechanics during the pendency of this Stipulated Order. Nothing in this Stipulated Order shall prevent Defendants from implementing bug fixes or other routine changes to maintain THJ.

IT IS SO ORDERED.

DATED: June 27, 2025



Hon. Cynthia Bashant, Chief Judge
United States District Court