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Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

Data Sales Co. Inc., a Minnesota
corporation,

Plaintiff,

v.

Path Networks, Inc., a Delaware
corporation,

Defendant.

Case No. CV2025-027770

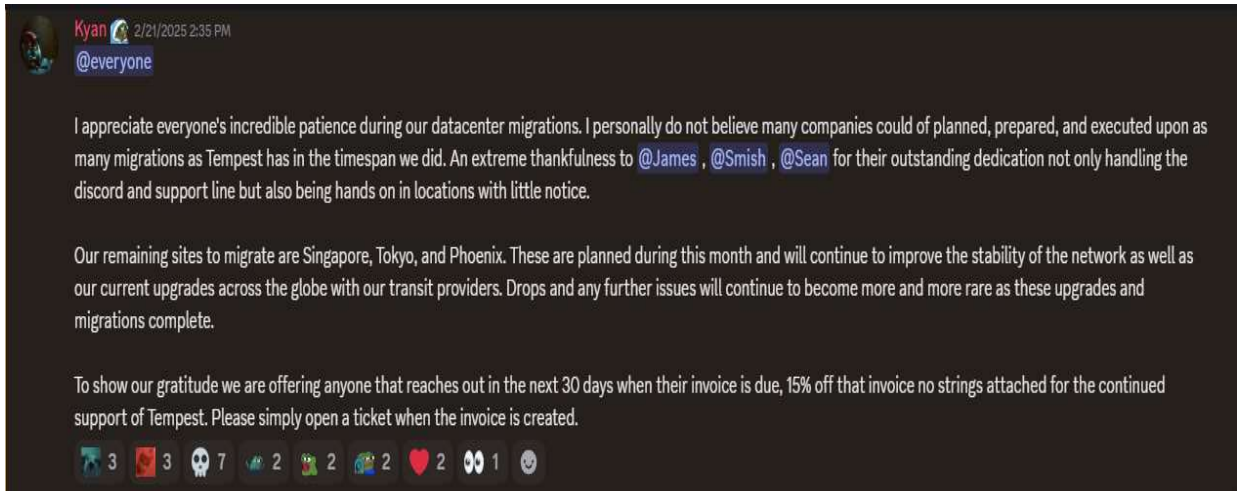
**NOTICE OF LODGING AMENDED
FORM OF ORDER GRANTING
PROVISIONAL REMEDY OF
REPLEVIN / WRIT OF REPLEVIN**

Before the Hon. Joseph Kreamer

Plaintiff Data Sales Co, Inc. (“Data Sales”) provides notice that it has lodged an amended form of Order Granting Provisional Remedy of Replevin / Writ of Replevin (the “Amended Order”) because of troubling new information that has arisen since Data Sales lodged its original form of Order. The Amended Order is attached as **Exhibit 1**.

Beginning on August 16, after Data Sales moved for an Order providing the provisional remedy of replevin, Data Sales’ counsel started to receive unsolicited e-mail communications concerning Defendant. See **Exhibits 2, 3, and 4**. The upshot of those communications is that Defendant may have removed the Property subject to Data Sales’ Replevin request from Arizona to another location – perhaps to a location outside the United States.

For example, one e-mail communication indicates that, in fact, Data Sales’ site in Phoenix was intended to be migrated sometime this year:



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10 It further appears Defendant is suffering significant financial strain, and as such,
11 Data Sales is concerned that Defendant may try to liquidate the Property to stay afloat or
12 stave off further financial catastrophe. For example, one e-mail communication states:

13 We believe we have information that may support your case. Specifically,
14 the hardware you referenced in your filing does not appear to be located at
15 the addresses listed. ***Much of this equipment has been shipped to other
facilities in Chicago, Dallas, Miami, Europe, and Asia.***

16 Additionally, several months ago PhoenixNAP and other datacenters
17 terminated Path's access due to unpaid bills. At least in the case of
18 PhoenixNAP, customers are still waiting for their data. It is therefore highly
likely that PhoenixNAP continues to hold certain hardware, for example, the
40x Supermicro 3U 24-Bay 3.5" servers originally located there. You might
get lucky here.

19 ***Based on Path Network Inc. getting kicked out of various datacenters,
being removed from various transit/network providers, internet exchanges,
and getting sued for a €250k office rent arrears, it looks strongly like they
are in deep financial trouble.*** I therefore hope that you find a way to get
21 your client's money or equipment back.

22 Exhibit 1 (emphasis added).

23 Accordingly, based on all this, Data Sales has submitted the Amended Order, which
24 among other things, in addition to the relief already requested, requires Defendant to
25 provide Data Sales with a list indicating where the Product is located, and the name, e-mail
26 address, and telephone number for an individual ***at the location*** who will be responsible
27 for ensuring compliance with this Court's Order.

1 Data Sales will be prepared to address these issues, and the issues raised on Data
2 Sale's Application at the forthcoming hearing on September 2, 2025.

3 RESPECTFULLY SUBMITTED: August 21, 2025.

4 TAFT STETTINIUS & HOLLISTER LLP

5 By /s/ Craig Morgan

6 Craig A. Morgan
7 2555 East Camelback Road, Suite 1050
8 Phoenix, Arizona 85016
9 *Attorneys for Plaintiff Data Sales, Inc.*

10 **ORIGINAL** of the foregoing electronically
11 filed via TurboCourt and COPY sent via
12 email on August 21, 2025 to:

13 Michael P. Rolland
14 Andrew O'Keeffe
15 **ENGELMAN BERGER, P.C.**
16 2800 North Central Avenue, Suite 1200
17 Phoenix, Arizona 85004
18 mpr@eblawyers.com
19 aro@eblawyers.com
20 *Presumed Counsel for Defendant*

21 /s/ Ella Meshke

EXHIBIT 1

EXHIBIT 1



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Data Sales Co. Inc., a Minnesota corporation,

Plaintiff,

v.

Path Networks, Inc., a Delaware corporation,

Defendant.

Case No. CV2025-027770

**ORDER GRANTING PROVISIONAL
 REMEDY OF REPLEVIN / WRIT OF
 REPLEVIN**

The Court has considered Plaintiff’s Application For An Order To Show Cause Why Plaintiff Should Not Be Granted The Provisional Remedy Of Replevin With Notice Pursuant to A.R.S. § 12-2402 (the “Application”), the record in this action, and the arguments made to the Court.

Based on the foregoing, **THE COURT FINDS:**

1. The Application concerns that certain property more particularly described in **Exhibit 1**, attached hereto, the content of which is incorporated herein by reference (collectively, the “Product”).

2. The parties are bound by a contract known as the Master Lease (a copy of which is attached to the Verified Complaint as Exhibit A), together with all amendments, addenda, exhibits and other supplements related to the Master Lease.

3. Plaintiff is the owner of, or is otherwise lawfully entitled to possession of, the Product.

4. The Product is not consumer goods.

1 5. Plaintiff has made a demand upon Defendant to return the Product to
2 Plaintiff, but Defendant has refused to do so. Thus, Defendant has wrongfully detained the
3 Product.

4 6. The Product has not been seized under any process, execution, or
5 attachment against Plaintiff's property.

6 7. The Product is valued at \$81,903.39.

7 8. Defendant may have misappropriated or removed the Product from Arizona
8 and relocated it elsewhere either within or outside the United States.

9 Based on the foregoing findings, and good cause appearing for the relief requested
10 in the Application,

11 **IT IS HEREBY ORDERED** granting the Application.

12 **IT IS FURTHER ORDERED** that Defendant shall, at its own cost and expense,
13 within 2 business days from the date of the entry of this Order, provide Plaintiff and its
14 legal counsel with a list indicating where the Product is located (the "List"). The List shall
15 reflect the specific Product, the physical address where the Product is located, and the name,
16 e-mail address, and telephone number for an individual *at the location* who will be
17 responsible for ensuring compliance with this Order.

18 **IT IS FURTHER ORDERED** that Defendant shall, at its own cost and expense,
19 within 7 business days from the date of the entry of this Order, take all necessary steps to
20 disassemble, deinstall, protect, package, remove, ship, and cause the Product to be delivered
21 to a place located in the United States of America of Plaintiff's designation and in a
22 condition as required by the Master Lease.

23 **IT IS FURTHER ORDERED** that Defendant shall in accordance with the Master
24 Lease, at Defendant's own cost and expense, within 7 business days from the date of the
25 entry of this Order, provide Plaintiff with a letter from the manufacturer certifying that the
26 Product is in good operating condition and is eligible for continued maintenance, and that
27 the operating system is at the then current level, unless the Product is under a
28

1 manufacturer's service contract.

2 **IT IS FURTHER ORDERED** that, if for any reason Defendant shall fail to timely
3 abide by this Order, then the Sheriff of Maricopa County, Arizona – or any other county in
4 which the above-described collateral may be located – is hereby ordered to take possession
5 of and deliver over to Plaintiff possession of the Property, and make return of this Order
6 showing how and when the Sheriff executed the same.

7 **IT IS FURTHER ORDERED** that, if for any reason Defendant shall fail to timely
8 abide by this Order, then it or its employees or agents who cause such non-compliance may
9 be held in contempt of this Court or sanctioned.

10 **IT IS FURTHER ORDERED** that Plaintiff shall post a bond in this action in the
11 amount of \$ _____.

12 Dated _____

13 _____
14 The Hon. Joseph Kreamer
15 Superior Court of Arizona
16 Maricopa County
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EXHIBIT 1

EXHIBIT 1

PATH NETWORK	2525 E CAMELBACK RD	PHOENIX	AZ	85016	3986 016	1612	1	141-1U4LW-X570/2L2T	F1S0R8000135	1U ASROCK 4XSAS/SATA DUAL 10GB 400W PSU	10/1/2022	36	9/30/2025	\$	57.61	\$	1,812.15	\$	271.82
PATH NETWORK	2525 E CAMELBACK RD	PHOENIX	AZ	85016	3986 016	1613	1	141-1U4LW-X570/2L2T	F1S0R8000142	1U ASROCK 4XSAS/SATA DUAL 10GB 400W PSU	10/1/2022	36	9/30/2025	\$	57.61	\$	1,812.15	\$	271.82
PATH NETWORK	2525 E CAMELBACK RD	PHOENIX	AZ	85016	3986 016	1611	1	141-1U4LW-X570/2L2T	F1S0R8000164	1U ASROCK 4XSAS/SATA DUAL 10GB 400W PSU	10/1/2022	36	9/30/2025	\$	57.61	\$	1,812.15	\$	271.82
PATH NETWORK	3402 E UNIVERSITY DR	PHOENIX	AZ	85034	3986 017	01720	1	SERVER	EAS0R8000928-1	SCH 018 CHASSIS UPGRADE FROM 1U2LW-X470 TO 1U4LW-X570/2L2T	11/1/2022	36	10/31/2025	\$	12.49	\$	392.97	\$	58.95
PATH NETWORK	3402 E UNIVERSITY DR	PHOENIX	AZ	85034	3986 017	01721	1	SERVER	EAS0R8000989-1	SCH 018 CHASSIS UPGRADE FROM 1U2LW-X470 TO 1U4LW-X570/2L2T	11/1/2022	36	10/31/2025	\$	12.49	\$	392.97	\$	58.95
PATH NETWORK	3402 E UNIVERSITY DR	PHOENIX	AZ	85034	3986 018	1802	1	141-1U4LWX570/2L2T	EAS0R8000928	1U ASROCK 4XSAS/SATA DUAL 10GB 400W PSU	2/1/2023	36	1/31/2026	\$	159.35	\$	5,012.53	\$	751.88

124

Totals \$ 17,358.08 \$ 546,021.57 \$ 81,903.39

PATH NETWORK	3402 E UNIVERSITY DR	PHOENIX	AZ	85034	3986 015	1512	1	321300	C93900B45A00024	SUPERMICRO 3U 24 BAY 3.5"	9/1/2022	36	8/31/2025	\$	219.79	\$	6,913.82
PATH NETWORK	3402 E UNIVERSITY DR	PHOENIX	AZ	85034	3986 015	1510	1	321300	C93900B45A00033	SUPERMICRO 3U 24 BAY 3.5"	9/1/2022	36	8/31/2025	\$	219.79	\$	6,913.81
PATH NETWORK	2525 E CAMELBACK RD	PHOENIX	AZ	85016	3986 016	1610	1	141-1U4LW-X570/2L2T	F1S0R8000127	1U ASROCK 4XSAS/SATA DUAL 10GB 400W PSU	10/1/2022	36	9/30/2025	\$	57.61	\$	1,812.15
PATH NETWORK	2525 E CAMELBACK RD	PHOENIX	AZ	85016	3986 016	1612	1	141-1U4LW-X570/2L2T	F1S0R8000135	1U ASROCK 4XSAS/SATA DUAL 10GB 400W PSU	10/1/2022	36	9/30/2025	\$	57.61	\$	1,812.15
PATH NETWORK	2525 E CAMELBACK RD	PHOENIX	AZ	85016	3986 016	1613	1	141-1U4LW-X570/2L2T	F1S0R8000142	1U ASROCK 4XSAS/SATA DUAL 10GB 400W PSU	10/1/2022	36	9/30/2025	\$	57.61	\$	1,812.15
PATH NETWORK	2525 E CAMELBACK RD	PHOENIX	AZ	85016	3986 016	1611	1	141-1U4LW-X570/2L2T	F1S0R8000164	1U ASROCK 4XSAS/SATA DUAL 10GB 400W PSU	10/1/2022	36	9/30/2025	\$	57.61	\$	1,812.15
PATH NETWORK	3402 E UNIVERSITY DR	PHOENIX	AZ	85034	3986 017	01720	1	SERVER	EAS0R8000928-1	SCH 018 CHASSIS UPGRADE FROM 1U2LW-X470 TO 1U4LW-)	11/1/2022	36	10/31/2025	\$	12.49	\$	392.97
PATH NETWORK	3402 E UNIVERSITY DR	PHOENIX	AZ	85034	3986 017	01721	1	SERVER	EAS0R8000989-1	SCH 018 CHASSIS UPGRADE FROM 1U2LW-X470 TO 1U4LW-)	11/1/2022	36	10/31/2025	\$	12.49	\$	392.97
PATH NETWORK	3402 E UNIVERSITY DR	PHOENIX	AZ	85034	3986 018	1802	1	141-1U4LWX570/2L2T	EAS0R8000928	1U ASROCK 4XSAS/SATA DUAL 10GB 400W PSU	2/1/2023	36	1/31/2026	\$	159.35	\$	5,012.53

EXHIBIT 2

EXHIBIT 2

Meshke, Ella

From: leifiur <leifiur@proton.me>
Sent: Saturday, August 16, 2025 2:21 PM
To: CMorgan@TaftLaw.com
Subject: Information about Path network Inc.
Attachments: image.png; image.png; image.png; image.png; image.png; image.png; image.png; image.png; image.png

Dear Mr. Morgan,

We have reviewed your recently submitted document titled *“APPLICATION FOR ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE GRANTED THE PROVISIONAL REMEDY OF REPLEVIN.”*

We believe we have information that may support your case. Specifically, the hardware you referenced in your filing does not appear to be located at the addresses listed. Much of this equipment has been shipped to other facilities in Chicago, Dallas, Miami, Europe, and Asia.

Additionally, several months ago PhoenixNAP and other datacenters terminated Path’s access due to unpaid bills. At least in the case of PhoenixNAP, customers are still waiting for their data. It is therefore highly likely that PhoenixNAP continues to hold certain hardware, for example, the 40x Supermicro 3U 24-Bay 3.5" servers originally located there. You might get lucky here.

It is also important to note that the hardware delivered to 2525 E Camelback Rd is no longer at that site. Path was evicted from their office at this address, and the equipment was already shipped from there to various datacenters globally.

For your reference, we have attached photographs shared by Path/Tempest employees documenting their server “migration” after being kicked out from various datacenter locations, including London, Chicago, Miami, LA, Singapore, Tokyo, Sydney, Phoenix, and Dallas. Also including some official "statements" from their CEO en COO.

<https://status.path.net/incidents/cdb7c6x9n8yb>

<https://www.superiorcourt.maricopa.gov/docket/CivilCourtCases/caseInfo.asp?caseNumber=CV2024-029974>

The list of Path's datacenter locations can be found on: <https://www.peeringdb.com/net/19028> (Interconnection Facilities). However please note that some of it might be outdated due to the recent datacenter migrations.

Based on Path Network Inc. getting kicked out of various datacenters, being removed from various transit/network providers, internet exchanges, and getting sued for a €250k office rent arrears, it looks strongly like they are in deep financial trouble. I therefore hope that you find a way to get your client's money or equipment back.

We hope this information proves helpful to your case. If you need anymore information that I might be able to provide let me know.

Best Regards,

Update - Tokyo should be returning to full status in the coming days.

Feb 24, 2025 - 18:37 UTC

Identified - Tokyo is currently being migrated, we are awaiting our transit provider to run their connection and we will return to full capacity.

Feb 12, 2025 - 17:11 UTC

Update - More information will be announced as it becomes available.

Feb 01, 2025 - 03:02 UTC

Investigating - We are currently investigating an issue with our Tokyo Point of Presence.

We will provide more updates as they come through.

Jan 21, 2025 - 07:58 UTC







Kyan  8:20 PM

Phoenix will be turned up shortly for Path which means increased capacity for ddos attacks and better connectivity on the west coast. We continue to do our best to bring Tempest Phoenix back online.

New York is still in progress, either way we will have a backup plan in place for next time whichever gets built out or fixed first will be deployed as soon as possible for you guys to get back to your servers. I apologize for the delay.


Singapore will be returning extremely soon followed shortly by Tokyo.



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Kyan  2/14/2025 8:41 PM

We couldn't come to negotiations with Equinix that worked for both sides, they were abusing their relationship with us and we decided despite the downtime it'd be far better in the long-term to do this.

Otherwise it would of caused issues for another 36 months which is just not worth it.



Kyan  2/21/2025 2:35 PM

@everyone

I appreciate everyone's incredible patience during our datacenter migrations. I personally do not believe many companies could of planned, prepared, and executed upon as many migrations as Tempest has in the timespan we did. An extreme thankfulness to @James , @Smish , @Sean for their outstanding dedication not only handling the discord and support line but also being hands on in locations with little notice.

Our remaining sites to migrate are Singapore, Tokyo, and Phoenix. These are planned during this month and will continue to improve the stability of the network as well as our current upgrades across the globe with our transit providers. Drops and any further issues will continue to become more and more rare as these upgrades and migrations complete.

To show our gratitude we are offering anyone that reaches out in the next 30 days when their invoice is due, 15% off that invoice no strings attached for the continued support of Tempest. Please simply open a ticket when the invoice is created.





InternetPacketPusher  1/30/2025 12:10 PM

@everyone We've been in negotiations with one of our primary DC's, we're likely going to do a site migration as they're not working with us on pricing / service related issues and are playing hard ball right now. The **recent outages and lack of communication have made us reconsider working with them at all**, and our current plan is to perform a move over the coming week to new regional datacenters.


For Path clients:

This will generally not have as much of an affect while things are moved, aside from an increase in latency in some locations.

For Tempest clients:

Some PoPs will be disrupted while the migration takes place. We'll share timelines for each one, as well as notify when they're resolved.

While **we have been planning this for some time** as part of the upgrades we expected to make this year, **the timeline has been moved forward by recent events**. This transition is taking place with the assistance of @Kyan and @James, and we're available for questions during the move.



@Death So london will also be going offline?



InternetPacketPusher ⚡ **PATH** 🌀 Today at 21:17

There will be a migration for London next-week, we'll share the timeline when we have it.



Lazar Jelicic · 1e
Telecommunication technician
46 m · 🌐



It was an honor to be part of **Path Network, Inc** latest deployment project in Frankfurt!

I had the opportunity to contribute by assisting with racking, stacking, and setting up network connections on their equipment.

Seeing firsthand how these upgrades will enhance scalability, reliability, and performance for global users was truly a great experience.

Looking forward to more exciting projects in the future!

#DatacenterDeployment #Networking #Infrastructure #TechUpgrade #PathNetwork

Vertaling weergeven



EXHIBIT 3

EXHIBIT 3

Meshke, Ella

From: prawpath <prawpath@proton.me>
Sent: Sunday, August 17, 2025 1:32 PM
To: CMorgan@TaftLaw.com
Subject: Information regarding CV2025-027770

Hi there,

I will not be stating my name for reasons that I truly hope are understandable: anonymity.

I want to provide you with some additional information that you may not be aware of (nor your client) around Path Networks.

Path operates a company called "Tempest Hosting", which markets dedicated servers with specifications similar to those which are found within your complaint

As stated within your application for order:

"Path is engaged in the business of providing its customers with services and technological assistance aimed at defending and/or mitigating against distributed denial of service (DDoS) attacks and other malicious forms of cyber-attack."

While Path genuinely provides network security services and represents itself as such, a significant portion of hardware it acquires via loans is directed towards operations for Tempest. Path's purpose is as front as a "network security company" which allows them to get loans (such as from Data Sales) and then use that hardware for their other company, Tempest. This structure suggests misrepresentation of purpose in obtaining finance and may constitute improper diversion of assets to a related company.

Furthermore, this has caused issues with datacentres where they haven't paid as they cannot distinguish between Path and Tempest, assuming them to be separate entities, and that Tempest colocates with Path. This leads to datacentres never being able to shut off hardware due to potentially affecting another company which they do not realise is in fact the same organization.

I am more than happy to provide any other information or answer any questions which you may have regarding this situation.

Best regards,
Praw

EXHIBIT 4

EXHIBIT 4

Meshke, Ella

From: prawpath <prawpath@proton.me>
Sent: Sunday, August 17, 2025 1:40 PM
To: CMorgan@TaftLaw.com
Subject: Re: Information regarding CV2025-027770
Attachments: image.png

Just providing some additional information of which I have just remembered.

Nearly a year ago, Path had an employee take revenge due to not paying them over \$17,000 in wages. This led to many internal messages being leaked. However, one specific set of messages may be useful in your case.

Please see the attachment to this email.

Best regards,
Praw



Marshal Webb

🕒 1 week



it will only sell for \$2mm

2m 🕒

hosting companies have a 1x multiple on revenue

1m 🕒

that's why no one invests in hosting companies

Now 🕒

Path only has investment because it's a security / network company

Now 🕒

Yeah and that's why we're gonna be at the top soon

1m 🕒 🗨️

Correct.

1m 🕒