

1 **MARTIN D. SINGER, ESQ. (BAR NO. 78166)**  
 2 **WILLIAM J. BRIGGS, II, ESQ. (BAR NO. 144717)**  
 3 **EVAN N. SPIEGEL, ESQ. (BAR NO. 198071)**  
 4 **LAVELY & SINGER PROFESSIONAL CORPORATION**  
 5 2049 Century Park East, Suite 2400  
 6 Los Angeles, California 90067-2906  
 7 Telephone: (310) 556-3501  
 8 Facsimile: (310) 556-3615  
 9 E-mail: wbriggs@lavelysinger.com  
 10 E-mail: espiegel@lavelysinger.com

11 Attorneys for Plaintiffs  
 12 **BANK JULIUS BAER & CO. LTD and**  
 13 **JULIUS BAER BANK AND TRUST CO. LTD**

14 **UNITED STATES DISTRICT COURT**  
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN FRANCISCO DIVISION**

17 **BANK JULIUS BAER & CO.**  
 18 **LTD, a Swiss entity; and JULIUS**  
 19 **BAER BANK AND TRUST CO.**  
 20 **LTD, a Cayman Islands entity,**

21 Plaintiffs,

22 v.

23 **WIKILEAKS, an entity of unknown**  
 24 **form, WIKILEAKS.ORG, an entity**  
 25 **of unknown form; DYNADOT,**  
 26 **LLC, a California limited liability**  
 27 **corporation, and DOES 1 through**  
 28 **10, inclusive,**

Defendants.

**CASE NO. CV08-0824 JSW**  
**[Hon. Jeffrey S. White; CRTM 2]**

**[PROPOSED] ORDER TO SEAL**  
**SELECTED EVIDENCE EXHIBITS**  
**FILED IN SUPPORT OF**  
**APPLICATION FOR TEMPORARY**  
**RESTRAINING ORDER AND ORDER**  
**TO SHOW CAUSE RE**  
**PRELIMINARY INJUNCTION**

**[PURSUANT TO CIVIL L.R. 79-5]**

[Filed Concurrently With: Ex Parte  
 Application for TRO and OSC re  
 Preliminary Injunction; Memorandum of  
 Points & Authorities in Support of  
 Application for TRO and OSC re  
 Preliminary Injunction; Ex Parte  
 Administrative Motion to File Under Seal  
 Selected Evidence Exhibits; Notice of  
 Lodgement; Request for Judicial Notice;  
 [Proposed] TRO and OSC Re Preliminary  
 Injunction]; and [Proposed] Order  
 Granting Preliminary Injunction]

DATE: Submission  
 TIME: Submission  
 CTRM: 2, 17<sup>th</sup> FL

///

///

1           **TO ALL PARTIES HEREIN:**

2           The Court has read and considered Plaintiffs', BANK JULIUS BAER & CO.  
3 LTD's ("BJB") and JULIUS BAER BANK AND TRUST CO. LTD's ("JBBT")  
4 (collectively, "Julius Baer" and/or "Plaintiffs"), *ex parte* application for an Order  
5 pursuant to Local Rules 7-11 and 79-5 (a) and (b), to file a copy of selected  
6 document evidence exhibits, comprised of portions of Plaintiffs' confidential and  
7 protected bank files, records, data and account information, and selected wikileaks  
8 website printouts containing the same (collectively, the "JB Property") lodged/filed  
9 as Exhibits "A" through "O", under seal and to seal the JB Property permanently  
10 so that it is not open to inspection by the public, and that should Defendants seek to  
11 file any copies of any of the JB Property, that the same likewise be ordered filed  
12 under seal.

13           The JB Property has been lodged with this Court pursuant to Civil L.R. 79-5  
14 (a) and (b) in support of the Plaintiffs' *ex parte* application for the issuance of a  
15 Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction,  
16 enjoining and restraining Defendants WIKILEAKS, WIKILEAKS.ORG,  
17 DYNADOT, LLC, and DOES 1 through 10 (collectively, "Defendants"). The  
18 Court finds that the Plaintiffs, in order to present their case for a Temporary  
19 Restraining Order and Preliminary Injunction to the Court, have proffered evidence  
20 contained in the JB Property, which the Plaintiffs contend contains the private,  
21 confidential and protected bank and consumer records posted, displayed on,  
22 discussed, written about and disseminated on defendants' website, in direct violation  
23 of foreign and domestic privacy laws. To allow the documents which comprise the  
24 JB Bank Records to remain in the public record and open to inspection defeats the  
25 purpose of the foreign and domestic banking and privacy laws, as well as a TRO and  
26 possible Preliminary Injunction in this case. Good cause appearing therefor, this  
27 Court finds pursuant to Civil L.R. 79-5, that:

28       ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- (1) The documents to be sealed, or portions thereof, are privileged and protected and/or otherwise entitled to protection under the law, that overcomes the right of public access to the record; and
- (2) The proposed sealing is narrowly tailored and no less restrictive means exist to achieve the overriding interest.

The Court hereby grants the Application, and;

**IT IS HEREBY ORDERED AS FOLLOWS:**

**Order for Filing JB Bank Records under Seal**

A. The selected document evidence exhibits “A” through “O”, comprised of selected portions of Plaintiffs’ confidential and protected bank files, records, data and consumer account information (the “JB Property”), lodged in Courtroom 2 of this Court on February \_\_, 2008 in the above-captioned matter shall be maintained under seal, until such further order of the Court; and

B. Should Defendants, or any of them or party hereto, seek to file or submit any copies of the JB Property, and/or any portions or excerpts thereof or other documents which comprise any JB Property (collectively, “copies of the JB Property”), that any said copies of the JB Property are likewise ordered to be filed under seal, until such further order of the Court.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
HON. JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE