

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)**
LAVELY & SINGER PROFESSIONAL CORPORATION
 4 2049 Century Park East, Suite 2400
 Los Angeles, California 90067-2906
 Telephone: (310) 556-3501
 Facsimile: (310) 556-3615
 5 E-mail: wbriggs@lavelysinger.com
 E-mail: espiegel@lavelysinger.com

6 Attorneys for Plaintiffs
 7 **BANK JULIUS BAER & CO. LTD and**
JULIUS BAER BANK AND TRUST CO. LTD

8
 9 **UNITED STATES DISTRICT COURT**
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN FRANCISCO DIVISION**

12 **BANK JULIUS BAER & CO.**
 LTD, a Swiss entity; and **JULIUS**
 13 **BAER BANK AND TRUST CO.**
 LTD, a Cayman Islands entity,

14 Plaintiffs,

15 v.

16 **WIKILEAKS**, an entity of unknown
 17 form, **WIKILEAKS.ORG**, an entity
 of unknown form; **DYNADOT,**
 18 **LLC**, a California limited liability
 corporation, and **DOES 1 through**
 19 **10**, inclusive,

20 Defendants.

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

PROOF OF SERVICE

[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;
 Notice of Lodgement; Plaintiffs' Request
 for Judicial Notice Pursuant to FRCP Rule
 44.1 Re: (1) Cayman Islands' Confidential
 Relationships (Preservation) Law 16 of
 1976; and (2) Swiss Federal Law on
 Banks and Savings Banks, Article 47; and
 Declarations of Mac Imrie and Christoph
 Hiestand in Support Thereof; [Proposed]
 Order to Seal Selected Exhibits;
 [Proposed] TRO and OSC Re Preliminary
 Injunction]; and [Proposed] Order
 Granting Preliminary Injunction]

DATE: Submission
 TIME: Submission
 CTRM: 2, 17th FL

27 / / /

28 / / /

1 **PROOF OF SERVICE**

2 **FRCP 5**

3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 I am employed in the County of Los Angeles, State of California. I am
5 over the age of 18 and not a party to the within action. My business address is
6 2049 Century Park East, Suite 2400, Los Angeles, California 90067-2906.

7 On the date listed below, I served the foregoing document described as:

- 8 (1) EX PARTE APPLICATION FOR TRO AND OSC RE PRELIMINARY
9 INJUNCTION;
- 10 (2) MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF
11 APPLICATION FOR TRO AND OSC RE PRELIMINARY
12 INJUNCTION;
- 13 (3) EX PARTE ADMINISTRATIVE MOTION TO FILE UNDER SEAL
14 SELECTED EVIDENCE EXHIBITS; AND DOCUMENTS LODGED
15 UNDER SEAL
- 16 (4) NOTICE OF LODGEMENT OF EVIDENCE UNDER SEAL
17 PURSUANT TO L.R. 79-5 IN SUPPORT PLAINTIFFS' *EX PARTE*
18 APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND
19 ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION
20 [PURSUANT TO CIVIL L.R. 79-5]
- 21 (5) [PROPOSED] ORDER TO SEAL SELECTED EXHIBITS; REQUEST
22 FOR JUDICIAL NOTICE;
- 23 (6) [PROPOSED] TRO AND OSC RE PRELIMINARY INJUNCTION]; and
- 24 (7) [PROPOSED] ORDER GRANTING PRELIMINARY INJUNCTION
- 25 (8) PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE PURSUANT TO
26 FRCP RULE 44.1 RE: (1) CAYMAN ISLANDS' LAW;
27 AND (2) SWISS LAW

28 on the interested parties in this action by placing:

a true and correct copy -OR- the original document
thereof enclosed in sealed envelopes addressed as follows:

See below "Service List"

VIA MAIL:

- I deposited such envelope in the mail at Los Angeles, California.
The envelope was mailed with postage thereon fully prepaid.
- As follows: I am "readily familiar" with the firm's practice of
collection and processing correspondence for mailing. Under that
practice it would be deposited with U.S. postal service on that same
day with postage thereon fully prepaid at Los Angeles, California in
the ordinary course of business. I am aware that on motion of the
party served, service is presumed invalid if postal cancellation date

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

or postage meter date is more than one day after date of deposit for mailing in affidavit.

[X] VIA PERSONAL SERVICE:

I delivered said document to the offices of the addressee(s), via hand delivery.

I caused such document to be delivered to the offices of the addressee(s), via hand delivery.

BY FACSIMILE: I served the foregoing document described by facsimile machine located at telephone number 310-556-3615, pursuant to California Rules of Court Rules 2008 and 2009, to the interested parties in this action: The facsimile machine I used complied with California Rules of Court Rule 2003(3). The transmission was complete and no error was reported by the machine. **I caused the machine to print a transmission record of the transmission, a copy of which is attached to this Declaration.**

I declare that I am duly employed in the office of a member of the bar of this Court at whose direction the service was made. Executed **February 8, 2008**, at Los Angeles, California.

/s/
Mayra Vera

I hereby attest that I have on file all holographic signatures for any signatures indicated by a conformed signature (/s/) within this efiled document.

/s/
WILLIAM J. BRIGGS, II

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

SERVICE LIST

CV08-0824 JSW

Attorney For Defendants
Wikileaks and Wikileaks.org

Julie S. Turner, Esq.
The Turner Law Firm
344 Tennessee Ln
Palo Alto, CA 94306
Phone: (650) 494-1530
Fax: (650) 472-8028

Defendant Dynadot

Dynadot, LLC
c/o Todd Han - Registered Agent
205 E 3rd Ave 201
San Mateo, CA 94401

Dynadot, LLC
c/o Todd Han - Registered Agent
60 E 3rd Ave
San Mateo, CA 94401

PROOF OF SERVICE
FRCP 5

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2049 Century Park East, Suite 2400, Los Angeles, California 90067-2906.

On the date listed below, I served the foregoing document described as:

- (1) EX PARTE APPLICATION FOR TRO AND OSC RE PRELIMINARY INJUNCTION;
- (2) MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF APPLICATION FOR TRO AND OSC RE PRELIMINARY INJUNCTION;
- (3) EX PARTE ADMINISTRATIVE MOTION TO FILE UNDER SEAL SELECTED EVIDENCE EXHIBITS; AND DOCUMENTS LODGED UNDER SEAL
- (4) NOTICE OF LODGEMENT OF EVIDENCE UNDER SEAL PURSUANT TO L.R. 79-5 IN SUPPORT PLAINTIFFS' *EX PARTE* APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION [PURSUANT TO CIVIL L.R. 79-5]
- (5) [PROPOSED] ORDER TO SEAL SELECTED EXHIBITS; REQUEST FOR JUDICIAL NOTICE;
- (6) [PROPOSED] TRO AND OSC RE PRELIMINARY INJUNCTION]; and
- (7) [PROPOSED] ORDER GRANTING PRELIMINARY INJUNCTION
- (8) PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE PURSUANT TO FRCP RULE 44.1 RE: (1) CAYMAN ISLANDS' LAW; AND (2) SWISS LAW

on the interested parties in this action by placing:

a true and correct copy -OR- the original document thereof enclosed in sealed envelopes addressed as follows:

See below "Service List"

VIA MAIL:

- I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.
- As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date

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

or postage meter date is more than one day after date of deposit for mailing in affidavit.

[X] BY OVERNIGHT DELIVERY

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight delivery service. Under that practice it would be deposited with the overnight delivery service on that same day with all costs fully prepaid at Los Angeles, California in the ordinary course of business.

[] BY FACSIMILE: I served the foregoing document described by facsimile machine located at telephone number 310-556-3615, pursuant to California Rules of Court Rules 2008 and 2009, to the interested parties in this action: The facsimile machine I used complied with California Rules of Court Rule 2003(3). The transmission was complete and no error was reported by the machine. **I caused the machine to print a transmission record of the transmission, a copy of which is attached to this Declaration.**

I declare that I am duly employed in the office of a member of the bar of this Court at whose direction the service was made. Executed **February 8, 2008**, at Los Angeles, California.

/s/

Mayra Vera

I hereby attest that I have on file all holographic signatures for any signatures indicated by a conformed signature (/s/) within this efiled document.

/s/

WILLIAM J. BRIGGS, II

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

SERVICE LIST

CV08-0824 JSW

Agent For Service For Defendants Wikileaks
and Wikileaks.org

Wikileaks.org
John Shipton c/o Dynadot Privacy
Dynadot, LLC
P.O. Box 701
San Mateo, CA 94401
Phone: (650) 585-1961