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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; CTRM 2]

DECLARATION OF EVAN SPIEGEL
IN SUPPORT OF PLAINTIFFS'
NOTICE OF NON-OPPOSITION BY
DEFENDANTS WIKILEAKS AND
WIKILEAKS.ORG TO PLAINTIFFS'
APPLICATION FOR TRO AND OSC

[Filed Concurrently With: Plaintiffs'
 Notice of Non-Opposition by Defendants,
 Wikileaks and Wikileaks.org to Plaintiffs'
 Application for TRO and OSC]

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1 **DECLARATION OF EVAN SPIEGEL**

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3 I, EVAN SPIEGEL, declare as follows:

4 1. I an attorney at law duly qualified to practice before the Courts of the
5 State of California, and am an associate with the firm of Lavelly & Singer
6 Professional Corporation, attorneys for Plaintiffs Bank Julius Baer & Co. Ltd and
7 Julius Baer Bank and Trust Co. Ltd. The facts stated herein are stated of my own
8 personal knowledge and, if called and sworn as a witness, I could and would testify
9 competently thereto. As to those matters stated on the basis of information and
10 belief, I am so informed and believe those matters to be true.

11 2. This Declaration is made in support of Plaintiffs Bank Julius Baer &
12 Co. Ltd's ("BJB") and Julius Baer Bank and Trust Co. Ltd's ("JBBT") (collectively,
13 "Julius Baer" and/or "Plaintiffs") accompanying Notice of Non-Opposition by
14 Defendants Wikileaks and Wikileaks.org to Plaintiffs' Application for TRO and OSC
15 re Preliminary Injunction (the "Application") and the Order to Show Cause, dated
16 February 11, 2008, as to why a temporary restraining order should not issue against
17 Defendants (the "OSC re TRO").

18 3. On February 8, 2008, Plaintiffs filed the Application, the Memorandum
19 of Points and Authorities and supporting documents with this Court. On February
20 11, 2008, the Court issued an OSC re Issuance of TRO and Setting Briefing and
21 Hearing Schedule ("OSC re Issuance of TRO").

22 4. Plaintiffs served the Wikileaks Defendants with the Application, the
23 Memorandum of Points and Authorities and the supporting documents and OSC re
24 Issuance of TRO on February 11, 2004, via personal service on their counsel.
25 Plaintiffs also, alternatively, served the Wikileaks Defendants on February 11, 2004,
26 via Overnight Priority Mail to their listed contact/agent via their Dynadot
27 registration privacy service listing. Plaintiffs served defendant Dynadot with the
28 Application, the Memorandum of Points and Authorities and the supporting

1 documents and OSC re Issuance of TRO on February 11, 2004, via personal service
2 at its place of business. True and correct copies of the Proofs of Service have been
3 filed with the Court, Docket Numbers 15-17 and 20-25.

4 5. The OSC re Issuance of TRO set Tuesday, February 12, 2008 at 3:00
5 p.m. as the deadline for Defendants to file and serve any opposition to the
6 Application and OSC re Issuance of TRO. As of Tuesday, February 12, 2008 at
7 approximately 11:30 p.m., no opposition papers to the Application and OSC re
8 Issuance of TRO have been served by the Wikileaks Defendants to Plaintiff.

9 6. Dynadot has not filed an Opposition as Dynadot and Plaintiffs have
10 reached an agreement and stipulation in this matter, which will be presented to the
11 Court at the time of hearing on the OSC re Issuance of TRO. Pursuant to Dynadots'
12 and Plaintiffs' agreement, Dynadot will stipulate to entry of a Permanent Injunction
13 upon terms to be presented to the Court.

14 I declare under penalty of perjury under the laws of the United States of
15 America that the foregoing is true and correct.

16 Executed this 13th day of February 2008, at Los Angeles, California.

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/s/

EVAN N. SPIEGEL

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

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/s/

WILLIAM J. BRIGGS, II

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