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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; CRTM 2]**

**PLAINTIFFS' NOTICE OF**  
**SUPPLEMENTAL AUTHORITIES IN**  
**SUPPORT OF APPLICATION FOR**  
**TRO AND OSC RE PRELIMINARY**  
**INJUNCTION**

**DATE: FEBRUARY 14, 2008**  
**TIME: 10:00 a.m.**  
**CTRM: 2, 17<sup>th</sup> FL**

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that, pursuant to the Court's Order and Tentative Ruling and Questions, Plaintiffs Bank Julius Baer & Co. Ltd's ("BJB") and Julius Baer Bank and Trust Co. Ltd's ("JBBT") (collectively, "Plaintiffs") hereby provide

1 notice of the below listed supplemental authorities to be relied upon in support of  
2 Plaintiffs' Application for TRO and OSC re Preliminary Injunction (the  
3 "Application") and the Order to Show Cause, dated February 11, 2008, as to why  
4 a temporary restraining order should not issue against Defendants, which is set for  
5 hearing on February 14, 2008, at 10:00 a.m. before this Court.

6 Authorities relevant to Court's Order and Tentative Ruling and Questions,  
7 question #2, on the issue that the mistaken electronic filing of a document listed as  
8 and physically filed as "Filed Under Seal," with prompt action after discovery of the  
9 mistake, is inconsistent with a finding of waiver:

10

- 11 1. Hussein v. University and Community College Sys. of Nevada,  
12 2008 WL 145162 (D. Nev. 2008) (slip copy).
- 13 2. Defenbacher v. Walker,  
14 90 F. Supp. 1, 6 (N.D. Cal. 1950)
- 15 3. United States v. Castillo,  
16 496 F.3d 947 (9th Cir. 2007)
- 17 4. Royal Air Prop., Inc. v. Smith,  
18 333 F.2d 568 (9th Cir. 1964)
- 19 5. Old Republic Ins. Co. v. FSR Brokerage, Inc.,  
20 80 Cal. App. 4th 666 (2000)
- 21 6. Oaks Mgmt. Corp. v. Super. Ct.,  
22 145 Cal. App. 4th 453 (2006)

23 DATED: February 13, 2008

24 Respectfully submitted,

25 LVELY & SINGER  
26 PROFESSIONAL CORPORATION  
27 MARTIN D. SINGER  
28 WILLIAM J. BRIGGS, II  
EVAN N. SPIEGEL

By: /s/ William J. Briggs, II

WILLIAM J. BRIGGS, II  
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BAER & CO. LTD and JULIUS BAER  
BANK AND TRUST CO. LTD