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 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
NON-OPPOSITION BY DEFENDANTS
WIKILEAKS AND WIKILEAKS.ORG
TO THE OSC RE PLAINTIFFS'
APPLICATION FOR PRELIMINARY
INJUNCTION

[Filed Concurrently With: Declaration of
 Evan Spiegel in Support Thereof]

DATE: FEBRUARY 29, 2008
TIME: 9:00 a.m.
CTRM: 2, 17th FL

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that there has been no written opposition filed by
 Defendants Wikileaks and Wikileaks.org (collectively, the "Wikileaks Defendants")
 to Plaintiffs Bank Julius Baer & Co. Ltd's ("BJB") and Julius Baer Bank and Trust
 Co. Ltd's ("JBBT") (collectively, "Plaintiffs") Application for TRO and Preliminary

1 Injunction (the “Application”) and the Court’s Temporary Restraining Order and
2 Order to Show Cause (“OSC”) as to why a Preliminary Injunction should not issue
3 against Defendants (the “TRO and OSC”), which is set for hearing on February 29,
4 2008, at 9:00 a.m. before this Court.

5 This matter relates primarily to the protection and enforcement of privacy and
6 property rights. The spread of stolen private bank records, account numbers and
7 information, tax documents and other protected consumer records, significantly
8 harms privacy rights of every single individual in the United States and world-wide,
9 and could have a harmful impact on confidence in the banking industry as a whole.
10 The leak of confidential bank records, including altered and semi-forged documents,
11 by the anonymous Wikileaks Defendants, unchecked, will likely have a devastating
12 impact on financial institutions and the authorities ability to combat credit and
13 identity fraud.¹ See the accompanying Declaration of Evan N. Spiegel (“Spiegel
14 Decl.”), ¶3. The Wikileaks Defendants, through various unidentified individuals,
15 are the owners, operators and/or registrants of a world wide web website operating
16 under a number of now “mirrored” or duplicative “wikileaks” and other domain
17 names (the “Website”), upon which they post stolen private bank records, account
18 numbers and information, tax documents and other protected consumer records.
19 The Wikileaks Defendants’ actions are in violation of a number of foreign and US
20 banking and privacy laws, and violate inalienable privacy rights established under
21 the U.S. and California Constitutions. Accordingly, based on the facts and
22 arguments set forth in the Plaintiffs’ Complaint and Application, on February 14,
23 2008, the Court issued the TRO and OSC.

24 On February 14, 2008, Plaintiffs served a copy of the TRO and OSC on the
25 Wikileaks Defendants via e-mail, per the Court’s prior order, at four separate e-mail

26
27 ¹ Contrary to the Wikileaks Defendants various false statements in their
28 attempts to spin the press and create a manipulated public perception, this matter
does not relate to purported First Amendment rights but to the protection of both
Constitutional and statutory privacy rights of the Plaintiffs, and of every person.

1 addresses.² A Proof of Service has been filed with the Court. (Spiegel Decl., ¶4;
2 and see Proofs of Service filed with this Court, Docket Numbers 50).

3 After service of the TRO and OSC, the Wikileaks Defendants confirmed and
4 acknowledged in writing on their back-up mirrored Websites their receipt of and
5 knowledge of the Court's Orders. (Id., ¶5, Exhs. "A", "B" and "C"). Although
6 their "counsel" Julie Turner represented to the Court that Wikileaks was without
7 counsel and was seeking new counsel, Wikileaks has in fact stated on its Website
8 that "Wikileaks has six pro-bono attorney's in S.F on roster to deal with a legal
9 assault ..." (Id., Exh. "A"). Despite notice of the TRO and their written
10 acknowledgment of the Court's Orders, the Wikileaks Defendants' owners and
11 operators have continued to openly display, post and disseminate the JB Property on
12 their Wikileaks Websites. Under their veil of anonymity, the Wikileaks Defendants
13 continue to operate and have stated their blatant and open contempt for the Court,
14 the U.S. legal system and privacy rights of all persons everywhere.³ (Id., ¶6).

15 The TRO and OSC set Wednesday, February 20, 2008 at 12:00 p.m. as the
16 deadline for Defendants and anyone else to file and serve any opposition to the
17 issuance of the Preliminary Injunction. As of Friday, February 22, 2008 at
18 approximately 1:30 p.m., no opposition papers to the Application and the TRO and
19 OSC have been filed or served by the Wikileaks Defendants, or any third-parties,
20 to Plaintiffs (Spiegel Decl., ¶7).

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23 ² The e-mail addresses included two of the wikileaks.org e-mail addresses
24 (believed transmitted prior to removal of the removal of the related domain name
25 DNS services), but regardless, also to the personal e-mail address for Julian
26 Assange, a joint founder of Wikileaks and the person represented by Julie Turner
to the Court to be the direct contact person for Wikileaks, and to the personal e-
mail address for a listed officer of Wikileaks. (Spiegel Decl., ¶4).

27 ³ Despite the TRO, Wikileaks has stated that they will "keep on publishing,
28 in-fact, given the level of suppression involved in this case, Wikileaks will step
up publication of documents ...", that "Backups are on-line" and that "Wikileaks
has many backup sites ... which remain active." (Id. ¶5, Exh. "A").

