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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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

Plaintiffs,

v.

WIKILEAKS, an entity of unknown
form, WIKILEAKS.ORG, an entity
of unknown form; DYNADOT,
LLC, a California limited liability
corporation, and DOES 1 through
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, 17th FL

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TO ALL PARTIES HEREIN:

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

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

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

8 The Court hereby grants the Application, and;

9 **IT IS HEREBY ORDERED AS FOLLOWS:**

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

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

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

21 **IT IS SO ORDERED.**

22 Dated: _____, 2008

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HON. JEFFREY S. WHITE
24 UNITED STATES DISTRICT JUDGE
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