

MARTIN D. SINGER, ESQ. (BAR NO. 78166)
WILLIAM J. BRIGGS, II, ESQ. (BAR NO. 144717)
EVAN N. SPIEGEL, ESQ. (BAR NO. 198071)
LAVELY & SINGER PROFESSIONAL CORPORATION
2049 Century Park East, Suite 2400
Los Angeles, California 90067-2906
Telephone: (310) 556-3501
Facsimile: (310) 556-3615
E-mail: wbriggs@lavelysinger.com
E-mail: espiegel@lavelysinger.com

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

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; 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]

///

///

///

///

///

///

///

///

DECLARATION OF EVAN SPIEGEL

I, EVAN SPIEGEL, declare as follows:

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

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

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

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

17
18 /s/
19 EVAN N. SPIEGEL

20
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.

23 /s/
24 WILLIAM J. BRIGGS, II

EXHIBIT A

Wikileaks:Contact

From Wikileaks

General

wikileaks@wikileaks.org

Contents

- 1 Africa
- 2 Australia
 - 2.1 Melbourne
 - 2.2 Sydney
- 3 China
- 4 Egypt
- 5 France
- 6 Germany
 - 6.1 Berlin
 - 6.2 Frankfurt
- 7 Kenya
- 8 Korea (north and south)
- 9 Russia
- 10 Taiwan
- 11 United Kingdom
- 12 United States
 - 12.1 Bay area
 - 12.2 Boston
 - 12.3 Washington DC

(mailto: %77%69%6b%69%6c%65%61%6b%73%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67) - any inquiry.

Press

press@wikileaks.org (mailto: %70%72%65%73%73%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Get notified about our press releases

Email address:

Legal

[See Legal](#)

Leaks / document disclosures

editor@wikileaks.org

(mailto: %65%64%69%74%6f%72%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67) - leaks

playstation@destiny.mooo.com

(mailto: %70%6c%61%79%73%74%61%74%69%6f%6e%40%64%65%73%74%69%6e%79%2e%6d%6f%6f%6f%2e%

- discreet submission address.

Submissions upto 1000Mb in size (but your mail provider may only support a few Mb. Gmail supports 20Mb). For further details and other submission mechanisms please see [Submissions](#).

Phone

+1 (202) 657-6222 (Washington, DC)

Fax

(866) 904-4598 (toll free, US only)

Skype

wikileaks
 Gtalk / Jabber
wikileaks@chat.wikileaks.org
 Live chat
 See Chat for more
 Facebook
<http://harvard.facebook.com/group.php?gid=2257397452&ref=mf>
 PGP key
 Wikileaks PGP key

Africa

africa@wikileaks.org (mailto:%61%66%72%69%63%61%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Post

To: Pick any name likely to evade postal censorship in your country.
 PO Box 8098-00200
 Nairobi
 Kenya

Australia

australia@wikileaks.org
 (mailto:%61%75%73%74%72%61%6c%69%61%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Post

To: Pick any name likely to evade postal censorship in your country.
 BOX 4080
 University of Melbourne
 Victoria 3052
 Australia

Melbourne

melbourne@wikileaks.org
 (mailto:%6d%65%6c%62%6f%75%72%6e%65%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Sydney

sydney@wikileaks.org (mailto:%73%79%64%6e%65%79%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

China

china@wikileaks.org (mailto:%63%68%69%6e%61%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Egypt

egypt@wikileaks.org (mailto:%65%67%79%70%74%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

France

france@wikileaks.org (mailto:%66%72%61%6e%63%65%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Germany

germany@wikileaks.org

(mailto:%67%65%72%6d%61%6e%79%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Berlin

berlin@wikileaks.org (mailto:%62%65%72%6c%69%6e%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Frankfurt

frankfurt@wikileaks.org

(mailto:%66%72%61%6e%6b%66%75%72%74%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Kenya

kenya@wikileaks.org (mailto:%6b%65%6e%79%61%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Post

To: Pick any name likely to evade postal censorship in your country.

PO Box 8098-00200

Nairobi

Kenya

Korea (north and south)

korea@wikileaks.org (mailto:%6b%6f%72%65%61%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Russia

russia@wikileaks.org (mailto:%72%75%73%73%69%61%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Taiwan

taiwan@wikileaks.org (mailto:%74%61%69%77%61%6e%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

United Kingdom

uk@wikileaks.org (mailto:%75%6b%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

United States

usa@wikileaks.org (mailto:%75%73%61%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Phone

(+1) (202) 657-6222 (Washington, DC)

Fax (toll free)

(866) 904-4598

Post (legal only)

344 Tennessee Lane

Palo Alto, California 94306

EXHIBIT **A** PAGE 10

Bay area

bayarea@wikileaks.org

(mailto:%62%61%79%61%72%65%61%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Boston

boston@wikileaks.org (mailto:%62%6f%73%74%6f%6e%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Washington DC

washingtondc@wikileaks.org

(mailto:%77%61%73%68%69%6e%67%74%6f%6e%64%63%40%77%69%6b%69%6c%65%61%6b%73%2e%6f%72%67)

Retrieved from "https://secure.wikileaks.org/wiki/Wikileaks:Contact"

Category: Vital pages

Get press releases: Apply to volunteer: EXHIBIT A PAGE 11

Wikileaks:Legal

From Wikileaks

(Difference between revisions)

Revision as of 20:49, 17 July 2007 (edit)

Wikileaks (Talk | contribs)

m (→Complaint Notice Procedures for Copyright Owners)

← Previous diff

Revision as of 20:54, 17 July 2007 (edit) (undo)

Wikileaks (Talk | contribs)

m (→Send all USA legal service correspondence to our lawyers)

Next diff →

Line 1:

```

==Send all USA legal service correspondence to our
lawyers==
<pre>
Julie S. Turner
Julie Turner Law
Palo Alto, California
Phone: 650-494-1530
Fax: 650-472-8028
jturner@julieturnerlaw.com
</pre>

```

==Digital Millennium Copyright Act==

Line 1:

```

==Send all USA legal correspondence to our
lawyers==
Julie S. Turner
Julie Turner Law
Palo Alto, California
Phone: 650-494-1530
Fax: 650-472-8028
jturner@julieturnerlaw.com
'''We do not accept electronic servicing of legal
documents.'''

```

==Digital Millennium Copyright Act==

Revision as of 20:54, 17 July 2007

Contents

- 1 Send all USA legal correspondence to our lawyers
- 2 Digital Millennium Copyright Act
 - 2.1 Designated Agent
 - 2.2 Complaint Notice Procedures for Copyright Owners

Send all USA legal correspondence to our lawyers

EXHIBIT A PAGE 12

leaks:Legal - Wikileaks

Julie S. Turner
 Julie Turner Law
 Palo Alto, California
 Phone: 650-494-1530
 Fax: 650-472-8028

jturner@julieturnerlaw.com

We do not accept electronic servicing of legal documents.

Digital Millennium Copyright Act

This policy is intended to implement the procedures set forth in 17 U.S.C. Section 512 and the Digital Millennium Copyright Act ("DMCA") for the reporting of alleged copyright infringement.

Designated Agent

Wikileaks (USA)'s Designated Agent to receive notification of alleged infringement under the DMCA is:

Julie S. Turner
 Julie Turner Law
 Palo Alto, California
 Phone: 650-494-1530
 Fax: 650-472-8028
 jturner@julieturnerlaw.com

Complaint Notice Procedures for Copyright Owners

The following elements must be included in your copyright infringement notice:

1. A written signature of the copyright owner or a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
2. An accurate identification of the copyrighted work claimed to have been infringed.
3. Proof of Wikileaks (USA) ongoing facilitation of the infringement and a description of the DCMA subsection applying. Be sure not to confuse independent Wikileaks organizations in other jurisdictions with Wikileaks (USA).
4. Information reasonably sufficient to permit the Wikileaks (USA) to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
5. A statement from the complaining party that the use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law (including first amendment protections).
6. A statement, under a penalty of perjury, that the information in the notice is accurate, including that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Failure to include all of the above information may result in a delay of the processing of the DCMA notification.

All material which is, in the opinion of Wikileaks (USA), covered by 1st amendment or other protections may be counter suited by Wikileaks (USA). Wikileaks (USA) does not have the technical or legal ability to remove infringing works without the full co-operation of its sister organizations in other jurisdictions. However Wikileaks (USA) will pass on in good faith any request that meets the notification requirements set out above.

Retrieved from "<https://secure.wikileaks.org/wiki/Wikileaks:Legal>"

EXHIBIT A PAGE 13

1/16/2008 5:39 PM

Get press releases:

Apply to volunteer:

EXHIBIT A PAGE 14

EXHIBIT B



Whois Record for Wikileaks.org (Wiki Leaks)

Front Page Information

Website Title: Wikileaks - Wikileaks

Title Relevancy 100%

AboutUs: Wiki article on Wikileaks.org

SEO Score: 76%

Terms: 1031 (Unique: 663, Linked: 732)

Images: 8 (Alt tags missing: 8)

Links: 289 (Internal: 278, Outbound: 8)

Indexed Data

Y! Directory: 1 listings

Visitors by Country:

United States 50.9%	United Kingdom 9.1%
Canada 7.7%	Germany 5.5%
Australia 1.8%	Spain 1.8%

Visitors by City:

- 1) San Francisco, CA, US 6.4%
- 2) New York, NY, US 5.5%
- 3) Los Angeles, CA, US 2.9%

Alexa Trend/Rank: #114,481 ↓ 22,712 ranks over the last three months.

Compete Rank: #41,895 with 40,622 U.S. visitors per month

Quantcast Rank: #98,268

Wikipedia: Listed on 12 pages

Registry Data

Created: 2006-10-04

Expires: 2008-10-04

Whois Server: whois.pir.org

Server Data

IP Address: 88.80.13.160 W R P D T

IP Location: Stockholm - Stockholm - Prq Inet - Access

Response Code: 200

Blacklist Status: Clear

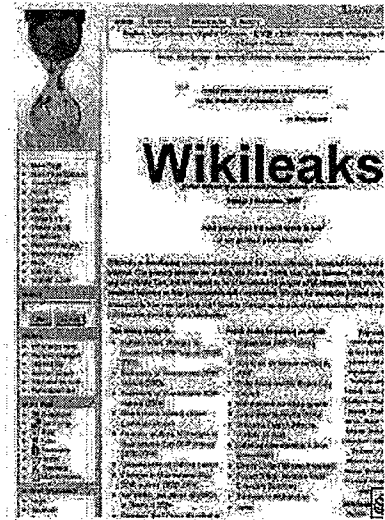
SSL Cert: secure.wikileaks.org expires in 113 days.

Domain Status: Registered And Active Website

DomainTools Exclusive

Registrant Search: "John Shipton c/o Dynadot Privacy" owns about 9

Thumbnail:



Queue this Domain for Update

SEO Text Browser

Loading... SEO Text Browser

Wikileaks

From Wikileaks

Jump to: [navigation](#), [search](#)

English • العربية • Deutsch • Español
 • Français • 日本語 • 한국어 • Norsk
 (bokmål) • Português • Русский • Türkçe
 • Українська

• Africa • Asia • Europe • Islands • Latin
 America • Middle East • North America •
 Oceania •

" ... could become as important a
 journalistic tool
 as the Freedom of Information Act.
 — Time Magazine

Wikileaks

<http://www.wikileaks.org>[Disable SEO Text Browser \(Beta \)](#)

Other TLDs

.com .net .org .biz

EXHIBIT B PAGE 15

other domains


Email Search: privacy@dynadot.com is associated with about 15,493 domains

NS History: 4 changes on 4 unique name servers over 2 years.

IP History: 8 changes on 7 unique name servers over 2 years.

Whois History: 53 records have been archived since 2006-12-20.

Dedicated Hosting: wikileaks.org is hosted on a dedicated server.

Monitor Domain:  Set Free Alerts on wikileaks.org

Free Tool:  Download DomainTools for Windows

Whois Record

Domain ID:D130035267-LROR
 Domain Name:WIKILEAKS.ORG
 Created On:04-Oct-2006 05:54:19 UTC
 Last Updated On:23-Apr-2007 12:58:38 UTC
 Expiration Date:04-Oct-2008 05:54:19 UTC
 Sponsoring Registrar:Dynadot, LLC (R1266-LROR)
 Status:OK
 Registrant ID:CP-13000
 Registrant Name:John Shipton c/o Dynadot Privacy
 Registrant Street1:PO Box 701
 Registrant Street2:
 Registrant Street3:
 Registrant City:San Mateo
 Registrant State/Province:CA
 Registrant Postal Code:94401
 Registrant Country:US
 Registrant Phone:+1.6505851961
 Registrant Phone Ext.:
 Registrant FAX:
 Registrant FAX Ext.:
 Registrant Email: privacy@dynadot.com

Admin ID:CP-13000
 Admin Name:John Shipton c/o Dynadot Privacy
 Admin Street1:PO Box 701
 Admin Street2:
 Admin Street3:
 Admin City:San Mateo
 Admin State/Province:CA
 Admin Postal Code:94401
 Admin Country:US
 Admin Phone:+1.6505851961
 Admin Phone Ext.:
 Admin FAX:
 Admin FAX Ext.:
 Admin Email: privacy@dynadot.com

Tech ID:CP-13000
 Tech Name:John Shipton c/o Dynadot Privacy
 Tech Street1:PO Box 701
 Tech Street2:
 Tech Street3:
 Tech City:San Mateo
 Tech State/Province:CA
 Tech Postal Code:94401
 Tech Country:US
 Tech Phone:+1.6505851961
 Tech Phone Ext.:
 Tech FAX:
 Tech FAX Ext.:
 Tech Email: privacy@dynadot.com

Name Server:NS1.EVERYDNS.NET
 Name Server:NS2.EVERYDNS.NET
 Name Server:NS3.EVERYDNS.NET
 Name Server:NS4.EVERYDNS.NET

Symbol Key

Available
 Available (Previously registered)
 Registered (Active website)
 Registered (Parked or redirected)
 Registered (No website)
 On-Hold (Generic)
 On-Hold (Redemption Period)
 On-Hold (Pending Delete)
 Monitor
 Preview
 No preview
 Buy this (Available)
 Buy this (Bid at auction)

Back Order

Set a [backorder](#) so you can own wikileaks.org when it becomes available

Customize This Page

Select the items you want to be shown on this page.

☒ Front Page ☒ Indexed Data
☒ Server Data ☒ Registry Data
☒ Exclusive Data ☒ Whois Record

Domains for Sale**Domain**

PreventLeaks.com
GameLeaks.com
LineLeaks.com
EndLeaks.com
Leaks.info
PipelineLeaks.com
PressLeaks.com
Leaks.org
BuildingLeaks.com
Leaks.de
WindowLeaks.com

Compare Similar Domains**Domain**

WikiLearn
WikiLe
WikiLearner
WikiLead
WikiLearners
WikiLeadership
WikiLeads
WikiLearning

EXHIBIT B PAGE 16

Name Server:	<u>Wiki Lear Ming</u>	2006-11-
Name Server:	<u>Wiki Lean</u>	2007-01-
Name Server:	<u>Wiki Leaks</u>	2007-01-
Name Server:	<u>Wiki Leak</u>	2007-01-
Name Server:	<u>Wiki Leak Sorg</u>	2007-02-
Name Server:	<u>Wiki Leakes</u>	2007-02-
Name Server:	<u>Wiki League</u>	2007-02-

EXHIBIT B PAGE 17



Wikileaks.org on 2008-02-06 - Domain History

Domain: wikileaks.org - Domain History

Cache Date: 2008-02-06

Registrar:

Registrant Search: Click on an email address we found in this whois record to see which other domains the registrant is associated with:
privacy@dynadot.com

Domain ID:D130035267-LROR
Domain Name:WIKILEAKS.ORG
Created On:04-Oct-2006 05:54:19 UTC
Last Updated On:23-Apr-2007 12:58:38 UTC
Expiration Date:04-Oct-2008 05:54:19 UTC
Sponsoring Registrar:Dynadot, LLC (R1266-LROR)
Status:OK
Registrant ID:CP-13000
Registrant Name:John Shipton c/o Dynadot Privacy
Registrant Street1:PO Box 701
Registrant Street2:
Registrant Street3:
Registrant City:San Mateo
Registrant State/Province:CA
Registrant Postal Code:94401
Registrant Country:US
Registrant Phone:+1.6505851961
Registrant Phone Ext.:
Registrant FAX:
Registrant FAX Ext.:
Registrant Email:privacy@dynadot.com
Admin ID:CP-13000
Admin Name:John Shipton c/o Dynadot Privacy
Admin Street1:PO Box 701
Admin Street2:
Admin Street3:
Admin City:San Mateo
Admin State/Province:CA
Admin Postal Code:94401
Admin Country:US
Admin Phone:+1.6505851961
Admin Phone Ext.:

EXHIBIT B PAGE 18

Admin FAX:
Admin FAX Ext.:
Admin Email:privacy@dynadot.com
Tech ID:CP-13000
Tech Name:John Shipton c/o Dynadot Privacy
Tech Street1:PO Box 701
Tech Street2:
Tech Street3:
Tech City:San Mateo
Tech State/Province:CA
Tech Postal Code:94401
Tech Country:US
Tech Phone:+1.6505851961
Tech Phone Ext.:
Tech FAX:
Tech FAX Ext.:
Tech Email:privacy@dynadot.com
Name Server:NS1.EVERYDNS.NET
Name Server:NS2.EVERYDNS.NET
Name Server:NS3.EVERYDNS.NET
Name Server:NS4.EVERYDNS.NET
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:
Name Server:

EXHIBIT B page 19

EXHIBIT C

[Home](#) [Account Area](#)[Welcome](#) [Domain Names](#) [Web Hosting](#) [Marketplace](#) [SSL](#) [Resources](#) [Company](#)

Whois Domain Name Lookup

You can look up the Whois information for domain names registered at Dynadot. This search does not return information for domains registered at other registrars. If you want to register a domain name, you should go here.

What is the code 1

The code is to make someone to automate the entire whois data do this to harvest error send junk mail. This person to read, but h computer to decipher

Domain Name: wikileaks.org
Registered at <http://www.dynadot.com>

Registrant:
John Shipton
c/o WLK PO Box 8098-00200
Nairobi
Kenya

Administrative Contact:
John Shipton
c/o WLK PO Box 8098-00200
Nairobi
Kenya
an1984@hush.com
+1 2026576222

Technical Contact:
John Shipton
c/o WLK PO Box 8098-00200
Nairobi
Kenya
an1984@hush.com
+1 2026576222

Record expires on 2008/10/04 UTC
Record created on 2006/10/04 UTC

Domain servers in listed order:
ns4.everydns.net
ns1.everydns.net
ns2.everydns.net
ns3.everydns.net

Domain Name

Code

EXHIBIT C PAGE 20

EXHIBIT D

Evan Spiegel

From: juliewl@wikileaks.org
Sent: Monday, January 21, 2008 4:26 PM
To: Evan Spiegel
Cc: Wikileaks Legal; Wikileaks
Subject: RE: Legal Notice & Demands

Dear Mr. Spiegel,

My name is Julie Turner and I have agreed to represent WikiLeaks in connection with this matter.

Please provide me with an identification of the documents that your client is requesting be withdrawn and the basis for the request. If you claim that any of the documents is protected by copyright, please provide me with the copyright registration numbers for such documents.

Please communicate with me at my regular email address, which is jturner@julieturnerlaw.com.

Regards,
Julie Turner

On Wed, January 16, 2008 8:27 pm, Evan Spiegel wrote:

- > Dear Wikileaks:
- >
- >
- > Your continued failure and refusal to provide designated DMCA agent
- > contact information, despite request from counsel and our statement of
- > location/jurisdiction, is now documented and will be included in our
- > evidence exhibits in our complaint and application with the court for
- > an injunction against wikileaks.
- >
- > As a result of your failure and continued refusal to comply with the
- > requirements of the copyright act, you have thus waived the
- > safe-harbor provisions therein and will be held liable for copyright
- > infringement. You have no legal right to demand advance knowledge of
- > the name of our client and the documents at issue -- that is the
- > information that is to be and will be included in a DMCA notice and
- > demand letter. The copyright act DMCA requirements are quite clear.
- >
- >
- > Your site promotes, encourages and facilitates the publication and
- > distribution of stolen, illegally and/or tortiously obtained corporate
- > records and private records of third-party consumers, including that
- > of my client and its consumers. In furtherance thereof, you hide your
- > identity and refuse to provide legal contact information.
- > Accordingly, we have been instructed to proceed with an action against
- > you in federal court in California.
- >
- >

> This is your final warning -- if you desire to resolve this matter
> without the necessity of litigation, your counsel may contact the
> undersigned within twenty-four hours.
>
> You act at your own peril.
>
>
> Govern yourselves accordingly.
>
>
> Nothing contained herein is intended as, nor should it be deemed to
> constitute, a waiver or relinquishment of any of our client's rights
> or remedies, whether legal or equitable, all of which are hereby
> expressly reserved.

> Sincerely,
> Evan N. Spiegel

> -----

> --

> -----

> EVAN N. SPIEGEL, ESQ.
> LAVELY & SINGER PROFESSIONAL CORPORATION ATTORNEYS AT LAW
> 2049 CENTURY PARK EAST, SUITE 2400
> LOS ANGELES, CALIFORNIA 90067-2906
> TELEPHONE: (310) 556-3501
> FACSIMILE: (310) 556-3615
> www.LavelySinger.com E-MAIL: espiegel@lavelysinger.com

> -----

> --

> -----

> THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY
> TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS
> PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE
> LAW AND MAY NOT BE PUBLISHED OR DISSEMINATED IN WHOLE OR IN PART. IF
> THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE
> EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE
> INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE,
> COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE
> CONTENTS OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE
> RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE LAW OFFICES OF
> LAVELY & SINGER PROFESSIONAL CORPORATION IMMEDIATELY BY TELEPHONE
> (310-556-3501) OR E-MAIL (REPLY TO SENDER'S ADDRESS), AND THEN DESTROY
> ALL COPIES OF THIS COMMUNICATION AND ANY ATTACHED FILES. THANK YOU.

>

>

>

> -----Original Message-----

> From: Wikileaks Legal [<mailto:legal@wikileaks.org>]

> Sent: Wednesday, January 16, 2008 12:01 PM
> To: Evan Spiegel
> Cc: Wikileaks; legal@wikileaks.org
> Subject: Re: Legal Notice & Demands

> Dear Mr Spiegel,

> Thank you for your part answer.

> We receive many notices from different jurisdictions. We ask that you
> as a matter of efficiency and politeness read carefully our responses.
> We asked that you provide a list of the documents concerned and the
> client or clients represented. We will then provide you with the legal
> contact details of the most appropriate counsel from our pool.

> Failure to provide the information requested in a timely manner may
> introduce additional delays and processing costs. Our counsel may
> claim these costs from your client should the matter proceed.

> I have asked one of our DCMA counsel to follow up on the DCMA the
> specific DMCA technicalities you mention which may have been
> introduced when we went from a single counsel to a pool.

> In the mean time, we note that your client(s) have and have always had
> an automatic public right of reply to any material made available
> through any Wikileaks website.

> Best wishes,
> K Lim.

> On Tue, Jan 15, 2008 at 09:33:36PM +0000, Evan Spiegel wrote:

>> Dear K Lim:
>> The jurisdictions at issue include California, the UK and Switzerland.
>> Legal proceedings will be commenced separately in each location
>> should the stolen documents at issue not be removed. Please provide
>> contact information for your legal representatives in each of the
>> three locations in order that we may transmit formal legal demands
>> and
> notices
>> with detailed information with regard to the claims and identifying
> the
>> documents at issue. As you should be aware, under US federal
> copyright
>> law, it is your legal obligation to provide contact information for a

>> designated DMCA agent - this is our second request. Sincerely, Evan

>> N. Spiegel

>>

>>

>>

>>

> -----

> --

>

>> -----

>> EVAN N. SPIEGEL, ESQ.

>> LAVELY & SINGER PROFESSIONAL CORPORATION ATTORNEYS AT LAW

>> 2049 CENTURY PARK EAST, SUITE 2400

>> LOS ANGELES, CALIFORNIA 90067-2906

>> TELEPHONE: (310) 556-3501

>> FACSIMILE: (310) 556-3615

>> www.LavelySinger.com E-MAIL: espiegel@lavelysinger.com

>>

>>

> -----

>

>> -----

>>

>>

>> -----Original Message-----

>> From: Wikileaks [<mailto:wikileaks@wikileaks.org>]

>> Sent: Tuesday, January 15, 2008 12:57 PM

>> To: Evan Spiegel

>> Cc: legal@wikileaks.org

>> Subject: Re: Legal Notice & Demands

>>

>>

>> Dear Mr. Spiegel,

>>

>>

>> Wikileaks is run over multiple national jurisdictions. So we can
>> assign your request to the appropriate group for processing, please
>> inform us which document(s) you are referring to, the name and
>> jurisdiction of your client and the jurisdiction under which L&S is
>> making legal claims or demands.

>>

>> Best wishes,

>> K Lim.

>>

>>

>> On Tue, Jan 15, 2008 at 08:28:11PM +0000, Evan Spiegel wrote:

>>

>>> Dear Sir or Madam:

>>>

>>>

MAY

>>>

>> NOT

>>

>>> BE PUBLISHED OR DISSEMINATED IN WHOLE OR IN PART. IF THE READER OF

>>>

>> THIS

>>

>>> MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT

>>> RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT,

>>>

> YOU

>

>>> ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR

>>>

> THE

>

>>> TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS

>>>

> COMMUNICATION

>

>>> IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN

>>> ERROR, PLEASE NOTIFY THE LAW OFFICES OF LAVELY & SINGER PROFESSIONAL

>>> CORPORATION IMMEDIATELY BY TELEPHONE (310-556-3501) OR E-MAIL (REPLY

>>>

>> TO

>>

>>> SENDER'S ADDRESS), AND THEN DESTROY ALL COPIES OF THIS COMMUNICATION

>>>

>> AND

>>

>>> ANY ATTACHED FILES. THANK YOU.

>>>

>>>

>

EXHIBIT E

Bank Julius Baer vs. Wikileaks

From Wikileaks

JULIAN ASSANGE and DANIEL SCHMITT

2008-01-23

The largest Swiss bank specializing in hiding the assets of the ultra-rich, Bank Julius Baer, says it will file federal US proceedings against the transparency group Wikileaks by Friday.

Over the last two weeks, Wikileaks has released several hundred documents from a Swiss banking whistleblower purportedly showing offshore tax evasion and money laundering by extremely wealthy and in some cases, politically sensitive, clients from the US, Europe, China and Peru.

Part of the data was leaked to US and German tax authorities in 2005 and the Wall Street Journal ran an article on the act of leaking but not those mentioned in the material. The detail and specific allegations have previously been unavailable to the public.

The bank concerned, Julius Baer (BJB), which specializes in asset hiding, has briefed Hollywood media lawyers Lavery and Singer, whose client lists include Catherine Zeta Jones and Arnold Schwarzenegger to represent them against Wikileaks.

So far Lavery and Singer have refused to put to paper either the name of their client or name of the documents concerned under the basis that Wikileaks might reveal this information to the public.

However in a telephone call yesterday between Wikileaks' Californian counsel Julie Turner and Lavery and Singer's Evan Spiegel, L&S admitted their client was BJB and claimed that the whistleblower concerned was the former deputy director of the Cayman Islands office, Rudolf Elmer.

Mr. Elmer, who has since returned to Zurich, took a December 2007 anti-stalking case against BJB in an attempt to prevent BJB's private detectives following him. L&S claims that it has its own proceedings against the whistleblower scheduled for hearing this month. L&S made several other allegations against Mr. Elmer to Wikileaks' counsel, however L&S has refused to put these in writing.

The Swiss daily, *Weltwoche*, in its 2005 article, "The Leak in Paradise", confirmed the veracity of several of the files with two BJB Cayman Islands office employees.

Although Wikileaks can not say that the files are identical to those seen by the Swiss paper, in light of BJB's threatened legal attack on Wikileaks over documents that:

..constitute violation of trade secrets, conversion and stolen documents by former employee in violation of a written confidentiality agreement and copyright infringement, among other wrongful and tortuous conduct.

Wikileaks asks that the documents and BJB's practices of asset hiding be given close scrutiny and states that supporters of press freedoms may substantially assist Wikileaks by demonstrating to the

EXHIBIT E PAGE 27

world that legal attacks on Wikileaks only serve to draw attention to and spread copies of the very documents that are the subject of censorship attempts.

See

- category:Bank Julius Baer -- the leaked documents
- Bank Julius Baer -- further background to the case
- Bank Julius Baer vs. Rudolf Elmer -- Dec 2007 legal case in Switzerland

See also

- Northern Rock vs. Wikileaks

Retrieved from "https://secure.wikileaks.org/wiki/Bank_Julius_Baer_vs._Wikileaks"

Categories: Analyses | Switzerland | 2008 | 2008-01 | United States | Grand Cayman | Peru | Germany | Spain | China

Get press releases:

Apply to volunteer:

EXHIBIT E PAGE 28

EXHIBIT F

Evan Spiegel

From: Julie Turner [jturner@julieturnerlaw.com]
Sent: Monday, February 11, 2008 5:06 PM
To: William J. Briggs II
Cc: Evan Spiegel
Subject: Order to Show Cause
Attachments: 0 556 3615_080211_79911797.pdf

Dear Mr. Briggs,

I received the attached fax from you today, presumably as a form of "service" on WikiLeaks. Please note that I do not represent WikiLeaks. As I told your colleague, Mr. Spiegel, in no uncertain terms, I am not representing WikiLeaks in this litigation and I am not authorized to accept service on behalf of WikiLeaks.

I suggest that you serve WikiLeaks directly. Mr. Spiegel assured me that he knew exactly who to serve there.

Julie S. Turner
The Turner Law Firm

Office: 650-494-1530
Fax: 650-472-8028
Cell: 408-914-1456

www.julieturnerlaw.com
jturner@julieturnerlaw.com

EXHIBIT F PAGE 29

2/12/2008