(Case 3:08-cv-00824-JSW	Document 31	Filed 02/13/2008	Page 1 of 3	
1 2 3 4 5 6 7					
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9	UNITED STATES DISTRICT COURT				
10	FOR THE NORTHERN DISTRICT OF CALIFORNIA				
11	SAN FRANCISCO DIVISION				
12	BANK JULIUS BAER LTD, a Swiss entity; and BAER BANK AND TR	& CO.	CASE NO. CV08 [Hon. Jeffrey S.		
13	BAER BANK AND TR LTD , a Cayman Islands	UST CO.) entity,		RDER DEEMING	
14 15	Plaintiffs,	{		CTED [<i>OR</i>] LTERNATIVE	
16	v.	}	METHOD OF SI SUMMONS AND	ERVICE OF COMPLAINT AND	
17	WIKILEAKS, an entity form, WIKILEAKS.OF	of unknown) G, an entity)	AND OSC PREL	CATION FOR TRO IMINARY	
18	form, WIKILEAKS, an entry of unknown form; DYN LLC, a California limite corporation, and DOES	ADOT ,) d liability)	INJUNCTION		
19	10 , inclusive,		Date: [Subn Time: [Subn	nission]	
20	Defendants.	{	$\begin{array}{c} \text{TRM:} \text{[Sub]} \\ \text{CTRM:} 2, 17 \end{array}$	nission] ^h FL	
21)			
22 00					
23 24	TO ALL PARTIES AND THEIR COUNSEL OF RECORD:				
24 25	PLEASE TAKE NOTICE THAT on February, 2008, atm.,				
23 26	in Courtroom 2 of the above entitled Court, Plaintiffs BANK JULIUS BAER & CO.				
27	LTD's ("BJB") and JULIUS BAER BANK AND TRUST CO. LTD's ("JBBT")				
28		(collectively, "Julius Baer" and/or "Plaintiffs") Ex Parte Application came before			
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the Court for an order: (i) deeming Plaintiffs' service of the Summons and Complaint 1 on Defendants WIKILEAKS and WIKILEAKS.ORG (the "Wikileaks Defendants") 2 valid and effective; and (ii) deeming Plaintiffs' service on the Wikileaks Defendants 3 of the Application for TRO and OSC Preliminary Injunction and OSC re TRO, and 4 supporting papers thereon (collectively, the "Application for OSC"), valid and 5 effective; or in the alternative, (iii) permitting alternative methods of service of 6 process on the anonymous hidden Defendants, pursuant to Fed.R.Civ.Proc., Rule 7 4(f)(3) and (h)(2), by means of e-mail to the Defendants' last known valid e-mail 8 addresses without requirement of return receipt; *or* (iv) for additional time in which 9 to effect service on the Defendants, pursuant to Fed.R.Civ.Proc., Rule 4(m); and 10 (v) for leave to conduct limited pre-service discovery on third-parties and defendant 11 Dynadot related to the issue of locating the Wikileaks Defendants' physical local, 12 and their owners and operators, in order to effect service of process (this 13 "Application"). 14

AND, the Court having considered the Application, the declarations and
memorandum of points and authorities presented by Plaintiffs in support of the
Application, and any other papers, evidence or arguments presented by the parties
in connection with Plaintiffs' Application;

AND, it appearing to the satisfaction of the Court upon hearing that good 19 cause exists for the relief requested in that Plaintiffs will suffer prejudice should 20 Plaintiffs' service of the Summons and Complaint and/or the Application for TRO 21 and OSC on the Defendants not be deemed valid and effected; or in the alternative, 22 Plaintiffs not be permitted to engage in alternative methods of service of process on 23 the Defendants, pursuant to Fed.R.Civ.Proc., Rule 4(f)(3) and (h)(2), due to the fact 24 that Defendants are avoiding service, are actively engaged in efforts to hide and 25 conceal their true identities and locations and their counsel has previously 26 acknowledged notice of the action and possession of a copy of the Summons and 27 Complaint and the Application for TRO and OSC; 28

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AND, it appearing to the satisfaction of the Court upon hearing that good 1 cause exists for the issuance of the requested relief; 2

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IT IS HEREBY ORDERED THAT:

Plaintiffs' service, via e-mail, of the Summons and Complaint on the (1) 4 Wikileaks Defendants is deemed valid and effective: and 5

(2) Plaintiffs' service, via e-mail, of the Application for TRO and OSC on 6 the Wikileaks Defendants is deemed valid and effective; and 7

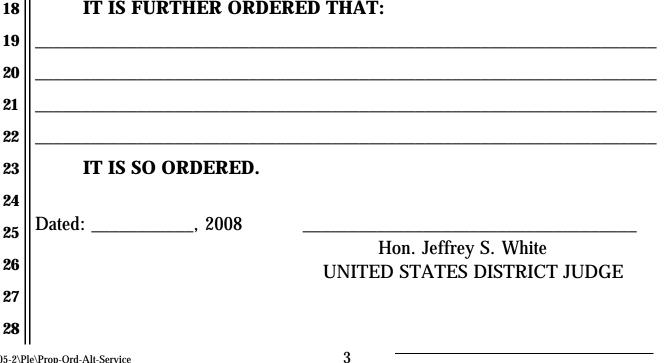
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or in the alternative.

Plaintiffs are permit to engage in alternative methods of service of (3) 9 process on the foreign Defendants, pursuant to Fed.R.Civ.Proc., Rule 4(f)(3) and 10 (h)(2), by means of e-mail delivery to the Defendants' last known valid e-mail 11 addresses without requirement of return receipt; or 12

Plaintiff is granted additional time in which to effect service on the (4) 13 Defendants, pursuant to Fed.R.Civ.Proc., Rule 4(m), and is granted leave to 14 conduct limited pre-service discovery on third-parties and defendant Dynodat 15 related to the issue of locating the Wikileaks Defendants' physical local, and their 16 owners and operators, in order to effect service of process. 17

IT IS FURTHER ORDERED THAT:



4405-2\Ple\Prop-Ord-Alt-Service CV08-0824 JSW