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**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; 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, 17<sup>th</sup> 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 <sup>11</sup>, 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: February 15, 2008

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25 HON. JEFFREY S. WHITE  
26 UNITED STATES DISTRICT JUDGE  
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