

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]

[PROPOSED] ORDER GRANTING
PRELIMINARY INJUNCTION
(AMENDED)

DATE: February 29, 2008
TIME: 9:00 AM
PLACE: Court Room 2, 17th FL
Hon. Jeffrey S. White

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1 The Application for Temporary Restraining Order and Order to Show Cause
2 re Preliminary Injunction (the "Application") of Plaintiffs BANK JULIUS BAER
3 & CO. LTD's and JULIUS BAER BANK AND TRUST CO. LTD's (collectively
4 herein, "Plaintiffs") came before the Court upon the Court's grant of Plaintiffs'
5 requested TRO and the issuance of an Order to Show Cause dated February 14,
6 2008 as to why a preliminary injunction should not issue against defendants
7 WIKILEAKS, WIKILEAKS.ORG, and DOES 1-10 (collectively herein,
8 "Defendants");

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

13 AND, it appearing to the satisfaction of the Court upon hearing that:

14 (1) Plaintiff has made a clear showing that they are likely to succeed on the
15 merits at trial in this action;

16 (2) Plaintiffs have shown that they are suffering, and will continue to
17 suffer, immediate and irreparable harm if the requested relief is not granted; and

18 (3) the balance of hardships tips in the favor of Plaintiffs on the present
19 application for preliminary injunction;

20 **IT IS HEREBY ORDERED THAT:**

21 (1) DEFENDANTS WIKILEAKS, WIKILEAKS.ORG and DOES 1-10,
22 and all of their respective officers, directors, owners, advisors, agents, and
23 representatives (collectively herein, all of whom are referred to as, the "Wikileaks
24 Defendants"), and their registrars, registrants, servants, employees, stockholders,
25 web host providers, DNS hosts, service providers, website developers, website
26 operators and attorneys, and all those in active concert, participation or privy with
27 Defendants, or each of them (collectively, the "Related Third-Parties"), and all
28 others who receive notice of this order, are, pending final disposition of this matter

1 before the Court, hereby:

2 (a) RESTRAINED and ENJOINED from displaying, posting,
3 publishing, distributing, linking to and/or otherwise providing any information for
4 the access or other dissemination of unauthorized copies of and/or images of the JB
5 Property (as defined herein below) and any information or data contained therein,
6 including on the Defendants' websites operated at the domain names wikileaks.org,
7 wikileaks.info, wikileaks.org.au, wikileaks.org.uk, wikileaks.la, wikileaks.cn,
8 wikileaks.in, wikileaks.org.nz, wikileaks.be, wikileaks.es, wikileaks.ws,
9 wikileaks.cx, sunshinepress.org, freedomsbell.com, freedomsbell.org and
10 freedomspen.org (collectively the "Wikileaks Websites" and/or "Wikileaks Domain
11 Names"), and any other websites under their ownership, control and/or which they
12 can post or edit content;

13 (b) RESTRAINED and ENJOINED from any current and any further
14 unauthorized use, display, post, publication, distribution, linking to and/or otherwise
15 providing any information for the access or other dissemination of copies of and/or
16 images of the JB Property and any information or data contained therein, including
17 on the Wikileaks Websites and any other websites under their ownership, control
18 and/or which they can post or edit any content;

19 (c) ORDERED to immediately block and otherwise prevent any
20 current and any further unauthorized use, display, posting, publication, distribution,
21 linking to and/or other dissemination of copies of and/or images of the JB Property
22 and any other new or additional yet unpublished documents and data that constitute
23 or could reasonably be known to be or considered to constitute JB Property, pending
24 further order of this Court;

25 (d) ORDERED to immediately remove from the Wikileaks Websites,
26 including but not limited to the wikileaks.org website, and any other websites owned
27 or operated by the Wikileaks Defendants or within their control, any and all copies
28 of and/or images of the JB Property and any information or data contained therein;

1 (e) ORDERED that the Wikileaks Defendants' Related Third-Parties,
2 including without limitation their registrars and DNS hosts and host server
3 providers, are to immediately, pending further order of this Court: (i) preserve what
4 they know or reasonably should know will be relevant evidence in the pending
5 lawsuit, including any and all electronically stored information related to the
6 Wikileaks Website and Wikileaks Domain Names; (ii) cease and desist from
7 providing any further services (including, DNS and web host services, and any
8 domain name account and administration services by locking and disabling the
9 accounts) which facilitate or allow any current and any further use, display, posting,
10 publication, distribution, linking to and/or other dissemination of copies of and/or
11 images of the JB Property and any information contained therein; and (ii) as may is
12 within their control or ability, to lock the Wikileaks Domain Names from transfer,
13 disable the associated account to prevent modification of any domain settings and
14 contact information, and remove/clear the DNS listings/setting;

15 (2) The Wikileaks Defendants are hereby further:

16 (a) ORDERED to submit proof to the Court, under penalty of
17 perjury by an authorized representative of the Wikileaks Defendants under
18 jurisdiction of this Court, that all JB Property has been removed from the Wikileaks
19 Websites and any and all links or information for access thereof; at which time the
20 Court shall, upon confirmation of the foregoing, allow the Wikileaks Websites,
21 including wikileaks.org, to resume operation so long as Defendants continue to
22 comply with the provisions of this Order (and shall, to that purpose, issue a
23 modifying order to be served upon the Related Third-Parties);

24 (b) ORDERED to immediately give notice of this Order to all of the
25 Wikileaks Defendants' DNS host service providers, ISP's, domain registrars,
26 website site developers, website operators, website host service providers, and
27 administrative and technical domain contacts, and anyone else responsible or with
28 access to modify the Wikileaks Websites, and that each of them are to cease and

1 desist from providing any further services which facilitate or allow any current and
2 any further use, display, posting, publication, distribution, linking to and/or other
3 dissemination of copies of and/or images of the JB Property and any information
4 contained therein pending further order of this Court;

5 (c) ORDERED, if not previously done so by Defendants pursuant to
6 the Order on the TRO, to immediately provide Plaintiffs' counsel with the name,
7 address, telephone number, and facsimile transmission number for each and all of
8 their DNS hosting services, ISP's, domain registrars, website site developers,
9 website operators and website host service providers, so Plaintiff can provide such
10 persons/entities with notice of this Order if Plaintiff elects to do so;

11 (d) ORDERED to immediately provide Plaintiffs' counsel with the
12 names, addresses, e-mail addresses, telephone numbers, and facsimile transmission
13 numbers for each of the Wikileaks Defendants' respective officers, directors,
14 owners, operators, agents, "Board of Advisors" and representatives;

15 (e) ORDERED to preserve what they know or reasonably should
16 know will be relevant evidence in the pending lawsuit, including any and all
17 electronically stored information related to the Wikileaks Website, the Wikileaks
18 Domain Names and the JB Property, including, but not limited to, all
19 communications between the Wikileaks Defendants and any and all of its Related
20 Third-Parties;

21 3. "JB Property" Defined: JB Property includes any and all documents
22 and information originating from Bank Julius Baer & Co. Ltd's and Julius Baer Bank
23 and Trust Co. Ltd's banks and affiliated bank branches, which are internal non-
24 public company documents and/or which contains private client or customer bank
25 records and/or identifies client or customer names, data, account records and/or
26 bank account numbers, whether or not such documents and information are
27 authentic, semi-altered, semi-fraudulent or forged, and which appears to have
28 originated from or could reasonably be known to be or considered to constitute or

1 have originated from data and documents stolen or misappropriated from one or
 2 more of Plaintiff's bank branches and/or computers. For example, but is not limited
 3 to, the JB Property posted on or made available through the Wikileaks Websites that
 4 is subject to this Order and enjoined from further use, display, post, publication,
 5 distribution, linking to and/or other dissemination, is listed and set forth on the
 6 attached Exhibit "A".

7 **IT IS FURTHER ORDERED THAT:**

8 Within ten (10) days after entry of this Order of Preliminary Injunction, the
 9 Defendants shall file with the Court and serve upon Plaintiff's counsel a report
 10 setting forth the manner and form in which Defendants have complied with this
 11 Preliminary Injunction.

12 **IT IS FURTHER ORDERED THAT:**

13 The bond in connection with the Temporary Restraining Order in this Action
 14 shall constitute the bond on this Preliminary Injunction.

15 **SERVICE OF PROCESS**

16 A copy of this Order shall be served upon the Defendants via email at/to
 17 Julian Assange - Wikileaks < me@iq.org> , Wikileaks Contact -
 18 < wikileaks@sunshinepress.org> , Wikileaks Legal - < legal@sunshinepress.org>
 19 and Daniel Mathews - Wikileaks < mathews@math.Stanford.edu> , and
 20 _____ by not later than _____ on _____, 2008.

21 **IT IS SO ORDERED.**

22
 23 Dated: _____, 2008

24 HON. JEFFREY S. WHITE
 25 UNITED STATES DISTRICT JUDGE
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EXHIBIT "A"

The following is an identifying list, as example, of certain of the JB Property which was posted on or made available through the Wikileaks Websites and which is subject to the Court's Order and enjoined from current and further unauthorized use, display, post, publication, distribution, linking to and/or other dissemination:

1.)

Document title:	BJB_-Roberto_de_Andrade_-_Gaynor_Jaguar_Angel_Yara_Trusts
URL Link:	http://www.wikileaks.org/wiki/BJB_-Roberto_de_Andrade_-_Gaynor_Jaguar_Angel_Yara_Trusts
File Name:	bjb-andrade.zip
Wikileaks File Identity No:	SHA256 39010e85348a18b7cd091d3dc7b94ffdea076203a08df0d93822a486416b2e3e
Wikileaks Release Date:	2008-01-18

2.)

Document title:	BJB_-Luis_Nozaleda_-_Blanca_R_avena_-_Madrid_-_USD_18_mil
URL Link:	http://www.wikileaks.org/wiki/BJB_-Luis_Nozaleda_-_Blanca_R_avena_-_Madrid_-_USD_18_mil
File Name:	bjb-luis-avenvas.zip
Wikileaks File Identity No:	SHA256 eac16b8eb17f21e6cfa496dff61aea1d11bd223739e6f093fb9411df4603cb51
Wikileaks Release Date:	2008-01-18

3.)

Document title:	BJB_-Juan_Carlos_Cespedes_-_SF_holdings_-_11_mil
URL Link:	http://www.wikileaks.org/wiki/BJB_-Juan_Carlos_Cespedes_-_SF_holdings_-_11_mil
File Name:	bjb-peru.zip

Wikileaks File Identity No:	SHA256 ffac47f723724cf36a1f8a015ea81648e70806225fce5af0c182fde6 c3480a71
Wikileaks Release Date:	2008-01-18

4.)

Document title:	BJB_- _Mr._Lewis_- _George_Charles_Lampitt_- _tax_avoidenc e_- _Cayman_- _5_mil
URL Link:	http://www.wikileaks.org/wiki/BJB_- _Mr._Lewis_- _George_ Charles_Lampitt_- _tax_avoidence_- _Cayman_- _5_mil
File Name:	bjb-lewis2.zip
Wikileaks File Identity No:	SHA256 cccdc8fd8e24721470f28b3f25f89a69bbf85999dff354cabeb8757 1bfe5d4e3
Wikileaks Release Date:	2008-01-17

5.)

Document title:	BJB_- _Mr._Lewis_- _George_Charles_Lampitt_- _confusion_of _beneficiary
URL Link:	http://www.wikileaks.org/wiki/BJB_- _Mr._Lewis_- _George_ Charles_Lampitt_- _confusion_of_beneficiary
File Name:	bjb-lewis1.zip
Wikileaks File Identity No:	SHA256 e41b7eada762d35555b0493e1fe36235cf3f97d06382479d23314 0e212f0570c
Wikileaks Release Date:	2008-01-17

6.)

Document title:	BJB_- _Heinri_Steinberger,_Frankfurt_Steuerbetrug_EUR_15_ mil
URL Link:	<a href="http://www.wikileaks.org/wiki/BJB_- _Heinri_Steinberger,_Fr
ankfurt_Steuerbetrug_EUR_15_mil">http://www.wikileaks.org/wiki/BJB_- _Heinri_Steinberger,_Fr ankfurt_Steuerbetrug_EUR_15_mil
File Name:	bjb-heinri-steinberger.zip
Wikileaks File Identity No:	SHA256 51dbed21a2072f3e68c6093c2e08a7e506d0136fba82209eb230d abe32bc51e0

1	Wikileaks	2008-01-13
2	Release Date:	

7.)

4	Document title:	BJB_-_Vigier_Fintex_-_tax_evasion_Cayman
5	URL Link:	http://www.wikileaks.org/wiki/BJB_-_Vigier_Fintex_-_tax_ev
6	asion_Cayman	
7	File Name:	schwarze-kasse.zip
8	Wikileaks File Identity No:	SHA256 2409a1953291e9eeec33af0cc949688bf44b3007e2ee77e4ab1349 6b3b6fb565
9	Wikileaks Release Date:	2008-01-09

8.)

12	Document title:	BJB_-_JK_Peng_-_Dragon_Trust_-_Cayman_hidden_money
13	URL Link:	http://www.wikileaks.org/wiki/BJB_-_JK_Peng_-_Dragon_Trust_-_Cayman_hidden_money
14	File Name:	jk-peng.zip
15	Wikileaks File Identity No:	SHA256 f571984e852292cd3cdff4eba2c0a8e4684045440a28fd6dfd700a 20f6f4e9b9
16	Wikileaks Release Date:	2008-01-09

9.)

21	Document title:	BJB_-_Swisspartner_Offshore_Tax_Scheme_-_USD_150_mil
22	URL Link:	http://www.wikileaks.org/wiki/BJB_-_Swisspartner_Offshore_Tax_Scheme_-_USD_150_mil
23	File Name:	bjb-swisspartner-tax-scheme.xls
24	Wikileaks File Identity No:	SHA256 c678a68c006f27651c363ae55c133cfcd3127f99bcea12a4212a63 178719df41
25	Wikileaks Release Date:	2008-01-13

10.)

Document title:	BJB - Greek shipowners_Anna_Kanellakis_Alpha_Tankers_- _USD_30_mil_per_year
URL Link:	http://www.wikileaks.org/wiki/BJB - Greek shipowners_Anna_Kanellakis_Alpha_Tankers_- _USD_30_mil_per_year
File Name:	bjb-alpha-tankers.zip
Wikileaks File Identity No:	SHA256 375ebe8f8249c23a32290c6a424680df39f677707d5a449927f15f5a34c6408c
Wikileaks Release Date:	2008-01-13

11.)

Document title:	BJB - Steuerbetrug_Juergen_Grossmann_Architekt_- _EUR_25_mil
URL Link:	http://www.wikileaks.org/wiki/BJB - Steuerbetrug_Juergen_Grossmann_Architekt_- _EUR_25_mil
File Name:	bjb-juergen-grossmann.zip
Wikileaks File Identity No:	SHA256 bee41d33756939188dfccba5eb824b218225f55ebf91067150d4362b5f306dc
Wikileaks Release Date:	2008-01-13

12.)

Document title:	BJB_- _Winston_Layne,_New_York_- _USD_10_mil_tax_fraud
URL Link:	http://www.wikileaks.org/wiki/BJB_- _Winston_Layne,_New_York_- _USD_10_mil_tax_fraud
File Name:	bjb-winston-layne.zip
Wikileaks File Identity No:	SHA256 bac726339b1423535ac0bb6336312669d139230e3b089e3533204fc185e77855
Wikileaks Release Date:	2008-01-13

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13.)

Document title:	BJB_-_Lord_L._Kadoorie_-_China_Light_and_Power
URL Link:	http://www.wikileaks.org/wiki/BJB_-_Lord_L._Kadoorie_-_China_Light_and_Power
File Name:	bjb-lord-kadoorie.zip
Wikileaks File Identity No:	SHA256 59cc8c9575a07e1928bc4117059d6e74be404c75b666c9dbbdf2c094e45f1c69
Wikileaks Release Date:	2008-01-13

14.)

Document title:	Julius_Baer_to_Angela_Merkel Description: Forged Letter to Angela Merkel from Bank Julius Baer, dated 12 Sept 2007
URL Link:	http://www.wikileaks.org/wiki/Julius_Baer_to_Angela_Merkel
File Name:	angela-merkel.pdf
Wikileaks File Identity No:	SHA256 5f201de05f3d8eb32c0a961402be4324b05cea803d58382c0ca814e85dee34ab
Wikileaks Release Date:	2007-11-26

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