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Attorneys for Movants and Prospective Intervenor
PROJECT ON GOVERNMENT OVERSIGHT *et al.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BANK JULIUS BAER & CO. LTD, a Swiss
entity, *et al.*,

Plaintiffs,

v.

WIKILEAKS, an entity of unknown form, *et al.*,

Defendants.

No. CV-08-0824 JSW

Action Filed: February 6, 2008

DECLARATION OF STEVEN L. MAYER
IN SUPPORT OF STIPULATED REQUEST
FOR ORDER SHORTENING TIME

[Local Rule 6-2]

1 I, Steven L. Mayer, declare as follows:

2 1. I am a Member of the State Bar of California and a Director of Howard, Rice,
3 Nemerovski, Canady, Falk & Rabkin, A Professional Corporation. I represent the Project on
4 Government Oversight, the American Civil Liberties Union, the American Civil Liberties Union
5 Foundation, the Electronic Frontier Foundation and Jordan McCorkle ("Movants") in connection
6 with the above-captioned matter. I make this declaration in support of Movants' Stipulated Request
7 for Order Shortening Time ("Stipulated Request") filed herewith. I have personal knowledge of the
8 matters stated herein, and if called as a witness I could and would testify competently thereto.

9 2. Plaintiffs commenced this action on February 6, 2008. They assert that the Wikileaks
10 website, which was then accessible through the domain name "wikileaks.org," had improperly
11 published certain confidential documents belonging to Plaintiffs.

12 3. The Wikileaks site describes itself as an Internet website where participants can
13 anonymously disclose and comment on documents and other materials of public interest. According
14 to the site, its primary interest is in "exposing oppressive regimes in Asia, the former Soviet bloc,
15 Sub-Saharan Africa and the Middle East, but [they] also expect to be of assistance to people of all
16 regions who wish to reveal unethical behavior in their governments and corporations."

17 4. In addition to Defendants "Wikileaks" and "Wikileaks.org," Plaintiffs' Complaint also
18 named Dynadot, LLC ("Dynadot") as a Defendant to the declaratory and injunctive relief causes of
19 action. Dynadot is one of several Internet domain name registrars that are accredited by the Internet
20 Corporation for Assigned Names and Numbers, a non-profit corporation originally chartered by the
21 U.S. Department of Commerce to oversee a number of Internet-related tasks, including the
22 registration of domain names. The "wikileaks.org" domain name is registered by Dynadot.

23 5. At the same time or shortly after they filed their Complaint, Plaintiffs sought injunctive
24 relief. On February 15, 2008, this Court granted a permanent injunction on stipulation between
25 Plaintiffs and Dynadot ("Permanent Injunction"). The injunction requires the latter to, among other
26 things, immediately (a) "disable the wikileaks.org domain name"; (b) "clear and remove all DNS
27 hosting records for the wikileaks.org domain name and prevent the domain name from resolving to
28 the wikileaks.org website or any other website or server other than a blank park page" and (c) "lock

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1 the wikileaks.org domain name to prevent transfer of the domain name to a different domain
2 registrar.” The Permanent Injunction has the effect of blocking access by anyone in the United
3 States (and the world) to the Wikileaks site through the wikileaks.org domain name. As a result, it
4 impedes access to the entire Wikileaks site, not just the documents that Plaintiffs claim are at issue
5 in this litigation.

6 6. Movants are organizations and individuals who allege that they have used the domain
7 name “wikileaks.org” to receive information from the Wikileaks site other than the documents at
8 issue in this case. However, they are presently unable to do so because of the Permanent Injunction.
9 Movants contend that the injunction therefore violates their First Amendment rights to access
10 information. Accordingly, on February 26, 2008, they filed a motion to intervene in this action to
11 enable them to move to dissolve the Permanent Injunction and protect their First Amendment rights.

12 7. Without an order shortening time, Movants will be unable to secure a hearing on their
13 motion to intervene until May 9, 2008. During this time period, the violations of Movants’ First
14 Amendment rights will continue unabated as long as the Permanent Injunction remains in effect.

15 8. Issuance of an order shortening time, as requested in the Stipulated Request filed
16 herewith, is therefore necessary to minimize delay in adjudicating Movants’ constitutional claims
17 and minimizing the impairment of their First Amendment rights.

18 9. The proposed order shortening time would require opposition to Movants’ motion to
19 intervene to be filed by Thursday, March 6, at noon, and the reply by Tuesday, March 11, at noon,
20 with the hearing set for Friday, March 14.

21 10. Evan Spiegel, counsel for Plaintiffs, has agreed to and signed the Stipulated Request.
22 Garret Murai, counsel for Dynadot, has authorized me to say that he concurs in its filing.

23 11. Movants’ requested time modification (a) does not delay any preexisting deadlines; (b)
24 will provide a prompt resolution of a motion that bears upon the number and identity of the parties
25 in this case; and (c) expedites the Court’s consideration of a matter that Movants argue implicates
26 First Amendment concerns.

27 12. It appears from my review of the docket in this matter that the Court has heard matters
28 *ex parte* and has permitted expedited service via email, but that the Court has not ordered any other

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Attorneys at Law

1 time modifications.

2 I declare under penalty of perjury under the laws of the State of California that the foregoing is
3 true and correct. Executed this 27th day of February, 2008 in San Francisco, California.

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