



1 Defendants TAIC and Walt Olesky's Motion to Vacate or  
2 Modify the Temporary Restraining Order is **GRANTED IN PART**  
3 **AND DENIED IN PART.**

4  
5 Defendants TAIC and Walt Olesky's Motion to Vacate the  
6 Temporary Restraining Order is **DENIED**. Plaintiff has  
7 presented evidence indicating a probability of success on  
8 the merits of at least Plaintiff's causes of action under  
9 the Computer Fraud and Abuse Act, 18 U.S.C. Sections  
10 1030(a)(4), (g) and 1030(a)(5)(B)(I), (g), and  
11 misappropriation of trade secrets under California Civil  
12 Code Section 3426 *et seq.*. More importantly, Plaintiff has  
13 also provided substantial evidence that it is suffering, and  
14 will continue to suffer, irreparable harm absent a  
15 restraining order.

16  
17 Plaintiff has presented evidence that certain  
18 Defendants have improperly obtained Plaintiff's computer  
19 files containing Plaintiff's confidential, proprietary  
20 information and trade secrets. Defendants' possession and  
21 potential misuse of these materials is allegedly injuring  
22 Plaintiff's competitive edge with its customers.  
23 Additionally, any public disclosure of the information may  
24 threaten Plaintiff's property interest in its trade secrets.  
25 The Court currently has insufficient evidence to consider  
26 whether Defendants TAIC and Olesky would inappropriately  
27 suffer any hardship by being included in this action. Given  
28 that the balance of hardships tips sharply in Plaintiff's

1 favor, the Temporary Restraining Order continues to be  
2 warranted.

3  
4 However, Defendants TAIC and Walt Olesky's Motion to  
5 Modify the Temporary Restraining Order is **GRANTED IN PART**.  
6 Therefore, the Temporary Restraining Order should be  
7 modified as follows:

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9 Defendants are **ENJOINED** to return to Plaintiff all data  
10 and information that Defendants obtained from Plaintiff's  
11 computer between July 13, 2007 and July 16, 2007, and any  
12 copies Defendants may have made from them. Defendants must  
13 have delivered these files in any and all forms, including  
14 copies of any and all parts, to Plaintiff by August 9, 2007.  
15 Defendants must thereafter immediately permanently delete  
16 and destroy all copies remaining on any computer systems,  
17 discs, hard drives, etc.

18  
19 Defendants are **FURTHER ENJOINED** from using or  
20 disclosing any of the information contained in the  
21 downloaded information or on the Interloc Solutions, Inc.  
22 laptops.

23  
24 Defendants are **FURTHER ENJOINED** from assertively  
25 communicating with Plaintiff Interloc's current customers  
26 regarding contracts for which Interloc and TAIC directly  
27 compete. However, any communications in response to those  
28 initiated by Plaintiff's customers are outside the scope of

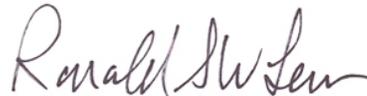
1 this order. Likewise, customers and suppliers common to  
2 both Plaintiff and Defendant TAIC are excluded. Plaintiff  
3 shall supply an affidavit to Defendants and the Court  
4 outlining a complete and accurate list of Plaintiff's  
5 current customers subject to this Order.

6  
7 Given the additional information provided by Defendants  
8 TAIC and Olesky, the Court ORDERS Plaintiff to post a bond  
9 in the amount of \$5,000 pursuant to Eastern District Local  
10 Rules 65.1-151 and 65-231.

11  
12 This Order was issued on August 14, 2007, at 12:00  
13 p.m., and will expire within ten days, unless extended by  
14 order of the Court or by consent of the parties.

15  
16 The parties are reminded that the hearing on the motion  
17 for preliminary injunction will be held on August 17, 2007  
18 at 10:00 a.m.

19  
20 **IT IS SO ORDERED.**

21  
22 

23 **RONALD S.W. LEW**  
24 Senior U.S. District Judge

25  
26  
27 DATED: August 14, 2007