

## CENTER FOR INTERNET AND SOCIETY CYBERLAW CLINIC

---

Crown Quadrangle • 559 Nathan Abbott Way • Stanford, CA 94305-8610  
Tel: 650/723-5674 • Fax: 650/723-4426 • Web: [cyberlaw.stanford.edu](http://cyberlaw.stanford.edu)

October 18, 2004

The Honorable Maxine Chesney  
United States District Court  
for the Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 94012

*Re: Kahle, et al. v. Ashcroft*  
04-CV-1127 MMC

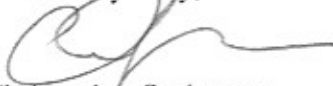
Dear Judge Chesney:

We are writing on behalf of Plaintiffs in *Kahle v. Ashcroft*, 04-CV-1127 MMC, to bring to Your Honor's attention a relevant case decided subsequent to the filing of Plaintiffs' brief opposing the government's motion to dismiss the amended complaint. The parties are scheduled to present oral arguments on the government's motion on Friday, October 29, 2004, and we wish to ensure that the Court is provided with all relevant judicial precedent in advance of those arguments.

Toward that end, we submit to Your Honor a copy of the opinion in *United States v. Martignon*, 03 Cr. 1287 (HB), which was handed down on September 24, 2004 by Judge Harold Baer, Jr. of the United States District Court for the Southern District of New York. I have attached the opinion to the "Chambers" copy of this letter. I have also forwarded a copy of the opinion to the government's counsel.

We look forward to presenting our arguments on October 29th. Thank you for your kind attention to this matter.

Yours very truly,



Christopher Sprigman  
Counsel to Plaintiffs Brewster Kahle,  
Internet Archive, Richard Prelinger, and  
Prelinger Associates, Inc.

Enclosure