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8   **UNITED STATES DISTRICT COURT**

9   **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10   **SAN FRANCISCO DIVISION**

11 **BANK JULIUS BAER & CO.**   ) **CASE NO. CV08-0824 JSW**
    LTD, a Swiss entity; and **JULIUS**   ) **[Hon. Jeffrey S. White; CTRM 2]**
12 **BAER BANK AND TRUST CO.**   )
    LTD, a Cayman Islands entity,   )
13   ) **[PROPOSED] ORDER GRANTING**
              Plaintiffs,   ) **PRELIMINARY INJUNCTION**
14   )
         v.   )
15   )
    WIKILEAKS, an entity of unknown) DATE: Submision
16 form, **WIKILEAKS.ORG**, an entity   ) TIME: Submission
    of unknown form; **DYNADOT,**   ) PLACE: Court Room 2, 17th FL
17 **LLC**, a California limited liability   )   Hon. Jeffrey S. White
    corporation, and **DOES 1 through**)
18 **10**, inclusive,   )
)
19   Defendants.   )
)
20 _____)

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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, "Julius Baer" and/or "Plaintiffs") came before the Court upon the Court's

5 grant of Plaintiffs' requested TRO and the issuance of an Order to Show Cause dated

6 _____, 2008 as to why a preliminary injunction should not issue against

7 defendants WIKILEAKS, WIKILEAKS.ORG, DYNADOT, LLC and DOES 1-10;

8   AND, the Court having considered the Complaint, the declarations and

9 memorandum of points and authorities presented by Plaintiffs in support of the

10 Application, and any other papers, evidence or arguments presented by the parties

11 in connection with Plaintiffs' Application;

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

13   (1)   Plaintiff has made a clear showing that they are likely to succeed on the

14 merits at trial in this action;

15   (2)   Plaintiffs have shown that they are suffering, and will continue to

16 suffer, immediate and irreparable harm if the requested relief is not granted; and

17   (3)   the balance of hardships tips in the favor of Plaintiffs on the present

18 application for preliminary injunction;

19   **IT IS HEREBY ORDERED THAT:**

20   (1)   DEFENDANTS WIKILEAKS, WIKILEAKS.ORG, DYNADOT, LLC

21 and DOES 1-10 (collectively, "Defendants"), and all of their officers, directors,

22 stockholders, owners, agents, servants, employees, representatives and attorneys,

23 and all those in active concert, participation or privy with Defendants, or each of

24 them, and all others who receive notice of this order, are, pending final disposition

25 of this matter before the Court, hereby:

26   (a)   RESTRAINED and ENJOINED from displaying, posting,

27 publishing, distributing, linking to and/or otherwise providing any information for

28 the access or other dissemination of copies of and/or images of the JB Property (as

1 defined herein below) and any information or data contained therein, including on

2 the website operated at wikileaks.org and any other websites under their ownership,

3 control and/or which they can post or edit any content;

4   (b)   RESTRAINED and ENJOINED from any further use, display,

5 post, publication, distribution, linking to and/or otherwise providing any information

6 for the access or other dissemination of copies of and/or images of the JB Property

7 and any information or data contained therein, including on the website operated at

8 wikileaks.org and any other websites under their ownership, control and/or which

9 they can post or edit any content;

10   (c)   ORDERED to immediately block and otherwise prevent any

11 further use, display, posting, publication, distribution, linking to and/or other

12 dissemination of copies of and/or images of the JB Property and any other new or

13 additional yet unpublished documents and data that constitute or could reasonably

14 be known to be or considered to constitute JB Property, pending further order of this

15 Court;

16   (d)   ORDERED to immediately remove from their wikileaks.org

17 website, and any other websites owned or operated by Defendants or within their

18 control, any and all copies of and/or images of the JB Property and any information

19 or data contained therein;

20   (e)   ORDERED to immediately give notice of this Order to all of their

21 DNS hosting services, ISP's, domain registrars, website site developers, website

22 operators and website host service providers, and anyone else responsible or with

23 access to modify the website, and that they are to cease and desist from any further

24 use, display, posting, publication, distribution, linking to and/or other dissemination

25 of copies of and/or images of the JB Property and any information contained therein

26 pending further order of this Court;

27   (f)   ORDERED, if not previously done so by Defendants pursuant to

28 the Order on the TRO, to immediately provide Plaintiff's counsel with the name,

address, telephone number, and facsimile transmission number for each and all of their DNS hosting services, ISP's, domain registrars, website site developers, website operators and website host service providers, so Plaintiff can provide such persons/entities with notice of this Order if Plaintiff elects to do so.

(2)   DEFENDANT DYNADOT, LLC, and all of its officers, directors, stockholders, owners, agents, employees, representatives and attorneys, and all those in active concert, participation or privy with it, or each of them, are, pending final disposition of this matter before the Court, hereby further:

(a)   ORDERED to immediately clear and remove all DNS hosting records for the domain name wikileaks.org and prevent the domain name from resolving to the wikileaks.org website, or any other website or server, until proof is submitted to the Court by Defendants, under penalty of perjury, that all JB Property has been removed from the website and any and all links or information for access thereof;

(b)   ORDERED to lock the domain name < wikileaks.org> from transfer and lock and prevent any administrative or other access to the domain name by any persons pending further order of this Court;

(c)   ORDERED to remove the optional privacy who-is service from the wikileaks.org domain name, preserve the true and correct who-is records and data for the registrant and administrative contacts of the domain name, both current and any and all prior or previously listed who-is records and data associated with the domain name registration and account and payment thereon, and immediately provide Plaintiffs' counsel with a copy of all such who-is records identifying the Defendants and its/their agents, administrators and contacts.

(3)   "JB Property" Defined: JB Property includes any and all documents and information originating from Bank Julius Baer & Co. Ltd's and Julius Baer Bank and Trust Co. Ltd's banks and affiliated bank branches, which are internal non-public company documents and/or which contains private client or customer bank

1 records and/or identifies client or customer names, data, account records and/or

2 bank account numbers, whether or not such documents and information are

3 authentic, semi-altered, semi-fraudulent or forged, and which appears to have

4 originated from or could reasonably be known to be or considered to constitute or

5 have originated from data and documents stolen or misappropriated from one or

6 more of Plaintiff's bank branches and/or computers. JB Property posted on or made

7 available through the wikileaks.org website that is subject to this Order and enjoined

8 from further use, display, post, publication, distribution, linking to and/or other

9 dissemination, is listed and set forth on the attached Exhibit "A".

10 **IT IS FURTHER ORDERED THAT:**

11 Within fourteen (14) days after entry of this Order of Preliminary Injunction,

12 Defendants shall file with the Court and serve upon Plaintiff's counsel a report

13 setting forth the manner and form in which Defendants have complied with the

14 Preliminary Injunction.

15 **IT IS FURTHER ORDERED THAT:**

16 The $__,000 bond posted in connection with the Temporary Restraining Order

17 in this Action shall continue in effect and constitute the bond on this Preliminary

18 Injunction, or, if a bond has not yet posted in connection with the Temporary

19 Restraining Order, this Preliminary Injunction is effective immediately upon Plaintiff

20 filing an undertaking in the sum of $__,000.

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22 **IT IS SO ORDERED.**

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24 Dated: _____, 2008   _____

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

The following is an identifying list of certain of the JB Property which was posted on or made available through the wikileaks.org website and which is subject to the Court's Order and enjoined from further 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:	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

Wikileaks Release Date:	2008-01-13

7.)

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

8.)

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

9.)

Document title:	BJB_-_Swisspartner_Offshore_Tax_Scheme_-_USD_150_mil
URL Link:	http://www.wikileaks.org/wiki/BJB_-_Swisspartner_Offshore_Tax_Scheme_-_USD_150_mil
File Name:	bjb-swisspartner-tax-scheme.xls
Wikileaks File Identity No:	SHA256 c678a68c006f27651c363ae55c133cfcd3127f99bcea12a4212a63 178719df41
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 bee41d33756939188dfccbaf5eb824b218225f55ebf91067150d4362b5f306dc
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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