

# EXHIBIT A

2/17/01

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15 Attorneys for Plaintiff  
16 GARY KREMEN

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN JOSE DIVISION

20 GARY KREMEN

21 Plaintiff,

22 vs.

23 STEPHEN MICHAEL COHEN, et al.,

24 Defendants.

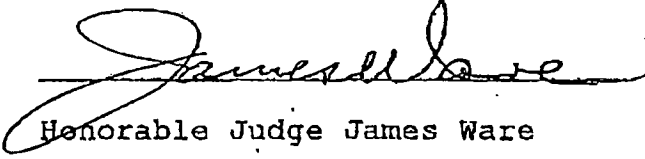
25 ) Case No.: C 98 20718 JW PVT  
)  
) ORDER RE: REGISTRATION OF IP  
) NUMBERS (NETBLOCKS) IN THE NAME  
) OF JUDGMENT CREDITOR  
)  
) Date: September 17, 2001  
)  
) Time: 3:00 p.m.  
)  
) Place: Courtroom 8  
) Honorable Judge James Ware  
)

26 Pursuant to the Application of Plaintiff, Gary Kremen, and as  
27 based on the record before this Court, and good cause shown,

28 ORDER RE: REGISTRATION OF IP NUMBERS (NETBLOCKS) IN THE NAME OF JUDGMENT CREDITOR -

30 ORIGINAL COPY

1 IT IS HEREBY ORDERED that the IP Numbers identified as Exhibit  
2 "A" to the Declaration of Gary Kremen on file herein be registered in  
3 the name of Plaintiff Gary Kremen. In furtherance of this Order,  
4 AMERICAN REGISTRY OF INTERNET NUMBERS ("ARIN") is ORDERED to register  
5 IP Numbers on the list to Gary Kremen forthwith. Specifically ARIN  
6 is ordered to change the registration record of each of these IP  
7 Numbers (netblocks) as follows: all fields (registrant,  
8 administration contact, etc.) shall be in the name of Gary Kremen,  
9 listing his address as 2542 Third Street, San Francisco, CA 94107,  
10 telephone number as (415) 217-5121; facsimile number as (415) 285-  
11 7111; and E-mail as Gary@sex.com.

12 Dated: September 17, 2001   
13  
14 Honorable Judge James Ware

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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN JOSE DIVISION

20 GARY KREMEN

21 Plaintiff,

22 vs.

23 STEPHEN MICHAEL COHEN, et al.,

24 Defendants.

) Case No.: C 98 20718 JW PVT  
)  
) EX PARTE APPLICATION FOR ORDER  
) REQUIRING REGISTRATION OF IP  
) NUMBERS (NETBLOCKS) IN THE NAME  
) OF JUDGMENT CREDITOR  
)  
) Date: September 17, 2001  
)  
) Time: 3:00 p.m.  
)  
) Place: Courtroom 8  
) Honorable Judge James Ware

25 COMES NOW, Gary Kremen, and files this ex parte application for  
Order requiring registration of IP Numbers (netblocks) in the name of  
Gary Kremen which are now registered in the name of the judgment

EX PARTE APPLICATION FOR ORDER REQUIRING REGISTRATION OF IP NUMBERS (NETBLOCKS) IN  
THE NAME OF JUDGMENT CREDITOR - 1

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FILED

SEP 18 2001

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

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1 debtors, Stephen Michael Cohen and his companies, their alter egos or  
2 affiliates.

3 Attached to the Declaration of Gary Kremen as Exhibit "A" is a  
4 list of IP Numbers (netblocks) under which Stephen Michael Cohen, his  
5 companies, their alter egos or affiliates are doing business or have  
6 been doing business.

7 As the Court is well aware, Gary Kremen obtained a judgment for  
8 Sixty-Five Million Dollars (\$65,000,000.00) and a judgment imposing a  
9 constructive trust on assets of the judgment debtors.

10 By this ex parte motion, Gary Kremen seeks an order requiring  
11 registration of these IP Numbers (netblocks) in the name of Mr.  
12 Kremen. The registrant for these IP Numbers (netblocks) is the  
13 American Registry of Internet Numbers ("ARIN").

14 This ex parte motion is based upon this Notice of Motion, the  
15 Declaration of James M. Wagstaffe, the Declaration of Gary Kremen and  
16 the exhibit thereto and such other and further matters as may come  
17 before the Court on the hearing of this matter.

18

19 Dated: 9/17/01

KERR & WAGSTAFFE LLP

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21

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By: James Wagstaffe  
James Wagstaffe, Esq.  
Attorneys for Plaintiff  
GARY KREMEN

23

24

25

EX PARTE APPLICATION FOR ORDER REQUIRING REGISTRATION OF IP NUMBERS (NETBLOCKS) IN  
THE NAME OF JUDGMENT CREDITOR - 2

1 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EX PARTE APPLICATION  
2 FOR ORDER REQUIRING REGISTRATION OF IP NUMBERS (NETBLOCKS) IN THE  
3 NAME OF JUDGMENT CREDITOR

4 The Court may make such orders as are necessary and appropriate  
5 in order to aid in the execution of its judgments.

6 Fed. Rule of Civ. Proc. Rule 69(a), 28 U.S.C.A.; Cal. Rule of  
7 Court Rule 303(a)(2).

8 DECLARATION OF JAMES M. WAGSTAFFE IN SUPPORT OF EX PARTE APPLICATION  
9 FOR ORDER REQUIRING REGISTRATION OF IP NUMBERS (NETBLOCKS) IN THE  
10 NAME OF JUDGMENT CREDITOR

11 I, James M. Wagstaffe, do state as follows:

12 1. I am an attorney at law, licensed to practice before all  
13 the courts of the state of California. I am a partner of the firm  
14 Kerr & Wagstaffe. That firm represents Gary Kremen in the above  
15 action. All of the matters stated herein are of my own personal  
16 knowledge and if sworn in as a witness I could testify competently to  
17 the matters stated herein.

18 2. I am familiar with all the records and files in this  
19 action.

20 3. Attached as Exhibit "A" to the Declaration of Gary Kremen  
21 is a copy of certain IP Numbers (netblocks) that are currently  
22 registered to Stephen Michael Cohen, his companies, their alter egos  
23 or affiliates. These Internet IP Numbers (netblocks) are registered  
24 with American Registry of Internet Numbers ("ARIN").

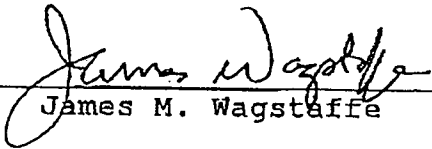
25 4. Pursuant to the Court's judgment of April 3, 2001,  
Plaintiff, Gary Kremen, is entitled to the imposition of constructive  
trust on all assets of Stephen Michael Cohen and his companies.

5. It is respectfully submitted that the Court enter an order

1 requiring ARIN to register these IP Numbers (netblocks) listed on the  
2 said Exhibit "A" to Gary Kremen. As shown by the Declaration of Gary  
3 Kremen, investigation and search has shown that these IP Numbers are  
4 currently in use by Cohen, his companies, their alter egos or  
affiliates.

5 I declare under penalty of perjury under the laws of the State  
6 of California that the foregoing is true and correct and that this  
7 declaration is executed on this 17<sup>th</sup> day of Septmber, 2001 at San  
8 Francisco, California.

9  
10 Dated: 9/17/01

  
James M. Wagstaffe

11  
12 DECLARATION OF GARY KREMEN IN SUPPORT OF EX PARTE APPLICATION FOR  
13 ORDER REQUIRING REGISTRATION OF IP NUMBERS (NETBLOCKS) IN THE NAME OF  
JUDGMENT CREDITOR

14 I, GARY KREMEN, do state as follows under penalty of perjury:

15 1. I am the Plaintiff in the above action. All of the matters  
16 set forth in this declaration are of my own personal knowledge and if  
17 sworn as a witness I can testify competently as to the matters stated  
18 herein.

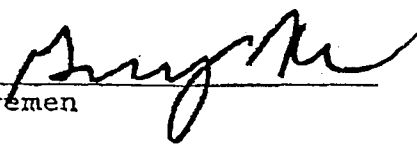
19 2. IP Numbers are the actual numeric addresses linked to  
20 domain names. IP stands for internet protocol. American Registry of  
21 Internet Numbers ("ARIN") is a non-profit organization that allocates  
22 IP Numbers to users. Netnames are an English language phrase that  
23 corresponds to a range of IP Numbers. This is done because it is  
24 easier to use an English pneumatic than a range of numbers.  
25

1 Netblocks are the actual blocks of numbers. Autonomous System  
2 Numbers are numbers used by computer routers to optimize the flow of  
3 IP traffic. ARIN assigns such numbers as relates to computer  
4 networks under common control. Sand Man, a Cohen company, is one of  
5 the supporters of ARIN who make voluntary donations to ARIN.

6 2. I have reviewed Internet listings of net blocks and  
7 autonomous system addresses currently in use by Steven Michael Cohen  
8 and/or his companies, their alter egos or affiliates ("Cohen  
9 Parties") and I have determined that the netblocks and autonomous  
10 system names and numbers listed on Exhibit "A" attached hereto are  
11 currently in use by Cohen Parties. I made this determination by  
12 analyzing prior Internet addresses, as to which this Court made a  
13 prior order, to determine which IP Numbers (netblocks) and autonomous  
14 system addresses were utilized for those addresses. I compared the  
15 addresses for the registration of the netblocks and autonomous system  
16 numbers and determined in all cases that all were registered to  
17 Cohen's address of P.O Box 433168, San Diego, California 92143 and  
18 registered by Cohen himself, his companies, Cohen alter egos or  
19 affiliates.

20 I declare under penalty of perjury that the foregoing is true  
21 and correct and that this declaration was executed on the 17<sup>th</sup> day of  
22 September, 2001, at San Francisco, California.

23 Dated: 9/17/2001

24   
Gary Kremen

25  
EX PARTE APPLICATION FOR ORDER REQUIRING REGISTRATION OF IP NUMBERS (NETBLOCKS) IN  
THE NAME OF JUDGMENT CREDITOR - 5



## Exhibit "A"

## Net Blocks:

Netname: PACNET-MXI  
Netblock: 209.205.192.0 – 209.205.239.255  
Maintainer: PCNT

Pacnet, S.A. de C.V. (NETBLK-PACNET-MXI)  
P.O. Box 433168  
San Diego, CA 92143  
US

## Coordinator:

Pacnet, S.A. de C.V. (SCP1-ARIN) ip@pacnet.com.mx  
52 66 33 90 71

Including but not limited to: NS1.PACNET.COM.MX 209.205.195.50 and  
NS2.PACNET.COM.MX 209.205.195.70

Netname: UU-208-214-46  
Netblock: 208.214.46.0 – 208.214.47.255  
Maintainer: SAND

Sand Man International  
San Diego, CA 92101  
US

## Coordinator:

Cohen, Stephen Michael (SMC43-ARIN) steve@SEX.COM  
0115266 343480 (FAX) 0115266 343480

Netname: PACNET-MX  
Netblock: 64.19.192.0- 64.19.239.255  
Maintainer: SAND

Sand Man International Limited S.A. de C.V. (NET-PACNET-MX)  
P.O. Box 433168  
San Diego, CA 92143  
USA

## Coordinator:

de C.V., PACNET S.A. (MM1338-ARIN) ip@pacnet.com.mx

52 66 34 34 80 (FAX) 52 66 34 64 86

Autonomous System Numbers:

Autonomous System Name: PACNET-MX  
Autonomous System Number: 20228

Pacnet S.A. de C.V. (ASN-PACNET-MX)  
P.O. Box 433168  
San Diego, CA 92143  
US

Coordinator:

de C.V. PACNET S.A. (MM 1838-ARIN) IP@pacnet.com.mx  
52 66 34 34 80 (FAX) 52 66 34 64 86

Autonomous System Name: SEXCOM  
Autonomous System Number: 11083

Ocean Fund International Ltd.  
Paseo De Los Heroes, #10105  
Piso 7<sup>th</sup>, Del Rio Tijuana  
Del Rio Tijuana  
Tijuana, Baja California CP 22320  
MX

Coordinator:

Cohen, Stephen Michael (SMC4-ARIN)  
steve@omnitec.com  
0115266343480 (FAX) 0115266 346486

