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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ROCKY MOUNTAIN BANK, a
Wyoming corporation,

Plaintiff,

v.

GOOGLE INC., a Delaware
corporation,

Defendant.

Case No. 5:09-CV-04385 PVT

**(PROPOSED) ORDER GRANTING
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**
~~(FILED UNDER SEAL)~~

Complaint filed: September 17, 2009

THE COURT, having considered Plaintiff Rocky Mountain Bank’s Memorandum of Points and Authorities in Support of its Motion for Temporary Restraining Order and Preliminary Injunction (the “Motion”), and being fully advised in the premises, hereby FINDS as follows:

1. The Bank has satisfied the requirements for the issuance of a temporary restraining order under F.R.C.P. 65(b).
2. The Bank has shown a substantial likelihood of success on the merits of its legal claims against Defendant Google Inc. (“Google”).
3. The Bank and its customers will suffer immediate and irreparable injury, loss, and/or damage if the Confidential Customer Information is not adequately protected and the Bank is unable to take appropriate

1 steps to ensure that the Confidential Customer Information is not
2 misused.

3 4. The Bank and its customers will suffer greater injury from the denial
4 of temporary injunctive relief than Google will suffer from the
5 granting of such relief.

6 5. The granting of this temporary restraining order will serve the public
7 interest.

8 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

9 1. Google and the Google account holder are enjoined from using the
10 Confidential Customer Information;

11 2. The Gmail Account shall immediately be frozen or deactivated to
12 prevent any access to the Confidential Customer Information;

13 3. Google shall immediately delete the Inadvertent Email from Google's
14 system;

15 4. Google shall immediately determine the status of the Gmail Account,
16 specifically, whether the Gmail Account is active or dormant and
17 whether the Inadvertent Email was opened or otherwise manipulated
18 by the account holder and disclose such information to the Bank; and

19 5. In the event that the Gmail Account is not dormant, Google shall
20 ascertain the identity of the Gmail Account holder, so that the Bank
21 can take appropriate steps with the account holder to ensure that the
22 Confidential Customer Information is not distributed or otherwise
23 misused.

24 6. This Temporary Restraining Order entered on this ___ day of
25 _____, 2009 at _____ a.m./p.m. and shall
26 expire within ten days unless within that time it is extended for good
27 cause shown.
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7. A hearing shall be held in Courtroom ___ of the United States district Court Northern District of California commencing at _____.m. on the ___ day of _____, 2009 on Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction.

8. This Temporary Restraining Order and all supporting pleadings and papers must be served upon Google on or before the ___ day of _____, 2009.

IT IS SO ORDERED.

Dated: September ____, 2009

District Court Judge