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 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

12 *Hannes Liimann v. OU Hansapakend*
 13 Civil Matter No. 2-12-31818
 14 Ref. No. 12-2/13-1219-2

15 REQUEST FROM ESTONIAN COURT FOR
 16 INFORMATION FROM GOOGLE, INC.
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Filed
 APR 29 2015
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

CV 15 80125 MISC. **PSG**

**DECLARATION OF WARREN METLITZKY IN
 SUPPORT OF UNOPPOSED APPLICATION
 FOR ORDER PURSUANT TO TITLE 28 U.S.C. §
 1782**

DECLARATION OF WARREN METLITZKY

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3 I, Warren Metlitzky, declare:

4 1. I am an Assistant United States Attorney in the Northern District of California.

5 2. This declaration is submitted in support of the United States' application for an order
6 pursuant to 28 U.S.C. § 1782 concerning a request from an Estonian Court for information from Google,
7 Inc. ("Google").

8 3. By correspondence dated January 21, 2015, I asked Google's counsel whether Google
9 opposes entry of a proposed order that authorizes Google to provide the requested information directly
10 to the Estonian Court, consistent with the process Google followed in a prior case. A true and correct
11 copy of my January 21, 2015 letter to Google, which included a copy of a proposed order and the
12 Estonian Court's request for information, is attached hereto as Exhibit A.

13 4. I spoke with Einat Clarke, counsel for Google, on the telephone during the week of
14 February 2. She explained Google's legal position, *i.e.* that it contends that it is prohibited by federal
15 statute from providing the requested information directly to the United States Attorney's Office, who in
16 turn would provide it to the Estonian Court. However, Ms. Clarke further explained that Google is
17 willing to provide the information, to the extent that it exists and is reasonably available, directly to the
18 Estonian Court pursuant to a United States federal court subpoena for the information through the
19 process identified in my January 21, 2015 letter.

20 5. By email dated February 18, 2015, Google explained which information it was able to
21 provide to the Estonian Court, and which information was not readily accessible. Google also
22 confirmed that prior to providing information to the Estonian court, it would provide to the United States
23 Attorney's Office a redacted version (with personal information removed) of the declaration and
24 documents to be sent to the Estonian Court. Attached hereto as Exhibit B is a true and correct copy of
25 that February 18, 2015 email correspondence between Einat Clarke at Google and me.

26 6. The Estonian Court has agreed to accept the requested information directly from Google.
27 Attached hereto as Exhibit C is a true and correct copy of February 20, 2015 email chain from Douglass
28 Ross of the Office of International Judicial Assistance at the Department of Justice and Siiri Pajupuu,

DECLARATION OF WARREN METLITZKY

1 the lawyer representing the Harju County Court in this matter.

2 7. On March 26, 2015, I served Google via email with this application and supporting
3 papers, documents for which which Google agreed to accept service via email.

4 8. On April 20, 2015, Google stated that it did not oppose entry of the proposed order in this
5 case. Attached hereto as Exhibit D is a true and correct copy of an April 20, 2015 email from Einat
6 Clarke to me.

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8 I have reviewed the foregoing and declare under penalty of perjury that it is true to the best of
9 my knowledge and belief.

10 Executed on April 28, 2015, at San Francisco, California.

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12 By: /s/
13 WARREN METLITZKY
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