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Filed

APR 29 2015

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

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

PSG

11 SAN JOSE DIVISION

CV 15 80125 MISC.

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

MISC. NO.

15 REQUEST FROM ESTONIAN COURT FOR  
16 INFORMATION FROM GOOGLE, INC.

~~[PROPOSED]~~ ORDER GRANTING  
APPLICATION FOR ORDER PURSUANT TO  
TITLE 28 U.S.C. § 1782

17  
18 Pending before the Court is an application submitted by the United States Attorney pursuant to  
19 28 U.S.C. Section 1782 concerning a request by an Estonian Court for information from Google, Inc.  
20 (“Google”). At this time, the United States Attorney requests that the Court appoint Warren Metlitzky,  
21 Assistant United States Attorney, as Commissioner, and authorize AUSA Metlitzky to serve Google  
22 with a subpoena in accordance with the terms and conditions set forth below. The Court has reviewed  
23 the application and supporting papers and documents, which show that Google does not oppose entry of  
24 this proposed Order, but reserves its rights and objections to the underlying subpoena.

25 Pursuant to the power conferred on it under 28 U.S.C. § 1782, its inherent authority, and  
26 pursuant to the agreement of the United States and Google, the Court hereby ORDERS that AUSA  
27 Warren Metlitzky is appointed as Commissioner, and is authorized to serve Google with a subpoena in  
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ORDER GRANTING APPLICATION FOR APPOINTMENT

1 accordance with the following terms and conditions:

2 1. Upon receipt of the subpoena, Google shall promptly make a diligent search for  
3 reasonably available information identifying when the e-mail sent from the email address  
4 jaago@hansapeakend.ee from the mail.net.ee mail server at 16:01 on February 17, 2012 reached the  
5 email address hannes.liiman@gmail.com and when the email was read, as requested by the Estonian  
6 Court.

7 2. Within 7 calendar days from receipt of the subpoena, Google shall provide a copy of the  
8 subpoena to the relevant hosts, providers, and users, and advise them that Google will respond to the  
9 subpoena unless they file, within 14 calendar days from the date they receive the subpoena, an objection  
10 or a motion to quash in this action, served on both Google and AUSA Metlitzky.

11 3. Prior to production of the information described in paragraph 4, Google will provide  
12 AUSA Metlitzky with a redacted version of the responsive declaration or other document(s), with all  
13 individual user information redacted. The parties will meet and confer as necessary regarding Google's  
14 redacted response if the United States questions whether Google's response is sufficient to satisfy the  
15 subpoena. Receipt of a redacted version of the responsive information by AUSA Metlitzky shall not be  
16 deemed an admission that Google's response is sufficient to satisfy the subpoena.

17 4. Subject to the limitation described in paragraph 2 of this Order, within 30 calendar days from  
18 Receipt of the subpoena, Google shall produce the requested information to the extent it is reasonably  
19 available, along with a notarized verification signed under penalty of perjury, directly to the Estonian  
20 Court at the following physical address and as an electronic document to the following email address:

21 Harju County Court  
22 Kentmanni 13  
23 15158 Tallinn  
24 Estonia

25 email: hmkkentmanni.menetlus@kohus.ee

26 5. Within 7 calendar days from producing its response to the Estonian Court, Google shall  
27 provide AUSA Metlitzky with a notarized verification signed under penalty of perjury indicating the  
28 date on which Google produced its response to the Estonian Court in compliance with this Order.

6. This Order does not preclude the United States from filing an amended petition for a further

1 order authorizing an amended subpoena requesting additional information from Google in the event the  
2 Estonian Court requests additional information from Google after reviewing Google's response to the  
3 subpoena authorized by this Order.

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IT IS SO ORDERED.

DATED: 4.29, 2015

*Pat S. Henkel*  
UNITED STATES MAGISTRATE JUDGE