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11 **Attorneys for Plaintiffs**
12 **BANK JULIUS BAER & CO. LTD and**
13 **JULIUS BAER BANK AND TRUST CO. LTD**

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 **BANK JULIUS BAER & CO.**
18 **LTD, a Swiss entity; and JULIUS**
19 **BAER BANK AND TRUST CO.**
20 **LTD, a Cayman Islands entity,**

21 Plaintiffs,

22 v.

23 **WIKILEAKS, an entity of unknown**
24 **form, WIKILEAKS.ORG, an entity**
25 **of unknown form; DYNADOT,**
26 **LLC, a California limited liability**
27 **corporation, and DOES 1 through**
28 **10, inclusive,**

Defendants.

CASE NO. CV08-0824 JSW
[Hon. Jeffrey S. White; CRTM 2]

PLAINTIFFS' NOTICE OF
SUPPLEMENTAL AUTHORITIES IN
SUPPORT OF APPLICATION FOR
TRO AND OSC RE PRELIMINARY
INJUNCTION

DATE: FEBRUARY 14, 2008
TIME: 10:00 a.m.
CTRM: 2, 17th FL

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to the Court's Order and Tentative Ruling and Questions, Plaintiffs Bank Julius Baer & Co. Ltd's ("BJB") and Julius Baer Bank and Trust Co. Ltd's ("JBBT") (collectively, "Plaintiffs") hereby provide

1 notice of the below listed supplemental authorities to be relied upon in support of
2 Plaintiffs' Application for TRO and OSC re Preliminary Injunction (the
3 "Application") and the Order to Show Cause, dated February 11, 2008, as to why
4 a temporary restraining order should not issue against Defendants, which is set for
5 hearing on February 14, 2008, at 10:00 a.m. before this Court.

6 Authorities relevant to Court's Order and Tentative Ruling and Questions,
7 question #2, on the issue that the mistaken electronic filing of a document listed as
8 and physically filed as "Filed Under Seal," with prompt action after discovery of the
9 mistake, is inconsistent with a finding of waiver:

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1. Hussein v. University and Community College Sys. of Nevada,
2008 WL 145162 (D. Nev. 2008) (slip copy).
2. Defenbacher v. Walker,
90 F. Supp. 1, 6 (N.D. Cal. 1950)
3. United States v. Castillo,
496 F.3d 947 (9th Cir. 2007)
4. Royal Air Prop., Inc. v. Smith,
333 F.2d 568 (9th Cir. 1964)
5. Old Republic Ins. Co. v. FSR Brokerage, Inc.,
80 Cal. App. 4th 666 (2000)
6. Oaks Mgmt. Corp. v. Super. Ct.,
145 Cal. App. 4th 453 (2006)

DATED: February 13, 2008

Respectfully submitted,

LAVELY & SINGER
PROFESSIONAL CORPORATION
MARTIN D. SINGER
WILLIAM J. BRIGGS, II
EVAN N. SPIEGEL

/s/ William J. Briggs, II
By: _____
WILLIAM J. BRIGGS, II
Attorneys for Plaintiffs BANK JULIUS
BAER & CO. LTD and JULIUS BAER
BANK AND TRUST CO. LTD