

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BANK JULIUS BAER & CO. LTD and  
JULIUS BAER BANK AND TRUST CO.  
LTD,

No. C 08-00824 JSW

Plaintiffs,

v.

**TENTATIVE RULING AND  
QUESTIONS**

WIKILEAKS, et al.

Defendants.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE  
NOTICE OF THE FOLLOWING **TENTATIVE RULING AND QUESTIONS** FOR THE  
HEARING SCHEDULED ON FEBRUARY 14, 2007 AT 10:00 A.M.:

The Court has reviewed the parties' papers and, thus, does not wish to hear the parties  
reargue matters addressed in those pleadings. If the parties intend to rely on authorities not  
cited in their briefs, they are **ORDERED** to notify the Court and opposing counsel of these  
authorities reasonably in advance of the hearing and to make copies available at the hearing. If  
the parties submit such additional authorities, they are **ORDERED** to submit the citations to the  
authorities only, without argument or additional briefing. *Cf.* N.D. Civil Local Rule 7-3(d).  
The parties will be given the opportunity at oral argument to explain their reliance on such  
authority.

The Court **tentatively GRANTS** Plaintiffs' application for a temporary restraining  
order.

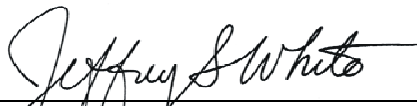
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The parties shall each have 20 minutes to address the following questions:

1. Who is attorney of record for the WikiLeaks Defendants?
2. Have Plaintiffs, by briefly and mistakenly posting their own confidential information on the Court’s docket, effectively waived the confidentiality of those documents? (*See* Docket no. 10.)
3. What is the proper scope of the restraining order? Are Plaintiffs seeking only to enjoin “further” use of the JB Property (i.e., should the order enjoin current use as well as further use)? (*See* Proposed Order at 5:3.) Are Plaintiffs seeking to enjoin use of all JB Property (as defined in Declaration of Christoph Hiestand, ¶ 5) or only what has been specifically listed in Attachment A to the proposed restraining order?
4. Should the Court grant the application, how do Plaintiffs intend to enforce the Court’s order?
5. What is the parties’ preferred timeline for briefing on the order to show cause re preliminary injunction? (The Court tentatively sets Friday, February 29, 2008 at 9:00 a.m. as the hearing date unless the parties stipulate otherwise.)
6. Do the parties have anything further they wish to address?

**IT IS SO ORDERED.**

Dated: February 13, 2008


---

 JEFFREY S. WHITE  
 UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California