

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.

WIKILEAKS, et al.

Defendants.

**ORDER TO SHOW CAUSE RE
ISSUANCE OF TEMPORARY
RESTRAINING ORDER AND
SETTING BRIEFING AND
HEARING SCHEDULE**

This matter comes before the Court upon consideration of Plaintiffs' *ex parte* motion for a temporary restraining order and order to show cause re issuance of a preliminary injunction. The allegations supporting the motion are set forth in the Complaint and the memorandum in support of the request that the Court issue a temporary restraining order, and shall not be repeated here. In brief, among other alleged wrongs, Plaintiffs assert that defendants are posting their confidential documents on a website.

Plaintiffs are **HEREBY ORDERED** to serve a copy of this Order, the Complaint, the *ex parte* Motion for a Temporary Restraining Order and its Supporting Papers on Defendants **by no later than 3:00 p.m., Monday, February 11, 2008** (if not already served). Plaintiffs must file a proof of service by no later than **3:30 p.m., Monday, February 11, 2008**.

IT IS FURTHER ORDERED that Defendants shall file and serve any opposition to Plaintiffs' motion for a temporary restraining order by **3:00 p.m February 12, 2008**. Plaintiffs may file and serve a reply by no later than **12:00 p.m. on February 13, 2008**.

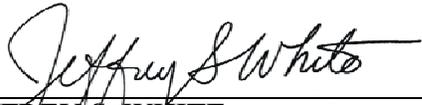
1 It is FURTHER ORDERED that hearing on Plaintiffs' motion for a temporary
2 restraining order shall be heard on **Thursday, February 14, 2008 at 10:00 a.m.**

3 The Court has set this schedule in light of the fact that Plaintiffs move for a temporary
4 restraining order. The Court, however, is amenable to any stipulations or requests to modify
5 this briefing schedule and hearing date. Thus, if any of the parties wishes to modify the briefing
6 schedule or the hearing date, they may submit such a request to the Court demonstrating good
7 cause for such modification.

8 The Court finds it advisable to expressly remind all parties that now that litigation has
9 commenced, the parties, each of their officers, agents, servants, employees, and all persons
10 acting in concert with them, or on behalf of them, owe a duty to preserve what they know or
11 reasonably should know will be relevant evidence in the pending lawsuit, including any
12 electronically stored information, even though no discovery request or order to preserve the
13 evidence has yet been made. If relevant evidence is destroyed, a party may move for sanctions
14 pursuant to Federal Rule of Civil Procedure 37(c)(2).

15 **IT IS SO ORDERED.**

16
17 Dated: February 11, 2008

18 
19 _____
20 JEFFREY S. WHITE
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27
28