

1 **MARTIN D. SINGER, ESQ. (BAR NO. 78166)**  
2 **WILLIAM J. BRIGGS, II, ESQ. (BAR NO. 144717)**  
3 **EVAN N. SPIEGEL, ESQ. (BAR NO. 198071)**  
4 **LAVELY & SINGER PROFESSIONAL CORPORATION**  
5 2049 Century Park East, Suite 2400  
6 Los Angeles, California 90067-2906  
7 Telephone: (310) 556-3501  
8 Facsimile: (310) 556-3615  
9 E-mail: wbriggs@lavelysinger.com  
10 E-mail: espiegel@lavelysinger.com

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. 08**

**0824**

**COMPLAINT FOR:**

1. **UNLAWFUL AND UNFAIR BUSINESS PRACTICES IN VIOLATION OF CAL. BUS. & PROF. CODE § 17200**
2. **DECLARATORY RELIEF**
3. **INTERFERENCE WITH CONTRACT**
4. **INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE**
5. **CONVERSION**
6. **INJUNCTIVE RELIEF**

**[DEMAND FOR JURY TRIAL]**

ORIGINAL

FILED  
FEB - 6 2008  
RICHARD W. WIEKING  
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NORTHERN DISTRICT OF CALIFORNIA  
E-filing

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1       Plaintiffs BANK JULIUS BAER & CO. LTD and JULIUS BAER BANK  
2 AND TRUST CO. LTD (collectively, "Julius Baer" and/or "Plaintiffs") allege as  
3 follows:

4                               **THE NATURE OF THIS ACTION**

5       1.       This action arises from and seeks to enjoin the unlawful and wrongful  
6 publication of confidential, as well as forged, bank documents belonging to Plaintiffs  
7 on the website Wikileaks.org. Such documents are protected and prohibited from  
8 being published under consumer banking and privacy protection laws, under both  
9 foreign and American laws.

10                           **JURISDICTION & VENUE**

11       2.       This action is brought and jurisdiction lies within this Court pursuant  
12 to 28 U.S.C §§ 1332(a) and 1350, in that it is (i) a civil action between citizens of  
13 or subjects of a foreign state as plaintiffs, and citizens of a State or different States,  
14 and the matter in controversy exceeds the sum of \$75,000, exclusive of interests and  
15 costs; and (ii) a civil action by an alien for a tort committed in violation of a treaty  
16 of the United States. Venue lies within and is proper in this District and Court  
17 pursuant to 28 U.S.C. §§ 1391 and 1392 because one or more Defendants reside in  
18 or are subject to personal jurisdiction in this District, and because a substantial part  
19 of the events, acts or omissions giving rise to the claims herein occurred in the  
20 County of San Mateo, State of California. The Court has jurisdiction of Plaintiffs'  
21 pendant state claims pursuant to 28 U.S.C. § 1367(a). Plaintiffs seek or shall seek  
22 injunctive relief and damages against Defendants under principles of pendent  
23 jurisdiction over any claims arising under California law, in that the claims flow  
24 from a common nucleus of operative facts.

25       3.       Bank Julius Baer & Co. Ltd is a foreign citizen, an entity formed and  
26 operated under the laws of the nation of Switzerland. Julius Baer Bank and Trust  
27 Co. Ltd is a foreign citizen, an entity formed and operated under the laws of the  
28 Cayman Islands. Defendants are each citizens or subjects of a State or different

1 States or foreign states, with some of them located in and residing within the State  
2 of California. A substantial part of the events, acts or omissions which give rise to  
3 the claims asserted herein or the harms resulting therefrom occurred in the County  
4 of San Mateo, State of California. The amount in controversy is in excess of the  
5 sum of \$75,000, exclusive of interests and costs. Attached hereto as Exhibit "A"  
6 are true and correct copies of printouts and/or screen-shots of the "Home" pages,  
7 "About" pages, and "Contact" and "Submissions" pages of the Wikileaks website,  
8 which evidences that Wikileaks is represented by counsel in and has one of its  
9 submission addresses for submission of and receipt of "leaked" documents in San  
10 Mateo, California. Attached hereto as Exhibit "B" are true and correct copies of  
11 printouts and/or screen-shots of the official "who-is" domain registration records  
12 for the <wikileaks.org> domain, evidencing that the domain is registered with a  
13 company in California under an anonymous registration service which hides the true  
14 identity and location of the domain's registrant, owners and operators. The indexed  
15 data for the website reveals that the domain name is registered through and has its  
16 domain name server ("DNS") services hosted by Dynadot, located in San Mateo,  
17 California; that over 50% of the website's total world-wide Internet users/visitors  
18 are located within the United States; that not less than 6.4% of wikileaks' total  
19 world-wide Internet users/visitors are located in San Francisco, California.

#### 20 INTRADISTRICT ASSIGNMENT

21 4. Intradistrict assignment of this action lies the San Francisco Division  
22 pursuant to Civil L.R. 3-2(c) in that a defendant is located in the County of San  
23 Mateo, and a substantial part of the events, acts or omissions giving rise to the  
24 claims herein occurred in San Mateo, California.

25 / / /

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## THE PARTIES

5. Bank Julius Baer & Co. Ltd ("BJB") is one of the leading private banks in Switzerland. BJB is, and at all times relevant hereto has been, a foreign citizen entity formed and operated under the laws of the nation of Switzerland. BJB forms part and is one of the core companies of Julius Baer Group, the parent company of which is Julius Baer Holding Ltd. ("JBH"), whose shares are listed at the SWX Swiss Exchange. The Julius Baer Group's global presence comprises more than 30 locations in Europe, North America, Latin America and Asia, including Zurich (head office), Los Angeles, New York, Frankfurt, Milan, Geneva, Dubai, Grand Cayman, Singapore and Hong Kong. BJB and its related entities manage substantial assets, amounting (as per mid-2007) in excess of CHF 400 billion, for private and institutional clients from all over the world. BJB's principal place of business is in Zurich, Switzerland.

6. Julius Baer Bank and Trust Co. Ltd ("JBBT") is, and at all times relevant hereto has been, a foreign citizen entity formed and operated under the laws of the Cayman Islands. JBBT is, as BJB, a member of the Julius Baer Group and a direct subsidiary of JBH, and carries out, amongst other things, private banking and trust services. JBBT operates at Windward III, Grand Cayman. JBBT, as was BJB, is the former direct employer of Rudolf Elmer ("Elmer"), who, as explained hereinbelow, unlawfully took possession of the client banking records and data at issue, in violation of Swiss and Cayman Islands banking and privacy protection laws, and thereafter violated his written confidentiality agreement with respect to disclosure of said records.

7. Plaintiffs are informed and believe and based thereon allege that Defendant WIKILEAKS ("WIKILEAKS") is, and at all times relevant hereto was, a fictitious business name, alias and/or entity of unknown type and origin, with its principal place of business in the State of California, and at all times relevant hereto was doing business as the wikileaks.org website. Plaintiffs are informed and believe

1 and based thereon allege that WIKILEAKS, through its website operated at the  
2 domain name wikileaks.org (the "Website"), has the sole purpose of providing a site  
3 for "uncensorable" and "untraceable mass document leaking," regardless of legality  
4 or authenticity. Plaintiffs are further informed and believe and based thereon allege  
5 that WIKILEAKS, itself, or through one or more yet unidentified Doe individuals  
6 or agents, is the owner, operator and/or registrant of the world wide web website  
7 operating under the domain name wikileaks.org, and was engaged in tortious  
8 activities carried out throughout the United States and the world via the Internet, and  
9 specifically including, without limitation, in the County of San Mateo, California.

10 8. Plaintiffs are informed and believe and based thereon allege that  
11 Defendant WIKILEAKS.ORG ("WIKILEAKS.ORG") is, and at all times relevant  
12 hereto was, a fictitious business name, alias and/or entity of unknown type and  
13 origin, with its principal place of business in the State of California, and at all times  
14 relevant hereto was doing business as the wikileaks.org website. Plaintiffs are  
15 further informed and believe and based thereon allege that WIKILEAKS.ORG,  
16 through one or more yet unidentified Doe individuals or agents, is the owner,  
17 operator and/or registrant of the world wide web website operating under the  
18 domain name wikileaks.org, and was engaged in tortious activities carried out  
19 throughout the United States and the world via the Internet, and specifically  
20 including without limitation in the County of San Mateo, California.

21 9. Plaintiffs are informed and believe and based thereon allege that  
22 Defendant DYNADOT, LLC ("Dynadot") is, and at all times relevant hereto was,  
23 a California limited liability company, with its principal place of business in San  
24 Mateo, California, and at all times relevant hereto was doing business as or through  
25 the dynadot.com website. Dynadot is an Internet domain registration reseller and  
26 provider and provides domain name server ("DNS") hosting and domain name  
27 account administration services. The domain name wikileaks.org (the "Domain  
28 Name") was registered through and is currently administered through an account

1 with Dynadot, and has its DNS services provided by Dynadot. Dynadot has  
2 provided a private anonymous who-is registration service (for a fee) to the registrant  
3 of the Domain Name and acts, thereby, as the agent for contact and service of the  
4 registrant of the Domain Name. Dynadot's DNS services allow the wikileaks.org  
5 domain name to resolve to and display the website operated at wikileaks.org.

6 10. Plaintiffs are presently unaware of the true names and capacities of  
7 Defendants sued herein as Does 1 through 10, inclusive, and therefore sues said  
8 Defendants by such fictitious names. Plaintiffs will amend this Complaint to allege  
9 the true names and capacities of such fictitiously named Defendants when the same  
10 have been ascertained. Plaintiffs are informed and believe and based thereon allege  
11 that each of the fictitiously named Defendants is responsible in some manner for the  
12 occurrences, acts and omissions alleged herein and that Plaintiffs' damages were  
13 proximately caused by their conduct. Hereinafter all Defendants including Doe  
14 Defendants will sometimes be referred to collectively as "Defendants."

15 11. Plaintiffs are informed and believe and based thereon allege that at all  
16 material times Defendants, and each of them, were the agents, employees, partners,  
17 joint venturers, co-conspirators, owners, principals, and employers of the remaining  
18 Defendants, and each of them, and are, and at all times herein mentioned were,  
19 acting within the course and scope of that agency, employment, partnership,  
20 conspiracy, ownership or joint venture. Plaintiffs are further informed and believe  
21 and based thereon allege that the acts and conduct alleged herein were known to,  
22 and authorized, directed, and/or ratified by, the officers, directors, and managing  
23 agents of Defendants corporations or business entities, and each of them. Plaintiffs  
24 are further informed and believe and based thereon allege that the entity defendants  
25 WIKILEAKS and WIKILEAKS.ORG, were, and are, mere shams and shell entities  
26 organized and operated as the alter ego of one or more of the yet unidentified  
27 individual DOE defendants for their personal benefit and advantage, in that the  
28 individual defendants have at all relevant times exercised total dominion and control

1 over WIKILEAKS and WIKILEAKS.ORG and the Website. Plaintiffs are further  
2 informed and believe and based thereon allege, that there now exists, and at all  
3 times material hereto has existed, such unity of ownership, interest and control  
4 between WIKILEAKS and WIKILEAKS.ORG and the Website, on the one hand,  
5 and the yet unidentified individual DOE defendants, on the other hand, such that any  
6 individuality or separateness which may have existed between them has ceased. An  
7 injustice will result if the theoretical entities of defendants WIKILEAKS and  
8 WIKILEAKS.ORG and the website are not disregarded and the yet unidentified  
9 individual DOE defendants are not held liable for the indebtedness of defendants  
10 WIKILEAKS and WIKILEAKS.ORG and the website.

11 12. Plaintiffs are informed and believe and based thereon allege that the  
12 officers, directors and/or managing agents of defendants WIKILEAKS and  
13 WIKILEAKS.ORG and the Website, authorized, directed and/or ratified the  
14 wrongful acts of the employees and representatives of said Defendants and,  
15 consequently, all of said Defendants are jointly and severally liable to Plaintiffs.

16 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

17 **Written Employment Contract**

18 13. Pursuant to an employment agreement dated September 1, 1987, BJB  
19 employed Rudolf Elmer as an internal auditor in its Zurich office. Elmer  
20 subsequently (between February 1994 through August 2002) went to work in the  
21 Cayman Islands at JBBT as an "expatriate," based on employment contracts with  
22 JBH and BJB.

23 14. Pursuant to a local employment agreement dated September 1, 2002  
24 ("the Agreement"), Elmer was employed directly by JBBT as Senior Vice President  
25 and Chief Operating Officer. A true and correct copy of the Agreement, which is  
26 incorporated by reference herein, is attached as Exhibit "C". Elmer's  
27 responsibilities included, amongst other things, administering JBBT's IT systems  
28 and designing procedures to safeguard its confidential information. The Agreement

1 states, in paragraph 11, that:

2 "[Mr Elmer] shall not at any time during his employment  
3 (except so far as is necessary and proper in the course of  
4 his employment) or at any time after his employment has  
5 terminated disclose to any person any information as to  
6 the practice, business, dealings or affairs of the Employer  
7 or any of the Employer's customers or clients or as to any  
8 other matters which may come to his knowledge by reason  
9 of his employment."

10 15. All data and records of the Julius Baer banks were and are protected not  
11 only under employee confidentiality agreements, but also under a number of  
12 different banking privacy and consumer data privacy laws of various nations,  
13 including and especially the laws of the Cayman Islands – the location from which  
14 the JB Property (as defined hereinbelow) was unlawfully obtained and/or under  
15 which the initial responsible tortfeasor was bound. Attached hereto as Exhibit "D"  
16 is a true and correct copy of the Cayman Islands' Confidential Relationships  
17 (Preservation), Law 16 of 1976, 1995 Revision ("CI-CRP Law"), which, pursuant  
18 to ¶3(1), provides that the law:

19 "has application to all confidential information with  
20 respect to business of a professional nature which arises  
21 in or is brought to the Islands and to all persons coming  
22 into possession of such information at any time thereafter  
23 whether they be within the jurisdiction or thereout."

24 16. Given the "expatriate" status of Elmer while working on the Cayman  
25 Islands under Swiss law-based employment contracts, respective banking privacy  
26 laws of Switzerland are relevant and applicable in this case, as well. Attached  
27 hereto as Exhibit "E" is a true and correct copy of a certified English translation of  
28 Article 47 of the Swiss Federal Law on Banks and Savings Banks, of November 8,



1 1934, language of December 27, 2006, adopted by The Federal Assembly of the  
2 Swiss Confederation ("Swiss FLBSB Law"), which protects confidentiality of all  
3 Swiss banking records and data, and provides, *inter alia*, that:

4 "whoever divulges a secret entrusted to him in his  
5 capacity as officer, employee, ... or has become aware  
6 thereof in this capacity, whoever tries to induce others to  
7 violate professional secrecy, shall be punished by  
8 imprisonment ..." and that the "violation of professional  
9 secrecy remains punishable even after termination of the  
10 official or employment relationship ..."

11 17. On grounds of misconduct, Elmer was dismissed by JBBT in December  
12 2002 in accordance with the termination provisions contained at paragraph 10 of his  
13 employment Agreement. After his employment with JBBT had been terminated, it  
14 was discovered that Elmer had, without authorization, copied to and stored  
15 confidential information and documents about some of JBBT's clients on his home  
16 and office computers. There was no legitimate reason for such confidential banking  
17 and client information to have been stored on Elmer's computers.

18 Leak to Swiss Newspaper

19 18. Plaintiff BJB was contacted in June 2005 by a Swiss newspaper, *CASH*,  
20 which had been provided with a CD-rom containing a large number of JBBT's  
21 confidential documents which that evidently been stolen and/or unlawfully provided  
22 to the newspaper. The newspaper then published an article about BJB, which stated,  
23 amongst other things, that:

24 "An anonymous person sends complete data files about  
25 well-to-do customers from around the world.

26 Customer information from the Baer Group was  
27 transmitted anonymously to the *CASH* editors.  
28 Customers seeking greater discretion protection, of all  
people, were affected. Their total holdings are in the  
billions.

1 The CD-Rom in the mail for the editor's desk did not  
2 have any indication of the sender, no writing, no logo -  
3 mass market goods from a computer shop.

4 The contents, however, are absolutely not for general  
5 consumption: 169 megabytes of files with customer and  
6 business information from a money institution, whose  
7 world fame is built on secrecy.

8 The data files come from the office of the Julius Baer  
9 Group on the Cayman Islands. They were recorded  
10 between 1997 and 200[2] and concern the entire business  
11 process of the Baer companies on the Caribbean island  
12 and a clientele that prefers to have their arrangements  
13 handled with particular discretion: very well-to-do  
14 customers from around the world."

15 A true and correct copy of the article and an English translation of it are attached  
16 hereto as Exhibit "F".

17 19. The story in *CASH* was then picked up by various other newspapers in  
18 a variety of locations. Neither *CASH*, nor any of the other publications, actually  
19 published any of Plaintiffs' clients' confidential information, identifications, banking  
20 records or data - the Wikileaks defendants are the only ones to do so (as set forth  
21 hereinbelow). Significantly, Swiss newspaper called *Die Weltwoche* published an  
22 article on June 23, 2005, in which the initials of the person who had leaked the  
23 confidential information were described as being "RE". The source of the  
24 information was also described as having formerly worked for JBBT.

#### 25 Investigations by the Authorities

26 20. Plaintiffs believe that the confidential client information had been  
27 unlawfully provided to *CASH* by Elmer. Only a very limited number of people, of  
28 which Elmer was one, would have had access to the data and documents. Once this  
and other information came to light, BJB filed a criminal complaint against Elmer  
with the public prosecutor in Zurich, Switzerland. A subsequent police search  
Elmer's properties uncovered further confidential client data and documents  
belonging to Plaintiffs in Elmer's possession. Investigations have implicated Elmer  
as responsible for the leaked confidential bank-client data. Elmer was arrested and

1 detained for approximately one month by the Swiss authorities before he was  
2 released pending an on-going criminal investigation and proceedings.

3 21. Elmer, the disgruntled ex-bank employee, is the subject of multi-  
4 national criminal investigations related to not only the above referenced theft of  
5 confidential records, but also related to his attempted extortion and a campaign of  
6 threats and terrorist threats (such as death and bomb threats, including reference to  
7 "9/11", and threatening letters containing "white powder" sent to the premises of  
8 the Plaintiffs in New York and Zurich) against Plaintiffs and certain of its  
9 employees. As an example, BJB's Deputy Group General Counsel, Mr. Hiestand,  
10 received an e-mail, on August 7, 2007 (sent using a pseudonym -  
11 robin.hood3055@yahoo.ca - but subsequently traced to Mauritius, the location  
12 Elmer has been living since the beginning of 2007), stating:

13 *"Hi dirty pig,*

14  
15 *it is about time to let you know my hunter is after you. You are*  
16 *number one on my list because guys like to [sic] need to be*  
17 *treated accordingly. My hunter will be behind your back maybe*  
18 *tomorrow, maybe in a week's time or even in a months time but*  
19 *he will be there. Don't worry it will happen quickly and you will*  
20 *hardly realise [sic] what's happening. It is not the first job the*  
21 *hunter did and execution is his strength.*

22 *Watch out and be careful what you do but my hunter will do the*  
23 *job!*

24 *Thank you for being so kind to me but now we need to get rid of*  
25 *you.*

26 *Regards*

27 *the Hunter"*

28 A further example of the terrorist threats, sent September 7, 2007, contained the  
following threat:

*"There will be an explosion the Bank today, Friday, at*  
*11.00PM which will remind everyone on [sic] the*  
*September 11<sup>th</sup>!"*

///

1        22. In or about November 2006, Elmer filed a criminal complaint against  
2 BJB and several employees on the basis that it/they had allegedly been stalking him  
3 (by use of a security expert who had in fact traced the various tortious and illegal  
4 conduct to Elmer). Elmer's claim was entirely unfounded and without merit, and  
5 subsequently dismissed as such by the relevant authorities on December 11, 2007.  
6 The respective decision, which according to the distribution list therein was sent by  
7 the authorities only to Elmer, was subsequently published on Wikileaks.org (in a  
8 folder "Bank Julius Baer v. Rudolf Elmer") as well.

9                    **Publication of Documents on Wikileaks**

10        23. The Wikileaks website is operated by its owners and agents for the  
11 express stated purpose of providing "simple and straightforward means for  
12 anonymous and untraceable leaking of documents," without any regard for the  
13 legality and/or authenticity of the leaked documents, and without regard for the  
14 rights of any aggrieved parties. Wikileaks receives submissions of documents, posts  
15 the leaked documents, and thereafter posts summaries of the documents, comments  
16 on the documents and information contained therein, and Wikileaks is otherwise an  
17 active participant in the post of the documents and content on its website.

18        24. Between November and December 2007, Elmer provided several  
19 documents relating to BJB and JBBT to the Wikileaks website. These contained  
20 various untrue allegations about the Plaintiffs but did not contain or include any of  
21 their confidential information or documents.

22        25. In or about mid-December 2007, Elmer provided a letter to Wikileaks,  
23 which Wikileaks posted onto the Wikileaks.org website, containing a judicial denial  
24 notice issued to Elmer from Swiss authorities. Plaintiffs do not contend that the  
25 posting of the document was wrongful or that said document should be removed.  
26 However, the posts made it apparent that Elmer was a former employee of  
27 Plaintiffs, was bound by various non-disclosure and banking privacy laws of  
28 Switzerland and the Cayman Islands, and was the person responsible for providing

1 information about the Julius Baer bank to the owners/operators of the Wikileaks  
2 website. Likewise, by e-mail dated January 1, 2007, received by, among others,  
3 employees of BJB (whose e-mail addresses are available via the Julius Baer Group's  
4 website), BJB was referred to and for the first time became aware of "Wikileaks".  
5 The e-mail, which could again be traced back to Mauritius, was again sent by  
6 "Robin Hood", this time from the account "robinhoodii@hotmail.com" and referred  
7 to a folder placed on Wikileaks named "Bank Julius Baer vs. Rudolf Elmer."

8         26. Subsequently, commencing on or about January 13, 2008, Elmer began  
9 posting hundreds of documents containing stolen or otherwise wrongfully obtained  
10 and disclosed confidential banking records belonging to Plaintiffs, including altered  
11 and/or forged or semi-forged "leaked" documents. Elmer and Defendants have  
12 posted onto the website and continue to display or make available the documents  
13 which contain confidential banking records and client data. The JB Property, as  
14 disclosed on the Website, references protected customer and consumer bank files,  
15 records, data and account information related to or purported to relate to certain of  
16 JBBT's bank customers, all of which are protected by law and/or owned by JBBT  
17 and/or BJB and have never been authorized to be disclosed to the public. Plaintiffs  
18 would not have disclosed, nor knowingly made the private and confidential portions  
19 of the JB Property available, to the public.

20         27. The "JB Property" includes and is herein defined as: any and all  
21 documents and information originating from BJB's and/or JBBT's banks and  
22 affiliated bank branches, which contains private client or customer bank records  
23 and/or identifies client or customer names, data, account records and/or bank  
24 account numbers, whether or not such documents and information are authentic,  
25 semi-altered, semi-fraudulent or forged, and which appears to have originated from  
26 or could reasonably be known to be or considered to constitute or have originated  
27 from data and documents stolen or misappropriated from one or more of Plaintiff's  
28 bank branches and/or computers. Attached hereto as Exhibit "G" is a index listing

1 (as titled by Wikileaks and/or Elmer, but semi-redacted) of the JB Property made  
2 available by Wikileaks through their Website.

3 28. Plaintiffs have not sought to, nor do they have any desire to, censor  
4 any alleged public discussion on the various civil and criminal legal proceedings  
5 related to Elmer. In that regard, Plaintiffs have not requested nor demanded  
6 removal of or reference to any articles related to the existence of the dispute with  
7 Elmer. Plaintiffs merely seek the removal of the specific stolen confidential bank  
8 documents or, at minimum, all of the identifying client/customer data, names and  
9 bank account numbers.

10 29. Wikileaks is fully knowledgeable of the nature of the unlawfully  
11 obtained and protected consumer banking records. Despite notice to Wikileaks'  
12 counsel of (i) the nature of the unlawfully leaked documents and (ii) that the source  
13 of the documents is bound by a written confidentiality agreement and various  
14 banking privacy laws; and reasonable requests that the identifying information be  
15 removed, Wikileaks has refused to remove the posted stolen documents, as well as  
16 any of the identifying client/customer data. In fact, after a good-faith effort to  
17 resolve the matter by a call to and discussion with Wikileaks' counsel, Wikileaks  
18 thereafter posted misstatements of the conversation and all of opposing counsel's  
19 contact information and email address on the website, and at the same time,  
20 removed the contact information for its own counsel.

21 30. Wikileaks and its owners', operators' and users attempt to operate  
22 under a veil of anonymity, or as they term it "transparency," yet its owners,  
23 operators and agents proudly post and disseminate the names, contact information  
24 and even private bank records of others. Wikileaks has sought to capitalize on and  
25 further exploit its own unfair and unlawful practices and conduct, as set forth  
26 herein, to increase their Website's notoriety and traffic.

27 31. The publication, dissemination and exploitation of stolen, legally  
28 protected customer and consumer bank files related to Plaintiffs' bank customers has

1 resulted in harm to Plaintiffs' reputations, its customers' confidence in the bank and  
2 its client/customer banking relationships, among other harms and actual losses.  
3 Such publication, dissemination and exploitation is also in breach of the relevant  
4 banking and privacy laws of Switzerland and the Cayman Islands.

5 **FIRST CLAIM FOR RELIEF**

6 **For Unlawful and Unfair Business Practices in**

7 **Violation of Cal. Bus. & Prof. Code § 17200**

8 **(Against Defendants Wikileaks, Wikileaks.org and Does 1-10)**

9 32. Plaintiffs repeat, reallege, adopt and incorporate each and every  
10 allegation contained in Paragraphs 1 through 31, inclusive, as though fully set forth  
11 herein.

12 33. Defendants wrongful and unlawful use, post, display and/or  
13 dissemination of the JB Property, and/or forgeries thereof, as herein alleged,  
14 constitutes unfair and unlawful business practices in violation of, among other  
15 things, California Business and Professions Code §§ 17200 through 17203.

16 34. Plaintiffs are the sole owners of all right, title and interest in the JB  
17 Property. Defendants' use, display and dissemination of the JB Property is  
18 unauthorized, unfair and unlawful. Defendants' unlawful use, display and  
19 dissemination of the JB Property on the website constitutes an infringement of  
20 Plaintiffs' rights and constitutes a violation of the applicable Swiss and Cayman  
21 Islands banking and consumer protection laws, as well as California state privacy  
22 rights and laws.

23 35. Defendants use, post, display and/or dissemination of the JB Property,  
24 and/or forgeries thereof, has and continues to harm Plaintiffs' reputations and their  
25 businesses, its customers' confidence in the bank, its client/customer banking  
26 relationships, and could potentially undermine the banks', and all banking  
27 institutions', ability to continue to effectively operate, among other harms.

28 ///

1        36. On or about January 22, 2008, Plaintiffs demanded the return of the JB  
2 Property and the removal from use, post, display and dissemination of the JB  
3 Property on the website, or at minimum, removal of all of the identifying  
4 client/customer data, names and bank account numbers. Notwithstanding the  
5 demands for the return of the JB Property and removal from use, post, display and  
6 dissemination of the JB Property on the website, or at minimum, removal of all of  
7 the identifying client/customer data, names and bank account numbers, Defendants  
8 have failed and refuse to return the stolen property and/or remove the stolen JB  
9 Property from the Website, or even any of the identifying client/customer data,  
10 names and bank account numbers.

11        37. Despite notice to Wikileaks' of the nature of the illegally posted private  
12 bank records, and information as to the source of the documents, that the source is  
13 bound by a written confidentiality agreement and various banking privacy laws,  
14 Wikileaks has not only refused to remove the posted stolen documents and data, but  
15 has thereafter actually sought to draw attention to them elsewhere on the Website  
16 to further capitalize on and exploit its own unlawful conduct to increase the  
17 Website's notoriety and traffic.

18        38. Plaintiffs are informed and believe and on that basis allege that  
19 Defendants had prior knowledge of Plaintiffs' rights and claims in and to the JB  
20 Property, and that the JB Property constitutes legally protected consumer and client  
21 banking records, and that Wikileaks' use, display and dissemination of the JB  
22 Property is an unlawful and unfair practice. Or, at minimum, after receipt of such  
23 knowledge, Wikileaks continued their unlawful and unfair practices by their further  
24 use and dissemination of the JB Property.

25        39. Plaintiffs have suffered injury and damages and have lost income and/or  
26 property as a result of Wikileaks' unlawful and unfair practices in violation of  
27 Plaintiffs' legally protected interests.

28        / / /



1       40. California's Unfair Competition Law ("UCL") permits civil recovery  
2 and injunctive relief for "any unlawful, unfair or fraudulent business act or  
3 practice," including if a practice or act violates or is considered unlawful under any  
4 other State, Federal or foreign law. Wikileaks has violated the UCL by failing and  
5 refusing to comply with requirements of the applicable Swiss and Cayman Island  
6 banking and consumer protection laws, as well as, among other laws, California  
7 state privacy laws.

8       41. Accordingly, pursuant to Bus. & Prof. Code §§ 17200 and 17203,  
9 Plaintiffs request the issuance of temporary, preliminary and permanent injunctive  
10 relief enjoining Defendants, and each of them, and their agents and employees, from  
11 publishing, distributing and/or otherwise disseminating or making available, whether  
12 directly, indirectly or through providing DNS hosting services, the JB Property, and  
13 from making use of the JB Property or images of the JB Property or any information  
14 contained therein; and upon a final hearing seek an Order permanently enjoining  
15 Defendants, and each of them, and their respective agents and employees, from  
16 publishing, distributing and/or otherwise disseminating the JB Property, and from  
17 making use of the JB Property or images of the JB Property or any information  
18 contained therein. Specifically, Plaintiffs request injunctive relief enjoining,  
19 restraining and/or ordering Defendants and all of their officers, directors,  
20 stockholders, owners, agents, servants, employees, representatives and attorneys,  
21 and all those in active concert or participation with Defendants, and each of them,  
22 including, but not limited to, as follows:

23               (a) An order restraining and enjoining Defendants from  
24 displaying, posting, publishing, distributing, linking to and/or otherwise providing  
25 any information for the access or other dissemination of copies of and/or images of  
26 the JB Property (as defined herein) and any information or data contained therein,  
27 including on the Website operated at wikileaks.org and any other websites under  
28 Defendants' ownership, control and/or which they can post or edit any content;

1 (b) An order restraining and enjoining Defendants from any  
2 further use, display, post, publication, distribution, linking to and/or otherwise  
3 providing any information for the access or other dissemination of copies of and/or  
4 images of the JB Property and any information or data contained therein, including  
5 on the website operated at wikileaks.org and any other websites under their  
6 ownership, control and/or which they can post or edit any content;

7 (c) An order that Defendants immediately block and otherwise  
8 prevent any further use, display, posting, publication, distribution, linking to and/or  
9 other dissemination of copies of and/or images of the JB Property and any other new  
10 or additional yet unpublished documents and data that constitute or could reasonably  
11 be known to be or considered to constitute JB Property, pending further order of this  
12 Court;

13 (d) An order that Defendants immediately remove from their  
14 wikileaks.org website, and any other websites owned or operated by Defendants or  
15 within their control, any and all copies of and/or images of the JB Property and any  
16 information or data contained therein;

17 (e) An order that Defendants immediately give notice of this  
18 Order to all of their DNS hosting services, ISP's, domain registrars, website site  
19 developers, website operators and website host service providers, and anyone else  
20 responsible or with access to modify the Website, and that the same are to cease and  
21 desist from any further use, display, posting, publication, distribution, linking to  
22 and/or other dissemination of copies of and/or images of the JB Property and any  
23 information contained therein pending further order of this Court;

24 (f) An order that Defendant DYNADOT, LLC is to  
25 immediately clear and remove all DNS hosting records for the domain name  
26 wikileaks.org and prevent the domain name from resolving to the wikileaks.org  
27 website, or any other website or server, until proof is submitted to the Court by  
28 Defendants, under penalty of perjury, that all JB Property has been removed from

1 the website and any and all links or information for access thereof;

2 (g) An order that Defendant DYNADOT, LLC is to lock the  
3 domain name wikileaks.org from transfer and lock and prevent any administrative  
4 or other access to the domain name by any persons pending further order of this  
5 Court; and

6 (h) An order that Defendant DYNADOT, LLC is to remove  
7 the optional privacy who-is service from the wikileaks.org domain name, preserve  
8 the true and correct who-is records and data for the registrant and administrative  
9 contacts of the domain name, both current and any and all prior or previously listed  
10 who-is records and data associated with the domain name registration and account  
11 and payment thereon, and immediately provide Plaintiffs' counsel with a copy of all  
12 such who-is records.

13 **SECOND CLAIM FOR RELIEF**

14 **For Declaratory Relief**

15 **(Against All Defendants)**

16 42. Plaintiffs repeat, reallege, adopt and incorporate each and every  
17 allegation contained in Paragraphs 1 through 31, inclusive, as though fully set forth  
18 herein.

19 43. Plaintiffs are the sole owners of all right, title and interest in the JB  
20 Property. Defendants' use, display and dissemination of the JB Property is  
21 unauthorized. Defendants' unauthorized use, display and dissemination of the JB  
22 Property on the website constitutes an infringement of Plaintiffs' rights and a  
23 violation of the applicable Swiss, Cayman Island and US banking and privacy  
24 protection laws.

25 44. On or about January 22, 2008, Plaintiffs demanded the return of the JB  
26 Property and the removal from use, post, display and dissemination of the JB  
27 Property on the Website, or at minimum, removal of all of the identifying  
28 client/customer data, names and bank account numbers.

1        45. Notwithstanding the demands for the return of the JB Property and  
2 removal from use, post, display and dissemination of the JB Property on the  
3 Website, or at minimum, removal of all of the identifying client/customer data,  
4 names and bank account numbers, Defendants have failed and refuse to return the  
5 stolen property and/or remove the stolen JB Property from the Website or even any  
6 of the identifying client/customer data, names and bank account information.

7        46. Plaintiffs are informed and believe and on that basis allege that  
8 Defendants had prior knowledge of Plaintiffs rights and claims in and to the JB  
9 Property and that the JB Property constitutes legally protected consumer and client  
10 banking records and data, or, at minimum, after receipt of such knowledge,  
11 continued their unauthorized use and dissemination of the JB Property. Defendants  
12 assert that they have the right to use, post, publish and/or disseminate all aspects and  
13 information of and contained in the legally protected and confidential customer and  
14 consumer banking records merely because an anonymous unverified source stole  
15 them and provided them to the owners/operators of the Website at Wikileaks'  
16 request and/or solicitation.

17        47. Plaintiffs lack an adequate remedy at law. Plaintiffs have suffered  
18 irreparable harm through the loss of their exclusive rights to JB Property and will  
19 continue to be irreparably injured unless the Court declares that the JB Property is  
20 protected confidential consumer banking records and data, and that Defendants'  
21 conduct is wrongful.

22        48. Plaintiffs are entitled to declaratory relief that: (i) Plaintiffs are the sole  
23 owners of all right, title and interest in the JB Property; (ii) Defendants' use, display  
24 and dissemination of the JB Property is unauthorized; and that (iii) Defendants'  
25 unauthorized use, display and dissemination of the JB Property on the Website  
26 constitutes an infringement of Plaintiffs' rights and of the applicable Swiss, Cayman  
27 Island and US banking and privacy protection laws.

28        / / /

1 **THIRD CLAIM FOR RELIEF**

2 **For Interference with Contract**

3 **(Against Defendants Wikileaks, Wikileaks.org and Does 1-10)**

4 49. Plaintiffs repeat, reallege, adopt and incorporate each and every  
5 allegation contained in Paragraphs 1 through 31, inclusive, as though fully set forth  
6 herein.

7 50. Plaintiffs have a valid written employment and confidentiality  
8 agreement (Exhibit "C") with ex-employee Elmer, which provides, *inter alia*,  
9 pursuant to paragraph "11. Confidentiality" that:

10 "Employee shall not at any time during his employment  
11 ... or at any time after his employment has terminated  
12 disclose to any person any information as the practice,  
13 business, dealings or affairs of the Employer or any of the  
14 Employer's customers or clients or as to any other matters  
15 which may come to his knowledge by reason of his  
16 employment."

17 Per the terms of and as part of his employment agreements, Elmer is further bound  
18 by various banking privacy laws, including Swiss, Cayman Island and US law,  
19 which prohibit the disclosure of information and secrets entrusted to Elmer or of  
20 which he has become aware thereof in this capacity as a bank employee.

21 51. Plaintiffs are informed and believe and based thereon allege that  
22 Defendants had knowledge of the written confidentiality agreement with the  
23 third-party, or should reasonably have had knowledge of or been aware of said  
24 agreement and/or confidential restrictions and protections prohibiting disclosure of  
25 the JB Property.

26 52. Defendants' intentional acts were designed to induce a breach or  
27 disruption of a contractual relationship. The sole purpose of Defendants' website  
28 is to provide a site for "uncensorable" and "untraceable mass document leaking,"

1 regardless of legality or contractual confidentiality agreements. The purpose of  
2 "Wikileaks [is to] provide[] simple and straightforward means for anonymous and  
3 untraceable leaking of documents."

4 53. As a result of Defendants' on-going tortious scheme to solicit the  
5 submission or upload of and thereafter publicly disseminate stolen or otherwise  
6 illegally obtained confidential banking and consumer records, Elmer breached (and  
7 thereafter continued to repeatedly breach by additional postings on the website) his  
8 written employment and confidentiality agreement. Wikileaks have knowingly and  
9 intentionally become joint-tortfeasors with Elmer, who has severely breached the  
10 terms of the Agreement.

11 54. As a direct and proximate result of Defendants' intentional interference  
12 with Plaintiffs' contract with Elmer, Plaintiffs have been injured in an amount of  
13 damages to be determined according to proof at trial, but which exceeds the  
14 jurisdictional requirements of this Court.

#### 15 **FOURTH CLAIM FOR RELIEF**

##### 16 **For Interference with Prospective Economic Advantage**

##### 17 **(Against Defendants Wikileaks, Wikileaks.org and Does 1-10)**

18 55. Plaintiffs repeat, reallege, adopt and incorporate each and every  
19 allegation contained in Paragraphs 1 through 31, inclusive, as though fully set forth  
20 herein.

21 56. Plaintiffs and their related entities manage substantial assets, and carry  
22 out, amongst other things, private banking and trust services, for private and  
23 institutional clients from all over the world. Plaintiffs' economic relationships with  
24 said private and institutional clients are continuing and renewable with the  
25 probability of future economic benefit to Plaintiffs, but at said clients' discretion,  
26 based largely on the quality of services provided, including, but not limited to, the  
27 banks' maintenance of privacy and protection of client and customer banking  
28 records, data and information.

1        57. Plaintiffs are informed and believe and based thereon allege that  
2 Defendants have knowledge of the nature of the relationships between Plaintiffs, as  
3 banking institutions, and Plaintiffs' private and institutional clients. As set forth  
4 hereinabove, Defendants' intentional acts were designed to interfere with or disrupt  
5 the relationships between Plaintiffs, as banking institutions, and their private and  
6 institutional clients. The sole purpose of Defendants' Website is to provide a site  
7 for "uncensorable" and "untraceable mass document leaking," regardless of legality  
8 or contractual confidentiality agreements. Defendants expressly state on their  
9 Website that "Wikileaks provides simple and straightforward means for anonymous  
10 and untraceable leaking of documents."

11        58. As a result of Defendants' on-going scheme to solicit the submission  
12 and/or upload of and thereafter publicly disseminate stolen or otherwise illegally  
13 obtained confidential banking and consumer records, Defendants have caused  
14 interference with or disruption of the confidential banking relationship between  
15 Plaintiffs, as banking institutions, and their private and institutional clients.

16        59. As a direct and proximate result of Defendants' intentional interference  
17 with Plaintiffs' prospective economic relations, Plaintiffs have been injured in an  
18 amount of damages to be determined according to proof at trial, but which exceeds  
19 the jurisdictional requirements of this Court.

## 20                                    **FIFTH CLAIM FOR RELIEF**

### 21                                    **For Conversion**

22                                    **(Against Defendants Wikileaks, Wikileaks.org and Does 1-10)**

23        60. Plaintiffs repeat, reallege, adopt and incorporate each and every  
24 allegation contained in Paragraphs 1 through 31, inclusive, as though fully set forth  
25 herein.

26        61. At all times relevant hereto, Plaintiffs were, and are, the sole and  
27 rightful owners of the documents and property described, to the best of Plaintiffs'  
28 pre-discovery ability, as the JB Property.

1        62. Although most of the JB Property described above consists of copies  
2 of documents and data and records that belong to Plaintiffs' banks, the JB Property  
3 described herein has intrinsic business value based on the confidential control and  
4 use thereof, the exact amount of which is unknown.

5        63. As set forth hereinabove, at some point and in some manner Defendants  
6 wrongfully and without Plaintiffs' authority or approval took possession of the JB  
7 Property or copies thereof, and have converted the JB Property for their own use  
8 and gain and/or in a manner intended to harm Plaintiffs.

9        64. On or about January 22, 2008, Plaintiffs demanded the immediate  
10 return of all JB Property and the removal of use, post, display and dissemination of  
11 the JB Property from Defendants' website. Notwithstanding the demands for the  
12 return and removal from the website of the JB Property, Defendants have failed and  
13 refused to return and/or remove from use, post, display and dissemination, the  
14 property.

15        65. As a direct and proximate result of Defendants' wrongful conversion  
16 of the JB Property, Plaintiffs have been damaged in an amount that is not yet fully  
17 ascertainable. Between the time of Defendants' conversion of the JB Property and  
18 the filing of this lawsuit, Plaintiffs have expended substantial time and money in  
19 legal fees and costs in pursuit of the return of the converted JB Property, all to  
20 Plaintiffs' further damage in an amount according to proof at trial.

21        66. No adequate remedy exists at law for the injuries suffered by Plaintiffs  
22 herein, insofar as further harm will result to Plaintiffs from Defendants' wrongful  
23 act of conversion of the JB Property absent injunctive relief. Absent granting  
24 injunctive relief of the type and for the purpose specified herein, Plaintiffs will  
25 suffer irreparable injury. Therefore, in addition to the award for damages set forth  
26 herein, Plaintiffs requests the issuance of temporary, preliminary and permanent  
27 injunctive relief enjoining Defendants, and each of them, and all of their officers,  
28 directors, stockholders, owners, agents, servants, employees, representatives and



1 attorneys, and all those in active concert or participation with Defendants, from  
2 publishing, distributing and/or otherwise disseminating or making available, whether  
3 directly, indirectly or through providing DNS hosting services, the JB Property and  
4 from making use of the JB Property or images of the JB Property or any information  
5 contained therein; and upon a final hearing seek an Order permanently enjoining  
6 Defendants, and each of them, and their respective agents and employees, from  
7 publishing, distributing and/or otherwise disseminating the JB Property and from  
8 making use of the JB Property or images of the JB Property or any information  
9 contained therein.

### 10 **SIXTH CLAIM FOR RELIEF**

#### 11 **For Injunctive Relief**

#### 12 **(Against All Defendants)**

13 67. Plaintiffs repeat, reallege, adopt and incorporate each and every  
14 allegation contained in Paragraphs 1 through 31, inclusive, as though fully set forth  
15 herein.

16 68. Plaintiffs are informed and believe and thereon allege that as a result  
17 of the wrongful conduct and activities of Defendants described herein, Plaintiffs  
18 have and will suffer great and irreparable harm and damage. Plaintiffs are informed  
19 and believe and thereon allege that as a result of the conduct of Defendants  
20 described herein, Plaintiffs have sustained and will sustain actual damages that may  
21 be difficult to ascertain with certainty.

22 69. Plaintiffs allege on information and belief that they have no adequate  
23 remedy at law for the injuries which they have suffered and will continue to suffer  
24 in the future unless the wrongful conduct of Defendants, and each of them, is  
25 restrained and enjoined, because it is and will be impossible for Plaintiffs to  
26 determine the precise amount of damage, and no amount of money can restore the  
27 potential harm to Plaintiffs caused by Defendants, and each of them, as a result of  
28 the conduct alleged herein.

1       70. Plaintiffs are informed and believe and thereon allege that there is a  
2 serious risk that they will suffer irreparable harm absent the injunctive relief sought  
3 herein, in that the wrongs that have been and will in the future be performed by  
4 Defendants, and each of them, are of a continuing character and will expose  
5 Plaintiffs to a continuing injury as the JB Property is further disseminated and  
6 additional Internet users view, visit or otherwise acquire the information wrongfully  
7 posted on the website. Plaintiffs are further informed and believe and thereon allege  
8 that there is a serious risk that they will suffer irreparable harm absent the injunctive  
9 relief sought herein, in that the wrongs that have been and will in the future be done  
10 by Defendants, and each of them, will give rise to a multiplicity of judicial  
11 proceedings absent the injunctive relief sought herein.

12       71. Accordingly, Plaintiffs request the issuance of temporary, preliminary  
13 and permanent injunctive relief enjoining Defendants, and each of them, and their  
14 agents and employees, from publishing, distributing and/or otherwise disseminating  
15 or making available, whether directly, indirectly or through providing DNS hosting  
16 services, the JB Property, and from making use of the JB Property or images of the  
17 JB Property or any information contained therein; and upon a final hearing seek an  
18 Order permanently enjoining Defendants, and each of them, and their respective  
19 agents and employees, from publishing, distributing and/or otherwise disseminating  
20 the JB Property, and from making use of the JB Property or images of the JB  
21 Property or any information contained therein. Specifically, Plaintiffs request  
22 injunctive relief, enjoining, restraining and/or ordering Defendants and all of their  
23 officers, directors, stockholders, owners, agents, servants, employees,  
24 representatives and attorneys, and all those in active concert or participation with  
25 Defendants, and each of them, including, but not limited to, as follows:

26               (a) An order restraining and enjoining Defendants from  
27 displaying, posting, publishing, distributing, linking to and/or otherwise providing  
28 any information for the access or other dissemination of copies of and/or images of

1 the JB Property (as defined herein) and any information or data contained therein,  
2 including on the Website operated at wikileaks.org and any other websites under  
3 Defendants' ownership, control and/or which they can post or edit any content;

4 (b) An order restraining and enjoining Defendants from any  
5 further use, display, post, publication, distribution, linking to and/or otherwise  
6 providing any information for the access or other dissemination of copies of and/or  
7 images of the JB Property, and any information or data contained therein, including  
8 on the website operated at wikileaks.org and any other websites under Defendants'  
9 ownership, control and/or which they can post or edit any content;

10 (c) An order that Defendants immediately block and otherwise  
11 prevent any further use, display, posting, publication, distribution, linking to and/or  
12 other dissemination of copies of and/or images of the JB Property and any other new  
13 or additional yet unpublished documents and data that constitute or could reasonably  
14 be known to be or considered to constitute JB Property, pending further order of this  
15 Court;

16 (d) An order that Defendants immediately remove from their  
17 wikileaks.org website, and any other websites owned or operated by Defendants or  
18 within their control, any and all copies of and/or images of the JB Property and any  
19 information or data contained therein;

20 (e) An order that Defendants immediately give notice of this  
21 Order to all of their DNS hosting services, ISP's, domain registrars, website site  
22 developers, website operators and website host service providers, and anyone else  
23 responsible or with access to modify the website, and that they are to cease and  
24 desist from any further use, display, posting, publication, distribution, linking to  
25 and/or other dissemination of copies of and/or images of the JB Property and any  
26 information contained therein pending further order of this Court;

27 (f) An order that Defendant DYNADOT, LLC is to  
28 immediately clear and remove all DNS hosting records for the domain name

wikileaks.org and prevent the domain name from resolving to the wikileaks.org website, or any other website or server, until proof is submitted to the Court by Defendants, under penalty of perjury, that all JB Property has been removed from the website and any and all links or information for access thereof;

(g) An order that Defendant DYNADOT, LLC is to lock the domain name wikileaks.org from transfer and lock and prevent any administrative or other access to the domain name by any persons pending further order of this Court; and

(h) An order that Defendant DYNADOT, LLC is to remove the optional privacy who-is service from the wikileaks.org domain name, preserve the true and correct who-is records and data for the registrant and administrative contacts of the domain name, both current and any and all prior or previously listed who-is records and data associated with the domain name registration and account and payment thereon, and immediately provide Plaintiffs' counsel with a copy of all such who-is records.

**WHEREFORE**, Plaintiffs pray for judgment against Defendants, and each of them, as pled hereinabove, as follows:

**AS TO THE FIRST CLAIM FOR RELIEF:**

1. That a preliminary injunction issue, as set forth in detail hereinabove, enjoining Defendants, and each of them, and all of their officers, directors, stockholders, owners, agents, servants, employees, representatives and attorneys, and all those in active concert or participation with Defendants, and each of them, from publishing, distributing and/or otherwise disseminating or making available, whether directly, indirectly or through providing DNS hosting services, the JB Property, and from making use of the JB Property or images of the JB Property or any information contained therein;

2. That, upon a final hearing, a permanent injunction issue, as set forth in detail hereinabove, enjoining Defendants, and each of them, and all of their

1 officers, directors, stockholders, owners, agents, servants, employees,  
2 representatives and attorneys, and all those in active concert or participation with  
3 Defendants, and each of them, from publishing, distributing and/or otherwise  
4 disseminating or making available, whether directly, indirectly or through providing  
5 DNS hosting services, the JB Property, and from making use of the JB Property or  
6 images of the JB Property or any information contained therein.

7 **AS TO THE SECOND CLAIM FOR RELIEF:**

8 3. For declaratory relief, as set forth hereinabove, that: (i) Plaintiffs are  
9 the sole owners of all right, title and interest in the JB Property; (ii) Defendants'  
10 use, display and dissemination of the JB Property is unauthorized; and that (iii)  
11 Defendants' unauthorized use, display and dissemination of the JB Property on the  
12 Website constitutes an infringement of Plaintiffs' rights and violation of applicable  
13 banking and consumer protection laws.

14 **AS TO THE THIRD CLAIM FOR RELIEF:**

15 4. Compensatory damages against the Wikileaks Defendants, and each of  
16 them, jointly and severally, in an amount not less than the jurisdictional minimum,  
17 in accordance with proof at trial, together with interest thereon at the legal rate;

18 5. For punitive and exemplary damages.

19 **AS TO THE FOURTH CLAIM FOR RELIEF:**

20 6. Compensatory damages against the Wikileaks Defendants, and each of  
21 them, jointly and severally, in an amount not less than the jurisdictional minimum,  
22 in accordance with proof at trial, together with interest thereon at the legal rate;

23 7. For punitive and exemplary damages.

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**AS TO THE FIFTH CLAIM FOR RELIEF:**

8. For damages for the proximate and foreseeable loss resulting from the Wikileaks Defendants' conversion in a sum according to proof at the time of trial, together with interest thereon at the legal rate;

9. That a preliminary injunction issue, as set forth in detail hereinabove, enjoining Defendants, and each of them, and all of their officers, directors, stockholders, owners, agents, servants, employees, representatives and attorneys, and all those in active concert or participation with Defendants, and each of them, from publishing, distributing and/or otherwise disseminating or making available, whether directly, indirectly or through providing DNS hosting services, the JB Property and from making use of the JB Property or images of the JB Property or any information contained therein;

10. That, upon a final hearing, a permanent injunction issue, as set forth in detail hereinabove, enjoining Defendants, and each of them, and all of their officers, directors, stockholders, owners, agents, servants, employees, representatives and attorneys, and all those in active concert or participation with Defendants, and each of them, from publishing, distributing and/or otherwise disseminating or making available, whether directly, indirectly or through providing DNS hosting services, the JB Property, and from making use of the JB Property or images of the JB Property or any information contained therein.

**AS TO THE SIXTH CLAIM FOR RELIEF:**

11. That a preliminary injunction issue, as set forth in detail hereinabove, enjoining Defendants, and each of them, and all of their officers, directors, stockholders, owners, agents, servants, employees, representatives and attorneys, and all those in active concert or participation with Defendants, and each of them, from publishing, distributing and/or otherwise disseminating or making available, whether directly, indirectly or through providing DNS hosting services, the JB Property and from making use of the JB Property or images of the JB Property or

1 any information contained therein;

2 12. That, upon a final hearing, a permanent injunction issue, as set forth  
3 in detail hereinabove, enjoining Defendants, and each of them, and all of their  
4 officers, directors, stockholders, owners, agents, servants, employees,  
5 representatives and attorneys, and all those in active concert or participation with  
6 Defendants, and each of them, from publishing, distributing and/or otherwise  
7 disseminating or making available, whether directly, indirectly or through providing  
8 DNS hosting services, the JB Property, and from making use of the JB Property or  
9 images of the JB Property or any information contained therein.

10 **AS TO ALL CAUSES OF ACTION:**

11 13. For costs of suit herein;

12 14. For interest on the above-requested general and special damages and  
13 at the maximum legal rate as provided by law; and

14 15. For such other additional relief as the Court deems just and proper.

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DATED: February 6, 2008

Respectfully submitted,

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

By: 

WILLIAM J. BRIGGS, II  
Attorneys for Plaintiffs BANK JULIUS  
BAER & CO. LTD and JULIUS BAER  
BANK AND TRUST CO. LTD

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**REQUEST FOR JURY TRIAL**

Plaintiff hereby demands a jury trial pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Respectfully submitted,

DATED: February 6, 2008

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

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