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

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NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ONLINE POLICY GROUP, NELSON CHU
PAVLOSKY, and LUKE THOMAS SMITH,

Plaintiffs,

v.

DIEBOLD, INCORPORATED, and DIEBOLD
ELECTION SYSTEMS, INCORPORATED,

Defendants.

Case Number C-03-04913 JF

ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION AND
DENYING TEMPORARY
RESTRAINING ORDER

TO: DEFENDANTS DIEBOLD:

The Court having considered Plaintiffs' request for a temporary restraining order and order to show cause re preliminary injunction, as well as your opposition thereto, and good cause therefor appearing, YOU ARE HEREBY ORDERED to appear in this Court, located at 280 South First Street, San Jose, California, Courtroom 3, on Monday, November 17, 2003, at 9:00am or as soon thereafter as the matter may be heard, then and there to show cause, if any, you have why you, your servants, employees, and attorneys and all those in active concert or participation with you or them should not be restrained and enjoined pending trial in the above entitled action from:

1 1. Issuing or causing the issuance of legal threats to discourage or block publication of
2 any of the information contained in the Diebold email archive.

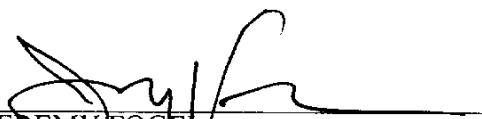
3 2. Issuing or causing the issuance of legal threats to discourage or block the Internet
4 hosting of the information contained in the Diebold email archive.

5 3. Issuing or causing the issuance of legal threats to discourage or block the Internet
6 hosting of links to the information contained in the Diebold email archive.

7 This Order to Show Cause and all supporting pleadings and papers must be served on
8 Defendants not later than November 5, 2003, and proof of service shall be filed not later than
9 November 7, 2003. Plaintiffs may file and serve supplemental briefing in support of their
10 application for a preliminary injunction on or before November 7, 2003, and Defendants may file
11 supplemental opposition on or before November 12, 2003. Plaintiffs may file a reply on or
12 before November 14, 2003. In light of the accelerated briefing schedule set forth herein,
13 Plaintiffs request for a temporary restraining order is DENIED.

14
15 IT IS SO ORDERED.

16
17 DATED: November 4, 2003

18 
19 JEREMY FOGEL
20 United States District Judge