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February 12, 2008

VIA E-FILING

The Honorable Jeffrey S. White
United States District Court for the
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Bank Julius Baer, et. al. / Wikileaks, et. al.
USDC Case No.: CV08-0824

Dear Judge White:

This responds to the inappropriate *ex parte* letter by Julie S. Turner. The substance of our attempts to serve and actually serve Wikileaks will be addressed in a separate brief to be filed with this Court. However, I believe it essential that certain matters be brought to the attention of the Court.

A close reading of Ms. Turner's February 12, 2008 letter reveals that Ms. Turner has not only parsed her words, but she apparently attempts to mislead this Court. This allegation is not made lightly. For example, Ms. Turner states that "I do not represent Wikileaks in this litigation." It is noteworthy that Ms. Turner does not make the affirmative representation that she does not represent Wikileaks for any and all other purposes.

Significantly, on January 21, 2008, Ms. Turner wrote to Mr. Spiegel and stated: "My name is Julie Turner and I have agreed to represent Wikileaks in connection with this matter." Ms. Turner's letter was in response to Mr. Spiegel's demand that Wikileaks remove certain information from its website or Mr. Spiegel would commence an action against Wikileaks in federal court. Importantly, on January 23, 2008, Wikileaks posted an article on its website which stated: "In a telephone call yesterday between Wikileaks' California counsel Julie Turner and Lavelly & Singer's Evan Spiegel, . . ." Thus, on the day Ms. Turner claims she terminated her representation of Wikileaks on this matter, Wikileaks posted on its website that Ms. Turner was, in fact, its California counsel. Additionally, a page from Wikileaks' website describes its organizational contacts. It lists Ms. Turner's address: 344 Tennessee Lane, Palo Alto, California 94306 as the address to which legal correspondence should be sent. Further, Wikileaks also posts Ms. Turner's name and law firm, phone number and fax

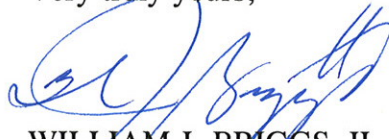
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number as well as email address as the person to contact for all "USA legal service correspondence."

Notably, Rule 5(b) of the F.R.C.P. provides that "if a party is represented by an attorney, service . . . must be made on the attorney unless the court orders service on the party."

Ms. Turner notified Mr. Spiegel that she was the attorney of record for Wikileaks; Wikileaks' own website state that Ms. Turner is its attorney of record for service of all legal papers in California. Ms. Turner was therefore served with the request for TRO and other pleadings. Ms. Turner's after the fact construct to disclaim the fact that she is Wikileaks' attorney for this matter after she was served with the TRO papers is disingenuous to say the least.

Very truly yours,



WILLIAM J. BRIGGS, II

Of

LAVELY & SINGER

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WJB:tv

cc: Evan N. Spiegel
Julie S. Turner (*via facsimile & email*)