

1 case but their network was used to commit abuses. They have indicated to
2 Plaintiff that they will act upon such Court Order.

3 c) Most ISP's have indicated a 10-day notice period is sufficient. The
4 Orders proposed herein calls for a 15-day turnaround which should be
5 sufficient duration for notifying the subscribers.

6 INTRODUCTION

7 1. As alleged in the Complaint and demonstrated in Exhibit 5 (body of
8 evidence filed under seal), Defendants have violated Plaintiff's rights, and
9 allegedly broken eleven laws including four federal statutes. The identity
10 of some of the DOE defendants is not known to the Plaintiff except for the
11 "IP" and email address they used to commit the alleged violations.

12 2. Plaintiff contacted the online service providers at the time the
13 violations occurred and asked that the electronic traces of the responsible
14 parties' are preserved. Such preservation has occurred in a number of the
15 cases for which an Order is presently requested.

16 DISCUSSION

17 3. Some online service providers apparently accept subpoenas for release
18 of client information and have already released defendant contact
19 information to Plaintiff. Others require a Court Order. orders are attached
20 to this request are for Time Warner, RCN, Deloitte, Nibble Information
21 Systems (NNTPServer). Time Warner, RCN, and Deloitte have indicated that
22 they will respond to a Court Order and have apparently identified the
23 respective Defendants. As discussed in the original pleading and
24 demonstrated in the evidence body (Exhibit 5), the violations committed by
25 the defendants using these entities' network are serious and at the heart of
26 the case.

27 4. Council for Deloitte has indicated that they will act upon the
28 proposed Court Order. Plaintiff is requesting Deloitte to release the name

1 of an employee who has been using their network to commit violations against
2 Plaintiff. Deloitte has apparently taken internal action against the
3 defendant who is at the heart of the case because the same person apparently
4 also used the RCN network to commit other serious violations.

5 5. NNTPServer, has not indicated the need for Court Order vs. Subpoena
6 but the violations committed using their service are severe enough and
7 therefore finding the responsible party is important enough that Plaintiff
8 requests a Court Order to them. The scope of violations using NNTPServer
9 include around ten counts of fraudulent use of Plaintiff's identity (name,
10 email, password, website URL), mocking Plaintiff's website, publishing
11 highly obscene and lewd comments in the name of the Plaintiff including
12 racial slur against Blacks and sympathizing for extreme acts of violence,
13 all completely contrary to Plaintiff's philosophy and values which are
14 rooted in compassion and respect for others' freedom.

15 **PRECEDENCE**

16 6. Although "cyber law" is a relatively new field, there have already
17 been several cases where courts, both at Federal and State level, have
18 ordered online service providers to release customer details upon the
19 courts' determination that the committed violations outweigh the defendants'
20 implied First Amendment right to remain anonymous, that the release of such
21 information is at the heart of the case, and that there is no other way to
22 obtain the necessary information. Plaintiff hereby humbly declares that all
23 these factors apply to the case at bar as described in the original
24 Complaint and briefly in the preceding paragraphs.

25
26 Gratefully & Respectfully,

27
28 Reza Ganjavi