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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10) **Case Number:**
11 REZA GANJAVI,)
12) CV05- 8619 DDP (JWJx)
13) **Plaintiff,**)
14)
15) **v.**)
16) **REQUEST FOR GRANT OF ORDER TO**
17) **ONLINE SERVICE PROVIDERS TO**
18) **RELEASE DEFENDANTS' BASIC**
19) **IDENTIFICATION.**
20)
21) - Date & time : TBD
22)
23) **Defendants.**) - Before Honorable Judge Dean D.
24) Pregerson

25 Plaintiff, REZA GANJAVI, hereby prays to this Honorable Court to order the
26 Defendants' online service providers to release their basic identification,
27 i.e., name, address, and phone number, pursuant to 47 U.S.C. § 551.

28 **INTRODUCTION**

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

1 2. Plaintiff contacted the online service providers at the time the
2 violations occurred and asked that the electronic traces of the responsible
3 parties' are preserved. Such preservation has occurred in a number of the
4 cases for which an Order is presently requested, e.g., RCN, Time Warner, and
5 Deloitte.

6 3. The Defendants whose information is sought through the attached orders
7 are at the heart of the case and there is no other way to obtain the
8 requested information except by Court Orders.

9 **DISCUSSION**

10 4. Some online service providers have accepted subpoenas for releasing
11 client information to the Plaintiff. EV1 has released contact information
12 for Defendant Douglas Carlson; Yahoo has released the IP address of a DOE
13 Defendant who turns out to be an RCN client whose violations include setting
14 up a mock website; Email.com has released the owner of the email address:
15 "seadrifter@email.com" who happens to be Defendant William Jennings. Other
16 service providers require a Court Order.

17 5. Six orders attached to this request are for Time Warner, RCN,
18 Deloitte, Nibble Information Systems (NNTPServer), Giganews and Data
19 Foundry. Time Warner, RCN, and Deloitte have indicated that they will
20 respond to a Court Order and have apparently identified the respective
21 Defendants.

22 6. Plaintiff is requesting Deloitte to release the name of an employee or
23 agent who used their network to commit violations against Plaintiff.
24 Deloitte has apparently taken internal action against the Defendant who is
25 at the heart of the case because the same person apparently also used the
26 RCN network to commit other serious violations.

27 7. NNTPServer, has not indicated the need for Court Order vs. Subpoena
28 but the violations committed using their service are severe enough and

1 therefore finding the responsible party is important enough that Plaintiff
2 requests a Court Order to them. The scope of violations using NNTPServer
3 include around ten counts of fraudulent use of Plaintiff's identity (name,
4 email, password, website URL), mocking Plaintiff's website, publishing
5 highly obscene and lewd comments in the name of the Plaintiff including
6 racial slur against Blacks and sympathizing for extreme acts of violence,
7 all completely contrary to Plaintiff's philosophy and values which are
8 rooted in compassion and respect for others' freedom.

9 8. Data Foundry provides email service for Defendant William Jennings and
10 is requested through the Order to release his contact information so that he
11 can be summoned. Giganews provided service to a Doe defendant who
12 fraudulently used the Plaintiff's identification on four counts.

13 9. Most online service providers have indicated a 10-day notice period is
14 sufficient. The Orders proposed herein call for a 15-day turnaround which
15 should be a sufficient period for notifying the subscribers prior to
16 releasing the information.

17 **PRECEDENCE**

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

27
28 Gratefully & Respectfully,

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Reza Ganjavi