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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

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11 REZA GANJAVI,) Case Number:
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13)) CV05- 8619 DDP (JWJx)
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Plaintiff,

v.

DOES 1 through 10, Douglas
Carlson, William Jennings, Todd
Tipton,

Defendants.

EX PARTE APPLICATION FOR GRANT
OF ORDER TO ONLINE SERVICE
PROVIDERS TO RELEASE DEFENDANTS'
BASIC IDENTIFICATION.

COMES NOW, Plaintiff, REZA GANJAVI, and begs this Honorable Court to order the DOE Defendants' online service providers to release their basic identification, i.e., name, address, and phone number, pursuant to 47 U.S.C. § 551, so that they can be summoned.

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

1 of some of the DOE defendants is not known to the Plaintiff except for the
2 IP and email address they used to commit the alleged violations.

3 2. Plaintiff contacted the online service providers at the time the
4 violations occurred and asked that the electronic traces of the responsible
5 parties' are preserved. This has occurred in at least two of the three cases
6 for which an Order is presently requested.

7 8 DISCUSSION

9 3. Some online service providers apparently accept subpoenas for release
10 of client information and have already released one Defendant's contact
11 information to Plaintiff. Others require a Court Order. Three orders are
12 attached to this request for Time Warner, RCN, and Nibble Information
13 Systems (NNTPServer). Time Warner needs a Court Order unconditionally. RCN
14 will act upon a subpoena but needs a Court Order in order waive the notice
15 to customer prior to releasing his/her name.

16 4. The third service provider, NNTPServer, has not indicated the need for
17 Court Order vs. Subpoena but the violations committed using their service
18 are severe enough and therefore finding the responsible party is important
19 enough that Plaintiff requests a Court Order to them. The scope of
20 violations using NNTPServer include around ten counts of fraudulent use of
21 Plaintiff's identity (name, email, password, website URL), mocking
22 Plaintiff's website, publishing highly obscene and lewd comments in the name
23 of the Plaintiff including racial slur against Blacks and sympathizing for
24 terrorists, all completely contrary to Plaintiff's philosophy and values
25 which are rooted in compassion and respect for others' freedom.

26 5. Due to the severity of the nature of the violations in the case at
27 bar, and extreme degree of maliciousness, hatred, and criminal intent
28 exhibited by the Defendants as described in the Complaint (e.g., theft,

1 fraud, threat of physical violence, etc.), Plaintiff humbly requests this
2 Honorable Court for waiver of notice to Defendants by their online service
3 providers. According to Time Warner and RCN such waiver is assumed by
4 default for criminal cases, and in civil cases where the court feels such
5 waiver is warranted, it can be requested.

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7 **PRECEDENCE**

8 6. Although "cyber law" is a relatively new field, there have already
9 been several cases where courts, both at Federal and State level, have
10 ordered online service providers to release customer details upon the
11 courts' determination that the committed violations outweigh the defendants'
12 implied First Amendment right to remain anonymous. Plaintiff believes the
13 Complaint demonstrated that the case at bar is as such.

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15 Many thanks and humble regards

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18 Reza Ganjavi
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