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2012 MAR 16 PM 4:01  
CENTRAL DISTRICT COURT  
LOS ANGELES  
BY 

FILED

11 | **UNITED STATES DISTRICT COURT**  
12 | **CENTRAL DISTRICT OF CALIFORNIA**

14 | **In the Matter of the Seizure of the**  
15 | **Internet Domain Name**  
16 | **"DAJAZ1.COM"**



**Case No. CR Misc. No. 11-110**

17 | **STIPULATION TO UNSEAL**  
18 | **COURT RECORDS**

21 |  
22 | **The United States of America ("Government") enters into this Stipulation with**  
23 | **non-party press organization Advance Magazine Publishers Inc. ("Wired"), non-**  
24 | **party public interest organizations the Electronic Frontier Foundation ("EFF") and**  
25 | **the First Amendment Coalition ("FAC"), through their respective counsel of record,**  
26 | **as follows:**

27 | **1. Whereas, on November 17, 2010, in Case No. 2:10-mj-02822-DUTY-1,**  
28 | **this Court issued a warrant pursuant to 18 U.S.C. §§ 981(b), 2323(a)(1)(B), for the**

1 seizure of Internet domain names, including www.dajaz1.com; and

2 2. Whereas, there is a public docket for Case No. 2:10-mj-02822-DUTY-1,  
3 but all other entries – including the warrant application and affidavit – are sealed; and

4 3. Whereas, the Government believes that the warrant affidavit was  
5 previously unsealed and made public, including in an article published in the New  
6 York Times; and

7 4. Whereas, in related Case No. CR Misc. No. 11-110, both the docket and  
8 all court records in the file are sealed; and

9 5. Whereas, on November 18, 2011, the Government informed the owner  
10 of the www.dajaz1.com domain name that it would not be filing a civil forfeiture  
11 action, and thereafter released the domain name; and

12 6. Whereas, counsel for EFF, FAC, and Wired prepared motions to  
13 intervene in Case Nos. 2:10-mj-02822-DUTY-1 and CR Misc. No. 11-110 for the  
14 purpose of requesting an order unsealing all docket entries and court records filed in  
15 both cases related to the www.dajaz1.com domain name, on the grounds that these  
16 records should be open to the public pursuant to the First Amendment of the United  
17 States Constitution, and federal common law (“Motions To Unseal”); and

18 7. Whereas, prior to filing the Motions To Unseal, counsel for Wired  
19 telephonically met-and-conferred with counsel for the Government; and

20 8. Whereas, without conceding that unsealing of the docket entries and  
21 court records is required by either the First Amendment or federal common law, the  
22 Government has agreed that it does not oppose the unsealing of all docket entries and  
23 court records filed in Case Nos. 2:10-mj-02822-DUTY-1 and CR Misc. No. 11-110  
24 related to the www.dajaz1.com domain name;

25 **IT IS HEREBY STIPULATED AND AGREED THAT:**

26 1. EFF, FAC, and Wired may intervene in Case Nos. 2:10-mj-02822-  
27 DUTY-1 and CR Misc. No. 11-110 for the limited purpose of seeking to unseal these  
28 court records;

1           2.     The Court shall order the Clerk to immediately unseal all docket entries  
2 and court records related to the www.dajaz1.com domain name in Case Nos. 2:10-  
3 mj-02822-DUTY-1 and CR Misc. No. 11-110, including but not limited to warrant  
4 applications and affidavits, request(s) by the Government for extensions of time, and  
5 the Court's order(s) granting the Government's request(s);

6           3.     The unsealed records shall be listed on the public docket and made  
7 available for inspection in person and through the Public Access to Court Electronic  
8 Records system; and

9           4.     The Court reserves jurisdiction over this Stipulation to enter orders  
10 supervising the unsealing of records as described here.

11 DATED: March 15, 2012

ANDRÉ BIROTTE, JR.  
United States Attorney  
GEORGE S. CARDONA  
Chief Assistant United States Attorney

14 By: George S. Cardona /s/  
15 George S. Cardona

16 Attorneys for United States of America

18 DATED: March 15, 2012

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22 Kelli L. Sager

23 Attorneys for Non-Party Press  
24 Organization Advance Magazine  
25 Publishers Inc., which publishes Wired  
26 magazine and wired.com  
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DATED: March 15, 2012

JOSHUA KOLTUN

By:   
Joshua Koltun

Attorney for Non-Party Public Interest  
Organization First Amendment Coalition

DATED: March 15, 2012

ELECTRONIC FRONTIER FOUNDATION  
CINDY COHN  
CORYNNE MCSHERRY  
MARCIA HOFFMAN

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DATED: March 15, 2012

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DATED: March 15, 2012

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**Proof of Service**

I, Ellen Duncan, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am employed in the City and County of Los Angeles, State of California, in the office of a member of the bar of this court, at whose direction the service was made. I am over the age of eighteen (18) years, and not a party to or interested in the within-entitled action. I am an employee of DAVIS WRIGHT TREMAINE LLP, and my business address is 865 South Figueroa Street, Suite 2400, Los Angeles, CA 90017.

On March 16, 2012, I caused to be served the following document:

**STIPULATION TO UNSEAL COURT RECORDS**

I caused the above document to be served on each person below by the following means:

- I enclosed a true and correct copy of said document in an envelope and placed it for collection and mailing with the United States Post Office following the ordinary business practice.

Andre Birotte, Jr.  
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I am readily familiar with my firm's practice for collection and processing of correspondence for delivery in the manner indicated above, to wit, that correspondence will be deposited for collection in the above-described manner this same day in the ordinary course of business. I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on March 16, 2012, at Los Angeles, California.



Ellen Duncan