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AUG 15 2005

U.S. DISTRICT COURT

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

AUG 17 2005

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BY DEPUTY CLERK

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AUG 16 2005

SAMUEL ALBA
U.S. MAGISTRATE

Margaret Plane (USB # 9550)
AMERICAN CIVIL LIBERTIES UNION OF UTAH
FOUNDATION, INC.
355 North 300 West
Salt Lake City, Utah 84103
Telephone: (801) 521-9862
Facsimile: (801) 532-2850

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

JEFFREY VERNON MERKEY

No. 2:05-CV-521 DAK

Plaintiff,

**PROPOSED ORDER GRANTING
LEAVE TO ELECTRONIC
FRONTIER FOUNDATION AND
AMERICAN CIVIL LIBERTIES
UNION OF UTAH TO FILE AMICUS
BRIEF**

vs.

YAHOO SCOX members atul666 and
saltydogmn; PAMELA JONES a.k.a
GROKLAW.COM, a.k.a. OSRM and
GROKLAW.NET; GRENDDEL a.k.a.
PAGANSAVAGE.COM; MATT MERKEY
a.k.a MERKEY.NET; BRANDON SUIT
a.k.a. MERKEY.NET; JOHN SAGE a.k.a.
FINCHHAVEN.COM; MRBUTTLE a.k.a.
IP-WARS.NET; JEFF CAUSEY a.k.a. IP-
WARS.NET; AL PETROFSKY a.k.a.
SCOFACTS.ORG; DOES 1 through 200

Date: August 17, 2005
Time: 11:30 a.m.
Rm: 248
Judge: Hon. Samuel Alba

Trial Date: Not set
Complaint Filed: July 20, 2005

Defendants.

The Court, having considered the Emergency Motion for Leave to File Brief *Amicus Curiae* of Electronic Frontier Foundation and the American Civil Liberties Union of Utah, and being otherwise fully advised on this matter hereby:

GRANTS the Electronic Frontier Foundation and the American Civil Liberties Union of Utah leave to file a brief *Amicus Curiae* in Opposition to Plaintiff's *Ex Parte* Motion to Conduct Expedited Discovery.

DATED this 16th day of Aug, 2005.

BY THE COURT:


Magistrate Judge Samuel Alba

CERTIFICATE OF MAILING

I hereby certify that on August 15, 2005 I caused to be sent a true and correct copy of the foregoing PROPOSED ORDER GRANTING LEAVE TO ELECTRONIC FRONTIER FOUNDATION AND AMERICAN CIVIL LIBERTIES UNION OF UTAH TO FILE AMICUS BRIEF to:

Jeffrey Vernon Merkey
1058 East 50 South
Lindon, Utah 84042

(via hand delivery), and

Alan P. Petrofsky
3618 Alameda Apt. 5
Menlo Park, CA 94025

(via overnight service).

AMERICAN CIVIL LIBERTIES UNION
OF UTAH FOUNDATION, INC.

ELECTRONIC FRONTIER FOUNDATION
Attorneys for Amici Curiae

By


MARGARET PLANE