

At the Ex-Parte Motion Support Office of the Supreme Court of the State of New York for the County of New York, at the Courthouse located at 60 Centre Street, New York, New York, on the ___ day of February, 2007.

PRESENT:

_____, JSC

07102063

In the Matter of the Application Pursuant to CPLR 3102 of _____ COUNTY No.:

PAMELA GREENBAUM,

Petitioner,

-against-

GOOGLE, INC. d/b/a BLOGGER and BLOGSPOT.COM,

Respondent.

FILED
CLERK
COUNTY
FEB 13 2007
ORDER TO SHOW CAUSE
Unsigned Order Show Cause

Upon reading and filing the affirmation of ADAM B. FEDER, ESQ. dated February ___, 2007, and sufficient cause appearing therefore, it is hereby

ORDERED, that the Respondent show cause at I.A.S. Part ___ of the Supreme Court of the State of New York, for the County of New York, at the Courthouse located at 60 Centre Street, New York, N.Y., on the ___ day of February, 2007 at 9:30 o'clock in the forenoon of that day, or soon thereafter as counsel can be heard,

WHY AN ORDER SHOULD NOT BE ENTERED, pursuant to CPLR §3102(c), directing the Respondent to disclose the following information for the purposes of pre-action discovery including identifying defendants, framing a complaint and preserving evidence:

- 1) data and/or printouts of data identifying the person responsible for the "blog" entitled "ORTHOMOM" found on the "BLOGGER" website, including registration records, renewal records, IP addresses, and other information;
- 2) Terms of Service Agreements and other contracts between the Blogger service and the person operating the "blog" entitled "ORTHOMOM"

in effect from the initial filing and startup of "ORTHOMOM" to the present;

- 3) data and or printouts of data and/or IP address identifying the person to whom the email address and/or screen name and/or IP address and/or electronic identity "ORTHOMOM" is registered;
- 4) In regard to the comments section of the subject blog entry dated January 11, 2007 at 4:29 p.m., printouts of data identifying the person(s) to whom e-mail address or screen names or blogger identities are registered for each entry attributed to "Anonymous" and the IP addresses from which each "Anonymous" comment originated.

upon the grounds that Petitioner believes she has a valid cause of action for slander and defamation against the person responsible for content posted to said "blog", and the requested discovery and inspection of the above documents and data is vital and necessary to investigate, to identify proper parties, and to secure important electronic evidence; and it is further,

ORDERED, that pending the hearing and determination of this application, Respondent is enjoined and restrained from disposing of and/or altering in any way the subject data and records; and it is further

ORDERED, that sufficient reason appearing therefore, that personal service of a copy of this Order and of the papers annexed thereto upon the Respondent herein, at its principal place of business located at New York, N.Y., on or before the ___ day of February 2007, be deemed good and sufficient notice of this application.

ENTER:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Application Pursuant to CPLR 3102 of:

PAMELA GREENBAUM,

Petitioner,

-against-

GOOGLE, INC. d/b/a BLOGGER and BLOGSPOT.COM,

Respondent.

Index No.:

PETITION

07102063

State of New York

s.s.:

County of Nassau

FILED
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NEW YORK
COUNTY CLERK'S OFFICE

PAMELA GREENBAUM, being duly sworn, deposes and states under the penalties of perjury, the following:

1. I am a resident of the State of New York, County of Nassau, and reside at 718 Longacre Avenue, Woodmere, New York 11598. I bring this Petition for pre-lawsuit discovery so that I may identify the author of an anonymous weblog ("blog") and anonymous commenters who have used this blog to defame me by calling me a "BIGOT", implying that I am an "ANTI-SEMITES", and spreading lies about my character and actions.

2. I am informed by my attorney that the Respondents herein maintain their office and principle place of business in New York County, New York.

3. I have no other means by which to identify the people who are responsible for the assault on my character that has been an ongoing feature of the website blog in question, known as "ORTHOMOM". Accordingly, I request that the Court Order the Respondents to disclose the information set forth in my attorney's affirmation, annexed hereto, so that the appropriate lawsuit can be filed against the responsible parties. In addition, a Court Order preserving the information is necessary because the blog is a voluntary endeavor that may be discontinued and deleted at any time by the anonymous "ORTHOMOM". I understand that this relief is authorized by the New York State Civil Practice Law and Rules, §3102.

4. As set forth in my attorney's affirmation, the Respondents own and operate an

