

Jeffrey Vernon Merkey
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Plaintiff

ORIGINAL FILED
U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY: 
DEPUTY CLERK

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

JEFFREY VERNON MERKEY
Plaintiff,

**PLAINTIFF JEFFREY VERNON
MERKEY'S MOTION FOR ORDER
TO SHOW CAUSE**

vs.

Case No: 2:05-cv-521 DAK

Honorable Dale A. Kimball
Honorable Magistrate Samuel Alba

AL PETROFSKY a.k.a. SCOFACFS.ORG

Defendant.

Plaintiff Jeffrey Vernon Merkey respectfully submits Motion for Order to Show Cause against Alan P. Petrofsky for actively violating orders relative to the sealing of documents filed in this matter. The specific facts are more fully described in the attached Memorandum of Points and Authorities filed in Support of this Motion.

Given that the Mr. Petrofsky has been served with Notice of the Courts Order sealing the Novell/TRG Settlement agreement, and is blatantly violating the Courts orders, and misusing the PACER system to distribute sealed documents to the general public,

Plaintiff moves for an order to show cause against Mr. Petrofsky for such sanctions as the Court deems appropriate under the circumstances.

Mr. Petrofsky has made statements and engaged in conduct which can only be characterized as "cavalier". His stated intent is to harass Plaintiff and Novell into re-opening the Novell litigation by baiting and threatening Novell. The only logical conclusion is Petrofsky is doing so for purposed of self-aggrandizement and as a "publicity stunt" to increase his public profile.

CONCLUSION

For the forgoing reasons, Plaintiff respectfully moves the Court to Issue and order to Show Cause to be served on Alan P. Petrofsky for knowingly, maliciously, and willfully violating the Courts orders and distributing sealed Court exhibits contrary to orders issued by this Court.

DATED this 20 day of October, 2005.



JEFFREY VERNON MERKEY, Plaintiff

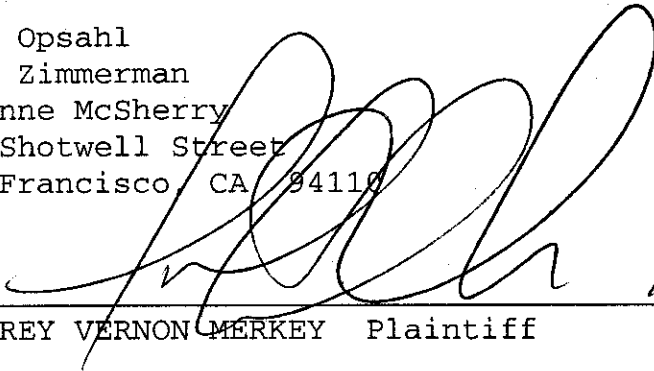
CERIFICATE OF SERVICE/MAILING

I certify that a true and correct copy of JEFFREY VERNON MERKEY'S MOTION FOR ORDER TO SHOW CAUSE AND MEMORANDUM IN SUPPORT OF MOTION FOR ORDER TO SHOW CAUSE AGAINST ALAN P. PETROFSKY in the styled action of 2:05CV521DAK filed in the US District Court, District of Utah, Central Division was mailed to all Parties or delivered by hand or Faxed to:

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

Margaret Plane
355 North 300 West
Salt Lake City, UT 84103

Kurt Opsahl
Matt Zimmerman
Corynne McSherry
454 Shotwell Street
San Francisco, CA 94116



JEFFREY VERNON MERKEY Plaintiff

10/20/05