

*J. Alba*

Jeffrey Vernon Merkey  
1058 East 50 South  
Lindon, Utah 84042  
Telephone: (801)427-3547  
Facsimile: (801)427-3547  
Plaintiff

FILED  
U.S. DISTRICT COURT

2005 OCT 21 P 12: 10

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

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

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JEFFREY VERNON MERKEY  
Plaintiff,

**PLAINTIFF JEFFREY VERNON  
MERKEY'S NOTICE OF COURT  
ORDER TO JIMMY WALES AND  
WIKIMEDIA FOUNDATION AND  
WIKIPEDIA**

vs.

Case No: 2:05-cv-521 DAK

Honorable Dale A. Kimball  
Honorable Magistrate Samuel Alba

AL PETROFSKY a.k.a. SCOFACFS.OR, et. al.

Defendant.

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**TO THE PARTIES NAMED WE SEND GREETINGS:**

Jimmy Wales  
Wikimedia Foundation and Wikipedia.com  
200 2<sup>nd</sup> Ave. South Suite 348  
St. Petersburg, FL 33701-4313

Plaintiff Jeffrey Vernon Merkey respectfully serves notice of an order filed in United States District Court placing the Novell/TRG Settlement Agreement under Seal of the Court which is attached at Exhibit 1. It has come to our attention that various

individuals on the Internet have posted the terms and excerpts from this sealed document to your website, Wikipedia.com. These materials are strewn throughout the page Jeffrey\_Vernon\_Merkey and the history and talk pages for this article on your website. It appears that Alan P. Petrofsky has been using your site in concert with one of your administrators, Frank V. Waveren, a member of the Linux Community residing on the Netherlands to post and distribute these materials.

You are served with Notice that these materials are confidential and are subject to an order sealing their contents by the United States District Court. You are respectfully requested to remove such materials immediately from your site. Please feel free to contact me directly at 801-427-3547 for information detailing the specific pages contained on your site which contain these materials.

We thank you in advance for your prompt attention in this matter.

Respectfully Submitted,

DATED this 20 day of October, 2005.



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JEFFREY VERNON MERKEY, Plaintiff

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

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**JEFFREY VERNON MERKEY,**

**Plaintiff,**

**v.**

**BRUCE PERENS, et al.,**

**Defendants.**

**ORDER**

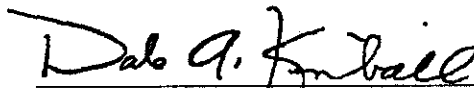
**Case No. 2:05-CV-521K**

**Judge Dale A. Kimball**

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Plaintiff filed a Verified Complaint in this matter on June 21, 2005, including a confidential settlement agreement as Exhibit 2 to the Verified Complaint. Plaintiff notified the court that he intended to file this exhibit under seal. However, because it was not filed according to the court's rules regarding sealed documents, the exhibit was scanned into the court's public electronic docket. Pursuant to paragraph 6 of the settlement agreement, the parties agreed that the settlement agreement was confidential. Therefore, the court hereby seals Exhibit 2 of the Verified Complaint in this matter and directs the Clerk of Court to remove the exhibit from the court's electronic docket.

DATED this 22<sup>nd</sup> day of June, 2005.

  
\_\_\_\_\_  
DALE A. KIMBALL  
United States District Judge

CERIFICATE OF SERVICE/MAILING

I certify that a true and correct copy of NOTICE OF SEALING ORDER 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 94110

  
\_\_\_\_\_  
JEFFREY VERNON MERKEY Plaintiff

10/20/06