

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.

ORDER TO SHOW CAUSE  
Unsigned Order Show Cause

FEB 13 2007

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:

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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**  
FEB 13 2007  
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

internet platform and website for the hosting, publication and dissemination of internet "weblogs" ("blogs") and that these services are known as "BLOGGER" and "BLOGSPOT.COM".

5. This application seeks information regarding the "blog" known as "ORTHOMOM" which is hosted on the "BLOGGER" and/or "BLOGSPOT.COM" sites. The "ORTHOMOM" blog is an anonymous journal posted by an unknown person or persons, with a "comments" feature that allows readers to leave their own postings, anonymously, on the posted topics.

6. In commenting on local issues, "ORTHOMOM" and her readers in the comments section have posted false, slanderous and defamatory statements about me alleging among other things, that I am a "BIGOT" and an "ANTI-SEMITE" for my positions advocating against the use of public school district funds for private school interests and other outside interests beyond what is allowed by law. The most recent of these postings was written by "ORTHOMOM" and posted on January 11, 2007; the commenters' posts are undated (Exhibit "A").

7. In the January 11, 2007 article "ORTHOMOM" takes issue with my reservations about the legality of using school district funds and teachers to provide free extracurricular classes for private school students. "ORTHOMOM" wrote that my concern revealed an anti-semitic agenda, given that over fifty percent of our district's students attend private school, and the vast majority of those attend Yeshivas.

8. At some point after the January 11, 2007 article was posted, an anonymous commenter wrote that I am a "BIGOT" because my position on the use of public funds runs contrary to the interests of local Yeshivas. Other commenters repeated and discussed this bigot label.

9. I was horrified to discover that my legitimate concerns about the use of public funds were the springboard for a widespread discussion about me being a "BIGOT". I was even more horrified when I discovered that the blog reported over 300,000 visitors!

10. The article and the comments remain on the internet for all to see up to the present time.

11. I believe that I have a valid claim against the anonymous writers who are responsible for spreading these unfair lies but without the requested information there is no way for me to find out who is responsible and to bring a lawsuit. Accordingly, I request the Court's assistance in directing the Respondents to produce information containing the identities of those responsible.

12. My attorney has also advised me that this Court may grant relief prohibiting the

SUPREME COURT OF THE STATE OF NEW YORK  
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Index No.:

**AFFIRMATION  
IN SUPPORT**

**ADAM B. FEDER, ESQ.**, an attorney duly admitted to practice law before this Court, affirms under the penalties of perjury, the following:

1. I am a principal in the Law Office of **FEDER & RODNEY, P.L.L.C.**, counsel for Petitioner, **PAMELA GREENBAUM** herein, and, as such, I am fully familiar with the facts of this application. The source of my knowledge is the file kept in this office and my conversations with the Petitioner, **PAMELA GREENBAUM**.

2. I submit this affirmation in support of the instant application seeking an Order, pursuant to Section CPLR §3102(c), permitting Petitioner, **PAMELA GREENBAUM**, disclosure for the purposes of framing a complaint, preserving evidence and identifying proper parties as set forth in the accompanying Order to Show Cause.

3. That Respondent is a domestic corporation duly organized, existing and licensed to do business within and by virtue of the laws of the state of New York.

4. That Respondent maintains corporate offices at 76 Ninth Avenue, New York, New York 10011.

5. The Respondent, upon information and belief owns and operates an internet platform and website known as "BLOGGER" and "BLOGSPOT.COM" for the hosting, publication and dissemination of internet "weblogs" ("blogs"). This application seeks information regarding the "blog" known as "ORTHOMOM" which is hosted on the "Blogger" and/or "BLOGSPOT.COM" site.

6. The "ORTHOMOM" blog is an anonymous journal posted by an unknown person or persons, with a "comments" feature that allows readers to leave their own postings, anonymously, on the posted topics.

7. This is a widely read site, who's "hit-meter" (record of internet visitors) is presently registering over 300,000 readers (printout, Exhibit "A", pg. 34, final page).

8. In commenting on local issues, "ORTHOMOM" and her readers in the comments section have posted false, slanderous and defamatory statements about Petitioner, **PAMELA GREENBAUM** alleging among other things, that she is a "BIGOT" and an "ANTI-SEMITE" for advocating against the unauthorized use of public funds for private interests. The most recent of these postings was written by "ORTHOMOM" and posted on January 11, 2007 (Exhibit "A", pgs. 9-11); the commenters' posts are undated (Exhibit "B", pgs. 1-4, etc.).

9. Based upon the blog articles written by "ORTHOMOM" attacking **PAMELA GREENBAUM**, and upon the commenters' vicious attacks on **PAMELA GREENBAUM'S** character, Petitioner contemplates a defamation suit. However, without vital information identifying the source of these noxious and false writings, she has no and must continue to endure their publication and widespread dissemination on the internet.

10. In the January 11, 2007 posting, Petitioner is attacked for her position questioning whether it would be legal to have teachers at public schools instruct private school students at public cost, and is, in comments, called a "BIGOT." (Exhibit "A")

11. Absent the requested discovery and inspection of information and documents set forth in Petitioner's Order to Show Cause, she has no means of investigating her claim, identifying defendants, and framing a complaint against them. Furthermore, if injunctive relief is not granted, the information Petitioner seeks may be forever lost if it is the will of anonymous "ORTHOMOM" to discontinue her blog.

12. This application also seeks a Temporary Restraining Order to prevent the Respondent from disposing of, altering, and/or modifying, records regarding the blog and commenters so that the evidence is properly preserved.

13. This matter is brought on by Order to Show Cause since time is of the essence. Every day that the defamatory material remains on the internet for

all to see, Petitioner is harmed and continues to be harmed as more such material is posted about her. She cannot discover the necessary information from any other source. She will have no other way of protecting her rights and/or identifying responsible parties, should the Court deny this application.

14. No prior applications for the relief sought herein has been made to this, or any other Court.

WHEREFORE, it is respectfully requested that this Court grant the instant application in all respects and Order such other, further and different relief as this Court may deem just and proper.

Dated: New York, New York

February 6, 2007

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

ADAM B. FEDER, ESQ.

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

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Index No.:

**AFFIRMATION IN  
SUPPORT OF THE  
REQUEST FOR  
EMERGENCY RELIEF**

**ADAM B. FEDER, ESQ.**, an attorney duly admitted to practice law before this Court, affirms under the penalties of perjury, the following:

I am a principal in the **Law Office of FEDER & RODNEY, P.L.L.C.**, counsel for Petitioner, **PAMELA GREENBAUM** herein, and, as such, I am fully familiar with the facts of this application. The source of my knowledge is the file kept in this office and my conversations with the Petitioner, **PAMELA GREENBAUM**.

I submit this affirmation in support of the instant application for emergency relief.

The within application seeks identifying information to allow a suit for defamation and slander against an anonymous internet "blogger" (columnist), who has in the past and who continues to publish and disseminate defamatory and untrue statements calling the Petitioner, **PAMELA GREENBAUM** a "BIGOT" and "ANTI-SEMITE".

The most recent of said postings is dated January 11, 2007, with comments posted in the days following, in which Petitioner, **PAMELA GREENBAUM** is called a "BIGOT". The comments section remains open so that posters including "ORTHOMOM" him-or herself may still continue this defamatory behavior. Without the Court's assistance, Petitioner, **PAMELA GREENBAUM** has no way to obtain redress from the harm of being cast as an "ANTI-SEMITE" for her position opposing the use of public school teachers at public cost to teach private school students whose families have otherwise opted out of the public education system. Accordingly, the relief is sought on an emergency basis.

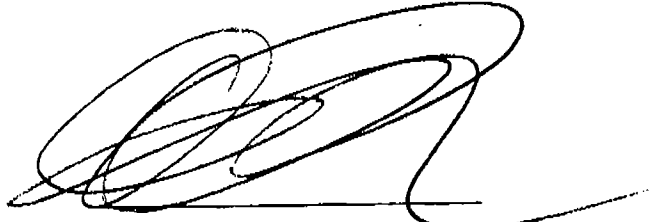


No prior applications for the relief sought has been made to this or any Court.

WHEREFORE, it is respectfully requested that this Court grant the instant application in all respects and Order such other, further and different relief as this Court may deem just and proper.

Dated: New York, New York

February 6, 2007

A handwritten signature in black ink, appearing to read 'A. B. Feder', with a long horizontal flourish extending to the right.

ADAM B. FEDER, ESQ.