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13 **UNITED STATES DISTRICT COURT**
 14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN FRANCISCO DIVISION**

16 CHEVRON CORP.,)	Case No. 3:12-mc-80237 CRB (NC)
)	
17 Plaintiff,)	DECLARATION OF CINDY COHN IN SUPPORT OF REPLY IN SUPPORT OF MOTION OF NON-PARTY MOVANTS TO QUASH SUBPOENAS TO GOOGLE, INC. AND YAHOO! INC. SEEKING IDENTITY AND EMAIL USAGE INFORMATION
18 v.)	
19 STEVEN DONZIGER, <i>et al.</i>)	
20 Defendants.)	
)	
)	

24 _____

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1 I, Cindy Cohn, of full age, certify, declare and state:

2 1. I am an attorney at law, duly licensed and admitted to practice in the State of
3 California. I am the Legal Director at the Electronic Frontier Foundation, a non-profit legal
4 services organization, counsel for the Non-Party Movants (“Movants”). The facts contained in the
5 following affidavit are known to me of my own personal knowledge and if called upon to testify, I
6 could and would competently do so.

7 2. During the course of this litigation, I have asked the email service providers for
8 Non-Party Movants, Google and Yahoo!, for information concerning the length of time they store
9 the information Chevron seeks, which Chevron describes as “usage information such as IP logs and
10 IP address information.” Chevron Opp. at 10:17.

11 3. Based on those discussions, Yahoo! has authorized me to represent to the Court that
12 its login tracker tool does not maintain IP address logs for more than a year. This means that when
13 the operative subpoena in this case was served by Chevron on Yahoo! on October 5, 2012, Yahoo!
14 would only have had IP address logs from its login tracker tool since roughly October 5, 2011.

15 4. Google has authorized me to present to the Court a letter, a true and correct copy of
16 which is attached as Exhibit A, which confirms that Google similarly does not retain IP login data
17 for time periods longer than one year.

18 5. Both ISPs have confirmed for me that this does not mean that they will have IP logs
19 for the whole year prior to service of the operative subpoena, only that this is an outer boundary for
20 the normal course of their operations. Thus, both of them may, and likely do, retain login data for
21 significantly shorter periods of time.

22
23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct. Executed on January 9, 2013 in San Francisco, California.

25
26 _____
27 /s/ Cindy Cohn
28 CINDY COHN

Exhibit A

Exhibit A

Google Inc.
1600 Amphitheatre Parkway
Mountain View, California 94043



Fax: 650.887.1673
google-legal-support@google.com
www.google.com

January 8, 2013

Cindy Cohn
Electronic Frontier Foundation
454 Shotwell Street
San Francisco CA 94110-1914
415-436-9333

Dear Ms. Cohn,

You have asked me whether in the normal course of providing its Gmail service Google Inc. ("Google") retains IP login data for time periods longer than one year. The answer to your question is 'no.' In the normal course, Google does not retain IP login data which is older than one year.

Sincerely,

A handwritten signature in blue ink, appearing to read "Einat Clarke", with a long horizontal flourish extending to the right.

Einat Clarke
Corporate Counsel