

1 Cindy A. Cohn (SBN 145997)
cindy@eff.org
2 Marcia Hofmann (SBN 250087)
marcia@eff.org
3 Nathan D. Cardozo (SBN 259097)
nate@eff.org
4 ELECTRONIC FRONTIER FOUNDATION
5 454 Shotwell Street
San Francisco, CA 94110
6 Telephone: (415) 436-9333
7 Facsimile: (415) 436-9993

8 Marco Simons (SBN 237314)
marco@earthrights.org
9 EARTHRIGHTS INTERNATIONAL
10 1612 K Street NW, Suite 401
Washington, DC 20006
11 Telephone: (202) 466-5188

12 Attorneys for Non-Party John Doe Movants

13 **UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 CHEVRON CORP.,) Case No. 5:12-mc-80237 *CRB(NC)*
16)
17 Plaintiff,) **DECLARATION OF JOHN DOE # 4**
18 v.) **(OWNER OF**
19 STEVEN DONZIGER, *et al.*) **KEVINKOENIGQUITO@GMAIL.COM)**
20 Defendants.) **IN SUPPORT OF MOTION OF NON-**
21) **PARTY JOHN DOE MOVANTS TO**
22) **QUASH SUBPOENAS TO GOOGLE, INC.**
23) **AND YAHOO!, INC. SEEKING IDENTITY**
24) **AND EMAIL USAGE INFORMATION**
25)
26)
27)
28)

1 Using my email address, kevinkoenigquito@gmail.com, instead of my actual name, in order
2 to protect my identity pursuant to my rights under the First Amendment and California law, I
3 declare as follows:

4 1. I am the owner of the email account kevinkoenigquito@gmail.com. I have personal
5 knowledge of all matters set forth in this declaration. If called upon to do so, I could and would
6 testify to all matters set forth herein.

7 2. I am providing this declaration under my email address because I wish to protect my
8 rights to free speech and participation in associational activities. I also wish to avoid making moot
9 these very issues, which I have raised in this motion. A true and correct copy of my actual
10 signature for this document resides with my attorneys.

11 3. On September 17, 2012, I received notice from Google of a subpoena issued in *Chevron,*
12 *Corp. v. Donziger et al.*, Case No. 11-0691 (LAK) (S.D.N.Y.) for identifying and email usage
13 information associated with my email address. I am not a defendant in that case. I am now moving
14 to quash this subpoena.

15 4. I have worked for many years on a number of human rights, environmental and social
16 justice projects and campaigns. I work at a non-profit organization. For several years I have been
17 involved in an activism campaign that encourages Chevron to remediate the environmental impact
18 of its former oil concession in the Amazon. This campaign has no direct relationship to the
19 litigation against Chevron in Ecuador, and I have never been directly involved in that litigation.

20 5. I have had this email address since June 2008. I use it primarily as a personal account.

21 6. Keeping my account and location information private is very important to me for
22 personal and professional reasons. I have used this email address for my private personal
23 communications and on occasion have used it in my communications related to work.

24 7. I have used this email account to engage in personal and professional communications
25 for approximately four years. It is important to me that Chevron not have access to all my locations
26 during that time period.

27 8. I am particularly concerned about my personal safety and that of my family. I am based
28 in Ecuador, which has a poor human rights record, and a long history of threats, intimidation,

1 robberies and abuses against the affected communities and those that support them—including civil
2 society NGOs, family, and the legal team involved in the litigation against Chevron and related
3 activism. It is an unbearable weight and fear to feel that Chevron or third parties might know my
4 whereabouts, particularly when I am traveling in remote and sometimes lawless areas of high
5 violence.

6 9. I fear Chevron would use this information of my whereabouts to harass or intimidate me,
7 or even pass it along to third parties that operate in the region that could do the same or worse. To
8 hand over specific information to allow the company to track my physical movements would
9 exacerbate the risk of intimidation.

10 10. My concern is all the more heightened by the fact that on several occasions, much of the
11 information Chevron has obtained through discovery from other individuals has some how become
12 public. This intensifies my concern that information about my whereabouts could fall into the
13 hands of the wrong people, jeopardizing my physical safety and that of my family.

14 11. I am still active in the activism campaign concerning Chevron, and if Chevron were to
15 gain access to my private email usage records, it could be used to intimidate me and deter me from
16 engaging in activism against Chevron or related advocacy in the future. I know of others who have
17 limited their engagement in the activism campaign due to fear of harassment from Chevron, and
18 others that have limited their involvement as a direct result of harassment.

19 12. Should Chevron gain access to my information, it would chill my activity more
20 generally as well, knowing that personal information about my email use and location could be
21 revealed concerning any activity that I might engage in. If Chevron were to gain access to my
22 account usage records and locations, it would chill my use of my email account to communicate
23 with others. Furthermore, my ongoing participation in other activism campaigns would be
24 compromised should Chevron gain access to my physical locations, and my participation in future
25 political and activism campaigns may be chilled.

26 13. I feel harassed by Chevron's attempt to obtain my email usage records and I fear for my
27 own safety as well as that of my family. I fear further harassment should Chevron gain access to
28

1 the details of my involvement in the activism campaign concerning Chevron, and particularly if
2 Chevron were to gain access to my physical locations.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct. Executed on October ___ 2012.

5
6 Signature to follow.
7 KEVINKOENIGQUITO@GMAIL.COM
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