

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.,

16 Plaintiff,

17 v.

18 STEVEN DONZIGER, *et al.*

19 Defendants.
20
21
22

) Case No. 5:12-mc-80237 **CRB(NC)**

) **DECLARATION OF JOHN DOE # 5**
) **(OWNER OF AMPAGE@GMAIL.COM) IN**
) **SUPPORT OF MOTION OF NON-PARTY**
) **JOHN DOE MOVANTS TO QUASH**
) **SUBPOENAS TO GOOGLE, INC. AND**
) **YAHOO!, INC. SEEKING IDENTITY AND**
) **EMAIL USAGE INFORMATION**

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

4 1. I am the owner of the email account ampage@gmail.com. I have personal knowledge of
5 all matters set forth in this declaration. If called upon to do so, I could and would testify to all
6 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 am an attorney and an adjunct professor at a law school in the United States.

16 5. I worked on the litigation against Chevron in Ecuador for a year and a half, ending in
17 2006. I resumed my work on the case in 2010 and remain involved to date.

18 6. I have had this email address since 2006. I have used it as my primary personal email
19 account.

20 7. Keeping my account and location information private is very important to me for
21 personal and professional reasons. Although I have used this email address mostly for my private
22 personal communications, occasionally work-related emails are sent to this account, which may
23 include attorney-client privileged material and other documents that may be privileged and/or
24 confidential.

25 8. I have used this email account to engage in personal and professional communications
26 for approximately six years. It is particularly important to me that Chevron not have access to all
27 my email usage information and locations during that time period.
28

1 9. I travel regularly and check my Gmail account regularly when I travel. Should my IP
2 logs be revealed, it would produce a virtual itinerary of where I have traveled, the buildings I have
3 worked out of, the organizations I have worked with, and other potentially sensitive information,
4 despite the fact that this is a personal email address and not a work address. In the aggregate, this
5 information would be incredibly revealing and would be a severe violation of my privacy.

6 10. During my time working on the case against Chevron, I have heard many colleagues
7 describe harassment, threats, and intimidation that they have suffered connected to their work on
8 the case. For example, a colleague's office was broken into and only Chevron case-related files and
9 computers were stolen. Another colleague was approached and threatened by unknown men who
10 mentioned her work as an activist. I am also aware of reports that Chevron has at times sought to
11 spy on persons working on the other side of the Ecuador case: for example, in 2010, a freelance
12 journalist wrote about a purported Chevron agent's attempt to recruit her to spy on the Ecuadorian
13 plaintiffs' team. See [http://www.theatlantic.com/international/archive/2010/08/a-spy-in-](http://www.theatlantic.com/international/archive/2010/08/a-spy-in-the-jungle/60770/)
14 [the-jungle/60770/](http://www.theatlantic.com/international/archive/2010/08/a-spy-in-the-jungle/60770/). In light of this information, I believe that my personal safety could be
15 implicated by the disclosure of the incredibly detailed email account information described
16 above.
17

18
19 11. Should Chevron gain access to my account 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. My use of my email account to
22 communicate with others would be chilled if Chevron were to obtain my email usage records.
23

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct. Executed on October 19 2012.

26
27 ampage@gmail.com /s
28 AMPAGE@GMAIL.COM