IN THE INDIANA COURT OF APPEALS
Case No. 20A-MI-02352

AO ALFA-BANK, Appellant, (Plaintiff below), v. JOHN DOE, et al., Defendants, and L. JEAN CAMP, Non-Party Appellee, (Non-Party below).	)	Appeal from the Monroe Circuit Court 4 Trial Court Case No. 53C04-2009-MI-1613 The Honorable Frank M. Nardi, Special Judge

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Brief of *Amicus Curiae* Electronic Frontier Foundation
in Support of Non-Party L. Jean Camp

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STATEMENT OF INTEREST[1]

Amicus curiae Electronic Frontier Foundation, Inc. ("EFF") is a member-supported, nonprofit organization that works to protect civil liberties and human rights in the digital world. Through impact litigation, direct advocacy, and technology development, EFF encourages and challenges industry, government, and courts to support free speech, privacy, and innovation in the information society. Founded in 1990, EFF has more than 33,000 dues-paying members.

This appeal touches on an issue central to EFF's work: The First Amendment's protections for anonymous online speakers. EFF has repeatedly represented anonymous online speakers and appeared as amicus curiae in cases where the First Amendment's protections for anonymous speech are at issue. *See, e.g., Payward, Inc. d/b/a Kraken v. Does 1-10*, Case No. CIV 1902105 (Marin Cty. Super. Ct. 2019) (counsel to Doe); *Glassdoor, Inc. v. Andra Group, LP*, 575 S.W.3d 523 (Tex. 2019) (amicus); *Signature Mgmt. Team, LLC v. Doe*, 876 F.3d 831 (6th Cir. 2017) (amicus); *USA Techs., Inc. v. Doe*, 713 F. Supp. 2d 901 (N.D. Cal. 2010) (counsel to Doe); *Yelp, Inc. v. Hadeed Carpet Cleaning, Inc.*, 770 S.E.2d 440 (Va. 2015) (amicus); *Doe v. 2TheMart.com Inc.*, 140 F. Supp. 2d 1088 (W.D. Wash. 2001) (counsel to Doe).[2]

EFF submits this brief to ensure that this Court understands that the Constitutions of the United States and Indiana protect anonymous speech and permit third parties like Dr. L. Jean Camp to assert the security researchers' rights to speak anonymously, and that the ramifications of this

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[1] No party or party's counsel authored this brief in whole or in part. During the proceedings below, counsel for Alfa Bank alerted EFF to the existence of a 2017 fundraiser for Dr. Camp's legal defense, which proposed to donate excess funds to EFF. However, to the best of EFF's knowledge, EFF did not receive any donations from this fundraiser. Further, no party or party's counsel funded the preparation of this brief.

[2] A complete list of anonymous speech cases EFF has participated in is available at https://www.eff.org/issues/anonymity.

decision go far beyond the present dispute. This brief explains the history and necessity of the First Amendment's protections for anonymous speakers, including why third parties must have standing to advocate for anonymous speakers' rights.

INTRODUCTION AND SUMMARY OF ARGUMENT

Alfa Bank's concerted effort to retaliate against anonymous security researchers via the subpoena to Dr. Camp shows why this Court should affirm that the First Amendment both (1) provides robust protections for anonymous speakers and (2) permits Dr. Camp to assert their rights in this proceeding. By Alfa Bank's own admission, it does not bring any claims against either Dr. Camp or the anonymous security researchers it seeks to unmask. Alfa Bank does not allege that those anonymous security researchers engaged in any wrongdoing. Nor does it provide any evidence of coordination between the anonymous security researchers and the Doe defendants.

Yet more than four years after the anonymous security researchers identified potential digital communications between the Trump Organization and Alfa Bank, the firm seeks to unmask the identities of those anonymous security researchers and to foreclose others—like Dr. Camp—from stepping forward on their behalf. On appeal, Alfa Bank devotes much of its brief to arguing that Dr. Camp lacks standing to assert the security researchers' anonymous speech rights while at the same time criticizing those same researchers. Alfa Bank would turn the First Amendment's protection for anonymous speech on its head, putting the burden on the researchers to justify their choice to speak anonymously by appearing in the trial court to argue on their own behalf.

But Alfa Bank's conduct illustrates precisely why the law recognizes that third parties may assert anonymous third parties' First Amendment rights, and why the burden is on Alfa Bank to justify its proposed unmasking. Like many anonymous speakers, the security researchers are likely

and justifiably concerned by the financial firm's effort to abuse the discovery process to identify them.

The First Amendment's protections for anonymous speakers are intended to ensure that individuals are not chilled from speaking out against the powerful or expressing unpopular viewpoints due to the threat of retaliation, ostracism, or harassment. By protecting the right to express ideas anonymously, the First Amendment enshrines values this country traces back to its founding. *See Talley v. California*, 362 U.S. 60 (1960); *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334 (1995).

The historic value and justification for protecting anonymous speakers demonstrate why this Court should affirm the trial court's order here. When a group of anonymous security researchers discovered apparent communications between computers owned by Alfa Bank and the Trump Organization in 2016, they chose to report that activity anonymously for exactly these reasons. The apparent communications the anonymous security researchers had discovered were evidence of links between powerful Russian interests and a presidential nominee in the midst of a contentious election season, where perceived criticism against then-nominee Donald Trump could subject a speaker to harassment campaigns, death threats, and even physical harm.[3] By sharing their observations anonymously, the anonymous security researchers were able to contribute to the electorate's understanding of a matter of extraordinary public concern, while protecting their reputations, families, and livelihoods from potential retaliation. That is exactly the freedom that the First Amendment seeks to safeguard by protecting the right to anonymous speech.

[3] *See, e.g.*, Eli Stokols and Kyle Cheney, *Delegates face death threats from Trump supporters*, Politico (Apr. 22, 2016), https://www.politico.com/story/2016/04/delegates-face-death-threats-from-trump-supporters-222302; Jon Swaine and Juweek Adolphe, *Violence in the name of Trump*, The Guardian (Aug. 28, 2019), https://www.theguardian.com/us-news/ng-interactive/2019/aug/28/in-the-name-of-trump-supporters-attacks-database.

Amicus EFF thus supports affirmance of the trial court's order granting Dr. Camp's motion to quash.

ARGUMENT

I. THE FIRST AMENDMENT PROVIDES STRONG PROTECTIONS FOR ANONYMOUS SPEAKERS AGAINST ATTEMPTS BY OTHERS TO IDENTIFY, HARASS, OR INTIMIDATE THEM.

The First Amendment protects anonymous speakers. Our Founders believed that anonymous speech was an essential tool to provide critical commentary and to foster public debate. Many people today speak anonymously for the same reasons. Although anonymous speakers do not enjoy an absolute right to keep their identity secret, the First Amendment ensures that they are not unmasked without good reason. The First Amendment thus acts as a bar against vexatious litigation designed to silence, harass, or intimidate anonymous speakers. It further requires that when parties seek the identities of anonymous speakers, even for legitimate reasons, the interests of the party seeking unmasking must be balanced against the concrete harms that can result from identifying an anonymous speaker. This is because loss of anonymity irreparably harms speakers and can impose severe consequences on their speech while also chilling other speakers.

A. The First Amendment right to anonymous speech is a historic and essential means of fostering robust debate.

The right to speak anonymously is deeply embedded in the political and expressive history of this country. Allowing individuals to express their opinions, unmoored from their identity, encourages participation in the public sphere by those who might otherwise be discouraged from doing so. The Supreme Court has recognized that anonymous speech is not some "pernicious, fraudulent practice, but an honorable tradition of advocacy and of dissent." *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 357 (1995).

Anonymity is often a "shield from the tyranny of the majority." *McIntyre*, 514 U.S. at 357. "The decision in favor of anonymity may be motivated by fear of economic or official retaliation, by concern about social ostracism, or merely by a desire to preserve as much of one's privacy as possible." *Id.* at 341-42. Indeed, our Founders relied on anonymity in advocating for independence before the Revolutionary War and later when publishing the Federalist Papers as they debated our founding charter. *See Talley v. California*, 362 U.S. 60, 64-65 (1960).

Like all First Amendment protections, the constitutionally enshrined protections for anonymous speech extend fully to communications that occur online. *See Reno v. ACLU*, 521 U.S. 844, 870 (1997) (establishing that "there is no basis for qualifying the level of First Amendment scrutiny" that should be applied to digital communications). Anonymity has become an essential feature of our online discourse. "Internet anonymity facilitates the rich, diverse, and far-ranging exchange of ideas. The ability to speak one's mind on the Internet without the burden of the other party knowing all the facts about one's identity can foster open communication and robust debate." *Doe v. 2TheMart.com Inc.*, 140 F. Supp. 2d 1088, 1092 (W.D. Wash. 2001). *See also Doe v. Harris*, 772 F.3d 563, 580 (9th Cir. 2014) (holding that a law requiring unmasking of certain anonymous speakers chilled online speech); *Quixtar Inc. v. Signature Mgmt. Team, LLC*, 566 F. Supp. 2d 1205, 1214 (D. Nev. 2008) (noting that with anonymous online speech, "ideas are communicated that would not otherwise come forward").

B. Plaintiffs often use litigation as a pretext to unmask, and retaliate against, anonymous speakers.

Litigants who do not like what anonymous speakers have to say may seek their identities to punish or silence them, rather than to vindicate substantive rights or pursue legitimate claims. As the court in *Dendrite Int'l v. Doe No. 3* recognized, procedural protections for anonymous speakers are needed to ensure that litigants do not misuse "discovery procedures to ascertain the

identities of unknown defendants in order to harass, intimidate or silence critics in the public forum opportunities presented by the Internet." 775 A.2d 756, 771 (N.J. App. Div. 2001). Similarly, the court in *Doe v. Cahill* stated, "there is reason to believe that many defamation plaintiffs bring suit merely to unmask the identities of anonymous critics." 884 A.2d 451, 457 (Del. 2005).

Amicus has witnessed these tactics firsthand. Litigants often bring suits that seek to unmask anonymous speakers to punish, humiliate, or retaliate with the ultimate goal of silencing their speech. Thankfully, courts have recognized the harm that would flow from summarily unmasking speakers without first applying a robust First Amendment-based standard.

For example, in *USA Technologies, Inc. v. Doe*, USA Technologies, Inc. targeted an anonymous Yahoo! message board user, "Stokklerk," who had characterized the company's high executive compensation as "legalized highway robbery" and "a soft Ponzi." 713 F. Supp. 2d 901, 905 (N.D. Cal. 2010). Even though USA Technologies could not prove that these posts were anything but constitutionally protected opinion, it issued a subpoena to Yahoo! to uncover Stokklerk's identity. *Amicus*, as counsel for the anonymous speaker, brought a motion to quash. The court agreed, recognizing "the Constitutional protection afforded pseudonymous speech over the internet, and the chilling effect that subpoenas would have on lawful commentary and protest." *Id.* at 906.

In another case, Jerry Burd, the superintendent of the Sperry, Oklahoma, school district, sued anonymous speakers who criticized him on an online message board. Burd filed a subpoena seeking to unmask the speakers. When *amicus* intervened on behalf of the site operator and a

registered user, Burd immediately dropped the subpoena. This indicates that Burd did not have a meritorious claim, and presumably was using the legal system simply to unmask the speakers.[4]

C. Unmasking is harmful and can chill constitutionally protected speech.

Unmasking anonymous speakers is harmful in at least three ways.

First, the disclosure of anonymous speakers' identities can irreparably and directly harm them. *Art of Living Found. v. Does 1-10*, No. 10–CV–05022–LHK, 2011 WL 5444622, at *9 (N.D. Cal. Nov. 9, 2011) (*Art of Living II*) (citing *McIntyre*, 514 U.S. at 342). At minimum, unmasking can hinder speakers' effectiveness because it directs attention to their identities rather than the content of their speech. In *Highfields Capital Management, L.P. v. Doe*, the court recognized that the "defendant has a real First Amendment interest in having his sardonic messages reach as many people as possible – and being free to use a screen name . . . carries the promise that more people will attend to the substance of his views." 385 F. Supp. 2d 969, 980 (N.D. Cal. 2005).

This harm can be acute for speakers whose true identities are unpopular, as others may be more dismissive of the speakers' statements, and speakers may be chilled from continuing to speak publicly on that same topic. In those circumstances, anonymity "provides a way for a writer who may be personally unpopular to ensure that readers will not prejudge her message simply because they do not like its proponent." *Harris*, 772 F.3d at 581 (internal quotations omitted). Unveiling speakers' true identities thus "diminishes the free exchange of ideas guaranteed by the Constitution." *Art of Living II*, 2011 WL 5444622 at *9.

Second, unmasking the speaker can lead to serious personal consequences—for the speaker or even the speaker's family—including public shaming, retaliation, harassment, physical

[4] *See Anonymity Preserved for Critics of Oklahoma School Official,* EFF Press Release (July 18, 2006), https://www.eff.org/press/archives/2006/07/18.

violence, and loss of a job. *See Dendrite*, 775 A.2d at 771 (recognizing that unmasking speakers can let other people "harass, intimidate or silence critics"). In the analogous context of identifying individuals' anonymous political activities, the Supreme Court has recognized how unmasked individuals can be "vulnerable to threats, harassment, and reprisals." *Brown v. Socialist Workers '74 Campaign Comm. (Ohio)*, 459 U.S. 87, 97 (1982).

Third, the harm of unmasking a specific speaker also has the potential to chill others' speech. In *Highfields*, the court held that would-be speakers on an online message board are unlikely to be prepared to bear such high costs for their speech. 385 F. Supp. 2d at 981. Thus, "when word gets out that the price tag of effective . . . speech is this high, that speech will likely disappear." *Id.*

D. The First Amendment gives third parties standing to defend speakers' anonymity for the same reasons it protects their speech.

Permitting third parties to assert others' anonymous speech rights furthers the First Amendment's robust protections for those targeted by pretextual litigation or other attempts to intimidate or silence them. The cases described above demonstrate that third parties' ability to assert others' anonymous speech rights can often help deter frivolous demands to unmask those individuals. Although in most of those cases, the parties asserting others' First Amendment rights are online service providers, that fact is not dispositive of Dr. Camp's ability to assert the anonymous security researchers' rights here. As Dr. Camp argued below, the traditional three-part test articulated in *Powers v. Ohio*, 499 U.S. 400 (1991) provides a framework for determining third-party standing. Appellant's App. Vol. II pp. 203-206. *Amicus* will not repeat Dr. Camp's argument, *see id.*, but will instead elaborate on why the policy rationales underlying the First Amendment and Indiana Constitution's protections for anonymous speakers support Dr. Camp's ability to assert the security researchers' rights.

Anonymous speakers may be hesitant to assert their own rights in court for a variety of reasons. Anonymous speakers are often unaware of their legal rights and can be intimidated by the mere fact that their identity is being sought via subpoena. *See USA Technologies, Inc. v. Doe*, 713 F. Supp. 2d 901, 906 (N.D. Cal. 2010) (acknowledging the "chilling effect that subpoenas would have on lawful commentary and protest").

They may also face practical obstacles in challenging subpoenas, including that the very act of asserting their rights may lead to disclosure of their identities. *See Enterline*, 751 F. Supp. 2d at 785-86. Other concerns can include that speakers may lack the financial means to engage counsel to assert their rights, meaning even vexatious litigants with frivolous claims may successfully unmask them as punishment for their speech. Both anonymous speakers and those desiring to speak anonymously are unlikely to be prepared to bear such high costs for their speech. *See Highfields Capital Mgmt., L.P. v. Doe*, 385 F. Supp. 2d 969, 981 (N.D. Cal. 2005).

If the law does not permit third parties like Dr. Camp to assert anonymous speakers' rights and challenge information demands from private litigants, litigants will feel emboldened to seek such information even when they have no legitimate legal basis for doing so. Limiting third-party standing thus incentivizes litigants to intimidate and harass anonymous speakers through misuse of the judicial process.

Denying third-party standing to Dr. Camp also increases the likelihood that anonymous speakers acting fully within their First Amendment rights may be unmasked under Indiana law in the future. Alfa Bank ignores these consequences and the reality that these anonymous security researchers' rights are threatened by its subpoena. The Court should reject Alfa Bank's standing argument, as it would ultimately undercut the First Amendment's protections for anonymous speakers.

II. THE FIRST AMENDMENT AND INDIANA'S CONSTITUTION IMPOSE A ROBUST TEST THAT LITIGANTS MUST SATISFY BEFORE UNMASKING ANONYMOUS SPEAKERS.

In Indiana, plaintiffs cannot compel the disclosure of an anonymous speaker's identity unless they first satisfy two hurdles.

First, they must establish a prima facie case, supported by evidence, that the anonymous speaker's statements in fact rise to the level of civil or criminal liability. *In re Indiana Newspapers Inc.*, 963 N.E.2d 534, 552 (Ind. Ct. App. 2012); *see also Dendrite*, 775 A.2d at 760.

Second, plaintiffs must satisfy an additional balancing test. In this stage, courts balance the "defendant's First Amendment right of anonymous free speech against the strength of the prima facie case presented and the necessity for the disclosure of the anonymous defendant's identity to allow the plaintiff to properly proceed." *Indiana Newspapers*, 963 N.E.2d at 551 (quoting *Dendrite*, 775 A.2d at 760-61). "Factors that the trial court should consider in balancing the parties' rights include 'the type of speech involved, the speaker's expectation of privacy, the potential consequence of a discovery order to the speaker and others similarly situated, the need for the identity of the speaker to advance the requesting party's position, and the availability of other discovery methods.'" *Indiana Newspapers*, 963 N.E.2d at 552 (quoting *Mobilisa, Inc. v. Doe*, 170 P.3d 712, 720 (Ariz. App. Div. 1 2007)).

Alfa Bank attempts to avoid the high bar Indiana courts require to unmask the anonymous security researchers by arguing that because its civil complaint does not bring claims for defamation, its subpoena does not implicate speech rights, and therefore *Indiana Newspapers* and similar cases do not apply. Appellant's Br. p. 40.

Yet the First Amendment's protection for anonymous speech is primarily concerned with protecting the anonymous speakers' identities regardless of the content of their speech or the

specific cause of action. Alfa Bank's argument mistakenly conflates whether a defendant's speech itself is protected with whether a litigant is entitled to seek information identifying an anonymous speaker. Although the U.S. Supreme Court has developed a robust body of law to ensure that the First Amendment enjoys adequate "breathing space" in cases involving alleged reputational harm, *see Hustler, Inc. v. Falwell*, 485 U.S. 46, 52 (1988), the Court first developed the anonymous speech doctrine in cases involving electioneering, not defamation or related claims. *See Talley; McIntyre*. In other words, the purpose of the unmasking protections developed in *Indiana Newspapers* and *Dendrite* is to ensure speakers remain anonymous unless their unmasking is warranted, regardless of the nature of the plaintiff's claims. This is why Indiana courts are instructed to balance the speakers' "First Amendment right of anonymous free speech against the strength of the prima facie case presented and the necessity for the disclosure of the anonymous defendant's identity to allow the plaintiff to properly proceed," without reference to the *type* of prima facie case presented. *Indiana Newspapers*, 963 N.E.2d at 551 (quoting *Dendrite*, 775 A.2d at 760-61); *see also Signature Management, LLC v. Doe*, 876 F.3d 831, 838 (6th Cir. 2017). This second-step balancing test shows that, even in the face of a prima facie case made by a plaintiff, courts must still consider whether to protect a speaker's anonymity. The First Amendment's protections for anonymous speakers are therefore triggered by demands that those individuals be identified, rather than being dependent on which legal claims are present in a given dispute.

III. ALFA BANK HAS FAILED TO SATISFY THE FIRST AMENDMENT AND INDIANA'S REQUIREMENTS FOR UNMASKING ANONYMOUS SPEAKERS.

A. Alfa Bank has failed to establish, or even allege, any grounds for liability against the anonymous speakers it seeks to unmask.

The trial court's order quashing Alfa Bank's subpoena should be affirmed because the financial firm has failed to establish that it has meritorious claims. *See Indiana Newspapers*, 963

N.E.2d at 552. Alfa Bank has not made any allegation—much less produced any evidence—that the anonymous security researchers it seeks to unmask are the same individuals as the alleged cybercriminal defendants against whom Alfa Bank has brought this suit. Alfa Bank does not accuse the anonymous security researchers that it seeks to unmask of any wrongdoing whatsoever. Rather, the complaint instead suggests that the cybercriminal defendants pointed the anonymous security researchers in the direction of the suspicious server activity, Appellant's App. Vol. II p. 50, establishing that the cybercriminal defendants are *not* the same people as the anonymous security researchers.

Thus, unlike the anonymous speakers targeted in the majority of reported unmasking decisions, there is no allegation here that the anonymous security researchers who discovered and reported the suspicious server activity engaged in defamation, libel, or any kind of unprotected or unlawful speech. They are not party to this case, and Alfa Bank has brought no action against them. For these reasons, the circumstances of this case strongly favor upholding their First Amendment right of anonymous political speech.

The inability of Alfa Bank to meet its burden suggests, much like the cases described above in Section I.B., that the true motive of the litigation and the instant subpoena is to retaliate against the anonymous security researchers for speaking out. In seeking to impose consequences on these speakers, Alfa Bank is violating their First Amendment rights to speak anonymously. Because Alfa Bank has failed to allege any prima facie case of liability, much less establish that case through evidence, the First Amendment does not allow it to unmask these anonymous speakers. *See Indiana Newspapers*, 963 N.E.2d at 552; *Dendrite*, 775 A.2d at 760.

B. The anonymous security researchers' First Amendment rights to anonymous speech outweigh Alfa Bank's interest in the disclosure of their identities.

Even if Alfa Bank could make out a prima facie case for its claims, the balance of the interests in this case plainly favors the anonymous security researchers retaining their anonymity. At this stage, courts weigh the strength of the plaintiffs' prima facie case and the need to identify the anonymous speakers against the harm to the speakers should they be unmasked. *Indiana Newspapers*, 963 N.E.2d at 552; *Dendrite*, 775 A.2d at 760.

As described above, not only is the strength of Alfa Bank's case against the anonymous security researchers lacking, but in fact, Alfa Bank presents no case at all: the allegations presented in the complaint support only that the anonymous security researchers lawfully observed suspicious server activity and truthfully reported their observations to other computer scientists and journalists. Appellant's App. Vol. II pp. 48-50. The complaint does not allege that the reporting of the suspicious server activity was unlawful or even inaccurate. *See id.* Rather, the gravamen of Alfa Bank's complaint against the alleged cybercriminal defendants rests on the existence of suspicious server activity, which Alfa Bank alleges the cybercriminal defendants fabricated, despite its prior contradictory representations to the Senate Intelligence Committee. *See* S. Rep. No. 116-XX Vol. 5, at 792 (2020).[5]

Further, Alfa Bank does not offer any basis for concluding that unmasking the law-abiding anonymous security researchers is necessary to advance Alfa Bank's litigation. *See Dendrite*, 775 A.2d at 760. Alfa Bank does not allege anywhere in the complaint that the anonymous security researchers possess information about the identities of the cybercriminal defendants. While Alfa

[5] The Senate committee report states that Alfa Bank testified that the server activity had been "caused by a marketing or spam campaign directed at Alfa Bank employees by a marketing server affiliated with the Trump Organization." Available at https://www.intelligence.senate.gov/sites/default/files/documents/report_volume5.pdf.

Bank speculates that "it is likely that Defendants pointed [the anonymous security researchers] in the direction of the planted evidence," Appellant's App. Vol. II p. 50, this speculation is directly contradicted by the actual facts that the complaint alleges—that the anonymous computer security researchers, an "elite group of malware hunters," discovered the server activity in the course of carefully observing Trump servers for abnormal activity as they sought out network intrusions related to the upcoming Presidential election in 2016. Appellant's App. Vol. II pp. 48-49. On appeal, Alfa Bank relies again on this chain of conjecture, arguing that the relevance standard for discovery requires unmasking the anonymous security researchers because that information "should go a long way to revealing Defendants' identities." Appellant's Br. p. 45. Yet Alfa Bank provided no evidence to the trial court in support of its claim that the anonymous security researchers had any contact with the anonymous defendants, much less evidence that these anonymous defendants exist.

Meanwhile, the potential consequence of an unmasking order would be grave, both to the anonymous security researchers whose identities are at issue here and to other similarly situated anonymous speakers. *See Indiana Newspapers*, 963 N.E.2d at 552; *Mobilisa*, 170 P.3d at 720. In calling the attention of other computer scientists and journalists to the suspicious server activity between Alfa Bank and the Trump Organization, the anonymous security researchers that Alfa Bank now seeks to unmask deliberately sought to maintain their anonymity. Presumably, they did so both to focus public attention on their findings and to avoid being entangled in a scandal involving a U.S. presidential election and two of the world's greatest superpowers, in the midst of an extraordinarily polarized domestic political environment, that would likely have resulted in threats, harassment, or worse for them or their families.

Further, allowing Alfa Bank to now unmask the anonymous security researchers as a result of their work would send a powerfully chilling message to anyone else contemplating reporting controversial misdeeds: speak at your peril, because no matter how carefully you protect your identity, a party may go to court, unmask you, and thrust you into the spotlight, where you may be subject to ridicule, criticism, and harassment.

Neither the First Amendment nor Indiana law allow for such a result.

CONCLUSION

WHEREFORE, *amicus* respectfully requests that the Court affirm the trial court's order granting Dr. Camp's Motion to Quash.

Dated: March 12, 2021

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been electronically filed using the Indiana E-Filing System (IEFS) and that the foregoing documents was served upon the following persons by IEFS using the service contact entered in the IEFS on March 12, 2021:

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