

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 Movants

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

16 CHEVRON CORP.,

17 Plaintiff,

18 v.

19 STEVEN DONZIGER, *et al.*

20 Defendants.
21

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

) **DECLARATION OF JOHN DOE #7**
) **(OWNER OF**
) **RICHARDCLAPP@GMAIL.COM) IN**
) **SUPPORT OF NON-PARTY MOVANTS**
) **TO QUASH SUBPOENAS TO GOOGLE,**
) **INC. AND YAHOO! INC. SEEKING**
) **IDENTITY AND EMAIL USAGE**
) **INFORMATION**

) Date: January 16, 2013

) Time: 1:00 p.m.

) Place: Courtroom A, 15th Floor

) Hon. Nathanael Cousins
22
23
24
25

26
27
28

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

4 1. I am the owner of the email account richard.clapp@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 a notice from Google of a subpoena issued in
12 *Chevron, Corp. v. Donziger et al.*, Case No. 11-0691 (LAK) (S.D.N.Y.) for identifying and email
13 usage information associated with my email address. I am not a defendant in that case. I am now
14 moving to quash this subpoena.

15 4. I am an epidemiologist. I have worked for many years on human rights, environmental
16 and social justice projects and campaigns. I am currently a consultant and adjunct faculty at a
17 United States university. I am also a blogger and have contributed to three blogs.

18 5. I was involved in the litigation against Chevron in Ecuador in 2008. I have not been
19 connected to the litigation or political campaign surrounding the Chevron case since that time.

20 6. I have had this email address since 2006. I have used it as my primary account ever
21 since.

22 7. Keeping my account and location information private is important to me for personal
23 and professional reasons. I have used this email address for my private personal communications as
24 well as in my communications with my colleagues for work-related matters. I have also used it
25 many times to communicate with sources while writing for various blogs.

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

1 9. Had I known that my email usage information and location would be revealed, my
2 activity at the time I was assisting with the litigation against Chevron would have been chilled.

3 10. I am no longer active in the litigation against Chevron and have not been for some time,
4 but should Chevron gain access to my private email usage records, it would intimidate me and
5 deter me from engaging in activism or litigation against Chevron in the future. I know of others
6 who have stopped or chosen not to become involved in human rights or environmental activism
7 involving Chevron for fear of harassment or retribution.

8 11. Should Chevron gain access to my account information, it would chill my activity more
9 generally as well, knowing personal information about my email use and location could be
10 revealed concerning any activity that I might engage in. My use of my email account as a blogger
11 in communicating with confidential sources would be chilled if it were possible that their identities
12 could be disclosed. Sources that I have previously communicated with and will want to
13 communicate with again may be less inclined to correspond with me if their identities could be
14 revealed. Furthermore, my participation in future political and activism campaigns will be chilled if
15 Google releases my identity and the details of my usage to Chevron.

16 12. I feel harassed by Chevron's attempt to obtain my email usage records and fear further
17 harassment should Chevron gain access to the details of my prior involvement in the litigation and
18 political campaign against Chevron.

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

21
22 Richard.clapp@gmail.com
23 RICHARD.CLAPP@GMAIL.COM
24
25
26
27
28