Tom Johnson

From: Tom Johnson [tjohnson@jjsgd.com]
Sent: Wednesday, February 11, 2009 11:19 AM
To: 'Matt Zimmerman'
Subject: RE: Update re: chronology of Uptown Update

As I mentioned on the phone, I am only interested in what statements the plaintiffs, including the members of Fix Wilson Yard, Inc., have made on these blogs. Those statements include statements that they knew of the TIF ordinances after they were adopted and at a time where they could have filed a timely challenge, i.e. before June of 2006. I am also interested in the many statements that indicate the speaker is not opposed to the TIF ordinances or TIF subsidies, provided the money is not used for low-income housing. This bears directly on the constitutional claim that has been advanced. So, the fact that Uptown Update may not have started until 2007 would seem to make it irrelevant on the limitations question but not on the later question. As we have asked the plaintiffs for all of their blog identities and the posts they have made, the need for our subpoenas may become moot, depending upon what the plaintiffs provide us with on Friday. As a result, I thought we had agreed to talk next week and not worry about these subpoenas until we see the plaintiffs' discovery answers.

-----Original Message-----
From: Matt Zimmerman [mailto:mattz@eff.org]
Sent: Tuesday, February 10, 2009 6:46 PM
To: tjohnson@jjsgd.com
Subject: Update re: chronology of Uptown Update

Tom,

As per yesterday's telephone conversation, I'm looking into the dates that the "Uptown Update" and "What the Helen" sites were active. As I understood your position, you don't have an interest in obtaining identity information about the operators of either site unless (among other things) relevant postings were made to the sites before June of 2006.

Looking at the Uptown Update site (www.uptownupdate.com), a feature on the front page allows users to scroll through the "Uptown Update Archive." The archives only appears to go back to May 15, 2007.
Indeed, the header for the May 15, 2007, posting is as follows:

"Welcome to the First Posting"

and says the following:

"We hope that this can be a resource for the citizens of Uptown to get up to date on the latest happenings in the 46th Ward and maybe become inspired to make our neighborhood a better place to live. A little sarcasm and wit never hurt either."

http://www.uptownupdate.com/2007/05/welcome-to-first-posting.html

Does this take care of your concerns or do you have any other reason to believe that obtaining the information of the operator of Uptown Update would be relevant to your client's case? If this in fact resolves your concerns, would you now be willing to withdraw the subpoena seeking the identity of the operator of Uptown Update?

Thanks in advance,

Matt
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