

I, Matthew Zimmerman, of full age, certify, declare and state:

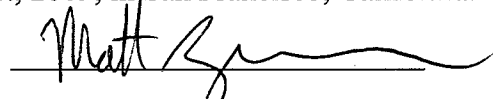
1. I am an attorney at law, duly licensed and admitted to practice in the State of California. I am a staff attorney at the Electronic Frontier Foundation, a non-profit legal services organization. The facts contained in the following affidavit are known to me of my own personal knowledge and if called upon to testify, I could and would competently do so.
2. Attached hereto as Exhibit A is a true and correct copy of the Defendants' subpoena of January 12, 2009, to Google, Inc., seeking (among other things) "documents . . . related to the identity of the person or persons who created and/or control "What the Helen.com" and "Uptown Update" blogs and websites."
3. Attached hereto as Exhibit B is a true and correct copy of the Defendants' subpoena of January 12, 2009, to Buena Park neighbors seeking (among other things) "documents identifying information on persons who have posted, in any form, on your organization's website involving the Wilson Yard development, Alderman Shiller, or Uptown development."
4. Attached hereto as Exhibit C is a true and correct copy of the Court's order dismissing Plaintiff's Complaint, filed on or around May 11, 2009.
5. Attached hereto as Exhibit D is a true and correct copy of the Court's order staying Defendants' discovery subpoenas of January 12, 2009, filed on or around July 9, 2009.
6. Attached hereto as Exhibit E is a true and correct copy of the following blog entry and comments posted in response to that entry: Uptown Update, News-Star: "Hosten's Attorney Subpoenas Google," UptownUpdate.com, January 28, 2009, located at <http://www.uptownupdate.com/2009/01/news-star-holstens-attorney-subpoenas.html>.
7. Attached hereto as Exhibit F is a true and correct copy of the following news

article: James Janega, Wilson Yard Developer Fights to Unmask Uptown Bloggers, Chicago Tribune, February 12, 2009, located at http://archives.chicagotribune.com/2009/feb/12/local/chi-uptown_update_city_zonefeb12.

8. Attached hereto as Exhibit G is a true and correct copy of the following news article: Lorraine Swanson, Quash 'Em, Lake Effect News, June 24, 2009, located at <http://www.lakeeffectnews.com/2009/06/24/quash-em/>.
9. Attached hereto as Exhibit H is a true and correct copy of the following message board discussion thread: "What Happened to BPN?" discussion thread on Buena Park Neighbors message board, May 24, 2009, to June 18, 2009, located at <http://buenaparkneighbors.yuku.com/topic/1634/t/what-happened-to-BPN.html>.
10. Attached hereto as Exhibit I is a true and correct copy of an E-mail of February 11, 2009, from Defendants' counsel Tom Johnson to Matthew Zimmerman.
11. Attached hereto as Exhibit J is a true and correct copy of the Whois.com domain name registration record for whatthehelen.com, located at <http://www.whois.net/whois/whatthehelen.com>.
12. Attached hereto as Exhibit K is a true and correct copy of the following blog entry: Uptown Update, Welcome to the First Posting, UptownUpdate.com, May 15, 2007, located at <http://www.uptownupdate.com/2007/05/welcome-to-first-posting.html>, Exhibit K to Zimmerman Decl.
13. Attached hereto as Exhibit L is a true and correct copy of an E-mail of July 27, 2009, from Defendants' counsel Tom Johnson to Matthew Zimmerman.
14. Mr. Johnson informed me in early February that Anonymous Speakers should wait until the Plaintiffs returned their discovery responses before seeking to address Defendants' subpoenas. After the Plaintiffs returned their discovery

responses, Mr. Johnson informed me that Plaintiffs' responses were insufficient. Over the next few weeks, I tried repeatedly encouraged Mr. Johnson and then Plaintiffs' counsel Tom Ramsdell to resolve any outstanding discovery issues that affected the rights of the Anonymous Speakers. To the best of my knowledge, based on my subsequent conversations with Mr. Ramsdell, counsel for the parties have made no direct attempts to resolve any discovery disagreements.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 20th day of August, 2009, in San Francisco, California.


Matthew J. Zimmerman