

Cindy A. Cohn (SBN 145997)  
cindy@eff.org  
Marcia Hofmann (SBN 250087)  
marcia@eff.org  
Nathan D. Cardozo (SBN 259097)  
nate@eff.org  
ELECTRONIC FRONTIER FOUNDATION  
454 Shotwell Street  
San Francisco, CA 94110  
Telephone: (415) 436-9333  
Facsimile: (415) 436-9993

Marco Simons (SBN 237314)  
marco@earthrights.org  
EARTHRIGHTS INTERNATIONAL  
1612 K Street NW, Suite 401  
Washington, DC 20006  
Telephone: (202) 466-5188

Attorneys for Non-Party John Doe Movants

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CHEVRON CORP.,

Plaintiff,

v.

STEVEN DONZIGER, *et al.*

Defendants.

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

**DECLARATION OF JOHN DOE # 3  
(OWNER OF  
TEGELSIMEON@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 addresses, tegelsimeon@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 tegelsimeon@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 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 Gmail address. I am not a defendant in that case. On  
14 September 12, 2012, I received notice from Microsoft of another subpoena in the same case issued  
15 in the District Court for the Northern District of New York seeking information from Microsoft  
16 associated with a Hotmail address of mine. I am now moving to quash the subpoena issued to  
17 Google for information associated with my Gmail account. I am separately moving to quash the  
18 subpoena seeking my Hotmail account information in the District Court for the Northern District of  
19 New York, as well.

20 4. I am a full-time journalist. I worked for a non-profit advocacy organization from 2005 to  
21 2008, but prior to and after that period, I worked as a professional journalist. My articles are  
22 frequently published in a number of prominent international media outlets.

23 5. I was involved in an advocacy campaign concerning the environmental impact of  
24 Chevron's former oil concession in the Amazon for around three years, ending in 2008. I was never  
25 directly involved in the litigation against Chevron in Ecuador, but performed advocacy on behalf of  
26 the communities affected by the activities giving rise to that litigation.

7. I used this Gmail account to engage in personal and professional communications for approximately three years. It is important to me that Chevron not have access to my email usage information and locations during that time period.

7 8. Had I known that my email usage information and location would be revealed, my  
8 political activity at the time I was assisting with the advocacy campaign related to Chevron would  
9 have been chilled.

9. I am no longer active in the advocacy campaign related to Chevron and have not been for some time, but should Chevron gain access to my private email usage records from the time I was involved in those activism efforts, it would intimidate me and deter me from engaging in activism or litigation against Chevron in the future.

14 10. Should Chevron gain access to my account information, it would chill my activity more  
15 generally as well, knowing that personal information about my email use and location could be  
16 revealed concerning any activity that I might engage in. As a journalist based in Latin America, I  
17 work on many stories where my personal security, and that of my confidential sources, is an issue  
18 of great concern. Furthermore, my sources rightfully expect our communications will remain  
19 confidential. My use of my email account as a means of communication with others, as well as my  
20 participation in future political and activism campaigns, will be chilled if Google releases my  
21 identity and the details of my email usage to Chevron.

22 11. I feel harassed by Chevron's attempt to obtain my email usage records and fear further  
23 harassment should Chevron gain access into the details of my past involvement in the advocacy  
24 campaign against Chevron.

25 I declare under penalty of perjury under the laws of the United States of America that the  
26 foregoing is true and correct. Executed on October 18 2012.

27 tegelsine@gmail.com  
28 TEGELSIMEON@GMAIL.COM