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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 # 6  
(OWNER OF  
ERIKTMOE66@YAHOO.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 address, eriktmoe66@yahoo.com, instead of my actual name, in order to  
Case 5:12-mc-80237-EJD Document 30-8 Filed 10/22/12 Page 2 of 3  
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 eriktmoe66@yahoo.com. I have personal  
5 knowledge of all matters set forth in this declaration.

6 2. I am providing this declaration under my email address because I wish to protect my  
7 rights to free speech and participation in associational activities. I also wish to avoid making moot  
8 these very issues, which I have raised in this motion. A true and correct copy of my actual  
9 signature for this document resides with my attorneys.

10 3. On September 27, 2012, I received a notice from Yahoo! of a subpoena issued in  
11 *Chevron, Corp. v. Donziger et al.*, Case No. 11-0691 (LAK) (S.D.N.Y.) for identifying and email  
12 usage information associated with my email address. I am not a defendant in that case. I am now  
13 moving to quash this subpoena.

14 4. I have been a personal friend of Steven Donziger for over thirty years. I formerly  
15 worked as a corporate finance lawyer and subsequently served as general counsel for two U.S.  
16 publicly-listed companies for nearly a decade.

17 5. For several months ending in early February 2011, I considered getting involved with  
18 the litigation against Chevron in Ecuador and had related communications with Steven and certain  
19 other persons associated with the case. At the end of that period, I decided not to get involved with  
20 the litigation against Chevron. I had nothing to do with the case before that period, and have had  
21 no connection to the case since then.

22 6. I have had this email address for most of a decade. I have used it as my primary email  
23 account since I left regular employment in October 2007.

24 7. Keeping my account and location information private is very important to me. It is  
25 important to me that Chevron not have access to my email usage information and locations during  
26 that time period.

27 8. Had I known that my email usage information and location would be revealed, my  
28 political activity since opening my Yahoo! email account would have been chilled.

1 9. While I have not had any material communications with Steven Donziger or anyone else  
2 related to the Chevron case since February 2011, should Chevron gain access to my private email  
3 usage records, it would certainly intimidate me and deter me from engaging in activities relating to  
4 Chevron in the future. One important consideration in my decision not to get involved with the  
5 case against Chevron was the fear of retribution from Chevron and the financial and personal  
6 burden of dealing with harassing litigation by Chevron. I believe that Chevron has used the U.S.  
7 legal system and other means to intimidate and deter people from getting involved in the litigation  
8 against the company, and I do not wish to endure what they have been through.

9 10. My future political activities will be chilled if Yahoo! releases my identity and the  
10 details of my email use to Chevron. Specifically, I would reduce or avoid political activity if  
11 information about my email use can be revealed to Chevron or others.

12 11. Should Chevron gain access to my account information, it would chill my activity more  
13 generally as well, knowing that personal information about my email use and location could be  
14 revealed concerning any activity that I might engage in. Since learning of this subpoena, I have had  
15 a general feeling of insecurity fearing that my movements and activities could be tracked by  
16 Chevron.

17 12. I feel harassed by Chevron's attempt to obtain my email usage records. I fear further  
18 harassment should Chevron gain access to personal information about my email use.

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 ERIKTMOE66@YAHOO.COM

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