

1 Matthew Zimmerman, Esq. (SBN 212423)
ELECTRONIC FRONTIER FOUNDATION
2 454 Shotwell Street
San Francisco, CA 94110
3 Telephone: (415) 436-9333
Facsimile: (415) 436-9993
4 Email: mattz@eff.org

5 David M. Given, Esq. (SBN 142375)
Nicholas A. Carlin, Esq. (SBN 112532)
6 PHILLIPS, ERLEWINE & GIVEN LLP
50 California Street, 35th Floor
7 San Francisco, California 94111
Telephone: (415) 398-0900
8 Facsimile: (415) 398-0911

9 Attorneys for Defendant-Movant JOHN DOE
"STOKKLERK"
10

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 USA TECHNOLOGIES, INC.,) Docket No. CV 09-80275-MISC-SI
15 Plaintiff-Respondent,)
16 vs.) **SUPPLEMENTAL DECLARATION OF**
17 JOHN DOE, a.k.a. "STOKKLERK") **MATTHEW ZIMMERMAN IN SUPPORT**
18 Defendant-Movant.) **OF DEFENDANT-MOVANT JOHN DOE**
19) **"STOKKLERK"'S MOTION TO QUASH**
20) **THE SUBPOENA TO YAHOO! INC.**
21) **SEEKING IDENTITY INFORMATION**
22)
23)
24)
25)
26)
27)
28)

DATE: December 18, 2009
TIME: 9:00 a.m.
COURTROOM: 10, 19th Floor
JUDGE: Hon. Susan Illston

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

2 1. I am an attorney at law, duly licensed and admitted to practice in the State of California.
3 I am a staff attorney at the Electronic Frontier Foundation, a non-profit legal services organization,
4 counsel for Defendant-Movant “stokklerk.” The facts contained in the following affidavit are
5 known to me of my own personal knowledge and if called upon to testify, I could and would
6 competently do so.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of USA Technologies’ 2009
8 Form 10-K Annual SEC Report, accessed on December 11, 2009, and available at
9 http://www.sec.gov/Archives/edgar/data/896429/000118811209002061/t66291_10k.htm.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of a list of USA Technologies
11 press releases issued since mid-2005 as listed on the USAT Technologies web site, as well as true
12 and correct copies of several press releases from that list, accessed on December 11, 2009, and
13 available at http://www.usatech.com/company_info/news.php.

14 4. Attached hereto as Exhibit 3 are true and correct copies of press releases issued by
15 SAVE, Shareholder Advocates for Value Enhancement, as listed on the SAVE web site, accessed
16 on December 11, 2009, and available at <http://saveusat.com/pressrelease>.

17 5. Attached hereto as Exhibit 4 are true and correct copies of all of the Yahoo! message
18 board posts identified in the Complaint in USA Technologies v. John Doe and Jane Doe
19 Anonymous Bloggers Operating as Michael_Moore_Is_Fat and Stokklerk, Case No. 09-3899, E.D.
20 Pennsylvania, as well as all of the other posts in the individual threads in which Defendant’s
21 statements were made. Posts accessed on December 11, 2009, and available at
22 <http://messages.finance.yahoo.com/mb/USAT>.

23
24
25
26
27
28

1 I declare under penalty of perjury of the laws of the State of California that the foregoing is
2 true and correct to the best of my knowledge and belief. Executed December 11, 2009, in San
3 Francisco, California.

4
5 By: /s/Matthew Zimmerman
6 Matthew Zimmerman
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28