

FILED

FEB 11 2020

**JAMES M. KIM, Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: W. Simmons, Deputy**

1 Aaron Mackey (SBN 286647)
amackey@eff.org
2 Naomi Gilens (SBN 315813)
naomi@eff.org
3 Sophia Cope (SBN 233428)
sophia@eff.org
4 ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
5 San Francisco, CA 94109
Telephone: (415) 436-9333
6 Facsimile: (415) 436-9993

7 *Attorneys for Non-Party J. Doe*

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN**

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PAYWARD, INC., d/b/a Kraken, a California
corporation,

Plaintiff,

v.

DOES 1 through 10, inclusive,

Defendants.

) Case No.: CIV 1902105

) **DECLARATION OF AARON MACKEY IN
SUPPORT OF J. DOE'S MOTION TO
QUASH**

) Date: JUN 03^{WS} 2020

) Time: 1:30 PM

) Dept: Courtroom B

) Judge: Hon. James T. Chou

) Action Filed: May 30, 2019

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I, Aaron Mackey, declare as follows:

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1. I am attorney of record for movant J. Doe in this matter. I am a member in good standing of the California State Bar and am admitted to practice in this Court. I have personal knowledge of the matters stated in this declaration. If called upon to do so, I am competent to testify to all matters set forth herein.



1 2. I have on file a copy of the original signed version of the Declaration of J. Doe filed
2 herewith in support of the instant Motion to Quash the subpoena issued by Plaintiff Payward, Inc.,
3 d/b/a Kraken that includes Doe's legal name. I have redacted Doe's signature in the declaration
4 filed with this Court to avoid mootng or otherwise prejudicing Doe's right to anonymity and speech
5 under the First Amendment.

6 3. I have on file a copy of the original signed version of the Severance Agreement between
7 Doe and Payward, Exhibit A to J. Doe's Declaration in support of J. Doe's Motion to Quash ("Doe
8 Decl."). I have redacted identifying information in the Severance Agreement to avoid mootng or
9 otherwise prejudicing Doe's right to anonymity and speech under the First Amendment. I have also
10 redacted other provisions of the Severance Agreement that Payward maintains must remain
11 confidential.

12 4. I have on file a copy of an email message from Glassdoor to Doe that notified Doe of
13 Payward's response to Doe's Glassdoor review and included the text of Payward's response therein,
14 Doe Decl. Ex. B. I have redacted identifying information in that email message to avoid mootng or
15 otherwise prejudicing Doe's right to anonymity and speech under the First Amendment.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct.

18 Executed this 10th day of February, 2020, at San Francisco, California.

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Aaron Mackey

1 PROOF OF SERVICE

2 I am a resident of the State of California, over the age of eighteen, and not a party to the
3 within action. My business address is: Electronic Frontier Foundation, 815 Eddy Street, San
4 Francisco, CA 94109. I served the within document(s):

5 **DECLARATION OF AARON MACKEY IN SUPPORT OF
6 J. DOE'S MOTION TO QUASH**

- 7 **Via E-Mail:** by transmitting via electronic mail the document(s) listed above to the
8 person(s) at the email address(es) set forth below on February 11, 2020, by agreement
9 of counsel
- 10 **Via Facsimile:** by transmitting via facsimile the document(s) listed above to the fax
11 number (s) set forth below on this date before 5:00 p.m.
- 12 **Via Hand:** by personally delivering the document(s) listed above to the person(s) at the
13 addresses set forth below.
- 14 **Via U.S. Mail:** by placing a true copy thereof enclosed in a sealed envelope, at a station
15 designated for collection and processing of envelopes and packages for delivery by U.S.
16 Postal Service, as part of the ordinary business practice of Burgoyne Law Group
17 described below, addressed as follows:

18 William J. Frimel
19 Seubert French Frimel & Warner LLP
20 1075 Curtis Street
21 Menlo Park, CA 94025
22 bill@ssfvlaw.com

23 *Attorneys for Non-Party Glassdoor*

24 Christopher LaVigne
25 Andrew Calderon
26 Pierce Bainbridge Beck Price & Hecht LLP
27 355 South Grand Avenue, 44th Floor
28 Los Angeles, California 90071
clavigne@piercebainbridge.com
acalderon@piercebainbridge.com

Attorneys for Plaintiff Payward, Inc., d/b/a Kraken

I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed February 11, 2020 at San Francisco, California.

By: 
Aaron Mackey