

STATE OF INDIANA
IN THE MONROE CIRCUIT COURT 4
CAUSE NO. 53C04-2009-MI-001613

AO ALFA-BANK,

Plaintiff,

v.

*Before the Honorable Frank M. Nardi,
Special Judge*

JOHN DOE,

Defendant.

**Motion of *Amicus Curiae* Electronic Frontier Foundation for Leave to File
Brief in Support of Non-Party L. Jean Camp's Motion to Quash Subpoena**

The Electronic Frontier Foundation, Inc. ("EFF"), by counsel **MALLOR | GRODNER LLP**, moves this Court to allow it to appear in this case as *amicus curiae*, in support of non-party L. Jean Camp's motion to quash subpoena duces tecum and/or for protective order, and in support states:

1. EFF is a member-supported, nonprofit organization that works to protect civil liberties and human rights in the digital world. Founded in 1990, EFF has more than 33,000 dues-paying members across the United States. Through impact litigation, direct advocacy, and technology development, EFF's team of attorneys, activists, and technologists encourage and challenge industry, government, and courts to support free speech, privacy, and innovation in the information society.

2. The dispute over Alfa Bank's subpoena to non-party L. Jean Camp touches on an issue central to EFF's work: The First Amendment's protections for anonymous online speakers.

3. EFF believes that Alfa Bank's efforts to use discovery procedures in order to unmask and expose anonymous speakers against whom it has no claims improperly infringes on

those speakers' First Amendment rights to anonymous free speech.

4. The First Amendment provides strong protections for anonymous speakers against baseless and meritless attempts by others to identify, harass, and intimidate them. Nonetheless, plaintiffs often use litigation as a pretext to do just that. Unmasking anonymous speakers can cause direct and irreparable harm to the speakers and can chill others from exercising their constitutional rights to free speech. For those reasons, the First Amendment imposes stringent requirements that litigants must satisfy before unmasking anonymous speakers. Alfa Bank has failed to satisfy those requirements.

5. EFF has repeatedly represented anonymous online speakers and appeared as *amicus curiae* in cases where the First Amendment's protections for anonymous speech are at issue. *See, e.g., Payward, Inc. d/b/a Kraken v. Does 1-10*, Case No. CIV 1902105 (Marin County Sup. Ct. 2019) (counsel to Doe); *Glassdoor, Inc. v. Andra Group, LP*, 575 S.W.3d 523 (Tex. 2019) (amicus); *Signature Mgm't Team, LLC v. Doe*, 876 F.3d 831 (6th Cir. 2017) (amicus); *USA Technologies, Inc. v. Doe*, 713 F. Supp. 2d 901 (N.D. Cal. 2010) (counsel to Doe); *Yelp, Inc. v. Hadeed Carpet Cleaning, Inc.*, 770 S.E.2d 440 (Va. Sup. Ct. 2015) (amicus); *Doe v. 2TheMart.com Inc.*, 140 F. Supp. 2d 1088 (W.D. Wash. 2001) (counsel to Doe).

6. Accordingly, EFF writes separately to ensure that the Court is aware of the constitutional rights at stake, particularly for the anonymous speakers who are not parties to this matter. EFF believes that its arguments in this matter may be of assistance to the Court in resolving the issues presented. *See Nat'l Org. for Women, Inc. v. Scheidler*, 223 F.3d 615, 617 (7th Cir. 2000) (noting that courts have found the participation of *amicus curiae* particularly useful "when the *amicus* has a unique perspective, or information, that can assist the court . . . beyond what the parties are able to do").

7. EFF's *amicus curiae* brief, *Brief of Amicus Curiae Electronic Frontier Foundation in Support of Non-Party L. Jean Camp's Motion to Quash Subpoena*, is attached to this motion as Exhibit A. No party or party's counsel authored the brief in whole or in part. Counsel for Alfa Bank alerted EFF to the existence of a 2017 fundraiser for Professor Camp's legal defense, which proposed to donate excess funds to EFF. However, to the best of EFF's knowledge, no party or party's counsel funded the preparation of the brief.

8. Counsel for EFF have communicated with counsel for non-party L. Jean Camp, who do not object to the filing of this motion.

9. Counsel for EFF have also communicated with counsel for Plaintiff Alfa Bank, who object to the filing of this motion.

WHEREFORE, EFF requests that this Court grant it leave to appear in this case as *amicus curiae*, to file its *amicus curiae* brief in support of non-party L. Jean Camp's motion to quash subpoena, and for all other proper relief.

MALLOR | GRODNER LLP

/s/Colleen M. Newbill

D. Michael Allen #22256-53
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Certificate of Compliance and Service

The undersigned certifies a copy of the foregoing document was served in compliance with Ind. Trial Rule 5, Ind. Crim. Rule 18, and Ind. A.C.R. Rule 5, upon all parties or their attorney of record, on September 24, 2020, as follows:

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STATEMENT OF INTEREST¹

Amicus Curiae Electronic Frontier Foundation, Inc. (“EFF”) is a member-supported, nonprofit organization that works to protect civil liberties and human rights in the digital world. Through impact litigation, direct advocacy, and technology development, EFF’s team of attorneys, activists, and technologists encourage and challenge industry, government, and courts to support free speech, privacy, and innovation in the information society. Founded in 1990, EFF has more than 33,000 dues-paying members.

This case touches on an issue central to EFF’s work: The First Amendment’s protections for anonymous online speakers. EFF has repeatedly represented anonymous online speakers and appeared as *amicus curiae* in cases where the First Amendment’s protections for anonymous speech are at issue. *See, e.g., Payward, Inc. d/b/a Kraken v. Does 1-10*, Case No. CIV 1902105 (Marin County Sup. Ct. 2019) (counsel to Doe); *Glassdoor, Inc. v. Andra Group, LP*, 575 S.W.3d 523 (Tex. 2019) (*amicus*); *Signature Mgm’t Team, LLC v. Doe*, 876 F.3d 831 (6th Cir. 2017) (*amicus*); *USA Techs., Inc. v. Doe*, 713 F. Supp. 2d 901 (N.D. Cal. 2010) (counsel to Doe); *Yelp, Inc. v. Hadeed Carpet Cleaning, Inc.*, 770 S.E.2d 440 (Va. Sup. Ct. 2015) (*amicus*); *Doe v. 2TheMart.com Inc.*, 140 F. Supp. 2d 1088 (W.D. Wash. 2001) (counsel to Doe).² EFF submits this brief in order to explain the history and necessity of the First Amendment’s protections for anonymous speakers and request that the Court protect these individuals’ constitutional rights.

¹ No party or party’s counsel authored this brief in whole or in part. Counsel for Alfa Bank alerted EFF to the existence of a 2017 fundraiser for Professor Camp’s legal defense, which proposed to donate excess funds to EFF. However, to the best of EFF’s knowledge, no party or party’s counsel funded the preparation of this brief.

² A complete list of anonymous speech cases EFF has participated in is available at <https://www.eff.org/issues/anonymity>.

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INTRODUCTION AND SUMMARY OF ARGUMENT

Dr. L. Jean Camp is not a party to the underlying litigation that Alfa Bank filed in a Florida state court. Through its subpoena duces tecum to Camp, Alfa Bank seeks to unmask the identity of other non-parties to that litigation who engaged only in constitutionally protected political speech. Alfa Bank does not bring any claims against either Camp nor the anonymous computer security researchers it seeks to unmask. Nor does it allege that those anonymous computer security researchers engaged in any wrongdoing. Nonetheless, Alfa Bank seeks to misuse judicial process to unmask these anonymous computer security researchers non-parties and expose their identities. The First Amendment does not allow such a result.

As exemplified by the Federalist Papers, anonymous political speech has been a core American value since the founding of this nation. *See Talley v. California*, 362 U.S. 60 (1960); *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334 (1995). By protecting the right to express ideas anonymously, the First Amendment ensures that individuals are not chilled from speaking out against the powerful or expressing unpopular viewpoints due to the threat of retaliation, ostracism, or harassment.

When a group of anonymous computer security researchers discovered apparent communications between computers owned by the Russian financial firm Alfa Bank and the Trump Organization in 2016, they chose to report that activity anonymously for exactly these reasons. The apparent communications the anonymous computer security researchers had discovered were evidence of links between powerful Russian interests and a presidential nominee in the midst of a contentious election season, where perceived criticism against then-nominee Donald Trump could subject a speaker to harassment campaigns, death threats, and even physical

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harm.³ By sharing their observations anonymously, the researchers were able to contribute to the electorate's understanding of a matter of extraordinary public concern, while protecting their reputations, families, and livelihoods from potential retaliation. That is exactly the freedom that the First Amendment seeks to safeguard by protecting the right to anonymous speech.

Now, four years later, in the midst of another presidential election, Alfa Bank seeks to unmask the identities of those anonymous computer security researchers. Alfa Bank does not bring any claims against the anonymous, non-party computer security researchers it seeks to unmask, nor does it point to any evidence of coordination between the researchers and the Doe defendants.

Rather, Alfa Bank brings claims against the individuals that it alleges fabricated the connections between its servers and the Trump Organization (the "alleged cybercriminals," for clarity).⁴ Compl. ¶¶ 28-36. The complaint alleges activity by three discrete groups of people: (1) the alleged cybercriminals who allegedly fabricated server activity; (2) the anonymous computer security researchers who discovered the allegedly fabricated server activity and alerted the media and other computer security experts; and (3) the known security experts and journalists who

³ See, e.g., Eli Stokols and Kyle Cheney, *Delegates face death threats from Trump supporters*, Politico (Apr. 22, 2016), <https://www.politico.com/story/2016/04/delegates-face-death-threats-from-trump-supporters-222302>; Jon Swaine and Juweek Adolphe, *Violence in the name of Trump*, The Guardian (Aug. 28, 2019), <https://www.theguardian.com/us-news/ng-interactive/2019/aug/28/in-the-name-of-trump-supporters-attacks-database>.

⁴ Notably, these allegations flatly contradict Alfa Bank's prior representations to the bipartisan Senate Intelligence Committee investigation into Russian interference in the 2016 election. The Senate committee report states that Alfa Bank testified that the server activity had been "caused by a marketing or spam campaign directed at Alfa Bank employees by a marketing server affiliated with the Trump Organization." S. Rep. No. 116-XX Vol. 5, at 792 (2020), https://www.intelligence.senate.gov/sites/default/files/documents/report_volume5.pdf. This explanation is a far cry from Alfa Bank's current allegation that the server communications were fabricated entirely by malicious cybercriminals.

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brought the server activity to the public's attention, including subpoena recipient Dr. L. Jean Camp.

Importantly, while the identities of the alleged cybercriminals and the anonymous computer security researchers are both unknown, Alfa Bank does not allege that they are the same people. In fact, Alfa Bank insinuates that the cybercriminals alerted the anonymous computer security researchers to the existence of the server data. Compl. ¶ 47. Alfa Bank thus clearly believes that the anonymous computer security researchers who uncovered the server data are *not* the unknown defendants it seeks to hold liable. Similarly, Alfa Bank does not allege, or even insinuate, that there was any communication between the defendants and Dr. Camp, or any of the other security experts or reporters who ultimately alerted the public about Alfa Bank's server activity. But Alfa Bank nonetheless seeks to misuse judicial process to unmask and expose identities of the anonymous computer security researchers—simply for truthfully reporting the existence of suspicious server data.

Alfa Bank cannot, however, unmask these anonymous individuals without first satisfying the constitutional test set forth in *In re Indiana Newspapers Inc.*, 963 N.E.2d 534 (Ind. Ct. App. 2012). Alfa Bank cannot meet this standard. *Amicus* EFF thus supports the non-party's instant motion to quash.

ARGUMENT

I. THE FIRST AMENDMENT PROVIDES STRONG PROTECTIONS FOR ANONYMOUS SPEAKERS AGAINST ATTEMPTS BY OTHERS TO IDENTIFY, HARASS, OR INTIMIDATE THEM.

The First Amendment protects anonymous speakers. Our Founders believed that anonymous speech was an essential tool to provide critical commentary and to foster public debate. Many people today speak anonymously for the same reasons. Although anonymous speakers do not

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enjoy an absolute right to keep their identity secret, the First Amendment ensures that they are not unmasked without good reason. The First Amendment thus acts as a bar against vexatious litigation designed to silence, harass, or intimidate anonymous speakers. It further requires that when parties seek the identities of anonymous speakers, even for legitimate reasons, the interests of the party seeking unmasking must be balanced against the concrete harms that can result from identifying an anonymous speaker. This is because loss of anonymity irreparably harms speakers and can impose severe consequences on their speech while also chilling other speakers.

A. The First Amendment right to anonymous speech is a historic and essential means of fostering robust debate.

The right to speak anonymously is deeply embedded in the political and expressive history of this country. Allowing individuals to express their opinions, unmoored from their identity, encourages participation in the public sphere by those who might otherwise be discouraged from doing so. The Supreme Court has recognized that anonymous speech is not some “pernicious, fraudulent practice, but an honorable tradition of advocacy and of dissent.” *McIntyre v. Ohio Elections Comm’n*, 514 U.S. 334, 357 (1995).

Anonymity is often a “shield from the tyranny of the majority.” *McIntyre*, 514 U.S. at 357. “The decision in favor of anonymity may be motivated by fear of economic or official retaliation, by concern about social ostracism, or merely by a desire to preserve as much of one’s privacy as possible.” *Id.* at 341-42. Indeed, our Founders relied on anonymity in advocating for independence before the Revolutionary War and later when publishing the Federalist Papers as they debated our founding charter. *See Talley v. California*, 362 U.S. 60, 64-65 (1960).

Like all First Amendment protections, the constitutionally enshrined protections for anonymous speech extend fully to communications that occur online. *See Reno v. ACLU*, 521 U.S. 844, 870 (1997) (establishing that “there is no basis for qualifying the level of First Amendment

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scrutiny” that should be applied to digital communications). Anonymity has become an essential feature of our online discourse. “Internet anonymity facilitates the rich, diverse, and far ranging exchange of ideas. The ability to speak one’s mind on the Internet without the burden of the other party knowing all the facts about one’s identity can foster open communication and robust debate.” *Doe v. 2TheMart.com Inc.*, 140 F. Supp. 2d 1088, 1092 (W.D. Wash. 2001). *See also Doe v. Harris*, 772 F.3d 563, 580 (9th Cir. 2014) (holding that a law requiring unmasking of certain anonymous speakers chilled online speech); *Quixtar Inc. v. Signature Mgmt. Team, LLC*, 566 F. Supp. 2d 1205, 1214 (D. Nev. 2008) (noting that with anonymous online speech, “ideas are communicated that would not otherwise come forward”).

B. Plaintiffs often use litigation as a pretext to unmask, and retaliate against, anonymous speakers.

Litigants who do not like what anonymous speakers have to say may seek their identities to punish or silence them, rather than vindicate substantive rights or pursue legitimate claims. As the court in *Dendrite Int’l v. Doe No. 3*, recognized, procedural protections for anonymous speakers are needed to ensure that litigants do not misuse “discovery procedures to ascertain the identities of unknown defendants in order to harass, intimidate or silence critics in the public forum opportunities presented by the Internet.” 775 A.2d 756, 771 (N.J. App. Div. 2001). Similarly, the court in *Doe v. Cahill* stated, “there is reason to believe that many defamation plaintiffs bring suit merely to unmask the identities of anonymous critics.” 884 A.2d 451, 457 (Del. Sup. Ct. 2005).

Amicus has witnessed these tactics firsthand. Litigants often bring suits that seek to unmask anonymous speakers to punish, humiliate, or retaliate with the ultimate goal of silencing their speech. Thankfully, courts have recognized the harm that would flow from summarily unmasking speakers without first applying a robust First Amendment-based standard.

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For example, in *USA Technologies, Inc. v. Doe*, USA Technologies, Inc. targeted an anonymous Yahoo! message board user, “Stokklerk,” who had characterized the company’s high executive compensation as “legalized highway robbery” and “a soft Ponzi.” 713 F. Supp. 2d 901, 905 (N.D. Cal. 2010). Even though USA Technologies could not prove that these posts were anything but constitutionally protected opinion, it issued a subpoena to Yahoo! to uncover Stokklerk’s identity. *Amicus*, as counsel for the anonymous speaker, brought a motion to quash. The court agreed, recognizing “the Constitutional protection afforded pseudonymous speech over the internet, and the chilling effect that subpoenas would have on lawful commentary and protest.” *Id.* at 906.

In another case, Jerry Burd, the superintendent of the Sperry, Oklahoma, school district, sued anonymous speakers who criticized him on an online message board. Burd filed a subpoena seeking to unmask the speakers. When *amicus* intervened on behalf of the site operator and a registered user, Burd immediately dropped the subpoena. This indicates that Burd did not have a meritorious claim, and presumably was using the legal system simply to unmask the speakers.⁵

C. Unmasking is harmful and can chill constitutionally protected speech.

Unmasking anonymous speakers is harmful in at least three ways.

First, the disclosure of anonymous speakers’ identities can irreparably and directly harm them. *Art of Living Found. v. Does 1-10*, No. 10–CV–05022–LHK, 2011 WL 5444622, at *9 (N.D. Cal. Nov. 9, 2011) (*Art of Living II*) (citing *McIntyre*, 514 U.S. at 342). At minimum, unmasking can hinder speakers’ effectiveness because it directs attention to their identities rather than the content of their speech. In *Highfields Capital Management, L.P. v. Doe*, the court recognized that the

⁵ See *Anonymity Preserved for Critics of Oklahoma School Official*, EFF Press Release (July 18, 2006), <https://www.eff.org/press/archives/2006/07/18>.

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“defendant has a real First Amendment interest in having his sardonic messages reach as many people as possible – and being free to use a screen name . . . carries the promise that more people will attend to the substance of his views.” 385 F. Supp. 2d 969, 980 (N.D. Cal. 2005).

This harm can be acute for speakers whose true identities are unpopular, as others may be more dismissive of the speakers’ statements, and speakers may be chilled from continuing to speak publicly on that same topic. In those circumstances, anonymity “provides a way for a writer who may be personally unpopular to ensure that readers will not prejudge her message simply because they do not like its proponent.” *Harris*, 772 F.3d at 581 (internal quotations omitted). Unveiling speakers’ true identities thus “diminishes the free exchange of ideas guaranteed by the Constitution.” *Art of Living II*, 2011 WL 5444622 at *9.

Second, unmasking the speaker can lead to serious personal consequences—for the speaker or even the speaker’s family—including public shaming, retaliation, harassment, physical violence, and loss of a job. *See Dendrite*, 775 A.2d at 771 (recognizing that unmasking speakers can let other people “harass, intimidate or silence critics”). In the analogous context of identifying individuals’ anonymous political activities, the Supreme Court has recognized how unmasked individuals can be “vulnerable to threats, harassment, and reprisals.” *Brown v. Socialist Workers ’74 Campaign Comm. (Ohio)*, 459 U.S. 87, 97 (1982).

Third, the harm of unmasking a specific speaker also has the potential to chill others’ speech. In *Highfields*, the court held that would-be speakers on an online message board are unlikely to be prepared to bear such high costs for their speech. 385 F. Supp. 2d at 981. Thus, “when word gets out that the price tag of effective . . . speech is this high, that speech will likely disappear.” *Id.*

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II. THE FIRST AMENDMENT IMPOSES A ROBUST TEST THAT LITIGANTS MUST SATISFY BEFORE UNMASKING ANONYMOUS SPEAKERS.

In Indiana, plaintiffs cannot compel the disclosure of an anonymous speaker's identity unless they first satisfy two hurdles.

First, they must establish a prima facie case, supported by evidence, that the speaker's statements in fact rise to the level of civil or criminal liability. *Indiana Newspapers*, 963 N.E.2d at 552; see also *Dendrite*, 775 A.2d at 760.

Second, plaintiffs must satisfy an additional balancing test. In this stage, courts balance the “defendant’s First Amendment right of anonymous free speech against the strength of the prima facie case presented and the necessity for the disclosure of the anonymous defendant’s identity to allow the plaintiff to properly proceed.” *Indiana Newspapers*, 963 N.E.2d at 551 (quoting *Dendrite*, 775 A.2d at 760-61). “Factors that the trial court should consider in balancing the parties’ rights include ‘the type of speech involved, the speaker’s expectation of privacy, the potential consequence of a discovery order to the speaker and others similarly situated, the need for the identity of the speaker to advance the requesting party’s position, and the availability of other discovery methods.” *Indiana Newspapers*, 963 N.E.2d at 552 (quoting *Mobilisa, Inc. v. Doe*, 170 P.3d 712, 720 (Ariz. App. Div. 1 2007)).

III. ALFA BANK HAS FAILED TO SATISFY THE FIRST AMENDMENT’S REQUIREMENTS FOR UNMASKING ANONYMOUS SPEAKERS.

A. Alfa Bank has failed to establish, or even allege, any grounds for liability against the anonymous speakers it seeks to unmask.

Alfa Bank’s subpoena should be quashed because it has failed to establish that it has meritorious claims. See *Indiana Newspapers*, 963 N.E.2d at 552. Alfa Bank has not made any allegation—much less produced any evidence—that the anonymous computer security researchers it seeks to unmask are the same individuals as the alleged cybercriminals against whom Alfa Bank

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has brought this suit. Rather, as described above, the complaint instead suggests that the cybercriminal defendants pointed the anonymous computer security researchers in the direction of the suspicious server activity, Compl. ¶ 47, establishing that the cybercriminal defendants are *not* the same people as the anonymous computer security researchers. Indeed, Alfa Bank does not accuse the anonymous computer security researchers that it seeks to unmask of any wrongdoing whatsoever.

Thus, unlike the anonymous speakers targeted in the majority of reported unmasking decisions, there is no allegation here that the anonymous computer security researchers who discovered and reported the suspicious server activity engaged in defamation, libel, or any kind of unprotected or unlawful speech. They are not party to this case, and Alfa Bank has brought no action against them. For these reasons, the circumstances of this case strongly favor upholding their First Amendment right of anonymous political speech.

The inability of Alfa Bank to meet its burden suggests, much like the cases described above in Section I.B., that the true motive of the litigation and the instant subpoena is to retaliate against the anonymous computer security researchers for speaking out. In seeking to impose consequences on these speakers, Alfa Bank is violating their First Amendment rights to speak anonymously. Because Alfa Bank has failed to allege any *prima facie* case of liability, much less establish that case through evidence, the First Amendment does not allow it to unmask these anonymous speakers. *See Indiana Newspapers*, 963 N.E.2d at 552; *Dendrite*, 775 A.2d at 760.

B. The anonymous computer security researchers' First Amendment rights to anonymous speech outweigh Alfa Bank's interest in the disclosure of their identities.

Even if Alfa Bank could make out a *prima facie* case for its claims, the balance of the interests in this case plainly favors the anonymous computer security researchers retaining their anonymity.

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At this stage, courts weigh the strength of the plaintiffs' prima facie case and the need to identify the anonymous speakers against the harm to the speakers should they be unmasked. *Indiana Newspapers*, 963 N.E.2d at 552; *Dendrite*, 775 A.2d at 760.

As described above, not only is the strength of Alfa Bank's case against the anonymous computer security researchers lacking, but in fact, Alfa Bank presents no case at all: the allegations presented in the complaint support only that the anonymous computer security researchers lawfully observed suspicious server activity and truthfully reported their observations to other computer scientists and journalists. Compl. ¶¶ 41-47. The complaint does not allege that the reporting of the suspicious server activity was unlawful or even inaccurate. *See id.* Indeed, the gravamen of Alfa Bank's complaint against the alleged cybercriminal defendants rests on the existence of suspicious server activity, which Alfa Bank alleges the defendants fabricated, despite its prior contradictory representations to the Senate Intelligence Committee. *See supra* note 3.

Further, Alfa Bank does not offer any basis for concluding that unmasking the law-abiding anonymous computer security researchers is necessary to advance Alfa Bank's litigation. *See Dendrite*, 775 A.2d at 760. Alfa Bank does not allege anywhere in the complaint that the anonymous computer security researchers possess information about the identities of the cybercriminal defendants. While Alfa Bank speculates that "it is likely that Defendants pointed [the researchers] in the direction of the planted evidence," Compl. ¶ 47, this speculation is directly contradicted by the actual facts that the complaint alleges—that the anonymous computer security researchers, an "elite group of malware hunters," discovered the server activity in the course of carefully observing Trump servers for abnormal activity as they sought out network intrusions related to the upcoming Presidential election in 2016. Compl. ¶¶ 42-44.

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Meanwhile, the potential consequence of an unmasking order would be grave, both to the anonymous computer security researchers whose identities are at issue here and to other similarly situated anonymous speakers. *See Indiana Newspapers*, 963 N.E.2d at 552; *Mobilisa*, 170 P.3d at 720. In calling the attention of other computer scientists and journalists to the suspicious server activity between Alfa Bank and the Trump Organization, the anonymous computer security researchers that Alfa Bank now seeks to unmask deliberately sought to maintain their anonymity. Presumably, they did so both to focus public attention on their findings and to avoid being entangled in a scandal involving a U.S. presidential election and two of the world's greatest superpowers, in the midst of an extraordinarily polarized domestic political environment, that would likely have resulted in threats, harassment, or worse for them or their families.

Further, allowing Alfa Bank to now unmask the anonymous computer security researchers as a result of their work would send a powerfully chilling message to anyone else contemplating reporting controversial corporate misdeeds: speak at your peril, because no matter how carefully you protect your identity, the company may go to court, unmask you, and thrust you into the spotlight, where you may be subject to ridicule, criticism, and harassment.

The First Amendment does not allow such a result.

CONCLUSION

WHEREFORE, *Amicus* respectfully requests that the Court grant Dr. L. Jean Camp's Motion to Quash.

Dated: September 24, 2020

Respectfully submitted,
MALLOR | GRODNER LLP

/s/Colleen M. Newbill

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EXHIBIT A

CERTIFICATE OF COMPLIANCE AND SERVICE

The undersigned certifies a copy of the foregoing document was served in compliance with Ind. Trial Rule 5, Ind. Crim. Rule 18, and Ind. A.C.R. Rule 5, upon all parties or their attorney of record, on September 24, 2020, as follows:

James Paul Buchholz, **TOURKOW CRELL ROSENBLATT & JOHNSTON**, 127 West Berry Street, Suite 1200, Fort Wayne, Indiana 46802; via Electronic Service.

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/s/Colleen M. Newbill

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