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

15 CHEVRON CORP.,

16 Plaintiff,

17 v.

18 STEVEN DONZIGER, *et al.*

19 Defendants.  
20  
21  
22

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

) **DECLARATION OF JOHN DOE # 1**  
) **(OWNER OF**  
) **CORTELYOU@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 address, cortelyou@gmail.com, instead of my actual name, in order to protect  
2 my identity pursuant to my rights under the First Amendment and California law, I declare as  
3 follows:

4 1. I am the owner of the email account cortelyou@gmail.com. I have personal knowledge  
5 of all matters set forth in this declaration. If called upon to do so, I could and would testify to all  
6 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-cv-0691 (LAK) (S.D.N.Y. filed Feb. 1, 2011) for identifying  
13 and email usage information associated with my email address. I am not a defendant in that case. I  
14 am now moving to quash this subpoena.

15 4. I have worked on a number of human rights and social justice projects and campaigns. I  
16 am now an attorney.

17 5. I was involved in the litigation against Chevron in Ecuador as a volunteer legal intern for  
18 a brief period of time in the summer of 2007. I have not participated in the litigation surrounding  
19 the Chevron case since that time.

20 6. I have had this email address since at least 2005. I have used it as a primary personal  
21 account ever since.

22 7. Keeping my account and location information private is very important to me for  
23 personal and professional reasons. I have used this email address for my private personal  
24 communications as well as in past communications related to legal work that may include attorney-  
25 client privileged material and other documents that may be privileged and/or confidential. I also  
26 used it to communicate with confidential sources while writing a publication.

1 8. I have used this email account to engage in personal and professional communications  
2 for approximately seven years. It is important to me that Chevron not have access to all my email  
3 usage information and locations during that time period.

4 9. Had I known that my email usage information and location would be revealed, my  
5 political activity at the time I was assisting with the litigation against Chevron would have been  
6 chilled.

7 10. I am no longer active in the litigation against Chevron and have not been for some time,  
8 but should Chevron gain access to my private email usage records, it would intimidate me and  
9 deter me from engaging in activism or litigation against Chevron in the future. I already turned  
10 down a job offer to work on the Chevron litigation after seeing what Chevron had put others  
11 through who worked on the litigation and related activism.

12 11. Should Chevron gain access to my account information, it could 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. My use of my email account to  
15 communicate with others could be chilled if Chevron were to obtain my account usage records. My  
16 participation in future political and activism campaigns will also be chilled if Google releases my  
17 identity and the details of my usage to Chevron.

18 12. I feel harassed by Chevron's attempt to obtain my email usage records and fear further  
19 harassment should Chevron gain access to the details of my past involvement in the litigation and  
20 political campaign against Chevron.

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

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