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"STOKKLERK"

**ORIGINAL
FILED**

OCT 15 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

10
11 **UNITED STATES DISTRICT COURT**

12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 **CV 09 80 275 MISC**

SI

14 USA TECHNOLOGIES, INC.,

15 Plaintiff-Respondent,

16 vs.

17 JOHN DOE, a.k.a. "STOKKLERK"

18 Defendant-Movant.
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) Docket No. _____-MISC

) **DECLARATION OF MATTHEW
ZIMMERMAN IN SUPPORT OF
DEFENDANT-MOVANT JOHN DOE
"STOKKLERK"'S MOTION TO QUASH
THE SUBPOENA TO YAHOO! INC.
SEEKING IDENTITY INFORMATION**

) DATE: TBD
TIME: TBD
COURTROOM: TBD

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
4 organization, counsel for Defendant-Movant "stokklerk." The facts contained in the
5 following affidavit are known to me of my own personal knowledge and if called upon
6 to testify, I could and would competently do so.
- 7 2. Attached hereto as Exhibit A is a true and correct copy of the Complaint in the matter of
8 USA Technologies v. John Doe and Jane Doe Anonymous Bloggers Operating as
9 Michael Moore Is Fat and Stokklerk, Case No. 09-3899, E.D. Pennsylvania, filed
10 August 27, 2009.
- 11 3. Attached hereto as Exhibit B is a true and correct copy of the subpoena issued in the
12 Northern District of California on or around September 24, 2009, from Plaintiff USA
13 Technologies to non-party company Yahoo! seeking the identity of Defendants
14 "stokklerk" and "michael_moore_is_fat."
- 15 4. Attached hereto as Exhibit C is a true and correct copy of Plaintiff USA Technologies'
16 Memorandum in support of its Motion to the District Court in USA Technologies v.
17 John Doe and Jane Doe Anonymous Bloggers Operating as Michael Moore Is Fat and
18 Stokklerk, Case No. 09-3899, E.D. Pennsylvania, seeking permission to seek discovery
19 before the Rule 26(f) conference, filed on August 27, 2009.
- 20 5. Attached hereto as Exhibit D is a true and correct copy of an Order issued by the
21 District Court in USA Technologies v. John Doe and Jane Doe Anonymous Bloggers
22 Operating as Michael Moore Is Fat and Stokklerk, Case No. 09-3899, E.D.
23 Pennsylvania, granting permission to Plaintiff USA Technologies to seek discovery
24 before the Rule 26(f) conference, issued on September 11, 2009.
- 25 6. Attached hereto as Exhibit E are true and correct copies of all of the Yahoo! message
26 board posts identified in the Complaint in USA Technologies v. John Doe and Jane Doe
27 Anonymous Bloggers Operating as Michael Moore Is Fat and Stokklerk, Case No. 09-
28 3899, E.D. Pennsylvania.

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 October 15, 2009, in San
3 Francisco, California.

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6 MATTHEW ZIMMERMAN

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