

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CAILIN ARENA and PATRICIA
MCWILLIAM,

Plaintiffs,

vs.

JOHN DOE and GOOGLE, INC.,

Defendants.

Case No.: 2:2012-cv-00778

DECLARATION OF CAILIN ARENA

I, Cailin Arena, declare:

1. I am a plaintiff in the above-captioned action. I submit this declaration in support of a motion for temporary restraining order, preliminary injunction and expedited discovery.

This declaration is based upon my personal knowledge.

2. I am a recent graduate of Temple University, and a U.S. citizen from Philadelphia, Pennsylvania. I am temporarily teaching English language in Japan through Japan's "JET Programme."

3. Since January 3rd, 2012, an unknown individual has been harassing me via various electronic mediums and following my activities online. I am not certain of the identity of this individual, but believe he is located in Pennsylvania. I cannot think of anything I did to this individual to cause or warrant this behavior.

4. These activities have continued to the present. John Doe has posted websites about me which remain online. As recently as this week, I became aware that someone was

trying to gain access to an online account of mine that has restricted access by using a fictitious name. I believe that person was John Doe.

5. I have ceased doing any “blogging” online due to John Doe and have set my online accounts to “private.”

6. John Doe’s acts of harassment began on January 3rd, 2012, when he sent an anonymous email to my boss through my company website. This email contained links to content that was sexual in nature and stated that I was the author of the content.

7. The same day, John Doe sent me the following message through my company website, which is attached as Exhibit A:

Subject: You are ugly.

Message: Sorry to say but you're an ugly brown something. You probably also smell bad. Have fun in Japan, I hear the radiation isn't bad in Fukushima. Why not buy some vegetables from there for you and your ugly brown children.

8. I did not understand the references to being “brown,” but have since come to learn that this is a racial slur.

9. The same day, John Doe created a user account at an online, public forum associated with my employment. My business associates all read and access this online forum. John Doe posted a thread including statements that I was engaging in sexual relationships with members of other races, and implored viewers to visit links to my company website and contact me directly about my conduct.

10. On January 8th, 2012, John Doe created a website entitled “Korean Dating Bloggers,” at <http://secretlivessexbloggers.blogspot.com> (the “Korean Dating Bloggers” website) and associated the website with my name “Cailin Arena.” John Doe also used my name as a

“website tag” for the blog so that it came up prominently in search results for the name “Cailin Arena.”

11. Since July 2010, I have been in a monogamous relationship with a Korean man.

12. The Korean Dating Bloggers website is filled with screenshots from two of my deleted online blogs, pictures stolen from my GooglePlus account, and links to my work information and contact information. It also includes hateful commentary by John Doe and screenshots from the websites of third parties. The website invites readers to send me hateful commentary at my work email address and identifies my location. The website falsely suggests that I am promiscuous, and that I should “give up” my job because I am not professionally fit to perform it.

13. Disturbingly, the screenshots John Doe posts that are the copyrighted materials of mine, which include materials that have not been posted online by me in a year or more. The website indicates that John Doe has been secretly following all of my online activities for at least a year.

14. John Doe also tagged the online content with my place of employment – “AJET,” “Arena,” “Cailin,” “Cailin Arena,” “japan,” “JET,” “korea,” “korean,” “Osaka,” so that it was likely to appear high in Google search results for my name and place of employment.

15. The same day, John Doe created a Tumblr account with my name and job title. He linked to the offensive Blogspot.com website he had created. I contacted Tumblr following this incident and the account was removed within 24 hours.

16. The same day, John Doe created an AboutEveryone.com listing using my name and photograph including the link to the Blogspot.com website along with other taunting comments regarding “how much trouble I was in.”

17. On or about January 9th, 2012, John Doe created a fake Google plus profile, which is still located at <https://plus.google.com/102413284441999134450>. He obtained all of the contacts in my GooglePlus circle, including a vast variety of friends, family members, and business associates, and sent all of my contacts the link to the offensive “Korean Dating Bloggers” website.

18. John Doe distributed content to my family members and colleagues that is infringing, sexually explicit and racially discriminatory, in association with my name and contact information.

19. On information and belief, John Doe created the Tumblr blogs and the fictitious Google Plus profile to direct internet traffic to his “Korean Dating Bloggers” website, causing the blog to appear more prominently in Google search results for “Cailin Arena.” *See* Google Search Results, attached as Exhibit B.

20. I have taken numerous steps to determine the identify of John Doe, but all of my attempts to verify his identity for certain have been thwarted by John Doe’s use of anonymizing software and other activities taken to conceal his identity, as well as Google’s refusal to assist me in identifying him without a court order. *See* Correspondence with Google, attached as Exhibit C-E.

21. Accordingly, I only have a strong suspicion as to John Doe’s identity and need the Court’s assistance to determine his actual identity. *Id.*

22. Unfortunately, I am in the process of searching for employment opportunities in Pennsylvania and abroad and whenever I (or a recruiter or potential employer) search for “Cailin Arena” on Google, I see the website “Korean Dating Bloggers” in the first page of search results. *See* Google Search Results, attached as Exhibit B.

23. Upon information and belief, John Doe resides in Pennsylvania, and is familiar with me and familiar with my efforts to find employment. His actions were taken intentionally for the purpose of harming my reputation, current employment, and prospective employment opportunities.

24. I am also worried that if not identified, John Doe will continue to send the material he has created to any future employers, in attempt to compromise my employment and reputation.

25. Moreover, John Doe's conduct (and my inability to confirm John Doe's identity), has lead to me suffering severe emotional distress, as also intended by John Doe.

26. I have had to miss numerous days away from work, in an already tense situation due to the unwanted communication between John Doe and my coworkers.

27. I own copyright applications, filed February 2, 2012, for photographs I took and writings I authored. They were assigned Serial Nos. 1-720315798 and 1-720315865.

28. John Doe continues to publish the content that is the subject of these copyright applications on his "Korean Dating Bloggers" website.

29. Much of the copyrighted materials republished by John Doe at the website "Korean Dating Bloggers" is content that I created and published anonymously about a year ago, but then removed. He saved screenshots of both my photography and writings and continues to publish this content without my authorization.


30. John Doe admits on his website that the writings and photography are mine and owned by me, and that he copied them. He publishes entire pages of my blog verbatim. He made no changes or alterations I am aware of to the screenshots.

31. He portrays my writings as part of a "sex blog," but this is completely inaccurate.

32. I have obtained IP addresses and other identifying information related to John Doe's identity; however, I have been unable to confirm his identity without a court order requiring Google, Inc., to turn over additional information to me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 17, 2012



Cailin Arena

EXHIBIT A

----- Forwarded message -----

From: <hko2333@yahoo.de>

Date: Wed, Jan 4, 2012 at 12:36 AM

Subject: You're ugly

To: pr@ajet.net

Hello,

Someone has sent you an e-mail message from the National AJET website, which is displayed below.

E-mail address: hko2333@yahoo.de

IP Address: 130.115.100.134

Message sent to you follows:

~~~~~

Sorry to say but you're a ugly brown something.  
You probably also smell bad.

Have fun in Japan, I hear the radiation isn't bad in Fukushima.  
Why not buy some vegetables from there for you and your ugly brown children.



**EXHIBIT B**



Search

About 1,210,000 results (0.34 seconds)

Everything

Images

Maps

Videos

News

Shopping

More

Washington, DC  
Change location

Show search tools

**Caillin Arena | Facebook**

[www.facebook.com/caillinarena](http://www.facebook.com/caillinarena)

Facebook is a social utility that connects people with friends and others who work , study and live around them. People use Facebook to keep up with friends, ...

**Caillin Arena | National AJET**

[ajet.net/tag/caillin-arena/](http://ajet.net/tag/caillin-arena/)

Tag Archives: **Caillin Arena** Winter 2011 AJET Opinion Exchange. Posted on December 20, 2011 · The AJET team at the Winter 2011 Opinion Exchange ...

**In the words of Caillin Arena: Eeeeeeee! by The Shenk on Myspace**

[www.myspace.com/11857452/blog/65348763](http://www.myspace.com/11857452/blog/65348763)

Dec 1, 2005 – **Read In the words of Caillin Arena: Eeeeeeee! by The Shenk on Myspace.** Social entertainment powered by the passions of fans.

**- 日本 Caillin Arena | LinkedIn**

[jp.linkedin.com/pub/caillin-arena/34/b52/391](http://jp.linkedin.com/pub/caillin-arena/34/b52/391) - Japan - Translate this page

**Caillin Arenaさん (日本)** の LinkedIn プロフィールを閲覧する世界最大の LinkedIn は、**Caillin Arena**さんがキャリアアップやビジネスに役立つ人脈および知識を見つけること ...

**Caillin Arena - Trappe, PA | MyLife™**

[www.mylife.com/c-41331124574](http://www.mylife.com/c-41331124574)

Find **Caillin Arena** and other old friends. See what Caillin has been doing for the last few years and then get in touch at MyLife™.

**Caillin Arena - About - Google+**

<https://plus.google.com/102011155936709625900/about>

Jan 22, 2012 – **Caillin Arena - Caillin Arena** ... **Caillin Arena** is using Google+. Join Google+ to connect with the people who matter most. **Caillin Arena**. Posts ...

**Matt Cook elected new AJET Chair | JETwit.com**

[jetwit.com/wordpress/2011/03/02/matt-cook-elected-new-ajet-chair/](http://jetwit.com/wordpress/2011/03/02/matt-cook-elected-new-ajet-chair/)

Mar 2, 2011 – According to fellow Osaka JET **Caillin Arena** (2008-Present): "Matt has spent the past year completely re-defining Osaka AJET. He and the other ...

**Korean Dajing Bloggers: Caillin Arena aka Kei**

[secretlivessexbloggers.blogspot.com/.../blogger-formerly-known-as-...](http://secretlivessexbloggers.blogspot.com/.../blogger-formerly-known-as-...)

Jan 8, 2012 – AJET, Arena, asonde, asonde-kei, blog, Caillin, **Caillin Arena**, japan, JET, Kei, korea, korean, marketing, Osaka, PR, sex, Wakarahen, ...

**ARENA Genealogy**

[www.wikitree.com/genealogy/ARENA](http://www.wikitree.com/genealogy/ARENA)

20+ items – **ARENA** directory on WikiTree, the free collaborative family tree.

|                               |        |              |              |
|-------------------------------|--------|--------------|--------------|
| <b>Maxine Alexandra Arena</b> | 1970's | Sep 8, 2011  | Keith Jacobs |
| <b>Caillin E. Arena</b>       | 1980's | Jul 25, 2011 | Katie Adams  |

**Caillin @ EU-Draenor - Arena Junkies**

[www.arenajunkies.com/char/695969-caillin/](http://www.arenajunkies.com/char/695969-caillin/)

Dec 9, 2011 – **Arena Junkies: Caillin @ EU-Draenor - Arena Junkies.** Jump to content. Curse.com · Curse Client · **Arena Junkies** · WowStead · Diablo Fans ...

1 2 3 4 5 6 7 8 9 10 **Next**

Advanced search Search Help Give us feedback

## **EXHIBIT C**

**From:** "The Blogger Team" <removals@google.com>  
**Date:** BE2555年1月24日 1:15:24 JST  
**To:** "Cailin Arena" <carena@temple.edu>  
**Subject:** Re: [#947565177] Your Request to Google

Hello,

Please note that Blogger.com and Blogspot.com are US sites regulated by US law. Blogger is a provider of content creation tools, not a mediator of that content. We allow our users to create blogs, but we don't make any claims about the content of these pages. Given these facts, and pursuant with section 230(c) of the US Communications Decency Act, Blogger does not remove allegedly defamatory, libelous, or slanderous material from Blogger.com or BlogSpot.com unless required to do so by a court order. If you choose to pursue legal action against the individual who posted this information and that action results in a judicial determination that the material is illegal or should be removed, please send us the court order so that we can take appropriate action.

If a contact email address is listed on the blog, we also recommend you working directly with the author to have the content in question removed or changed.

Regards,  
The Google Team

Original Message Follows:

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**From:** Cailin Arena <carena@temple.edu>  
**Subject:** Re: [#947565177] Your Request to Google  
**Date:** Fri, 20 Jan 2012 13:46:07 +0900

The post containing the infringed material is located at:

<http://secretlivessexbloggers.blogspot.com/2012/01/blogger-formerly-known-as-kei.html>

The original copies of this work are no longer publicly available, but  
were formerly available at

<http://wakarahren.wordpress.com>

<http://us.mg1.mail.yahoo.com/neo/launch?.rand=2flmofnmoverc>

and

<http://asonde-k.tumblr.com>

and my personal google plus profile which has since been deleted.

The link in question names me as the author of this content. It has been reproduced without my permission.

These are screen shots and of my photos and written content.

The author of this blog is stalking me and my acquaintances and collecting shots of our content across a variety of mediums. The suspension of this user account is URGENT.

On Jan 20, 2012, at 10:17 AM, The Blogger Team wrote:

Hello,

Thanks for reaching out to us. We have received your DMCA complaint regarding <http://secretlivessexbloggers.blogspot.com/> dated 1/16/12.

In

order for us to investigate the appropriate content and take further action, please provide us with the specific URLs of the posts where the

infringing content is located. You can obtain the post URL by clicking on

the title of the post or the time-stamp found at the bottom of the allegedly infringing post(s).

Additionally, please provide us with a link to the original source of the

2/6/2012

copyrighted work that you claim has been republished without your authorization. This will help us further investigate the issue and take the appropriate actions.

Thank you for your cooperation in this regard.

Regards,

The Google Team

Original Message Follows:

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From: carena@temple.edu

Subject: Your Request to Google

Date: Tue, 17 Jan 2012 01:19:12 +0000

AutoDetectedBrowser: Internet Explorer 7

AutoDetectedOS: Windows XP

Language: en

IssueType: lr\_dmca

Language: en

agree1: checked

agree: checked

companyname:

country\_residence: US

description\_of\_copyrighted\_work: The website cuts and pastes text I

authored anonymously at the above-blogs and photographs I took. The

2/6/2012

website itself names me as the author of the content.

dmca\_\_signature: Cailin Arena

dmca\_\_signature\_\_date\_\_day: 16

dmca\_\_signature\_\_date\_\_month: 1

dmca\_\_signature\_\_date\_\_year: 2012

full\_name: Cailin Arena

hidden\_dmca\_category: image

hidden\_product: blogger

location\_of\_copyrighted\_work: Previously posted at

<http://wakarahren.wordpress.com/> and <http://asonde-k.tumblr.com/>

represented\_copyright\_holder: Cailin Arena

url\_box\_1: <http://secretlivessexbloggers.blogspot.com/>

**EXHIBIT D**



pr@ajet.net  
Tuesday, January 31, 2012 7:24 PM

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Cailin Arena  
The Association for Japan Exchange and Teaching (AJET)  
Director of Public Relations  
Block 7 Representative  
[pr@ajet.net](mailto:pr@ajet.net) | [block7@ajet.net](mailto:block7@ajet.net)

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Visit us online  
[www.ajet.net](http://www.ajet.net)

Become a fan of AJET on Facebook  
[www.facebook.com/AJETJapan](http://www.facebook.com/AJETJapan)

Follow us on Twitter  
[www.twitter.com/NationalAJET](http://www.twitter.com/NationalAJET)

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----- Forwarded message -----

From: **Cailin Arena** <[pr@ajet.net](mailto:pr@ajet.net)>  
Date: Wed, Feb 1, 2012 at 8:59 AM  
Subject: Re: [#955153513] DMCA Notice Web Form Submission: Cailin Arena  
To: The Google Team <[help@google.com](mailto:help@google.com)>

Hello,

Thanks for getting back to me.

The screen captures of text on <http://secretlivessexbloggers.blogspot.com/2012/01/blogger-formerly-known-as-kei.html> were taken from short stories written by me. There are a total of 9 screen captures of text, some excerpts, some full stories, reproduced without my permission. I am the legitimate copyright holder of this writing.

In addition, the photographs of sushi were taken by me, and stolen off my google plus photography album and reproduced here without my permission.

My stories were FORMERLY available at [wakarahen.wordpress.com](http://wakarahen.wordpress.com) AND [asonde-k.tumblr.com](http://asonde-k.tumblr.com), but have not been available or online for quite some time. However, this should be irrelevant because the infringing blog clearly identifies me, Cailin Arena, by name, as the author and photographer.

Under the Digital Millennium Copyright ACT (DMCA) Google is required to remove infringing material. I have identified every element of a copyright infringement claim that I am required to under the DMCA statute.

Thank you,

Cailin Arena

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Cailin Arena  
The Association for Japan Exchange and Teaching (AJET)  
Director of Public Relations  
Block 7 Representative  
[pr@ajet.net](mailto:pr@ajet.net) | [block7@ajet.net](mailto:block7@ajet.net)

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Visit us online  
[www.ajet.net](http://www.ajet.net)

Become a fan of AJET on Facebook  
[www.facebook.com/AJETJapan](http://www.facebook.com/AJETJapan)

Follow us on Twitter  
[www.twitter.com/NationalAJET](http://www.twitter.com/NationalAJET)

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On Wed, Feb 1, 2012 at 1:30 AM, The Google Team <[help@google.com](mailto:help@google.com)> wrote:  
Hello,

Thanks for reaching out to us.

We have received your attached DMCA complaint, however we need additional information from you in order to continue investigating. For each URL you've provided, please identify the exact content that you claim infringes upon your copyright. Once we have received this information, we will be able to continue our investigation.

We appreciate your cooperation in this regard.

Regards,

**EXHIBIT E**

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**From:** "The Blogger Team" <removals@google.com>  
**Date:** February 3, 2012 5:50:29 AM JST  
**To:** "Cailin Arena" <carena@temple.edu>  
**Cc:** [legal-support@google.com](mailto:legal-support@google.com), [legal-civil@google.com](mailto:legal-civil@google.com)  
**Subject:** Re: [#953561258] DMCA Takedown request

Hello,

In cases where the author is anonymous, please note that in accordance with US state and federal law, it is Blogger's policy to only provide a user's contact information pursuant to a valid third party subpoena or other appropriate legal process.

Regards,  
The Google Team

Original Message Follows:

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**From:** Cailin Arena <carena@temple.edu>  
**Subject:** Re: [#953561258] DMCA Takedown request  
**Date:** Thu, 2 Feb 2012 13:39:19 +0900

Dear Google Team,

Thank you for the prompt response. However, I am confused by your response.

You state: "we would like to assist, you but we do not currently disclose that information." What information does Google not disclose? Does this mean that Google does not disclose why it has refused to assist me, or some other information? Can you tell me what the basis is for Google's refusal to assist?

Also, there is no way for me to contact the site operator because I do not have their identity, and Google has refused to provide it.

Thank you,

Cailin Arena

On Feb 2, 2012, at 10:25 AM, The Blogger Team wrote:

Hello,

At this time, Google has decided not to take action based on our policies concerning content removal. We would like to assist you, but we don't currently disclose this information. Should it become publicly available in the future, you may find it on our site at <http://www.google.com/about.html>. As always, we encourage you to resolve any disputes directly with the owner of the website in question.

If you pursue legal action against this site that results in the removal of the offending material, our search results will display this change after we next crawl the site. If the webmaster makes these changes and you need us to expedite the removal of the cached copy, please submit your request using our webpage removal request tool at <http://www.google.com/webmasters/tools/removals>

Regards,  
The Google Team

Original Message Follows:

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From: Cailin Arena <carena@temple.edu>

Subject: DMCA Takedown request [#953561258]

Date: Thu, 2 Feb 2012 09:05:38 +0900

Hello,

I am writing because since January 17th I have been waiting for a response to my DMCA Violation Takedown request. [#953561258]

Please let me know what the Google Team's reasoning is for not removing a site that is in clear violation of DMCA Copyright law. Under the Digital Millennium Copyright ACT (DMCA) Google is required to remove infringing material. I have identified every element of a copyright infringement claim that I am required to under the DMCA statute.

It is apparent from the website itself that this is an infringement of my copyright as the anonymous owner of the blog identifies me as the author and photographer.

If Google refuses to address what is an obvious violation of U.S. Copyright law in accordance with U.S. statues, and does not remove this infringing material, I will be forced to pursue a lawsuit against Google.

Please respond.

Cailin Arena