

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, LLC,
Plaintiff,

v.

KENNETH R. LAY, in his official capacity as
Secretary of the North Carolina Department of
Revenue,
Defendant.

JANE DOE 1, JANE DOE 2, JANE DOE 3,
JANE DOE 4, JANE DOE 5, JANE DOE 6,
AND CECIL BOTHWELL,
Plaintiffs-Intervenors,

v.

KENNETH R. LAY, in his official capacity as
Secretary of the North Carolina Department of
Revenue, and AMAZON.COM, LLC,
Defendants in Intervention.

No. 2:10-cv-00664-MJP

**DECLARATION OF JANE DOE 2 IN
SUPPORT OF MOTION TO FILE
COMPLAINT IN INTERVENTION
USING PSEUDONYMS**

JANE DOE 2 DECLARATION -- 1
No. 2:10-cv-00664-MJP

AMERICAN CIVIL LIBERTIES UNION
OF WASHINGTON
901 Fifth Avenue, Suite 630
Seattle, Washington 98104-1799
(206) 624-2184

1 I, Jane Doe 2,¹ hereby declare and state as follows:

2 1. I submit this declaration based on my personal knowledge in support of
3
4 Intervenor's Motion to File Complaint in Intervention Using Pseudonyms, in the above-captioned
5 case.

6 2. I am one of the Intervenor's in this action.

7 3. I am General Counsel of a global company and a resident of Raleigh, North
8
9 Carolina.

10 4. I have placed over 200 orders with Amazon since August 2003, often purchasing
11 multiple items in each order. These items include books, DVDs, CDs, games, magazine
12 subscriptions, and other items.

13 5. The products I have purchased reveal very sensitive, personal, and private
14 information about me.

15 6. Among items I have purchased are books with overt political leanings, like
16 Michael Moore's "Dude, Where's My Country?" and Al Franken's "Lies and the Lying Liars
17 Who Tell Them: A Fair and Balanced Look at the Right," books that may or may not reveal my
18 religious beliefs, like "God: The Failed Hypothesis. How Science Shows That God Does Not
19 Exist," and self-help books like "Learned Optimism: How to Change Your Mind and Your Life."
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25
26 ¹ This is not my real name. I am proceeding under a pseudonym in order to protect my
constitutional right to free speech and privacy.

1 7. My records about the items that I have chosen to purchase through Amazon
2 contain very personal and private information, and I have not publicly disclosed that information
3 to others.
4

5 8. It is especially important to me that my purchasing records remain private because
6 I do not want my political and personal beliefs – and my purchasing choices – to taint any of my
7 personal relationships or my professional reputation as General Counsel of a global firm.
8

9 9. I did not know that my purchasing records from Amazon would be accessible to
10 the State of North Carolina. Had I known that this information would be accessible to DOR, I
11 would have considered purchasing the items from another source.
12

13 10. I would like to and intend to continue purchasing and receiving expressive and
14 private items through Amazon in the future. That may change, however, at least for certain
15 items, if my records are turned over to the State of North Carolina. At a minimum, my behavior
16 will be changed as each time I purchase certain items, I will seriously have to consider whether to
17 purchase those items through Amazon and to consider what it would mean if the State obtained
18 that information.
19

20 11. I have purchased expressive and private items from websites other than Amazon
21 in the past, including condoms, and I would like to and intend to continue doing that in the
22 future. That may also change, however, if the State is permitted to obtain my Amazon
23 purchasing records. At a minimum, my behavior will be changed as I will seriously have to
24
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26

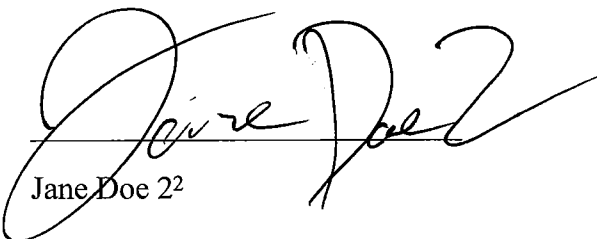
1 consider whether to purchase certain items through websites and to consider what it would mean
2 if the State obtained that information.

3
4 12. Although I want to protect my right to free speech and privacy in what I read,
5 watch, listen to, or purchase, I also want to be able to assert my right to free speech and privacy
6 in court in order to ensure that DOR does not receive personally identifying information from
7 Amazon that reveals my private and expressive information about which items I have purchased.
8 The only way for me to do that is to proceed under a pseudonym, because otherwise, DOR will
9 obtain the very information – my name and the specific items I have purchased through Amazon
10 – that my Complaint in Intervention is seeking to protect.
11

12
13 13. Neither my name nor any other personally identifying information about me
14 (including my image) will be revealed in any public statements that I or my representatives make
15 about this case.

16 Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the
17 foregoing is true and correct to the best of my knowledge, information, and belief.
18

19 DATED this 10th day of June, 2010

20
21 
22 Jane Doe 2²
23

24
25
26 ² As noted above, this is a pseudonym.