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THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, LLC,
Plaintiff,

No. 2:10-cv-00664-MJP

v.

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

**DECLARATION OF JANE DOE 3 IN
SUPPORT OF MOTION TO FILE
COMPLAINT IN INTERVENTION
USING PSEUDONYMS**

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.

JANE DOE 3 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 3,¹ 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 a writer for a software company and a resident of Raleigh, North Carolina.

8 4. I have purchased numerous items from Amazon since August 2003.

9
10 5. The products I have purchased reveal very sensitive, personal, and private
11 information about me.

12
13 6. I am an Atheist. I have purchased several books reflecting my personal beliefs
14 through Amazon, including "Godless: How an Evangelical Preacher Became One of America's
15 Leading Atheists," by Dan Barker and Richard Dawkins, "God Is Not Great: How Religion
16 Poisons Everything," by Christopher Hitchens, and "The God Delusion," by Richard Dawkins. I
17 have also purchased DVDs through Amazon reflecting my political and personal beliefs,
18 including "The God Who Wasn't There," a documentary highly critical of modern Christianity
19 which questions the existence of Jesus Christ, and "Religulous," a politically charged
20 documentary by Bill Maher which criticizes organized religions of all types.
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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.

JANE DOE 3 DECLARATION -- 2
No. 2:10-cv-00664-MJP

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1 7. I am not “out” about my Atheism. I am extremely anxious about this private and
2 personal information being obtained by the government, and am concerned that such a disclosure
3 would seriously affect my reputation and career, and reveal my personal beliefs.
4

5 8. That is especially the case at my job. Many of the people at my company,
6 including my direct supervisor, are quite religious, and I do not want them to find out that I am
7 an Atheist. I am extremely concerned that if my personal beliefs were discovered, my supervisor
8 would treat me differently, whether consciously or unconsciously.
9

10 9. I have also purchased books on mental health conditions through Amazon in order
11 to better understand the conditions afflicting my former spouse, including “Malignant Self Love
12 – Narcissism Revisited,” by Sam Vaknin, “Narcissism: Denial of the True Self,” by Alexander
13 Lowen, and “Stop Walking On Eggshells: Taking Your Life Back When Someone Your Care
14 About Has Borderline Personality Disorder,” by Paul T. Mason. The subject matters of these
15 books are highly personal and sensitive, and concern the most intimate of personal and family
16 issues that I have had to face.
17
18

19 10. I likewise purchased “The Seven Principles For Making Marriage Work: A
20 Practical Guide From the Country’s Foremost Relationship Expert,” by John M. Gottman, in an
21 attempt to salvage my marriage. Information revealing my marital difficulties concerns a
22 similarly personal and private matter that I believe is no one else’s business.
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1 11. I purchased these books through Amazon both because it was convenient to do so
2 and because I did not want others physically to see me with such books. I do not want anyone to
3 know these intimate details about my personal and family situation.
4

5 12. I also purchased several books about cancer, such as "Eating Well Through
6 Cancer: Easy Recipes & Recommendations During & After Treatment," by Holly Clegg, and
7 "Cancer: 50 Essential Things To Do: Revised and Updated," by Greg Anderson. Cancer is a
8 highly intimate and private matter, and I do not want anyone, especially the government, to know
9 that I have purchased such books.
10

11 13. My records about the items that I have chosen to purchase through Amazon
12 contain very personal and private information, and I have not publicly disclosed that information
13 to others.
14

15 14. I did not know that my purchasing records from Amazon would be accessible to
16 the State of North Carolina. Had I known that this information would be accessible to DOR, I
17 would have considered purchasing the items from another source.
18

19 15. I would like to and intend to continue purchasing and receiving expressive and
20 private items through Amazon in the future. That may change, however, at least for certain
21 items, if my records are turned over to the State of North Carolina. At a minimum, my behavior
22 will be changed as each time I purchase certain items, I will seriously have to consider whether to
23 purchase those items through Amazon and to consider what it would mean if the State obtained
24 that information.
25
26

1 16. I have purchased expressive and private items from websites other than Amazon
2 in the past, and I would like to and intend to continue doing that in the future. That may also
3 change, however, if the State is permitted to obtain my Amazon purchasing records. At a
4 minimum, my behavior will be changed as I will seriously have to consider whether to purchase
5 certain items through websites and to consider what it would mean if the State obtained that
6 information.
7

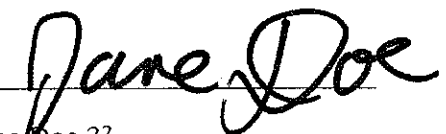
8 17. Although I want to protect my right to free speech and privacy in what I read,
9 watch, listen to, or purchase, I also want to be able to assert my right to free speech and privacy
10 in court in order to ensure that DOR does not receive personally identifying information from
11 Amazon that reveals my private and expressive information about which items I have purchased.
12 The only way for me to do that is to proceed under a pseudonym, because otherwise, DOR will
13 obtain the very information – my name and the specific items I have purchased through Amazon
14 – that my Complaint in Intervention is seeking to protect.
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18 18. Neither my name nor any other personally identifying information about me
19 (including my image) will be revealed in any public statements that I or my representatives make
20 about this case.
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Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this ^{21st} day of June, 2010


Jane Doe 3²

² As noted above, this is a pseudonym.