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12

13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**
15

16 DOE PUBLIUS and DEREK HOSKINS,

17 Plaintiffs,

18 v.

19 DIANE F. BOYER-VINE, in her official
20 capacity as Legislative Counsel of California,

21 Defendant.
22
23
24
25
26
27
28

Case No.: 1:16-CV-01152-LJO-SKO

**DECLARATION OF DEREK HOSKINS
IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date:
Hearing Time: 8:30 a.m.
Judge: Hon. Lawrence J. O'Neill
Courtroom 4, Seventh Floor
Action Filed: Aug. 5, 2016

1 I, Derek Hoskins, declare:

2 1. I have personal knowledge of the matters set forth in this declaration, and would be
3 able to testify competently to these facts if called as a witness.

4 2. I am the owner of Northeastshooters.com, New England's premier online forum for
5 discussing firearms issues and shooting sports activities. Through Northeastshooters, Hoskins
6 seeks to provide a forum that allows uninhibited debate; citizens often discuss firearms laws and
7 legislation on the site.

8 3. On July 11, 2016, I received a message from Kathryn Londenberg, Deputy
9 Legislative Counsel with the Legislative Counsel of California stating that a forum user had posted
10 the home addresses of California legislators on a discussion thread and demanding that I remove
11 the addresses from the site. The message stated, in full:

12 RE: DEMAND FOR REMOVAL OF LEGISLATORS' HOME ADDRESSES
13 FROM THE INTERNET

14 To whom it may concern:

15 My office represents the California State Legislature. It has come to our attention
16 that the home addresses of approximately 14 Senators and 26 Assembly Members
17 have been publically posted on an Internet Web site hosted by you without the
18 permission of these elected officials. Specifically, the user on your platform by the
19 name of "headednorth" posted the home addresses of these elected officials on your
20 website at [https://www.northeastshooters.com/vbulletin/threads/313278-
GOVERNMENT-WARNS-SITE-TO-REMOVE-LIST-OF-STATE-SENATORS-
WHO-PASSED-GUN-CONTROL/page2](https://www.northeastshooters.com/vbulletin/threads/313278-GOVERNMENT-WARNS-SITE-TO-REMOVE-LIST-OF-STATE-SENATORS-WHO-PASSED-GUN-CONTROL/page2).

21 This letter constitutes a written demand under subdivision (c) of Section 6254.21 of
22 the Government Code that you remove these home addresses from public display
23 on that Web site, and to take steps to ensure that these home addresses are not
24 reposted on that Web site, a subsidiary Web site, or any other Web site maintained
25 or administered by you or over which you exercise control. Publicly displaying
26 elected officials' home addresses on the Internet represents a grave risk to the safety
27 of these elected officials. The Senators and Assembly Members whose home
28 addresses are listed on this Web site fear that the public display of their addresses
on the Internet will subject them to threats and acts of violence at their homes.
To comply with the law, please remove the home addresses of these elected
officials from your Web site no later than 48 hours after your receipt of this demand
(cl. (i), subpara. (D), para. (1), subd. (c), Sec. 6254.21, Gov. C.). You are also
required to continue to ensure that this information is not reposted on that Web site,
any subsidiary Web site, or any other Web site maintained by you (subpara. (D),
para. (1), subd. (c), Sec. 6254.21, Gov. C.).

Please contact me . . . if you have any questions regarding this letter. If these home
addresses are not removed from this Web site in a timely manner, we reserve the

1 right to file an action seeking injunctive relief, as well as associated court costs and
attorney's fees (para. (2), subd. (c), Sec. 6254.21, Gov. C.).

2 Very truly yours,

3 Kathryn Londenberg
4 Deputy Legislative Counsel
Legislative Counsel Bureau

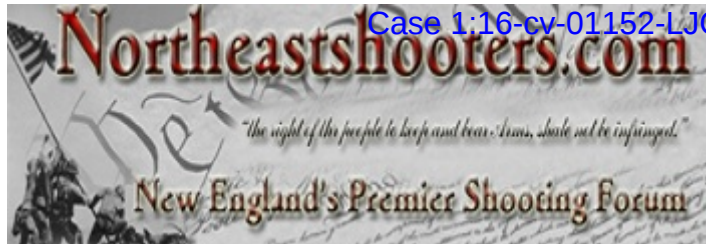
5 A true and correct copy of the e-mail is attached as Exhibit B.

6 4. The addresses were posted in a discussion thread titled "GOVERNMENT WARNS
7 SITE TO REMOVE LIST OF STATE SENATORS WHO PASSED GUN CONTROL," which
8 was discussing the controversy over the Legislative Counsel's takedown demand to "The Real
9 Write Winger," that is now the subject of this lawsuit. Specifically, the Legislative Counsel took
10 issue with one commenter who stated "[t]hey [the legislators] must realize after its on the web, it
11 can be copied by others and posted somewhere else over and over. Like this," then reposted the
12 legislators' contact information. A true and correct copy of the post is attached as Exhibit A.

13 5. In response to the government's threat, I removed the post from the forum. But for
14 § 6254.21(c) and the Legislative Counsel's demand (and the threat of statutory sanctions), I would
15 not have removed the legislators' contact information, and would not undertake any effort to
16 ensure that such information was not reposted on Northeastshooters.com.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed December 14, 2016 in New Hampshire.

19 
20 _____
DEREK HOSKINS



GOVERNMENT WARNS SITE TO REMOVE LIST OF STATE SENATORS WHO PASSED GUN CONTROL

Printable View

copterdoctor

07-10-2016, 03:22 PM

GOVERNMENT WARNS SITE TO REMOVE LIST OF STATE SENATORS WHO PASSED GUN CONTROL

California
Laws for thee, but not for me.....

<https://burstupdates.wordpress.com/2...nfo-on-owners/>

ivarr

07-10-2016, 03:48 PM

good, call the ****ers out.
that want to publish names and addresses, let them be subject to the same scrutiny.

whalerman69

07-10-2016, 03:50 PM

Wow just another fine example of how f'ed we are...

MachineHead

07-10-2016, 03:50 PM

Fair is fair. Good!

Dean Crawford

07-10-2016, 03:58 PM

Damn Skippy.

Dean

FreeWillie

07-10-2016, 04:12 PM

Cockroaches don't won't to be seen. That's why they scurry under the fridge when the light gets turned on.

Kevin_NH

07-10-2016, 04:41 PM

It'd have been no big deal if they stuck with a list of names, but [Real Write Winger](#) chose to publish the home addresses and home phone numbers.

Quote:

Originally Posted by SacBee

In a letter to WordPress dated July 8, the Office of Legislative Counsel demanded that the post be removed. The letter, obtained by [The Sacramento Bee](#) on Saturday, cites [a section of government code](#) barring the posting of an elected official's personal information, warning that allowing the post to remain up "presents a grave risk to the safety of these elected officials."

"The Senators and Assembly members whose home addresses are listed on this Web site fear that the public display of their addresses on the Internet will subject them to threats and acts of violence at their homes," the letter reads.

MisterHappy

07-10-2016, 04:51 PM

This is wrong. How can our rulers do their job, if little people constantly interfere?

SpaceCrittter

Quote:

Originally Posted by Kevin_NH >>

It'd have been no big deal if they stuck with a list of names, but [Real Write Winger](#) chose to publish the home addresses and home phone numbers.

Can't speak for California, but here in Connecticut, home address of an elected official is a matter of public record.

ivarr

07-10-2016, 04:54 PM

Quote:

Originally Posted by Kevin_NH >>

It'd have been no big deal if they stuck with a list of names, but chose to publish the home addresses and home phone numbers.

" The **LEGAL FIREARMS OWNERS WHO WERE SIMPLY EXERCISING THEIR CONSTITUTIONAL RIGHTS** whose home addresses are listed on this Web site fear that the public display of their addresses on the Internet will subject them to threats and acts of violence at their homes "

MarkT

07-10-2016, 04:57 PM

I hated it when some newspaper posted the names and addresses of CCW holders in their state. I forgot where it was, but it wasn't too long ago.

I don't hate this recent news, but it does bother me in the same way. Names are ok, but home addresses should be off limits.

Finalygotabeltfed

07-10-2016, 05:04 PM

EXHIBIT A

Kalifornia government wants to do their screwing in the dark.

If a bill to publish gun owner's names and addresses came up they'd be jumping in with both feet.

Dadstoys

07-10-2016, 05:06 PM

I'm good with it.

For those who think it's too much , keep in mind that folks on that list wouldn't lose a minutes sleep if your door got kicked in and your family taken out in the process of furthering their agenda.

Not one minute.

Tyke

07-10-2016, 05:17 PM

Quote:

Originally Posted by Kevin_NH [»](#)

It'd have been no big deal if they stuck with a list of names, but [Real Write Winger](#) chose to publish the home addresses and home phone numbers.

Read the section of Gov't Code linked to by the Sacramento Bee -- I see 1A challenges all over the place. I nearly laughed at this part:

Quote:

(ii) After receiving the elected or appointed official's written demand, the person, business, or association shall not transfer the appointed or elected official's home address or telephone number to any other person, business, or association through any other medium.

Simply ludicrous.

headednorth

07-10-2016, 05:26 PM

Case 1:16-cv-01452-LCO-SKO Document 1-3 Filed 12/15/16 Page 8 of 24
They must realize that it is not the job of the government to remove the list of state senators who passed gun control over. Like this,

Ben Allen

Redacted

James (Jim) T Beall

Redacted

Marty Block

Kevin De León

Steve Glazer

Redacted

Isadore Hall, III

Redacted

Loni Hancock

Ed Hernandez

Robert Hertzberg

Redacted

Gerald (Jerry) Hill

Ben Hueso

Redacted

Hannah-Beth Jackson

Ricardo Lara

Mark Leno Case 1:16-cv-01152-LJO-SKO Document 19-3 Filed 12/15/16 Page 9 of 24

Connie Leyva

Redacted

Carol Liu

Redacted

Michael (Mike) McGuire

Redacted

Antonio (Tony) Mendoza

Redacted

Holly J Mitchell

Redacted

Bill Monning

Richard Pan

Redacted

Fran Pavley

Redacted

Robert (Bob) A Wieckowski

Luis Alejo

Redacted

Redacted

Case 1:16-cv-01152-LJO-SKO Document 19-3 Filed 12/15/16 Page 10 of 24

Joaquin Arambula

Toni Atkins

Redacted

Catharine Baker

Redacted

Richard Bloom

Susan Bonilla

Redacted

Rob Bonta

Redacted

Cheryl Brown

Redacted

Autumn Burke

Ian Calderon

Nora Campos

Redacted

Ling-Ling Chang

Redacted

Edwin Chau Case 1:16-cv-01152-LJO-SKO Document 19-3 Filed 12/15/16 Page 11 of 24

Redacted
[Redacted]

David Chiu

Kansen Chu

Redacted
[Redacted]

Ken Cooley

Redacted
[Redacted]

James Cooper

Redacted
[Redacted]

Matt Dababneh

Redacted
[Redacted]

Tom Daly

Bill Dodd

Redacted
[Redacted]

Susan Eggman

Redacted
[Redacted]

Cristina Garcia

Eduardo Garcia

Michael Gatto

Mike Gipson

Redacted

Jimmy Gomez

Redacted

Lorena Gonzalez

Rich Gordon

Roger Hernández

Chris Holden

Jacqui Irwin

Redacted

Reginald (Reggie) Jones-Sawyer

Marc Levine

Redacted

Patty Lopez

Redacted

Kevin McCarty

Redacted

Kevin Mullin

Redacted

Redacted
Adrin Nazarian
Patrick O'Donnell

Redacted

William Quirk
Redacted

Sebastian Ridley-Thomas
Redacted

Miguel Santiago
Mark Stone
Tony Thurmond
Phil Ting
Shirley Weber

Redacted

Das Williams
Jim Wood
Anthony Rendon

Then it just becomes an endless game of whack-a-mole.

[QUOTE=coptrd Case 5:16-cv-01152-JO-SKO Document 19-3 Filed 12/15/16 Page 14 of 24
Laws for thee, but not for me.....

In the Kommiewealth too. I tried too look up my neighbors' tax bills on the town website. Two neighbors were not listed. One was a cop and the other a lawyer. Rules for thee but not for me!!!!

Steve

wahsben

07-10-2016, 07:16 PM

So many treasonous scum.

CTpatriot

07-10-2016, 07:19 PM

Wonder how many are gun owners.

Lank

07-10-2016, 07:21 PM

7.62 FMJ

Is my favorite cartridge

SpaceCrittter

As I have said - many, MANY times here and elsewhere - a lot of horseshit will go away when it is required that ANYONE - elected, appointed, hired or contracted* - on the public dime has his/hers/its personal contact information made public. The taxpayers deserve to know for whom/what they are paying. Don't want to disclose? Find work elsewhere.

* In the case of contractors, that means the corporation's principal officers and major shareholders. And yes, that includes home addresses. My business has, from time to time, had contracts with government entities - still does with one, as a matter of fact - and as part of the disclosure required for that, my personal contact information has been part of the public record.

EC1

07-10-2016, 07:34 PM

Quote:

Originally Posted by Mark T [»](#)

I hated it when some newspaper posted the names and addresses of CCW holders in their state. I forgot where it was, but it wasn't too long ago.

I don't hate this recent news, but it does bother me in the same way. Names are ok, but home addresses should be off limits.

One major difference, the CCW holders were not elected to PUBLIC OFFICE.

soloman02

07-11-2016, 12:34 AM

Quote:

Originally Posted by Kevin_NH [»](#)

It'd have been no big deal if they stuck with a list of names, but [Real Write Winger](#) chose to publish the home addresses and home phone numbers.

"When a man ass [Cases 1:16-cv-01452-JCS Document 1-3 Filed 12/15/16 Page 16 of 24](#)

Elected officials are not supposed to be above the citizenry. As such, they should have their home addresses published. That is the price one should accept to serve as an elected official. One willingly gives up a certain amount of privacy by running for office and being elected.

Also, this is the 21st century. Good luck to anyone who thinks they can enforce such a retarded law. All it takes is to buy a domain and server from a company in a foreign country (like one of the Eastern bloc countries) and there is no way the government of CA is ever taking down that list.

Bfatz

07-11-2016, 09:04 AM

Most local towns cities what have you have online GIS programs lol finding one place of residence is very accessible oh and the you have Zillow, the list goes on ... No secrets

Kevin_NH

07-11-2016, 09:23 AM

If the purpose was not to make a threat, then why include home addresses?

Making a "[true threat](#)" is not protected speech, but anything short of that is (see NAACP v. Claiborne Hardware and [Elonis v. United States](#))

The first amendment likely protects publishing a hit list of the names and addresses of "Tyrants" and saying their name will be removed "upon the tyrant's death". Speech that only makes it more likely that some person will be harmed in the future by an unknown party is not actionable, but is creepy.

robjax

07-11-2016, 09:46 AM

what do you mean it warns the site to remove the list? Cite the law that says what they did is illegal otherwise STFU.

Kevin_NH

07-11-2016, 10:08 AM

Quote:

Originally Posted by robjax 

what do you mean it warns the site to remove the list? Cite the law that says what they did is illegal otherwise STFU.

You're late to the game. See [reply #7](#). California gov't code 6254.21

bigblue

07-11-2016, 10:10 AM

Quote:

Originally Posted by Kevin_NH 

You're late to the game. See [reply #7](#). California gov't code 6254.21

So the US Gummit can't even get to Wikileaks but you think Kommifornia can take down a list of names from the internet? Good luck with that.

Len-2A Training

07-11-2016, 10:11 AM

Quote:

Originally Posted by robjax 

what do you mean it warns the site to remove the list? Cite the law that says what they did is illegal otherwise STFU.

It's CA, they will make up a law if they have to! [shocked]

robjax

07-11-2016, 10:14 AM

Quote:

Originally Posted by robjax [»](#)

what do you mean it warns the site to remove the list? Cite the law that says what they did is illegal otherwise STFU.

I stand corrected...

Quote:

Originally Posted by Kevin_NH [»](#)

You're late to the game. See [reply #7](#). California gov't code 6254.21

yup, I missed that. I guess they'll have to take that down then.

Quote:

Originally Posted by Len-2A Training [»](#)

It's CA, they will make up a law if they have to! [shocked]

Seems they thought of this one in advance....lol

mikem317

07-11-2016, 10:15 AM

Thread reminded me of this:

<https://www.youtube.com/watch?v=G6ICoHUFgkA>

<https://www.youtube.com/watch?v=G6ICoHUFgkA>

Len-2A Training

07-11-2016, 10:19 AM

Quote:

Originally Posted by robjax 

I stand corrected...

yup, I missed that. I guess they'll have to take that down then.

Seems they thought of this one in advance....lol

Why am I not surprised.

I know that my state rep/sen have purposely published their home phone numbers so that constituents can reach them at home in the past.

Kevin_NH

07-11-2016, 10:36 AM

Quote:

Originally Posted by bigblue 

So the US Gummit can't even get to Wikileaks but you think Kommifornia can take down a list of names from the internet? Good luck with that.

I don't think they can (or should) be successful in taking down the list, but the law does give California more ways to harass Real Write Winger, including empowering each legislator to go after RWW for +\$4,000.

As mentioned above, the blog post may not rise to the level of a "true threat", so is protected by the first amendment, just as newspapers publishing a list and map of CCW holder's homes is protected by the first amendment. Doesn't make it morally right.

robjax

07-11-2016, 10:42 AM

Quote:

Originally Posted by [Case 1:16-cv-01152-LJO-SKO Document 19-3 Filed 12/15/16 Page 20 of 24](#)

Why am I not surprised.

I know that my state rep/sen have purposely published their home phone numbers so that constituents can reach them at home in the past.

I'd be interested to know when that passed. Probably recently as they and other states have been toying with the idea of publishing LTC holder's info. Seems the slipped that one by buried in another bill.

drumenigma

07-11-2016, 10:49 AM

I'm not seeing anything wrong with it. Those people just legislated more of CA's rights and property away. Passing bad laws should have consequences.

Noreaster78

07-11-2016, 11:10 AM

Quote:

Originally Posted by BfatZ [»](#)

Most local towns cities what have you have online GIS programs lol finding one place of residence is very accessible oh and the you have Zillow, the list goes on ... No secrets

Interesting tidbit. When i first moved into that neighborhood, i only knew the first name of a local LEO that lived down the street. I pulled up the GIS site for my town to get his last name. The address was listed, but names or any other identifying information was blocked. It seems the town hides information for at least LEOs.

MarkT

07-11-2016, 11:12 AM

Quote:

Originally Posted by MarkT [»](#)

I hated it when some newspaper posted the names and addresses of CCW holders in their state. I forgot where it was, but it wasn't too long ago.

I don't hate this recent news, but it does bother me in the same way. Names are ok, but home addresses should be off limits.

Quote:

Originally Posted by EC1 [»](#)

One major difference, the CCW holders were not elected to PUBLIC OFFICE.

Fair enough.

Len-2A Training

07-11-2016, 11:14 AM

Quote:

Originally Posted by robjax [»](#)

I'd be interested to know when that passed. Probably recently as they and other states have been toying with the idea of publishing LTC holder's info. Seems the slipped that one by buried in another bill.

I just glanced at the cited law and it appears that it might be 1998 when it was passed.

Quote:

Originally Posted by Noreaster78 [»](#)

Interesting tidbit. When i first moved into that neighborhood, i only knew the first name of a local LEO that lived down the street. I pulled up the GIS site for my town to get his last name. The address was listed, but names or any other identifying information was blocked. It seems the town hides information for at least LEOs.

MGL protects privacy of LEOs and families from being listed in the public street lists. Either assessors don't know/care about this or perhaps that isn't illegal but from what I've seen the info is available there. Same wrt county deed records.

All times are GMT -4. The time now is 01:42 PM.

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Digital Point modules: Sphinx-based search

Redacted

----- Forwarded Message -----

Subject:Northeastshooters.com Forums Contact Us Form - Report illegal content

Date:Mon, 11 Jul 2016 15:19:42 -0500

From:Kathryn Londenberg - Northeastshooters.com Forums <Kathryn.Londenberg@lc.ca.gov>

To:dhoskins@northeastshooters.com

The following message was sent to you via the Northeastshooters.com Forums Contact Us form by Kathryn Londenberg (<mailto:Kathryn.Londenberg@lc.ca.gov>).

July 11, 2016

www.northeastshooters.com

RE: DEMAND FOR REMOVAL OF LEGISLATORS¹ HOME ADDRESSES FROM THE INTERNET

To whom it may concern:

My office represents the California State Legislature. It has come to our attention that the home addresses of approximately 14 Senators and 26 Assembly Members have been publically posted on an Internet Web site hosted by you without the permission of these elected officials. Specifically, the user on your platform by the name of 'headednorth²' posted the home addresses of these elected officials on your website at <https://www.northeastshooters.com/vbulletin/threads/313278-GOVERNMENT-WARNS-SITE-TO-REMOVE-LIST-OF-STATE-SENATORS-WHO-PASSED-GUN-CONTROL/page2>.

This letter constitutes a written demand under subdivision (c) of Section 6254.21 of the Government Code that you remove these home addresses from public display on that Web site, and to take steps to ensure that these home addresses are not reposted on that Web site, a subsidiary Web site, or any other Web site maintained or administered by you or over which you exercise control. Publicly displaying elected officials¹ home addresses on the Internet represents a grave risk to the safety of these elected officials. The Senators and Assembly Members whose home addresses are listed on this Web site fear that the public display of their addresses on the Internet will subject them to threats and acts of violence at their homes.

To comply with the law, please remove the home addresses of these elected officials from your Web site no later than 48 hours after your receipt of this demand (cl. (i), subpara. (D), para. (1), subd. (c), Sec. 6254.21, Gov. C.). You are also required to continue to ensure that this information is not reposted on that Web site, any subsidiary Web site, or any other Web site maintained by you (subpara. (D), para. (1), subd. (c), Sec. 6254.21, Gov. C.).

Please contact me at (916) 341-8161 or Kathryn.Londenberg@lc.ca.gov if you have any questions regarding this letter. If these home addresses are not removed from this Web site in a timely manner, we reserve the right to file an action seeking injunctive relief, as well as associated court costs and attorney's fees (para. (2), subd. (c), Sec. 6254.21, Gov. C.).

Very truly yours,

Kathryn Londenberg
Deputy Legislative Counsel
Legislative Counsel Bureau

Referring Page:
IP Address: 198.135.224.110
User Name: Unregistered
User ID: 0
Email: Kathryn.Londenberg@lc.ca.gov