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17 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

16 DOE PUBLIUS and DEREK HOSKINS,
17
18 Plaintiffs,
19
20 v.
21 DIANE F. BOYER-VINE, in her official
22 capacity as Legislative Counsel of California,
23
24 Defendant.

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

**DECLARATION OF DOE PUBLIUS 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, Doe Publius, 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 maintain a political blog under the alias “The Real Write Winger,”
5 <https://therealwritewinger.wordpress.com/>. The blog focuses on California politics, with a
6 particular emphasis on criminal law, civil rights and liberties, and the right to keep and bear arms
7 secured by the Second Amendment to the U.S. Constitution.

8 3. On July 5, 2016, I posted a blog entry criticizing recent legislation passed by the
9 Legislature and signed into law by Governor Jerry Brown, which I believe violate the
10 constitutional rights and liberties of California gun owners. More specifically, I believe the
11 legislation, including the State’s collection of personal information for ammunition purchases,
12 infringes on the privacy and liberty interests California gun owners. A true and correct copy of the
13 article, titled “Tyrants to be registered with California gun owners,” is attached as Exhibit A to the
14 Complaint in this action filed August 5, 2016, and a redacted version is attached as Exhibit A.

15 4. Included in the article is a list of home addresses and phone numbers of fourteen
16 California State Senators and twenty-six California State Assembly Members. I obtained the
17 addresses and phone numbers listed in the article through searching public records in free
18 databases online (www.zabasearch.com), then compiled the results of the search for the post.

19 5. As the post indicates, posting the home addresses and telephone numbers was
20 integral to my message: The point was to establish a “tyrant registration” as a protest measure
21 against the State’s efforts to compile information about gun owners. In addition to the new
22 ammunition registry, laws that require gun owners to register rifles as assault weapons force us to
23 not be able transfer or bequeath them, unless they are turned in or sold out of state “upon our
24 deaths.” In other words, I was trying to mimic the state’s registry of citizens with assault weapons
25 until our deaths.

26 6. On or around July 12, WordPress.com (the Internet hosting service for my blog)
27 disabled my post and removed it from the Internet. In response to an e-mail inquiry to WordPress,
28 I learned that the California Legislative Counsel sent a written demand to WordPress.com,

1 threatening to pursue a lawsuit if WordPress did not remove the post pursuant to California
 2 Government Code section 6254.21(c). A true and correct copy of an e-mail exchange between
 3 Plaintiff and WordPress, which includes the Legislative Counsel's takedown request, is attached as
 4 Exhibit B.

5 7. After receiving the takedown demand, I reviewed Section 6254.21. I understand
 6 that, under the terms of this Section 6254.21(c), I am barred from reposting this information for
 7 four years. Cal. Gov't Code § 6254.21(c)(1)(C). I also understand that violating the statute can
 8 lead to civil and potentially criminal consequences. But for Section 6254.21(c) and the Legislative
 9 Counsel's demand (and the threat of civil and criminal statutory sanctions), I would re-post the
 10 legislators' addresses and phone numbers to my blog, and would leave such information on the
 11 Internet.

12 8. I have chosen to publish my blog under an alias and provide political commentary
 13 and criticism anonymously. I understand that this right is protected by the First Amendment. As a
 14 result of the Legislative Counsel's actions, my speech critical of the government has been
 15 censored, and the State has compromised my ability to control the content of my own message. I
 16 have now chosen to pursue this case under a pseudonym in the hopes of vindicating my First
 17 Amendment rights. I have reviewed Section 6254.21, and fear that revealing my identity may
 18 subject me to unfounded retaliatory prosecution under the criminal provisions of the statute. I also
 19 fear that the legislators I have identified, either individually or through the Legislative Counsel's
 20 Office, will further seek to further punish me and censor my protected speech by taking further
 21 action under the statute.

22 I declare under penalty of perjury under the laws of the State of California that the
 23 foregoing is true and correct. Executed December ___, 2016 in California.

24 Doer Publius
 25 DOE PUBLIUS
 26
 27
 28

Tyrants to be registered with gun owners

therealwritewinger in Uncategorized ⌚ July 5, 2016 ≡ 804 Words

If you're a gun owner in California, the government knows where you live. With the recent anti gun, anti Liberty bills passed by the legissexuals in the State Capitol and signed into law by our senile communist governor, isn't it about time to register these tyrants with gun owners?

Compiled below are the names, home addresses, and home phone numbers of all the legislators who decided to make you a criminal if you don't abide by their dictates.

"Isn't that dangerous, what if something bad happens to them by making that information public?" First, all this information was already public; it's just now in one convenient location. Second, it's no more dangerous than, say, these tyrants making it possible for free men and women to have government guns pointed at them while they're hauled away to jail and prosecuted for the crime of exercising their rights and Liberty.

These tyrants are no longer going to be insulated from us. They used their power we entrusted them with to exercise violence against us if we don't give up our rights and Liberty. This common sense tyrant registration addresses this public safety hazard by giving the public the knowledge of who and where these tyrants are in case they wish to use their power for violence again.

So below is the current tyrant registry. These are the people who voted to send you to prison if you exercise your rights and liberties. This will be a constantly updated list depending on future votes, and if you see a missing address or one that needs updating, please feel free to contact me. And please share this with every California gun owner you know.

To be fair, the only way for a tyrant to have their name removed from the tyrant registry is to pass laws which repeal the laws that got them added to the list, or upon the tyrant's death. Otherwise, it is a permanent list, even after the tyrant leaves office. The people will retain this information and have access to it indefinitely.

California State Senators

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

Connie Leyva

Redacted

Carol Liu

Redacted

Michael (Mike) McGuire

Redacted

Antonio (Tony) Mendoza

Redacted

Holly J Mitchell

Redacted

Bill Monning

Richard Pan

Redacted

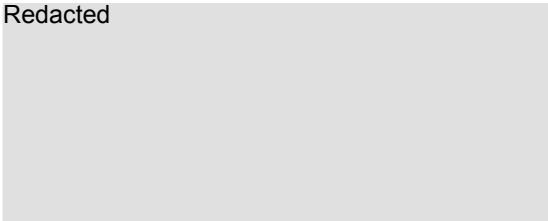
Fran Pavley

Redacted

Robert (Bob) A Wieckowski

Lois Wolk

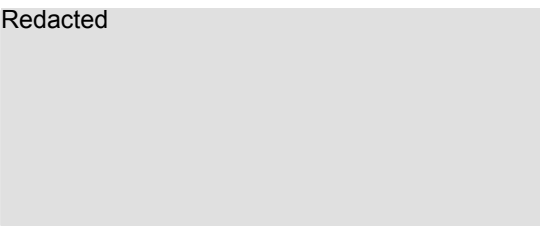
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California State Assembly Members

Luis Alejo

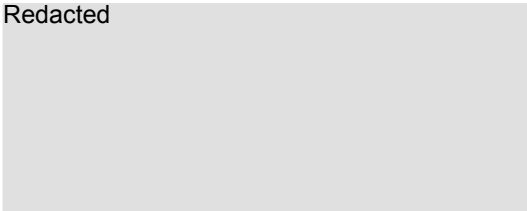
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Joaquin Arambula

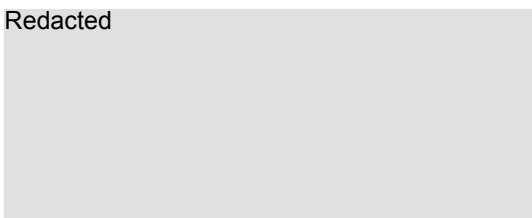
Toni Atkins

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Catharine Baker

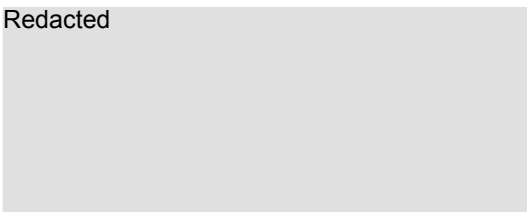
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Richard Bloom

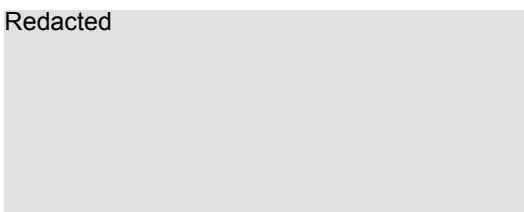
Susan Bonilla

Redacted

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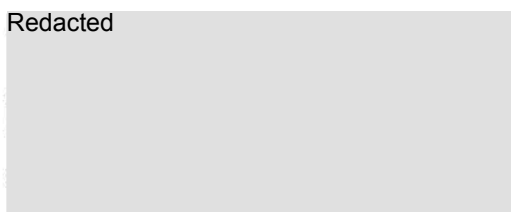
Rob Bonta

Redacted

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Cheryl Brown

Redacted

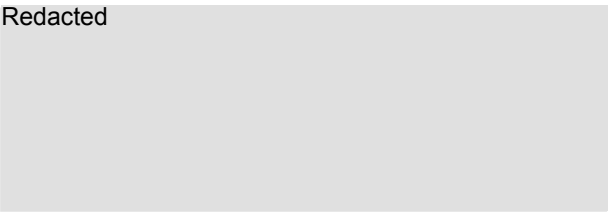
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Autumn Burke

Ian Calderon

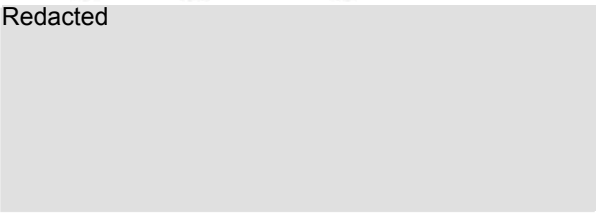
Nora Campos

Redacted



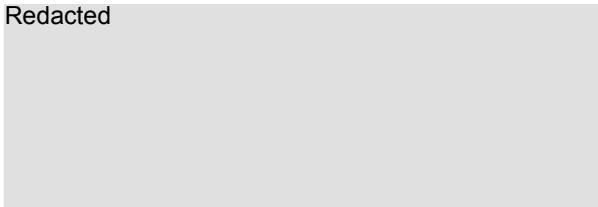
Ling-Ling Chang

Redacted



Edwin Chau

Redacted



David Chiu

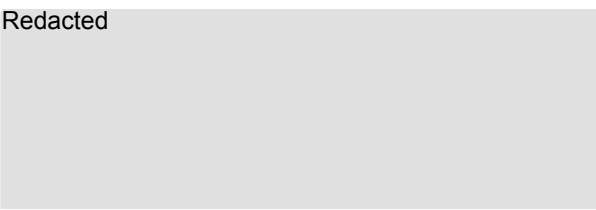
Kansen Chu

Redacted



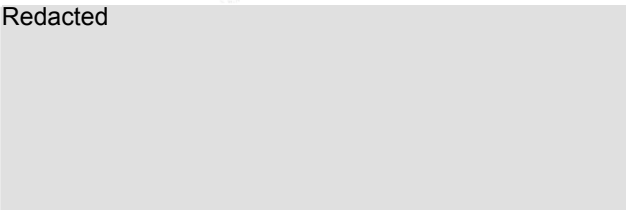
Ken Cooley

Redacted



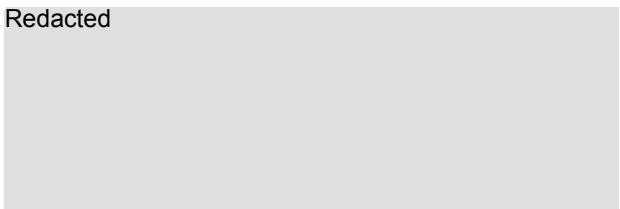
James Cooper

Redacted



Matt Dababneh

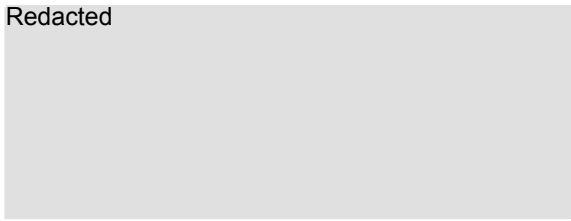
Redacted



Tom Daly

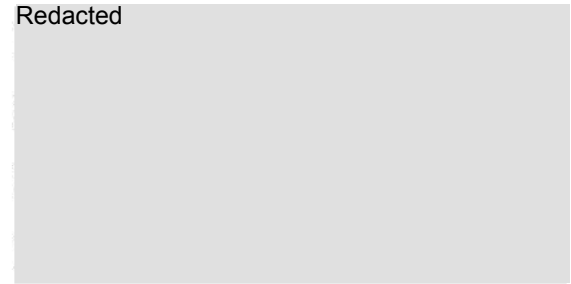
Bill Dodd

Redacted



Susan Eggman

Redacted



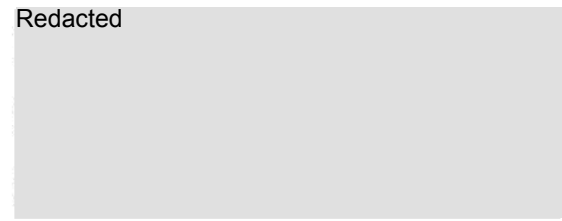
Cristina Garcia

Eduardo Garcia

Michael Gatto

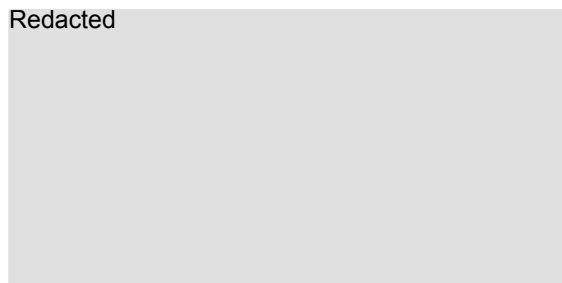
Mike Gipson

Redacted



Jimmy Gomez

Redacted



Lorena Gonzalez

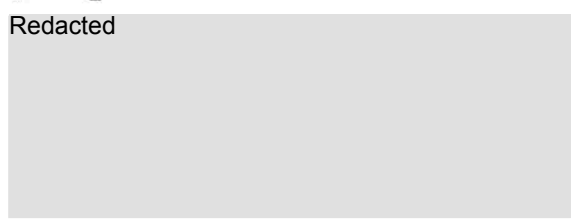
Rich Gordon

Roger Hernández

Chris Holden

Jacqui Irwin

Redacted



Reginald (Reggie) Jones-Sawyer

Marc Levine

Redacted

Patty Lopez

Redacted

Low

Kevin McCarty

Redacted

Kevin Mullin

Redacted

Adrin Nazarian

Patrick O’Donnell

Redacted

William Quirk

Redacted

Sebastian Ridley-Thomas

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Miguel Santiago

Mark Stone

Tony Thurmond

Phil Ting

Shirley Weber

Redacted

Das Williams

Jim Wood

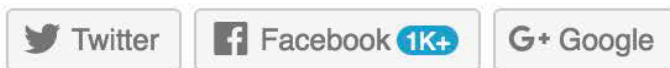
Anthony Rendon

Dishonorable mention:

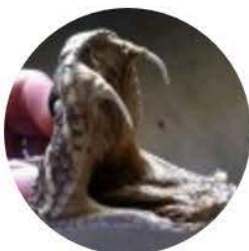
Leland Yee

Redacted

Share this:



Be the first to like this.



therealwritewinger

Commentator, meme generator, troll artist

Published

July 5, 2016



Redacted

Fwd: [WordPress #2732236]: Letter from Office of Legislative Counsel

1 message

Redacted

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

From: "Jasper - WordPress.com" <tosreports@wordpress.com>

Date: Mon, 11 Jul 2016 08:16:55 -0700

Subject: [WordPress #2732236]: Letter from Office of Legislative Counsel

To: Redacted

> An article was removed from my blog due to pressure by the State of
> California demanding it be removed. While I believe I was in compliance
> with all laws governing freedom of the press, I'm demanding a copy of this
> letter sent by the Office of Legislative Counsel. Thank you.
>
> Write Winger

Hello,

Under subdivision (c) of Section 6254.21 of the Government Code, an authorized representative from the state of California has demanded that we disable the following content on your WordPress.com site:

<https://therealwritewinger.wordpress.com/2016/07/05/tyrants-to-be-registered-with-gun-owners>

For your reference, we have included a copy of the complaint below. No reply is necessary, but please let us know if you have any questions.

— BEGIN NOTICE —

To whom it may concern:

My office represents the California State Legislature. It has come to our attention that the home addresses of 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 "therealwritewinger" posted the home addresses of these elected officials on his or her Web site at <https://therealwritewinger.wordpress.com/2016/07/05/tyrants-to-be-registered-with-gun-owners>.

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 WordPress.com or over which WordPress.com exercises control. Publicly displaying elected officials' home addresses on the Internet represents a grave risk to the safety of these elected officials. On the "therealwritewinger" blog site, the user describes the listed legislators as "tyrants," encourages readers to share the legislators' home addresses with other gun owners, and threatens that the home addresses will not be removed unless the legislator repeals specified gun laws or "upon the tyrant's death." 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.

EXHIBIT B

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 letter (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.).

Regards,
Kathryn Londenberg
Deputy Legislative Counsel
Legislative Counsel Bureau

— END NOTICE —

Regards,
Jasper | Community Guardian | WordPress.com