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5 Attorneys for Petitioners
6 JOHN DOE 1 and JOHN DOE 2

7
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SAN FRANCISCO
10 UNLIMITED JURISDICTION

11 JOHN DOE 1, an individual, and) California Case No.
12 JOHN DOE 2, an individual,)
13 Petitioners,) PETITION TO QUASH SUBPOENA
14 vs.) (C.C.P. §§ 2029.600, 1987.1, 1987.2)
15 MARIE GUNNING, an individual,)
16 Respondent.)

17
18 IN THE CIRCUIT COURT OF THE STATE OF MAINE
19 FOR THE COUNTY OF CUMBERLAND

20 MARIE GUNNING, an individual,) Maine Case No. CV-13-359
21 Plaintiff,)
22 vs.)
23 JOHN DOE,)
24 Defendant.)
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1 Petitioners John Doe 1 and John Doe 2 allege as follows:

2 1. Petitioner John Doe 1 (Doe 1) is an individual who owns the URL for the Crow's
3 Nest website, <http://freeportcrownsnest.com>. Doe 1 does not write the content on the Crow's
4 Nest. Doe 1 contracts with Automattic, Inc. to host the Crow's Nest website.

5 2. Petitioner John Doe 2 (Doe 2) is an individual who writes the content for the
6 Crow's Nest website.

7 3. Plaintiff Marie Gunning (Gunning) is a resident of Freeport, Maine, who has been
8 a candidate for political office in, and who participates in the local politics of, Freeport.

9 4. On August 14, 2013, Gunning filed an action in Maine state superior court in the
10 county of Cumberland titled *Marie Gunning v. John Doe*, action number CV-13-359.

11 5. On or about August 20, 2013, Gunning had a witness subpoena issued in said
12 action, directed at Automattic, Inc. On September 5, 2013, pursuant to California Code of Civil
13 Procedure sections 2029.100-2029.900, Gunning obtained a subpoena from the San Francisco
14 County Superior Court, based on the Maine subpoena and directed at Automattic.

15 6. The subject subpoena seeks identifying information regarding the individuals and
16 entities who, inter alia, own the Crow's Nest website and/or allegedly posted certain statements
17 on the Crow's Nest. According to her Complaint, the allegedly wrongful statements include:

- 18 • that Gunning is “‘Miss Prozac’ and abuses mood altering drugs”
- 19 • that Gunning’s “conduct had the intended result of the permanent closure of
20 [a local] sports complex due to litigation”
- 21 • that Gunning “is suffering from bipolar disorder with acute depression and
22 paranoia, amplified by substance abuse”

23 7. Said subpoena improperly intrudes on the constitutional rights of free speech of
24 petitioners.

25 8. Gunning does not have any legitimate need for the requested information because,
26 inter alia, she does not have legitimate claims against petitioners, or anyone, for the statements
27 published on the Crow's Nest website. Gunning's purported need for the requested information
28 does not outweigh the rights of petitioners.

1 9. The above-referenced Maine action filed by Gunning arises from the exercise of
2 free speech rights on the Internet by petitioners.

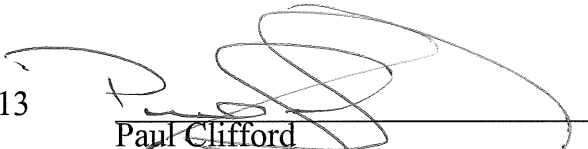
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4 Petitioners pray as follows:

5 1. That the court quash the subpoena entirely, or modify the subpoena such that
6 production of information regarding any individual or entity against whom Gunning does not
7 have legitimate claims is prohibited, or for an order directing compliance with the subpoena on
8 such conditions as may be set by the court.

9 2. For an award to petitioners of the attorneys' fees and expenses incurred in
10 connection with this Petition.

11 3. For such other relief as the court deems just and proper.

12
13 DATED: October 18, 2013



Paul Clifford
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JOHN DOE 1 and JOHN DOE 2