

Attorneys for Plaintiff

## CHRISTOPHER RECOUVREUR,

Plaintiff,

V.

No. 3:12-cv-03435

CHARLES CARREON,

Defendant.

Plaintiff is filing an amended complaint in this case to add his actual name. Plaintiff had intended to proceed anonymously because the purpose of this litigation is to obtain a declaratory judgment protecting his right to maintain a noncommercial web site at charles-carreon.com, maintained under the pseudonym Satirical Charles, to criticize defendant Charles Carreon. Several decisions in this court have recognized the right to speak anonymously, *e.g.*, *Highfields Capital Mgmt. v. Doe*, 385 F. Supp.2d 969, 976 (N.D. Cal. 2005); *Art of Living Found. v. Does 1-10*, 2011 WL 5444622 (N.D. Cal. Nov. 9, 2011), as did the Court of Appeals in *In re Anonymous Online Speakers*, 661 F.3d 1168, 1175 (9th Cir. 2011).

## Notice of Filing of Amended Complaint

1 maintain his parodic web site about Carreon because none of the claims on which Carreon threatened to sue  
2 plaintiff were valid, plaintiff was similarly entitled to proceed anonymously.

3 Unfortunately, developments since the complaint was filed have made proceeding anonymously  
4 impossible. In addition to threatening to sue Doe, Carreon **also** threatened to sue plaintiff's domain name  
5 registrar, Register.com, as a defendant in the same trademark action he threatened to file against plaintiff.  
6 *But see Lockheed Martin Corp. v. Network Solutions*, 194 F.3d 980 (9th Cir. 1999) (domain name registrars  
7 cannot be sued over the names they register). Shortly before plaintiff filed his complaint for a declaratory  
8 judgment, Register.com changed the public "WHOIS" registration to identify plaintiff by name. Although  
9 Register.com changed that public record back to an anonymous one the following day, following an urgent  
10 communication from plaintiff's counsel that protested Register.com's breach of its advertised privacy  
11 protections, defendant Carreon obtained Doe's name while it was exposed. After the complaint was filed,  
12 Carreon created a blog that publicly identified plaintiff by name. [http://rapeutation.com/2012/07/12/  
13 the-rapeutationists/](http://rapeutation.com/2012/07/12/the-rapeutationists/). Plaintiff's name has also been cited in anonymous comments posted to a blog article  
14 about the case. On July 19, 2012, Carreon wrote a letter to the general counsel of the company that employs  
15 plaintiff, identifying plaintiff as the author of the web site at issue in this case and accusing plaintiff of using  
16 company resources to create his blog about defendant Carreon. Plaintiff has also learned that a service that  
17 tracks changes in WHOIS records maintains a copy of the WHOIS record showing plaintiff's name and  
18 address, as this information appeared temporarily on one day in June 2012. Access to the archived copy is  
19 available by paid subscription.

20 Consequently, plaintiff has concluded that his name has become too widely available to the general  
21 public for him to be able to argue that his right to remain anonymous outweighs the public's First  
22 Amendment and common law rights to open judicial proceedings. He is, therefore, filing his Amended  
23 Complaint as of right.

24  
25 /s/ Paul Alan Levy  
26 Paul Alan Levy (pro hac vice)  
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Attorneys for Plaintiff

August 2, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that I am causing a copy of this Notice of Filing to be sent personally to defendant Charles E. Carreon, who has previously advised that he is retaining counsel but has not yet identified that counsel.

/s/ Paul Alan Levy  
Paul Alan Levy