

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. SABRINA KRAUS PART 57M

Justice

-----X

PEOPLE OF THE STATE OF NEW YORK, BY LETITIA
JAMES, ATTORNEY GENERAL OF THE STATE OF NEW
YORK,

Plaintiff,

- v -

VDARE FOUNDATION, INC.,

Defendant.

-----X

INDEX NO. 453196/2022

MOTION DATE 02/20/2024

MOTION SEQ. NO. 006

**DECISION + ORDER ON
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 006) 192, 193, 194, 195, 196, 206, 207, 208, 209, 210, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235

were read on this motion to/for PROTECETIVE ORDER.

The motion is granted to the extent set forth below.

Without conceding the propriety of the pseudonymous authors’ intervention in this proceeding or the substance of their claims, the OAG broadly consents to entry of a protocol designed to address their concerns. The pseudonymous authors’ counsel has previously indicated that his clients do not object to the OAG’s proposal.

Therefore, in furtherance of this Court’s Orders of January 23, 2023 (NYSCEF Doc. No. 62), and December 11, 2023, as amended (NYSCEF Doc. No. 129), and in resolution of this motion seeking redaction of documents to protect the personal identifying information of the moving Pseudonymous Authors, the Court hereby adopts the following redaction protocol and orders as follows:

As used herein:

a) “Pseudonymous Author” shall mean any writer who has published under a pseudonym or anonymously works at vdare.com or received payment from VDARE Foundation, Inc. for their written work.

b) “Qualifying Pseudonymous Author” shall mean any Pseudonymous Author who is not a “Related Party” as that term is defined in N-PCL § 102(23).

VDARE, through its officers, shall attest under penalty of perjury that any Qualifying Pseudonymous Author whose identity has been withheld under this protocol is not a “Related Party” as that term is defined in N-PCL § 102(23).

Pursuant to CPLR 3104, 4011, 4201, and 4311, the Court will issue an order of reference for the appointment of a special referee to supervise production of documents pursuant to the Attorney General’s Subpoena and the Court’s prior orders.

VDARE Foundation, Inc. shall immediately produce all responsive documents to the Referee to make redaction determinations, apply redactions to responsive documents, and prepare corresponding redaction logs. All redaction determinations and corresponding logging shall be done by the Referee.

The Referee shall redact any information that reveals the identities of Qualifying Pseudonymous Authors (e.g., name, address, social security number or other identifying number or code, telephone number, email address). All other information

¹ “Related party” shall mean (i) any director, officer or key person of VDARE Foundation, Inc. or any affiliate of VDARE Foundation, Inc.; (ii) any relative of any individual described in clause (i) of this subparagraph; or (iii) any entity in which any individual described in clauses (i) and (ii) of this subparagraph has a thirty-five percent or greater ownership or beneficial interest or, in the case of a partnership or professional corporation, a direct or indirect ownership interest in excess of five percent. N-PCL § 102(23)

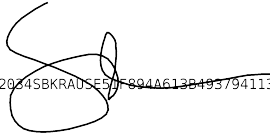
regarding transactions between VDARE Foundation, Inc. and the Qualifying Pseudonymous Author (such as, without limitation, payment records, contracts, terms of the transactions and corresponding communications), shall be produced by the Referee to the Attorney General without redaction.

All redactions shall be reflected in a redaction log that identifies the basis for the redaction and, where applicable, the identity by pseudonym of the author who is counterparty to the transaction.

The terms of this protocol will apply to all responsive documents, including those previously produced in redacted form.

Petitioner may seek disclosure of identifying information for the Pseudonymous Authors where it deems it necessary to Petitioner’s investigation. If Petitioner demands such disclosure, Petitioner will provide notice to VDARE Foundation, Inc., and the intervening Movants in writing by email, who may oppose the same.

This constitutes the decision and order of the court.


202403271120245BKRAUSE57F8944613B493794113FF328B16F1D

<u>3/27/2024</u> DATE					<hr/> SABRINA KRAUS, J.S.C.
CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/> OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input checked="" type="checkbox"/> REFERENCE