

App. 2

IN THE COURT OF APPEAL  
OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION ONE

JOSEPH COLONE,

Petitioner,

v.

SUPERIOR COURT FOR  
THE CITY AND COUNTY  
OF SAN FRANCISCO,

Respondent;

GITHUB, INC.,

Real Party in Interest.

A160989

(San Francisco  
County Super. Ct.  
No. CPF20517083)

(Filed Oct. 21, 2020)

BY THE COURT:

The petition for writ of mandate or other appropriate relief is denied. (18 U.S.C. § 2702(a); see *O’Grady v. Superior Court* (2006) 139 Cal.App.4th 1423, 1447 [“Since the [Stored Communications] Act makes no exception for civil discovery and no repugnancy has been shown between a denial of such discovery and congressional intent or purpose, the Act must be applied, in accordance with its plain terms, to render unenforceable the subpoenas seeking to compel [electronic communications service providers] to disclose the contents of emails stored on their facilities.”]; *Facebook, Inc. v.*

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*Wint* (D.C. 2019) 199 A.3d 625, 628-629 [collecting unanimous case authorities holding that Stored Communications Act prohibits disclosure of the contents of covered communications in response to criminal defendants’ subpoenas]; see also *Facebook, Inc. v. Superior Court (Hunter)* (2018) 4 Cal.5th 1245, 1271 [“Congress intended section 2702 to prohibit disclosure by providers of . . . private or restricted . . . social media communications.”].)

The applications of Megan A. Crowley and Alexander E. Berengaut for admission pro hac vice are granted. (Cal. Rules of Court, rule 9.40(a), (d).)

Date: 10/21/2020 /s/ Humes, P. J. P.J.  
PRESIDING JUSTICE

Before: Humes, P.J., Banke, J., and Sanchez, J.

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