

California Court of Appeal  
2d District, Division 7  
Ronald Reagan State Building  
300 So. Spring St. 2nd Floor  
Los Angeles, CA 90013

Re: Publication of *Shanahan v. Superior Court*, 2010 Cal. App. Unpub. LEXIS 5756 (Cal. App. 2d Dist. July 21, 2010)

Dear Clerk of the Court:

I am a California attorney who focuses the intersection between electronic evidence and the practice of law. I have conducted over 140 e-Discovery educational seminars across the United States in the last four years and been published in American Lawyer Magazine on social networking litigation.

I am writing pursuant to California Rule of Court 8.1105(c)(6) in support of publishing *Shanahan v. Superior Court*, 2010 Cal. App. Unpub. LEXIS 5756 (Cal. App. 2d Dist. July 21, 2010) as a continuing matter of public interest.

The publication of the opinion would give guidance to California attorneys on an employee's reasonable expectation of privacy in confidential communications sent from a work computer where there is a stated policy that an employee had no expectation of privacy in their work computer.

Workplace privacy interests involving electronically stored information reached the United States Supreme Court in *City of Ontario v. Quon*, 130 S. Ct. 2619 (U.S. 2010) and the California Supreme Court in *Hernandez v. Hillsides, Inc.*, 47 Cal. 4th 272 (Cal. 2009). One Federal Court has even addressed the issue of the spousal privilege claimed over instant messages sent from an employer own computer. *Gooden v. Ryan's Rest. Group, Inc.*, 2006 U.S. Dist. LEXIS 74944 (W.D. Ky. Oct. 12, 2006).

The issue of privacy and confidential electronic communications is one of continuing public interest under California Rule of Court 8.1105(c)(6) that supports the publication of this opinion.

Thank you for the Court's consideration.

Respectfully,

Joshua C. Gilliland, Esq.