

1 QUINN EMANUEL URQUHART & SULLIVAN LLP

Rachel Herrick Kassabian (SBN 191060)

2 rachelkassabian@quinnemanuel.com

3 Yury Kapgan (SBN 218366)

yurykapgan@quinnemanuel.com

4 Margret M. Caruso (SBN 243473)

margretcaruso@quinnemanuel.com

5 555 Twin Dolphin Dr., 5th Floor

Redwood Shores, CA 94065

6 Telephone: (650) 801-5000

7 Facsimile: (650) 801-5100

8 Brian Mack (SBN 275086)

brianmack@quinnemanuel.com

9 50 California Street, 22nd Floor

San Francisco, CA 94111

10 Telephone: (415) 875-6400

11 Facsimile: (415) 875-6700

12 *Attorneys for Plaintiff WPENGINE, Inc.*

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 WPENGINE, INC., a Delaware corporation,

16 Plaintiff,

17 vs.

18 AUTOMATTIC INC., a Delaware
19 corporation; and MATTHEW CHARLES
20 MULLENWEG, an individual,

21 Defendants.

Case No. 3:24-cv-06917-AMO

DECLARATION OF JASON TEICHMAN
IN SUPPORT OF PLAINTIFF
WPENGINE, INC.'S MOTION FOR
PRELIMINARY INJUNCTION

Judge: Honorable Araceli Martínez-Olguín

Courtroom: 10

Hearing Date: March 6, 2025

Hearing Time: 2:00 p.m.

1 **DECLARATION OF JASON TEICHMAN IN SUPPORT OF**
2 **WPEngine, Inc.’s Motion for Preliminary Injunction**

3 I, Jason Teichman, declare as follows:

4 1. I am the Chief Operating Officer at WPEngine, Inc. (“WPE”). My duties at WPE
5 include overseeing operations and customer interactions. I hold a degree in political science from
6 the University of Michigan.

7 2. WPE is a software development company that offers webhosting for WordPress and
8 also develops plugins and other tools for the WordPress community. WPE employs more than 1,100
9 people and is considered one of the most trusted WordPress platforms in the world.

10 3. I am familiar with WPE’s current and historical marketing and promotional practices
11 and materials. I have personal knowledge of all the facts set forth in this declaration, and if called
12 upon to do so by the Court, I could and would testify competently thereto.

13 **WPE’s Business Model**

14 4. WPE offers an online platform for website hosting and management services that is
15 specialized for websites built using WordPress software. WordPress is an open source platform that
16 allows users to build and maintain their websites. WPE also develops plugins and other add-on
17 tools for the WordPress community. WPE has built its own sophisticated platform, leveraging a
18 range of proprietary and third party technologies, on top of which it offers customers the ability to
19 host websites built using WordPress. While some hosting companies offer services for websites
20 built on a variety of other software programs and/or content management systems, such that hosting
21 WordPress websites is just a part of their business, WPE is dedicated solely to WordPress, and all
22 of WPE’s business and proprietary platform caters exclusively to the community of users who have
23 built or will build their websites using WordPress. We have invested hundreds of millions of dollars,
24 not only supporting WordPress in the market, but creating a platform without which many customers
25 would not have been able to use WordPress for their sites in a cost-efficient manner, and thus might
26 have never adopted, or left, the WordPress platform were it not for WPE.

27 5. WPE offers different pricing plans, depending on the scope of services included. Its
28 Essential hosting plans start at \$20 per month and increase from there based on the level of services

1 provided. A true and correct printout of WPE’s webpage that contains information about hosting
2 plans and prices is attached hereto as Exhibit A. (<https://wpengine.com/plans/>).

3 6. Other solutions WPE offers include plugins for the WordPress ecosystem that are
4 owned and developed by WPE, including the Advanced Custom Fields (ACF) plugin, as well as
5 recommendations for WPE-vetted WordPress plugins. A true and correct printout of WPE’s
6 webpage that contains information about WordPress plugins is attached hereto as Exhibit B.
7 (<https://wpengine.com/solution-center/plugins/>).

8 7. Among other services WPE provides, WPE educates and empowers the WordPress
9 community through content like the WordPress Roundup and our Building WordPress series;
10 sponsors the development of educational resources, including sponsorships of and providing
11 speakers for WordCamps worldwide and producing DE{CODE}; and produces informative
12 webinars, podcasts, and tutorials on how to get the best out of WordPress supported by WPE’s
13 Developer Relations team. WPE is one of the few organizations with “at scale” commercial support
14 for users, which means that those users can obtain assistance from WPE rather than imposing on the
15 community of volunteers who would otherwise need to absorb these questions and issues.

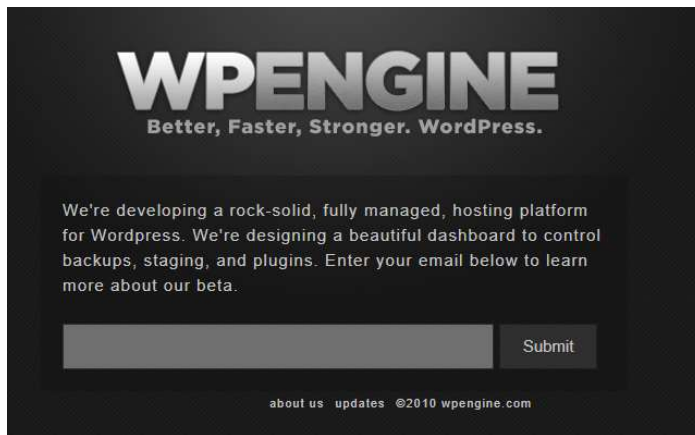
16 **WPE’s Longstanding Use of the WordPress and WooCommerce Marks to Refer to the**
17 **Software Platform on Which its Customers’ Websites are Built**

18 8. Like many companies in the WordPress ecosystem, WPE’s business is built around
19 the WordPress open source platform. WPE does most of its promotions and advertising activities
20 through its website, email, social media, Google Ads, and attendance at community events.

21 9. Because WPE’s products and services are built to work with websites developed
22 using WordPress open source software and open source WooCommerce plugins, WPE naturally
23 references “WordPress” and “WooCommerce” when referring to the software platform on which its
24 customers’ websites are built. Based on my employment at WPE and my prior experience in the
25 industry, I have become familiar with WPE’s historical and current marketing and advertising
26 practices. WPE has consistently used the term “WordPress” since 2010 in reference to the
27 WordPress program and platform. This use has long been widely mirrored by the entire WordPress
28 community. It is common industry practice to refer to providing managed hosting services on

1 WordPress as “managed WordPress.” To the best of my knowledge, prior to the events at issue,
2 Defendants never requested that WPE make changes to the WordPress references on our website.

3 10. For example, below is a screenshot of WPE’s home page dated March 30, 2010,
4 showing WPE’s use of the WordPress mark to describe the software platform. Specifically, in
5 2010, WPE’s website marketing banner read “Better, Faster, Stronger. WordPress.”



14 A true and correct printout from the Internet Archive’s Wayback Machine reflecting the state of
15 WPE’s home page as of March 30, 2010 is attached hereto as Exhibit C
16 (<https://web.archive.org/web/20100330012641/http://wpengine.com/>).

17 11. As another example, below is a screenshot of WPE’s home page dated December 8,
18 2010, again showing WPE’s use of the WordPress mark to describe the software platform. The
19 marketing banner at this time read, “Finely Tuned WordPress.”



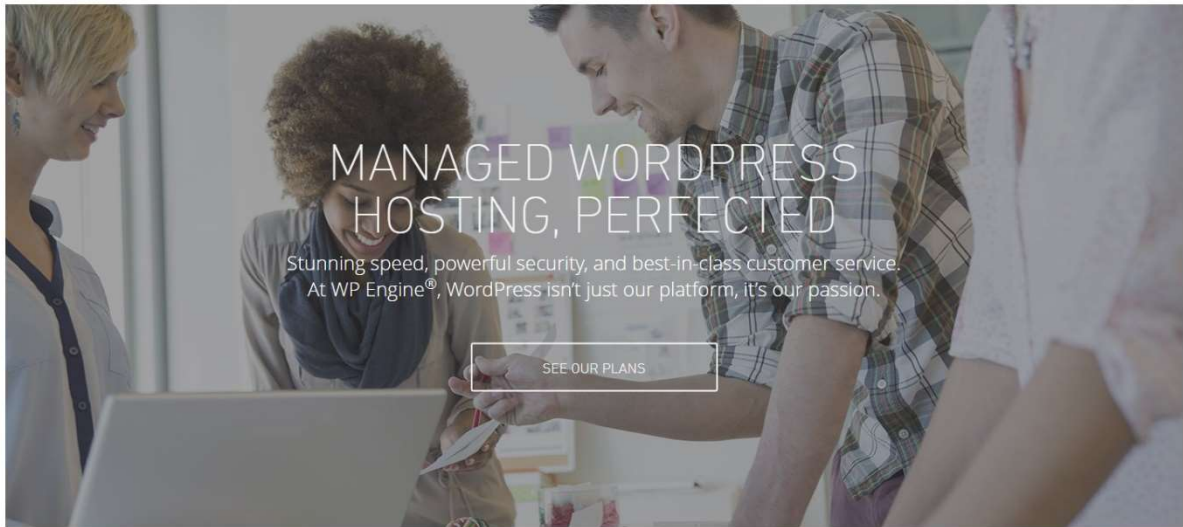
1 A true and correct printout from the Internet Archive’s Wayback Machine reflecting the state of the
2 webpage as of December 8, 2010 is attached hereto as Exhibit D.
3 (<https://web.archive.org/web/20101208000154/http://wpengine.com/>).

4 12. As another example, below is a screenshot of WPE’s homepage dated November 15,
5 2011, showing WPE’s use of the WordPress mark to describe the software platform, and specifically
6 using the term “WordPress Hosting” in reference to software platform.



7
8
9
10
11
12
13
14
15
16 A true and correct printout from the Internet Archive’s Wayback Machine reflecting the state of the
17 webpage as of November 15, 2011 is attached hereto as Exhibit E.
18 (<https://web.archive.org/web/20111115053852/http://wpengine.com/>).

19 13. As another example, below is a screenshot of WPE’s homepage dated June 16, 2015,
20 showing WPE’s use of the WordPress mark to describe the software platform, and specifically using
21 the term “Managed WordPress Hosting” in reference to the software platform.
22
23
24
25
26
27
28

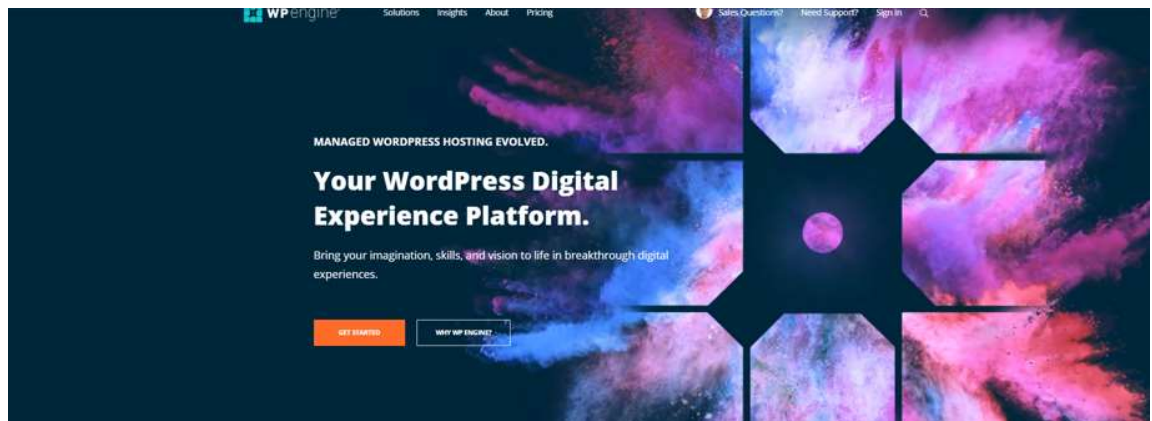


OUR DIFFERENCE

WP Engine provides best-in-class customer service on top of innovation-driven technology. This is why over 30,000 customers in 120 countries have chosen us for their mission critical WordPress hosting needs.

13 A true and correct printout from the Internet Archive’s Wayback Machine reflecting the state of the
14 webpage as of June 16, 2015 is attached hereto as Exhibit F.
15 (<https://web.archive.org/web/20150616200116/http://wpengine.com/>).

16 14. As another example, below is a screenshot of WPE’s dedicated webpage, dated
17 October 4, 2018, showing WPE’s use of the WordPress mark to describe the WordPress software
18 platform, and specifically using the term “Managed WordPress Hosting” and “Your WordPress
19 Digital Experience Platform” as banners in reference to the software platform.



1 A true and correct printout from the Internet Archive’s Wayback Machine reflecting the state of the
2 webpage as of October 4, 2018 is attached hereto as Exhibit G.
3 (<http://web.archive.org/web/20181004073656/https://wpengine.com/>).

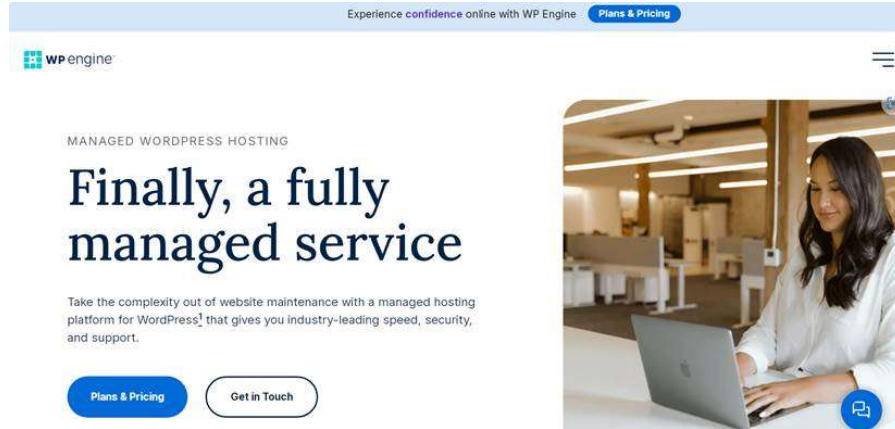
4 15. As recently flagged on X, Mr. Mullenweg on August 8, 2017, has previously
5 described WPE as a “managed WP host,” as shown below:



6
7
8
9
10
11
12
13
14
15
16
17 See the Declaration of Sara Jenkins in support of WPE’s Motion for Preliminary Injunction
18 (“Jenkins Decl.”) filed concurrently herewith, Ex. 24
19 (https://x.com/hashim_warren/status/1838768717213118641).

20
21
22
23
24
25
26
27
28

1 16. WPE’s website today continues to use similar language. Specifically, as of October
2 16, 2024, WPE uses the term “Managed WordPress Hosting” in reference to the WordPress software
3 platform.



4
5
6
7
8
9
10 A true and correct printout of this webpage is attached hereto as Exhibit H
11 (<https://wpengine.com/managed-wordpress-hosting/>).

12 17. WooCommerce is an open-source ecommerce platform that can be used for websites
13 built using WordPress. A true and correct printout of the WooCommerce home page is attached
14 hereto as Exhibit I. (<https://woocommerce.com/>). Developers can use WooCommerce to create,
15 customize, and scale an online store on the WordPress ecosystem. A true and correct printout of a
16 WooCommerce webpage that relates to plugins is attached hereto as Exhibit J
17 (<https://wordpress.org/plugins/woocommerce/>).

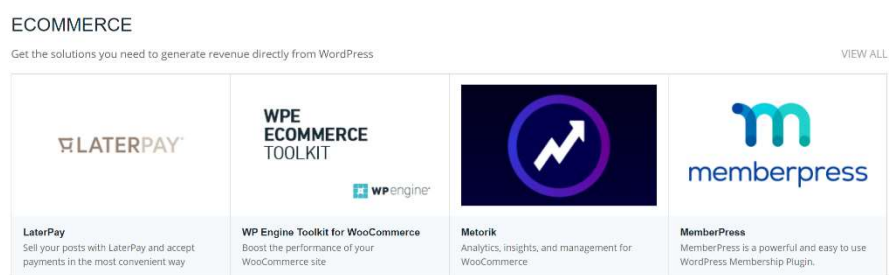
18
19
20
21
22
23
24
25
26
27
28

1 18. As a result, WPE has used the term “WooCommerce” since at least 2013 to refer to
 2 the WooCommerce plugin. For example, below is a screenshot of a WPE webpage dated November
 3 14, 2013, showing WPE’s use of the WooCommerce mark to refer to the WooCommerce plugin.



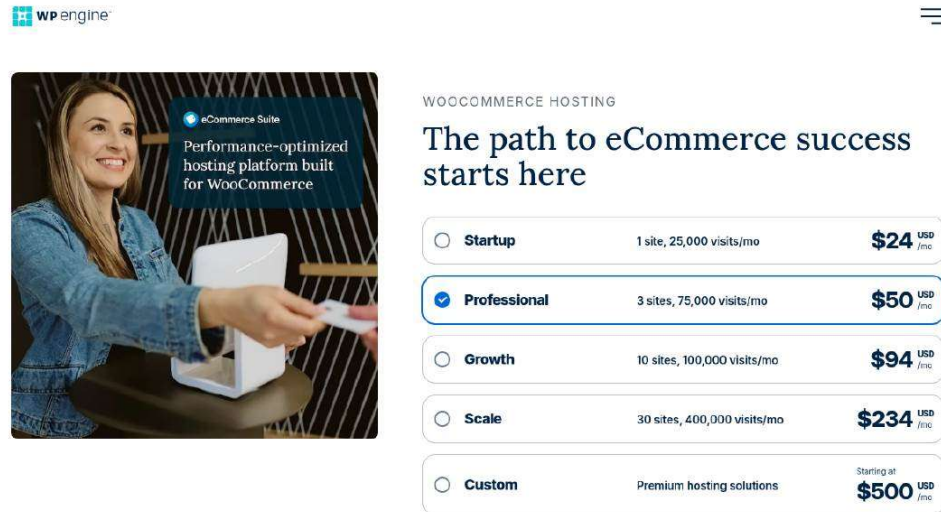
16 A true and correct printout from the Internet Archive’s Wayback Machine reflecting the state of the
 17 webpage as of November 14, 2013 is attached hereto as Exhibit K
 18 ([https://web.archive.org/web/20131114181316/http://wpengine.com/2013/01/10/essential-](https://web.archive.org/web/20131114181316/http://wpengine.com/2013/01/10/essential-plugins-and-add-ons-for-wordpress-ecommerce-sites/)
 19 [plugins-and-add-ons-for-wordpress-ecommerce-sites/](https://web.archive.org/web/20131114181316/http://wpengine.com/2013/01/10/essential-plugins-and-add-ons-for-wordpress-ecommerce-sites/)).

20 19. Here is another example of WPE’s use of the WooCommerce mark from February
 21 28, 2018 to refer to the WooCommerce plugin.
 22 (<https://web.archive.org/web/20180228230453/https://wpengine.com/solution-center/>).



1 A true and correct printout from the Web dArchive reflecting the state of the webpage as of February
 2 28, 2018 is attached hereto as Exhibit L
 3 (<https://web.archive.org/web/20180228230453/https://wpengine.com/solution-center/>).

4 20. WPE’s website today continues to use the term WooCommerce to describe the
 5 WooCommerce plugin, as seen below.



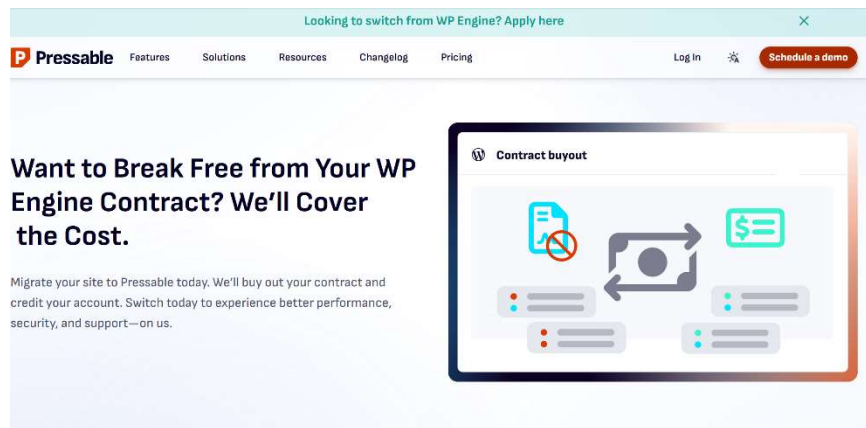
16 A true and correct printout of this webpage is attached hereto as Exhibit M
 17 (<https://wpengine.com/woocommerce>).

18 **Defendants’ Recent Interference With WPE’s Contractual Relationships**

19 21. In recent weeks, Automattic and Mr. Mullenweg have engaged in a number of actions
 20 that have harmed WPE’s existing contractual relationships. For instance, as explained in the
 21 Declaration of Heather Brunner in support of WPE’s Motion for Preliminary Injunction filed
 22 concurrently herewith (“Brunner Decl.”), he has made false statements about WPE and disparaged
 23 WPE. Additionally, as described in the Declaration of Ramadass Prabhakar in support of WPE’s
 24 Motion for Preliminary Injunction filed concurrently herewith (“Prabhakar Decl.”), on September
 25 25, Mr. Mullenweg blocked WPE customers from accessing wordpress.org from their WordPress
 26 administrative consoles, preventing them from applying security updates to their WordPress themes
 27

1 and plugins. Mr. Mullenweg lifted that block on September 27, 2024 and then reinstated that block
2 of WPE customers on September 30, 2024.

3 22. During the time Mr. Mullenweg was blocking WPE’s access to wordpress.org, he
4 used his company Pressable, a WPE competitor, to tell clients to cancel their contracts with WPE
5 and move their site hosting over to Pressable. Below is a screenshot of the Pressable homepage
6 from September 25, 2024, which tells WPE customers that Pressable will pay for the costs of
7 canceling their current contracts with WPE.



8
9
10
11
12
13
14
15
16 A true and correct printout from the Internet Archive’s Wayback Machine reflecting the state of the
17 webpage as of September 25, 2024 is attached hereto as Exhibit N
18 (<http://web.archive.org/web/20240925205007/https://pressable.com/wpe-contract-buyout/>).

19
20
21
22
23
24
25
26
27
28

1 23. Mr. Mullenweg also responded to a post offering assistance to those having difficulty
 2 updating their plugins, telling people to just use “any other web host in the world” other than WPE,
 3 as shown below:



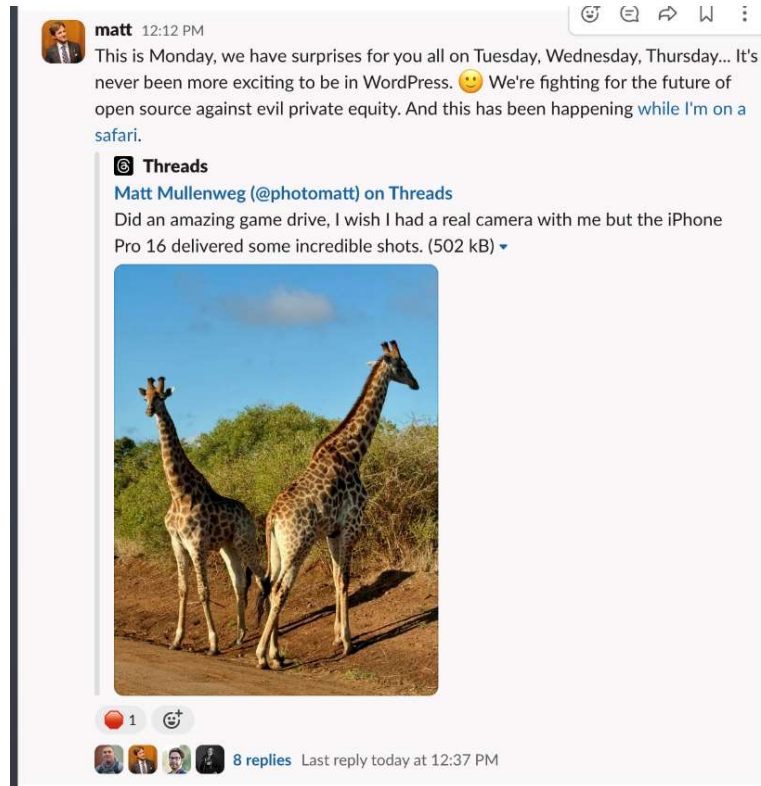
17 See Jenkins Decl. Ex. 16 (<https://x.com/photomatt/status/1839224251288793104>).

18 24. Below is a post dated October 2, 2024 from X.com showing Mr. Mullenweg stating
 19 that “[c]ustomers are leaving [WPE] in droves” and “[it’s] a distressed asset.”



1 See Jenkins Decl. Ex. 10 (<https://x.com/photomatt/status/1841281383307604453>).

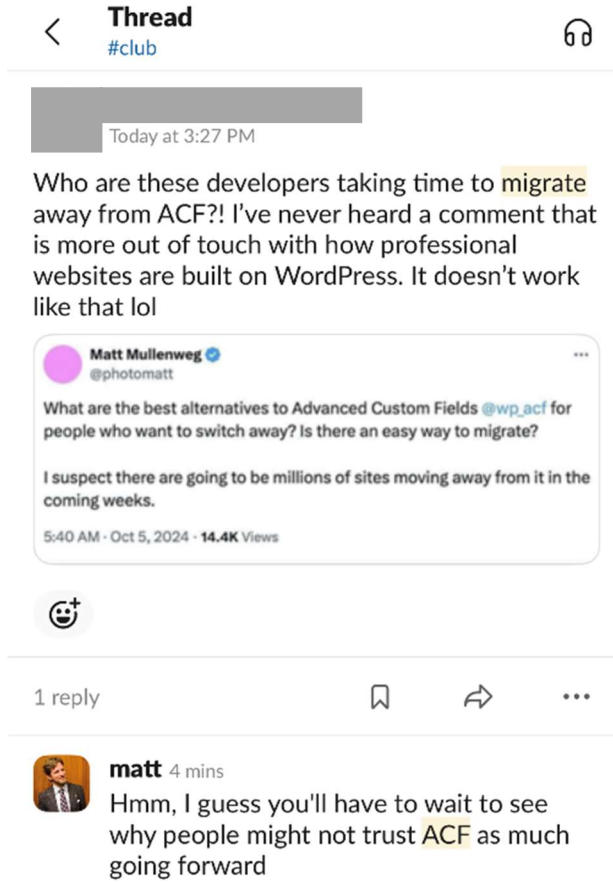
2 25. Below is a post from Mr. Mullenweg from Monday, October 7, 2024, where he states
3 that he has “surprises for you all on Tuesday, Wednesday, Thursday” in connection with the “fight[]
4 . . . against evil private equity.”



18
19 See Brunner Decl. Ex. J.

20 26. Below is another public communication from October 5, 2024, in which he wrote:
21 “Hmm, I guess you’ll have to wait and see why people might not trust ACF as much going forward.”
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



See Brunner Decl. Ex. I.

27. An article from October 1, 2024, reported: “Mullenweg said his public acts would continue, adding, ‘I have a lot to work with.’ See Jenkins Ex. 9 at 1-2 (<https://www.therepository.email/mullenweg-threatens-corporate-takeover-of-wp-engine>).

28. Below is a screenshot taken by one of my co-workers of a post from the Post Status Slack channel on Monday, October 14, 2024. After a WordPress community member said he would “need a Tums” for all the “drama,” Mr. Mullenweg vaguely promised: “Oh, there’s more.”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



A true and correct copy of this screenshot is attached hereto as Exhibit O.

29. Below is a screenshot of an October 16, 2024 email sent to a WPE customer from an employee at WooCommerce. Automattic owns WooCommerce, and Mr. Mullenweg is both the CEO of Automattic, and the claimed owner of wordpress.org. In this email, Automattic's WooCommerce subsidiary tells the WPE customer that WPE being blocked from wordpress.org "could impact sites," plugins, and updates. It also suggests risk in staying with WPE by noting that while this "might not affect your site in the short term," the customer should consider switching its business from WPE to Automattic. Mr. Mullenweg has publicly claimed credit for blocking WPE from wordpress.org in the first place. A true and correct copy of a screenshot of this email is attached hereto as Exhibit P.

1 From: [REDACTED]@woocommerce.com>
Date: Wed, Oct 16, 2024, 7:38 PM
Subject: Alert - Your WooCommerce Site Hosting Needs Attention
To: [REDACTED]

2 Hello [REDACTED]

3 I hope you're doing well. I'm reaching out because your store is currently hosting on WP Engine. As your Customer Success manager, I'm here to help ensure your store is set up for growth and success.

4 WP Engine's access to WordPress.org has been restricted, which could impact sites, especially regarding plugin and theme installations or updates that are sourced directly from the WordPress.org repository.

5 This might not affect your site in the short term, but it would still be a good time to discuss overall hosting options and performance. Plus, Automattic via Pressable is offering a contract buy-out and white-glove migrations because we truly want to ensure your business continuity and performance (see here).

6 If there's anything else we can discuss or help unblock for your store, we can connect on that as well.

7 If this is not your area of responsibility, feel free to forward this email or put me in touch with the right contacts.

8 Thanks, and I am looking forward to hearing from you.
[REDACTED]

9 The Harm Suffered As a Result of Defendants' Actions

10 Loss of Existing and Potential Customers

11 30. For the period September 26 through September 30, the average number of daily
12 cancellation requests was 14% greater than the period of September 1 through September 25.

13 31. With respect to new business—new contracts or upgrades—WPE was in direct
14 (“sales-assisted”) negotiation with many potential customers when Defendants’ actions described
15 above began. Our September data show that 63 customers or potential customers—or, about 12%
16 of the expected new business for the month—told WPE that they were declining to upgrade or
17 purchase a new account in September because of the situation vis-à-vis Defendants.

18 32. For example, one commented: “I’m not sure I’m comfortable until all this drama on
19 your guys [SIC] end with Wordpress [SIC] is figured out. We are paying an extremely high
20 premium for your service and I’m feeling uncomfortable at the moment. I’ve had a bunch of website
21 issues this week that I’m not used to having and many clients contact me. It’s costing me money.
22 I’m really hoping this gets rectified quickly. We pay this premium to not have these problems and
23 I feel like there is more coming soon if these items aren’t resolved. I’m only a small fry for you I’m
24 sure but.... I’m not in the game of getting in the middle of a drawn out legal battle.”

25 33. Another commented: “Additionally, with all of the events this week that have
26 transpired between WordPress and WP Engine, we’d like to hold off on entering any sort of annual
27 contracts. I realize this has nothing to do with you or your team and there are a lot of average folks
28

1 caught in the middle. But we would really like to see how things shake out here before locking in
2 on any longer term arrangements.”

3 34. And by way of a final example, another commented: “Until such time as the situation
4 is resolved between WPE and Matt Mullenweg, we will be taking no further forward steps.
5 Regrettably, we are forced to investigate alternative hosting providers should the situation be
6 ongoing. I recommend that you [SIC] feedback to your leadership that remaining with WPE will
7 be untenable if the hostility between the parties is ongoing.”

8 35. The 63 lost deals in September mentioned above are only those that provided specific
9 reasons for not purchasing. Others did not purchase without indicating why. Overall, our forecast
10 for new sales-assisted business in September was for 533 in new accounts or upgrades. Instead, for
11 the month of September we ended up with only 200 new accounts or upgrades.

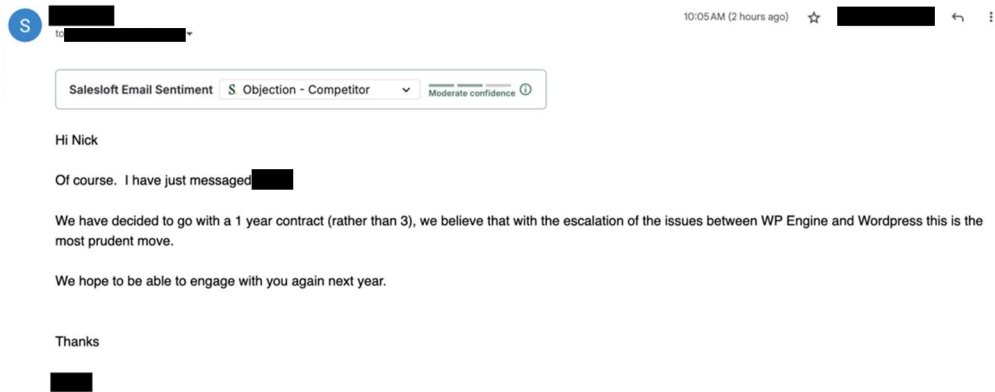
12 36. In addition, WPE is able to track the number of people who upgrade or sign up with
13 WPE *without* a salesperson’s assistance. Here, the “self-service” data show that there was a 29%
14 decline in the rate of new, self-service sign-ups when comparing the period of September 1 through
15 September 25, versus September 26 through September 30.

16 37. The above datapoints are just from the short period at the very end of September.
17 The above data thus does not, for example, capture the impact of Defendants’ taking of the ACF
18 plugin or other recent events. The rate of cancellation requests for the period October 1 through
19 October 14 are up 17% when compared to the rate of cancellation requests from September 1
20 through September 25.

21 38. Below is a screenshot taken by one of my coworkers of an email from a potential
22 customer in October putting off entering into a deal because of the recent “escalation” by
23 Defendants.

24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



A true and correct copy of this screenshot is attached hereto as Exhibit Q.

39. Looking even further ahead, we track the migration plugins two key competitors use to facilitate migration away from WPE to their hosting platform. In my experience, installing these plugins is indicative of a website that is planning to switch hosts. Looking at customers that spend over \$400 a month (and thus are more likely to have a website complex enough to need migration assistance), we observe a 375% increase in the rate of migration plugin installs when comparing the period September 26 through September 30 to the period of September 1 through September 25.

40. In addition, as described in Mr. Prabhakar’s declaration, Defendants took over WPE’s Advanced Custom Fields plugin, changing its name to Secure Custom Fields but keeping its URL slug, reviews, and download history. ACF has both a free version and a paid version called ACF PRO. WPE currently makes millions of dollars per year in direct revenue from ACF PRO. A significant percentage of that revenue, about 15%, arises from direct upgrades from ACF to ACF PRO. When Defendants took over the plugin, they removed all code in the free version of the ACF plugin that prompted users to upgrade to ACF PRO. By removing the code, Defendants therefore completely eliminated one way in which WPE obtained new ACF PRO customers and could maintain or increase its market share. While it is too soon to track in the data, I expect that this will lead to a significant decrease in the number of new ACF PRO subscriptions. In addition, there are more than 2 million users of WPE’s free ACF plugin. For such users, WPE’s ACF plugin was the way WPE demonstrated high quality software, as to turn those “free” users into paying customers.

1 So the taking of ACF has reduced our opportunity to build new relationships and potential customers
2 in that way as well.

3 Loss of Goodwill and Trust

4 41. WPE focuses on customers that put a premium on stability and enterprise readiness
5 for WordPress. WPE’s customers are thus particularly sensitive to risks of disruption—or even the
6 perceived risk of disruption. This is true regardless of who they view to be “right” or “wrong” in a
7 dispute. As discussed above, statements made directly to WPE indicate fears of service
8 interruptions, which have directly led to a reduction in new customers, and a loss of current
9 customers. But even when not tied to a specific lost account as in the above figures, WPE has lost,
10 and is at risk of losing more, customer goodwill.

11 42. Defendants’ takeover of the ACF plugin has increased the risk of customers losing
12 trust in WPE. For example, if WPE customers update their plugin, they will (unwittingly) now be
13 given code under the control of and modified by Defendants instead of code written by WPE. If
14 Defendants’ code causes the website to malfunction, the customer is nonetheless likely to blame
15 WPE.

16 43. Indeed, Mr. Mullenweg predicted that “millions of sites” would be “moving away
17 from” ACF. When someone asked why anyone would migrate away from WPE’s plugin, Mr.
18 Mullenweg hinted at future actions that would break people’s “trust” in WPE.

19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Thread #club

Today at 3:27 PM

Who are these developers taking time to migrate away from ACF?! I've never heard a comment that is more out of touch with how professional websites are built on WordPress. It doesn't work like that lol

Matt Mullenweg @photomatt

What are the best alternatives to Advanced Custom Fields @wp_acf for people who want to switch away? Is there an easy way to migrate?

I suspect there are going to be millions of sites moving away from it in the coming weeks.

5:40 AM · Oct 5, 2024 · 14.4K Views

1 reply

matt 4 mins

Hmm, I guess you'll have to wait to see why people might not trust ACF as much going forward

See Brunner Decl. Ex. I.

44. Below is another customer indicating Defendants' actions caused "a minor heart attack," and yet another explaining the disruption caused by Defendants' "unwanted altered version" of WPE's plugin.

2 days ago | prev | next [-]

Oh god, this gave me a minor heart attack. We are using over 20 ACF fields for 150+ sites. I thought it was completely out of the WordPress ecosystem. I am glad they have the zip download and continuing auto updates.

EDIT: I confirm our ACF plugins on sites are all switched to secure custom fields. This is so shady, it broke our snippets because we are using prepend and append texts to wrap our field values. Now they are all broken and we have to update all our sites (also our client's sites). Let's see what comes next...



EDIT2: There goes my Sunday. I received our first ticket regarding broken homepage widgets. I have to sit down and update every site one by one. Thank you Matt Mullenweg for ruining my Sunday plans.

[reply](#)

1 See Jenkins Decl. Ex. 27 (<https://news.ycombinator.com/item?id=41828958>).

2 SCF pushed to all my client sites
3 and activated without approval

4 ★☆☆☆☆

5  
6 [1 day, 6 hours ago](#)

7 Last night I found out about this appropriation of ACF's work. Today when I updated my 90 client sites I
8 spent an extra hour manually updating the real ACF plugin on some sites and then answering a couple
9 of support tickets from worried and ticked-off clients who noticed that either their custom fields had
gone missing, or their admin page was no longer reachable.

10 On those sites, I found that this unwanted altered version of the free plugin was active and had forced
11 ACF Pro to deactivate. Once I removed SCF, and reactivated ACF Pro, everything was fine. This was
12 not how I planned to spend my day.

13 Now my clients are feeling the results of this mess too, as their websites are directly affected.

14 EDIT: This morning I see in ManageWP that SCF has been added to all 90 of my clients' sites, without
15 my knowledge, even the ones where I've already removed it. And activated – deactivating my ACF Pro
16 installs and breaking client sites. I'm removing it, again. Is this going to keep happening? How do I
17 prevent it??

- This topic was modified 13 hours, 48 minutes ago by [redkite](#).
- This topic was modified 13 hours, 44 minutes ago by [redkite](#).

18 A true and correct copy of a printout showing the above post on a wordpress.org forum is attached
19 hereto as Exhibit R ([https://wordpress.org/support/topic/not-the-plugin-i-originally-installed-and-i-
20 didnt-approve-this-one/](https://wordpress.org/support/topic/not-the-plugin-i-originally-installed-and-i-didnt-approve-this-one/)).

21 45. Below are two posts from September 25, 2024 from a WPE customer who pointed
22 out that by blocking WPE, Defendants have “chosen to punish” third parties, including “Rotary
23 International clubs, districts, and support organizations . . . in in addition to the thousands of
24 Rotarians, volunteers, philanthropists, and the charitable causes they serve.” In a follow-up post,
25 the WPE customer emphasized the burden of explaining the problems to other website owners “who
26 trust . . . WPEngine as a service provider.”

27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



See Jenkins Decl. Ex. 28 (<https://x.com/AkaiEnso/status/1839082080006775170?t=V12VdZK-ia4G5H2BNftZKg&s=19> and <https://x.com/AkaiEnso/status/1839103179826344061>).


Harm to WPE’s Customers and the WordPress Community

46. The above discussion focuses on the harm to WPE itself. But the customer and agency complaints and customer actions also evidence harm to the customers and website agents themselves.

47. For instance, businesses with a website stand to lose their own revenue and customer goodwill if *their* websites stop operating normally—and could lose even more if their website stops functioning at key times. Consider, for example, if a political website stops functioning around the election season, or a shopping website around Black Friday or Cyber Monday. If businesses with a website switch away from WPE managed sites, they not only lose our services, but are needlessly being subject to the monetary and personnel costs of switching between managers. Depending on the complexity of the site, other service providers may need to be hired, and migration could take about a month to conclude. Even if they ultimately decide to stay, businesses with a website may feel compelled by events to invest in contingency planning and monitoring efforts to help ensure their websites remain operational no matter what Defendants do next. And where a website’s

1 functionality has been broken—such as on a website that was unknowingly migrated from ACF to
 2 Defendants’ SCF, and then experienced issues—the operator will need to invest in trying to fix the
 3 situation.

4 48. For WPE agencies—that is, those who help their customers build and manage
 5 websites on WordPress and WPE—they too are losing business, just like WPE is losing business.
 6 Because agency clients are concerned about the stability of WordPress, this is leading to agencies
 7 losing contracts as their customers revisit building new websites or expanding their existing one
 8 while WordPress is unstable. For example, below is a post from a website developer who describes
 9 losing his own \$40,000 contract because of Defendants’ actions.

10  r/Wordpress • 21 hr. ago

11 **You asked how we're suffering as a result of Mullenweg's war with WPE? I just lost a 40 thousand dollar contract over it.**

12 **Discussion**

13 A lot of people here seem to think that clients aren't aware of what's going on and
 14 therefore the impact will be minimal on developers. On a recent thread, the vast majority
 15 of commenters shrugged off the controversy as irrelevant to their day-to-day. And while
 16 that may be true for teeny tiny single-owner websites, some of us deal directly with large
 17 companies or white label through agencies, and let me tell you: their CMOs are well aware
 18 of what's happening.

19 Background: I'm a one-man outfit, who partners with a local visual designer to do the
 20 design work, or works white label to do the entire build for agencies.

- I had a contract *signed and ready to go* for 2025, where the budget for dev was \$40k,
 and now they've backed out to reconsider the CMS as a whole, as a result of
 Mullenweg's petty war with WPE.
- I had another contract that just got signed with WPE (right before our Dictator for Life
 attacked WPE at WordCamp), the website for which I'm actively building right now. I'm
 also WPE affiliate. The client would have backed out of hosting if not for the extensive
 legal review they had to go through to set up the hosting in the first place, and they've
 only decided to stay on WPE for the short term. Potential impact on me is thousands of
 dollars in referral fees.
- I have had three other key clients (large % of total revenue) I manage whose sites I
 built reach out to me for reassurance since WordCamp to ask if the platform is stable
 going forward. All of them are CTOs or CMOs. All I could say is that with honesty is *no
 one knows what the future holds*. I can't even reassure them on *the platform's
 stability*. All because of one terroristic founder who's bent on destroying what shred of
 good faith is left in his creation. I won't blame them for switching platforms on the
 next design refresh because of this. But that's a *loss of huge* potential revenue for me
 as a single-owner freelancer.

24 So yes, we are suffering. I'm considering picking up at least 3 other popular CMS's as
 25 offerings over my winter break to contend with this. This is huge and I'm glad the mods
 26 opened discussion so we can track of this on a post-by-post basis. This should be front
 27 page until WordPress is a stable platform again!

1 See Jenkins Decl. Ex. 14
2 (https://www.reddit.com/r/Wordpress/comments/1g3rwwm/you_asked_how_were_suffering_as_a
3 [result_of/](https://www.reddit.com/r/Wordpress/comments/1g3rwwm/you_asked_how_were_suffering_as_a)).

4 49. In addition, I understand from public commentary and my experience in the industry,
5 that other plugin developers, managed WordPress service providers, and other members of the
6 WordPress community are also concerned about all of these events, including because they do not
7 know if they will be subject to similar behavior by Defendants if they refuse to pay a “license fee.”
8 For example, in the below post, a member of the WordPress community discusses having to update
9 their clients regarding this “volatile situation with uncertain implications,” such as “which host or
10 [developer] outfit may be fucked with next? ... what new destructive impulse might Mullenweg
11 dream up?”

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



• 1d ago • Edited 1d ago •

We updated our clients with a brief explainer, and told them it was a volatile situation with uncertain implications. We also laid out some of the possible responses (ex: fork).

The problem with the WPBeginner article is that it ignores the unpredictability of what may happen next - which is the entire point. Their overriding business need to keep people interested in WP substitutes wishful thinking for objectivity.

For example: which free or premium plugin may be fucked with next?

Which host or dev outfit may be fucked with next?

What new destructive impulse might Mullenweg dream up?

This is what clients & the WP community at large are worried about.

NOBODY had this on their 2024 bingo card.

So confident assurances that it ain't no big thang may well backfire, make the person doing the reassuring look naive at best, and certainly aren't based on actual knowledge.

See Jenkins Decl. Ex. 33
https://www.reddit.com/r/Wordpress/comments/1g4imyq/comment/1s3ssnq/?utm_source=share&utm_medium=web3x&utm_name=web3xcss&utm_term=1&utm_content=share_button

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 17, 2024, in Austin, Texas.

Jason Teichman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION

I, Rachel Herrick Kassabian, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Jason Teichman has concurred in the aforementioned filing.

By /s/ Rachel Herrick Kassabian
Rachel Herrick Kassabian