

Your Name: Michael Willman

Address: 5 Mecca Lane Washington, ME 04574

Phone Number: 1 (207) 242-4767

Email Address: michael@websiteredev.com

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Division: San Francisco

WPENGINE, INC., a Delaware

corporation,

Plaintiff,

v.

AUTOMATTIC INC., a Delaware

corporation; and MATTHEW CHARLES

MULLENWEG, an individual,

Defendant.

Case Number: 3:24-cv-06917-AMO  
**AMENDED PROPOSED ORDER**

**GRANTING NON-PARTY MICHAEL**

**WILLMAN'S MOTION FOR CONTEMPT**

DATE: June 5th, 2025

TIME: 2PM

COURTROOM: Courtroom 10 - 19th Floor

JUDGE: Hon. Araceli Martinez-Olguin

1 The Court, having considered Non-Party Michael Willman's Motion for Contempt, the  
2 accompanying memorandum of points and authorities, the declaration(s) filed in support, and the  
3 arguments presented, hereby ORDERS as follows:

#### 4 **1. FINDINGS OF FACT**

- 5 1. The Court finds that Defendant Matt Mullenweg and Automattic Inc. have willfully violated  
6 the preliminary injunction issued on December 10, 2024.
- 7 2. The Court finds that Defendants' actions, including banning Michael Willman from the  
8 Make.WordPress.org Slack workspace, constitute interference with access to WordPress.org  
9 resources as prohibited by the preliminary injunction.
- 10 3. The Court, having reviewed the conduct of the Defendant as detailed in the accompanying  
11 motion, finds that there is a prima facie basis to believe that the Defendant has engaged in  
12 willful conduct that may constitute criminal contempt under 18 U.S.C. § 401 and/or Rule 42  
13 of the Federal Rules of Criminal Procedure.
- 14 4. The Court further finds that Defendants' conduct was retaliatory, causing significant harm to  
15 Mr. Willman and his business operations.

#### 14 **2. CONTEMPT RULING**

- 15 1. Defendants Matt Mullenweg and Automattic, Inc are hereby held in civil contempt for their  
16 failure to comply with the Court's preliminary injunction.
- 17 2. The Court refers Defendant Matt Mullenweg to the United States Attorney for the Northern  
18 District of California for further investigation and, if appropriate, prosecution for criminal  
19 contempt of court. The Clerk of the Court is directed to transmit a copy of this Order, together  
20 with the relevant pleadings and record excerpts, to the United States Attorney's Office.

#### 20 **3. RELIEF GRANTED**

- 21 1. Defendants are ordered to immediately restore Mr. Willman's access to the  
22 Make.WordPress.org Slack workspace and any other WordPress.org-related resources  
necessary for his business operations.

2. Defendants are directed to cease any further retaliatory conduct against Mr. Willman.
3. Defendants shall pay compensatory sanctions to Mr. Willman in an amount deemed appropriate by the Court, reflecting the harm caused by Defendants' willful violation of the preliminary injunction. While the precise financial impact of Defendants' actions is challenging to quantify directly, the harm includes disruption to Mr. Willman's professional activities, interference with his ability to serve as a community moderator, and reputational harm caused by retaliatory conduct.
4. To ensure compliance, Defendants are subject to the following coercive measures:
  - a. A coercive fine of an amount to be determined by the court for each day they fail to comply with this Order.
  - b. Incarceration of Defendant Matt Mullenweg until such time as he brings the operations of Automattic, Inc; Wordpress.org; the WordPress open source project; and the WordPress Foundation in line with the terms of the existing preliminary injunction.

#### 4. FUTURE CONDUCT

1. The Court further orders that Defendant Matt Mullenweg be restricted from taking any further actions in his capacity as Director of the WordPress Foundation that may interfere with the operations of WordPress.org or its affiliated platforms, including but not limited to: retaliatory measures against Mr. Willman and other individuals associated with WP Engine or its affiliates; retaliatory measures against individuals who utilize Wordpress.org services such as the Make.Wordpress.org slack to post messages critical of Matt Mullenweg or Automattic; posting personal blog messages written by or on the direction of Matt Mullenweg to the Wordpress.org News section; causing personal blog messages written by or on the direction of Matt Mullenweg to be delivered to the Wordpress admin panel of any customer, user, affiliate or partner of WP Engine; delaying or pausing the release of future versions of Wordpress.
2. To ensure accountability and prevent further misuse of authority, the Court orders the establishment of a "Wordpress Governance Oversight Board" to oversee the governance of the

WordPress Foundation, Wordpress.org, and related entities and subdomains. The Board shall consist of the following seven individuals, chosen in part due to Defendants own retaliatory actions against them

- a. Michael Willman (representing himself as an injured party, and a class of customers, users, affiliates and partners of WP Engine)
- b. A representative selected by WP Engine (representing themselves as an injured party, and a class of commercial Wordpress hosting providers)
- c. A representative selected by the WordPress Community Team (by majority vote of the current members of the Community Team)
- d. A representative selected by the WordPress Incident Response Team (by majority vote of the current members of the Incident Response Team)
- e. Amber Hinds (representing a class of commercial plugin and theme developers)
- f. John Blackburn (representing a class of commercial web development agencies)
- g. Sé Reed (representing the larger WordPress community and the WP Community Collective).

3. The Wordpress Governance Oversight Board shall have oversight authority over major and minor WordPress releases and ensure that future releases cannot be used as a method of retaliation. Upon the granting of this Order, the release coordinators for major release 6.8 (Jeff Paul and Michelle Frechette) shall nominate a release lead for the subsequent major release. The Board shall hold a vote to confirm or reject the nominee by majority consent. If the Board rejects the initial nominee, the current release coordinators may propose a second candidate. If both nominees are rejected, the Board shall appoint a release lead by majority vote. All future release leads shall appoint their successor using this same method. No release lead may lead more than one major release in a 12 month period.

4. All other minor releases and other governance decisions made by the Wordpress Foundation, or by Matt Mullenweg in his role as director of the WordPress Foundation and the owner of Wordpress.org, shall continue unaltered, EXCEPT THAT:

- a. Any Governance Oversight Board member may call for a vote to approve, deny, or roll back a minor release. The board must then cast votes within 7 business days on whether the release is to be rolled back, approved or denied.
- b. Any Governance Oversight Board member may call for a vote of no-confidence for any release lead, team lead, or other individual in a leadership role within the Wordpress project, Wordpress.org, or the WordPress Foundation, on the grounds that their actions are in violation of the preliminary injunction against Matt Mullenweg and Automattic. The board must then cast votes within 7 business days on whether the individual is to be censured. Upon successful censure, the individual shall be enjoined from resuming a leadership role in the Wordpress project until the censure vote is overturned or the Governance Oversight Board is disbanded.
- c. All major release leads must have prior experience leading at least one minor release, or significant comparable leadership experience in the Make.Wordpress.org community. Any appointees selected by the Governance Oversight Board to any leadership position, must be a Core Contributor or a Contributor in another team that is related to the position. In extenuating circumstances, the Governance Oversight Board may appoint an individual that does not comply with these standards, upon a two thirds majority vote by the board.
- d. The Governance Oversight Board may not call for a vote of no-confidence against or otherwise prevent Matt Mullenweg from performing his duties as Director of the WordPress Foundation and owner of Wordpress.org.
- e. No member of the Governance Oversight Board may be nominated or appointed to any leadership position in the Wordpress Foundation or Wordpress.org, unless it involves renomination or reappointment to the Governance Oversight Board.
- f. If a member of the Governance Oversight Board steps down from their position, a new representative may be appointed by the individual or group originally empowered to choose a representative. Alternatively, the Governance Oversight Board may invite a

1 relevant trade organization or non-profit to appoint a representative to fill a seat that is  
2 not filled within 30 days. If no relevant trade organization or non-profit is willing and  
3 able, then the Governance Oversight Board may appoint a new member upon majority  
4 consent.

5 g. Matt Mullenweg and other employees of Automattic, Inc; the WordPress Foundation;  
6 Audrey Capital; and Wordpress.org may not appoint or nominate new members to the  
7 Incident Response Team or Community Team. All appointments to these teams must  
8 follow procedures in place on or before the date that this order was filed.

9 h. Any named individual or active representative serving on the board, may appoint an  
10 alternate representative in their stead, without the prior consent of the board. This does  
11 not apply to elected members of the Incident Response Team or Community Team.

12 5. Past and current employees of: Automattic, Inc, the WordPress Foundation, Audrey Capital,  
13 WordPress.org, WP Engine, and Redev; who are currently employed or have been employed  
14 within the last 12 months, are excluded from participating in any votes by the WordPress  
15 Incident Response Team and WordPress Community Team.

16 6. The Governance Oversight Board shall exist solely for the purpose of maintaining stability in  
17 the open-source Wordpress project and to prevent further retaliation against members of the  
18 Wordpress community. Membership on the Governance Oversight Board may not be used to  
19 attempt to make structural changes to the technical foundation of Wordpress, generate a profit  
20 or convert public assets to personal use, retaliate against Matt Mullenweg or Automattic, Inc.,  
21 or otherwise significantly transform the nature of the Wordpress open source software, the  
22 Wordpress project, the Wordpress Foundation, or Wordpress.org.

7. The Board shall remain in existence through the date on which judgment is entered following  
the trial of this action.

8. The Court reserves the right to impose additional sanctions, including but not limited to  
further monetary and non-monetary penalties, should additional violations of the Court's  
orders occur.

1 DATED: \_\_\_\_\_

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4 The Honorable Araceli Martínez-Olguín  
5 UNITED STATES DISTRICT JUDGE  
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