

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WOODHULL FREEDOM FOUNDATION,)
HUMAN RIGHTS WATCH, ERIC KOSZYK,)
JESSE MALEY, a/k/a ALEX ANDREWS, and)
THE INTERNET ARCHIVE,)

Plaintiffs,)

v.)

THE UNITED STATES OF AMERICA)
and JEFFERSON B. SESSIONS, in his)
official capacity as ATTORNEY GENERAL)
OF THE UNITED STATES,)

Defendants.)

Case No. _____

DECLARATION OF ERIC KOSZYK

Pursuant to 28 U.S.C. § 1746, I, ERIC KOSZYK, hereby declare as follows:

1. I am a licensed massage therapist who lives in Portland, Oregon. I have personal knowledge of the matters stated in this declaration. If called upon to do so, I am competent to testify to all matters set forth herein.

2. I have worked as a licensed massage therapist since 2006, when I graduated from the Brenneke School of Massage in Seattle, Washington after completing 1,000 hours of program study. I am licensed as a massage therapist in Washington State, Virginia, Washington, D.C., and Oregon. I have also been licensed in Florida when I resided there. I also carry liability insurance that covers property damage and personal injury for my clients.

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3. Although each state's licensure requirements are different, they generally require applicants to prove that they have formal education and training in massage therapy and anatomy and physiology. They also generally require licensees to pass background checks and, as part of that process, some require applicants to provide fingerprints and other personal information.

4. In my time as a licensed massage therapist, I have never lost any of my licenses, had any of my licenses suspended, or had any other disciplinary action taken against me by any licensing agency.

5. I am the owner and sole proprietor of Soothing Spirit Massage, my personal massage business that I have run since 2007. I have operated Soothing Spirit as both a full- and part-time business for the past twelve years.

6. I have used the online classified advertising platform Craigslist (www.craigslist.org) as the primary way of finding clients for Soothing Spirit. I estimate that I find approximately 90 percent of Soothing Spirit's clients through Craigslist.

7. Since 2007, I have generally posted one or two advertisements per week on Craigslist to find clients. I would typically post my ads within the Therapeutic Services section of Craigslist. Over time, I was also able to edit my ad to make clear that I was a man providing massage therapy and that my services were professional and therapeutic. My ad has largely remained unchanged during the entire period I've advertised on Craigslist.

8. When I first began posting ads in 2007, Craigslist allowed massage therapists to post for free. Starting in 2009, Craigslist began charging to post ads appearing in the Therapeutic Services section. To the best of my recollection, it initially cost \$10 to post the first ad and an additional \$5 to repost the ad within the week. On average, I spent anywhere between \$100-300 per year to advertise Soothing Spirit on Craigslist.

9. Generally speaking, I found Craigslist to be the easiest and the best way to reach clients for Soothing Spirit. Over the past twelve years, I have placed ads on other websites but did not find them to be as effective at finding clients whom I could provide therapy for on my schedule. I believe the success of Soothing Spirit is directly related to my ability to use Craigslist to advertise my service. This is because Craigslist is such a well-known platform used by all sorts of individuals and businesses while also being popular with Internet users.

10. I have depended on Craigslist to advertise for Soothing Spirit because the website provided me with numerous benefits, including:

- a. Giving me the flexibility to determine when I provided massages to clients;
- b. Allowing me to screen potential clients to avoid unsafe working conditions or dangerous individuals;
- c. Helping me develop my business' reputation for providing professional, quality massage therapy;
- d. Allowing me to decide whether to host clients at my own home or to visit clients at their homes or hotels;
- e. Allowing me to advertise in the multiple cities over the course of moving to multiple states between 2009-16.

11. The flexibility that Craigslist afforded my business was crucial because, during the time I have operated Soothing Spirit, I have also had been pursuing many other professional, political and personal opportunities, and have moved across the country twice.

12. From 2007-2011, while living in Seattle, I worked as a massage therapist for three different businesses and did contract work at an acupuncturist's office. Having the ability to schedule massages for Soothing Spirit around those professional commitments helped me grow my new business while supplementing my personal income. During the first two years of

operating Soothing Spirit, I made an average of \$2,500 annually. By 2009, I made more than \$7,000 from Soothing Spirit.

13. In 2011, I moved to Florida to be closer to my girlfriend, whom I would later marry. In Florida, I worked as a substitute teacher and also continued to operate Soothing Spirit. Because I could continue to post massage therapy ads on Craigslist, I was able to schedule appointments around my work and personal life.

14. In 2012, I moved to northern Virginia and did political work for an organization called Virginia New Majority. I continued to work through Soothing Spirit and post ads on Craigslist. I found the supplemental income it provided me – nearly \$5,000 in 2012 – to be extremely helpful, while doing other full time work.

15. In 2013, I married my wife and also began pursuing a master's degree in public administration (with a concentration in international development) from George Mason University. When not studying, conducting research, or attending classes in pursuit of my degree, I continued to provide massage therapy through Soothing Spirit. In 2013, for example, I made \$14,205.

16. Craigslist proved particularly valuable to my business during this period because I could post ads for massage therapy for Northern Virginia communities such as Arlington, Alexandria, and Falls Church and post advertisements for Washington, D.C. This meant I could screen out individuals and decide which geographic locations I would work in, allowing me to decide when and where I would work.

17. In 2014, I was taking classes for my master's degree full-time and my wife and I had our first child. I continued to schedule massages through Craigslist and I made approximately \$8,800.

18. After graduating with my master's degree in 2015, I took on full-time childcare duties for our daughter while my wife worked. I continued to provide massage therapy through Soothing Spirit and the ads I placed on Craigslist. The flexibility that Craigslist enabled for my business was very important as I juggled my commitments as a stay-at-home father and husband. Although I worked less than in years past, I still made around \$4,500 in supplemental income for my family.

19. In 2016, my family moved to Portland, Oregon where we currently reside. Once again, being able to use Craigslist to advertise Soothing Spirit was extremely helpful, as I was able to work between 10-15 hours per week and bring in roughly \$8,300 that year while still being the primary caretaker for our daughter.

20. In December 2017, we had our second daughter. I continued to use Craigslist in 2017 and 2018 to post advertisements for Soothing Spirit and to provide supplemental income for my family until April 2018.

21. In late March 2018, I learned that the Allow States and Victims to Fight Online Sex Trafficking Act (H.R. 1865), known as SESTA, passed both chambers of Congress.

22. On Friday, April 6, 2018 I learned that Craigslist had removed the most recent ad for Soothing Spirit that I had posted earlier that week. I also learned that Craigslist had shut down its Therapeutic Services section.

23. The following week, on April 10, 2018, I attempted to re-post the ad I had been posting on Craigslist for many years in another section of the website, known as Skilled Services. Craigslist blocked my posting and I was thus unable to advertise therapeutic massages for Soothing Spirit. I have not been able to post my ad on any part of Craigslist's website since

April 6, 2018 and thus I no longer have a place on the website to advertise my services as a licensed massage therapist.

24. Because I have been unable to post my ads on Craigslist, I have not been able to get new clients for Soothing Spirit.

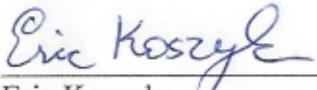
25. I am not aware of any other website that would allow me to post similar advertisements and to reach a similar sized audience as I was able to using Craigslist. I do not know how or whether I will be able to continue to operate and grow Soothing Spirit if I do not have the ability to post advertisements on Craigslist.

26. I know from my participation in online professional massage therapy support groups that other licensed and certified massage therapists experienced similar problems with their advertisements on Craigslist.

27. To the best of my knowledge, no professional massage therapists have been able to advertise on Craigslist since approximately April 6, 2018. I know from conversations with other professional massage therapists that, like me, many of them relied on Craigslist as their sole source of business and personal income and that they no longer have such a reliable and essential platform to use for their businesses.

28. I declare under penalty of perjury under the laws of the State of Oregon and the United States of America that the foregoing is true and correct.

Executed on this 27th day of June 2018 at Portland, Oregon.


Eric Koszyk