

FILED

FEB 11 2020

**JAMES M. KIM, Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: W. Simmons, Deputy**

1 Aaron Mackey (SBN 286647)
amackey@eff.org
2 Naomi Gilens (SBN 315813)
naomi@eff.org
3 Sophia Cope (SBN 233428)
sophia@eff.org
4 ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
5 San Francisco, CA 94109
Telephone: (415) 436-9333
6 Facsimile: (415) 436-9993

7 *Attorneys for Non-Party J. Doe*

8

9

10

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN**

11

12

13

14

15

16

17

18

19

20

21

PAYWARD, INC., d/b/a Kraken, a California
corporation,

Plaintiff,

v.

DOES 1 through 10, inclusive,

Defendants.

) Case No.: CIV 1902105

) **DECLARATION OF JOSEPH M.
FREEMAN IN SUPPORT OF J. DOE'S
MOTION TO QUASH**

) Date: JUN 03^{WS} 2020

) Time: 1:30 PM

) Dept: Courtroom B

) Judge: Hon. James T. Chou

) Action Filed: May 30, 2019

22

23

I, Joseph M. Freeman, declare as follows:

24

25

26

27

28

1. I am Assistant General Counsel at Glassdoor, Inc. ("Glassdoor"). 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. Glassdoor.com provides a public forum for current and former employees of



1 businesses to anonymously voice opinions of their employers by posting a review on the Glassdoor
2 website. A current or former employee expresses an opinion on glassdoor.com by posting a
3 “review” listing the employer’s “pros” and “cons,” offering advice to the employer and assigning a
4 rating between one and five “stars” in a number of categories.

5 3. The Glassdoor site also allows employers to create an employer account, which
6 permits employers to respond to employee reviews concerning their businesses.

7 4. I have access to the backend of Glassdoor’s computers servers and regularly review
8 the history and authorship of reviews posted on Glassdoor as part of my professional
9 responsibilities. I have reviewed the history and authorship of certain reviews appearing on
10 Glassdoor regarding Plaintiff Payward, Inc. (“Payward”).

11 5. On February 15, 2019, at approximately 7:55 AM Pacific Time, a Glassdoor user
12 submitted a review of Payward for publication on the Glassdoor site entitled “It is my opinion that
13 having 'The Kraken' represent your firm is very apt” (the “February 15 Review”). The February 15
14 Review appeared on the Glassdoor site shortly thereafter.

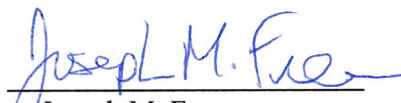
15 6. On March 1, 2020, an individual using an email address that is registered with
16 Glassdoor as authorized pursuant to an employer account to post employer responses to employee
17 reviews on behalf of Kraken posted a response to the February 15 Review.

18 7. Any author of a review appearing on Glassdoor has the ability at their sole discretion
19 to have a review they submitted subsequently removed or taken down from the site.

20 8. On June 5, 2019, at approximately 12:32 PM Pacific Time, the author of the
21 February 15 Review took the review down. It has not been publicly visible on glassdoor.com since
22 that time.

23 I declare under penalty of perjury under the laws of the state of California that the foregoing
24 is true and correct.

25 Executed this 7th day of February, 2020.

26 
27 Joseph M. Freeman
28

