

Case Number B335533

IN THE COURT OF APPEAL  
FOR THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT, DIVISION TWO

SNAP INC.,

*Petitioner,*

v.

SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
COUNTY OF LOS ANGELES,

*Respondent,*

AMY NEVILLE; AARON NEVILLE; JAIME PUERTA MARIAM  
HERNANDEZ; CINDY CRUZ SARANTOS; BRIDGETTE  
NORRING; JAMES MCCARTHY; KATHLEEN MCCARTHY;  
SAMANTHA MCCARTHY; MATTHEW CAPELOUTO;  
CHRISTINE CAPELOUTO; PERLA MENDOZA; SAMUEL  
CHAPMAN; DR. LAURA ANN CHAPMAN BERMAN; JESSICA  
DIACONT; E.B.; AND P.B.,

*Plaintiffs—Real Parties in Interest.*

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Los Angeles County Superior Court  
Case No. 22STCV33500  
Hon. Lawrence P. Riff, Presiding, Department 7

**BRIEF OF AMICUS CURIAE ELECTRONIC FRONTIER  
FOUNDATION IN SUPPORT OF SNAP INC.'S  
PETITION FOR WRIT OF MANDATE**

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## **CERTIFICATE OF INTERESTED ENTITIES**

Pursuant to California Rules of Court 8.208, the Electronic Frontier Foundation (“EFF”) states that it is a non-profit, non-partisan civil liberties organization. EFF has no parent corporation and no publicly held corporation owns more than 10% of its stock.

/s/ Aaron Mackey  
Aaron Mackey

*Counsel for Amicus Curiae*

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## INTRODUCTION

This Court should grant Petitioner’s writ of mandate and reverse the trial court’s ruling because its interpretation of Section 230 (47 U.S.C. § 230(c)(1)) jeopardizes the availability of platforms—and the various features and tools they offer—that internet users rely on to speak online. Online intermediaries like Snapchat provide the fundamental building blocks of the “vast democratic forums of the Internet,” which are one of “the most important places ... for the exchange of views” today.

*(Packingham v. North Carolina* (2017) 582 U.S. 98, 104, [quoting *Reno v. ACLU* (1997) 521 U.S. 844, 868].)

Congress enacted Section 230 because it recognized the crucial role that online intermediaries play in users’ ability to speak freely online. Congress understood that few internet users have the technological know-how or financial resources to build their own applications (“apps”) and websites, transmit their own email or chat messages, or ensure that their creative content is delivered to ready audiences. Section 230(c)(1)’s immunity fostered the development of services that would realize the internet’s promise to give everyone that power, by enabling a

revolution in the types of forums available for everyone to speak while lowering the costs once associated with mass communications.

The trial court’s reasoning in denying Snap, Inc.’s demurrer below diverges so significantly from California and federal appellate courts’ interpretation of Section 230 that it threatens to erode the significant benefits Congress provided to internet users when it passed the law.

Specifically, the trial court dismissed the fact that Plaintiffs’ claims are squarely premised on user-generated content—the messages that drug dealers exchanged with Plaintiffs’ children on Snapchat. As Snap, Inc.’s petition rightly argues, this goes to the “heartland” of Section 230(c)(1)’s immunity. (Pet. at p. 35.) Yet the trial court incorrectly characterized Snap, Inc.’s argument as advocating for a “but for” test, misconstruing the basic structure and purpose of Section 230(c)(1). (Pet. at pp. 56-57.)

With no analysis, the trial court incorrectly held that the various features and tools that Snapchat offers to all users—which Plaintiffs characterize as “21 specific design defects” (Vol.



VIII, Ex. NN, p. 1799)—amount to Snap, Inc.’s “independent tortious conduct—independent, that is, of the drug sellers’ posted content.” (*Id.* at p. 1816.) The trial court further held that these features and tools equate to Snap, Inc.’s actionable “conduct beyond ‘incidental editorial functions’” that are protected by Section 230, as well as actionable “content.” (*Id.* at pp. 1803-1816.)

Contrary to Congress’ intent, the trial court’s ruling, in fact, allows online intermediaries to be held liable for harmful third-party content. Any time a plaintiff can argue that the platform’s features and tools were misused to create harmful content or that the platform itself did not do enough to prevent the creation or dissemination of that third-party content, Section 230(c)(1)’s immunity would not apply.

The trial court’s legal theory threatens all internet users’ ability to benefit from features and tools that online intermediaries offer. It would not matter that such tools are overwhelmingly used to disseminate lawful speech; if anyone misuses those tools, the intermediary is liable for that misuse.

That outcome is both legally incorrect and overlooks how users benefit from those features. As a result, platforms will be incentivized to significantly restrict users' ability to use those beneficial features and tools—and even speak at all online—undercutting the internet's promise as a democratic forum for all.

### **ARGUMENT**

The trial court rejected Section 230's application to Plaintiffs' claims by decoupling the harmful messages posted by drug dealers from the mechanisms on Snapchat that enabled the content to be distributed: for example, ephemeral text-messaging, notifications that another user has responded to a user's content, friend recommendations ("Quick Add"), and content curation features, such as "Stories," which allow users to aggregate their posts in one place and make them available for others to view. (Vol. VIII, Ex. NN, pp. 1797-1800.) This is a distinction without a difference. It eviscerates Section 230(c)(1)'s immunity by creating a huge loophole that allows liability for user-generated content, contrary to the text and purpose of the statute.

Congress never intended for Section 230 to contain a legal distinction between the technical tools that enable users to create

or interact with content online and the content itself. As Snap, Inc. details in its Petition, Congress enacted Section 230—and numerous California and federal courts have correctly interpreted the statute—to generally prevent online intermediaries from being liable for content that others created using a platform’s tools. (Pet. at pp. 31-38.)

EFF writes separately to explain why the trial court’s Section 230 ruling will have immense consequences for users and the tools they rely on to create content, share it, and interact with others online.

**I. Features That Enable Users to Interact With One Another or to Protect the Privacy of Their Communications Are Highly Beneficial**

While the trial court undertook no analysis of how and which of the alleged “21 specific design defects” (Vol. VIII, Ex. NN, p. 1799) amount to Snap, Inc.’s own tortious “conduct” and “content,” some features are in fact beneficial to Snapchat users who create content for legitimate purposes.

For example, a central allegation here is that Snapchat’s ephemeral, or disappearing, messaging feature is inherently dangerous. (Vol. VIII, Ex. NN, p. 1798 (“automatic message

deletion feature”).) Yet the ability for users to exert control over both who can see their messages, and for how long, advances internet users’ privacy and security under legitimate circumstances. Disappearing messages are offered by several other services besides Snapchat, including WhatsApp and Signal, and they enable users to set a time-limit on how long a message can be read.<sup>1</sup> The features are critical for individuals who may be suffering from domestic abuse or are in any other situations in which someone with bad intent might demand to view the content of their messages, such as journalists or dissidents operating in repressive countries. More generally, disappearing messages benefit internet users’ privacy because they replicate through technology what has long been true: many of our in-person conversations with friends and loved ones are ephemeral.<sup>2</sup>

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<sup>1</sup> Katie O’Flaherty, *Why Everyone Should Use Disappearing Messages on WhatsApp and Signal* (Jan. 6, 2021) Wired <https://www.wired.co.uk/article/whatsapp-signal-disappearing-messages> (as of March 1, 2024).

<sup>2</sup> Julia Angwin, *One of the Last Bastions of Digital Privacy Is Under Threat* (June 13, 2023) New York Times <https://www.nytimes.com/2023/06/13/opinion/encryption-messaging-privacy-signal-whatsapp.html> (as of Mar. 1, 2024).

The same privacy and security protections benefit users who rely on Snapchat’s “My Eyes Only” feature. Plaintiffs’ complaint characterizes the feature as a self-destructing vault that evades law enforcement. (Vol. VIII, Ex. NN, p. 1798.) Yet most Snapchat users enable “My Eyes Only” to password protect private content that they do not want publicly disclosed.<sup>3</sup> If someone gains access to their account, the content in “My Eyes Only” is locked and requires a separate passcode to access. This provides Snapchat users with an additional layer of privacy and security for personal, lawful content.

Other features Snapchat and a plethora of other platforms provide are similarly useful for everyone. For example, the allegations claim that Snapchat’s “Stories” feature is unreasonably dangerous because it facilitates communications between minors and drug dealers. (Vol. VIII, Ex. NN, p. 1798.) Yet the “Stories” feature allows any user to create a compilation of images, video, and text that they can share with their friends

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<sup>3</sup> Curtis Joe, *What is “My Eyes Only” on SnapChat and How to Use It* (April 10, 2023) Android Authority <https://www.androidauthority.com/my-eyes-only-snapchat-3311277/> (as of Mar. 1, 2024).

for 24 hours.<sup>4</sup> Instagram has a similar feature, also called Stories.<sup>5</sup> Both allow a user to create content and share it with their friends, with many using their stories for a variety of purposes, both personal and professional. These are the exact benefits the Supreme Court recognized that the internet has the power to provide: sharing photos with family and friends and promoting their own businesses. (*See Packingham, supra*, 582 U.S. at 104.)

Finally, Snapchat’s “Quick Add” feature is useful for users who want to add people to their community who they may know through mutual acquaintances.<sup>6</sup> The feature roughly replicates how people meet new people in real life—perhaps at a party or other event, they meet someone who is a mutual friend of the host. Some social users are likely to enjoy this feature. Users who

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<sup>4</sup> Elise Moreau, *What Is a SnapChat Story?* (Sept. 13, 2021) Lifewire <https://www.lifewire.com/what-is-a-snapchat-story-3486000> (as of Mar. 1, 2024).

<sup>5</sup> *What Are Instagram Stories?* Instagram <https://about.instagram.com/features/stories> (as of Mar. 1, 2024).

<sup>6</sup> *What is Quick Add on Snapchat?* (August 2023) Snapchat <https://community.snap.com/snapar/discussion/3165/what-is-quick-add-on-snapchat> (as of Mar. 1, 2024).

do not want to appear as a Quick Add for other users can disable the feature.<sup>7</sup>

## **II. The Trial Court’s Expansion of Liability for Third-Party Content Will Incentivize Online Intermediaries to Sanitize Their Services and Censor User Speech**

Internet users’ free expression would be gravely harmed should this Court endorse the trial court’s interpretation of Section 230(c)(1). The trial court erred when it interpreted the statute as not shielding online intermediaries from liability for user-generated content, based on tangential arguments about a platform’s features and tools that enable the creation and distribution of that content.

Narrowing Section 230(c)(1) immunity as the trial court did will fundamentally change the relationship between internet platforms and their users by incentivizing companies to drastically alter the features and tools people can use and the type of content they can post online. Faced with increased

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<sup>7</sup> Claire Balfe, *How to Turn Off Quick Add on Snapchat and Take Control of Your Connections* (Aug. 16, 2023) Apps Info <https://appsinfo.pro/how-to-turn-off-quick-add-on-snapchat/> (as of Mar. 1, 2024).

substantive liability, online intermediaries will also spend more time and money defending lawsuits that may drag on for years and be exceedingly costly, regardless of the substantive merits of the claims.<sup>8</sup> The fear of both will drive fundamental changes to how online platforms operate, including an increase in censorship of user content.

**A. Online Intermediaries Will Limit What Features and Tools They Offer to the Public on Their Communications Platforms**

Upholding the trial court’s interpretation of Section 230(c)(1) will discourage platforms from offering a variety of useful features and tools, *see supra* Part I, that users employ to create content online and share it with others. Online intermediaries provide the essential free expression architecture

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<sup>8</sup> Section 230 is both a defense against liability and a procedural means to end a lawsuit early. (*See Fair Housing Counsel of San Fernando Valley v. Roommates.com, LLC* (9th Cir. 2008) 521 F.3d 1157, 1175 [“[S]ection 230 must be interpreted to protect websites not merely from ultimate liability, but from having to fight costly and protracted legal battles.”]. *Cf. Wicks v. Miss. State Emp’t Servs.* (5th Cir. 1995) 41 F.3d 991, 995 n.16 [“[I]mmunity means more than just immunity from liability; it means immunity from the burdens of defending a suit”].)



of today’s internet, and users depend upon them because they “serve as a vehicle for the speech of others.”<sup>9</sup>

Plaintiffs’ legal claims rest on a theory that Snap, Inc. knew or should have known that the features and tools it offers on Snapchat would be abused to create harmful content. The claims thus undercut Section 230(c)(1) as it has been applied across numerous state and federal courts by arguing that Snapchat’s provision of features and tools to users carries the *same legal risk* as any piece of harmful content created by one of its users.

If Plaintiffs’ legal theory and the trial court’s ruling are sustained, Snap, Inc. would need to protect itself from claims that a user could misuse the platform’s features and tools to produce and share harmful content. Snapchat and other similarly situated platforms will be incentivized to *remove* such enhancements from their online services, resulting in bland and sanitized—and potentially more privacy invasive and less secure—communications platforms.

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<sup>9</sup> Anupam Chander & Uyên P. Lê, *Free Speech* (2015) 100 Iowa L. Rev. 501, 514.

The trial court’s ruling—by effectively expanding liability for user-generated content—will also disincentivize the creation of *new* features, tools, and services that enable users to speak online. This is because online platforms will rightly be concerned that any new feature may later be deemed dangerous under Plaintiffs’ theory, should any user abuse the feature and cause another harm. The result will stunt potential new ways of creating and sharing user-generated content that could provide new benefits to users and their ability to speak online.

The trial court’s ruling thus hinders Congress’ goal of creating diverse forums for user speech, in terms of the range of communities served and the range of editorial offerings and approaches. Section 230’s immunities<sup>10</sup> allow online intermediaries to decide for themselves what user speech they host and how they host it, by greatly diminishing the fear of

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<sup>10</sup> Section 230(c)(1) and companion immunities in Section 230(c)(2): Section 230(c)(2)(A) immunizes online platforms from liability for “any action voluntarily taken in good faith to restrict access to or availability of material” that the platform finds objectionable. Section 230(c)(2)(B) immunizes “any action taken to enable or make available to information content providers or others the technical means to restrict access” to objectionable material online.

liability for those decisions.<sup>11</sup> Those protections include the choice to design a platform in certain ways or to enable certain features for their users. The statute has, as Congress intended, facilitated the “true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity.” (47 U.S.C. § 230(a)(3).)

The Supreme Court recently cautioned against expansive views of liability for online platforms that make their speech-disseminating features generally available: “The mere creation of those platforms, however, is not culpable.” *Twitter, Inc. v. Taamneh* (2023) 598 U.S. 471, 499. “To be sure, it might be that bad actors ... are able to use platforms like defendants’ for illegal—and sometimes terrible—ends. But the same could be said of cell phones, email, or the internet generally.” *Ibid.* As in *Taamneh*, Plaintiffs’ defective design theory “would effectively

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<sup>11</sup> Courts have applied both Section 230(c)(1) and Section 230(c)(2)(A) to immunize a service’s editorial decisions. (*See, e.g., NetChoice, LLC v. Moody* (N.D. Fla. 2021) 546 F. Supp. 3d 1082, 1090, *affd on other grounds* (11th Cir. 2022) 34 F.4th 1196 [user content takedown analyzed under Section 230(c)(2)(A)]; *Domen v. Vimeo, Inc.* (S.D.N.Y. 2020) 433 F. Supp. 3d 592, 602, *affd on other grounds* (2d Cir. 2021) 2021 WL 4352312 [user content takedown analyzed under Section 230(c)(1)].)

hold any sort of communication provider liable for any sort of wrongdoing merely for knowing that the wrongdoers were using its services and failing to stop them.” *Id.* at 503.

Without such features and tools, online intermediaries will be hampered in their ability to provide their users with the power to become pamphleteers or town criers whose voices could be heard by far larger audiences than was possible prior to the internet. (*See Reno, supra*, 521 U.S. at 870.)

**B. Online Intermediaries Will Drastically Increase Censorship of Users’ Speech**

Because the trial court’s ruling, while couched in “design defects,” (*See Vol. VIII, Ex. NN, p. 1799*) expands online intermediary liability for user-generated *content*, online services will respond by limiting users’ ability to speak online. Not only will online intermediaries refrain from offering new and unique features and tools on their platforms to mitigate legal risk, *see supra* Part II.A., they will also be incentivized to either pre-screen, or remove after-the-fact, any user content that may be even remotely problematic.

Pre-screening is a particularly worrisome method for mitigating a platform’s legal exposure for third-party content because it prevents content from being published in the first place, ending the unique ability of anyone with an internet connection to communicate with others around the world cheaply, easily, and quickly.<sup>12</sup>

Moreover, the ability—both logistically and financially—for modern online platforms to conduct a fair review of every user’s speech is dubious given the incredible volume of content generated by internet users. Content moderation at scale often results in intermediaries censoring wholly legitimate content as well.<sup>13</sup>

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<sup>12</sup> Paige Collins & David Greene, *General Monitoring is Not the Answer to the Problem of Online Harms* (Aug. 16, 2022) EFF Deeplinks <https://www.eff.org/deeplinks/2022/08/general-monitoring-not-answer-problem-online-harms> (as of Mar. 1, 2024).

<sup>13</sup> See, e.g., Mukund Rathi, *Amidst Invasion of Ukraine, Platforms Continue to Erase Critical War Crimes Documentation* (April 27, 2022) EFF Deeplinks <https://www.eff.org/deeplinks/2022/04/amidst-invasion-ukraine-platforms-continue-erase-critical-war-crimes-documentation> (as of Mar. 1, 2024). See also Jason Kelley, *New Tracking Global Online Censorship Site Explains Content Moderation Practices and Impacts* (Jan. 27, 2022) EFF Deeplinks

The difficulty of fairly reviewing digital content remains even more true than when Congress passed Section 230 in 1996, given the scale and continued growth of the internet. At that time, about 40 million people used the internet worldwide, and commercial online services in the United States had almost 12 million individual subscribers. (*See Reno, supra*, 521 U.S. at 850–51.) Today’s internet hosts third-party contributions from a broad array of voices, facilitating the speech of *billions* of people. As of April 2023, there were more than 5 billion people online, with 4.8 billion people using social media platforms.<sup>14</sup> Those billions of internet users are creating more content than at any point in humanity’s history. For example, as of 2022, users of YouTube,

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<https://www.eff.org/deeplinks/2022/01/new-tracking-global-online-censorship-site-explains-content-moderation-practices> ((as of Mar. 1, 2024).

<sup>14</sup> *See* Ani Petrosyan, *Number of Internet and Social Media Users Worldwide as of April 2023* (May 22, 2023) Statista <https://www.statista.com/statistics/617136/digital-population-worldwide/> (as of Mar. 1, 2024).

the popular video-based social media platform, were uploading 500 hours of videos each minute.<sup>15</sup>

Given the staggering number of users on today's internet, requiring online services to review every piece of user-generated content they host is simply not feasible for any online intermediary of even moderate size. Thus, the consequences of the new censorship regime created by the trial court will be felt by all internet users.

To keep the cost of human reviewers down, larger, more sophisticated platforms turn to algorithms or artificial intelligence to flag and block problematic content.<sup>16</sup> YouTube,

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<sup>15</sup> Jason Wise, *How Many Videos Are Uploaded to YouTube a Day in 2022?* (Nov. 22, 2022) Earthweb <https://earthweb.com/how-many-videos-are-uploaded-to-youtube-a-day/> (as of Mar. 1, 2024).

<sup>16</sup> See, e.g., Svea Windwehr & Jillian C. York, *Facebook's Most Recent Transparency Report Demonstrates the Pitfalls of Automated Content Moderation* (Oct. 8, 2020) EFF Deeplinks <https://www.eff.org/deeplinks/2020/10/facebooks-most-recent-transparency-report-demonstrates-pitfalls-automated-content> (as of Mar. 1, 2024).

which now has over 2 billion users,<sup>17</sup> is already using algorithms or artificial intelligence to moderate content on its platform.<sup>18</sup>

But automated tools are not a solution to the sheer volume of user-generated content created on online intermediaries, because even the best automated systems lack the ability to identify nuance, context, and cultural differences.<sup>19</sup> Automated systems are more likely to result in censorship of journalists, human rights activists, artists, or any other creators of *lawful* content.<sup>20</sup> Use of these automated systems will only increase

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<sup>17</sup> *YouTube By The Numbers*, YouTube Official Blog <https://blog.youtube/press/> (as of Mar. 1, 2024).

<sup>18</sup> Susan Wojcicki, *Expanding our work against abuse of our platform* (Dec. 5, 2017) YouTube Official Blog (“98 percent of the videos we remove for violent extremism are flagged by our machine-learning algorithms.”) <https://blog.youtube/news-and-events/expanding-our-work-against-abuse-of-our/> (as of Mar. 1, 2024).

<sup>19</sup> See Carey Schenkman et al., *Do You See What I See? Capabilities and Limits of Automated Multimedia Content Analysis* (May 2021) Center for Democracy & Technology, 29-30 <https://cdt.org/wp-content/uploads/2021/05/2021-05-18-Do-You-See-What-I-See-Capabilities-Limits-of-Automated-Multimedia-Content-Analysis-Full-Report-2033-FINAL.pdf> (as of Mar. 1, 2024).

<sup>20</sup> See Corynne McSherry, *Platform Censorship: Lessons from the Copyright Wars* (Sept. 26, 2018) EFF Deeplinks <https://www.eff.org/deeplinks/2018/09/platform-censorship->



under the liability regime envisioned by the trial court, as would online censorship.

Meanwhile, smaller intermediaries without the substantial resources required to manage potential liability in this way—or to weather the significant litigation costs they would face if they chose not to—will be forced to shut down. And new companies will be deterred from even trying to offer open platforms for speech or will be unable to attract investors in the face of such massive legal exposure.<sup>21</sup>

Such as expansive increase in legal risk as envisioned by the trial court will end the essential role intermediaries play in fostering social and political discourse on the internet—not just in the U.S. but across the globe. Indeed, many individuals around the world use U.S.-based services to access and distribute all

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lessons-copyright-wars (as of Mar. 1, 2024); Sydney Li & Jamie Williams, *Despite What Zuckerberg’s Testimony May Imply, AI Cannot Save Us* (April 11, 2018) EFF Deeplinks <https://www.eff.org/deeplinks/2018/04/despite-what-zuckerbergs-testimony-may-imply-ai-cannot-save-us> (as of Mar. 1, 2024).

<sup>21</sup> See Ethan Wham, *The Economic Case for Section 230, Disruptive Competition Project* (Sept. 6, 2019) Computer & Communications Industry Association <https://www.project-disco.org/innovation/090619-an-economic-case-for-section-230/> (as of Mar. 1, 2024).

manner of content, from organizing in opposition to oppressive regimes<sup>22</sup> to sharing pictures of children with grandparents. Indeed, the three largest internet companies globally by revenue are American companies: Alphabet (Google), Amazon, and Meta (Facebook).<sup>23</sup> Such robust, global online participation would never have been achieved without the immunity provided by Section 230.<sup>24</sup>

Because platforms will be unwilling to risk providing tools to provocative or unpopular speakers, the global online

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<sup>22</sup> See, e.g., Holly Dagues, *Meet Iran's Gen Z: the Driving Force Behind the Protests* (Nov. 1, 2022) Foreign Policy (“Circumvention tools allow access to blocked international social media platforms, such as Facebook, Twitter, and YouTube.”) <https://foreignpolicy.com/2022/11/01/iran-protests-gen-z-mahsa-amini-social-media/> (as of Mar. 1, 2024); Matt Burgess, *Iran's Protests Reveal What's Lost If Twitter Crumbles* (Dec. 1, 2022) Wired, <https://www.wired.com/story/protests-in-iran-twitter/> (as of Mar. 1, 2024).

<sup>23</sup> Andrew Bloomenthal, *World's Top 10 Internet Companies* (Dec. 28, 2022) Investopedia <https://www.investopedia.com/articles/personal-finance/030415/worlds-top-10-internet-companies.asp> (as of Mar. 1, 2024).

<sup>24</sup> See Jeff Kosseff, *The Twenty-Six Words That Created The Internet* (2019) Cornell University Press, at pp. 145-166.

marketplace of ideas will be artificially stunted, and will instead become a sanitized, bland, homogenous online experience.

### CONCLUSION

For the foregoing reasons, EFF respectfully requests that the Court grant Snap, Inc.'s writ of mandate, vacate the trial court's order, and sustain Snap, Inc.'s demurrer.

March 4, 2024

Respectfully submitted,

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## CERTIFICATE OF WORD COUNT

I certify pursuant to California Rules of Court 8.204 and 8.504(d) that this Amicus Brief of Electronic Frontier Foundation is proportionally spaced, has a typeface of 13 points or more, contains 3,607 words, excluding the cover, the tables, the signature block, verification, and this certificate, which is less than the total number of words permitted by the Rules of Court. Counsel relies on the word count of the Microsoft Word word-processing program used to prepare this brief.

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## CERTIFICATE OF SERVICE

I am over the age of 18 years and not a party to the within action. My business address is 815 Eddy Street, San Francisco, California 94109.

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FRONTIER FOUNDATION IN SUPPORT OF SNAP  
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