



Brad Serwin
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August 15, 2016

VIA U.S. MAIL

The Honorable Tami Cantil-Sakauye, Chief Justice, and Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

Re: ***Amicus Curiae Supporting Review*** (Cal. Rules of Court, rule 8.500(g))
Hassell v. Bird, 247 Cal. App. 4th 1336 (Court of Appeal Case No.
A143233)

Dear Honorable Justices:

Glassdoor, Inc. (“Glassdoor”), as *amicus curiae*, respectfully requests that this Court grant the pending Petition for Review in *Hassell v. Bird* (“*Hassell*”).

California-based Glassdoor is an online jobs and recruiting marketplace in which employers are anonymously rated and reviewed by employees and job seekers on important characteristics like culture, career advancement, work-life balance, the job interview experience and benefits. Glassdoor combines a vast array of user-generated content with available jobs to help job seekers make better, more informed decisions about where they work. Since Glassdoor launched in 2008, we have collected more than 12 million pieces of content on more than 540,000 companies in 190 countries and have approximately 30 million monthly unique users. We believe that the level of workplace transparency made possible by Glassdoor is contributing positively to the labor market by allowing people to get an “inside look” at what it is really like to work somewhere, allowing better matches between job seekers and employers that can help reduce turnover, increase employee satisfaction and ultimately create more stability for people, companies and our economy.

We respectfully submit that the Court of Appeal’s opinion in *Hassell* risks an abridgement of constitutional due process and the First Amendment rights of publishers



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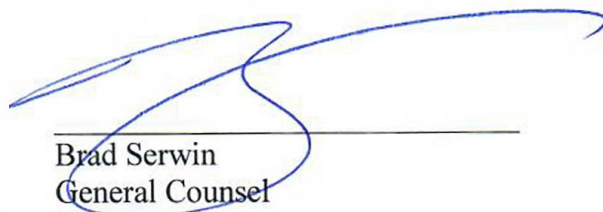
and content curators such as Glassdoor to distribute third-party speech. The ruling also creates a significant and dangerous loophole to the statutory immunity granted to online publishers by Section 230 of the federal Communications Decency Act, 47 United States Code section 230 (“Section 230”).

In the past year alone, Glassdoor has received approximately 260 legal demand letters to remove reviews and/or turn over our users’ identities. During this time, our users have been the subject of nearly 50 court cases brought by employers across 14 states. As of June (*i.e.*, when the opinion in *Hassell* was issued), there were some 14 active legal cases directed at approximately 83 Glassdoor anonymous users in six states. In almost all of these cases, the reviews in question reflect opinions of current or former employees.

Since *Hassell* was published, we have begun receiving demand letters citing the opinion as grounds for demanding that Glassdoor remove content and reviews deemed objectionable. We are deeply concerned that unscrupulous employers unhappy with honest, negative employee opinions about them in Glassdoor reviews will take guidance from *Hassell* and seek to gain default judgments and then use the threat of contempt proceedings to force us to remove content in violation of First Amendment rights and Section 230 immunity. Indeed, we observe with deep apprehension the recent appearance of online legal commentaries pointing to *Hassell* as a road map for using default judgments as a means of attacking and forcing the removal of online reviews not to one’s liking. See “How to Take Down Bad Reviews On Yelp and Win a \$500,000 Judgment – Hint: Don’t Sue Yelp,” <http://www.lexology.com/library/detail.aspx?g=5b2264a3-4a4e-4f1a-a63c-bbcd3ee8b89e>.

Thank you for your consideration of this request.

Very truly yours,



Brad Serwin
General Counsel

PROOF OF SERVICE

I, TOM O'BRIEN, am over the age of eighteen and not a party to the below-referenced action. My business address is 100 Shoreline Highway, Mill Valley, California, 94941

On August 15, 2016, I served the following documents by U.S. mail:

**Glassdoor, Inc.'s *Amicus Curiae* Supporting Review
Hassell v. Bird, 247 Cal. App. 4th 1336 (Court of Appeal Case No. A143233)**

I served the foregoing documents by placing them in a sealed envelope and sending them by express mail to the counsel listed below:

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I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 15, 2016