

Case No. 13-5946

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

**SARAH JONES,
Plaintiff/Appellee,**

vs.

**DIRTY WORLD ENTERTAINMENT RECORDINGS, LLC,
et al.,
Defendants/Appellants**

On Appeal from the United States District Court
for the Eastern District of Kentucky
Case No. 09-CV-219-WOB, District Court Judge William O. Bertelsman

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF BY
ONLINE SERVICE PROVIDERS**

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Attorneys for *Amici Curiae* Advance Publications, Inc., Amazon.com, Inc.,
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Gawker Media, LLC, Magazine Publishers of America, Inc.,
The McClatchy Company, The Reporters Committee for Freedom of the Press,
TripAdvisor LLC, Yahoo! Inc., and Yelp Inc.

Pursuant to Federal Rule of Appellate Procedure 29(b), Advance Publications, Inc., Amazon.com, Inc., Avvo, Inc., BuzzFeed, Inc., Cable News Network, Inc., Curbed.com LLC, Gawker Media, LLC, Magazine Publishers of America, Inc., The McClatchy Company, The Reporters Committee for Freedom of the Press, TripAdvisor LLC, Yahoo! Inc., and Yelp Inc. (“Amici”) respectfully request permission to file their concurrently lodged amicus curiae brief in the above-entitled case. Appellants have consented to Amici’s filing of the concurrently submitted brief. Appellee has not, requiring this motion.

As set forth in detail in the attached Exhibit A, Amici operate websites, news organizations, technology companies, and search engines that host and disseminate millions of posts and other content authored by users every day. As online service providers, they have a strong interest in preserving the protections of Section 230 of the Communications Decency Act, 47 U.S.C. § 230, for themselves and their users, consistent with Congress’s intent to promote the robust free flow of information on the Internet. Amici are concerned that the district court adopted an unduly restrictive interpretation of Section 230 immunity, notwithstanding the uniform law nationwide to the contrary.

Amici are familiar with the Opening Brief submitted by Appellants and believe that additional argument and authority will assist this Court. In their concurrently filed brief, Amici provide analysis of the role of user content on the

Internet, the tests adopted by courts to decide Section 230 exemptions, and the district court's interpretation of the law in comparison with that of other courts. They also provide examples of how the district court's construction of Section 230 could negatively affect all online service providers that host user content.

Amici respectfully request this Court permit them to file their amicus curiae brief in this matter.

Respectfully submitted this 19th day of November, 2013.

/s/ John C. Greiner

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all counsel of record, this 19th day of November, 2013, by means of the Court's electronic filing system.

s/ John C. Greiner
John C. Greiner (0005551)

EXHIBIT A
CORPORATE DESCRIPTIONS

ADVANCE PUBLICATIONS, INC.

Advance Publications, Inc., directly and through its subsidiaries, publishes 18 magazines with nationwide circulation, newspapers in over 20 cities and weekly business journals in over 40 cities throughout the United States. It also owns many Internet sites and has interests in cable systems serving over 2.3 million subscribers.

AMAZON.COM, INC.

Amazon.com, Inc. is the world's largest online retailer. In addition, Amazon provides a platform for third-party sellers, web services for enterprises and developers, and direct publishing services for content creators. It also operates several other websites, including www.imdb.com, a comprehensive movie database.

AVVO, INC.

Avvo, Inc. operates an online legal directory that rates and profiles lawyers in the United States. The company enables consumers to handle legal matters, and hosts a question-and-answer forum that allows consumers to ask legal-related questions and receive answers from rated lawyers. It offers ratings and profiles of practicing lawyers, client reviews, peer endorsements, professional disciplinary records, professionals' backgrounds, and contact information.

BUZZFEED, INC.

BuzzFeed is a leading social news and entertainment media company. It employs social, content driven publishing technology, and uses staff members but also user generated content to create shareable news, original reporting, entertainment and video across the social web. The content of the posts is usually words along with images, video or links.

CABLE NEWS NETWORK, INC.

Cable News Network (CNN) operates one of the top 24-hour news channels, reaching more than 100 million U.S. homes. In addition to its flagship channel, the company offers HLN (formerly CNN Headline News), and has an international division that keeps worldwide viewers informed. CNN has about 45 news bureaus around the world, including roughly 15 in the United States. Away from television, CNN operates the top-ranked CNN.com news website, and offers

syndicated news services. Founded in 1980 by cable broadcasting pioneer Ted Turner, CNN operates as part of Time Warner's Turner Broadcasting division.

CURBED.COM LLC

Curbed.com LLC operates a network of websites about real estate and design (Curbed.com), restaurants and nightlife (Eater.com), and shopping and style (Racked.com). It publishes its sites in more than two dozen markets around the country, including New York, Chicago, Los Angeles, Miami, and Austin. The company was founded in 2004 and is based in New York, New York.

GAWKER MEDIA, LLC

Gawker Media LLC is the publisher of some of the best loved titles on the web including the eponymous Gawker. Founded in 2002, the influential media group now produces eight original brands with a collective audience of tens of millions of U.S. readers. The Gawker Media properties attract fans and critics alike for their inimitable delivery of news, scandal, and entertainment.

MAGAZINE PUBLISHERS OF AMERICA, INC.

The Magazine Publishers of America, Inc. is a national trade association including more than 240 domestic magazine publishers who publish over 1,400 magazines sold at newsstands and by subscription. MPA members provide broad coverage of domestic and international news in weekly and biweekly publications, and publish weekly, biweekly and monthly publications covering consumer affairs, law, literature, religion, political affairs, science, sports, agriculture, industry and many other interests, avocations and pastimes of the American people. MPA has a long and distinguished record of activity in defense of the First Amendment.

THE MCCLATCHY COMPANY

The McClatchy Company, through its affiliates, is the third-largest newspaper publisher in the United States with 30 daily newspapers and related websites as well as numerous community newspapers and niche publications.

THE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS

The Reporters Committee for Freedom of the Press is a voluntary, unincorporated association of reporters and editors that works to defend the First Amendment rights and freedom of information interests of the news media. The Reporters Committee has provided representation, guidance and research in First Amendment and Freedom of Information Act litigation since 1970.

TRIPADVISOR LLC

TripAdvisor is the world's largest travel site offering trusted advice from real travelers and a wide variety of travel choices and planning features. TripAdvisor branded sites make up the largest travel community in the world, with more than 260 million unique monthly visitors, and over 125 million reviews and opinions covering more than 3.1 million accommodations, restaurants and attractions. The sites operate in 34 countries worldwide.

YAHOO! INC.

Yahoo! Inc. ("Yahoo") is focused on making the world's daily habits inspiring and entertaining. By creating highly personalized experiences for its users, Yahoo keeps people connected to what matters most to them, across devices and around the world. In turn, Yahoo creates value for advertisers by connecting them with the audiences that build their businesses. Yahoo is a Delaware corporation that is headquartered in Sunnyvale, California.

YELP INC.

Yelp Inc. operates Yelp.com and related websites worldwide that allow members of the public, free of charge, to read and write reviews about local businesses, government services, and other local establishments. By the end of September 2013, Yelp's users had contributed over 47 million reviews to Yelp, and Yelp's properties were visited by an average of 117 million unique visitors per month.