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OCT 14 2016

CLERK SUPREME COURT

Chief Justice Tani Gorre Cantil-Sakauye  
and the Honorable Associate Justices of the Supreme Court  
The Supreme Court of the State of California  
350 McAllister Street  
San Francisco, CA 94102-4797

October 13, 2016

Re: Support for Petition for Review in the matter of *Glassdoor, Inc. v. eGumball, Inc.*,  
Fourth Appellate District, Division Three; Case No. G053945

Dear Chief Justice Cantil-Saukaye and Honorable Associate Justices:

The Wikimedia Foundation, Inc. ("Wikimedia") respectfully submits this letter in support of the petition for review filed by Glassdoor, Inc. in *Glassdoor, Inc. v. eGumball, Inc.*, pursuant to California Rule of Court 8.500(g) (2016). The Wikimedia Foundation is a non-profit organization based in San Francisco, California, which operates Wikipedia, a free online encyclopedia that anyone can edit. The Wikimedia Foundation also hosts other popular websites, including Wiktionary, a free editable dictionary, and Wikimedia Commons, a free repository of photos and other media. These websites are built by thousands of people from around the world, and read by hundreds of millions of people, making Wikipedia one of the most visited websites in the world.

Since the sites' inception, the editors and contributors who create content for the Wikimedia projects have been able to do so anonymously. If they choose to create a user account, which they are not required to do, they do not need to provide their legal name or other identifying information. The ability to keep their identities private allows users to read and share well-sourced information on the Wikimedia projects without concern that their interests or involvement will be revealed. Users may therefore feel safe sharing or consuming accurate information about sensitive or controversial topics. As the steward of the projects, the Wikimedia Foundation takes user privacy seriously, and works to respect those interests. We collect and retain very little information, and require valid legal process before we produce any nonpublic information about a user.

For this reason, we are concerned about the lower court decision in *Glassdoor, Inc. v. eGumball, Inc.* The lower court ordered Glassdoor to provide information about users who had merely posted statements *similar* to the allegedly defamatory speech at issue in the case. The court did not examine these individual similar statements, their specific wording, or their context. A user's



right to post anonymously online should not be in doubt simply because they have made remarks that bear some similarity to other statements that the court has individually examined.

Allow us to present an example. Sometimes, Wikipedia editors will discuss whether or not certain information belongs in a Wikipedia article. During this process, editors may express various opinions, about whether the sources cited for the information are sufficiently reputable, whether an article is written in an appropriately neutral tone, and other aspects of the topic and the article. If one person, in the course of such discussions, makes a statement that is alleged to be defamatory, others who participated in the debate should not have their identities revealed simply because they made "similar" statements. Until an individual's own words have been subjected to the necessary balancing test by the court, their identity should remain hidden if they so wish.

Additionally, the lower court ordered Glassdoor to provide information about users who posted about eGumball from the same IP address as the user who made the allegedly defamatory statements. The fact that two posts were made from the same IP address does not mean they were made by the same *person*. This aspect of the order is of further concern to the Wikimedia Foundation. The Wikimedia projects are educational sites, where people come to share knowledge and learn about almost any topic imaginable. Many of our users are students, who may post to the projects from libraries or school facilities. Their IP address may therefore be associated with not just one, but many different users; and these students are just one example. Anyone who uses a public computer, or a computer at work, may be linked to an IP address that is also associated with another user. Anonymous users who may have posted from the same computer as a user whose speech is allegedly defamatory should not have their identities revealed simply because of this coincidence.

The ruling of the lower court in this case raises serious questions about when nonparties may be compelled to disclose information about anonymous online speakers. When a user has merely made a post similar to, or from the same IP as, speech that has been subjected to the balancing test, their identity should not be revealed. Such disclosure should be compelled only when a user's speech has been specifically evaluated. We encourage the court to grant Glassdoor's petition, in order to clarify this important point of law.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michelle Paulson', with a long horizontal flourish extending to the right.

Michelle Paulson  
Interim General Counsel  
Wikimedia Foundation



## SERVICE LIST

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## PROOF OF SERVICE

I, Rachel Stallman, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am employed in the City and County of San Francisco, State of California. I am over the age of eighteen (18) years, and not a party to or interested in the within-entitled action. I am an employee of the Wikimedia Foundation, 149 New Montgomery Street, 6th Floor, San Francisco, CA 94105.

I caused to be served a true and correct copy of this LETTER IN SUPPORT OF PETITION REVIEW on each person on the attached list by the following means:

- On October 14, 2016, I enclosed a true and correct copy of said document in a sealed envelope with postage fully prepaid for deposit in the United States Postal Service.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on October 14, 2016 in San Francisco, California.

  
Rachel Stallman