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OF THE STATE OF WASHINGTON

NO. 44920-0-II  
COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON

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J.S., S.L., and L.C.,

Appellants,

v.

VILLAGE VOICE MEDIA HOLDINGS, L.L.C., d/b/a Backpage.com;  
BACKPAGE.COM, L.L.C.; and NEW TIMES MEDIA, L.L.C., d/b/a  
Backpage.com,

Respondents.

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BRIEF OF *AMICI CURIAE* PROFESSORS OF CONSTITUTIONAL  
LAW AND RELATED FIELDS

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\* Counsel would like to thank Garry Padrta, Scott Sia, and Jun Shimizu, UCLA School of Law students who helped write this brief.

ORIGINAL

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## **IDENTITY AND INTEREST OF *AMICI CURIAE***

*Amici* are professors of constitutional law and related fields who have written about the importance of 47 U.S.C. § 230 (2006) to online freedom of speech. As such, *amici* are familiar with the issues involved in this case, and they have an interest in § 230 being interpreted properly, in the broad manner intended by Congress and almost universally adopted by state and federal courts. Because the decision below threatens to undermine this robust consensus properly interpreting § 230, *amici* urge this Court to reverse the decision of the superior court.

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#### **ISSUES TO BE ADDRESSED BY *AMICI***

*Amici* discuss why Congress enacted a bright-line rule immunizing online publishers from liability for the speech of third parties who post on a publisher's Web site, and how state and federal courts have developed a consensus that § 230 ought to be interpreted broadly. *Amici* also discuss the consequences that the lower court's theory of § 230 would have for the regime Congress instituted to robustly protect freedom of expression on the Internet. *Amici* hope their analysis will helpfully add to the arguments being made by the parties.

## STATEMENT OF THE CASE

The facts discussed in this brief are set forth in the parties' briefs filed below and in this Court.

## SUMMARY OF THE ARGUMENT

Many of the leading sites on the Internet—such as Google, YouTube, Wikipedia, Twitter, Instagram, Craigslist, and Backpage.com—likely owe their existence to 47 U.S.C. § 230. *See* Jack M. Balkin, *The Future of Free Expression in a Digital Age*, 36 Pepp. L. Rev. 427, 433-34 (2009). Most of the content displayed by those sites comes from users, or from operators of other sites. If such sites could be held liable for this sort of third-party material, they would likely be driven out of business. Either they would be ruined by lawsuits, or they would have to hire armies of screeners to check the millions of posts on those sites to see whether the posts might lead to liability.

And the sites would be crippled even by notice-based liability, under which site operators would be liable only once they were put on notice that some material on the site is actionable. Site operators that could not shoulder the tremendous expense of investigating the merits of such allegations would need to have a speech-suppressive policy of taking down anything that anyone complains about, without careful investigation.

The lower court’s interpretation of § 230 endangers all these sites, jeopardizing the benefits that the sites provide to their millions of users. And this interpretation is contrary to the nearly universal consensus among state and federal courts, which have held that § 230 broadly immunizes service providers that merely let third parties post their own content. That consensus accurately reflects Congress’s desire to protect all online information content providers from liability for third party messages, and to do so using a bright-line rule that minimizes litigation and uncertainty.

The lower court’s decision thus undermines “the vibrant and competitive free market” of ideas that Congress attempted to protect. 47 U.S.C. § 230(b)(2) (stating Congressional policy). *Amici* therefore urge this Court to reverse the decision below and find that § 230 bars a plaintiff from holding an Internet publisher liable for content posted by third parties.

## ARGUMENT

### **I. State and Federal Courts Agree That § 230 Confers Broad Immunity on Online Service Providers for Content Created by Third Parties.**

Title 47 U.S.C. § 230(c)(1) immunizes online service providers from state-law claims that are based on content that originates with third parties. The language of the statute is broad: “No provider or user of an interactive computer service shall be treated as the publisher or speaker of

any information provided by another information content provider.” 47 U.S.C. § 230(c)(1). And courts have interpreted it broadly, covering all manner of claims including defamation,<sup>1</sup> invasion of privacy,<sup>2</sup> tortious interference,<sup>3</sup> discrimination,<sup>4</sup> and negligence.<sup>5</sup> This includes protection from liability for the speech of third parties who have used a provider’s Web sites to allegedly facilitate prostitution or sexual assault. *Dart v. Craigslist, Inc.*, 665 F. Supp. 2d 961 (N.D. Ill. 2009); *Doe II*, 175 Cal. App. 4th 561, 96 Cal. Rptr. 3d 148.

Section 230 intentionally treats Internet publishers “differently from corresponding publishers in print, television and radio.” *Carafano*, 339 F.3d at 1122; *see also Batzel*, 333 F.3d at 1026-27. Publishers of other media, such as “newspapers, magazines or television and radio stations,” may indeed “be held liable for publishing or distributing . . . material written or prepared by others.” *Batzel*, 333 F.3d at 1026 (quoting *Blumenthal v. Drudge*, 992 F. Supp. 44, 49 (D.D.C. 1998)). But interactive computer

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<sup>1</sup> *See, e.g., Batzel v. Smith*, 333 F.3d 1018, 1026 (9th Cir. 2003); *Carafano v. Metrosplash.com, Inc.*, 339 F.3d 1119, 1122 (9th Cir. 2003); *Schneider v. Amazon.com, Inc.*, 108 Wn. App. 454, 459, 31 P.3d 37, 39 (2001); *Zeran v. America Online*, 129 F.3d 327, 330 (4th Cir. 1997); *Jones v. Dirty World Entertainment Recordings LLC*, 755 F.3d 398 (6th Cir. 2014); *Hung Tan Phan v. Lang Van Pham*, 182 Cal. App. 4th 323, 105 Cal. Rptr. 3d 791 (2010).

<sup>2</sup> *See, e.g., Prickett v. infoUSA, Inc.*, 561 F. Supp. 2d 646, 650 (E.D. Tex. 2006).

<sup>3</sup> *See, e.g., Jurin v. Google Inc.*, 695 F. Supp. 2d 1117, 1122-23 (E.D. Cal. 2010).

<sup>4</sup> *See, e.g., Fair Housing Council of San Fernando Valley v. Roommates.com, LLC*, 521 F.3d 1157, 1163-64 (9th Cir. 2008); *Chicago Lawyers’ Comm. for Civil Rights Under Law v. Craigslist*, 519 F.3d 666, 671 (7th Cir. 2008).

<sup>5</sup> *Klayman v. Zuckerberg*, 753 F.3d 1354 (D.C. Cir. 2014); *Doe II v. MySpace Inc.*, 175 Cal. App. 4th 561, 96 Cal. Rptr. 3d 148 (2009).

services cannot be found liable for third party content “regardless of the specific editing or selection process” they use. *Carafano*, 339 F.3d at 1124.

Congress had compelling reasons for providing greater protection to Internet publishers. First, “Congress wanted to encourage the unfettered and unregulated development of free speech on the Internet, and to promote the development of e-commerce.” *Batzel*, 333 F.3d at 1027; *see also Carafano*, 339 F.3d at 1122. Congress recognized the Internet as “a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity,” which has “flourished, to the benefit of all Americans, with a minimum of government regulation.” 47 U.S.C. § 230(a)(3)–(4).

Second, Congress wanted to “encourage interactive computer services and users of such services to self-police the Internet for obscenity and other offensive material” if they chose to do so. *Batzel*, 333 F.3d at 1028; *see also Schneider*, 108 Wn. App. at 463; *Zeran*, 129 F.3d at 331; *Blumenthal*, 992 F. Supp. at 52. In 1995, a trial court decided that an Internet publisher’s choice to monitor and edit third-party content on its service made the publisher liable for what was posted. *Stratton Oakmont, Inc. v. Prodigy Servs. Co.*, 1995 WL 323710 (N.Y. Sup. Ct. May 24, 1995). Section 230 was a direct response to that decision, and to the worry that

similar decisions would follow. *Zeran*, 129 F.3d at 331; 47 U.S.C. § 230(b)(4). Advertising policies such as Backpage.com’s, which bar the use of certain terms, are among the sorts of policies that § 230 protects. Like any policy, these policies are far from perfect at screening out advertisements for illegal transactions, but § 230 leaves it to service providers to decide which such policies (if any) to implement.

Therefore, it is unsurprising that both federal and state courts have nearly universally interpreted § 230 as offering broad protection to online service providers. *See Carafano*, 339 F.3d at 1123 (“[T]he *Batzel* decision joined the consensus developing across other courts of appeals that § 230(c) provides broad immunity for publishing content provided primarily by third parties.”); *see, e.g., Batzel*, 333 F.3d 1018 (immunity from defamation liability); *Zeran*, 129 F.3d 327 (same); *Craigslist*, 519 F.3d 666 (immunity from liability for housing discrimination); *Doe II*, 175 Cal. App. 4th 561, 96 Cal. Rptr. 3d 148 (immunity from claim that Web site operator’s negligence led to sexual assaults on plaintiffs); *Dart*, 665 F. Supp. 2d 961 (immunity from nuisance claim alleging that Web site facilitated prostitution). This broad interpretation of § 230 “has been vital in assuring that public discussion of public issues remains ‘robust, and wide-open.’” Charles F. Marshall & Eric M. David, *Prior Restraint 2.0: A Framework for Applying Section 230 to Online Journalism*, 1 Wake Forest

J.L. & Pol'y 75, 76 (2011) (quoting *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964)). Thanks in large part to § 230, over the last decade there has been tremendous growth in online user-generated content. *Id.*

Take, for example, Wikipedia, which allows millions of people to consult its many millions of user-generated and user-edited articles, written in more than 250 languages. See *List of Wikipedias*, Wikimedia Meta-Wiki, [http://meta.wikimedia.org/wiki/List\\_of\\_Wikipedias](http://meta.wikimedia.org/wiki/List_of_Wikipedias). Wikipedia was only able to do this due to its open door policy, which allows anybody to edit the contents of an article. David Wiley & Seth Gurrell, *A Decade of Development . . .*, 24 J. Open, Distance & E-Learning 11, 14-15 (2009). Before starting Wikipedia, Wikipedia cofounder Jimmy Wales launched Nupedia, a collaborative encyclopedia that had a demanding editorial review policy. *Id.* Due to this strong editorial control, Nupedia was a failure, producing fewer than 30 finished articles in its first year. *Id.*

What makes Wikipedia work is that a user may post an article, and any other user may correct and improve the article. But if Wikipedia (a nonprofit organization that accepts no advertising) were legally liable for what its users posted, it would be forced to revert to the unsuccessful Nupedia-style restrictive editorial model and would thus be unable to harness the power of its broad user base.

Likewise, consider social media platforms such as Twitter and YouTube. Through unedited user-generated posts, these sites have proved instrumental in breaking and covering stories that had been largely ignored by traditional media outlets. For example, during the Iranian protests in Summer 2009, while CNN and other cable news outlets were slow to pick up the story, “Twitter and YouTube carried a stream of reports, pictures and film from Iran’s streets.” *Twitter 1, CNN 0*, *Economist* (Jun. 18, 2009), <http://www.economist.com/node/13856224>. All this information was valuable precisely because it was user-generated and disseminated to the public instantaneously. Had Twitter and YouTube been required to prescreen all their content, those sites would not have existed.

Finally, consider search engines like Google. Through the use of complex computer algorithms, Google is able to filter the billions of Web sites on the Internet and display only the ones that most closely match a user’s search criteria. This service is valuable precisely because it is automated, being used more than a billion times per day.<sup>6</sup> If Google could be held liable for actionable content in the Web sites that its search function displayed, it would in practice have to screen every Web site on the Inter-

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<sup>6</sup> Google, *Facts About Search and Competition*, <http://www.google.com/competition/howgooglesearchworks.html>.

net. Clearly, such a result would be impractical and would shut down such search engines overnight.

**II. “Knowledge” of Potentially Actionable Content Does Not Make a Party a “Content Provider” Under § 230.**

Any Web site operator that has thousands (or millions) of posts must be aware that *some* of those posts are potentially actionable, whether defamatory, threatening, or otherwise. Indeed, sometimes an operator might even have reason to know that specific posts may be actionable, whether because its employees periodically observe what is posted, or because the operator has received outside notice objecting to a particular post.

Yet § 230 immunizes online publishers from civil liability for third-party content even under such circumstances. “It is, by now, well established that notice of the unlawful nature of the information provided is not enough to make it the service provider’s own speech.” *Universal Commc’n Sys., Inc. v. Lycos, Inc.*, 478 F.3d 413, 420 (1st Cir. 2007); *see also, e.g., Schneider*, 108 Wn. App. at 463; *Carafano*, 339 F.3d at 1124; *Jones*, 755 F.3d at 407.

As the *Zeran* court found, even a regime of notice-based liability would compromise the “robust nature of Internet communication.” *Zeran*, 129 F.3d at 330, 332-33. Under such a regime, Web sites that distribute

third party content would tend to play it safe and try to avoid liability by censoring any speech that they have reason to think is objectionable, even if it is in fact nonactionable. After all, taking down something that ultimately proves to be nondefamatory would merely risk alienating a few customers—and most Web site operators would have little economic incentive to defend those customers’ interests through litigation. On the other hand, not removing the speech would risk massive liability, or huge legal expenses even if the post eventually proves to be not actionable.

And because service providers would be understandably concerned about potential liability, complaining parties would gain the power to suppress even speech that they know is not actionable—but is merely offensive to them—because they would know that most Web site operators will err on the side of caution. “If notice could defeat immunity, anyone in any way ‘displeased’ with posted materials could utilize notice as a ‘no-cost’ means to create the basis for future lawsuits.” *Donato v. Moldow*, 865 A.2d 711, 726 (N.J. Super. Ct. App. Div. 2005).

Moreover, a notice-based regime is likely to produce the very disincentive to self-regulation that Congress sought to avoid in enacting § 230. *See Jones*, 755 F.3d at 407-08 (“By barring publisher-liability and notice-liability defamation claims lodged against interactive computer service providers,” “§ 230 encourages interactive computer service providers

to self-regulate”). If service providers could become liable for a specific post when they see it, or exercise any sort of editorial control over it, then it will be in their interest to turn a blind eye to the content on their sites. *See Batzel*, 333 F.3d at 1029; *Backpage.com, LLC v. McKenna*, 881 F. Supp. 2d 1262, 1273 (W.D. Wash. 2012). Indeed, under the lower court’s reasoning, even the mere imposition of rules that reflect an awareness of the risk of actionable content might show sufficient notice to lead to liability, and service providers would thus be discouraged from using even that basic modicum of protection against improper content.

This is not the regime that Congress created. “While Congress could have made a different policy choice, it opted not to hold interactive computer services liable for their failure to edit, withhold or restrict access to offensive material disseminated through their medium.” *Blumenthal*, 992 F. Supp. at 49.

Therefore, contrary to the decision below, “Congress has made a . . . choice by providing immunity even where the interactive service provider has an active, even aggressive role in making available content prepared by others.” *Id.* at 52. “Congress has conferred immunity from tort liability as an incentive to Internet service providers to self-police the Internet for obscenity and other offensive material, even where the self-policing is unsuccessful or not even attempted.” *Id.*

**III. A Web Site Operator Loses Its § 230 Immunity Only If It Becomes a Content Provider, by Itself Creating or Developing Actionable Content.**

Section 230 “[i]mmunity extends only when the content is not provided by the service entity: ‘No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.’” *Schneider*, 108 Wn. App. at 465 (quoting 47 U.S.C. § 230(c)(1)). An information content provider is “any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service.” 47 U.S.C. § 230(f)(3). A Web site thus qualifies as a “content provider” only with respect to content it creates or develops itself. *See Schneider*, 108 Wn. App. at 465; *Roommates.com*, 521 F.3d at 1162; *Jones*, 755 F.3d at 415-16.

The Ninth Circuit’s decision in *Roommates.com* illustrates this principle well. There, the plaintiffs sought to hold a service provider, Roommates.com, liable for discrimination under the Fair Housing Act based on three features of its Web site: (1) a “drop-down menu” that required users to answer discriminatory questions, (2) a search feature that was specifically designed to filter results according to the discriminatory criteria, and (3) an open-ended “additional comments” section in which

users had made discriminatory posts. *Roommates.com*, 521 F.3d at 1165-73.

The court found that Roommates.com was a content provider with respect to the drop-down menu and search features. According to the Ninth Circuit, Roommates.com “does not merely provide a framework that could be utilized for proper or improper purposes; rather, [its] work in developing the discriminatory questions, discriminatory answers and discriminatory search mechanism is directly related to the alleged illegality of the site.” *Id.* at 1172. Consequently, Roommates.com was not immune from liability as to its creation of its own actionable content, and as to its requirement that its users create actionable content.

However, the court held that Roommates.com was immune from liability for its “additional comment” feature—a tool on its Web site that users often used quite lawfully, but sometimes used unlawfully. *Id.* at 1174-75. The court noted that the feature merely provided a blank text box in which users wrote their own content, which could be either discriminatory or nondiscriminatory. *Id.* Further, “[w]ithout reviewing every essay, [Roommates.com] would have no way to distinguish unlawful discriminatory preferences from perfectly legitimate statements.” *Id.* at 1174. “This is precisely the kind of situation for which section 230 was designed to provide immunity.” *Id.*

This result is consistent with the Seventh Circuit's recent decision in *Craigslist*, which dealt with facts similar to those in *Roommates.com*. Craigslist had no inherently discriminatory questions or search features like in *Roommates.com*, but just let users post ads in the site's housing section, and some of the users posted ads with discriminatory preferences. The court therefore held that Craigslist did not become a content provider simply because the user posts revealed "a third party's plan to engage in unlawful discrimination." *Craigslist*, 519 F.3d at 672.

The court rejected the argument that Craigslist could be held responsible for creating or developing (in whole or in part) the discriminatory messages on its Web site. "Doubtless Craigslist plays a causal role in the sense that no one could post a discriminatory ad if Craigslist did not offer a forum." *Id.* at 671. But this was not enough to hold Craigslist liable as a content provider. Similarly, a recent Sixth Circuit case held that even a Web site that specifically solicited gossip, and selected which submissions to post, could not be held liable as a content provider of that gossip. *Jones*, 755 F.3d at 401, 411.

Like Craigslist and like the additional comments feature of Roommates.com, Backpage.com lets users post ads that the users compose entirely on their own. Unlike the Roommates.com drop-down menu and search features, Backpage.com does not require the posting of illegal con-

tent, or post illegal content of its own. There is thus no basis for holding publishers like Backpage.com liable as content providers, simply on the grounds that such publishers “provide a framework that could be utilized for proper or improper purposes.” *Roommates.com*, 521 F.3d at 1172.

This is particularly clear as to Backpage.com’s simple provision of posting services and as to its posting guidelines, which do not call on users to include any actionable material. Some criminals may indeed have figured out ways to post ads for prostitution that complied with those guidelines, and thus avoided detection from Backpage.com’s editorial staff. But cases such as *Roommates.com* and *Craigslist* make clear that this does not make Backpage.com responsible, “in whole or in part,” for creating or developing the illicit content. *Roommates.com*, 521 F.3d at 1174. To hold Backpage.com liable based on its publication of its posting guidelines would be akin to finding a publisher of an article about police practices liable for crimes committed by those who read the article and learned how to more effectively avoid police detection.

Likewise, Backpage.com’s maintenance of a category labeled “escorts” also does not make it liable as a provider of actionable content. Escort services are not illegal in Washington, *City of Yakima v. Emmons*, 25 Wn. App. 798, 802, 609 P.2d 973 (1980) (recognizing the existence of “legitimate escort service[s]”), and are specifically allowed and regulated

under the laws of other states. *See, e.g.,* Colo. Rev. Stat. Ann. § 12-25.5-112 (2012). Indeed, other courts facing similar issues have noted that escort services as such are legal, *see, e.g., Backpage.com, LLC*, 881 F. Supp. 2d at 1268, though of course people who call their businesses escort services may use them as fronts for illegal activity. Thus, that some, or perhaps even most, of the third party posts in the “escort” section of Backpage.com might be ads for prostitution does not mean that Backpage.com is liable as a content provider, for the same reason that Craigslist is not liable for the discriminatory ads posted in the housing section of its site.

Moreover, even if maintaining an “escorts” category were seen as purposefully contributing to the development of *prostitution* ads—a position that *amici* do not endorse—it would certainly not constitute purposefully contributing to the development of *child prostitution* ads. Plaintiffs’ negligence claims in this case necessarily turn on the theory that plaintiffs were harmed because the ads supposedly negligently promote child prostitution. But there is no way for Backpage.com to effectively and feasibly differentiate ads for adult escorts from ads for child escorts; and, in any event, nothing that Backpage.com allegedly did encouraged or solicited ads specifically for child escorts. As the Sixth Circuit recently held, a web site cannot be held liable for defamation, given § 230, when it does not

“materially contribute to *the defamatory content*” of the allegedly actionable ads by posting its own defamatory material or “requir[ing] users to post” such material, *Jones*, 755 F.3d at 416 (emphasis added). Likewise, given § 230, a web site cannot be held liable for supposedly negligently promoting child prostitution simply by creating an “escorts” category—especially when no-one suggests that Backpage.com itself posted any content concerning child escorts or required users to post such content.

Finally, to whatever extent any doubt remains about whether Backpage.com is a content provider within the meaning of § 230 as to the advertisements involved in this case, *Roommates.com* makes clear that “close cases . . . must be resolved in favor of immunity”:

We must keep firmly in mind that this is an immunity statute we are expounding, a provision enacted to protect Web sites against the evil of liability for failure to remove offensive content. Web sites are complicated enterprises, and there will always be close cases where a clever lawyer could argue that *something* the Web site operator did encouraged the illegality. Such close cases, we believe, must be resolved in favor of immunity, lest we cut the heart out of § 230 by forcing Web sites to face death by ten thousand duck-bites, fighting off claims that they promoted or encouraged—or at least tacitly assented to—the illegality of third parties.

521 F.3d at 1174-75. This reasoning fully applies to the Backpage.com material at issue in this case. Construing Backpage.com’s actions to deny

it immunity under § 230 would undermine Congress's decision to create a bright-line rule broadly protecting free expression.

**IV. Imposing Liability on Online Service Providers Like Backpage.com Is Not Necessary to Fight Child Trafficking, or Even to Fight Prostitution.**

In many cases, the protection offered by § 230 comes with costs. “Congress made a policy choice . . . not to deter harmful online speech through the separate route of imposing tort liability on companies that serve as intermediaries for other parties’ potentially injurious messages.” *Zeran*, 129 F.3d at 330-31. Section 230 therefore provides Internet publishers with immunity from tort liability even when “self-policing is unsuccessful or not even attempted,” *Blumenthal*, 992 F. Supp. at 52, and even when (for instance) libelous or privacy-invading posts harm their targets, with no effective means of combatting that harm.

But in this case, § 230 actually does not, on balance, materially undermine public safety or privacy rights. To the extent law enforcement believes that certain online ads are promoting prostitution, the ads are a tool law enforcement can use, precisely because they are visible.<sup>7</sup> And if

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<sup>7</sup> See Mark Latonero, *The Rise of Mobile and the Diffusion of Technology-Facilitated Trafficking*, Nov. 2012 (USC Annenberg Center on Communications Leadership & Policy Research Series on Technology and Human Trafficking), at 30 (noting that “online classified ad sites like Backpage . . . are visible, accessible, and well known to law enforcement staff,” and that “this accessibility makes it easy even for those who have limited training in technology-oriented investigative tactics . . . to participate in investigations”).

law enforcement wants to focus on ads that it suspects are for underage prostitution, it can do so as well. Ironically, if Backpage.com was forced to shutter its “escort” category, ads would be channeled to harder-to-reach locations,<sup>8</sup> illegal transactions would be much harder to locate and stop, and the underage victims of such transactions would be harder to find and rescue.<sup>9</sup>

### CONCLUSION

For the foregoing reasons, *amici* request that this Court reverse the decision below.

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<sup>8</sup> *See, e.g., id.* at 26 (“[L]aw enforcement agents . . . suggest[ed] that closing one site runs the risk of sending traffic to other online advertisement and social networking sites.”).

<sup>9</sup> *See id.* at 26-27, quoting a “federal law enforcement agent who worked on a number of [domestic minor sex trafficking] cases” as saying that,

[Craigslist, before it was pressured to shut down adult pages, was] very pro-law enforcement. If I serve them, I get the subpoena back, the results [of] which help my case. . . . [T]hey were always very cooperative. Yeah, we don’t like it. But guess what? If you shut that down, they’re going to go somewhere else. And what happened? The Craigslist Adult Section gets shut down and what happened? Now they go to RedBook. Now I can’t even get a response from RedBook because they’re based out of the country.

Respectfully submitted this 5th day of September, 2014.

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## CERTIFICATE OF SERVICE

The undersigned attorney certifies that on this date she caused to be served a true copy of the foregoing document **via E-mail and U.S. mail** on the following:

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

DATED this 5<sup>th</sup> day of September, 2014.

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