

FEB 1 1 2020

JAMES M. KIM, Court Executive Office MARIN COUNTY SUPERIOR COURT Bu: W. Simmons, Deputy

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ELECTRONIC FRONTIER FOUNDATION

PAYWARD, INC., d/b/a Kraken, a California

Plaintiff.

Defendants.

815 Eddy Street

San Francisco, CA 94109 Telephone: (415) 436-9333 Facsimile: (415) 436-9993

Attorneys for Non-Party J. Doe

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corporation,

v.

DOES 1 through 10, inclusive,

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I, Joseph M. Freeman, declare as follows:

1. I am Assistant General Counsel at Glassdoor, Inc. ("Glassdoor"). I have personal knowledge of the matters stated in this declaration. If called upon to do so, I am competent to testify to all matters set forth herein.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF MARIN

Case No.: CIV 1902105

MOTION TO QUASH

Judge: Hon. James T. Chou

Action Filed: May 30, 2019

Time: 1:30 PM
Dept: Courtroom B

Date:

DECLARATION OF JOSEPH M.

FREEMAN IN SUPPORT OF J. DOE'S

2. Glassdoor.com provides a public forum for current and former employees of

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businesses to anonymously voice opinions of their employers by posting a review on the Glassdoor website. A current or former employee expresses an opinion on glassdoor.com by posting a "review" listing the employer's "pros" and "cons," offering advice to the employer and assigning a rating between one and five "stars" in a number of categories.

- 3. The Glassdoor site also allows employers to create an employer account, which permits employers to respond to employee reviews concerning their businesses.
- 4. I have access to the backend of Glassdoor's computers servers and regularly review the history and authorship of reviews posted on Glassdoor as part of my professional responsibilities. I have reviewed the history and authorship of certain reviews appearing on Glassdoor regarding Plaintiff Payward, Inc. ("Payward").
- 5. On February 15, 2019, at approximately 7:55 AM Pacific Time, a Glassdoor user submitted a review of Payward for publication on the Glassdoor site entitled "It is my opinion that having 'The Kraken' represent your firm is very apt" (the "February 15 Review"). The February 15 Review appeared on the Glassdoor site shortly thereafter.
- 6. On March 1, 2020, an individual using an email address that is registered with Glassdoor as authorized pursuant to an employer account to post employer responses to employee reviews on behalf of Kraken posted a response to the February 15 Review.
- 7. Any author of a review appearing on Glassdoor has the ability at their sole discretion to have a review they submitted subsequently removed or taken down from the site.
- 8. On June 5, 2019, at approximately 12:32 PM Pacific Time, the author of the February 15 Review took the review down. It has not been publicly visible on glassdoor.com since that time.

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

Executed this day of February, 2020.

Joseph M. Freeman

1 PROOF OF SERVICE 2 I am a resident of the State of California, over the age of eighteen, and not a party to the within action. My business address is: Electronic Frontier Foundation, 815 Eddy Street, San 3 Francisco, CA 94109. I served the within document(s): 4 **DECLARATION OF JOSEPH M. FREEMAN** IN SUPPORT OF J. DOE'S MOTION TO QUASH 5 Via E-Mail: by transmitting via electronic mail the document(s) listed above to the 6 person(s) at the email address(es) set forth below on February 11, 2020, by agreement 7 of counsel 8 Via Facsimile: by transmitting via facsimile the document(s) listed above to the fax number (s) set forth below on this date before 5:00 p.m. 9 Via Hand: by personally delivering the document(s) listed above to the person(s) at the 10 addresses set forth below. 11 Via U.S. Mail: by placing a true copy thereof enclosed in a sealed envelope, at a station 12 designated for collection and processing of envelopes and packages for delivery by U.S. Postal Service, as part of the ordinary business practice of Burgoyne Law Group 13 described below, addressed as follows: 14 William J. Frimel Seubert French Frimel & Warner LLP 15 1075 Curtis Street 16 Menlo Park, CA 94025 bill@ssfwlaw.com 17 Attorneys for Non-Party Glassdoor 18 19 Christopher LaVigne Andrew Calderon 20 Pierce Bainbridge Beck Price & Hecht LLP 355 South Grand Avenue, 44th Floor 21 Los Angeles, California 90071 clavigne@piercebainbridge.com 22 acalderon@piercebainbridge.com 23 Attorneys for Plaintiff Payward, Inc., d/b/a Kraken 24 I declare under penalty of perjury under the laws of the State of California that the above 25 is true and correct. Executed February 11, 2020 at San Francisco, California. 26 By: ______Aaron Mackey 27

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