

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHICAGO LAWYERS' COMMITTEE FOR	)	
CIVIL RIGHTS UNDER LAW, INC.	)	
	)	
Plaintiff	)	Judge Amy J. St. Eve
	)	
v.	)	Magistrate Judge Jeffrey Cole
	)	
CRAIGSLIST, INC.	)	Case No. 06 C 0657
	)	
Defendant.	)	

**MOTION OF AMICI AMAZON.COM, INC., AOL LLC, EBAY INC.,  
GOOGLE INC., YAHOO! INC., ELECTRONIC FRONTIER FOUNDATION,  
INTERNET COMMERCE COALITION, NETCHOICE, NETCOALITION,  
AND UNITED STATES INTERNET SERVICE PROVIDER ASSOCIATION  
FOR LEAVE TO FILE AN AMICUS BRIEF IN SUPPORT OF CRAIGSLIST'S  
MOTION FOR JUDGMENT ON THE PLEADINGS**

The undersigned Amici, ten companies and trade associations that represent many of the leading members of the Nation's online and electronic communications industries, hereby respectfully request leave to file the accompanying amicus curiae brief.

The Amici include companies that provide many of the country's most popular and well-known interactive computer services and trade associations that represent the entire range of participants in today's diverse and fast-growing online industry. They seek to provide the industry perspective concerning the extremely negative implications that adoption of the plaintiff's position would have on the continued development and growth of online services and related electronic media.

The legal question presented by craigslist's motion for judgment on the pleadings focuses on the interpretation of a federal statutory provision, 47 U.S.C. § 230 ("Section 230"). Courts across the country have confirmed that Section 230(c)(1) immunizes online intermediaries from

claims based on the dissemination of third-party content. Contrary to this virtually uniform body of case law and the plain language of the statute, the plaintiff and the National Fair Housing Alliance (“NFHA”) nonetheless urge the Court to adopt the radical position that Section 230(c)(1) does *not* provide immunity from liability for third-party content at all. The plaintiff’s position would have far-reaching consequences: Although the particular claim at issue in this case is based on the Fair Housing Act, the theory advanced by the plaintiff would appear to apply equally to *any* claim based on third-party content, and would thus undermine substantially the important federal policies reflected in Section 230.

The Amici and the companies they represent provide interactive computer services through which staggering quantities of third-party information flow every day. Indeed, many of the Amici have been involved as defendants in the leading cases interpreting Section 230. The strong interest of the Amici in the legal issues presented by this case, and the expertise that they can therefore bring, are apparent in a brief description of their businesses:

- **Amazon.com, Inc.**, which opened on the World Wide Web in July 1995, is an online service that seeks to be where customers can find and discover anything they might want to buy online, and endeavors to offer its customers the lowest possible prices. Through Amazon’s flagship website, Amazon.com, it and other sellers offer millions of unique new, refurbished and used items in categories such as health and personal care, jewelry and watches, gourmet food, sports and outdoors, apparel and accessories, books, music, DVDs, electronics and office, toys and baby, and home and garden.
- **AOL LLC** is the largest Internet service provider in the United States. Its flagship AOL service has many millions of members and offers numerous forums through which members may post content and messages to communicate with one another, including hundreds of message boards and chat rooms, as well as areas where users can post reviews of a wide variety of products and services. In addition, AOL operates the AOL.com website and numerous other websites through which users can disseminate content.
- **eBay Inc.** pioneered the online auction-style trading format, creating a forum in which today almost two hundred million users can sell goods directly to each other. In addition to the vast array of third-party content that comprises the eBay marketplace, eBay permits

buyers and sellers to rate and comment on their dealings with one another, and provides a Feedback Forum that compiles and displays these ratings and comments.<sup>1</sup>

- **Google Inc.** provides a variety of online services including the Google Web Search service that is based on an index of more than eight billion Web pages from content providers around the world, the Google Groups service that maintains archives of many millions of Usenet postings dating from 1981 to the present, and the Google Base service, which allows users to post and categorize content of virtually any kind directly to Google.
- **Yahoo! Inc.** offers a comprehensive network of services to more than 411 million individuals each month worldwide. Yahoo! offers a variety of services for third parties to share content on the Yahoo! network, including hosting millions of personal websites, message boards on more than 80,000 topics with millions of messages, a Web search engine and online directory, online photo albums, and more.
- **Electronic Frontier Foundation** is a non-profit, member-supported civil liberties organization working to protect rights in the digital world. EFF actively encourages and challenges industry, government, and the courts to support free expression, privacy, and openness in the information society. Founded in 1990, EFF is based in San Francisco. EFF is particularly concerned that laws and regulations not be used to stifle free expression on the Internet by holding platforms liable where the content in question originates with a third party. EFF has members all over the United States and maintains one of the most-linked-to websites (<http://www.eff.org>) in the world.
- **Internet Commerce Coalition** is a coalition of leading Internet Service Providers, e-commerce companies, and trade associations in the United States. The ICC's mission is to achieve a legal environment that allows service providers, their customers, and other users to do business on the global Internet under reasonable rules governing liability and use of technology.
- **NetChoice** is a coalition of online businesses and consumers who are united in promoting the increased choice and convenience enabled by e-commerce. NetChoice members have a direct interest in preventing obstacles to e-commerce, such as the threat of incurring liability for content provided by third parties.
- **NetCoalition** serves as the public policy voice for some of the world's largest and most innovative Internet companies on key public policy matters affecting the online world. Its members include providers of search technology, hosting services, ISPs, and Web portal services.
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<sup>1</sup> For purposes of full disclosure, eBay notes that it has a minority stake of approximately 25% in defendant craigslist.

- **The United States Internet Service Provider Association** is a national trade association that represents the common policy and legal concerns of the major American Internet service providers and network communications providers.

By the very nature of their businesses, and the businesses of the companies that they represent, the Amici have considerable experience with this area of the law and an obviously strong interest in the issues presented by this case. They are therefore well-situated to offer helpful analysis and insights regarding the meaning, scope and application of Section 230, as well as the adverse consequences that would result if the plaintiff's position were adopted.

Counsel for craigslist has indicated that craigslist consents to the filing of an amicus curiae brief from these Amici. Counsel for plaintiff has declined to provide such consent. Leave for Amici to file the accompanying brief is especially appropriate in light of the fact that this Court already has approved the filing of, and received, an amicus brief discussing the policy implications of this case from the perspective of the NFHA, an organization whose views and interests are closely aligned with those of the plaintiff. Further, Amici understand that not only did plaintiff consent to the filing of NFHA's amicus brief, but that plaintiff actually filed the motion itself.

For these reasons, the Amici respectfully request leave to file the accompanying brief in support of craigslist's Motion for Judgment on the Pleadings.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Julie Samuels, certify that I caused a copy of Motion of Amici Amazon.com, Inc., AOL LLC, eBay Inc., Google Inc., Yahoo! Inc., Electronic Frontier Foundation, Internet Commerce Coalition, NetChoice, NetCoalition, and United States Internet Service Provider Association for Leave to File an Amicus Brief in Support of craigslist's Motion for Judgment on the Pleadings and Notice of Motion to be served by e-mail to Stephen D. Libowsky and Laurie Wardell via the ECF system of the U.S. District Court, Northern District of Illinois, Eastern Division, and by Federal Express delivery to Stephen D. Libowsky and Laurie Wardell on this 21<sup>st</sup> day of June, 2006.

/s/ Julie Samuels

Julie Samuels