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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TWITTER, INC.,

Plaintiff,

vs.

KEN PAXTON, in his official capacity as
Attorney General of Texas,

Defendant.

Case No. 3:21-cv-01644-MMC

**INTERNET ASSOCIATION'S MOTION
FOR LEAVE TO FILE *AMICUS
CURIAE* BRIEF IN SUPPORT OF
PLAINTIFF TWITTER'S MOTION
FOR A PRELIMINARY INJUNCTION**

Hon. Maxine M. Chesney

MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF

Internet Association (“IA”) moves for leave to file a brief as amicus curiae in support of Plaintiff Twitter, Inc.’s motion for a preliminary injunction (ECF Nos. 5, 18). Plaintiff consents to the filing of this brief; Defendant does not oppose the motion for leave to file the brief.

IA is a membership organization representing the Nation’s leading online service and technology providers, whose products and services empower citizens and businesses to communicate, form relationships, and engage in commerce in countless new and important ways. Many of IA’s members provide forums and tools for consumers to engage in a wide variety of activities that the First Amendment protects: they facilitate speech and public discourse; they enable persons to engage in virtual assembly by forming communities and communicating in groups; they enable citizens to air their grievances; and they allow businesses and patrons to discover each other and to transact business with each other.

To ensure a quality user experience, internet companies exercise editorial discretion in the form of content moderation. That includes setting and enforcing rules against inappropriate, objectionable, and inaccurate material on their platforms, and—sometimes—temporarily or permanently suspending users who persist in violating the platforms’ community standards. The rules adopted by internet companies vary from company to company and represent a judgment about what types of content are appropriate in light of the nature of the specific service, its target audience, and concerns about the impact of online content on offline conduct. *Amicus* and its members therefore have a substantial interest in the circumstances in which the First Amendment permits their decisions regarding content on their platforms or suspending users from their websites to be subjected to the risks, burdens, and uncertainties of government investigations, and possibly government penalties.

Accordingly, *Amicus* seeks to file the attached brief to provide the Court with general information regarding the content moderation process and explain why those decisions are protected by the First Amendment.

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Dated: March 24, 2021

MAYER BROWN LLP

By: /s/ Douglas A. Smith
Douglas A. Smith

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