

No. 21-16210

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

CHILDREN'S HEALTH DEFENSE,
a Georgia non-profit organization,

Plaintiff-Appellant,

v.

FACEBOOK, INC., a Delaware corporation;
MARK ZUCKERBERG, a California resident;
THE POYNTER INSTITUTE FOR MEDIA STUDIES, INC.,
a Florida corporation; SCIENCE FEEDBACK, a French corporation,

Defendants-Appellees.

Appeal from the Judgment of the United States District Court
for the Northern District of California, Case No. 3:20-cv-05787-SI
Honorable Susan Illston, United States District Judge

**AMICUS CURIAE BRIEF IN SUPPORT OF
CHILDREN'S HEALTH DEFENSE AND REVERSAL**

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IDENTITY AND INTEREST OF AMICUS CURIAE¹

The Rutherford Institute is an international nonprofit organization headquartered in Charlottesville, Virginia. Founded in 1982 by its President, John W. Whitehead, the Institute provides legal representation at no charge to individuals whose constitutional rights have been threatened or violated, and educates the public about constitutional and human rights issues affecting their freedoms. The Rutherford Institute is interested in this case because it touches upon core questions of the right to freedom of expression which is the bedrock for preservation of individual liberty that both the federal elements of our constitutional structure and the Bill of Rights were created to protect and preserve.

The Rutherford Institute writes in support of the appeal filed by Children's Health Defense ("CHD") from the judgment rendered in the district court on June 30, 2021 dismissing CHD's claims against Facebook, Zuckerberg, and Poynter ("Defendants"). The purpose of this Brief is to support CHD's first cause

¹ *Amicus* certifies that counsel of record for Children's Health Defense, Facebook, Inc., Mark Zuckerberg, and The Poynter Institute for Media Studies, Inc. have consented to *Amicus* filing a brief in support of CHD. *Amicus* thus files this brief pursuant to Fed. R. App. P. 29(a)(2). Although Science Feedback is named in the title of this case, the claims against Science Feedback were dismissed without prejudice by the district court due to lack of service, and Science Feedback has not appeared in this matter; thus, no consent was obtained or needed from Science Feedback. No counsel for a party authored this brief in whole or in part, and no party or counsel for a party contributed money that was intended to fund preparing or submitting this brief.

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