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15 NETCHOICE, LLC d/b/a NetChoice

16  
17 IN THE UNITED STATES DISTRICT COURT  
18 THE NORTHERN DISTRICT OF CALIFORNIA  
19 SAN JOSE DIVISION  
20

21 NETCHOICE, LLC d/b/a NetChoice,  
22 Plaintiff,

23 v.

24 ROB BONTA, ATTORNEY GENERAL OF  
25 THE STATE OF CALIFORNIA, in his official  
capacity,

26 Defendant.

Case No. 5:22-cv-08861-BLF

**DECLARATION OF AMBIKA KUMAR  
IN SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION**

Judge: Hon. Beth Labson Freeman  
Date: June 22, 2023  
Time: 9:00 a.m.  
Dept.: Courtroom 3 – 5<sup>th</sup> Floor

Action Filed: December 14, 2022

DAVIS WRIGHT TREMAINE LLP

1 I, Ambika Kumar, declare:

2 1. I am a partner at the law firm Davis Wright Tremaine LLP, counsel for Plaintiff  
3 NetChoice LLC, d/b/a NetChoice. I make this Declaration from personal knowledge and review  
4 of the files and records in this matter.

5 2. Attached as **Exhibit 1** to this Declaration is a true and correct copy of an August  
6 2019, California Office of the Attorney General report, *Standardized Regulatory Impact*  
7 *Assessment: California Consumer Privacy Act of 2018 Regulations*, available at  
8 [https://web.archive.org/web/20220216085558/https://www.dof.ca.gov/Forecasting/Economics/M](https://web.archive.org/web/20220216085558/https://www.dof.ca.gov/Forecasting/Economics/Major_Regulations/Major_Regulations_Table/documents/CCPA_Regulations-SRIA-DOF.pdf)  
9 [ajor\\_Regulations/Major\\_Regulations\\_Table/documents/CCPA\\_Regulations-SRIA-DOF.pdf](https://web.archive.org/web/20220216085558/https://www.dof.ca.gov/Forecasting/Economics/Major_Regulations/Major_Regulations_Table/documents/CCPA_Regulations-SRIA-DOF.pdf). My  
10 office obtained this document—and all other exhibits to this Declaration—by visiting the URL  
11 listed on February 9, 2023, unless otherwise noted.

12 3. Attached as **Exhibit 2** to this Declaration is a true and correct copy of a December  
13 13, 2021, Stanford University Institute for Human-Centered Artificial Intelligence article, *Can't*  
14 *Unsubscribe? Blame Dark Patterns*, which my office obtained by visiting  
15 <https://hai.stanford.edu/news/cant-unsubscribe-blame-dark-patterns>.

16 4. Attached as **Exhibit 3** to this Declaration is a true and correct copy of the *Reddit*  
17 *Content Policy*, which my office obtained by visiting [https://www.redditinc.com/policies/content-](https://www.redditinc.com/policies/content-policy)  
18 [policy](https://www.redditinc.com/policies/content-policy).

19 5. Attached as **Exhibit 4** to this Declaration is a true and correct copy of Truth Social's  
20 *The Moderation FAQ*, which my office obtained by visiting  
21 <https://help.truthsocial.com/moderation/moderation-faq/>.

22 6. Attached as **Exhibit 5** to this Declaration is a true and correct copy of the New  
23 York Times's *User Generated Content Terms of Service*, which my office obtained by visiting  
24 [https://www.nytimes.com/2017/08/18/science/space/nyteclipsewatch-terms-of-](https://www.nytimes.com/2017/08/18/science/space/nyteclipsewatch-terms-of-service.html#:~:text=By%20The%20New%20York%20Times%20Aug.%2018%2C%202017,de)  
25 [service.html#:~:text=By%20The%20New%20York%20Times%20Aug.%2018%2C%202017,de](https://www.nytimes.com/2017/08/18/science/space/nyteclipsewatch-terms-of-service.html#:~:text=By%20The%20New%20York%20Times%20Aug.%2018%2C%202017,de)  
26 [fatory%2C%20obscene%2C%20pornographic%2C%20abusive%2C%20or%20otherwise%20](https://www.nytimes.com/2017/08/18/science/space/nyteclipsewatch-terms-of-service.html#:~:text=By%20The%20New%20York%20Times%20Aug.%2018%2C%202017,de)  
27 [illegal%20material](https://www.nytimes.com/2017/08/18/science/space/nyteclipsewatch-terms-of-service.html#:~:text=By%20The%20New%20York%20Times%20Aug.%2018%2C%202017,de).

28 7. Attached as **Exhibit 6** to this Declaration is a true and correct copy of the

1 Washington Post's *Discussion and Submission Guidelines*, which my office obtained by visiting  
2 <https://www.washingtonpost.com/discussions/2021/11/23/discussion-submission-guidelines/>.

3 8. Attached as **Exhibit 7** to this Declaration is a true and correct copy of a February  
4 1, 2023, The Center for Growth and Opportunity at Utah State University article, *Poll: Americans*  
5 *Don't Want To Share Their Photo ID To Tweet*, which my office obtained by visiting  
6 <https://www.thecgo.org/benchmark/poll-americans-dont-want-to-share-their-photo-id-to-tweet/>  
7 on February 15, 2023.

8 9. Attached as **Exhibit 8** to this Declaration is a true and correct copy of an August  
9 29, 2022, Techdirt article, *Age Verification Providers Say Don't Worry About California Design*  
10 *Code; You'll Just Have To Scan Your Face For Every Website You Visit*, which my office obtained  
11 by visiting [https://www.techdirt.com/2022/08/29/age-verification-providers-say-dont-worry-](https://www.techdirt.com/2022/08/29/age-verification-providers-say-dont-worry-about-california-design-code-youll-just-have-to-scan-your-face-for-every-website-you-visit/)  
12 [about-california-design-code-youll-just-have-to-scan-your-face-for-every-website-you-visit/](https://www.techdirt.com/2022/08/29/age-verification-providers-say-dont-worry-about-california-design-code-youll-just-have-to-scan-your-face-for-every-website-you-visit/) on  
13 February 10, 2023.

14 10. Attached as **Exhibit 9** to this Declaration is a true and correct copy of a February  
15 27, 2022, Wall Street Journal article, *Why Age Verification Is So Difficult for Websites*, which my  
16 office obtained by visiting [https://www.wsj.com/articles/why-age-verification-is-difficult-for-](https://www.wsj.com/articles/why-age-verification-is-difficult-for-websites-11645829728)  
17 [websites-11645829728](https://www.wsj.com/articles/why-age-verification-is-difficult-for-websites-11645829728) on February 10, 2023.

18 11. Attached as **Exhibit 10** to this Declaration is a true and correct copy of an October  
19 14, 2021, United Kingdom Information Commissioner's opinion, *Age Assurance for the*  
20 *Children's Code*, which my office obtained by visiting [https://cy.ico.org.uk/media/4018659/age-](https://cy.ico.org.uk/media/4018659/age-assurance-opinion-202110.pdf)  
21 [assurance-opinion-202110.pdf](https://cy.ico.org.uk/media/4018659/age-assurance-opinion-202110.pdf) on February 15, 2023.

22 12. Attached as **Exhibit 11** to this Declaration is a true and correct copy of a September  
23 22, 2022, Commission Nationale de l'Informatique et des Libertés report, *Online age verification:*  
24 *balancing privacy and the protection of minors*, which my office obtained by visiting  
25 <https://www.cnil.fr/en/online-age-verification-balancing-privacy-and-protection-minors>.

26 13. Attached as **Exhibit 12** to this Declaration is a true and correct copy of the U.S.  
27 Census Bureau's *2020 ACS Survey: California: Families and Household Characteristics*, which  
28 my office obtained by visiting

1 [https://data.census.gov/table?t=Families+and+Household+Characteristics&g=0400000US06&y=](https://data.census.gov/table?t=Families+and+Household+Characteristics&g=0400000US06&y=2020&tid=ACSST5Y2020.S1101)  
2 [2020&tid=ACSST5Y2020.S1101](https://data.census.gov/table?t=Families+and+Household+Characteristics&g=0400000US06&y=2020&tid=ACSST5Y2020.S1101) on February 10, 2023.

3 14. Attached as **Exhibit 13** to this Declaration is a true and correct copy of a September  
4 14, 2015, The Atlantic, *President Obama on Political Correctness*, which my office obtained by  
5 visiting [https://www.theatlantic.com/politics/archive/2015/09/president-obama-on-political-](https://www.theatlantic.com/politics/archive/2015/09/president-obama-on-political-correctness/626626/)  
6 [correctness/626626/](https://www.theatlantic.com/politics/archive/2015/09/president-obama-on-political-correctness/626626/).

7 15. Attached as **Exhibit 14** to this Declaration is a true and correct copy of a September  
8 15, 2022, press release from the Office of the Governor, *Governor Newsom Signs First-in-Nation*  
9 *Bill Protecting Children's Online Data and Privacy*, which my office obtained by visiting  
10 [https://www.gov.ca.gov/2022/09/15/governor-newsom-signs-first-in-nation-bill-protecting-](https://www.gov.ca.gov/2022/09/15/governor-newsom-signs-first-in-nation-bill-protecting-childrens-online-data-and-privacy/)  
11 [childrens-online-data-and-privacy/](https://www.gov.ca.gov/2022/09/15/governor-newsom-signs-first-in-nation-bill-protecting-childrens-online-data-and-privacy/) on February 10, 2023.

12 16. Attached as **Exhibit 15** to this Declaration is a true and correct copy of a July 1,  
13 2022, POLITICO article, *Push to Rein in Social Media Sweeps the States*, which my office  
14 obtained by visiting [https://www.politico.com/news/2022/07/01/social-media-sweeps-the-states-](https://www.politico.com/news/2022/07/01/social-media-sweeps-the-states-00043229)  
15 [00043229](https://www.politico.com/news/2022/07/01/social-media-sweeps-the-states-00043229).

16 17. Attached as **Exhibit 16** to this Declaration is a true and correct copy of a July 2020,  
17 Federal Trade Commission article, *Complying with COPPA: Frequently Asked Questions*, which  
18 my office obtained by visiting [https://www.ftc.gov/business-guidance/resources/complying-](https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions)  
19 [coppa-frequently-asked-questions](https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions) on February 15, 2023.

20 18. Attached as **Exhibit 17** to this Declaration is a true and correct copy of a September  
21 2008, Review of Network Economics article, *The Economics of the Online Advertising Industry*,  
22 which my office obtained by visiting <https://doi.org/10.2202/1446-9022.1154> on February, 16  
23 2023.

24 19. Attached as **Exhibit 18** to this Declaration is a true and correct copy of a July 30,  
25 2018, Forbes article, *Understanding Influencer Marketing And Why It Is So Effective*, which my  
26 office obtained by visiting [https://www.forbes.com/sites/theyec/2018/07/30/understanding-](https://www.forbes.com/sites/theyec/2018/07/30/understanding-influencer-marketing-and-why-it-is-so-effective/?sh=a47089571a94)  
27 [influencer-marketing-and-why-it-is-so-effective/?sh=a47089571a94](https://www.forbes.com/sites/theyec/2018/07/30/understanding-influencer-marketing-and-why-it-is-so-effective/?sh=a47089571a94) on February 16, 2023.

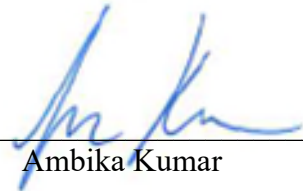
28 20. Attached as **Exhibit 19** to this Declaration is a true and correct copy of a February

1 15 2022, Journal of Marketing Research article, *The Research Behind Influencer Marketing*, which  
2 my office obtained by visiting <https://www.ama.org/wp-content/uploads/2022/02/Influencer->  
3 [Marketing.pdf](https://www.ama.org/wp-content/uploads/2022/02/Influencer-Marketing.pdf) on February 16, 2023.

4 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
5 knowledge.

6 Executed on February 17, 2023, in Seattle, Washington.

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Ambika Kumar