No. 23-2969

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NETCHOICE, LLC, d/b/a/ NetChoice,

Plaintiff-Appellee,

v.

ROB BONTA, in his official capacity as
Attorney General of the State of California,

Defendant-Appellant.

On Appeal from the U.S. District Court
for the Northern District of California
Case No. 5:22-cv-08861 (Hon. Beth Labson Freeman)

BRIEF OF AMICI CURIAE REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS AND 14 MEDIA ORGANIZATIONS IN SUPPORT OF PLAINTIFF-APPELLEE

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STATEMENT OF IDENTITY AND INTEREST OF AMICI CURIAE

Amici are the Reporters Committee for Freedom of the Press, Advance Publications, Inc., The Associated Press, Boston Globe Media Partners, LLC, Dotdash Meredith, The E.W. Scripps Company, Hearst Corporation, The McClatchy Company, LLC, The New York Times Company, POLITICO LLC, Reuters News & Media Inc., Student Press Law Center, TEGNA Inc., Tribune Publishing Company, and The Washington Post. A supplemental statement of identity and interest of amici curiae is included as Appendix A of this brief.

As news organizations and advocates for journalists and the press, amici have a strong interest in preserving First Amendment protections against state interference in the editorial autonomy of news organizations. Amici likewise have an interest in ensuring that willing readers, listeners, and viewers—including children, adolescents, and young adults—are able to access news content and engage in public discourse, even when that content or discourse may concern topics or issues that state regulators could perceive as sensitive for minors. Amici write to highlight how the law at issue in this case threatens to impair those protections and interests.

SOURCE OF AUTHORITY TO FILE

Counsel for Plaintiff-Appellee and Defendant-Appellant have consented to the filing of this brief. *See* Fed. R. App. P. 29(a)(2).

FED. R. APP. P. 29(a)(4)(E) STATEMENT

Amici declare that:

1. no party's counsel authored the brief in whole or in part;
2. no party or party's counsel contributed money intended to fund preparing or submitting the brief; and
3. no person, other than amici, their members or their counsel, contributed money intended to fund preparing or submitting the brief.

INTRODUCTION

The California Age-Appropriate Design Code Act (the "AADC" or "Act") reaches far beyond the regulation of data privacy. Appellant's Opening Br. at 1–2 (arguing AADC limited to regulation of data and "economic activity"). The Act would require covered entities, including news organizations, to modify or restrict access to lawful content online—including public interest journalism—for fear of running afoul of the law. While the state has a legitimate interest in protecting children's welfare, sections of the AADC—both expressly and because of vagueness inherent in other provisions—stray beyond that objective into government interference in constitutionally protected editorial choices. Worse, these parts of the law would do so in a way that impairs access by young people and the public at large to news they need to fully participate in civic life.

The AADC requires websites to identify and "mitigate" or "eliminate" risks that users under 18 will encounter "content," "conduct," or advertising that may be "harmful or potentially harmful," even if that content or conduct is entirely lawful. The law does not define "harm," leaving the meaning of that term to the whims of the regulator. Failure to comply with those requirements could lead to investigative inquiries or enforcement, including sizeable fines. Publishers will therefore either attempt to edit all content on their site to avoid "harm" to readers under the age of 18, or they will substantially curtail young people's access. In

either case, the AADC would violate the Constitution by forcing private speakers to self-censor and by impairing young people's right to access news.

For these reasons, amici respectfully urge this Court to affirm the district court's injunction against the AADC.[1]

ARGUMENT

I. The Age-Appropriate Design Code Act imposes unconstitutional content-based restrictions on news publishers.

A. The Act would apply to most online news publishers.

The AADC is drafted in expansive language that would affect many online services and products, including news organizations. The Act applies to any for-profit business that "collects consumers' personal information" and, as relevant here, earns more than $25 million in gross annual revenues. Cal. Civ. Code §§ 1798.99.30(a), 1798.140(d)(1)(A)–(B). That relatively low revenue threshold could sweep in even smaller to mid-sized online publishers. *See, e.g.*, Julie Johnson, *Sonoma Media Investments, Owner of The Press Democrat, Pays Off*

[1] The district court below subjected the requirement that online publishers identify and mitigate or eliminate "harmful" content and certain other provisions in the AADC to intermediate scrutiny, finding that they would not survive the "means-end fit" elements of the test. *See NetChoice, LLC v. Bonta*, No. 22-cv-08861, 2023 WL 6135551, at *10–11 (N.D. Cal. Sept. 18, 2023). Here, amici address only those provisions that would require news organizations and other speakers to tailor or limit access to content to avoid undefined "harm" to persons under 18, which amici submit are content-based and appropriately subject to strict scrutiny. Amici take no position in this brief on other provisions in the AADC or on the question of severability.

Debt, Press Democrat (Apr. 17, 2019), https://perma.cc/GAQ9-5GN6 (reporting that *The Press Democrat* in Sonoma County, a mid-sized California paper, generated $40 million in annual revenue).

Any covered publishers offering online "service[s], product[s], or feature[s]" that are "[l]ikely to be accessed by children" must comply with the Act. Cal. Civ. Code § 1798.99.30(b)(4). "Children" is defined as anyone under the age of 18 years old. *Id.* § 1798.99.30(b)(1). And "[l]ikely to be accessed" is variously defined to include, among other things, a service or product that contains "design elements that are known to be of interest to children, including, but not limited to, games, cartoons, music, and celebrities who appeal to children," or where "[a] significant amount" of the audience is determined to be children. *Id.* § 1798.99.30(b)(4)(E)–(F).

Many, if not most, news websites are likely to fall within these expansive definitions. Almost all news organizations offer content that could be deemed of interest to children, and, indeed, news content itself is central to media literacy educational curricula, an increasing area of focus for schools around the country, including in California. *See* Sequoia Carrillo, *California Joins a Growing Movement to Teach Media Literacy in Schools*, N.P.R. (Nov. 24, 2023), https://perma.cc/4B2Q-6BVH. Similarly, syndicated comic strips and games are a ubiquitous feature of American newspapers, and many news publishers offer

sections tailored for young readers. *See, e.g.*, *New Kids' Pages*, L.A. Times (Mar. 6, 2007), https://perma.cc/J2Z4-U7MU. And, of course, virtually all mainstream news organizations routinely report on "music and celebrities" that are "of interest" to people under the age of 18. *See* David Viramontes, *Taylor Swift and Travis Kelce: A Timeline of Their Relationship*, L.A. Times (Jan. 4, 2024), https://perma.cc/P82T-P73B.

B. The Act's content-based provisions violate the First Amendment.

The central enforcement mechanism of the AADC, either by its terms or practical effect, imposes content-based restrictions on what news organizations may publish. The Act requires covered publishers to prepare a "Data Protection Impact Assessment" ("DPIA") for each "online service, product, or feature" that is "likely to be accessed by children." Cal. Civ. Code § 1798.99.31(a)(1)(A). Publishers must do so before any new such service, product, or feature is offered to the public. *Id.* As part of the DPIA, news organizations must detail whether the "design" of their online services, products, or features—including news copy—could "expos[e] children to harmful, or potentially harmful, *content*," or allow them to "*witness* . . . harmful, or potentially harmful, conduct." *Id.* § 1798.99.31(a)(1)(B)(i), (iii), (vi) (emphasis added). Crucially, what constitutes "harmful" content or conduct is undefined and news organizations must affirmatively "create a timed plan to mitigate or eliminate the risk before the online

service, product, or feature is accessed by children." *Id.* § 1798.99.31(a)(2). In other words, by the Act's express terms, a covered publisher must mitigate or eliminate any (undefined) harm from any content or depiction of harmful conduct before it can be accessed by anyone below the age of 18.

California attempts to minimize the constitutional impact of these and other provisions in the Act by arguing that the AADC merely regulates "economic activity"—*i.e.*, "data collection and use regulations"—which would be subject to heightened First Amendment scrutiny only if such regulations discriminated based on viewpoint. *See* Appellant's Opening Br. at 21 (citing *Sorrell v. IMS Health Inc.*, 564 U.S. 552 (2011)). It is plain, however, that the DPIA's affirmative "mitigation" or "elimination" requirements impose obligations on covered publishers to modify or delete lawful, First Amendment-protected *news content* based on whether it, in the view of the state, could pose harms to people under the age of 18. Indeed, California has confirmed in its own filings that it seeks to regulate content. It has asserted that the Act "does not penalize providing any particular content" but only "prevents businesses from . . . using children's data to deliver them things they do not want and have not asked for, such as ads for weight loss supplements." Def.'s Opp'n to Pl.'s Mot. for Prelim. Inj. at 16, *NetChoice LLC v. Bonta*, No. 22-cv-08861 (N.D. Cal. Apr. 21, 2023). Advertising, however, is expressive content that is not without First Amendment protection, *see, e.g.*, *44*

Liquormart, Inc. v. Rhode Island, 517 U.S. 484 (1996); *Bigelow v. Virginia*, 421 U.S. 809 (1975), and California's selection of that specific example demonstrates that the State does seek to restrict access to particular content. Further, by its terms, the Act's "mitigation" or "elimination" requirement does not distinguish between advertising and other forms of content, including news. And news reporting features content that could implicate the same issues as in California's example and that news organizations may self-censor for fear of regulatory scrutiny. *See, e.g.*, Katie Engelhart, *Should Patients Be Allowed to Die from Anorexia?*, N.Y. Times (Jan. 4, 2024), https://www.nytimes.com/2024/01/03/magazine/palliative-psychiatry.html. In sum, these provisions of the AADC must be subject to heightened First Amendment scrutiny as content-based regulations of non-commercial speech, which they cannot survive on multiple grounds.

As set out above, the text of the Act requires that online publishers modify their services to mitigate or avoid the risk that children encounter potentially harmful content (or witness potentially harmful conduct)—even if that content or the depiction of the conduct is entirely lawful. The Supreme Court, however, has made abundantly clear that outside of narrow categories of speech, such as incitement to violence or obscenity, generally "government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Ashcroft v. ACLU*, 535 U.S. 564, 573 (2002) (citation omitted). As the Supreme

Court has repeatedly reaffirmed, the publication of even hateful, violent, and profane speech is fully protected by the First Amendment. *See, e.g.*, *Matal v. Tam*, 582 U.S. 218 (2017); *Snyder v. Phelps*, 562 U.S. 443 (2011); *Brown v. Ent. Merchs. Ass'n*, 564 U.S. 786 (2011); *Virginia v. Black*, 538 U.S. 343 (2003); *Cohen v. California*, 403 U.S. 15 (1971). This is so even when the speech is accessible to minors—as it was in most of those cases.

Indeed, in *Brown*, the Court specifically rejected what California seeks to do here with the "mitigation" and "elimination" requirements: limit minors' access to lawful speech. 564 U.S. at 794–95. As the Court cautioned in that case, "only in relatively narrow and well-defined circumstances may government bar public dissemination of protected materials to [minors]." *Id.* at 794 (citation omitted). The State's interest in "protect[ing] children from harm . . . does not include a free-floating power to restrict the ideas to which children may be exposed. Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them." *Id.* at 794–95 (citation and internal quotation marks omitted).

Similarly, these provisions of the AADC are also unconstitutional because their vaguely defined terms do not enable publishers to anticipate what speech or services may or may not be penalized by the Act. The Act repeatedly demands

that organizations identify and mitigate or eliminate harms or potential harms to those under the age of 18. What content or conduct might be "harmful" or "potentially harmful," however, is left to state regulators to determine. The opportunity for abuse is obvious. One regulator may consider "potentially harmful" editorial content that includes candid and graphic coverage of gun violence or the wars in Ukraine or Gaza. Another may consider "potentially harmful" editorial content that describes opioid addiction or teen suicide in a manner the regulator disapproves of. And even a cursory review of the winners of the Pulitzer Prize for photography demonstrates that much of the most important, influential, and celebrated news reporting conveys graphic images of violence, suffering, or nudity that an overly sensitive regulator could deem unsuitable. *See, e.g.*, Sara Pepitone, *10 Images from the Newseum's Pulitzer Prize Photo Gallery*, The Pulitzer Prizes (2016), https://perma.cc/H63H-U29T; *Pulitzer Prize for Breaking News Photography*, Wikipedia, https://perma.cc/C2GV-SH8S (last updated Dec. 21, 2023).

Further, when it comes to speech, the Supreme Court has made clear that statutory vagueness is subject to the most exacting scrutiny. *See, e.g.*, *NAACP v. Button*, 371 U.S. 415, 432 (1963) ("[S]tandards of permissible statutory vagueness are strict in the area of free expression." (collecting cases)). This is because vague laws work three distinct harms: they may trap the innocent by not providing fair

warning; they may lead to arbitrary and discriminatory enforcement; and they may operate "to inhibit the exercise" of First Amendment freedoms. *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972) (citation omitted). The AADC delegates extremely broad and subjective authority to regulators, including: whether news organizations' online features and content consider the "best interests of children" and sufficiently prioritize the "well-being of children over commercial interests," Cal. Civ. Code § 1798.99.29; whether any service or feature "could . . . expos[e] children to harmful, or potentially harmful, content," *id.* § 1798.99.31(a)(1)(B)(i); and whether an organization's DPIA and mitigation plans are sufficiently protective of children, *id.* § 1798.99.31(a)(2).

These vague and undefined statutory provisions are likely to lead to precisely the harms the Court identified in *Grayned*. In the face of these requirements, it is almost certain that news organizations will take steps to prevent those under the age of 18 from accessing online news content, features, or services, all in violation of the news organizations' First Amendment rights.

II. The Act violates minors' First Amendment rights to access news.

The Supreme Court has repeatedly affirmed that individuals under the age of 18 have First Amendment rights. *See, e.g.*, *Brown*, 564 U.S. at 794 ("[M]inors are entitled to a significant measure of First Amendment protection, and only in relatively narrow and well-defined circumstances may government bar public

dissemination of protected materials to them." (citation omitted)); *Morse v. Frederick*, 551 U.S. 393, 405 (2007) (noting that a student's speech would have been protected by the First Amendment outside the school context); *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969) (students do not "shed their constitutional rights to freedom of speech or expression," even "at the schoolhouse gate"); *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 266 (1988) (same); *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 688 (1986) (Brennan, J., concurring) (noting that if the student plaintiff "had given the same speech outside of the school environment, he could not have been penalized simply because government officials considered his language to be inappropriate"); *Hodgkins v. Peterson*, 355 F.3d 1048, 1063–65 (7th Cir. 2004) (finding a youth curfew unconstitutional because it would substantially infringe on young people's First Amendment rights to, for example, attend political rallies, vigils, protests, and religious services). Although the Court has permitted some First Amendment restrictions on children that would not otherwise be permissible for adults, these are in specific circumstances, such as to avoid disruption of school activities or to forbid access to pornographic materials. *See, e.g.*, *Ginsberg v. New York*, 390 U.S. 629, 637 (1968).

The Supreme Court recently reaffirmed these principles in rejecting punishment for a high school freshman who was disciplined by her school for

using expletives on social media. *Mahanoy Area Sch. Dist. v. B.L.*, 141 S. Ct. 2038, 2044–45 (2021). The Court re-emphasized that minors have substantial First Amendment rights and that their speech cannot be curtailed—even in the school environment—absent specific circumstances. *Id.* at 2048. As Justice Alito noted in concurrence, when a student engages in off-campus speech, "the student is subject to whatever restraints the student's parents impose, but the student enjoys the same First Amendment protection against government regulation as all other members of the public." *Id.* at 2056. And, as relevant here, the Court affirmed that the state itself actually has an affirmative interest in students being exposed to offensive, unpopular, and controversial speech. "America's public schools are the nurseries of democracy," the Court wrote, and protections for the free exchange of ideas must "include the protection of unpopular ideas, for popular ideas have less need for protection." *Id.* at 2046; *see also GLBT Youth in Iowa Schs. Task Force v. Reynolds*, No. 4:23-CV-00474, 2023 WL 9052113, at *15 (S.D. Iowa Dec. 29, 2023) (enjoining an Iowa statute that banned books describing "sex acts" in school libraries in part because it "[would] limit the student's ability to engage in an open exchange of ideas and to express beliefs that others might find disagreeable or offensive" (citation and internal quotation marks omitted)).

Just as minors have a right to speak freely, they also have the right to access information and ideas to facilitate their engagement in public discussion and

debate. *See, e.g.*, *Bd. of Educ. v. Pico*, 457 U.S. 853, 866–67 (1982) ("Our precedents have focused not only on the role of the First Amendment in fostering individual self-expression but also on its role in affording the public access to discussion, debate, and the dissemination of information and ideas." (citation and internal quotation marks omitted)); *Stanley v. Georgia*, 394 U.S. 557, 564 (1969) ("It is now well established that the Constitution protects the right to receive information and ideas" and "[t]his right to receive information and ideas . . . is fundamental to our free society."); *Griswold v. Connecticut*, 381 U.S. 479, 482 (1965) ("[T]he State may not, consistently with the spirit of the First Amendment, contract the spectrum of available knowledge. The right of freedom of speech and press includes not only the right to utter or to print, but the right to distribute, the right to receive, the right to read . . . ."); *Martin v. City of Struthers*, 319 U.S. 141, 143 (1943) (noting that the First Amendment "embraces the right to distribute literature, and necessarily protects the right to receive it" (internal citation omitted)); *Pac. Coast Horseshoeing Sch., Inc. v. Kirchmeyer*, 961 F.3d 1062, 1069 (9th Cir. 2020) ("[S]tate restriction[s] of the right to receive information produce actual injury under the First Amendment." (second alteration in original) (citation and internal quotation marks omitted)).

This right to receive information is an "inherent corollary of the rights of free speech and press," in that "the right to receive ideas is a necessary predicate to

the *recipient's* meaningful exercise of his own rights of speech, press, and political freedom." *Pico*, 457 U.S. at 867; *see also Mary Beth Tinker Describes Her Experiences Participating in a Student Protest in 1965*, Iowa PBS (Feb. 21, 2019), https://perma.cc/7NVH-WBMX (noting how news coverage of the Vietnam War prompted the student protest that led to the *Tinker* decision). And, as the *Brown* decision highlights, minors' First Amendment rights, including the right of access to information, may not be circumscribed outside limited contexts like pornographic materials, even if some may consider the information offensive or controversial. *Brown*, 564 U.S. at 794–99.

As outlined above, however, multiple provisions of the AADC would limit minors' ability to exercise their First Amendment rights and deny them access to otherwise lawful information and content—including public interest news reporting. Some curtailment is direct: the AADC requires that websites take steps to prevent young people from witnessing content, conduct, or advertising that may be "harmful," with the understanding of "harm" subject to the caprices of state regulators. Other restrictions are more indirect: by imposing burdensome and impractical obligations on news publishers, the Act would have the natural and foreseeable result that news outlets will only permit access for adults as the prospect of tailoring all content for minors is impractical. In either case, the law violates the First Amendment rights of persons under the age of 18.

CONCLUSION

For the foregoing reasons, amici respectfully urge the Court to affirm the district court's injunction against the AADC.

Dated: February 14, 2024

Respectfully submitted,

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APPENDIX A

SUPPLEMENTAL STATEMENT OF IDENTITY OF AMICI CURIAE

The Reporters Committee for Freedom of the Press is an unincorporated nonprofit association founded by journalists and media lawyers in 1970, when the nation's press faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources. Today, its attorneys provide pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.

Advance Publications, Inc. is a diversified privately-held company that operates and invests in a broad range of media, communications and technology businesses. Its operating businesses include Conde Nast's global magazine and digital brand portfolio, including titles such as Vogue, Vanity Fair, The New Yorker, Wired, and GQ, local news media companies producing newspapers and digital properties in 10 different metro areas and states, and American City Business Journals, publisher of business journals in over 40 cities.

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countries. On any given day, AP's content can reach more than half of the world's population.

Boston Globe Media Partners, LLC publishes The Boston Globe, the largest daily newspaper in New England.

Dotdash Meredith is America's largest digital and print publisher, with brands including PEOPLE, Better Homes & Gardens, Allrecipes, Investopedia, Verywell, and more.

The E.W. Scripps Company is the nation's fourth-largest local TV broadcaster, operating a portfolio of 61 stations in 41 markets. Scripps also owns Scripps Networks, which reaches nearly every American through the national news outlets Court TV and Newsy and popular entertainment brands ION, Bounce, Grit, Laff and Court TV Mystery. The company also runs an award-winning investigative reporting newsroom in Washington, D.C., and is the longtime steward of the Scripps National Spelling Bee.

Hearst is one of the nation's largest diversified media, information and services companies with more than 360 businesses. Its major interests include ownership of 15 daily and more than 30 weekly newspapers, including the San Francisco Chronicle, Houston Chronicle, and Albany Times Union; hundreds of magazines around the world, including Cosmopolitan, Good Housekeeping, ELLE, Harper's BAZAAR and O, The Oprah Magazine; 31 television stations such as

KCRA-TV in Sacramento, Calif. and KSBW-TV in Monterey/Salinas, CA, which reach a combined 19 percent of U.S. viewers; ownership in leading cable television networks such as A&E, HISTORY, Lifetime and ESPN; global ratings agency Fitch Group; Hearst Health; significant holdings in automotive, electronic and medical/pharmaceutical business information companies; Internet and marketing services businesses; television production; newspaper features distribution; and real estate.

The McClatchy Company, LLC is a publisher of iconic brands such as the *Miami Herald*, *The Kansas City Star*, *The Sacramento Bee*, *The Charlotte Observer*, *The (Raleigh) News & Observer*, and the *Fort Worth Star-Telegram*. McClatchy operates media companies in 30 U.S. markets in 16 states, providing each of its communities with high-quality news and advertising services in a wide array of digital and print formats. McClatchy is headquartered in Sacramento, California.

The New York Times Company is the publisher of *The New York Times* and *The International Times*, and operates the news website nytimes.com.

POLITICO is a global news and information company at the intersection of politics and policy. Since its launch in 2007, POLITICO has grown to nearly 300 reporters, editors and producers. It distributes 30,000 copies of its Washington

newspaper on each publishing day and attracts an influential global audience of more than 35 million monthly unique visitors across its various platforms.

Reuters, the news and media division of Thomson Reuters, is the world's largest multimedia news provider. Founded in 1851, it is committed to the Trust Principles of independence, integrity and freedom from bias. With unmatched coverage in over 16 languages, and reaching billions of people worldwide every day, Reuters provides trusted intelligence that powers humans and machines to make smart decisions. It supplies business, financial, national and international news to professionals via desktop terminals, the world's media organizations, industry events and directly to consumers.

Student Press Law Center ("SPLC") is a nonprofit, nonpartisan organization which, since 1974, has been the nation's only legal assistance agency devoted exclusively to educating high school and college journalists about the rights and responsibilities embodied in the First Amendment to the Constitution of the United States. SPLC provides free legal assistance, information and educational materials for student journalists on a variety of legal topics.

TEGNA Inc. owns or services (through shared service agreements or other similar agreements) 64 television stations in 52 markets.

Tribune Publishing Company is one of the country's leading media companies. The company's daily newspapers include the Chicago Tribune, New

York Daily News, The Baltimore Sun, Sun Sentinel (South Florida), Orlando Sentinel, Hartford Courant, The Morning Call, the Virginian Pilot and Daily Press. Popular news and information websites, including www.chicagotribune.com, complement Tribune Publishing's publishing properties and extend the company's nationwide audience.

The Washington Post (formally, WP Company LLC d/b/a The Washington Post) is a news organization based in Washington, D.C. It publishes The Washington Post newspaper and the website www.washingtonpost.com, and produces a variety of digital and mobile news applications. The Post has won Pulitzer Prizes for its journalism, including the award in 2020 for explanatory reporting.

CERTIFICATE OF SERVICE

I, Bruce D. Brown, do hereby certify that I have filed the foregoing Brief of Amici Curiae electronically with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system on February 14, 2024.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Bruce D. Brown
Bruce D. Brown
Counsel of Record for Amici Curiae
REPORTERS COMMITTEE
FOR FREEDOM OF THE PRESS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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9th Cir. Case Number(s): 23-2969

I am the attorney for amici curiae the Reporters Committee for Freedom of the Press and 14 media organizations.

This brief contains 3,377 words, excluding the items exempted by Fed. R. App. P. 32(f). The brief's type size and typeface comply with Fed. R. App. P. 32(a)(5) and (6).

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