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8	UNITED STATES DISTRICT COURT	
9	NORTHERN DISTRICT OF CALIFORNIA	
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11	IMDB.COM, INC., a Delaware corporation,	Case No. 3:16-cv-06535-VC
12	Plaintiff,	DECLARATION OF GIANCARLO CAIRELLA IN SUPPORT OF IMDB.COM'S
13	vs.	MOTION FOR PRELIMINARY INJUNCTION
14	KAMALA HARRIS, in her official capacity as Attorney General of the State of California,	Action filed: November 10, 2016
15	Defendant.	7 Colon filed. November 10, 2010
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## **DECLARATION OF GIANCARLO CAIRELLA**

- I, Giancarlo Cairella, declare as follows:
- 1. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would competently testify thereto under oath.
- 2. I am an Executive Content Relationship Manager at IMDb, and have worked for IMDb for more than 20 years, including prior to IMDb's acquisition by Amazon. I have been closely involved in the review of information added to IMDb's database and requests from individuals, including IMDbPro subscribers, to remove or alter information on IMDb, through my employment at IMDb.
- 3. IMDb is the world's largest online database of information related to films, television programs, and video games. IMDb includes information on cast, production crew, fictional characters, biographies, plot summaries, trivia and reviews. IMDb provides a breadth of information on the entertainment industry that is unparalleled by any other source.
- 4. IMDb is free and publically available and is one of the world's most visited sites. As of January 4, 2017, IMDb was estimated to be the 54th most visited website in the world according to Alexa.com, with more than 250 million worldwide unique visitors accessing IMDb.com to view its pages every month. IMDb has users throughout the United States and the rest of the world. IMDb's pages include more than six million profiles of cast and crew members, and more than three million title pages for movie, television, and entertainment programs.
- 5. Beginning as the hobby of Colin Needham, a British computer programmer, IMDb.com evolved from rudimentary lists of actors to the trusted source of entertainment industry information that it is today. From its inception, IMDb has relied on collaborative efforts from around the world to accurately maintain its database. Users are able to add titles to profiles, add iconic quotes from a title, or edit an actor's personal information. Because of the breadth of information, IMDb itself does not edit profiles in the first instance.

- 6. IMDb recognizes community sourced information is not perfect, and, for that reason, a "Database Content Team" reviews third-party contributions for accuracy (using a combination of software and/or human review).
- 7. In 2002, IMDb developed a separate service for entertainment industry professionals known as IMDbPro. IMDbPro is designed for industry professionals to assist them in finding employment opportunities.
- 8. On IMDbPro, casting directors and agents are able to view subscribers' profiles in order to view their resumes, photographs, demo reels, and other information. IMDbPro subscribers create their own profiles and have control over the content, including whether to publicly display their birthdates or ages. As such, those who subscribe to IMDbPro have control over whether to list age-related information on their IMDbPro profiles.
- 9. On September 24, 2016, the Governor signed in to law AB 1687, which by its terms applies to "online entertainment employment service providers" and their "companion sites." This bill directly impacts Plaintiff. IMDbPro qualifies as an "online entertainment employment service provider" under the statute. IMDb is a "companion site" to that provider. IMDbPro is by far the largest online entertainment employment service provider.
- 10. Many other websites that are not "online entertainment employment service providers" or "companion sites," and therefore are not affected by AB 1687, include the same age and date of birth information that is reflected on IMDb profiles. These websites include but are not limited to Google, Wikipedia, and Reddit. Should AB 1687 go into effect and specially censor IMDb.com, IMDb faces the risk of users coming to rely on other sites for entertainment industry information.
- 11. AB 1687 took effect on January 1, 2017. IMDb has already received more than 2,300 requests from individuals to take down their ages from their IMDb profiles. These requests come from actors and other talent in the film and television industry of various levels of fame and notoriety. Several are what would be considered "A-list" actors, whose age or date of birth information is widely available to the public and generally known. Among the more than 2,300 requesters, 81 are Oscar, Golden Globe, or Emmy nominees, including ten Oscar winners.

- 12. It is technologically unfeasible for IMDb to prevent California residents from viewing age and birthdate information on IMDb.com, while simultaneously allowing this information to be accessible outside of California. Consequently, for IMDb to comply with AB 1687 and avoid liability in California, IMDb would be forced to censor factual age and birthdate information from IMDb.com entirely.
- 13. Because over two thousand individuals have already requested their date of birth or age be removed from their public profiles on IMDb, IMDb faces the untenable choice of yielding to an unconstitutional law and removing protected speech from its website, or facing substantial civil liability from suits by the Attorney General and private plaintiffs.
- 14. IMDb also understands AB 1687 to impose liability on IMDb for hosting information provided by other content providers. IMDb.com users (i.e., third parties) upload and provide age and date of birth information to IMDb.com. AB 1687 therefore charges IMDb with the task of policing factual information contributed by third parties on IMDb profiles. Third party IMDb users make an average of approximately 100,000 submissions to IMDb's database each week. It is highly burdensome for IMDb to police the accuracy and content of each and every one of these contributions. If the law is allowed to be enforced, IMDb will have to choose between facing substantial civil penalties and shuttering sources of third party participation. Compliance with the law would impose substantial costs (both monetary and human resources) on IMDb. Thus, IMDb faces real and imminent harm.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 5th day of JANUARY, 2017 at Seattle, Washington.

Giancarlo Cairella