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IMDb.com, Inc.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 IMDB.COM, INC., a Delaware corporation,
12 Plaintiff,
13 vs.
14 KAMALA HARRIS, in her official capacity as
Attorney General of the State of California,
15 Defendant.
16

Case No. 3:16-cv-06535-VC
**DECLARATION OF GIANCARLO
CAIRELLA IN SUPPORT OF IMDB.COM'S
MOTION FOR PRELIMINARY
INJUNCTION**
Action filed: November 10, 2016

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1 6. IMDb recognizes community sourced information is not perfect, and, for that
2 reason, a “Database Content Team” reviews third-party contributions for accuracy (using a
3 combination of software and/or human review).

4 7. In 2002, IMDb developed a separate service for entertainment industry professionals
5 known as IMDbPro. IMDbPro is designed for industry professionals to assist them in finding
6 employment opportunities.

7 8. On IMDbPro, casting directors and agents are able to view subscribers’ profiles in
8 order to view their resumes, photographs, demo reels, and other information. IMDbPro subscribers
9 create their own profiles and have control over the content, including whether to publicly display
10 their birthdates or ages. As such, those who subscribe to IMDbPro have control over whether to
11 list age-related information on their IMDbPro profiles.

12 9. On September 24, 2016, the Governor signed in to law AB 1687, which by its terms
13 applies to “online entertainment employment service providers” and their “companion sites.” This
14 bill directly impacts Plaintiff. IMDbPro qualifies as an “online entertainment employment service
15 provider” under the statute. IMDb is a “companion site” to that provider. IMDbPro is by far the
16 largest online entertainment employment service provider.

17 10. Many other websites that are not “online entertainment employment service
18 providers” or “companion sites,” and therefore are not affected by AB 1687, include the same age
19 and date of birth information that is reflected on IMDb profiles. These websites include but are not
20 limited to Google, Wikipedia, and Reddit. Should AB 1687 go into effect and specially censor
21 IMDb.com, IMDb faces the risk of users coming to rely on other sites for entertainment industry
22 information.

23 11. AB 1687 took effect on January 1, 2017. IMDb has already received more than
24 2,300 requests from individuals to take down their ages from their IMDb profiles. These requests
25 come from actors and other talent in the film and television industry of various levels of fame and
26 notoriety. Several are what would be considered “A-list” actors, whose age or date of birth
27 information is widely available to the public and generally known. Among the more than 2,300
28 requesters, 81 are Oscar, Golden Globe, or Emmy nominees, including ten Oscar winners.

1 12. It is technologically unfeasible for IMDb to prevent California residents from
2 viewing age and birthdate information on IMDb.com, while simultaneously allowing this
3 information to be accessible outside of California. Consequently, for IMDb to comply with AB
4 1687 and avoid liability in California, IMDb would be forced to censor factual age and birthdate
5 information from IMDb.com entirely.

6 13. Because over two thousand individuals have already requested their date of birth or
7 age be removed from their public profiles on IMDb, IMDb faces the untenable choice of yielding
8 to an unconstitutional law and removing protected speech from its website, or facing substantial
9 civil liability from suits by the Attorney General and private plaintiffs.

10 14. IMDb also understands AB 1687 to impose liability on IMDb for hosting
11 information provided by other content providers. IMDb.com users (i.e., third parties) upload and
12 provide age and date of birth information to IMDb.com. AB 1687 therefore charges IMDb with the
13 task of policing factual information contributed by third parties on IMDb profiles. Third party
14 IMDb users make an average of approximately 100,000 submissions to IMDb's database each
15 week. It is highly burdensome for IMDb to police the accuracy and content of each and every one
16 of these contributions. If the law is allowed to be enforced, IMDb will have to choose between
17 facing substantial civil penalties and shuttering sources of third party participation. Compliance
18 with the law would impose substantial costs (both monetary and human resources) on IMDb.
19 Thus, IMDb faces real and imminent harm.

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

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

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26 
27 Giancarlo Cairella
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