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August 17, 2026

Presiding Justice Mary J. Greenwood and Associate Justices
California Court of Appeal
Sixth Appellate District
333 W. Santa Clara Street, Suite 1060
San Jose, CA 95113

Re: *Google LLC and YouTube, LLC* v. *Superior Court of California, County of Santa Clara*, California Court of Appeal, Sixth District, Case No. H054687

Application for Permission to File *Amicus Curiae* Letter and *Amicus Curiae* Letter of Computer & Communications Industry Association in Support of Petition for Writ of Mandate

Dear Justice Greenwood and Associate Justices of the Court:

Application for Leave to File *Amicus Curiae* Letter: The Computer & Communications Industry Association (CCIA) respectfully requests leave to file the following *Amicus Curiae* Letter in Support of a Petition for Writ of Mandate in the above-mentioned case, *Google LLC and YouTube, LLC*, Petitioners, v. *Superior Court of California, Santa Clara County*, Respondent, *Richard Haynie and Constance Adler Galloway*, Real Parties in Interest, California Court of Appeal, Sixth District, Case No. H054687.

I. Interest of *Amicus Curiae*

CCIA is an international, not-for-profit trade association representing a broad cross section of communications and technology firms. For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than $100 billion in research and development, contribute trillions of dollars in productivity to the global economy, and depend on strong limitations on intermediary liability[1] — including those provided in Section 230 of the Communications Decency Act, 47 U.S.C. § 230 ("Section 230").

On behalf of its members, CCIA respectfully requests that this Court grant the petition for writ of mandate and reverse the Superior Court. Section 230 protects online services from liability for content created by their users and provides immunity for Google LLC ("Google") from liability in this matter. The Superior Court's contrary ruling allows a suit to proceed against Google based on advertising created by its users. That is contrary to Section 230. Under both the text of the statute and longstanding precedent, online "intermediaries" such as Google's search platform are not subject to liability for the actions of their users.

This *amicus curiae* letter will assist the Court in deciding the important legal issues presented in the petition by providing context and background on Section 230's application to online services that provide neutral tools to their users, including advertising tools.[2]

II. Why This Court Should Grant Review

The Superior Court's decision flouts a crucial statutory protection that has been foundational to the Internet economy for decades. Congress enacted Section 230 to promote the development of the Internet, and the Internet economy has grown substantially under this regime, which limits the liability of intermediaries for the conduct of their users. Intermediaries include not only search platforms such as Google, but many other Internet services that connect users with online content.

Federal and state courts have consistently rejected attempts to impose civil liability on intermediaries for the third-party content they display, which includes advertising content. The Superior Court's interpretation of Section 230 departed from this settled jurisprudence. The consequences of this decision extend far beyond the instant case, threatening Internet commerce and free expression.

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[1] A list of CCIA members is available at https://www.ccianet.org/members. Google LLC is a member of CCIA, but took no part in the preparation of this letter.

[2] No party or counsel for any party authored this proposed amicus curiae letter, nor did any outside entity fund its preparation by CCIA.

Online services that use algorithms to recommend content to users, such as Google's search engine, are critical to the functioning of the modern Internet. They allow users to access and disseminate content produced by others. The platform itself is neither a content creator nor speaker. The use of algorithms to connect content-producers with Internet users fits squarely within the role of an intermediary insulated from liability by Section 230. This statutory immunity is broad, as Congress intended and as the overwhelming majority of courts have concluded. The Superior Court's decision threatens to upend this consensus and expand Section 230 liability to virtually every online intermediary that facilitates today's Internet economy. In keeping with statutory text and precedent, this Court should grant the petition and rectify that error.

A. Congress Intended Section 230 to Promote the Development of Free Speech on the Internet.

The Communications Decency Act of 1996, codified at 47 U.S.C. § 230, is a landmark federal law that limits online intermediaries' liability for all claims arising from user actions, except federal criminal proceedings and intellectual property infringement claims. One of Congress's main legislative objectives was "to encourage the unfettered and unregulated development of free speech on the Internet, and to promote the development of e-commerce." [*Batzel v. Smith* (9th Cir. 2003) 333 F.3d 1018, 1027.] Congress made this explicit in the Act, stating that "[i]t is the policy of the United States . . . to promote the continued development of the Internet . . . [and] to preserve the vibrant and competitive free market that presently exists for the Internet." [47 U.S.C. § 230(b)(1)-(2).]

By enacting Section 230, "Congress contemplated self-regulation" of the Internet, "rather than regulation compelled at the sword point of tort liability." [*Barrett v. Rosenthal* (2006) 40 Cal. 4th 33, 53.] And Congress recognized that "[m]aking interactive computer services and their users liable for the speech of third parties would severely restrict the information available on the Internet." [*Batzel*, 333 F.3d at 1027-28.] Thus, Congress passed Section 230 to "establish[] a general rule that providers of interactive computer services are liable only for speech that is properly attributable to them." [*Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc.* (4th Cir. 2009) 591 F.3d 250, 254.]

Today, the U.S. Internet sector's global success is due in part to Congress's foresight in establishing a legal regime that appropriately manages intermediary liability. As of 2025, the digital economy accounted for 18% of the nation's gross domestic product and supported 28.4 million jobs, with an employment sector growth rate twelve times higher than the national average. [Interactive Advertising Bureau, *Measuring the Digital Economy: Advertising, Content, Commerce, and Innovation* (Apr. 30, 2025), at 8, 13, https://perma.cc/BRB3-G6XW.] There is a growing international consensus that this economic growth is due to protections such as Section 230. As the Organization for Economic Cooperation and Development has stated, "[l]imitations on their liability for the actions of users of their platforms have encouraged the growth of the Internet." [Org. for Econ. Cooperation & Dev., *The Role of Internet Intermediaries in Advancing Public Policy Objectives* (Sept. 2011), at 15, https://perma.cc/VQ9Y-8DZY.]

B. Courts Have Consistently Applied Section 230 to Limit Online Intermediary Liability.

The resounding consensus among the federal courts for decades is that Section 230 should be interpreted broadly, consistent with Congress's intent to promote the development of the Internet by providing intermediary protections to online services. [*See, e.g.*, *M.P. ex rel. Pinckney v. Meta Platforms, Inc.* (4th Cir. 2025) 127 F.4th 516, 524 (reiterating that Section 230's "language establishes broad immunity"); *Force v. Facebook, Inc.* (2d Cir. 2019) 934 F.3d 53, 64 ("[T]he Circuits are in general agreement that the text of Section 230(c)(1) should be construed broadly in favor of immunity.") (collecting cases); *Universal Comm'n Sys., Inc. v. Lycos, Inc.* (1st Cir. 2007) 478 F.3d 413, 415 ("Congress has granted broad immunity to entities . . . that facilitate the speech of others on the Internet.").]

These courts have recognized that "[s]ubsection 230(c)(1)'s key word—publisher . . . is [likewise] defined broadly." [*Calise v. Meta Platforms, Inc.* (9th Cir. 2024) 103 F.4th 732, 738.] Accordingly, an online intermediary must "materially contribut[e]" to online content in order to fall outside the ambit of Section 230's protection. [*Fair Hous. Council of San Fernando Valley v. Roommates.com, LLC* (9th Cir. 2008) 521 F.3d 1157, 1167-68 (en banc).] This is a crucial requirement; otherwise, Section 230's protections would be illusory. As the Seventh Circuit has explained, permitting liability where a publisher has *not* materially contributed to online content would implicate all manner of Internet economy participants, including "the computers and software that owners use to post" their content online, "yet no one could think that Microsoft and Dell are liable for 'causing' discriminatory" content. [*Chicago Lawyers' Comm. for Civ. Rights Under Law, Inc. v. Craigslist, Inc.* (7th Cir. 2008) 519 F.3d 666, 672.]

The California courts have likewise held that Section 230 confers "broad immunity." [*Hassell v. Bird* (2018) 5 Cal. 5th 522, 538; *accord Six4Three, LLC v. Facebook, Inc.* (2025) 109 Cal. App. 5th 635, 654-655 (collecting cases).] And this Court has explicitly reiterated the fundamental principle that intermediaries' "exercise [of] their editorial control in a particular manner" is protected by Section 230, "irrespective of the means employed" to do so. [*Prager Univ. v. Google LLC* (2022) 85 Cal. App. 5th 1022, 1035.]

As this Court has explained, these protections apply even when plaintiffs try to "plead around section 230 immunity," typically "by framing . . . website features as content." [*Id.* at 1033-34 (quoting *Dyroff v. Ultimate Software Grp., Inc.* (9th Cir. 2019) 934 F.3d 1093, 1098); *see also Roommates.com*, 521 F.3d at 1174-75 (explaining that there can be liability only when a site "require[s] users to input illegal content," not "in cases of enhancement by implication or development by inference").]

C. Section 230 Immunity Applies to User-Targeted Advertising.

Section 230 immunity applies to advertising. At the time it adopted Section 230, Congress was aware that Internet services permitted "user-targeted advertisements," which allow "businesses to home in on potential customers." [Br. of Senator Ron Wyden & Former Representative Christopher Cox as Amici Curiae in Support of Respondent, at 9, *Gonzalez v. Google LLC* (2023) 598 U.S. 617 (No. 21-1333).] Yet Congress chose to craft statutory language ensuring that an internet platform is "eligible for immunity under Section 230 for its targeted recommendations" of products to specific users "to the same extent as any other content presentation or moderation activities." [*Id.* at 3.]

Courts have respected that policy choice by Congress. This Court has recognized that online intermediaries are immune under Section 230 where they use "an automated filtering algorithm" that is alleged "to identify and restrict content based on the identity, viewpoint, or topic." [*Prager Univ.*, 85 Cal. App. 5th at 1034.] Such an algorithm permits different users to view different content, similar to the user-targeted advertising at issue in this case. [*See id.*] There is no basis to treat advertising differently than other types of content under Section 230.

D. The Superior Court's Interpretation of Section 230 Threatens Internet Commerce And Free Expression.

The Superior Court's decision is irreconcilable with precedent and congressional intent. As the Ninth Circuit has warned, it would "cut[] the heart out of section 230" to force "websites to face death by ten thousand duck-bites, fighting off claims that they promoted or encouraged—or at least tacitly assented to—the illegality of third parties." [*Roommates.com*, 521 F.3d at 1174.] The Superior Court's decision threatens to do just that. It denied Section 230 immunity to Google, despite recognizing that Google provided its Google Ads platform to all advertisers, and despite the absence of any allegation that Google "specifically encouraged" any particular advertiser or group of advertisers to engage in any allegedly illegal activity. [*Haynie v. Google LLC* (Cal. Super. Ct. June 11, 2026) 24-cv-4430, Order at 10.]

In *Calise*, the Ninth Circuit found Section 230 immunity under similar circumstances, concluding that Meta could not be held liable for deceptive advertising even if it had "affirmatively invite[d]" alleged "scam" ads onto its platform. [103 F.4th at 736-737.] Instead, the court reiterated that providing neutral algorithmic tools to all advertisers does not erase Section 230 immunity, even if those tools contributed to the "alleged unlawfulness" of the ads. [*Id.* at 745.]

This Court should follow *Calise* in answering whether Google is entitled to Section 230 immunity in this case.[3] Here, as in *Calise*, if Plaintiffs' case were permitted to proceed, it would require Google "to actively vet and evaluate" how third parties are using its platform in order to avoid liability. [103 F.4th at 744.] *Calise* is clear that Section 230(c)(1) was intended to *prevent* precisely that result. [*Id.*] Holding that Section 230 immunity does not apply to "third-party advertising" would render Section 230(c)(1) "a dead letter." [*Id.*; *accord Doe 1 v. Meta Platforms, Inc.* (9th Cir. 2026) 174 F.4th 1159, 1167 ("Under our case law, matching users with content is publishing conduct . . . .")]

The Superior Court's analysis of this issue is critically flawed. As the California Supreme Court has repeatedly instructed, the Superior Court was

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[3] *Calise* and *Doe 1 v. Meta Platforms, Inc.* (9th Cir. 2026) 174 F.4th 1159, both post-date *Vargas v. Facebook, Inc.* (9th Cir. Oct. 13, 2023) No. 21-16499, 2023 WL 6784359, on which the Superior Court principally relies, and are published decisions.

required to consider the burden its decision would impose on the Internet as a whole before concluding that Section 230 immunity does not apply. [*See, e.g.*, *Barrett*, 40 Cal. 4th at 56 (“The Court of Appeal gave insufficient consideration to the burden its rule would impose on Internet speech.”); *Hassell*, 5 Cal. 5th at 546 (“[P]laintiffs’ maneuver, if accepted, could subvert a statutory scheme intended to promote online discourse and industry self-regulation.”).] The Superior Court failed to conduct this crucial analysis, which should have led to a granting of Google’s demurrer and the dismissal of the action. If the lower court’s decision stands, that ruling would subvert online discourse, which increasingly relies on algorithms that recommend content to users (including advertising content). [*See, e.g.*, Chris Meserole, *How do recommender systems work on digital platforms?* Brookings Inst.: TechStream (Sept. 21, 2022) (content-organizing algorithms “increasingly serve as [the] heart” of information dissemination).]

Instead, the Superior Court’s decision has the effect of stripping digital service companies of the protection granted by Section 230, which will fundamentally alter the Internet. The burden of litigating intermediary-liability claims, which undoubtedly would spring up in the hundreds in trial courts throughout California, would be crushing. Any digital services company that recommends content to users could be subject to liability. Innovation in the Internet ecosystem would cease; imposing liability would chill or restrict the use and availability of countless platform services that are the foundation of the modern Internet. Congress warned against this result in 1996, and that warning is just as important today.

III. Conclusion

For all the foregoing reasons, CCIA respectfully asks that this Court grant the petition for writ of mandate. Immediate appellate review is necessary to prevent the irreparable consequences to the Internet from the improper expansion of Section 230 liability to intermediaries like those in this case.

Respectfully submitted,

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