

# Bathroom Reader

## LEGAL WORD OF THE DAY: SUI GENERIS

Of its own kind or class; i. e., the only one of its own kind; peculiar. For example: "In intellectual property law, ship hull designs have achieved a unique category of protection and are sui generis within copyright law."

## ANONYMOUS ON THE INTERNET, DEFENDANT IN THE COURT ROOM

Glassdoor.com is a popular job-searching/job-posting website that is frequently embroiled in litigation. Much like Yelp or Trip Advisor, Glassdoor allows its employee-users to anonymously post about their experiences working for a company. While users might find such insider reviews helpful, some companies have taken legal action against these users for anything from breach of non-disclosure agreements to defamation.

Glassdoor's consistent response to court proceedings that would obligate it to reveal its user's identities has been to assert its users' first amendment right to freedom of association

and right to privacy. This tactic has yielded mixed results.

In March 2017, the Sixth District California Court of Appeal overturned a trial court ruling that required Glassdoor to ID the author of a review of Machine Zone, Inc. (since rebranded MZ) - setting a legal precedent that allows Glassdoor to protect the identity of anonymous individuals who share free speech online.

The Glassdoor test requires that, before the speaker is unmasked, the plaintiff must prove that they have a prima facie claim and must clearly identify, on the record, the specific statements that are claimed to be actionable.

However, the Ninth Circuit Court of Appeals held in December 2017 that Glassdoor must comply with an Arizona grand jury subpoena to provide "Company Reviews" and associated "reviewer information" (including billing information such as name, credit card information, billing address, and payment history) for every review of a government contractor who was accused of committing wire fraud and misusing government funds.

The Ninth Circuit Court found that "[It] is difficult to see

[Glassdoor] users as an expressive association like the Jaycees, the Boy Scouts, or the NAACP. [U]sers are necessarily strangers to each other, because they are anonymous. Users do not so much 'discuss' employment conditions as independently post their individual views... The reviews of the subject company itself show no evidence that Glassdoor users share a common point of view, are engaged in a 'common endeavor,' or have a unifying 'mission.'"

Despite Glassdoor's litigative and legislative efforts to protect first amendment rights, it still gives its users tips to avoiding defamation and warns them that their information may be disclosed when required by law, either through a subpoena or court order.

### UNCLE BILL WISHES YOU ALL GOOD LUCK ON YOUR FINALS!

