

Laura Prather in Law360: Amicus Brief for Twitter, Yelp in Glassdoor Suit

April 4, 2018 Laura Prather

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Law360 quoted Haynes Boone Partner [Laura Prather](#) about an amicus brief that she and Associate Wesley Lewis filed on behalf of a coalition of technology firms in a lawsuit involving free speech rights of anonymous online reviewers.

Law360 [reported](#) that Twitter Inc., Yelp Inc., TripAdvisor Inc. and other technology companies on March 30 asked the Texas Supreme Court to overturn a ruling that would allow an online retailer to depose Glassdoor Inc. to learn who wrote a negative online review.

In an amicus brief, the companies — joined by Reddit Inc., A Medium Corporation and Automattic Inc., which is behind the online publishing platform WordPress — said that the March 2017 opinion from the Fifth Court of Appeals in Dallas chills anonymous speech. Backing Glassdoor’s attempt to bring a quick end to lingerie retailer Andra Group LP’s bid to learn the identity of two anonymous reviewers, the amici said Andra’s suit should be dismissed under the Texas Citizens Participation Act, a state law intended to curb meritless lawsuits that target a party’s protected free speech.

Andra, which runs the website HerRoom.com, had filed what is known as a Rule 202 petition for presuit discovery against Glassdoor, seeking to uncover the identities of former employees who posted reviews saying the company has illegal hiring practices, a supervisor is racist and sexist, and illegal immigrants work there. A trial court issued an order allowing the depositions, and the Dallas appellate court upheld the ruling.

The amici said Friday that Andra is seeking the identity of the anonymous reviewers as part of a “pretextual investigation into time-barred, meritless claims.” The companies argued that preventing abuse of Rule 202 is “critical in cases like this one, where the ramifications for protected speech rights loom large.” ...

“By taking this case, the Texas Supreme Court has the opportunity to clearly rule that the Texas Citizens Participation Act applies to Rule 202 proceedings,” Laura Prather of Haynes Boone, who represents the amici, said April 2. “Without this ruling and in this instance, those who don’t like what a speaker says will be able to make an end-run around the TCPA and subject speakers to legal proceedings without having to meet the requirements of establishing a prima facie case before unmasking anonymous speakers.” ...

Excerpted from *Law360*. To read the full article, click [here](#). (Subscription required)