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11
12 Attorneys for Plaintiff
YELP INC.

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14
15 IN THE UNITED STATES DISTRICT COURT
16 THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 YELP INC.,
19 Plaintiff,
20 v.
21 KEN PAXTON, ATTORNEY GENERAL
OF THE STATE OF TEXAS,
22 in his official capacity,
23 Defendant.

Case No. 3:23-cv-04977
**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

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I. PRELIMINARY STATEMENT

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2 1. This lawsuit seeks to prevent Defendant Texas Attorney General Ken Paxton
3 (“Attorney General”) from punishing Plaintiff Yelp Inc. (“Yelp”) for publishing truthful
4 information about businesses that offer pregnancy-related counseling to the public. *See* Ex. 1. The
5 Attorney General—who disagrees with the decision to publish this information—has announced
6 his intent to sue Yelp, as soon as September 29, for stating that crisis pregnancy centers “typically
7 provide limited medical services and may not have licensed medical professionals onsite.” This
8 threat targets truthful speech fully protected by the First Amendment, which Yelp months ago
9 replaced with a notice that even the Attorney General admits is “accurate.” Yelp seeks declaratory
10 and injunctive relief to prevent the further violation of its rights under the First Amendment to the
11 United States Constitution.

12 2. Yelp provides an online forum that connects people with local businesses. Yelp
13 users have contributed more than 260 million cumulative reviews of more than 6.3 million active
14 claimed local business locations.¹ Consumers and businesses count on Yelp to provide trustworthy
15 and reliable information that people can use to make decisions, whether about where to eat dinner,
16 which plumber to hire, or which health service providers they should contact. Yelp works hard to
17 maintain that trust. When Yelp detects that consumers may be deceived when they search for
18 information about local businesses on Yelp, Yelp provides additional information to help mitigate
19 the potential for deception.

20 3. That is what happened here. Yelp learned that some crisis pregnancy centers—
21 businesses that offer pregnancy-related counseling, but not abortion services or referrals to
22 abortion providers—were leading users seeking abortion care away from medical providers to anti-
23 abortion counseling services. Beginning in August 2022, Yelp published a notice informing
24 consumers that crisis pregnancy centers “typically provide limited medical services and may not
25 have licensed medical professionals onsite.” This is a truthful statement intended to enable Yelp
26 users to make informed choices. Yelp never removed crisis pregnancy centers from its platform,
27

28 ¹ Yelp Internal Data, as of December 31, 2022. Contributed reviews include those that are recommended, not recommended, or removed from Yelp's platform.

1 and consumers who are looking for the services offered by crisis pregnancy centers can contribute
2 reviews, ratings, and other content to the Yelp business pages corresponding to those centers, just
3 as they would other businesses listed on Yelp. Yelp also for years has made substantial efforts to
4 categorize crisis pregnancy centers more accurately, and to distinguish them from health care
5 providers that do offer abortions or abortion referrals.

6 4. In February 2023, the Attorney General signed a letter demanding Yelp remove its
7 original notice about crisis pregnancy centers, claiming the notice was misleading. Although the
8 previous notice was truthful and not misleading, Yelp updated the notice to state that “Crisis
9 Pregnancy Centers do not offer abortions or referrals to abortion providers.” The Attorney General
10 has publicly conceded that this statement is “accurate,” but still intends to punish Yelp using his
11 authority to prosecute allegedly deceptive trade practices.

12 5. The First Amendment bars that action. The Attorney General may not punish Yelp
13 for publishing truthful information, *Bartnicki v. Vopper*, 532 U.S. 514, 527-28 (2001), including
14 truthful consumer information, *Va. State Bd. of Pharm. v. Va. Citizens Consumer Council, Inc.*,
15 425 U.S. 748, 770-73 (1976). Such “[o]fficial reprisal for protected speech” is especially
16 pernicious because it “threatens to inhibit the exercise” of free expression in the future. *Hartman*
17 *v. Moore*, 547 U.S. 250, 256 (2006) (cleaned up).

18 6. Yelp requests an order declaring the Attorney General’s threatened prosecution
19 unconstitutional; finding that Yelp’s publication of the original crisis pregnancy center notice did
20 not violate the Texas Deceptive Trade Practices Act (Tex. Bus. & Comm. Code § 17.46); enjoining
21 the Attorney General from prosecuting Yelp or taking any other action to in any way penalize Yelp
22 for exercising its free speech rights; and awarding Yelp its attorneys’ fees for having to file this
23 action to vindicate those rights.

24 **II. PARTIES**

25 7. Yelp Inc. is a Delaware corporation with its principal place of business in San
26 Francisco, California.

27 8. Ken Paxton is the Attorney General of the State of Texas. He is sued in his official
28 capacity. He is the chief law enforcement officer of the State of Texas and authorized to enforce

1 the Texas Deceptive Trade Practices Act. *See* Tex. Bus. & Com. Code §§ 17.45(8); 17.47(a).

2 **III. SUBJECT MATTER JURISDICTION**

3 9. This action arises under the United States Constitution, particularly the First and
4 Fourteenth Amendments. It also arises under the Civil Rights Act, 42 U.S.C. §§ 1983 and 1988.

5 10. This Court has subject-matter jurisdiction over this action under 28 U.S.C. §§ 1331,
6 1343(a), and 1367(a), because Yelp’s claims either arise under federal law or share a common
7 nucleus of operative fact with claims that arise under federal law.

8 11. This Court has authority under the Declaratory Judgment Act, 28 U.S.C. § 2201(a),
9 to decide this dispute and award relief because it presents an actual case or controversy within the
10 Court’s jurisdiction.

11 **IV. PERSONAL JURISDICTION AND VENUE**

12 12. The Court has personal jurisdiction over the Attorney General under Fed. R. Civ.
13 Proc. 4(k)(1)(A) and Cal. Code Civ. Proc. § 410.10 because he has engaged in specific conduct
14 purposefully aimed at chilling the speech of a California resident in the State of California,
15 including by transmitting threats to Yelp in the Northern District of California where Yelp is
16 headquartered. The Attorney General’s actions have already caused and, unless enjoined, will
17 continue to cause Yelp irreparable injuries in California.

18 13. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1) & (2) because the
19 injuries giving rise to this action have been and will continue to be suffered by Yelp in San
20 Francisco, California.

21 **V. DIVISIONAL ASSIGNMENT**

22 14. Assignment to the San Francisco Division is proper under Local Civil Rule 3-2(c)
23 & (e) because the injuries giving rise to this action have been and will continue to be suffered by
24 Yelp in San Francisco County, California.

25 **VI. FACTUAL ALLEGATIONS**

26 **A. Yelp.com and Its Services**

27 15. Yelp owns and operates Yelp.com, a popular local search website, mobile website,
28 and related mobile applications that allow users to share information about their communities and

1 make informed decisions about local businesses and other local entities. Using Yelp’s platform,
2 members of the public may read and write reviews, as well as access many other forms of
3 consumer-related information about local businesses, services, and other entities, including
4 restaurants, doctors, auto mechanics, plumbers, churches, and government agencies.

5 16. One of Yelp’s founding principles is that the best sources for information about a
6 local community are the community members themselves. Yelp users have contributed more than
7 260 million reviews of local business and other entities on Yelp’s platform. These reviews allow
8 other consumers to find a broad range of helpful information about local companies and other
9 consumer-facing entities.

10 17. Yelp’s business model depends on maintaining the trust of its tens of millions of
11 users by providing reliable, trustworthy, and useful information. Yelp accordingly devotes
12 significant resources to mitigate false, fraudulent, immaterial, and misleading reviews. It employs
13 sophisticated software to weed out suspicious reviews, such as those that might result from a
14 conflict of interest, improper solicitation, or that that may be unreliable or irrelevant. “Yelp
15 invested tens of millions of dollars and hundreds of thousands of hours in developing and
16 maintaining” this software, “which runs on hundreds of computers.” *Multiversal Enterprises-*
17 *Mammoth Properties, LLC v. Yelp Inc.*, 74 Cal. App. 5th 890, 894 (2022). The software is
18 continually maintained and updated by a team of experienced engineers to protect the integrity of
19 experiences on Yelp.

20 18. Yelp also polices attempts to bypass its policies in other ways, even as those
21 attempts grow more advanced. For example, in recent years, there has been a rise of review
22 exchange groups, which attempt to publish fraudulent online reviews on platforms like Yelp,
23 making them less reliable for everyone. These groups facilitate the buying, selling, or exchange of
24 fake reviews.² In response, Yelp continued to invest in automated and manual content moderation,
25 to better identify such groups and their handiwork and stem the impact of their attempts to publish

26 _____
27 ² Greg Sterling, *Yelp Cracks Down on ‘Review Rings’ as Google Continues to See Widespread Mapspam*, Search
28 Engine Land (Jan. 10, 2020), <https://searchengineland.com/yelp-cracksdown-on-review-rings-as-google-continues-to-see-widespreadmapspam-327432>; Sudheer Someshwara, *Yelp Updates Recommendation Software to Better Target and Mitigate Content from Online Review Exchange Groups* (Feb. 25, 2021), <https://blog.yelp.com/news/yelp-updates-recommendation-software-to-better-target-and-mitigate-content-from-online-reviewexchange-groups/>.

1 untrustworthy content.

2 19. Yelp’s efforts extend to providing additional information that may help dispel
3 potential consumer deception or confusion. For example, since 2012, Yelp has maintained a
4 Consumer Alert program, which aims to fight the spread of misinformation on Yelp. A Consumer
5 Alert is a pop-up notice that is placed on a business page to warn users when Yelp has detected
6 particularly egregious activity (for example, large numbers of reviews coming from a single IP
7 address, or reviews from users who may be connected to a group that coordinates incentivized fake
8 reviews) or attempts to mislead them (for example, compensated review activity).³ Consumers
9 can also find accurate information about food safety, health scores, and restaurant inspections,
10 provided by Yelp on Yelp business pages. Yelp displays health score information through
11 partnerships with local government and by working with third-party partners that collect public
12 data from local health departments.

13 **B. Yelp Discovers and Corrects Misleading Information About Crisis**
14 **Pregnancy Centers on its Service.**

15 20. Reports from 2018 alerted Yelp to attempts by some crisis pregnancy centers
16 (“CPCs”) to mislead consumers about their services.⁴ Specifically, Yelp learned that some CPCs
17 were diverting consumers seeking medical abortions away from actual medical providers by
18 manipulating search results to promote their non-abortion services in response to queries such as,
19 “Where can I get an abortion?”⁵

20 21. Yelp investigated the issue, including by reviewing leading research. A 2014 study
21 at the University of North Carolina found, for example, that 80 percent of CPC websites provided
22 at least one false or misleading piece of information.⁶ A 2018 study by researchers at the

23 _____
24 ³ Yelp maintains a microsite where it publishes information about its efforts to fight the spread of misinformation its
25 platform, including information about its Consumer Alerts and an annual Trust & Safety Report, at
26 <https://trust.yelp.com/>.

27 ⁴ Robin Marty, *How Google Maps Leads Women Seeking Abortions Astray*, Gizmodo (Feb. 12, 2018),
28 <https://gizmodo.com/how-google-maps-leads-women-seeking-abortions-astray-1822882758>; HBO, *Last Week
Tonight With John Oliver*, “Crisis Pregnancy Centers,” (April 8, 2018), www.youtube.com/watch?v=4NNpkv3Us1I

⁵ See also Expose Fake Clinics, “What exactly is a fake clinic?” ExposeFakeClinics.com (accessed Sept. 27, 2023),
<https://www.exposefakeclinics.com/what-is-a-cpc-2>

⁶ Amy G. Bryant et al., “Crisis pregnancy center websites: Information, misinformation, and disinformation”
Contraception (December 2014), <https://pubmed.ncbi.nlm.nih.gov/25091391/>

1 University of Georgia and Emory University found that 58 percent of Georgia CPC websites failed
2 to inform visitors that the centers do not provide abortions or refer patients to facilities that offer
3 abortions.⁷ And in 2019, researchers at the University of Pittsburgh School of Medicine and
4 University of California at San Francisco found that many CPCs operate in “bad faith” by
5 “employ[ing] sophisticated strategies to draw in women who are seeking abortion services,” only
6 for these women “to find that they neither provide abortion nor refer to abortion providers.”⁸

7 22. Based on these studies, Yelp manually evaluated thousands of business pages
8 providing pregnancy-related services and, where appropriate, categorized a business as a “Crisis
9 Pregnancy Center.” This category included businesses offering pregnancy-related services, but
10 not abortion services or referrals to abortion providers.⁹

11 23. By the same token, Yelp users who initiate searches on the platform for pregnancy
12 resources or services, or specifically for CPCs, have no difficulty reaching Yelp business pages
13 for CPCs—thanks in part to the specific category for those businesses—and consumers have the
14 ability to provide reviews, ratings, and other contributions to CPC business pages, just as they
15 would other businesses listed on Yelp. This designation better connects members of the public to
16 the information they seek: while some people come to Yelp to find businesses that offer pregnancy
17 resources, others turn to Yelp to find reliable information specifically about abortion care
18 providers.

19 24. After the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health*
20 *Organization*, 142 S. Ct 2228 (2022), Yelp recommitted to providing accurate, useful, and
21 trustworthy information about reproductive health services to users. This led Yelp to add a
22 “Consumer Notice” on business pages for designated Crisis Pregnancy Centers informing
23 consumers that these businesses “typically provide limited medical services and may not have

24 _____
25 ⁷ Andrea Swartzendruber et al., “Sexual and Reproductive Health Services and Related Health Information on
26 Pregnancy Resource Center Websites: A Statewide Content Analysis,” *Womens Health Issues* (Jan-Feb 2018),
27 <https://pubmed.ncbi.nlm.nih.gov/29158038/>

⁸ Sonya Borrero, “Crisis Pregnancy Centers: Faith Centers Operating in Bad Faith,” 34 *J. Gen. Intern. Med.* 144, 144-
45 (2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6318184/>.

⁹ Madeleine Schmidt, *Yelp Fixed Its Anti-Choice Clinic Problem. Why Can’t Google Do the Same?* Rewire News
28 Group (Oct. 1, 2019), <https://rewirenewsgroup.com/2019/10/01/yelp-fixed-its-anti-choice-clinic-problem-why-cant-google-do-the-same/>

1 licensed medical professionals onsite.”¹⁰ This is a true statement based on evidence of what CPCs
 2 “may not” offer and what they “typically” provide. In fact, the Office of the Attorney General of
 3 the State of California issued a consumer alert to Californians on June 1, 2022 that, in sum and
 4 substance, included the same statement.¹¹

5 **C. Attorney General Paxton Demands That Yelp Remove The Crisis Pregnancy**
 6 **Center Notice.**

7 25. A coalition of 24 state attorneys general, including Attorney General Paxton, wrote
 8 Yelp on February 7, 2023, demanding that it “rescind its August announcement immediately[.]”
 9 Ex. 2 at 1. The letter claims the information in the Consumer Notice “is misleading” and designed
 10 “to discourage women and families from accessing their services.” *Id.* at 2.

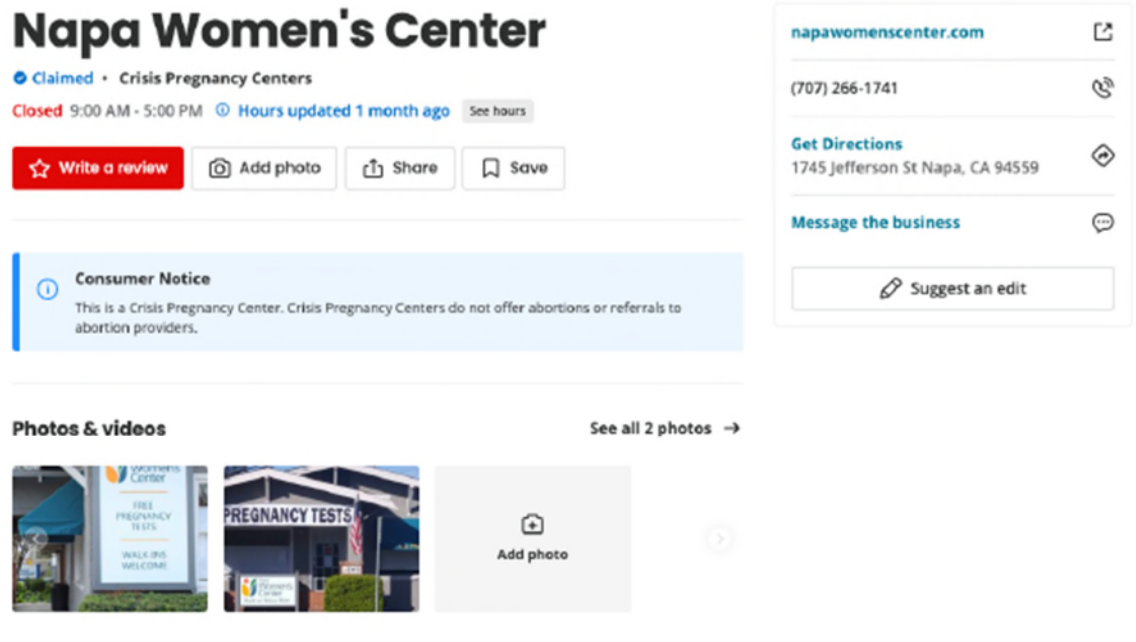
11 26. Yelp responded by letter the following day, citing research demonstrating that its
 12 Consumer Notice “is accurate and not misleading.” Ex. 3 at 2-3. Yelp further explained that its
 13 goal is not to steer users one way or another, but to enable them to access the information they
 14 desire based on the queries they enter. Users “have no difficulty reaching pages for Crisis
 15 Pregnancy Centers,” if that is what they wish to access, and Yelp “has taken no action to remove
 16 Crisis Pregnancy Center business pages from Yelp.” *Id.* at 3. “Any claim that Yelp users
 17 interested in Crisis Pregnancy Centers are being ‘diverted’ from those businesses,” Yelp explained,
 18 “is not credible.” *Id.*

19 27. Solely to address the (unfounded) concerns raised in the letter, and while explicitly
 20 confirming that the previous language was not misleading, Yelp agreed to revise the Consumer
 21 Notice to state that “Crisis Pregnancy Centers do not offer abortions or referrals to abortion
 22 providers.” *Id.* at 3.

23
 24
 25 ¹⁰ Noorie Malik, *Providing consumers with reliable information about reproductive health services*, Yelp.com Blog
 26 (Aug. 23, 2022), <https://blog.yelp.com/news/providing-consumers-with-reliable-information-about-reproductive-health-services/>

27 ¹¹ Attorney General Bonta Issues Consumer Alert Warning Californians That Crisis Pregnancy Centers Do Not Offer
 28 Abortion or Comprehensive Reproductive Care (June 1, 2022), <https://oag.ca.gov/news/press-releases/attorney-general-bonta-issues-consumer-alert-warning-californians-crisis>.

28. On February 14, 2023, the Attorney General’s office issued an updated press release stating this Revised Consumer Notice—an example of which appears on a business page below—provided “an accurate description.”¹²



D. Attorney General Paxton Announces His Intent To Prosecute Yelp

29. The Attorney General mailed Yelp a letter dated September 22, 2023 providing “notice of intent to file suit against Yelp, Inc.” (cleaned up) having “concluded that Yelp . . . violated” the Texas Deceptive Trade Practices Act by publishing the original (and since updated) Consumer Notice. *See* Ex. 1 at 1. The letter states that the Attorney General is authorized to file suit within “seven days.” *Id.* at 1; *see also* Tex. Bus. & Com. Code § 17.47(a) (requiring seven-days’ notice before filing suit). The letter warns that the Attorney General is authorized to seek “civil penalties of up to \$10,000.00 per violation” as well as “attorneys’ fees,” among other penalties. *Id.* at 1. Notably, the letter does not confine its threat to Yelp’s “violations” in Texas,

¹² Texas Attorney General Ken Paxton, Press Release, “Paxton Condemns Yelp for Discriminating Against Crisis Pregnancy Centers” (Feb. 14, 2023), <https://www.texasattorneygeneral.gov/news/releases/paxton-condemns-yelp-discriminating-against-crisis-pregnancy-centers>. The Attorney General of the Commonwealth of Kentucky, who was the lead author of the letter, also wrote that he “appreciate[d] Yelp’s timely response in addressing our concerns.” Kentucky Attorney General, Press Release, “Attorney General Cameron Issues Statement After Yelp Changes Policy Related to Discrimination Against Crisis Pregnancy Centers” (February 9, 2023), <https://www.kentucky.gov/Pages/Activity-stream.aspx?n=AttorneyGeneral&prId=1317>

1 but seeks to punish editorial choices—made by a California company—globally.

2 30. Based on this letter, Yelp believes the Attorney General will file suit as soon as
3 Friday, September 29, 2023. Yelp not only expects imminent prosecution for these past exercises
4 of its First Amendment rights, but the Attorney General’s actions—taken despite Yelp’s
5 admittedly “accurate” Revised Consumer Notice—have caused Yelp concern about exercising
6 those rights without inhibition in the future.

7 31. An injunction is necessary to avert an irreparable chill on Yelp’s First Amendment
8 rights, and free Yelp from either forgoing its rights or facing prosecution for exercising them.

9 **VII. CLAIMS FOR RELIEF**

10 **COUNT ONE:**
11 **VIOLATION OF THE FIRST AND FOURTEENTH AMENDMENTS,**
12 **PURSUANT TO 42 U.S.C. § 1983**

13 32. Plaintiff incorporates all prior paragraphs of this Complaint.

14 33. The First Amendment protects the publication of truthful information that does not
15 otherwise fall within any defined category of speech excluded from protection.

16 34. Yelp’s publication of truthful statements about entities on Yelp pages is fully
17 protected by the First Amendment without exception, as applied to the State of Texas under the
18 Fourteenth Amendment.

19 35. The Attorney General has violated the First Amendment by seeking to punish
20 Yelp’s expressive activity without any legitimate government interest.

21 36. The Attorney General has violated the First Amendment by subjecting Yelp to
22 illegitimate prosecution for the exercise of its First Amendment rights.

23 37. The Attorney General has violated the First Amendment by retaliating against Yelp
24 for Yelp’s exercise of its First Amendment rights. Yelp’s publication of truthful statements about
25 entities on Yelp pages is protected speech, the Attorney General’s imminent lawsuit chills that
26 speech, would silence a person of ordinary firmness from future First Amendment activities, and
27 is transparently in reaction to, and motivated by, Yelp’s protected speech.
28

**COUNT TWO:
DECLARATORY JUDGMENT,
PURSUANT TO 28 U.S.C. § 2201**

38. Plaintiff incorporates all prior paragraphs of this Complaint.

39. This action presents an actual case or controversy between Yelp and the Attorney General concerning rights secured to Yelp under the U.S. Constitution, the extent to which Texas Business & Commerce Code § 17.46 may impose liability on Yelp consistent with those rights, and whether the Attorney General can establish that Yelp’s actions violate Texas Business & Commerce Code § 17.46. Declaratory relief is therefore necessary and appropriate.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Yelp respectfully requests that the Court:

1. Declare that Defendant’s noticed intent to prosecute Plaintiff under Texas Business & Commerce Code § 17.46 is unconstitutional because Defendant seeks to punish Yelp for publishing truthful information protected by the First Amendment;

2. Declare that Yelp did not engage in any false, misleading, or deceptive acts or practices in violation of Texas Business & Commerce Code § 17.46 by publishing truthful information that CPCs “typically provide limited medical services and may not have licensed medical professionals onsite”;

3. Preliminarily and permanently enjoin Defendant and his agents, employees, and all persons acting under his direction or control from taking any action to prosecute, fine, or in any way penalize Yelp, including under Texas Business & Commerce Code §17.46, for publishing the challenged consumer notices;

4. Enter judgment in favor of Yelp;

5. Award Yelp its reasonable costs and attorneys’ fees, under 42 U.S.C. § 1988; and

6. Award Yelp all other such relief as the Court deems just and proper.

DATED: September 27, 2023

DAVIS WRIGHT TREMAINE LLP

By: /s/ Thomas R. Burke
Thomas R. Burke

Attorneys for Plaintiff Yelp Inc.

EXHIBIT 1



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 22, 2023

National Registered Agents, Inc.
1999 Bryan Street, Suite 900
Dallas, Texas 75201

Via CMRRR: 7019 1120 0000 5730 8231

RE: Notice of Intent to File Suit against Yelp, Inc.

Dear National Registered Agents, Inc. Representative:

Pursuant to section 17.47(a) of the Texas Business and Commerce Code, the Consumer Protection Division of the Office of the Attorney General of Texas provides notice to Yelp, Inc. (herein "Yelp") that our office believes that Yelp's business practices have violated the Texas Deceptive Trade Practices – Consumer Protection Act, sections 17.41 - 17.63 (hereinafter "DTPA"), by engaging in false, misleading, or deceptive acts and practices related to Yelp's "consumer notices" on the Yelp business pages of pregnancy resource centers, misleadingly stating that these centers "typically provide limited medical services and may not have licensed medical professionals onsite."

Under sections 17.46(a) and 17.46(b) of the Texas Business and Commerce Code, it is unlawful to use false, misleading, or deceptive acts or practices in the conduct of any trade or commerce including: (a) causing confusion or misunderstanding as to the source sponsorship, approval, or certification of goods or services; (b) causing confusion or misunderstanding as to affiliation connection, or association with, or certification by, another; (c) disparaging the goods, services, or business of another by providing a false or misleading representation of facts; and (d) failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed. A violation of these sections is a violation of the DTPA. The Consumer Protection Division of the Office of the Attorney General of Texas has investigated Yelp's business practices and provides notice to you that we have concluded that Yelp has violated the DTPA.

The Office of the Attorney General of Texas is authorized to seek the following for DTPA violations: civil penalties of up to \$10,000.00 per violation, an injunction to enjoin the deceptive trade practices, attorneys' fees, court costs, and restitution of all money unlawfully taken from consumers. The above-referenced statute authorizes the Office of the Attorney General of Texas to file suit after seven days from the date on which you are contacted and informed of the alleged unlawful conduct.

Please contact me if you have any questions or would like to discuss this matter.

Sincerely,

Scott Froman
Assistant Attorney General
Consumer Protection Division
(512) 463-1264 (telephone)
(512) 473-8301 (facsimile)

EXHIBIT 2



Commonwealth of Kentucky
Office of the Attorney General

Daniel Cameron
Attorney General

Capitol Building, Suite 118
700 Capital Avenue
Frankfort, Kentucky 40601
(502) 696-5300
Fax: (502) 564-2894

February 7, 2023

Mr. Jeremy Stoppelman, CEO
Yelp, Inc.
140 New Montgomery Street, 9th Floor
San Francisco, CA 94105

Re: Yelp Must Not Discriminate Against Crisis Pregnancy Centers

Dear Mr. Stoppelman:

Last year, some Democrats in Congress pressured the CEO of Alphabet¹ to discriminate against pro-life crisis pregnancy centers in Google search results, in online advertising, and in other products, such as Google Maps.² Attorneys General from 17 states responded, making clear that if Google failed to resist such pressure they would “act swiftly to protect American consumers from this dangerous axis of corporate and government power.”³ Yelp appears to be trending down this same path.

Late last year, Yelp announced that it would do what Google had been pressured to do: engage in discrimination against crisis pregnancy centers.⁴ Specifically, Yelp

¹ Alphabet Inc., is the parent company of Google.

² Letter from U.S. Senator Mark Warner et al. to Sundar Pichai, CEO of Alphabet Inc. (June 17, 2022), *available at* <https://bit.ly/3RMi28f>.

³ Letter from Attorney General Jason S. Miyares and Attorney General Daniel Cameron, et al. to Sundar Pichai, CEO of Alphabet Inc. (July 21, 2022), <https://ag.ky.gov/Press%20Release%20Attachments/State%20Attorneys%20General%20Letter%20to%20Google%20July%2021,%202022.pdf>.

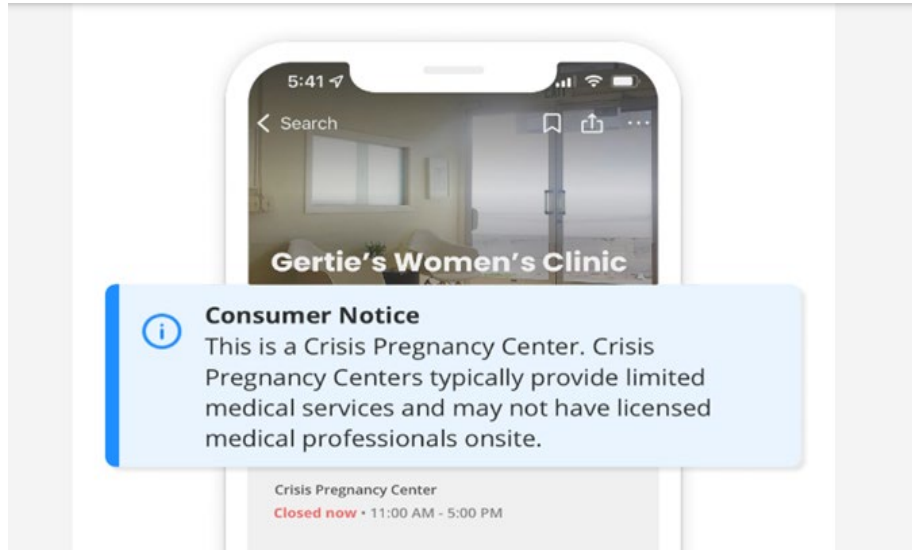
⁴ Noorie Malik, *Providing Consumers with Reliable Information about Reproductive Health Services*, YELP BLOG (Aug. 23, 2022), <https://blog.yelp.com/news/providing-consumers-with-reliable-information-about-reproductive-health-services/>. The announcement’s first sentence—which begins, “Following the Supreme Court decision to overturn *Roe v. Wade* and *Planned Parenthood v. Casey*”—suggests political motivations, rather than consumer concerns, drove Yelp’s decision.

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declared that it would begin issuing so-called “Consumer Notices” for the business pages of crisis pregnancy centers.⁵ Yelp contends that these notices will “inform[] consumers that [crisis pregnancy centers] typically provide limited medical services and may not have licensed medical professionals onsite.”⁶ Below is an example of the Consumer Notice:



7

The announcement goes on to say that Yelp will “recategoriz[e] business pages to distinguish crisis pregnancy centers from other reproductive healthcare providers on Yelp.”⁸

Together, these benignly labeled “recategorizations” and “Consumer Notices” constitute a scheme to discredit crisis pregnancy centers and to discourage women and families from accessing their services. For the following reasons, Yelp should rescind its August announcement immediately and stop discriminating against crisis pregnancy centers:

- The information in Yelp’s Consumer Notice is misleading;
- Yelp seemingly has failed to issue Consumer Notices for abortion facilities operated by Planned Parenthood and related organizations, which typically provide limited medical services and may not have licensed medical professionals onsite; and

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* (noting that Yelp has engaged in such recategorizations since 2018) (cleaned up).

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- Recategorizing crisis pregnancy centers diverts women and families from services that they need and that crisis pregnancy centers provide.

First, Yelp’s Consumer Notice is misleading because it is overbroad. The notice flags every crisis pregnancy center as “typically provid[ing] limited medical services,” regardless of the kind of medical services a center actually offers. Likewise, the notice flags every crisis pregnancy center as one that “may not have licensed medical professionals onsite,” regardless of whether the center actually has licensed medical professionals onsite.

Dozens of crisis pregnancy centers operate in Kentucky.⁹ New Hope Pregnancy Center,¹⁰ Haven Care Center,¹¹ First Choice Clinic,¹² and Alpha Pregnancy Care Center are but four examples.¹³ Yelp has issued a Consumer Notice for each of these centers.¹⁴ Yet all four centers offer free pregnancy tests and free ultrasounds. New Hope Pregnancy Center offers “lab-quality” pregnancy tests that are 99.9% accurate.¹⁵ First Choice Clinic offers testing for sexually transmitted infections (STIs).¹⁶ Haven Care Center lists two registered nurses, one advanced practice registered nurse, and one physician assistant as members of its team.¹⁷ And at Alpha Pregnancy Care Center, they “guarantee a licensed medical professional conducts all of [their] services.”¹⁸ Clearly, these centers should not be flagged for “provid[ing] limited medical services” or for not “hav[ing] licensed medical professionals onsite.”

The staffing and services provided by these four centers are representative of the staffing and services provided by crisis pregnancy centers nationwide. In 2019, the Charlotte Lozier Institute surveyed 2,700 crisis pregnancy centers across America. The survey revealed that 80% of locations offered free ultrasounds, 810 locations

⁹ *Kentucky – KY Pregnancy Resource Centers, Help in Your Area* (2022), <https://helpinyourarea.com/kentucky/>.

¹⁰ NEW HOPE PREGNANCY CENTER (2022), <https://newhopecenter.com>.

¹¹ HAVEN CARE CENTER (2022), <https://havencarecenter.org/>.

¹² FIRST CHOICE CLINIC (2022), <https://www.fccofsomerset.org/>.

¹³ ALPHA (2022), <https://alphapcc.org/>.

¹⁴ *New Hope Center*, YELP, <https://www.yelp.com/biz/new-hope-center-falmouth?osq=New+Hope+Pregnancy+Center> (last visited Oct. 17, 2022); *Haven Care Center*, YELP, <https://www.yelp.com/biz/haven-care-center-danville?osq=Haven+Care+Center> (last visited Oct. 17, 2022); *First Choice Clinic of Somerset*, YELP, <https://www.yelp.com/biz/first-choice-clinic-of-somerset-somerset?osq=First+Choice+Clinic> (last visited Oct. 27, 2022); *Alpha Pregnancy Care Center*, YELP, <https://www.yelp.com/biz/alpha-pregnancy-care-center-hopkinsville?osq=Alpha> (last visited Oct. 27, 2022).

¹⁵ *Pregnancy Tests*, NEW HOPE PREGNANCY CENTER (2022), <https://newhopecenter.com/services/pregnancy-tests/>.

¹⁶ *Services*, FIRST CHOICE CLINIC, <https://www.fccofsomerset.org/services>.

¹⁷ *About*, HAVEN CARE CENTER (2022), <https://havencarecenter.org/about/>.

¹⁸ *Pregnancy Testing*, ALPHA (2022), <https://alphapcc.org/services/pregnancy-testing/>.

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offered testing for sexually transmitted diseases (STDs), and, collectively, the centers employed 10,215 licensed medical professionals.¹⁹ The survey also found that in 2019 these crisis pregnancy centers served nearly two million people, providing services and material assistance worth over \$266 million.²⁰ Flagging such centers for “provid[ing] limited medical services” or for not “hav[ing] licensed medical professionals onsite” is misleading.

Second, Yelp discriminates against crisis pregnancy centers when Yelp issues a Consumer Notice for their business pages but refuses to issue notices for the pages of Planned Parenthood and related facilities. Recent statistics indicate that 46% of abortions occur via surgery and 54% are drug-induced.²¹ Yet, many abortion facilities do not operate onsite emergency rooms to handle surgery-related complications.²² And we are aware of no data showing that all abortion facilities are consistently staffed with the clinicians who prescribe and dispense abortion-inducing drugs.²³ In fact, reports indicate that some abortion sites rely on out-of-state physicians who fly in from “1,800 miles away.”²⁴ Consequently, to the extent that any business should be flagged for “provid[ing] limited medical services” or for not “hav[ing] licensed medical professionals onsite,” it should be Planned Parenthood and other abortion facilities. The fact that Yelp has apparently applied the Consumer Notice only to crisis pregnancy centers means that Yelp has singled out crisis pregnancy centers for disparate treatment.²⁵ This sort of discrimination is unacceptable.

Third, recategorizing crisis pregnancy centers in a way that diverts women and families from such centers is misguided. Crisis pregnancy centers provide medical services that are needed, and, in many instances, crisis pregnancy centers are better

¹⁹ Moira Gaul, *Fact Sheet: Pregnancy Centers – Serving Women and Saving Lives (2020 Study)*, Charlotte Lozier Institute (July 19, 2021), <https://lozierinstitute.org/fact-sheet-pregnancy-centers-serving-women-and-saving-lives-2020/>. The 10,215 licensed medical professionals accounted for 25% of all paid staff and 12% of all volunteers.

²⁰ *Id.*

²¹ Brittany Shammass et al., *The most common abortion procedures and when they occur*, THE WASHINGTON POST (last updated June 24, 2022), <https://www.washingtonpost.com/health/2022/06/21/abortion-procedures/>.

²² This is why over twenty states require abortion facilities and providers to maintain a relationship with a hospital. See *Targeted Regulation of Abortion Providers*, GUTTMACHER INSTITUTE (last updated Sept. 1, 2022), <https://www.guttmacher.org/state-policy/explore/targeted-regulation-abortion-providers>.

²³ See *id.* (observing that just 19 states require the clinician providing the abortion-inducing drug to be physically present when the medication is administered).

²⁴ Sharon Bernstein & Gabriella Borter, *In post-Roe U.S., abortion providers seek licenses across state lines*, REUTERS (June 25, 2022), <https://www.reuters.com/world/us/post-roe-us-abortion-providers-seek-licenses-across-state-lines-2022-06-25/> (noting that one physician plans to fly 1,800 miles from California to Kansas to staff an abortion facility).

²⁵ As noted previously, many crisis pregnancy centers *do* provide considerable medical services and *do* have licensed medical professionals onsite.

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positioned than any other facility to deliver those services.²⁶ In 2021, there were over 3,600,000 births in the United States.²⁷ That same year, sexually transmitted infections (STIs) hit a record high.²⁸ And as of November 1, 2022, at least ten states required the performance of an ultrasound before an abortion.²⁹ In sum, the ultrasounds, STI/STD testing, and pregnancy tests offered at crisis pregnancy centers are in great demand. Yelp should not discourage access to those services because it seemingly disapproves of the provider.

For these reasons, we, the 24 undersigned Attorneys General, demand that Yelp rescind its August announcement immediately and stop discriminating against crisis pregnancy centers.

Sincerely,




DANIEL CAMERON
Attorney General of Kentucky



STEVE MARSHALL
Attorney General of Alabama



TREG TAYLOR
Attorney General of Alaska



TIM GRIFFIN
Attorney General of Arkansas



ASHLEY MOODY
Attorney General of Florida



CHRIS M. CARR
Attorney General of Georgia

²⁶ *Women Have Real Choices*, CHARLOTTE LOZIER INSTITUTE (2022), <https://lozierinstitute.org/realchoices/#quick-facts> (indicating there are over four times as many pro-life pregnancy centers as Planned Parenthood facilities).

²⁷ Brady E. Hamilton et al., *Births: Provisional Data for 2021*, VITAL STATISTICS RAPID RELEASE REP. NO. 20 (May 2022), available at <https://www.cdc.gov/nchs/data/vsrr/vsrr020.pdf>.

²⁸ Alice Miranda Ollstein, *New CDC data: STD rates shot up in 2021*, POLITICO (Sept. 15, 2022), <https://www.politico.com/news/2022/09/15/cdc-data-std-rates-2021-00056811>. Though there are slight differences between STDs and STIs, the terms are often used interchangeably, which is the case here.

²⁹ *Requirements for Ultrasound*, GUTTMACHER INSTITUTE (last updated Sept. 1, 2022), <https://www.guttmacher.org/state-policy/explore/requirements-ultrasound>.

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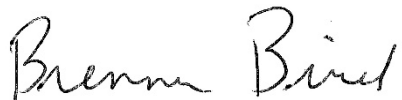
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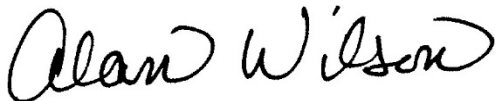
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Attorney General of South Carolina



MARTY JACKLEY
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JONATHAN SKRMETTI
Attorney General of Tennessee

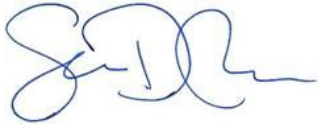


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EXHIBIT 3



February 8, 2023

Via FedEx and Email

Daniel Cameron
Attorney General
Commonwealth of Kentucky
Capital Building, Suite 118
Frankfort, Kentucky 40601

(Additional Recipients Below)

Dear Mr. Cameron et al.,

Yelp writes in response to your February 7, 2023 letter and to clear up any misconceptions you may have when it comes to Yelp providing relevant and reliable information to consumers who search for reproductive health or pregnancy-related services on its platform. In short, Yelp's mission focuses on connecting members of the public with the businesses that they seek to find, and Yelp's categorization of businesses, including Crisis Pregnancy Centers, and associated notification, reflect that mission.

Yelp's recategorization and notification relating to Crisis Pregnancy Centers arose from some Centers' reported attempts to mislead consumers about the services that they offer, and to avoid potential deception on the part of certain providers, not from any supposed Congressional pressure. Specifically, Yelp learned several years ago that some Crisis Pregnancy Centers were misleading consumers seeking abortion care; for example, by gaming keywords on other platforms to appear first in results for user-initiated searches like "Where can I get an abortion?", diverting those users seeking abortion services away from the facilities that actually offered abortion services.¹

According to leading research, most of those efforts to mislead the public began well before the Supreme Court's recent decision to overturn *Roe v. Wade* and *Planned Parenthood v. Casey*. For example, a 2014 study found that, out of a sample of 253 websites referring to Crisis Pregnancy Centers, 208 (80%) of the websites provided at least one false or misleading piece of

¹ "How Google Maps Leads Women Seeking Abortions Astray," *Gizmodo Media Group* (February 12, 2018), available at <https://gizmodo.com/how-google-maps-leads-women-seeking-abortions-astray-1822882758>; "UGA researcher launches web-based directory to improve crisis pregnancy center transparency," *University of Georgia College of Public Health* (September 10, 2018), available at <https://publichealth.uga.edu/uga-launches-web-based-directory-to-improve-crisis-pregnancy-center-transparency/>.

information.² Similarly, a 2018 study undertaken by researchers at the University of Georgia and Emory University found that 58% of the Georgia pregnancy resource center websites did not provide notice to website visitors that the centers do not provide abortions or refer patients to facilities that offer abortions.³

Since 2018, thousands of Yelp business pages have been evaluated and where appropriate businesses have been categorized as Crisis Pregnancy Centers, which applies to businesses that offer pregnancy-related services but not abortion services or referrals to abortion providers.⁴ Yelp's Crisis Pregnancy Center notification, which it implemented in August 2022, is another way Yelp helps connect members of the public with the actual healthcare services that they seek: while some people come to Yelp to find businesses that offer pregnancy resources, there are others who turn to Yelp to find reliable information about abortion providers.⁵

Together, the categorization and notification relating to Crisis Pregnancy Centers appropriately inform people looking for information they can trust when they search for healthcare and pregnancy-related services on Yelp. The data that you cite in your letter from the Charlotte Lozier Institute⁶ underscores this point. Its 2019 survey of 2,700 Crisis Pregnancy Centers shows that fully 75% of their paid staff and 88% of their volunteers are not licensed medical professionals. None of the surveyed Crisis Pregnancy Centers offer abortions or referrals to abortion providers, and neither do any of the Kentucky-specific examples that you identify in your letter. Accordingly, the notification that "businesses in those categories typically provide

² Bryant AG, Narasimhan S, Bryant-Comstock K, Levi EE. "Crisis pregnancy center websites: Information, misinformation and disinformation," *Contraception* (December 2014), available at <https://pubmed.ncbi.nlm.nih.gov/25091391/>.

³ Swartzendruber A, Newton-Levinson A, Feuchs AE, Phillips AL, Hickey J, Steiner RJ. "Sexual and Reproductive Health Services and Related Health Information on Pregnancy Resource Center Websites: A Statewide Content Analysis," *Women's Health Issues* (Jan-Feb 2018), available at <https://pubmed.ncbi.nlm.nih.gov/29158038/>.

⁴ "Yelp Fixed Its Anti-Choice Clinic Problem. Why Can't Google Do the Same?" *Rewire News Group* (October 1, 2019), available at <https://rewirenewsgroup.com/2019/10/01/yelp-fixed-its-anti-choice-clinic-problem-why-cant-google-do-the-same/>.

⁵ Your letter mistakenly suggests that Yelp merely "announced" the notification "late last year." To be clear, they have been a feature of the Yelp platform for nearly six months as of the date of this letter.

⁶ The Charlotte Lozier Institute describes itself as "advis[ing] and lead[ing] the pro-life movement with groundbreaking scientific, statistical, and medical research." <https://lozierinstitute.org/about/>.

limited medical services and may not have licensed medical professionals onsite” is accurate and not misleading.

By the same token, Yelp users who initiate searches on the platform for pregnancy resources or services, or even specifically for Crisis Pregnancy Centers, have no difficulty reaching pages for Crisis Pregnancy Centers, thanks in part to the specific category that exists for those businesses. Yelp has taken no action to remove Crisis Pregnancy Center business pages from Yelp, and consumers have the ability to provide reviews, ratings and other contributions to the Centers’ business pages, just as they would other businesses listed on Yelp. Any claim that Yelp users interested in Crisis Pregnancy Centers are being “diverted” from those businesses due to Yelp’s recategorization efforts or “discriminated against” due to the notification is not credible.

Nevertheless, Yelp has seriously considered your concerns, and while Yelp maintains that its notification is not misleading, in a good faith effort to address your concerns, Yelp is taking this opportunity to update its notification. As shown below and effective today, the notice states that “Crisis Pregnancy Centers do not offer abortions or referrals to abortion providers.”:



Consumer Notice

This is a Crisis Pregnancy Center. Crisis Pregnancy Centers do not offer abortions or referrals to abortion providers.

We trust that the information contained in this letter clears up any misconceptions that you may have had about users’ ability to find information about reproductive health or pregnancy-related services on Yelp based on searches that they initiate, and that the update to the description of Crisis Pregnancy Centers resolves your concerns.

Sincerely,

Aaron Schur
General Counsel
Yelp Inc.
350 Mission Street, 10th Floor
San Francisco, CA 94105

cc: Jeremy Stoppelman

Additional Recipients

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Attorney General of Wyoming

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

YELP INC.

(b) County of Residence of First Listed Plaintiff San Francisco County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Thomas R. Burke (CA Bar No. 141930) Davis Wright Tremaine LLP, 50 California Street, 23rd Floor, San Francisco, CA 94111, Tel: 415-276-6500 Email: thomasburke@dwt.com

DEFENDANTS

KEN PAXTON, TX Attorney General, in his official capacity

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff 2 U.S. Government Defendant 3 Federal Question (U.S. Government Not a Party) 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): U.S. Const., Amdts. I, XIV; 42 U.S.C. §§ 1983 and 1988; 28 U.S.C. § 2201

Brief description of cause:

Constitutional challenge to TX AG's planned action to punish Yelp's protected speech; request for declaratory and injunctive relief

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 09/27/2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ Thomas R. Burke

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.