



HOLWELL SHUSTER & GOLDBERG FILES AMICUS BRIEF ON BEHALF OF TUMBLR, MEETUP, KICKSTARTER, AND FOURSQUARE IN CLOSELY WATCHED FACEBOOK SEARCH WARRANT CASE

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New York—Foursquare, Kickstarter, Meetup, and Tumblr submitted an *amicus* brief in an appeal challenging search warrants obtained by the Manhattan District Attorney instructing Facebook to produce content and other data associated with 381 Facebook accounts—the largest set of search warrants Facebook has ever received. Holwell Shuster & Goldberg LLP moved for leave to file the brief today.

A trial court in New York County denied Facebook's challenge to the search warrants and directed Facebook not to inform its users of the existence or execution of the warrants. On appeal, Facebook is arguing that the search warrants violated the Fourth Amendment and that the nondisclosure order violated the First Amendment.

The *amicus* brief presents the perspective of Foursquare, Kickstarter, Meetup, and Tumblr as small and mid-size online platforms based in New York. The amici argue that gag orders like the one the trial court issued violate their First Amendment rights to notify users of government information requests so that users can decide whether to challenge those requests. Moreover, the amici argue that contrary to what the trial court held, online platforms can raise Fourth Amendment objections to search warrants, both on their own behalf and on behalf of users.

"With the burgeoning tech industry in New York, the need to protect the privacy of users has never been greater," said Judge Richard Holwell, co-founder of Holwell Shuster & Goldberg and a former federal judge in the U.S. District Court for the Southern District of New York. "It is critical that online platforms be able to inform their users about government requests for private information and, when appropriate, object to violations of privacy rights."

Holwell Shuster & Goldberg attorneys who drafted the brief include founding partner Richard J. Holwell, chair of the firm's Intellectual Property Department John M. DiMatteo, and Daniel M. Sullivan, associate and former law clerk to the Honorable Antonin Scalia of the United States Supreme Court.

ATTORNEYS

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