

October 16, 2023

Judge Beth Labson Freeman  
Northern District of California  
San Jose Courthouse, Courtroom 3 – 5th Floor  
280 South 1st Street  
San Jose, CA 95113

Dear Judge Freeman,

We were discouraged to learn of your decision to preside over the *NetChoice, LLC v. Bonta* case and grant the plaintiff's motion for preliminary injunction. As you know, this preliminary injunction prevents California from enforcing the California Age-Appropriate Design Code Act (CAADCA). Your financial interests in the tech industry, including companies which have spent a significant amount of money on lobbying activities related to this legislation, may violate Canons 2 and 3 of the [Code of Conduct](#) for United States Judges.

Canon 2 of the Code of Conduct states, "A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities," acknowledging that even the appearance of improper incentives that could influence a judge's decision-making can be deeply harmful for public trust in government.

The public could rightfully be concerned about a judge's impartiality if a judge owns stock in a company that has shown an interest in the outcome of a case that the judge presides over. Your 2021 financial disclosure shows you own between \$1 million and \$5 million of Apple stock, between \$1 million and \$5 million of Microsoft Stock, between \$250,000 and \$500,000 of Comcast stock, and between \$100,000 and \$250,000 of Mastercard Stock. During the 2021-2022 legislative session, Microsoft spent over \$500,000 on lobbying activities related to CAADCA, while Apple similarly spent \$30,000. Furthermore, Apple is a member of the tech industry group Chamber of Progress, which spent \$10,000 on lobbying activities. The trade association Technet, whose members include Apple, Comcast and MasterCard, spent over \$45,000. These companies sought to block the enactment of CAADCA, the very piece of legislation in question in *NetChoice, LLC v. Bonta*, raising an appearance of improper incentives as stated in Canon 2 of the Code of Conduct.

Additionally, your decision not to recuse yourself may violate the section of Canon 3 governing judicial disqualification, which states in part:

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances in which [...]

(c) the judge knows that the judge, individually or as a fiduciary ... has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be affected substantially by the outcome of the proceeding

Your significant stock holdings in companies that lobbied against CAADCA represent a clear “financial interest [...] that could be affected substantially by the outcome of the proceeding.”

Given the concerns about a conflict of interest, we call on you to immediately vacate the preliminary injunction and recuse yourself from the *NetChoice, LLC v. Bonta*.

Sincerely,

The Revolving Door Project

CC:

Chief District Judge Richard Seeborg  
Northern District of California  
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