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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 *In re Ex Parte* Application of

12 HUMAN ENGINE, LTD.,

13 Applicant.

14 For an Order Pursuant to 28 U.S.C. § 1782
15 Granting Leave to Obtain Discovery for
16 Use in Foreign Proceedings

Miscellaneous Case No. 3:26-mc-80016

**HUMAN ENGINE LTD'S
MEMORANDUM IN SUPPORT OF
ITS *EX PARTE* APPLICATION FOR
AN ORDER PURSUANT TO 28 U.S.C.
§ 1782 GRANTING LEAVE TO
OBTAIN DISCOVERY FOR USE IN
FOREIGN PROCEEDINGS**

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INTRODUCTION

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2 Applicant HUMAN ENGINE, Ltd. (hereinafter “HUMAN ENGINE”) submits this
3 Memorandum of Law in support of its *Ex Parte*¹ Application for an Order pursuant to 28
4 U.S.C. § 1782 requesting limited third-party discovery from Glassdoor, LLC (“Glassdoor”)
5 to aid foreign litigation in the jurisdiction of England and Wales. Specifically, HUMAN
6 ENGINE requests discovery for an English defamation case against the person who posted
7 a false and highly defamatory “review” on the website Glassdoor.co.uk (which is operated
8 by Glassdoor) that defames HUMAN ENGINE by making serious allegations of sexism,
9 racism, mistreating clients, corrupt promotion practices, and fostering a toxic workplace.

10 HUMAN ENGINE files this Section 1782 Application because critical evidence
11 necessary for its English defamation action is only available in this jurisdiction; an English
12 Court would be unable to compel Glassdoor (a U.S. corporation) to produce the evidence
13 HUMAN ENGINE seeks. By way of background, HUMAN ENGINE alleges that a person
14 posted a “review” on Glassdoor.co.uk which defames HUMAN ENGINE. But because
15 Glassdoor allowed the person to post the review anonymously, Glassdoor—and only
16 Glassdoor—possesses the information that would reveal identifying information about the
17 person, such as their name, email address and the IP address used to post the defamatory
18 review. In short, HUMAN ENGINE has filed its Application to obtain limited discovery
19 that would reveal information which is critical to HUMAN ENGINE’s lawsuit in England.

20 As explained below, HUMAN ENGINE satisfies all of the Section 1782 statutory
21 requirements, and all discretionary factors that courts consider in evaluating Section 1782
22 applications weigh in favor of granting HUMAN ENGINE’s Application. In similar
23 circumstances, courts have routinely granted Section 1782 relief, including in respect of

24
25 ¹ “Applications brought pursuant to 28 U.S.C. § 1782 typically are considered on an ex parte basis,
26 since ‘parties will be given adequate notice of any discovery taken pursuant to the request and will
27 then have the opportunity to move to quash the discovery or to participate in it.’” *In re Apple Retail*
28 *UK Ltd.*, No. 20-mc-80109, 2020 WL 3833392, at *2 (N.D. Cal. July 8, 2020) (quoting *IPCom*
GMBH & Co. KG v. Apple Inc., 61 F. Supp. 3d 919, 922 (N.D. Cal. 2014); see also *In re Republic*
of Ecuador, No. 10-mc-80225, 2010 WL 3702427, at *2 (N.D. Cal. Sept. 15, 2010); *In re Letters*
Rogatory from Tokyo Dist., 539 F.2d 1216, 1219 (9th Cir. 1976).

1 those seeking discovery from Glassdoor to identify anonymous reviewers for the purpose
2 of contemplated defamation proceedings in a foreign jurisdiction. *See, e.g., ZURU, Inc. v.*
3 *Glassdoor, Inc.*, 614 F. Supp.3d 697, 709 (N.D. Cal. July 11, 2022) (granting Section 1782
4 discovery from Glassdoor to identify the author of an anonymous review for use in
5 contemplated defamation proceedings in New Zealand); *IS Prime Ltd. v. Glassdoor, Inc.*,
6 No. 21-mc-80178, 2021 WL 5889373, at *3-4 (N.D. Cal. Dec. 13, 2021) (granting Section
7 1782 discovery from Glassdoor to identify the author of an anonymous review for use in a
8 contemplated “malicious falsehood” claim in England); *In re Legatum*, No. 21-mc-80032,
9 2021 WL 706436, at *3 (N.D. Cal. Feb. 23, 2021) (granting discovery from Glassdoor
10 under Section 1782); *Digital Shape Techs., Inc. v. Glassdoor, Inc.*, No. 16-mc-80150, 2016
11 WL 5930275, at *2 (N.D. Cal. Oct. 12, 2016) (same); *In re Ex Parte Application of Digital*
12 *Shape Techs., Inc.*, No. 16-mc-80150, 2016 WL 3913670, at *3 (N.D. Cal. July 20, 2016)
13 (same); *In re Application for Appointment of a Comm’r re Req. for Judicial Assistance for*
14 *the Issuance of Subpoena Pursuant to 28 U.S.C. 1782*, No. 11-cv-80136, 2011 WL
15 2747302, at *5 (N.D. Cal. July 13, 2011) (same; WordPress.com). The Court should grant
16 HUMAN ENGINE’s Application.

17 **FACTUAL BACKGROUND**

18 **A. HUMAN ENGINE is a Leading Boutique Management Consultancy**

19 Applicant HUMAN ENGINE is a leading management consultancy based in the
20 United Kingdom with specialisms in strategy, change, digital, commercial, procurement
21 and projects. (Noble Decl. ¶ 3.) Established in 2018 by an experienced team of former
22 senior local government leaders, HUMAN ENGINE has since built a strong reputation for
23 delivering transformative solutions to local authorities, central government departments
24 and National Health Service (“NHS”) organizations across the United Kingdom. (*Id.*)

25 HUMAN ENGINE’s work is grounded in improving outcomes for customers and
26 communities through the transformation of strategies, operations and organizational
27 cultures. (Noble Decl. ¶ 4.) This approach has earned HUMAN ENGINE national
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1 recognition, including being named by the Financial Times as one of the UK’s leading
2 management consultancies and being ranked among the top 25 firms in Organizational
3 Change, Sustainability, and People & Performance. (*Id.*) HUMAN ENGINE’s mission is
4 “to help individuals and organizations do the best work of their lives.” (*Id.*)

5 HUMAN ENGINE is a small but fast-growing firm, employing 12 professionals.
6 (Noble Decl. ¶ 5.) Its success depends heavily on trust, repeat instructions from satisfied
7 clients and the recruitment of highly capable individuals in a competitive market. (*Id.*)
8 Any harm to its reputation has a direct and measurable impact on its ability to win new
9 work, maintain client relationships and attract and retain the talent necessary to continue
10 its growth. (*Id.*)

11 **B. HUMAN ENGINE Defamed by Anonymous False and Defamatory Review**
12 **on Glassdoor.co.uk**

13 On 4 March 2025, an anonymous person posted a false and disparaging review on
14 Glassdoor.co.uk (which is operated by Glassdoor) about HUMAN ENGINE, purporting to
15 have been written by a “Former employee”. (Greenberg Decl. ¶¶ 4-7 & Ex. 1.) A copy of
16 the review is attached as **Exhibit 1** to the Greenberg Declaration (the “Review”). The
17 Review alleges that HUMAN ENGINE and its leadership: (i) “[lack] basic management
18 competence” and “basic professionalism”, “know nothing”, and “throw [their employees]
19 in the deep end and watch them drown”; (ii) mistreat clients and disparage them, including
20 by “badmouthing” and “swearing” about them; (iii) engage in dishonest and unfair business
21 practices, such as only promoting employees that “worship” senior leadership and favoring
22 senior leadership to the detriment of junior employees; and (iv) tolerate and normalize
23 discriminatory behavior in the workplace, including by being “casually sexist” toward
24 women and “racist without even realising it”. (Greenberg Decl. ¶ 9.)
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1 These imputations convey false (purported) facts.² For the reasons set out in the
2 Greenberg Declaration, the imputations contained in the Review give rise to an actionable
3 claim for defamation in England by HUMAN ENGINE against the reviewer. (Greenberg
4 Decl. ¶ 8-10.) The Review makes serious allegations about HUMAN ENGINE, including
5 allegations that impugn the honesty and fairness of the company’s business practices (such
6 as its promotion practices), its treatment of employees (including allegations of sexism and
7 racism) and its treatment of clients (including “badmouthing” and “swearing” about them).
8 (*Id.* ¶ 9.) English courts have recognised that imputations of this nature are capable of
9 giving rise to a prima facie claim in defamation. (Greenberg Decl. ¶¶ 8–9.)

10 **C. HUMAN ENGINE Asked Glassdoor to Remove the Defamatory Review, But**
11 **Glassdoor Refused**

12 On September 17, 2025, the law firm Cohen Davis Solicitors (“Cohen Davis”), which
13 represent HUMAN ENGINE in England, wrote to Glassdoor requesting that it remove the
14 defamatory Review. (Greenberg Decl. ¶ 12 & Ex. 5.) In support of its request, Cohen
15 Davis explained how the Review is defamatory and how it violated Glassdoor’s Terms of
16 Use. On October 10, 2025, Glassdoor responded, refusing to take action against the
17 defamatory Review. (*Id.* ¶ 13 & Ex. 6.)

18 Upon receiving that response, Cohen Davis considered following up with Glassdoor
19 to request, at a minimum, the disclosure of the anonymous reviewer’s identity so that action
20 could be taken against the person who posted the Review directly. (*Id.* ¶ 14.) However,
21 Cohen Davis concluded that such an effort would be futile and unnecessarily increase its
22 client’s costs—Glassdoor stated in its response that “it would not take additional steps in
23 this instance (beyond existing practices)” and, indeed, Glassdoor maintains a published
24 policy of refusing to identify anonymous reviewers when an employer requests disclosure
25 or threatens legal action. (14 & Ex. 7.)

26 _____
27 ² As the California Court of Appeal has explained, Glassdoor’s “emphasis on providing
28 ‘information’ [] strongly intimate[s] factual material [is] included” in “reviews” on the site. *ZL
Techs., Inc. v. Does 1-7*, 13 Cal. App. 5th 603, 626 (2017).

1 906719, at *3 (N.D. Cal. Feb. 25, 2020). “Section 1782(a) does not limit the provision of
2 judicial assistance to ‘pending’ adjudicative proceedings,” but allows discovery for use in
3 foreign proceedings that have not yet commenced. *Intel*, 542 U.S. at 258, 259.

4 In exercising its discretion to grant discovery, district courts consider four factors
5 identified by the Supreme Court in *Intel*: **(1)** whether the person from whom discovery
6 sought is a participant in the foreign proceeding; **(2)** the nature of the foreign tribunal, the
7 character of the proceedings abroad, and the receptivity of the foreign government to U.S.
8 federal court judicial assistance; **(3)** whether the request conceals an attempt to circumvent
9 foreign proof-gathering restrictions or other policies of a foreign country or the United
10 States; and **(4)** whether the request is unduly burdensome. *Intel*, 542 U.S. at 264-65.

11 As explained below, because HUMAN ENGINE’s Application easily satisfies all
12 three statutory Section 1782 requirements and all four discretionary *Intel* factors weigh in
13 HUMAN ENGINE’s favor, the Court should grant HUMAN ENGINE’s Application for
14 limited discovery.

15 **II. HUMAN ENGINE’s Application Easily Satisfies Section 1782’s Statutory** 16 **Requirements.**

17 HUMAN ENGINE’s Application for a narrow subpoena to Glassdoor easily satisfies
18 Section 1782’s three statutory requirements.

19 **First**, HUMAN ENGINE seeks discovery from a legal person that resides within this
20 district. Glassdoor resides or is found within this district because it is headquartered and
21 has its principal offices in San Francisco County, California, which is in this district.
22 (Greenberg Decl. ¶ 3, n.1.) Under settled law, “[a] business entity is ‘found’ in the judicial
23 district where it has its principal place of business.” *See, e.g., In re Ex Parte Application*
24 *of Digital Shape Techs., Inc.*, No. 16-mc-80150, 2016 WL 3913670, at *3 (N.D. Cal. Jul.
25 20, 2016) (authorizing Section 1782 discovery from Glassdoor and recognizing that
26 “Glassdoor’s principal place of business is ... within the Northern District of California”).
27 Indeed, Glassdoor’s own website confirms that its headquarters is in San Francisco County,
28

1 California, and further states that its users must “agree that all [] subpoenas and discovery
2 proceedings arising from such subpoenas shall be issued from, brought and resolved
3 exclusively in ... the federal courts in the Northern District of California.” Glassdoor, *How*
4 *Do I Serve Legal Documents on Glassdoor?*, Glassdoor Help Center (last visited Jan. 12,
5 2026), https://help.glassdoor.com/s/article/How-do-I-serve-legal-documents-on-Glassdoor?language=en_US (“...Glassdoor's headquarters (where we keep our records) is in San
6 Francisco County, California.”); Glassdoor, *Terms of Use* § 13 (last visited Jan. 12, 2026),
7 <https://www.glassdoor.com/about/terms.htm>; Greenberg Decl. ¶ 3 & Ex. 2. Accordingly,
8 Glassdoor resides or is found in this district for Section 1782 purposes.
9

10 **Second**, HUMAN ENGINE’s Application seeks discovery for use in a proceeding
11 before a foreign tribunal, namely, the High Court of Justice of England and Wales. As the
12 U.S. Supreme Court has explained, the requisite foreign proceeding “need not be ‘pending’
13 or ‘imminent’”; rather, “the ‘proceeding’ for which discovery is sought under § 1782(a)”
14 need only be “in reasonable contemplation.” *Intel*, 542 U.S. at 247; *accord In re Yasuda*,
15 No. 19-mc-80156, 2020 WL 759404, at *4 (N.D. Cal. Feb. 14, 2020); *Ex Parte ANZ*
16 *Commodity Trading Pty Ltd.*, No. 17-mc-80070, 2017 WL 3334878, at *3 (N.D. Cal. Aug.
17 4, 2017) (“It is of no import that [Applicant] has not yet filed suit[.]”). Here, as described
18 above, HUMAN ENGINE intends to file a defamation action in the High Court of England
19 and Wales immediately upon obtaining discovery from Glassdoor revealing the identity of
20 the person who defamed HUMAN ENGINE in the defamatory Review (Noble Decl. ¶ 15;
21 Greenberg Decl. ¶ 11.) As such, HUMAN ENGINE’s defamation action is “in reasonable
22 contemplation” and this requirement is satisfied.

23 **Third**, HUMAN ENGINE, as the anticipated plaintiff in the foreign action, qualifies
24 as an “interested party” entitled to seek discovery under Section 1782. As the Supreme
25 Court has explained, there is “[n]o doubt litigants are included among, and may be the most
26 common example of, the ‘interested person[s]’ who may invoke § 1782.” *Intel*, 542 U.S.
27 at 256; *see also Akebia Therapeutics, Inc. v. FibroGen, Inc.*, 793 F.3d 1108, 1110 (9th Cir.
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1 2015) (“An ‘interested person’ seeking to invoke the discovery mechanism set forth under
2 § 1782 may include ‘not only litigants before foreign or international tribunals, but also ...
3 any other person [who] ... merely possess[es] a reasonable interest in obtaining [judicial]
4 assistance.”) (quoting *Intel*, 542 U.S. at 256-57)). As such, the final statutory requirement
5 is satisfied.

6 **III. The Supreme Court’s Discretionary *Intel* Factors All Weigh in Favor of** 7 **Granting HUMAN ENGINE’s Application**

8 All of the discretionary *Intel* factors likewise demonstrate that the Court should grant
9 HUMAN ENGINE’s Application for limited discovery from Glassdoor.

10 **A. The First *Intel* Factor is Satisfied: Glassdoor Will Not be a Participant in or** 11 **Party to the Foreign Proceeding and Therefore the Foreign Tribunal Cannot** 12 **Compel Glassdoor to Provide Discovery.**

13 The first *Intel* factor weighs in favor of discovery in the instant case because
14 Glassdoor will not be involved in the foreign proceeding. As the Supreme Court explained,
15 “nonparticipants in [a] foreign proceeding may be outside the foreign tribunal’s
16 jurisdictional reach; hence, their evidence, available in the United States, may be
17 unobtainable absent § 1782(a) aid.” *Intel*, 542 U.S. at 264; *see also, e.g., London v. Does*,
18 279 F. App’x 513, 515 (9th Cir. 2008) (granting application; explaining that “[a]bsent this
19 [Section 1782] discovery, the evidence sought may be unattainable [in] the [foreign] court
20 while it is within the district court’s jurisdiction and accessible in the United States.”); *In*
21 *re Ex Parte Motorola Mobility, LLC*, No. 12-cv-80243, 2012 WL 4936609, at *2 (N.D.
22 Cal. Oct. 17, 2012) (same); *In re Application for Appointment of a Comm’r re Req. for*
23 *Judicial Assistance for the Issuance of Subpoena Pursuant to 28 U.S.C. 1782*, No. 11-cv-
24 80136, 2011 WL 2747302, at *5 (N.D. Cal. July 13, 2011).

25 Here, Glassdoor will not be a participant in or a party to HUMAN ENGINE’s claim
26 against its purported former employee in England. Therefore, the English court would be
27 unable to compel Glassdoor (a U.S. corporation) to produce discovery, rendering this
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1 Application the only mechanism through which HUMAN ENGINE can obtain information
2 necessary to bring its English lawsuit. This factor thus weighs heavily in favor of granting
3 HUMAN ENGINE’s Application.

4 **B. The Second *Intel* Factor is Satisfied: The English Court Will Accept, Not**
5 **Reject, Assistance from Discovery Under Section 1782.**

6 The second *Intel* factor—the nature of the foreign tribunal, the character of the
7 proceedings abroad, and the receptivity of the foreign government to U.S. federal court
8 judicial assistance—weighs in favor of discovery where, as here, there is no ““authoritative
9 proof that a foreign tribunal would reject evidence obtained with the aid of Section 1782.””
10 *Siemens AG v. W. Digital Corp.*, No. 13-cv-1407, 2013 WL 5947973, at *3 (C.D. Cal. Nov.
11 4, 2013); accord *In re Apple Retail UK Ltd.*, No. 20-mc-80109, 2020 WL 3833392, at *2
12 (N.D. Cal. July 8, 2020). Moreover, in evaluating this factor, courts must “err on the side
13 of permitting discovery.” *In re Varian Med. Sys. Int’l AG*, No. 16-mc-80048, 2016 WL
14 1161568, at *4 (N.D. Cal. Mar. 24, 2016) (citing *Heraeus Kulzer GmbH v. Biomet, Inc.*,
15 633 F.3d 591, 597 (7th Cir. 2011) (reversing denial of Section 1782 application because
16 “there is nothing to suggest that the [foreign] court would be affronted by [plaintiff’s]
17 recourse to U.S. discovery or would refuse to admit any evidence”)).

18 Notably, district courts routinely grant requests for discovery under Section 1782 for
19 use in foreign litigation in England. See, e.g., *Qualcomm, Corp. v. Apple, Inc.*, No. 24-mc-
20 80019, 2024 WL 536355, at *1 (N.D. Cal. Feb. 9, 2024); *In re Application of Credit Suisse*
21 *Virtuoso*, No. 21-mc-80308, 2022 WL 1786050, at *10-11 (N.D. Cal. Jun. 1, 2022); *IS*
22 *Prime Limited v. Glassdoor, Inc.*, No. 21-mc-80178, 2021 WL 5889373, at *3-4 (N.D. Cal.
23 Dec. 13, 2021); *In re Application of JSC Comm. Bank Privatbank*, No.21-mc-80216, 2021
24 WL 4355334, at *1-4 (N.D. Cal. Sept. 24, 2021); *In re Ex Parte Application of Legatum*,
25 No. 21-mc-80032, 2021 WL 706436, at *3 (N.D. Cal. Feb. 23, 2021). Further, as explained
26 in the Declaration of Paul Greenberg, English courts are receptive to receiving evidence
27 from U.S. courts under Section 1782 and would be so receptive in this matter. (Greenberg
28

1 Decl. ¶ 16-19.) Indeed, the House of Lords in *South Carolina Co. v. Assurantie N.V.* [1987]
2 1 A.C. 24, 42 (HL)—the “leading authority” on the issue—expressly held that a party does
3 nothing wrong “by seeking to exercise a right potentially available to them under the
4 Federal law of the United States [under 28 U.S.C. § 1782],” and such applications do not
5 “in any way depart[] from, or interfere[] with, the procedure of the English Court”. (*Id.* ¶
6 17 & Ex. 8.) Other English courts are in accord, with the English High Court stating very
7 recently in *BHP Group (UK) Ltd & Anor v. PGMBM Law Ltd* [2025] EWHC 3153 (TCC)
8 that parties in England are “entitled to make use” of the Section 1782 procedure, including
9 where a party obtains discovery that would otherwise be unavailable in England. (*Id.* ¶ 18
10 & Ex. 9.)

11 Thus, the second *Intel* factor weighs heavily in favor of granting HUMAN ENGINE’s
12 Application because HUMAN ENGINE seeks discovery for use in litigation in England,
13 and not only is there no authoritative evidence that the English court would reject evidence
14 obtained pursuant to Section 1782, but, in fact, it is clear that an English court will readily
15 accept such evidence. (*Id.* ¶¶ 16-19.)

16 **C. The Third *Intel* Factor is Satisfied: HUMAN ENGINE’s Request Does Not**
17 **Attempt to Circumvent Foreign Proof-Gathering Restrictions or Policies of**
18 **the United States.**

19 The third *Intel* factor weighs in favor of discovery where there is no evidence in the
20 record that an application “conceals an attempt to circumvent foreign proof-gathering
21 restrictions or other policies of a foreign country or the United States.” *Intel*, 542 U.S. at
22 264-65; *In re Motorola Mobility*, 2012 WL 4936609, at *2; *In re Varian Med. Sys. Int’l*
23 *AG*, 2016 WL 1161568 at *5. Absent a bad-faith attempt to undermine any restrictions or
24 policies, this factor weighs in favor of allowing discovery—even if the documents sought
25 would not be discoverable in the foreign jurisdiction. *Intel*, 542 U.S. at 260-63.

26 Here, HUMAN ENGINE’s counsel in England is unaware of any restrictions under
27 English law on proof-gathering that would prohibit obtaining the discovery sought through
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1 this Application. (Greenberg Decl. ¶ 19.) Moreover, the requested discovery would not
2 circumvent any policies of the United States. To the contrary, U.S. district courts routinely
3 grant applications under Section 1782 authorizing discovery from Glassdoor for documents
4 identifying an anonymous author of a review for use in contemplated foreign defamation
5 (or similar) proceedings, without finding that such discovery circumvents U.S. policies.
6 *See, e.g., ZURU, Inc.*, 614 F. Supp. 3d 709 (authorizing § 1782 discovery to identify the
7 author of an anonymous Glassdoor review for use in contemplated defamation proceedings
8 in New Zealand); *IS Prime Ltd.*, 2021 WL 5889373, at *4 (same, for a contemplated
9 malicious falsehood claim in England); *In re Legatum*, 2021 WL 706436, at *3 (granting
10 discovery from Glassdoor under Section 1782); *Digital Shape Techs., Inc.*, 2016 WL
11 5930275, at *2 (same); *In re Ex Parte Application of Digital Shape Techs., Inc.*, 2016 WL
12 3913670, at *3 (same).

13 The Ninth Circuit recently made clear that a “relatively permissive approach” should
14 be adopted at the Section 1782 application stage where, as here, the record contains no
15 indication that the person whose identity is sought is a U.S. citizen or is present in the
16 United States. *In re Ex Parte Application of Gregory Gliner*, 133 F.4th 927, 935 (9th Cir.
17 2025) (reversing the denial of discovery under Section 1782 from a California-based
18 company for use in foreign defamation proceedings because “no evidence in the current
19 record suggests the implication or infringement of any person’s First Amendment rights”).
20 That is precisely the situation here. The Application seeks to identify the author of an
21 anonymous Glassdoor review in which the reviewer self-identifies as a former employee
22 of HUMAN ENGINE. (Greenberg Decl. ¶ 3 & Ex. 1.) There is no evidence that this person
23 is a U.S. citizen or is present in the United States. To the contrary, the record demonstrates
24 that HUMAN ENGINE is a United Kingdom-based company with no international offices,
25 no current or former employees based outside the UK, and an exclusively UK client base.
26 (Noble Decl. ¶ 3.) Given these facts, the most reasonable inference is that the reviewer is
27 likewise based in the United Kingdom, not the United States. In the absence of any
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1 indication that the anonymous author of the Review is a U.S. citizen or is present in the
2 United States, the First Amendment concerns do not arise. As the Ninth Circuit explained,
3 where “no evidence suggests that the ... author is a U.S. citizen or is present in the United
4 States,” discovery under § 1782 should be authorized, leaving “any parties whose First
5 Amendment rights may be affected to contest the subpoenas by filing a motion to quash or
6 modify them.” *In re Ex Parte Application of Gregory Gliner*, 133 F.4th, 935. Accordingly,
7 the third *Intel* factor weighs heavily in favor of granting HUMAN ENGINE’s Application.

8 **D. The Fourth *Intel* Factor Is Satisfied: HUMAN ENGINE’s Request Is Not**
9 **Unduly Burdensome.**

10 The fourth *Intel* factor weighs in favor of discovery where an applicant’s discovery
11 request is not “unduly intrusive or burdensome,” *Intel*, 542 U.S. at 265, as “determined by
12 the Federal Rules of Civil Procedure,” *In re Application of Joint Stock Co. Raiffeisenbank*,
13 No. 16-mc-80203, 2016 WL 6474224, at *6 (N.D. Cal. Nov. 2, 2016) (citing *In re Letters*
14 *Rogatory from Tokyo Dist. Prosecutor’s Office*, 16 F.3d 1016, 1019 (9th Cir. 1994)).
15 Under the applicable ordinary discovery rules, “[d]iscovery ‘is permitted if reasonably
16 calculated to lead to the discovery of admissible evidence.’” *HRC-Hainan Holding Co.*,
17 2020 WL 906719, at *11 (quoting *Franklin v. Madden*, 586 F. App’x 431, 432 (9th Cir.
18 2014)).

19 Critically, as relevant here, U.S. courts have repeatedly found that this factor weighs
20 in favor of granting a Section 1782 application in circumstances where the applicant seeks
21 limited discovery from a website operator to reveal the identity of a person who used the
22 website to allegedly infringe the applicant’s rights. *See, e.g., Hey, Inc. v. Twitter, Inc.*, No.
23 22-mc-80034, 2022 WL 1157490, at *2-4 (N.D. Cal. 19 Apr., 2022) (granting Section 1782
24 application subpoena seeking “documents identifying the user(s) of the three [Twitter]
25 accounts; names and addresses of credit card holders registered on the accounts; and access
26 logs for the dates the tweets in question were posted,” and holding that the “discovery is
27 appropriately tailored to documents and information identifying the individual(s)
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1 responsible” for the alleged wrongful conduct); *IS Prime Ltd.*, 2021 WL 5889373, at *3-4
2 (granting application for discovery from Glassdoor seeking “documents identifying or that
3 could be used to identify the individual(s) who posted [allegedly defamatory] reviews”);
4 *In re Legatum*, No. 21-mc-80032, 2021 WL 706436, at *3 (N.D. Cal. Feb. 23, 2021)
5 (similar; granting application for discovery from Glassdoor seeking documents reflecting
6 “identifying information such as IP addresses” of persons who made allegedly disparaging
7 posts); *Digital Shape Techs., Inc. v. Glassdoor, Inc.*, No. 16-mc-80150, 2016 WL 5930275,
8 at *2 (N.D. Cal. Oct. 12, 2016) (compelling Glassdoor to produce “[d]ocuments sufficient
9 to show the email address and IP address of the user who posted [an allegedly defamatory
10 review]” because (1) “[t]he email and IP addresses associated with the [] review are
11 relevant to Petitioners’ defamation claim based on that review” and (2) the request was not
12 unduly burdensome); *In re Application for Appointment of a Comm’r*, 2011 WL 2747302,
13 at *1, 5 (granting application for discovery from WordPress.com “to identify the
14 individual(s) who authored an anonymous blog on WordPress.com’s blog-hosting service”
15 and explaining that (1) “[t]he information requested is relevant to [the applicant’s]
16 allegations [against the anonymous blogger] and the identity of [the anonymous blogger]
17 is otherwise unattainable, given that the relevant posts were made through
18 WordPress.com’s servers” and (2) “the request is not unduly intrusive or burdensome
19 because it seeks to gather only identifying information for the accounts, such as the names
20 and addresses of the users”).

21 Here, HUMAN ENGINE’s Application seeks narrow discovery from Glassdoor,
22 namely, documents sufficient to show the identity of (or identifying information about) the
23 person who posted the defamatory Review. This information—tending to show the identity
24 of the person who posted the defamatory Review—is not only relevant, but is absolutely
25 necessary for HUMAN ENGINE’s defamation action in England. Moreover, HUMAN
26 ENGINE’s Application does not broadly seek Glassdoor’s communications, but only seeks
27 documents sufficient to show the name, email address and IP address of the person who
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1 posted the defamatory Review. Courts have routinely approved such requests as not unduly
2 burdensome. *See, e.g., Digital Shape Techs., Inc.*, 2016 WL 5930275, at *2; *In re*
3 *Application for Appointment of a Comm’r*, 2011 WL 2747302, at *5; *In re Apple Retail*
4 *UK Limited*, 2020 WL 3833392, at *4.

5 Accordingly, the fourth *Intel* factor weighs in favor of granting HUMAN ENGINE’s
6 Application.

7 **CONCLUSION**

8 For the foregoing reasons, HUMAN ENGINE respectfully requests that the Court
9 grant its Application and issue an order pursuant to 28 U.S.C. § 1782 authorizing the
10 issuance of the subpoena attached to HUMAN ENGINE’s Application as **Exhibit B**. A
11 Proposed Order is attached to HUMAN ENGINE’s Application as **Exhibit A**.

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13 Dated: January 21, 2026

5RB

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