

Debra S. Katz, Esquire

Direct dial: [REDACTED]  
[REDACTED]

By Electronic Mail and Federal Express  
November 11, 2015

Mr. James Goetz

Sequoia Capital  
[REDACTED]

Menlo Park, CA 94025

Mr. Timothy Draper

Draper Fisher Jurvetson Venture  
[REDACTED]

Menlo Park, CA 94025

Re: Yik-Yak

Dear Messrs. Goetz and Draper:

The law firm of Katz, Marshall & Banks, LLP, represents members Feminists United, a student group at the University of Mary Washington in Fredericksburg, Virginia, who were subjected to serious sex-based threats and harassment via Yik-Yak. As we are sure you are aware from the frequent media coverage, our clients are far from the only women and members of minority groups who have faced cyberbullying – including threats of death and rape – on this platform. Almost daily, the media reports about sexist, racist, and homophobic hate speech and threats of violence communicated on college campuses across the country via Yik Yak. As recently as yesterday, African American students were subjected to death threats via Yik Yak at the University of Missouri in the wake of the resignations of University President Tim Wolfe and Chancellor R. Bowen Loftin. Yik Yak's response to all of this has been the same: head in the sand, business as usual.

On October 20, 2015, we wrote a letter to Yik Yak's founders, Tyler Droll and Stephen Brooks Buffington, calling on them to take a proactive approach to end unlawful cyberbullying and threats against women and racial and sexual minorities via Yik Yak. In the spirit of self-regulation and good corporate citizenship, we urged Yik Yak's founders to work with us and other civil rights groups to develop an approach to monitoring content on the app that is effective and is not based on majority rule. The steps Yik Yak has currently taken to address inappropriate comments are clearly insufficient. As you know, Yik Yak permits users to "downvote" postings, and those that receive enough negative votes are removed – but this relies on majority rule, and that majority often chooses to target women, minorities, and unpopular viewpoints. Users may also "flag" inappropriate posts; they are then sent to a Philippines-based company for content review by moderators – a slow-moving system that also relies on users to

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identify and flag posts. Users who write posts with certain objectionable words included receive a pop-up warning reminding them that some kinds of posts are illegal: *"Pump the brakes, this yak may contain threatening language. Now it's probably nothing and you're probably an awesome person but just know that Yik Yak and law enforcement take threats seriously. So you tell us, is this yak cool to post?"* There is no system in place, however, that actually prevents an threatening post being posted, and it is easy to circumvent even the pop-up by changing the spelling of words.

In our letter to Messrs. Droll and Buffington, we detailed the growing problem of illegal cyber-bullying and harassment that Yik Yak facilitates on campuses nationwide. We requested that they meet with us to discuss the steps Yik Yak can and must take to prevent further harm to the individuals and groups that Yik Yak has allowed to be targeted. Among the issues we wish to discuss with them is storage of user identities, the willingness to share user information with universities where Title IX and other civil rights violations occur, and implementation of an effective monitoring system. Messrs. Droll and Buffington have failed to respond to our letter, or otherwise take action to address this problem.

According to media reports, Sequoia Capital has thus far invested \$62,000,000 in Yik Yak and Mr. Draper has invested \$10,000,000 of his own money. In a March 9, 2015 article in The New York Times, *"Who Spewed that Abuse? Anonymous Yik Yak App Isn't Telling,"* Mr. Goetz acknowledged that the app's history of misuse was a concern when his firm considered investing in the company. According to that same article, shortly after joining the Yik Yak Board of Directors, Mr. Goetz expressed confidence that Messrs. Droll and Buffington were committed to ensuring more positive interactions on Yik Yak and that, over time, the constructive voices would overwhelm the destructive ones. Disturbingly, this has not occurred and students continue to suffer serious cyber-bullying and threats based on their gender, race, sexual orientation, nationality, and the like – all of which is like facilitated by your investment dollars. Yik Yak continues to be the weapon of choice on college campuses to target individuals and disfavored groups and has proven to be an effective tool for hate mongering. Yik Yak cannot continue to turn a blind eye to the egregious incidents of sexual and racial harassment and threats on college campuses, enabled by its technology, while simultaneously touting the app for its ability to create 'community.'

Yik Yak can, and must, do more to remedy this problem. We are writing to you because Yik Yak's inaction is putting young people at risk and limiting their access to higher education. Women and members of racial and sexual minority groups are being denied true equal access to education – which they are guaranteed by law – because they are the subject of anonymous threats and harassment that prevent them from safely attending classes, eating in dining halls, and moving freely on campus without fear. It is time to impress on Yik Yak its duty to take responsibility for the racist, sexist, and threatening content it fosters by the nature of its community-based, yet anonymous, forum.

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We request that you meet with us and representatives from several of national civil rights and women's rights leaders, together with Yik Yak's founders, to work together to implement changes that will ensure that all students enjoy equal access to education. I look forward to hearing from you.

Sincerely,

Debra S. Katz

Encl.

cc: Mr. Tyler Droll  
Mr. Stephen Brooks Buffington