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Court of Common Pleas

New Case Electronically Filed: COMPLAINT
January 16, 2024 12:05

By: KRISTIN S.M. MORRISON 0085004

Confirmation Nbr. 3062370

CLEVELAND-CLIFFS INC.

CV 24 991384

vs.

YAHOO INC.

Judge: DEBORAH M. TURNER

Pages Filed: 6

CLEVELAND-CLIFFS INC.
200 Public Square #3300
Cleveland, OH 44114

Petitioner,

YAHOO INC.
c/o CT Corporation System
28 Liberty Street
New York, NY 10005

Discovery Respondent.

Case No.

Judge:

PETITION FOR DISCOVERY PURSUANT TO RULE 34(D)

Petitioner Cleveland-Cliffs Inc. (“Cliffs”), by and through its attorneys, states as follows for its petition for discovery pursuant to Ohio Rule of Civil Procedure 34(D):

INTRODUCTION

1. This is a proceeding commenced pursuant to Ohio R.C. 2317.48 and Ohio Rule of Civil Procedure 34(D), for purposes of compelling the production of relevant documents and information by Yahoo Inc. This discovery is intended to secure such information necessary to ascertain the identity of potential adverse parties.

BACKGROUND

2. From at least November 2023 through January 2024, an anonymous account on the Yahoo! Finance Cleveland-Cliffs Inc. (CLF) message board¹ and the Yahoo! Finance United

¹ <https://finance.yahoo.com/quote/CLF/community?p=CLF>.

States Steel Corporation (X) message board² posted defamatory messages regarding Cliffs and Lourenco Goncalves, Cliffs' Chairman, President, and Chief Executive Officer. The account posting the messages at issue is "Booleansearcher" (@Booleansearcher) (the "Poster"). For over a year, "Booleansearcher" has posted hundreds of comments and replies to other users on these message boards. These posts were visible to any third party who viewed the Cliffs Yahoo! Finance message board or the United States Steel Corporation Yahoo! Finance message board. "Booleansearcher" has posted comments that include statements without basis and contrary to fact that attack Mr. Goncalves' business reputation and honesty, including the exercise of his and others at Cliffs' fiduciary duties to shareholders. The content of these posts is injurious to Mr. Goncalves' reputation and the business interests of Cliffs.

3. Petitioner is unaware of the identity or identities of those in control of the accounts posting the offending messages. Petitioner seeks this discovery in order to pursue defamation claims under Ohio law.

4. On January 2, 2024, counsel for Petitioner attempted to contact the Poster via letter sent to the email address associated with the Poster's account name to request that the Poster cease and desist from making false and defamatory remarks regarding Cliffs and Mr. Goncalves. Counsel for Petitioner received an automated response the same day, stating, "The recipient's mailbox is full and can't accept messages now." Counsel for Petitioner attempted to contact the Poster via letter sent to the email address associated with the Poster's account name again on January 8, 2024, and received the same automated response the same day. Petitioner accordingly has been unable to contact the Poster, and the Poster has continued to post false and

² <https://finance.yahoo.com/quote/X/community?p=X>.

defamatory remarks on the Cliffs Yahoo! Finance message board and the United States Steel Corporation Yahoo! Finance message board.

5. On January 8, 2024, counsel for Petitioner contacted the Legal Department and Custodian of Records at Yahoo Inc. via letter delivered by U.P.S. and email to request information sufficient to determine the location and identification of the party or parties responsible for the postings. As of today's date, Yahoo has not responded to Petitioner's letter.

6. Despite its efforts to date, Petitioner has been unable to ascertain the actual identity of the Poster, who is known only by a pseudonymous Yahoo Inc. user account screen name. Without the requested discovery from Yahoo, Petitioner will be unable to bring the contemplated action. The Poster continues to post multiple messages per day about Mr. Goncalves and Cliffs on the Cliffs Yahoo! Finance message board.

JURISDICTION

7. This Court has jurisdiction over the subject matter of this action pursuant to R.C. 2305.01 and 2307.382(A)(6).

PARTIES

8. Petitioner Cliffs is an Ohio corporation with its principal place of business in Cleveland, Ohio.

9. Respondent Yahoo Inc. is a Delaware corporation with its principal place of business in New York, NY.

INFORMATION SOUGHT

10. Petitioner seeks the following information from Yahoo Inc.:

- i. Any documents which contain any identifying information about the persons or entities that created the pseudonymous user account "Booleansearcher" (@Booleansearcher), including but not limited to documents reflecting the name, street address and/or email address of said persons or entities.

- ii. Documents and information sufficient to enable the identification and location of those persons responsible for using the pseudonymous user account “Booleansearcher” (@Booleansearcher), including but not limited to, documents and electronic files, such as complete copies or printouts of computer screens and other documents revealing member information, applications for a Yahoo!® email address, the Internet Protocol address (“IP address”) utilized during the creation of the pseudonymous user account or email address and during the creation of emails originating from that address, and the name and identifying information of the Internet Service Provider (“ISP”) from which the parties used the pseudonymous email address.
- iii. Documents or information sufficient to show all IP addresses utilized during the creation and use of the pseudonymous Yahoo Inc. user account “Booleansearcher” (@Booleansearcher) and any related pseudonymous Yahoo Inc. user account.
- iv. Documents or information sufficient to show all ISPs from which the parties using the pseudonymous Yahoo Inc. user account “Booleansearcher” (@Booleansearcher) and any related pseudonymous Yahoo Inc. user account have operated.
- v. Any identifying information maintained by Yahoo Membership services (*i.e.*, the name, street address and email addresses other than those already provided) of the persons or entities that created the pseudonymous Yahoo Inc. user account “Booleansearcher” (@Booleansearcher) and any related pseudonymous Yahoo Inc. user account.
- vi. All information in Yahoo’s possession that could enable Cliffs to identify and locate those persons responsible for using the pseudonymous Yahoo Inc. user account “Booleansearcher” (@Booleansearcher) and any related pseudonymous Yahoo Inc. user account.
- vii. Any additional information that Petitioner may request to assist it to identify potentially adverse parties in Petitioner’s nascent defamation claim, including but not limited to specific information related to individual posting activity using the pseudonymous Yahoo Inc. user account “Booleansearcher” (@Booleansearcher) and any related pseudonymous Yahoo Inc. user account on the Cliffs Yahoo! Finance message board or the United States Steel Corporation Yahoo! Finance message board.

RELIEF REQUESTED

11. Petitioner respectfully requests that this Court issue an order authorizing Petitioner to obtain discovery from Yahoo Inc. sufficient to identify potentially adverse parties in Petitioner’s nascent defamation claim.

12. Petitioner is filing contemporaneously herewith a [Proposed] Order concerning this requested relief and information sought.

Dated: January 16, 2023.

Respectfully submitted,

/s/ Kristin S.M. Morrison

Kristin S.M. Morrison (0085004)
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, OH 44114.1190
Telephone: +1.216.586.3939
Facsimile: +1.216.579.0212
E-mail: kmorrison@jonesday.com

*Attorneys for Petitioner
Cleveland-Clijfs Inc.*

CERTIFICATE OF SERVICE

I hereby certify that I have requested that the Cuyahoga County Clerk of Courts serve a copy of the foregoing Petition for Discovery Pursuant to Rule 34(D) on Respondent's registered agent for service of process, pursuant to the Ohio Rules of Civil Procedure, at the address listed below:

Yahoo Inc.
c/o CT Corporation System
28 Liberty Street
New York, NY 10005

/s/ Kristin S.M. Morrison
One of the Attorneys for Petitioner