

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Laura Loomer, as an individual, Laura :  
Loomer, in her capacity as a Candidate :  
for United States Congress, and Laura :  
Loomer for Congress, Inc., :  
Plaintiffs, :

v. :

Facebook, Inc., Mark Zuckerberg, in his :  
capacity as CEO of Facebook, Inc. and as :  
an individual, Twitter Inc., and Jack Dorsey, :  
in his capacity as former CEO of Twitter, :  
Inc. and as an individual, :  
Defendants. :

CIVIL ACTION  
FILE NO. 22-2646

JURY TRIAL DEMANDED

**COMPLAINT**

**COME NOW** Laura Loomer, as an individual (“Ms. Loomer”); Laura Loomer, in her capacity as a Candidate for United States Congress (“Candidate Loomer”); and Laura Loomer for Congress, Inc. (“Loomer Campaign”) (collectively referred to as “Plaintiffs”), by and through undersigned counsel, and hereby make and file this Complaint against Facebook, Inc. (“Facebook”), Mark Zuckerberg, in his capacity as CEO of Facebook, Inc., and as an individual, Jack Dorsey, in his capacity as former CEO of Twitter, Inc., and as an individual, and Twitter, Inc. (“Twitter”) (collectively referred to as “Defendants”), respectfully showing the Court as follows in support hereof:

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**PARTIES**

1.

Plaintiff Laura Loomer (Ms. Loomer) is an individual and a citizen and resident of the state of Florida.

2.

Plaintiff Laura Loomer (Candidate Loomer) was the Republican Party nominee for U.S. House Florida District 21 for the 2020 General Election of the United States of America.

3.

Plaintiff Laura Loomer for Congress, Inc. is a Florida corporation that operates under the registered trade name, Laura Loomer for Congress.

4.

Plaintiffs Laura Loomer and Laura Loomer for Congress, Inc. are entities engaged in activities that affect interstate and foreign commerce.

5.

Ms. Loomer is the Chief Executive Officer of Laura Loomer for Congress, Inc.

6.

Defendant Facebook, Inc. is incorporated in the state of Delaware with its principal place of business located at 1601 Willow Road, Menlo Park, California. Facebook

does substantial business in all 50 states including the Northern District of California and the state of Florida.

7.

Defendant Mark Zuckerberg is the Chairman and CEO of Facebook, Inc. and a resident of the state of California.

8.

Defendant Twitter, Inc. is incorporated in the state of Delaware with its principal place of business located at 1355 Market Street, Suite 900, San Francisco, California. Twitter does substantial business in all 50 states, including the Northern District of California and the state of Florida.

9.

Defendant Jack Dorsey is the former CEO of Twitter, Inc. and a resident of the state of California.

### **JURISDICTION AND VENUE**

10.

Defendants are subject to the jurisdiction of this court pursuant to California Code of Civil Procedure 410.10 and Federal Rule of Civil Procedure 4, because Defendants are domiciled, have transacted business, continue to transact business, and have caused injury within the state and elsewhere.

11.

Venue is proper in this court pursuant to 28 U.S. Code § 1391 because this is a judicial district in which a Defendant resides, and all Defendants are residents of the State in which the district is located.

12.

This Court's jurisdiction and venue are proper pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1332 because the matter in controversy violates RICO statutes,<sup>1</sup> exceeds the value of \$75,000, and is between citizens and corporations of different states, specifically Florida and California.<sup>2</sup>

### PROCEDURAL HISTORY

13.

Plaintiff Loomer has sued Defendant Facebook and Defendant Twitter multiple times in multiple venues including the Northern District of California and the Southern District of Florida.

14.

On August 29, 2018, Plaintiff Loomer along with Freedom Watch, Inc. sued Apple Inc., Google Inc., Facebook Inc., and Twitter Inc. in the U.S. District Court for the

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<sup>1</sup> 18 U.S.C. § 1961 – 1968

<sup>2</sup> 28 U.S.C. § 1332 (2020)

District of Columbia for (1) Violation of Sections 1 & 2 of the Sherman Act – Illegal Agreement in Restraint of Trade, (2) Discrimination in Violation of D.C. Code § 2-1403.16, and (3) violation of the First Amendment to the Constitution and 42 U.S.C. § 1983, and the Supreme Court denied certiorari but with substantial commentary relevant to the instant matter regarding the Defendants herein, provided by Justice Thomas in a related concurring opinion.<sup>3</sup>

15.

On July 8, 2019, Plaintiff Loomer sued Facebook Inc. in the Southern District of Florida for Defamation, and the court transferred the case to this Court where Plaintiff Loomer’s Voluntary Motion to Dismiss was granted on August 14, 2020.<sup>4</sup>

16.

On August 22, 2019, Plaintiff Ms. Loomer along with Illoominate Media, Inc. sued CAIR Foundation, Twitter, Inc., John Does 1-5, and CAIR Florida, Inc. in the Southern District of Florida for (1) Breach of Contract, (2) Tortious Interference with Advantageous Business Relationship, (3) Unlawful Agreement in Restraint of Trade, (4) Civil Conspiracy, and (5) violating Florida Deceptive and Unfair Trade Practices Act, though Defendant Twitter was never served and was dismissed from the case, and the 11<sup>th</sup> Circuit Court of Appeals found in favor of CAIR Foundation.

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<sup>3</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring).

<sup>4</sup> *Loomer v. Facebook, Inc.*, 4:20-cv-03154 (2020).



17.

While this action is maintained between some of the same parties as these prior lawsuits, this action does not replicate any claims from prior lawsuits, and the acts giving rise to the causes of action herein overlap with those in these prior lawsuits only to the extent to which Defendants' regular course of business engaged in the commission of predicate acts of racketeering.

## **BACKGROUND**

### *Social Media Platforms*

18.

“Social media platforms have transformed into the new public town square.”<sup>5</sup>

19.

“Social media platforms have become as important for conveying public opinion as public utilities are for supporting modern society.”<sup>6</sup>

20.

“Social media platforms hold a unique place in preserving first amendment protections for all Floridians and should be treated similarly to common carriers.”<sup>7</sup>

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<sup>5</sup> Section 1.4., FL. S.B. 7072. 2021 Legislature. On May 24, 2021, Florida Governor Ron DeSantis and the Florida Legislature signed Florida Senate Bill 7072 into law.

<sup>6</sup> Section 1.5., FL. S.B. 7072. 2021 Legislature.

<sup>7</sup> Section 1.6., FL. S.B. 7072. 2021 Legislature.

21.

“Social media platforms that unfairly censor, shadow ban, deplatform, or apply post-prioritization algorithms to Florida candidates, Florida users, or Florida residents are not acting in good faith.”<sup>8</sup>

22.

“Social media platforms have unfairly censored, shadow banned, deplatformed, and applied post-prioritization algorithms to Floridians.”<sup>9</sup>

23.

“The state has a substantial interest in protecting its residents from inconsistent and unfair actions by social media platforms.”<sup>10</sup>

24.

Defendants Facebook and Twitter “are at bottom communications networks and they ‘carry’ information from one user to another.”<sup>11</sup>

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<sup>8</sup> Section 1.7., FL. S.B. 7072. 2021 Legislature.

<sup>9</sup> Section 1.9., FL. S.B. 7072. 2021 Legislature.

<sup>10</sup> Section 1.10., FL. S.B. 7072. 2021 Legislature.

<sup>11</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.* 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring).

25.

Defendants Facebook and Twitter are digital platforms that “hold themselves out as organizations that focus on distributing the speech of the broader public” that “cannot be treated as the publisher or speaker of the information they merely distribute.”<sup>12</sup>

26.

“When a user does not already know exactly where to find something on the Internet – and users rarely do – Google is the gatekeeper between the user and the speech of the others 90% of the time.”<sup>13</sup>

27.

The U.S. Department of Justice claims Google has long broken the law in its quest to remain “the gateway to the internet” and has disadvantaged competitors in an effort to sell more online search ads, and in December 2021, more than 200 newspapers filed suit against Facebook and Google, who were accused of unfairly manipulating the advertising market and siphoning away their revenue.<sup>14</sup>

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<sup>12</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring).

<sup>13</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring).

<sup>14</sup> Zilber, Ariel. “Facebook and Google accused of ‘secret deal’ to carve up ad empire,” *New York Post*. January 14, 2022; Steigrad, Alexandra. “Over 200 newspapers are suing Facebook and Google for killing their advertising,” *New York Post*. December 8, 2021.

28.

“Facebook and Twitter can greatly narrow a person’s information flow through similar means.”<sup>15</sup>

29.

“Some courts have misconstrued [47 U.S.C. §230] to give digital platforms immunity for bad faith removal of third-party content.”<sup>16</sup>

*SCHEMES AND GOALS OF COMMUNITY MEDIA ENTERPRISE*

30.

Facebook, Twitter, and other social media companies, including but not limited to Instagram, Google Inc. and YouTube, are members of an enterprise which has used and continues to fraudulently use the pretext of “hate speech” as cover for committing and continuing to commit illegal predicate acts under the RICO statutes on Ms. Loomer, Candidate Loomer, Loomer Campaign, and many others, including their subscriber base as a whole as a distinct group of victims, in order to further multiple fraudulent schemes, including but not limited to schemes involving extortion, wire fraud, racketeering, and advocating the overthrow of government.

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<sup>15</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring).

<sup>16</sup> *Malwarebytes, Inc. v. Enigma Software Group USA, LLC.*, 592 U.S. \_\_\_\_\_ (2020) (Thomas, J., statement respecting denial of certiorari) (slip op., at 7-8).

31.

The Procter & Gamble Company (P&G) is an American multinational consumer goods corporation headquartered in Cincinnati, Ohio, and incorporated in Ohio, that engages in activities affecting interstate and foreign commerce and is one of Facebook's largest corporate advertisement purchasers.<sup>17</sup>

32.

Google Inc. is incorporated in Delaware with its principal place of business located at 650 Page Mill Rd., Palo Alto, California.

33.

In 2018, according to the attorneys general for Texas, fourteen (14) other states, and Puerto Rico, Defendant Zuckerberg and his counterpart at Google, CEO Sundar Pichai, secretly conspired and acted along with Facebook CFO Sheryl Sandberg to guarantee Defendant Facebook would both bid in and win a fixed percentage of ad auctions.<sup>18</sup>

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<sup>17</sup> "Procter & Gamble to stay silent on ad decisions as Facebook boycott grows," *Reuters*. July 1, 2020. <https://nypost.com/2020/07/01/procter-gamble-to-stay-silent-on-ads-amid-facebook-boycott/>.

<sup>18</sup> Zilber, Ariel. "Facebook and Google accused of 'secret deal' to carve up ad empire," *New York Post*. January 14, 2022; see also *In Re: Google Digital Advertising Antitrust Litigation*. Civil Action No.: 1:21-md-03010 Second Amended Complaint, (SDNY 2021).

34.

These fifteen (15) state attorneys general also claim that Google intentionally misled publishers and advertisers for years about how it prices and executes its ad auctions by creating secret algorithms that increased prices for buyers while deflating revenue for some advertisers.<sup>19</sup>

35.

In October 2018, the *New York Times* reported on an investigation which found that governments were successfully using Twitter to promote favorable content, attack critical voices, and otherwise shape what average people found when online.<sup>20</sup>

36.

On or about October 15, 2019, Defendant Facebook paid five billion dollars (\$5,000,000,000) in fines after the United States government discovered it engaged in a previous fraudulent pretextual scheme perpetuated against its subscriber base as a whole.<sup>21</sup>

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<sup>19</sup> Zilber, Ariel. "Facebook and Google accused of 'secret deal' to carve up ad empire," *New York Post*. January 14, 2022; *see also In Re: Google Digital Advertising Antitrust Litigation*. Civil Action No.: 1:21-md-03010, Second Amended Complaint, (SDNY 2021).

<sup>20</sup> Hubbard, Ben. "Why Spy on Twitter? For Saudi Arabia, It's the Town Square," *The New York Times*. November 7, 2019.

<sup>21</sup> Gardner, Eriq. "Judge Urged to Reject "Broad Immunity" for Facebook," *The Hollywood Reporter*. October 15, 2019.

37.

On or about November 8, 2019, Defendant Facebook was reported to have engaged in another fraudulent scheme called “The Switcharoo Plan,” wherein Facebook executives intentionally misled its partnering developers to rely on its services to then undermine them under the false pretext of promoting privacy.<sup>22</sup>

38.

On June 25, 2021, the Supreme Court of Texas ruled that Defendant Facebook was potentially civilly liable for human trafficking violations which would constitute predicate acts under civil RICO statutes.<sup>23</sup>

39.

Meta<sup>24</sup>, the company formerly known as Facebook Inc., privately announced on January 31, 2022, that users can use its platforms to solicit human smugglers.<sup>25</sup>

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<sup>22</sup> Paul, Katie and Hosenball, Mark. “Facebook executives planned 'switcharoo' on data policy change: court filings,” *Reuters*. November 6, 2019; Schechner, Sam and Olson, Parmy. “Facebook Feared WhatsApp Threat Ahead of 2014 Purchase, Documents Show: Internal emails could serve as fodder for regulators studying social network’s business practices,” *The Wall Street Journal*. November 6, 2019; Newton, Casey. “How leaked court documents reveal Facebook’s fundamental paranoia: The company’s anticompetitive behavior is rooted in a deep sense of fear that it’s vulnerable to rivals,” *The Verge*. November 8, 2019.

<sup>23</sup> *In Re Facebook, Inc. and Facebook, Inc. d/b/a Instagram, Relators*, 20-0434 (Tex. 2021).

<sup>24</sup> On October 28, 2021, Defendant Zuckerberg changed the name of Facebook Inc. to Meta.

<sup>25</sup> Simonson, Joseph. “Meta Will Allow Solicitation of Human Smuggling on Its Platforms - Policy comes amid surge in Facebook groups devoted to human smuggling,” *Washington Free Beacon*. February 1, 2022.

PROMISES OF COMMUNITY MEDIA ENTERPRISE

40.

On or about September 5, 2018, Defendant Dorsey testified before Congress, “We believe strongly in being impartial, and we strive to enforce our rules impartially. We do not shadowban anyone based on political ideology.”<sup>26</sup>

41.

On or about September 12, 2019, Google announced it would alter its algorithms to boost articles containing original reporting from sources with positive reputations that have received awards.<sup>27</sup>

42.

On or about September 21, 2019, Nick Clegg, Facebook VP of Global Affairs and Communication, announced that Facebook would not submit speech by politicians to its new “independent” fact checkers, and “generally allow it on the platform even when it would otherwise breach our normal content rules.”<sup>28</sup>

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<sup>26</sup> Harper, Cindy. “Senator Hawley wants Twitter to explain its blacklists: Twitter told Congress it doesn't shadowban,” *Reclaim The Net*. July 19, 2020.

<sup>27</sup> Neidig, Harper. “Google to boost articles with 'original reporting' in search results,” *The Hill*. September 12, 2019.

<sup>28</sup> Lemieux, Melissa. “Facebook Announces It Will Not Be Submitting Content From Politicians To Independent Fact Checking,” *Newsweek*. September 24, 2019.



43.

On September 21, 2019, Clegg announced an exception to this policy, namely that, “when a politician shares previously debunked content including links, videos and photos, we plan to demote that content, display related information from fact-checkers, and reject its inclusion in advertisements.”<sup>29</sup>

44.

On September 21, 2019, Clegg announced that there remained a second exemption for newsworthiness, which Facebook has had in place since 2016.<sup>30</sup>

45.

On September 24, 2019, Clegg announced, “I know some people will say we should go further that we are wrong to allow politicians to use our platform to say nasty things or make false claims. But imagine the reverse. Would it be acceptable to society at large to have a private company in effect become a self-appointed referee for everything that politicians say? I don’t believe it would be. In open democracies, voters rightly believe that, as a general rule, they should be able to judge what politicians say themselves.”<sup>31</sup>

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<sup>29</sup> Lemieux, Melissa. “Facebook Announces It Will Not Be Submitting Content From Politicians To Independent Fact Checking,” *Newsweek*. September 24, 2019.

<sup>30</sup> Lemieux, Melissa. “Facebook Announces It Will Not Be Submitting Content From Politicians To Independent Fact Checking,” *Newsweek*. September 24, 2019.

<sup>31</sup> Robertson, Adi. “Facebook Announces It Will Not Be Submitting Content From Politicians To Independent Fact Checking,” *The Verge*. September 24, 2019.

46.

On or about September 24, 2019, Defendant Facebook stated that it determines whether content from politicians is allowed on its site based upon a country and situational specific balancing test evaluating the public interest value of the piece of speech against the risk of harm, reliant on such factors as whether the country is at war or involved in an election.<sup>32</sup>

47.

On or about October 5, 2019, Defendant Facebook's Vice President of Global Affairs and Communication Nick Clegg stated "[Facebook] can't be a policeman on the internet saying what is acceptable or what is absolutely true. The freedom to say stupid things is the freedom of an open society."<sup>33</sup>

48.

On or about October 7, 2019, Vijaya Gadde, Twitter's global lead for legal, policy, and trust and safety, stated that Twitter's fundamental mission is to serve the public conversation and permit "as many people in the world as possible for engaging on a public platform and it means that we need to be open to as many viewpoints as possible."<sup>34</sup>

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<sup>32</sup> Robertson, Adi. "Facebook Announces It Will Not Be Submitting Content From Politicians To Independent Fact Checking," *The Verge*. September 24, 2019.

<sup>33</sup> Rankovic, Didi. "Contradicting their recent history, Facebook VP Nick Clegg says they don't want to police the internet," *Reclaim The Net*. October 5, 2019.

<sup>34</sup> Koebler, Jason. "How Twitter Sees Itself: Multiple current and former Twitter employees, including executives, explain how Twitter really positions itself and its responsibilities around moderating speech." *Motherboard: Tech by Vice*. October 7, 2019.

49.

On October 17, 2019, Defendant Mark Zuckerberg said, “People worry, and I worry deeply, too, about an erosion of truth. At the same time, I don’t think people want to live in a world where you can only say things that tech companies decide are 100 percent true.”<sup>35</sup>

50.

On or about November 4, 2019, Defendant Twitter’s government relations team told candidates seeking verification that Twitter would not give new contenders a “blue checkmark” until after the contenders won a state primary.<sup>36</sup>

51.

On or about November 15, 2019, in a U.S. House Veterans Affairs Committee Hearing, Twitter Public Policy manager Kevin Kane denied any type of censorship on Twitter and stated, “Twitter was born to serve the entire public conversation.”<sup>37</sup>

52.

On or about December 12, 2019, Defendant Twitter announced it would verify all candidates running for House, Senate, or governor.<sup>38</sup>

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<sup>35</sup> Romm, Tony. “Facebook CEO Mark Zuckerberg says in interview he fears ‘erosion of truth’ but defends allowing politicians to lie in ads,” *The Washington Post*. October 17, 2019.

<sup>36</sup> Ahuja, Siddak. “Twitter censors anti-establishment views,” *The Post Millennial*. November 4, 2019.

<sup>37</sup> Bulleri, Fabrizio. “Rep. Jim Banks questions Twitter on why it allows scams but censors political speech,” *Reclaim The Net*. November 15, 2019.

<sup>38</sup> Birnbaum, Emily. “Twitter to start verifying candidates when they qualify for primary election,” *The Hill*. December 12, 2019.

53.

On or about December 14, 2019, Defendant Twitter announced its Trust and Safety Council will cover specific real-world harm concerns, such as safety, online harassment, human and digital rights, child sexual exploitation, suicide prevention, mental health, and “broaden our interpretation of dehumanization.”<sup>39</sup>

54.

On or about May 27, 2020, U.S. Representative Matt Gaetz stated that Twitter is “not merely going to provide a place for people to share their ideas, they’re going to add their analysis to those ideas.”<sup>40</sup>

55.

On or about May 28, 2020, Brandon Borrman, Twitter’s vice president of global communications, stated that Twitter’s policy violation review system is set up to keep enforcement decisions independent from the teams responsible for public and government relations.<sup>41</sup>

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<sup>39</sup> Rankovic, Didi. “Twitter to expand its “Trust and Safety Council”,” *Reclaim The Net*. December 14, 2019.

<sup>40</sup> Crisp, Elizabeth. “Donald Trump to Issue Social Media Executive Order After Twitter Fact-Checks Tweets,” *Newsweek*. May 27, 2020.

<sup>41</sup> Oremus, Will. “Inside Twitter’s Decision to Fact-Check Trump’s Tweets,” *OneZero*. May 28, 2020.

56.

On July 29, 2020, Defendant Zuckerberg said, "We're very focused on fighting against election interference, and we're also very focused on fighting against hate speech."<sup>42</sup>

57.

On July 29, 2020, Facebook provided \$500,000 in funding to create the "Global Network Against Hate."

58.

The publicly stated purpose of the "Global Network Against Hate" is to counter emerging trends in online extremism and unapproved COVID-19 content by developing strategies, policies, and tools.<sup>43</sup>

59.

On June 5, 2021, Defendant Twitter stated that access to its platform "is an essential human right in modern society."<sup>44</sup>

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<sup>42</sup> Czachor, Emily. "Facebook Removes Most Hate Speech Before People See It, Zuckerberg Tells Congress," *Newsweek*. July 29, 2020; Note also that the US Supreme Court has declined to recognize a hate speech exception to protected speech, e.g. *Matal v Tam*, 137 S. Ct. 1744 (2017).

<sup>43</sup> Parker, Tom. "Facebook gives \$500,000 to Ontario university project that says coronavirus will drive online hate: The money is meant to help create a knowledge hub on "hate and violent extremism." *Reclaim The Net*. July 29, 2020.

<sup>44</sup> See Twitter Public Policy @Policy, The voice of Twitter's Global Public Policy team, 8:17 am, June 5, 2021.

*a. Community Guidelines*

60.

Shadow banning is the practice of banning a user's content such that it is difficult or impossible for others on a social media platform to discover or view it, while the user is unaware that the banning is occurring.

61.

Defendant Twitter's "Civic Integrity Policy" bars users from "manipulating or interfering in elections or other civic processes," such as by posting misleading information that could dissuade people from participating in an election.<sup>45</sup>

62.

Defendant Twitter's civic integrity policy applies special fact-checking scrutiny to tweets that might interfere with people's participation in democratic processes, a level of scrutiny only shared with the policy of harmful information related to COVID 19.<sup>46</sup>

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<sup>45</sup> "Twitter labels Trump's false claims with warning for first time," *The Guardian*. May 26, 2020. <https://www.theguardian.com/us-news/2020/may/26/trump-twitter-fact-check-warning-label>

<sup>46</sup> Oremus, Will. "Inside Twitter's Decision to Fact-Check Trump's Tweets," *OneZero*. May 28, 2020.

63.

According to Twitter’s Sensitive Media Policy, sharing “graphic violence, adult content, and hateful imagery” results in content potentially being hidden behind a “sensitive media” warning.<sup>47</sup>

64.

According to Facebook’s Bullying Policy on March 30, 2022, which expressly “does not apply to individuals who are part of designated organizations under the Dangerous Organizations and Individuals policy,” comparing any private individual to an animal considered “culturally inferior” is a violation that does not require reporting to be removed.<sup>48</sup>

65.

On or about October 21, 2019, Defendant Facebook announced that it removes accounts based on behavior regardless of content pursuant to its “inauthentic behavior policy”.<sup>49</sup>

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<sup>47</sup> Parker, Tom. “Twitter hides James O’Keefe tweet about CNN investigative report behind “sensitive media” notice: O’Keefe’s previous investigative reports have been censored by other tech giants after they responded to questionable privacy complaints,” *Reclaim The Net*. October 14, 2019.

<sup>48</sup> <https://transparency.fb.com/policies/community-standards/bullying-harassment/> on March 30, 2022.

<sup>49</sup> Miller, Maggie. “Facebook takes down Russian, Iranian accounts trying to interfere in 2020,” *The Hill*. October 21, 2019.

66.

On or about October 26, 2019, Defendant Facebook reported that speech content from political action groups, rather than the politicians themselves, was subject to third-party content review.<sup>50</sup>

67.

As of October 31, 2019, Defendant Facebook's policy was to count any ad that advocates for or against a social issue as a political ad, and it defined social issues to include topics like education, crime, and health. A political health ad was defined to include any "discussion, debate, and/or advocacy for or against topics including but not limited to healthcare reform and access to healthcare."<sup>51</sup>

68.

On or about November 4, 2019, Carlos Monje, Jr., U.S. policy director for Twitter, stated that Twitter allows extremist groups engaged in active peace resolution processes and groups elected to public office to remain online.<sup>52</sup>

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<sup>50</sup> "Facebook removes false ad from Pac claiming Graham backs Green New Deal," *The Guardian*. October 26, 2019. <https://www.theguardian.com/technology/2019/oct/26/facebook-lindsey-graham-green-new-deal-ad>

<sup>51</sup> "Facebook under fire after ads for anti-HIV drug PrEP deemed political," *The Guardian*. October 31, 2019. <https://www.theguardian.com/technology/2019/oct/31/facebook-prep-ads-instagram-political>

<sup>52</sup> Birnbaum, Emily. "Twitter takes down Hamas, Hezbollah-affiliated accounts after lawmaker pressure," *The Hill*. November 4, 2019.



69.

On or about November 9, 2019, Defendant Facebook announced that its “coordinating harm policy” prohibited any content that might disclose the identity of a potential witness, informant, or activist related to a whistleblower matter and subsequently removed content discussing whether the individuals should be publicly identified as “coordinating harm and promoting crime.”<sup>53</sup>

70.

On or about November 27, 2019, Defendant Facebook stated that an advertisement for a book about historical military headwear “is about social issues, elections or politics, based on the definition we’re using for enforcement.”<sup>54</sup>

71.

On or about December 14, 2019, Defendant Twitter announced a series of actions that would trigger “enforcement action for any account,” including promoting terrorism, clear and direct threats of violence against an individual, posting private information, sharing intimate photos or videos of a person without their consent, material involving child sexual exploitation, and any message encouraging or promoting self-harm.<sup>55</sup>

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<sup>53</sup> Harper, Cindy. “Facebook is deleting journalism in real-time: This is unprecedented,” *Reclaim The Net*. November 9, 2019.

<sup>54</sup> Suciu, Peter. “A Military History Book Is Too Political,” *Forbes*. November 27, 2019.

<sup>55</sup> Rankovic, Didi. “Twitter to expand its ‘Trust and Safety Council’,” *Reclaim The Net*. December 14, 2019.

72.

On or about January 1, 2020, Twitter updated its terms of service to grant itself the right to “limit distribution or visibility of any content on the service,” in addition to removing or refusing to distribute any content, suspending or terminate users and reclaiming their usernames without liability.<sup>56</sup>

73.

On or about January 17, 2020, Defendant Facebook had taken down pages for engaging in “inauthentic behavior,” which it defines as working together to mislead people about who they are and what they are doing.<sup>57</sup>

74.

On or about January 21, 2020, Defendant Facebook announced it would remove false claims and conspiracy theories about the coronavirus if it risks causing harm to people who believe them. The policy applied across both Instagram and Facebook, and included misinformation about fake cures or prevention methods, or any claim that could confuse people about what health resources are available. Hashtags used to spread misinformation on Instagram were also blocked or restricted.<sup>58</sup>

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<sup>56</sup> Nolan, Lucas, “Twitter’s shadow-banning practices are now official,” *Breitbart*. January 1, 2020.

<sup>57</sup> Ballhaus, Rebecca. “Coordinated Posts Defend Connecticut Man Who Exchanged Ukraine Texts,” *Wall Street Journal*. January 17, 2020.

<sup>58</sup> Porter, Jon. “Facebook and Instagram to remove coronavirus misinformation,” *The Verge*. January 31, 2020.

75.

On or about March 2, 2020, Defendant Facebook used the term of art “coordinated inauthentic behavior” (CIB) to refer to networks of fake accounts and pages aimed at manipulating public conversations.<sup>59</sup>

76.

On or about March 24, 2020, Twitter confirmed that propaganda from Chinese officials that attempts to blame the U.S. for the coronavirus is permitted on the platform.<sup>60</sup>

77.

On or about April 20, 2020, Defendant Mark Zuckerberg told *ABC*’s George Stephanopoulos that protests of stay-at-home orders that violate state social distancing rules organized through his social media platform qualify as “harmful misinformation” and will be taken down.<sup>61</sup>

78.

On or about June 2, 2020, Defendant Facebook alerted its staff that it would be changing its policies relating to the moderation of posts by politicians.<sup>62</sup>

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<sup>59</sup> Birnbaum, Emily. “Facebook says it removed five foreign influence campaigns in February,” *The Hill*. March 2, 2020.

<sup>60</sup> Parker, Tom. “Twitter Suspends Popular News Account Breaking911,” *Reclaim The Net*. March 24, 2020.

<sup>61</sup> Concha, Joe, “Zuckerberg: Some stay-at-home protests organized on Facebook could qualify as ‘harmful misinformation,’” *The Hill*. April 20, 2020; Bokhari, Allum, “Mark Zuckerberg: Lockdown Protests are ‘Misinformation’, Facebook will ban Organizers,” *Breitbart*. April 20, 2020.

<sup>62</sup> Nolan, Lucas. “Mark Zuckerberg Tells Angry Facebook Employees He May Change Censorship Policy on Trump and Other World Leaders,” *Breitbart*. June 2, 2020.

79.

On or about June 15, 2020, Google announced, “we have strict publisher policies that govern the content ads can run on and explicitly prohibit derogatory content that promotes hatred, intolerance, violence or discrimination based on race from monetizing. When a page or site violates our policies, we take action. In this case, we’ve removed both sites’ ability to monetize with Google.”<sup>63</sup>

80.

In an internal announcement of Meta's “human smuggling policy” obtained by the *Washington Free Beacon*, Defendant Facebook’s parent company concluded that a crackdown on human smuggling solicitations would hamper the ability for people to use the platform “to seek safety or exercise their human rights,” and therefore Defendant Facebook will maintain its current policy which prohibits users from offering human smuggling but allows them to solicit smuggling services.<sup>64</sup>

81.

Defendant Twitter’s terms of service update does not disclose how or why users may trigger its new right to “limit distribution or visibility of any content on the service,” in addition to removing or refusing to distribute any content, suspending or terminating users and reclaiming their usernames without liability, or whether these

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<sup>63</sup> Fraser, Adele-Momoko, “Google bans website ZeroHedge from its ad platform over comments on protest articles,” *NBC News*. June 16, 2020.

<sup>64</sup> Simonson, Joseph. “Meta Will Allow Solicitation of Human Smuggling on Its Platforms - Policy comes amid surge in Facebook groups devoted to human smuggling,” *Washington Free Beacon*. February 1, 2022.

decisions will be made by algorithms, directly by humans, or some combination of the two.<sup>65</sup>

***b. Fact Checkers***

82.

On or about September 19, 2019, Defendant Zuckerberg admitted to U.S. Senator Josh Hawley that he was aware Facebook’s factcheckers exhibited clear activist bias and have done so for a long time.<sup>66</sup>

83.

On or about May 27, 2020, U.S. Representative Matt Gaetz announced he supports an effort to prevent social media giants like Twitter from fact-checking content on their platforms.<sup>67</sup>

84.

On or about May 27, 2020, Defendant Dorsey reaffirmed Twitter’s commitment to fact-check information related to elections.

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<sup>65</sup> Nolan, Lucas. “Twitter Makes Shadow Banning Official Part of Terms of Service,” *Breitbart*. January 2, 2020; Rankovic, Didi. “Twitter’s shadow-banning practices are now official,” *Reclaim the Net*. January 1, 2020.

<sup>66</sup> Bokhari, Allum. “Report: Mark Zuckerberg admits Facebook’s ‘clear bias,’ dependence on ‘activist’ fact checkers,” *Breitbart*. September 19, 2019; Parker, Tom. “Mark Zuckerberg agrees there ‘clearly was bias; in Facebook fact-check’ of pro-life non-profit Live Action,” *Reclaim the Net*. September 19, 2019.

<sup>67</sup> Crisp, Elizabeth. “Donald Trump to Issue Social Media Executive Order After Twitter Fact-Checks Tweets,” *Newsweek*. May 27, 2020.

85.

On or about May 27, 2020, Defendant Zuckerberg stated that adding fact-check warnings to content that is deemed to be “misinformation” reduces clicks through to the content by 95%.<sup>68</sup>

86.

As of May 27, 2020, fact checking for Twitter is performed by the “Moments Team,” a group of experts on compiling social media posts and arranging them into a narrative.<sup>69</sup>

87.

On or about May 27, 2020, Defendant Twitter said there was no way for even the President of the United States to appeal a fact-check.<sup>70</sup>

88.

Defendant Twitter did not fact check the false claim made by media organizations that President Trump went golfing on Memorial Day 2020.<sup>71</sup>

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<sup>68</sup> Parker, Tom. “Facebook soft-censors The Babylon Bee, starts forcing users to confirm that they actually want to share posts,” *Reclaim The Net*. May 27, 2020.

<sup>69</sup> Edelman, Gilad. “Twitter Finally Fact-Checked Trump. It’s a Bit of a Mess,” *Wired*. May 27, 2020.

<sup>70</sup> Bokhari, Allum. “8 Lies by Joe Biden and the Left that Twitter Didn’t Fact Check,” *Breitbart*. May 27, 2020.

<sup>71</sup> Bokhari, Allum. “8 Lies by Joe Biden and the Left that Twitter Didn’t Fact Check,” *Breitbart*. May 27, 2020.

89.

Defendant Twitter did not fact check the false claim made by Candidate Joe Biden in May 2020 and other Democrats that Joe Biden called for lockdowns one week before President Trump.<sup>72</sup>

90.

Defendant Twitter did not fact check the false claim made by Joe Biden on May 26, 2020 that President Donald Trump had no comprehensive plan for COVID 19 or the economy.<sup>73</sup>

91.

Defendant Twitter did not fact check the false claim by the World Health Organization on January 14, 2020 that there was “no evidence of human-to-human transmission of the coronavirus.”<sup>74</sup>

***c. Authoritative Sources***

92.

On or about September 12, 2019, Google announced it would begin promoting news articles that feature original reporting in its search results in an effort to push users to more “authoritative” sources.<sup>75</sup>

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<sup>72</sup> Bokhari, Allum. “8 Lies by Joe Biden and the Left that Twitter Didn’t Fact Check,” *Breitbart*. May 27, 2020.

<sup>73</sup> Bokhari, Allum. “8 Lies by Joe Biden and the Left that Twitter Didn’t Fact Check,” *Breitbart*. May 27, 2020.

<sup>74</sup> Bokhari, Allum. “8 Lies by Joe Biden and the Left that Twitter Didn’t Fact Check,” *Breitbart*. May 27, 2020.

<sup>75</sup> Neidig, Harper. “Google to boost articles with 'original reporting' in search results,” *The Hill*. September 12, 2019.

93.

On or about March 18, 2020, Defendant Twitter began applying a broader definition of “harm” to address content that “goes directly against guidance from authoritative sources of global and local health information.”<sup>76</sup>

94.

On or about March 18, 2020, Defendant Twitter announced that the following previously allowed content would be removed, such as: (1) Denial of health authority recommendations; (2) Description of treatments, even in jest, that are not immediately harmful but are known to be ineffective; (3) Description of harmful treatments; (4) Specific and unverified claims that incite people to action and cause widespread panic; (5) Claims that specific groups or nationalities are never susceptible, or are more susceptible, to COVID-19; or (6) False or misleading claims on how to differentiate between COVID-19 and a different disease.<sup>77</sup>

95.

On or about March 18, 2020, Defendant Twitter announced, “if an account holder sees information on the service that is directly against guidance from authoritative sources of global and local public health information – report it to us and we will

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<sup>76</sup> Hern, Alex. “Twitter to remove harmful fake news about coronavirus,” *The Guardian*, March 18, 2020; Parker, Tom. “Twitter will force users to delete tweets that deny ‘expert guidance’ about coronavirus,” *Reclaim The Net*, March 18, 2020.

<sup>77</sup> Hern, Alex. “Twitter to remove harmful fake news about coronavirus,” *The Guardian*, March 18, 2020; Parker, Tom. “Twitter will force users to delete tweets that deny ‘expert guidance’ about coronavirus,” *Reclaim The Net*, March 18, 2020.



assess under our new expanded rule. Reports made under any of [the existing] categories will be assessed under the updated rule – regardless.”<sup>78</sup>

96.

On or about March 18, 2020, Defendant Twitter announced it would be enforcing the new rules “in close coordination with trusted partners, including public health authorities and governments, and continue to use and consult with information from those sources when reviewing content.”<sup>79</sup>

97.

On or about April 17, 2020, Defendant Facebook’s list of “authoritative sources” included CBS, which used videos from Italian hospitals when reporting about the situation in U.S. hospitals; *ABC*, which reported that President Trump knew about COVID-19 in November 2019 which was later debunked by the National Center for Medical Intelligence; and *Huffington Post* and *New York Times* which claimed President Trump was profiting from the use of the Hydroxychloroquine to treat COVID-19 patients which was later rated as “mostly false” by Snopes, a fact checking site.<sup>80</sup>

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<sup>78</sup> Hern, Alex. “Twitter to remove harmful fake news about coronavirus,” *The Guardian*. March 18, 2020; Parker, Tom. “Twitter will force users to delete tweets that deny ‘expert guidance’ about coronavirus,” *Reclaim The Net*. March 18, 2020.

<sup>79</sup> Hern, Alex. “Twitter to remove harmful fake news about coronavirus,” *The Guardian*. March 18, 2020; Parker, Tom. “Twitter will force users to delete tweets that deny “expert guidance” about coronavirus,” *Reclaim The Net*. March 18, 2020.

<sup>80</sup> Rankovic, Didi. “Facebook will send you a warning if you’ve liked any ‘misinformation’ but mainstream media goes unchecked,” *Reclaim The Net*. April 17, 2020.

98.

On or about April 20, 2020, Defendant Facebook began censoring any information about COVID-19 treatments not verified by its selected “authoritative sources” and any statements that discourage or “events that defy government’s guidance on social distancing.”<sup>81</sup>

**HATE SPEECH POLICY**

99.

Defendant Facebook’s Community Standards on hate speech rules apply to “protected characteristics” which it defines as “race, ethnicity, national origin, religious affiliation, sexual orientation, caste, sex, gender, gender identity, and serious disease or disability,” with punishments for violations ranging from a warning to an outright ban depending on the severity of the violation and the person’s history on the platform.<sup>82</sup>

100.

Defendant Facebook defines hate speech as an attack on people based on race, ethnicity, national origin, religion, orientation, sex, gender identity, and serious disease or disability.<sup>83</sup>

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<sup>81</sup> Krayden, David. “Facebook Censoring Anti-Lockdown protesters. Donald Trump Jr. Calls It ‘Chilling & Disturbing’,” *Daily Caller*. April 20, 2020; Wong, Julie Carrie. “Facebook bans some anti-lockdown protest pages,” *The Guardian*. April 20, 2020; Robertson, Adi. “Facebook is banning protest events that violate social distancing rules,” *The Verge*. April 20, 2020.

<sup>82</sup> Parker, Tom. “Facebook now says it’s ‘hate speech’ to deny that someone’s ‘gender identity’ exists,” *Reclaim the Net*. January 10, 2020.

<sup>83</sup> Murdock, Jason. “Facebook Acts Faster on Hate Speech Than Twitter and YouTube, Report Shows,” *Newsweek*. June 24, 2020.

101.

On or about June 13, 2019, Defendant Facebook was discovered to be monitoring off-site behavior to determine whether or not certain users get banned, monitoring the on-platform and off-platform activities of prominent political individuals on an internal file called “Hate Agent policy review.”<sup>84</sup>

102.

On or about December 19, 2019, Defendant Facebook changed its Community Standards on “hate speech” to prohibit “statements denying existence” based on “gender identity,” meaning that denying the existence of a potentially unlimited number of gender identities could now result in a permanent account ban.<sup>85</sup>

103.

On or about June 18, 2020, Defendant Facebook’s head of security policy, Nathaniel Gleicher, confirmed to a U.S. House Intelligence Committee that it removed campaign ads by President Donald Trump about the left-wing militant group Antifa that contained an upside-down red triangle, a symbol currently used by Antifa and

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<sup>84</sup> Bokhari, Allum. “Facebook Claims it didn’t defame Laura Loomer with ‘dangerous individual’ label,” *Breitbart*. April 13, 2020; Parker, Tom. “Facebook defends calling congressional candidate Laura Loomer ‘dangerous,’” *Reclaim the Net*. April 13, 2020.

<sup>85</sup> Parker, Tom. “Facebook now says it’s ‘hate speech’ to deny that someone’s ‘gender identity’ exists,” *Reclaim the Net*. January 10, 2020.

once used by Nazis to designate political prisoners, communists and others in concentration camps, because of its connection with “hateful ideology.”<sup>86</sup>

104.

On or about June 26, 2020, Facebook announced an expansion to its ad policy prohibiting claims that specific races, ethnicities, religious affiliations, sexual orientations, and gender identities are a “threat” to others.<sup>87</sup>

105.

On or about June 26, 2020, Defendant Zuckerberg announced, “We’re also expanding our policies to better protect immigrants, migrants, refugees and asylum seekers from ads suggesting these groups are inferior or expressing contempt, dismissal or disgust directed at them.”<sup>88</sup>

106.

On or about June 26, 2020, Facebook executives also vowed to invest more to tackle hate on the platform, including continuing the development of artificial-intelligence technology that can detect hate speech, according to an email.<sup>89</sup>

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<sup>86</sup> Glazer, Emily. “Facebook Removes Trump Campaign Ads for Violating Policy on Use of Hate Symbol,” *The Wall Street Journal*. June 19, 2020; Wong, Julie Carrie. “Facebook removes Trump re-election ads that feature a Nazi symbol,” *Guardian*. June 18, 2020.

<sup>87</sup> Burch, Sean. “Facebook Expands Hate Speech Policy, Will Add Notifications to ‘Newsworthy’ Posts That Break Rules,” *The Wrap*. June 26, 2020; Vranica, Suzanne and Seetharaman, Deepa. “Facebook Tightens Controls on Speech as Ad Boycott Grows,” *The Wall Street Journal*. June 26, 2020.

<sup>88</sup> Burch, Sean. “Facebook Expands Hate Speech Policy, Will Add Notifications to ‘Newsworthy’ Posts That Break Rules,” *The Wrap*. June 26, 2020; Vranica, Suzanne and Seetharaman, Deepa. “Facebook Tightens Controls on Speech as Ad Boycott Grows,” *The Wall Street Journal*. June 26, 2020.

<sup>89</sup> Vranica, Suzanne. “Facebook Tries to Contain Damage as Verizon Joins Ad Boycott,” *The Wall Street Journal*. June 26, 2020.

107.

On or about July 10, 2020, Facebook changed its hate speech policy to include a ban on any content that directly promotes conversion therapy, as an attack against people based on sexual orientation or gender identity.<sup>90</sup>

108.

On or about July 28, 2020, Twitter announced it would begin blocking links that violate its “hateful conduct” rules on July 30, 2020.<sup>91</sup>

109.

On or about July 28, 2020, Twitter’s hateful conduct policy began prohibiting links to a wide range of alleged content, including:

1. “content that degrades someone,”
  2. “dehumanizing speech” against groups of people based on four “protected” categories (age, disability, religion, or serious disease),
  3. “inciting fear” against these protected categories,
  4. “asserting that protected categories are more likely to take part in dangerous or illegal activities,”
  5. reinforcing “negative or harmful stereotypes about a protected category,”
- and
6. “targeted misgendering or deadnaming of transgender individuals.”<sup>92</sup>

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<sup>90</sup> Statt, Nick. “Facebook and Instagram ban all posts promoting conversion therapy,” *The Verge*. July 10, 2020.

<sup>91</sup> Parker, Tom. “Twitter says it will start blocking some links for “hateful conduct,” *Reclaim The Net*. July 28, 2020.

<sup>92</sup> Parker, Tom. “Twitter says it will start blocking some links for “hateful conduct,” *Reclaim The Net*. July 28, 2020.

110.

Former Facebook-Cognizant content moderator Ryan Hartwig (“Hartwig”) has confirmed that Defendant Facebook expressly allows the comparing of supporters of President Donald Trump to members of the Ku Klux Klan.

111.

On August 10, 2020, Facebook defined religious affiliation as a “protected characteristic,” meaning that any violent or dehumanizing speech towards it violates “community guidelines.”<sup>93</sup>

112.

Facebook explicitly lists dehumanizing comparisons referring to Jewish people as hate speech that is banned from the platform.<sup>94</sup>

113.

Facebook also maintains a more narrowly defined list of “tiers” of hate speech, ranging from Tier 1 (e.g., “content targeting a person on the basis of their aforementioned protected characteristic with dehumanizing speech or imagery in the form of comparisons to insects”), to Tier 3 (e.g., “content targeting a person on the basis of their protected characteristic with calls for segregation”).<sup>95</sup>

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<sup>93</sup> Nichols, Benjamin. “More Than 120 International Nonprofits Ask Facebook To Create Anti-Semitism Policy,” *Daily Caller*. August 10, 2020.

<sup>94</sup> Nichols, Benjamin. “More Than 120 International Nonprofits Ask Facebook To Create Anti-Semitism Policy,” *Daily Caller*. August 10, 2020

<sup>95</sup> Kastrenakes, Jacob. “Facebook bans blackface and anti-Semitic stereotypes in hate speech update,” *The Verge*, August 11, 2020; Hern, Alex. “Facebook and Instagram ban antisemitic conspiracy theories and blackface,” *The*

114.

A 2020 European Commission Report said 88 percent of content violating Facebook’s hate speech policy was found by algorithms before being seen by general users.<sup>96</sup>

*a. Algorithms*

115.

Google has worked with the Southern Poverty Law Center on content moderation, has blacklisted conservative news websites, and has adjusted search results on YouTube to downrank content critical of abortion, David Hogg, Maxine Waters, and the Federal Reserve.<sup>97</sup>

116.

Google routinely adjusts its search algorithms in a way that dramatically impacts the bottom line of businesses that rely on Google search results to drive traffic.<sup>98</sup>

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*Guardian*. August 12, 2020; Chaffary, Shirin. “Facebook bans blackface and certain anti-Semitic conspiracy theories,” *VOX*. August 11, 2020.

<sup>96</sup> Murdock, Jason. “Facebook Acts Faster on Hate Speech Than Twitter and YouTube, Report Shows,” *Newsweek*. June 24, 2020.

<sup>97</sup> Bokhari, Allum. “Google CEO Sundar Pichai Praises Company’s ‘Strong Ethical Foundation’,” *Breitbart*. September 20, 2019.

<sup>98</sup> Bokhari, Allum. “WSJ Investigation Further Debunks Google’s Claim of No Manual Intervention in Searches,” *Breitbart*. November 18, 2019.

117.

On or about May 26, 2020, *The Wall Street Journal* reported that an internal Facebook report presented to Defendant Facebook's executives in 2018 found that the company was well aware that its product, specifically its recommendation engine algorithms, stoked divisiveness and polarization.<sup>99</sup>

118.

Former Facebook-Cognizant content moderator Zack McElroy said that there is stark contrast between Democrat-leaning content and posts by Republican and conservative politicians, journalists, and supporters that ends up "flagged," a process performed by algorithms, and put in what moderators call "Civic Harassment Cue."<sup>100</sup>

119.

On or about June 23, 2020, in testimony before the U.S. House Energy and Commerce Committee, Defendant Zuckerberg said that algorithms produced by his company to determine which content was allowed and which was banned on the giant platform, were not "directed" in any way to enforce political or other bias.<sup>101</sup>

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<sup>99</sup> Statt, Nick. "Facebook reportedly ignored its own research showing algorithms divided users," *The Verge*. May 26, 2020.

<sup>100</sup> Rankovic, Didi. "Facebook moderator whistleblower raises the alarm on biased algorithms," *Reclaim The Net*. June 23, 2020.

<sup>101</sup> Rankovic, Didi. "Facebook moderator whistleblower raises the alarm on biased algorithms," *Reclaim The Net*. June 23, 2020.



120.

Former Facebook/Cognizant moderator Zack McElroy said that 75% to 80% of flagged content comes from Republican pages and noted that while algorithms are not human, they are programmed by humans, that is, somebody at Facebook has to write them to single out content the way they do.<sup>102</sup>

*b. Moderators*

121.

Defendant Facebook's third-party content moderator Cognizant was hired to remove content related to hate speech, terrorism, and other purported inappropriate content from platforms including Facebook, Google, and Twitter.<sup>103</sup>

122.

Hartwig has confirmed that Defendant Facebook directs content moderators to delete content using the words: "Troll," "Attention Whore," "Ignorant," "Internet Whore," "Gender Confused," "Fucktard," "Libtard," "Trumptard," "Feminazi," and "Snowflake."

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<sup>102</sup> Rankovic, Didi. "Facebook moderator whistleblower raises the alarm on biased algorithms," *Reclaim The Net*. June 23, 2020.

<sup>103</sup> Newton, Casey. "A Facebook content moderation vendor is quitting the business after two Verge investigations Moderators complained of filthy offices and severe mental health strain," *The Verge*. October 30, 2019.

123.

Similarly, Defendant Facebook directs content moderators to ignore content using the words: “Pedofile,” “Nazi,” “Trumphumper,” “Racist,” “Sexist,” and “Bigot.”

124.

An inside Facebook/Cognizant video shows Defendant Facebook’s content moderators discussing censoring conservatives, and reveals exceptions being given to Don Lemon from CNN for violations of “hate speech policy”.<sup>104</sup>

125.

On or about September 23, 2019, a content moderator for Defendant Facebook reported that the implementation of Defendant Facebook’s content moderation policies, including hate speech, are left to the interpretation of third-party contractors by design.<sup>105</sup>

126.

On or about October 30, 2019, Defendant Facebook’s third-party content moderator Cognizant announced, after hiring thousands of moderators around the world, that it had “determined that certain content work [focused on determining whether certain

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<sup>104</sup> Hasson, Peter. “Project Veritas Video Shows Facebook Content Moderators Discussing Censoring Conservatives, Reveals ‘Exception Given To Don Lemon For Hate Speech,’” *Daily Caller*. June 23, 2020; Rankovic, Didi. “Facebook mods were told not to censor Don Lemon’s ‘hate speech,’” *Reclaim the Net*. June 23, 2020.

<sup>105</sup> Notopoulos, Katie. “Burt’s Bush And XXXTentacion’s Death: Why Facebook Moderators Fail,” *BuzzFeed*. September 23, 2019.

content violates client standards] in our Digital Operations practice is not in line with our strategic vision for the company and we intend to exit this work over-time.”<sup>106</sup>

127.

On or about May 7, 2020, Defendant Facebook created an oversight board with the power to control bans and censorship actions, made up of 20 members including: Pamela Karlan, who before the U.S. House of Representatives Committee on the Judiciary on December 4, 2019, testified to impeach President Trump and has been called a “full-throated, unapologetic liberal torchbearer” by the *New York Times*; Tawakkol Karman, a Soros-funded activist and a publicly acknowledged member of the Muslim Brotherhood; the former editor-in-chief of *The Guardian*; the former left wing prime minister of Denmark; and an academic who once praised a Teen Vogue article comparing President Trump to Hitler.<sup>107</sup>

128.

On or about May 16, 2020, Hungarian Prime Minister Viktor Orbán and the Hungarian Government called Defendant Facebook’s “oversight board” not some neutral expert body, but a “Soros Oversight Board” intended to placate the billionaire activist because three of its four co-chairs include Catalina Botero

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<sup>106</sup> Castro, Alex. “A Facebook content moderation vendor is quitting the business after two Verge investigations,” *The Verge*, October 30, 2019.

<sup>107</sup> Bokhari, Allum. “FCC Commissioner Slams Facebook Supreme Court: ‘New Speech Police’,” *Breitbart*. May 7, 2020; Rankovic, Didi. “FCC commissioner isn’t happy with Facebook’s new ‘speech police’,” *Reclaim The Net*. May 7, 2020.

Marino, “a board member of the pro-abortion Center for Reproductive Rights, funded by Open Society Foundations” — Soros’s flagship NGO — and Helle Thorning-Schmidt, former Prime Minister of Denmark, who is “unequivocally and vocally anti- Trump” and serves alongside Soros and his son Alexander as trustee of another NGO, and a Columbia University professor Jamal Greene who served as an aide to Senator Kamala Harris (D-CA) during Justice Kavanaugh’s 2018 confirmation Hearings.<sup>108</sup>

129.

Even if content moderation is protected speech, making misrepresentations about content moderation policies is not.<sup>109</sup>

130.

On or about May 27, 2020, Twitter spokesman stated, “no person at Twitter is responsible for our policies or enforcement actions, and it’s unfortunate to see individual employees targeted for company decisions.”<sup>110</sup>

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<sup>108</sup> Hoff, Jim. “Hungarian Politician: Facebook Appoints “Soros Oversight Board” to Police Acceptable Online Speech in America,” *The Gateway Pundit*. May 16, 2020; Montgomery, Jack. “Hungary’s Conservative Govt Sounds Alarm On Facebook’s New ‘Soros Oversight Board’,” *Breitbart*. May 16, 2020.

<sup>109</sup> *Twitter, Inc. v. Paxton*, No. 21-15869, 9 (9th Cir. Mar. 2, 2022); *See Va. State Bd. of Pharmacy v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748, 772 (1976) (misleading commercial speech is not protected).

<sup>110</sup> Statt, Nick. “White House organizes harassment of Twitter employee as Trump threatens company,” *The Verge*. May 27, 2020; Broderick, Ryan. “Trump’s Campaign and Fox News Are Attacking a Twitter Employee Because They Think He Fact-Checked The President. They Have The Wrong Guy.”, *BuzzFeed*. May 27, 2020.

131.

On or about May 27, 2020, Defendant Jack Dorsey stated, “there is someone ultimately accountable for our actions as a company, and that’s me.”<sup>111</sup>

132.

“In Twitter's view, its content moderation decisions are protected speech because it is a publisher, and it has a First Amendment right to choose what content to publish.”<sup>112</sup>

133

If Defendant Twitter's statements are misleading commercial speech, and thus unprotected, then Defendant Twitter's content moderation decisions would be a proper cause for the investigation, because they would be the very acts that make its speech misleading.<sup>113</sup>

134.

“Although both companies are public, one person controls Facebook (Mark Zuckerberg), and just two control Google (Larry Page and Sergey Brin).”<sup>114</sup>

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<sup>111</sup> Rahman, Abid. “Twitter CEO Responds to Trump: “We’ll Continue to Point Out Incorrect or Disputed Information About Elections,” *The Hollywood Reporter*. May 27, 2020.

<sup>112</sup> *Twitter, Inc. v. Paxton*, No. 21-15869, 4 (9th Cir. Mar. 2, 2022).

<sup>113</sup> *Twitter, Inc. v. Paxton*, No. 21-15869, 10 (9th Cir. Mar. 2, 2022).

<sup>114</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.* 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring)

135.

Ryan Hartwig, a former Cognizant content moderator for Facebook, stated that Facebook’s content moderation policies became more biased between 2018 and 2020, with exceptions in Facebook policy being made for left-wing users who use the platform to demonize the police or white males.<sup>115</sup>

136.

Hartwig stated, “There’s definitely a lot of bias, [and] it wasn’t just the content moderators, it’s the policy itself that’s biased and rigged against conservatives.”<sup>116</sup>

137.

Hartwig stated, “Even if I report that [anti-conservative] post, it would still stay on the platform.”<sup>117</sup>

138.

Whether a social media company’s statements are misrepresentations is “not solely a legal issue because it depends on further factual amplification”, and therefore a social media company’s “statements can be investigated as misleading just like the statements of any other business.”<sup>118</sup>

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<sup>115</sup> Bokhari, Allum. “Facebook Insider Ryan Hartwig: The Company Allowed Users to Demonize Whites, Men, Cops,” *Breitbart*. June 26, 2020.

<sup>116</sup> Bokhari, Allum. “Facebook Insider Ryan Hartwig: The Company Allowed Users to Demonize Whites, Men, Cops,” *Breitbart*. June 26, 2020.

<sup>117</sup> Bokhari, Allum. “Facebook Insider Ryan Hartwig: The Company Allowed Users to Demonize Whites, Men, Cops,” *Breitbart*. June 26, 2020.

<sup>118</sup> *Twitter, Inc. v. Paxton*, No. 21-15869, 10, 12 (9th Cir. Mar. 2, 2022); *United States v. Lazarenko*, 476 F.3d 642, 652 (9th Cir. 2007).

139.

In June 2018, Facebook made an exception to its hate speech policy prohibiting attacks based on gender entities, to expressly allow attacking straight white males and calling “them ‘filth’ if it’s in the context of attacking them for not supporting LGBT.”<sup>119</sup>

140.

On July 23, 2020, Defendant Facebook reported that its hate speech policies treat attacks on white people or men in exactly the same way as it treats comments about Black people or women.<sup>120</sup>

141.

A reasonable person could think that a social media company’s statements about content moderation were true.<sup>121</sup>

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<sup>119</sup> Bokhari, Allum. “Facebook Insider Ryan Hartwig: The Company Allowed Users to Demonize Whites, Men, Cops,” *Breitbart*. June 26, 2020.

<sup>120</sup> Solon, Olivia. “Facebook ignored racial bias research, employees say,” *NBC*. July 23, 2020.

<sup>121</sup> *Twitter, Inc. v. Paxton*, No. 21-15869, 13 (9th Cir. Mar. 2, 2022).

**HATE SPEECH STATISTICS**

142.

According to researcher Richard Hanania of Columbia University, between 2015 and 2019, the monthly suspension of important political accounts increased ninefold.<sup>122</sup>

143.

According to researcher Richard Hanania of Columbia University, between 2015 and 2019, conservative and Republican politicians were approximately four times more likely to be censored and lose their accounts than liberals.<sup>123</sup>

144.

On or about October 24, 2019, Defendant Twitter announced it removed over half of its abusive tweets prior to being reported by users.<sup>124</sup>

145.

On or about October 31, 2019, Defendant Twitter reported it locked or suspended a total of 1,254,226 unique accounts for violating its rules in the first half of 2019 – a 105% increase compared with the second half of 2018.<sup>125</sup>

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<sup>122</sup> Bulleri, Fabrizio. “Rep. Jim Banks questions Twitter on why it allows scams but censors political speech,” *Reclaim The Net*. November 15, 2019.

<sup>123</sup> Bulleri, Fabrizio. “Rep. Jim Banks questions Twitter on why it allows scams but censors political speech,” *Reclaim The Net*. November 15, 2019.

<sup>124</sup> Kastrenakes, Jacob. “Twitter says it now removes half of all abusive tweets before users report them,” *The Verge*. October 24, 2019.

<sup>125</sup> Parker, Tom. “Twitter says it locked and suspended 105% more accounts in 2019,” *Reclaim The Net*. October 31, 2019.



146.

On or about November 30, 2019, Defendant Facebook stated that it removed 11.4 million pieces of “hate speech” between April and September 2019 but does not provide a database for the posts that are removed on these grounds, making it impossible to know the types of posts Facebook is censoring.<sup>126</sup>

147.

On or about May 12, 2020, Defendant Facebook announced it removed 9.6 million pieces of content that contained hate speech in the first quarter of 2020, up from 5.7 million during the fourth quarter of 2019.

148.

On or about May 12, 2020, Facebook announced it removed around 4.7 million pieces of content originating from organized hate groups in the first months of 2020, 96.7% prior to someone reporting it, an increase of more than 3 million from the last quarter of 2019.<sup>127</sup>

149.

On or about August 11, 2020, Facebook announced it removed about 8.7 million pieces of “terrorist” content (i.e., content from nonstate actors that engage in or

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<sup>126</sup> Harper, Cindy. “Facebook deletes post of First Lady Melania Trump, calls it ‘Hate Speech,’” *Reclaim The Net*. November 30, 2019.

<sup>127</sup> Johnson, Marty. “Facebook sees jump in posts removed for promoting violence, hate speech,” *The Hill*. May 12, 2020.

advocate for violence to achieve political, religious or ideological aims) in the second quarter of 2020, up from 6.3 million in the first quarter of that same year.<sup>128</sup>

150.

On or about August 11, 2020, Facebook announced it removed about 4 million pieces of content from “organized hate” groups, a separate category, down from 4.7 million in the first quarter.<sup>129</sup>

151.

On or about August 11, 2020, Facebook announced it removed 22.5 million pieces of content from Facebook and 3.3 million from Instagram<sup>130</sup> for hate speech violations, still another separate category, in the second quarter of 2020.<sup>131</sup>

### **DANGEROUS INDIVIDUALS POLICY**

152.

In February 2019, Defendant Facebook labeled UK activist Tommy Robinson as a dangerous individual and a “hate preacher,” banned him from the platform, and began punishing users for mentioning him in their posts.<sup>132</sup>

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<sup>128</sup> Levy, Rachael. “Facebook Removed Nearly 40% More Terrorist Content in Second Quarter,” *The Wall Street Journal*. August 11, 2020.

<sup>129</sup> Levy, Rachael. “Facebook Removed Nearly 40% More Terrorist Content in Second Quarter,” *The Wall Street Journal*. August 11, 2020.

<sup>130</sup> A doubling and tripling from the previous quarter, respectively.

<sup>131</sup> Levy, Rachael. “Facebook Removed Nearly 40% More Terrorist Content in Second Quarter,” *The Wall Street Journal*. August 11, 2020.

<sup>132</sup> Pramod, Naga. “Facebook says you can only mention Tommy Robinson if you’re criticizing him or saying ‘he’s an idiot,’” *Reclaim The Net*. September 30, 2019.

153.

On or about May 2, 2019, Defendant Facebook banned a number of prominent media figures, including Ms. Loomer, that it chose to designate as “dangerous individuals” for their alleged off-platform associations with affiliates of the Proud Boys.<sup>133</sup>

154.

As of June 13, 2019, Defendant Facebook maintained a list of high-profile political figures who it monitored for potential designation as “hate agents,” which serves as a pre-cursor for labeling someone as a Dangerous Individual, including conservative activist Candace Owens, author and think tank founder Brigitte Gabriel, and British politicians Carl Benjamin and Anne-Marie Waters.<sup>134</sup>

155.

In Summer of 2019, Defendant Facebook updated its policy on “violence and incitement” to ban death threats and incitement to violence *unless* the threat was aimed at someone labeled, as defined *by* Defendant Facebook, as a Dangerous Individual or Organization.<sup>135</sup>

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<sup>133</sup> Lee, Dave. “Facebook bans ‘dangerous individuals,’” *BBC News*, May 3, 2019.

<sup>134</sup> Bokhari, Allum. “Facebook’s Process to Label You a ‘Hate Agent’ Revealed,” *Breitbart*, June 13, 2019.

<sup>135</sup> Bokhari, Allum. “Facebook Sanctions Violent Threats Against ‘Dangerous Individuals,’” *Breitbart*, July 9, 2019.

156.

On or about September 16, 2019, Defendant Facebook admitted to maintaining a “Dangerous Individuals and Organizations” policy that is activated by amplifying or trafficking hate.<sup>136</sup>

157.

On September 23, 2019, Facebook instructed Cognizant to allow mocking the death of rapper XXXTentacion because, as a “violent criminal,” he was exempt from the rule that otherwise forbids mocking death.<sup>137</sup>

158.

On or about September 30, 2019, Facebook said, “Our rules don’t explicitly forbid talking about Tommy Robinson – you are allowed to write that you don’t like him, or that he’s an idiot.”<sup>138</sup>

159.

On or about April 27, 2020, Defendant Facebook threatened to ban users who shared the image bearing the legend “Proud to Be English” and two crossed flagpoles carrying the English St. George’s Cross and the white lion on a red field — a banner associated with Anglo-Saxons — in celebration of St. George’s Day because they

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<sup>136</sup> Rankovic, Didi. “Facebook says it’s a publisher, invokes First Amendment rights to call Laura Loomer a ‘dangerous individual,’” *Reclaim The Net*. September 17, 2019.

<sup>137</sup> Notopoulos, Katie. “Burt’s Bush and XXXTentacion’s Death: Why Facebook Moderators Fai,” *BuzzFeed*. September 23, 2019.

<sup>138</sup> Pramod, Naga. “Facebook says you can only mention Tommy Robinson if you’re criticizing him or saying ‘he’s an idiot,’” *Reclaim The Net*. September 30, 2019.

had posted content which “goes against our Community Standards on dangerous individuals and organizations.” After receiving many complaints, Defendant Facebook removed the restrictions placed on the impacted accounts.<sup>139</sup>

160.

On June 23, 2021, Defendant Facebook updated its Dangerous Individuals and Organizations Standard to create “three tiers of dangerous organizations, levels that are tied primarily to the degree of harm the company attributes to each, with violence as the touchstone and greater restrictions placed on groups that engage in actual offline violence.”<sup>140</sup>

**BANNED AND CENSORED**

161.

On or about September 17, 2019, Defendant Facebook shut down the Israeli Prime Minister’s communications to his supporters pursuant to its policies regarding election integrity.<sup>141</sup>

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<sup>139</sup> Montgomery, Jack. “Facebook Admits Banning Users for Saying They Are ‘Proud to Be English’,” *Breitbart*. April 27, 2020.

<sup>140</sup> Dwyer, Mary and Patel, Faiza. “Facebook’s New ‘Dangerous Individuals and Organizations’ Policy Brings More Questions Than Answers,” *Brennan Center for Justice*, July 21, 2021.

<sup>141</sup> Frazin, Rachel. “Netanyahu: Facebook caved to ‘pressure of the Left’ by suspending chatbot over illegal polls,” *The Hill*. September 17, 2019.

162.

On or about November 18, 2019, Google banned certain conservative websites from its search results, including The Gateway Pundit and the United West.<sup>142</sup>

163.

On or about November 25, 2019, Defendant Twitter suspended the account of *The Post Millennial* journalist Andy Ngo for violating its rules against hateful conduct for tweeting, “The US is one of the safest countries for trans people. The murder rate of trans victims is actually lower than that for cis population. Also, who is behind the murders? Mostly black men.”<sup>143</sup>

164.

On or about November 28, 2019, Defendant Twitter permanently suspended a campaign account belonging to Minnesota Republican congressional candidate Danielle Stella for violations of Twitter rules, for tweeting that her opponent should be tried and executed if, as was being reported, she had passed sensitive information to Iran.<sup>144</sup>

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<sup>142</sup> Bokhari, Allum. “WSJ Investigation Further Debunks Google’s Claim of No Manual Intervention in Searches,” *Breitbart*. November 18, 2019.

<sup>143</sup> Wakerell-Cruz, Roberto. “Twitter suspends journalist Andy Ngo,” *The Post Millennial*. November 25, 2019; Parker, Tom. “Twitter suspends journalist Andy Ngo for tweeting about transgender violence statistics,” *Reclaim The Net*. November 25, 2019.

<sup>144</sup> Folley, Aris. “Omar challenger banned from Twitter over post saying she ‘should be tried for treason and hanged’,” *The Hill*. November 28, 2019; Taylor, Derrick Bryson. “Twitter Permanently Suspends Accounts of Ilhan Omar’s Potential Challenger,” *The New York Times*. November 30, 2019; Bekiempis, Victoria. “Ilhan Omar’s Republican opponent in Twitter ban over ‘hanging’ posts,” *The Guardian*. November 28, 2019.

165.

On or about December 8, 2019, Defendant Twitter suspended the accounts of *Fox News* Host Pete Hegseth, journalist Andy Ngo, and filmmaker Mike Cernovich for referring to the manifesto and social media posts of Mohammed Alshamrani, a Saudi Air Force officer and student of Naval Aviation Schools Command killed by police after shooting three U.S. sailors dead and injuring eight others.<sup>145</sup>

166.

On or about January 4, 2020, Defendant Twitter banned David Marcus, Senior Contributor to *The Federalist* and *New York Post* columnist, for supporting the bombing of Iran if Iran retaliated for the killing of Qasem Soleimani.<sup>146</sup>

167.

On or about January 29, 2020, Defendant Twitter forced Nevada GOP congressional primary candidate Mindy Robinson, columnist Anna Slatz, *Newsmax* host John Cardillo, and the pro-Bernie Sanders YouTuber “shoe0nhead,” to delete a satirical image deemed to violate its Election Integrity Policy in order to regain access to their accounts.<sup>147</sup>

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<sup>145</sup> Rankovic, Didi. “Twitter suspends journalists for reporting on the Pensacola shooter’s motives,” *Reclaim The Net*. December 9, 2019; Slatz, Anna. “Journalists suspended from Twitter for reporting on Pensacola Shooter’s motivation,” *The Post Millennial*. December 8, 2019.

<sup>146</sup> Emmons, Libby. “Federalist writer banned from Twitter for speaking out against Iran,” *The Post Millennial*. January 4, 2020.

<sup>147</sup> Pramod, Naga. “Katie Hopkins temporarily suspended from Twitter after activists call for censorship,” *Reclaim The Net*. January 30, 2020; Bokhari, Allum. “Twitter Blacklist Katie Hopkins After Pressure From ‘Anti-Hate’ Group,” *Breitbart*. January 30, 2020; “Katie Hopkins’ Twitter account suspended,” *The Guardian*, January 30, 2020. <https://www.theguardian.com/media/2020/jan/31/katie-hopkins-twitter-account-suspended>.

168.

On or about January 30, 2020, Twitter temporarily suspended Katie Hopkins' account after attending a meeting organized by the Center for Countering Digital Hate.<sup>148</sup>

169.

On or about February 4, 2020, Google censored a video of a speech on the floor of the United States Senate by U.S. Senator Rand Paul discussing matters of President Donald Trump's first impeachment and Eric Ciaramella.<sup>149</sup>

170.

On or about March 7, 2020, Defendant Facebook banned advertisements for medical face masks after public health officials encouraged the public to avoid buying medical face masks, claiming masks do little to protect average civilians, but a shortage could put medical professionals at risk.<sup>150</sup>

171.

On or about March 7, 2020, Defendant Facebook stated, "[w]e already prohibit people from making health or medical claims related to the coronavirus in product

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<sup>148</sup> Pramod, Naga. "Katie Hopkins temporarily suspended from Twitter after activists call for censorship," *Reclaim The Net*. January 30, 2020; Bokhari, Allum. "Twitter Blacklist Katie Hopkins After Pressure From 'Anti-Hate' Group," *Breitbart*. January 30, 2020; "Katie Hopkins' Twitter account suspended," *The Guardian*, January 30, 2020. <https://www.theguardian.com/media/2020/jan/31/katie-hopkins-twitter-account-suspended>.

<sup>149</sup> Bokhari, Allum. "Google Censors the Congressional Record," *Breitbart*. February 4, 2020.

<sup>150</sup> Moreno, J. Edward. "Facebook to ban ads for medical masks," *The Hill*. March 7, 2020.



listings on commerce surfaces, including those listings that guarantee a product will prevent someone from contracting it.”<sup>151</sup>

172.

On or about March 17, 2020, Samuel Finkelstein was suspended from Twitter for encouraging senior citizens to vote by mail in Florida to prevent the spread of coronavirus.<sup>152</sup>

173.

On or about March 31, 2020, Defendant Facebook censored Brazilian President Jair Bolsonaro regarding Hydroxychloroquine treatment for COVID19 to prevent the spread of “misinformation that could lead to physical harm,” pursuant to its policy specifically prohibiting false claims relating to cures, treatments, the availability of essential services, and outbreak locations.<sup>153</sup>

174.

Defendant Facebook allows instructions on how to perform back-alley abortions on its platform.

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<sup>151</sup> Moreno, J. Edward. “Facebook to ban ads for medical masks,” *The Hill*. March 7, 2020.

<sup>152</sup> Parker, Tom. “Political activist Samuel Finkelstein suspended from Twitter after warning about coronavirus risks for seniors,” *Reclaim The Net*. March 17, 2020.

<sup>153</sup> Nolan, Lucas. “Coronavirus: Facebook Removes Post by Brazilian President Jair Bolsonaro,” *Breitbart*. March 31, 2020; Constine, Josh. “Facebook deletes Brazil president’s coronavirus misinfo post,” *TechCrunch*. March 30, 2020.

175.

On or about April 28, 2020, Defendant Facebook deleted the event page for “Rally on the State Capitol Lawn,” an April 30, 2020 protest against extending Michigan’s state of Emergency, as well as posts on anti-stay-at-home protests in California, New Jersey and Nebraska, for defying the government’s guidance on social distancing because the event page did not include clear calls for social distancing.<sup>154</sup>

176.

On or about May 17, 2020, Google removed the app Podcast Addict from its marketplace, with over nine million app downloads and two billion podcast downloads, on the grounds that some of the podcasts it indexes reference COVID-19 without the approval of government entities or public health organizations.<sup>155</sup>

177.

On or about May 17, 2020, Google told Xavier Guillemane, the developer of Podcast Addict, that the app had been removed from the marketplace due to its references to COVID-19 : “Pursuant to Section 8.3 of the Developer Distribution Agreement and the Enforcement policy, apps referencing COVID-19, or related terms, in any form will only be approved for distribution on Google Play if they are published,

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<sup>154</sup> Hicks, Justin P. “Facebook deletes event for stay-at-home protest in Michigan,” *Michigan Live*. April 28, 2020.

<sup>155</sup> Parker, Tom. “Google bans Podcast Addict app after 9 years for letting users play podcasts that reference COVID-19,” *Reclaim The Net*. May 17, 2020.

commissioned, or authorized by official government entities or public health organizations.”<sup>156</sup>

178.

On or about May 17, 2020, Google demanded Xavier Guillemane remove references to COVID-19 and keywords related to COVID-19 from the app in order to get the app returned to the marketplace.<sup>157</sup>

179.

On or about May 23, 2020, Defendant Twitter banned Imam Tawhidi, The Imam of Peace, after he refused to remove a satirical image referencing a widely reported link between COVID-19 spread and an Indian extremist group tied to Al Qaeda.<sup>158</sup>

180.

On or about May 25, 2020, Josh Lekach lost his verified status on Twitter after posting an interview with Plaintiff Candidate Loomer.<sup>159</sup>

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<sup>156</sup> Parker, Tom. “Google bans Podcast Addict app after 9 years for letting users play podcasts that reference COVID-19,” *Reclaim The Net*. May 17, 2020.

<sup>157</sup> Parker, Tom. “Google bans Podcast Addict app after 9 years for letting users play podcasts that reference COVID-19,” *Reclaim The Net*. May 17, 2020.

<sup>158</sup> Emmons, Libby. “Popular activist Imam of Peace suspended from Twitter for sharing anti-terrorist meme,” *The Post Millennial*. May 23, 2020.

<sup>159</sup> Pramod, Naga. “Twitter accused of retaliating against journalists by removing verified status,” *Reclaim The Net*. May 25, 2020.

181.

On or about May 27, 2020, Defendant Twitter censored President Donald Trump's tweet which read, "There is NO WAY (ZERO!) that Mail-In Ballots will be anything less than substantially fraudulent. Mailboxes will be robbed, ballots will be forged & even illegally printed out & fraudulently signed."<sup>160</sup>

182.

On or about May 28, 2020, President Donald Trump's tweet was censored by an undisclosed third-party non-profit for violating Twitter's civic integrity policy.<sup>161</sup>

183.

On or about May 29, 2020, tweets justifying George Floyd riots as a form of protest or defending them as a reasonable response were not censored or otherwise removed as a violation of Twitter policy.<sup>162</sup>

184.

On or about May 29, 2020, Defendant Twitter announced its policy regarding the Glorification of Violence was violated by a statement from the President of the

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<sup>160</sup> Walker, James. "After Twitter Fact-Checks Donald Trump's Tweet, President Threatens to Close Down Social Media Platforms," *Newsweek*. May 27, 2020.

<sup>161</sup> Oremus, Will. "Inside Twitter's Decision to Fact-Check Trump's Tweets," *OneZero*. May 28, 2020.

<sup>162</sup> Conger, Kate. "Twitter Places Warning on Congressman's Tweet for Glorifying Violence," *The New York Times*. June 1, 2020; Kelly, Makena. "Twitter takes action against Rep. Matt Gaetz for glorifying violence," *The Verge*, June 1, 2020; Coleman, Justine. "Twitter restricts tweet from Gaetz for glorifying violence," *The Hill*. June 1, 2020.

United States for its “connection to violence and the risk it could inspire similar actions today.”<sup>163</sup>

185.

On or about June 1, 2020, Defendant Twitter censored U.S. Representative Matt Gaetz for violating its Glorification of Violence policy for tweeting “Now that we clearly see Antifa as terrorists, can we hunt them down like we do those in the Middle East?”<sup>164</sup>

186.

On or about June 3, 2020, Defendant Twitter locked Michelle Malkin out of her account for violating its “Violent Threats Policy” until she deleted her tweet, “In case I wasn’t clear: violent criminal looters should be shot.”<sup>165</sup>

187.

On or about June 10, 2020, Defendant Facebook partially lifted its advertising ban on face masks to allow third-party businesses to advertise cloth masks and other non-medical face coverings like bandanas.<sup>166</sup>

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<sup>163</sup> Montgomery, Jack. “Twitter Censors Trump Minneapolis Tweet, Accuses Him of ‘Glorifying Violence,’” *Breitbart*. May 29, 2020; Porter, Jon. “Twitter restricts Trump Tweet for ‘glorifying violence,’” *The Verge*, May 29, 2020.

<sup>164</sup> Conger, Kate. “Twitter Places Warning on Congressman’s Tweet for Glorifying Violence,” *The New York Times*. June 1, 2020; Kelly, Makena. “Twitter takes action against Rep. Matt Gaetz for glorifying violence,” *The Verge*, June 1, 2020; Coleman, Justine. “Twitter restricts tweet from Gaetz for glorifying violence,” *The Hill*. June 1, 2020.

<sup>165</sup> Bokhari, Allum. “Michelle Malkin Censored by Twitter for Supporting the Use of Force Against Violent Criminals,” *Breitbart*. June 3, 2020.

<sup>166</sup> Statt, Nick. “Facebook lifts ad ban on non-medical face masks,” *The Verge*. June 10, 2020.

188.

On or about June 15, 2020, a Google spokesperson said that Google had demonetized the websites for *The Federalists* and *Zero Hedge* after determining they violated its policies on content related to race.<sup>167</sup>

189.

On or about June 16, 2020, Google banned *Zero Hedge*, a conservative website, from its advertising platform over policy violations found in the comments section of stories about Black Lives Matter protests.<sup>168</sup>

190.

On or about June 16, 2020, Google announced *The Federalist* had been warned about policy violations but still had three (3) days to remove the violations before a ban would go into effect.<sup>169</sup>

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<sup>167</sup> Robertson, Adi. “Google Ads bans Zero Hedge for racist content, but reverses decision on The Federalist,” *The Verge*. June 16, 2020; Ross, Chuck. “Google to Ban Ads on The Federalist After NBC News Raises Concerns About George Floyd Protest Articles,” *Daily Caller*. June 16, 2020; Fraser, Adele-Momoko. “Google bans website ZeroHedge from its ad platform over comments on protest articles,” *NBC News*. June 16, 2020.

<sup>168</sup> Robertson, Adi. “Google Ads bans Zero Hedge for racist content, but reverses decision on The Federalist,” *The Verge*. June 16, 2020; Ross, Chuck. “Google to Ban Ads on The Federalist After NBC News Raises Concerns About George Floyd Protest Articles,” *Daily Caller*. June 16, 2020; Fraser, Adele-Momoko. “Google bans website ZeroHedge from its ad platform over comments on protest articles,” *NBC News*. June 16, 2020.

<sup>169</sup> Robertson, Adi. “Google Ads bans Zero Hedge for racist content, but reverses decision on The Federalist,” *The Verge*. June 16, 2020; Ross, Chuck. “Google to Ban Ads on The Federalist After NBC News Raises Concerns About George Floyd Protest Articles,” *Daily Caller*. June 16, 2020; Fraser, Adele-Momoko. “Google bans website ZeroHedge from its ad platform over comments on protest articles,” *NBC News*. June 16, 2020.

191.

Google's announcements about *Zero Hedge* and *The Federalist* occurred shortly after the Center for Countering Digital Hate reported that these websites published racist articles about the George Floyd protests – *Zero Hedge* published an article claiming that protests were fake, and *The Federalist* published an article claiming the media had been lying about looting and violence during the protests – and projected that the websites would make millions of dollars through Google Ads.<sup>170</sup>

192.

On or about June 17, 2020, Google announced that *The Federalist* had removed the comments that violated its policies and that it would take no further action.<sup>171</sup>

193.

On or about June 19, 2020, Katie Hopkins' Twitter account had over one million followers and had been retweeted by the President of the United States.<sup>172</sup>

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<sup>170</sup> Robertson, Adi. "Google Ads bans Zero Hedge for racist content, but reverses decision on The Federalist," *The Verge*. June 16, 2020; Ross, Chuck. "Google to Ban Ads on The Federalist After NBC News Raises Concerns About George Floyd Protest Articles," *Daily Caller*. June 16, 2020; Fraser, Adele-Momoko. "Google bans website ZeroHedge from its ad platform over comments on protest articles," *NBC News*. June 16, 2020.

<sup>171</sup> Robertson, Adi. "Google Ads bans Zero Hedge for racist content, but reverses decision on The Federalist," *The Verge*. June 16, 2020; Ross, Chuck. "Google to Ban Ads on The Federalist After NBC News Raises Concerns About George Floyd Protest Articles," *Daily Caller*. June 16, 2020; Fraser, Adele-Momoko. "Google bans website ZeroHedge from its ad platform over comments on protest articles," *NBC News*. June 16, 2020.

<sup>172</sup> Slawson, Nicola and Waterson, Jim. "Katie Hopkins permanently removed from Twitter," *The Guardian*. June 19, 2020; Pramond, Naga. "Katie Hopkins banned from Twitter," *Reclaim The Net*. June 19, 2020.

194.

On or about June 19, 2020, Katie Hopkins was permanently banned from Twitter for violating its Hateful Conduct Policy shortly after her verified status was removed.<sup>173</sup>

195.

On or about June 19, 2020, Defendant Twitter did not specify which tweets of Katie Hopkins violated its policies but pointed to their rules surrounding comments “based on a wide range of personal characteristics such as race, gender or sexual orientation.”<sup>174</sup>

196.

On or about June 19, 2020, the “Center for Countering Digital Hate” announced, “We celebrate [Katie Hopkins] losing her privileged platform but regret it took so long.”<sup>175</sup>

197.

On or about June 23, 2020, Defendant Twitter censored President Donald Trump for violating its abusive behavior policy for threatening harm against an identifiable

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<sup>173</sup> Slawson, Nicola and Waterson, Jim. “Katie Hopkins permanently removed from Twitter,” *The Guardian*. June 19, 2020; Pramond, Naga. “Katie Hopkins banned from Twitter,” *Reclaim The Net*. June 19, 2020.

<sup>174</sup> Slawson, Nicola and Waterson, Jim. “Katie Hopkins permanently removed from Twitter,” *The Guardian*. June 19, 2020; Pramond, Naga. “Katie Hopkins banned from Twitter,” *Reclaim The Net*. June 19, 2020.

<sup>175</sup> Slawson, Nicola and Waterson, Jim. “Katie Hopkins permanently removed from Twitter,” *The Guardian*. June 19, 2020; Pramond, Naga. “Katie Hopkins banned from Twitter,” *Reclaim The Net*. June 19, 2020.



group when he tweeted that force would be used to prevent the establishment of an autonomous zone in Washington, D.C.<sup>176</sup>

198.

On July 20, 2021, U.S. Senator Josh Hawley called the Center for Countering Digital Hate a “foreign dark money group” that is “attempting to influence American democracy.”<sup>177</sup>

### **COMMUNITY EFFECTS OF BANNING & CENSORING**

199.

Prior to 2017, Defendant Twitter’s blue check-mark verification was a way for users to ensure that they were communicating with the correct account – not a different account that was a clone, parody or scam.<sup>178</sup>

200.

Defendant Twitter changed its blue check-mark verification process in 2017 from a public verification process to a system that operates at Twitter’s discretion.<sup>179</sup>

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<sup>176</sup> Samuels, Brett. “Twitter flags Trump tweet on protesters for including ‘threat of harm,’” *The Hill*. June 23, 2020; Robertson, Adi. “Twitter restricts Trump threat of serious force against protesters,” *The Verge*. June 23, 2020.

<sup>177</sup> Colton, Emma. “Hawley says Biden claim 12 people responsible for COVID misinformation comes from ‘foreign dark money group’: Hawley wants answers on who funds the Center for Countering Digital Hate,” *FOXBusiness* July 20, 2021.

<sup>178</sup> Harper, Cindy. “Epic Games CEO Tim Sweeney criticizes Twitter’s practice of revoking verification badges as punishment,” Reclaim *The Net*. February 22, 2020.

<sup>179</sup> Harper, Cindy. “Epic Games CEO Tim Sweeney criticizes Twitter’s practice of revoking verification badges as punishment,” Reclaim *The Net*. February 22, 2020.

201.

Twitter has been accused of withholding verification from public figure journalists whose accounts it knows to be genuine such as Project Veritas reporter James O’Keefe.<sup>180</sup>

202.

Twitter’s “sensitive media” warning hides content from anyone not logged in to their Twitter account and from some users who are logged in.<sup>181</sup>

203.

On October 20, 2019, Defendant Zuckerberg personally defended Defendant Facebook’s announced policy at Georgetown University in Washington, D.C., saying that he does not “think it’s right for a private company to censor politicians or the news in a democracy ... Political ads can be an important part of voice, especially for local candidates and up and coming challengers that the media might not otherwise cover, ... Banning political ads favors incumbents and whoever the media chooses to cover.”<sup>182</sup>

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<sup>180</sup> Harper, Cindy. “Epic Games CEO Tim Sweeney criticizes Twitter’s practice of revoking verification badges as punishment,” *Reclaim The Net*. February 22, 2020.

<sup>181</sup> Parker, Tom. “Twitter hides James O’Keefe tweet about CNN investigative report behind “sensitive media” notice,” *Reclaim The Net*. October 14, 2019.

<sup>182</sup> Rodrigo, Chris Mills. “Zuckerberg launches public defense of Facebook as attacks mount,” *The Hill*, October 20/2019.

204.

On or about February 22, 2020, according to Twitter's rules, "Twitter reserves the right to remove verification at any time without notice – Reasons for removal may reflect behaviors on and off Twitter that include:

- Intentionally misleading people on Twitter by changing one's display name or bio.
- Promoting hate and/or violence against, or directly attacking or threatening other people on the basis of race, ethnicity, national origin, sexual orientation, gender, gender identity, religious affiliation, age, disability, or disease. Supporting organizations or individuals that promote the above."<sup>183</sup>

205.

During March 2020, Facebook applied warning labels on about 40 million posts related to the pandemic, based on roughly 4,000 articles reviewed by its third-party fact checkers. When posts including those labels appeared on the news feed, users did not go on to view the original content in 95 percent of cases.<sup>184</sup>

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<sup>183</sup> Harper, Cindy. "Epic Games CEO Tim Sweeney criticizes Twitter's practice of revoking verification badges as punishment," *Reclaim The Net*, February 22, 2020.

<sup>184</sup> Rodrigo, Chris Mills. "Facebook to alert users exposed to coronavirus misinformation," *The Hill*, April 16, 2020; Dixit, Pranav. "If You Interacted With A Coronavirus Hoax on Facebook, You'll Soon Get An Alert," *BuzzFeed*, April 16, 2020.

206.

On or about April 16, 2020, Defendant Facebook Vice President of Integrity, Guy Rosen, announced Facebook sends users a message in their newsfeed notifying them they have seen a since-deleted post and connecting them to a list of COVID-19 myths that have been debunked by the World Health Organization (WHO) and other “authoritative sources.”<sup>185</sup>

207.

On or about May 12, 2020, Defendant Twitter banned former NY-11 Republican Congressional primary candidate and celebrity podcaster Joe Saladino, aka Joey Salads, stopping his ability to reach voters and supporters and discouraging him from running for office again.<sup>186</sup>

208.

On or about June 8, 2020, impressions and engagements for the Price of Reason’s Twitter account dropped in growth by 94% and 93%, respectively, after being shadowbanned.<sup>187</sup>

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<sup>185</sup>Rodrigo, Chris Mills. “Facebook to alert users exposed to coronavirus misinformation,” *The Hill*, April 16, 2020; Dixit, Pranav. “If You Interacted With A Coronavirus Hoax on Facebook, You’ll Soon Get An Alert,” *BuzzFeed*, April 16, 2020.

<sup>186</sup>Bokhari, Allum. “GOP Politician and YouTube Star Joey Salads Banned by Twitter,” *Breitbart*, May 13, 2020.

<sup>187</sup>Parker, Tom. “Twitter shadowbans viral tweets,” *Reclaim The Net*, June 8, 2020.

**LOOMER BACKGROUND & INJURY**

209.

On or about August 12, 2018, Defendant Facebook temporarily banned Ms. Loomer for 30 days.

210.

On November 21, 2018, Defendant Twitter permanently banned Ms. Loomer for “hateful” conduct.<sup>188</sup>

211.

On May 2, 2019, Ms. Loomer was permanently banned from Defendant Facebook’s platform for appearing with Gavin McInnes and praising Faith Goldy, both of whom were previously designated as “hate figures” by Defendant Facebook.<sup>189</sup>

212.

On August 2, 2019, Ms. Loomer announced her political candidacy for the Republican nomination for the 21<sup>st</sup> Congressional District of Florida.

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<sup>188</sup> Harper, Cindy, “Facebook’s refusal to run ads for candidate Laura Loomer hints at the need for a modern-day equal-time rule,” *Reclaim the Net*, July 4, 2020.

<sup>189</sup> Ortutay, Barbara. “Facebook bans ‘dangerous individuals’ cited for hate speech,” *Associated Press*. May 3, 2019; Lee, Dave. “Facebook bans ‘dangerous individuals,’” *BBC News*, May 3, 2019.

213.

On or about September 16, 2019, Defendant Facebook told the U.S. District Court for the Southern District of Florida that it labeled Ms. Loomer as a “dangerous” person who promotes hate.<sup>190</sup>

214.

On or about September 16, 2019, Defendant Facebook admitted to the U.S. District Court for the Southern District of Florida that its labeling of Ms. Loomer as a Dangerous Individual is an opinion that is not capable of being proven true or false.<sup>191</sup>

215.

On or about September 16, 2019, Defendant Facebook told the U.S. District Court for the Southern District of Florida that as a *publisher* it has an absolute protection under the First Amendment from liability for failing to publish Ms. Loomer’s messages.<sup>192</sup>

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<sup>190</sup> Case 9:19-cv-80893-RS Document 25 Entered on FLSD Docket 09/16/2019

<sup>191</sup> Rankovic, Didi. “Facebook says it’s a publisher, invokes First Amendment rights to call Laura Loomer a ‘dangerous individual’,” *Reclaim the Net*, September 17, 2019.

<sup>192</sup> Smith, Jennifer. “Facebook refers to itself as a publisher and says it can censor ANYONE it wants because it's an 'editorial decision' in new court filing a year after Mark Zuckerberg insisted to congress it was a tech company,” *Dailymail.com*, September 20, 2019.

216.

In October 2019, Defendant Zuckerberg said, “We think people should be able to hear what politicians have to say. I don’t think it’s right for tech companies to censor politicians in a democracy.”<sup>193</sup>

217.

In reliance upon Defendant Facebook’s promised access to its networks, Plaintiffs Candidate Loomer and Loomer Campaign raised money and committed significant time and effort in preparation for acting on Defendant Facebook’s fraudulent representation of such promised access to its network.

218.

On or about November 11, 2019, Loomer Campaign attempted to set up its official campaign page for Candidate Loomer as a candidate rather than a private citizen.<sup>194</sup>

219.

On November 12, 2019, Defendant Facebook banned the “Laura Loomer for Congress” page, the official campaign page for Candidate Loomer, from its platform, and subsequently deleted all messages and correspondence with the campaign.

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<sup>193</sup> Randkovic, Didi. “Facebook refuses Laura Loomer, weeks after Zuckerberg said they won’t censor politicians,” *Reclaim the Net*, November 15, 2019; Bokhari, Allum. “Politician’s Won’t Be Allowed On Facebook If They’ve Previously Been Banned,” *Breitbart*, November 14, 2019.

<sup>194</sup> Harper, Cindy, “Facebook’s refusal to run ads for candidate Laura Loomer hints at the need for a modern-day equal-time rule,” *Reclaim the Net*, July 4, 2020.

220.

Defendant Facebook denied Candidate Loomer and Loomer Campaign access to its networking platform under the pretext of violations of its “hate speech policy.”

221.

Candidate Loomer and Loomer Campaign did not exist at the time of any alleged violations of Defendant Facebook’s “hate speech policy” by Ms. Loomer, and therefore could not be in violation of said policy.

222.

Candidate Loomer and Loomer Campaign did not violate any other known policies of Defendant Facebook, including Coordinated Inauthentic Behavior (CIB) or policies against promoting and glorifying violence.

223.

On November 14, 2019, in response to inquiries regarding Plaintiffs’ banning, Defendant Facebook changed its publicly stated policy on political candidates to now exclude any candidates who had been banned from its services.<sup>195</sup>

224.

Political campaigns for national office in 2020 faced unique circumstances due to lockdowns and other restrictions put into effect as a result of the COVID-19

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<sup>195</sup> Bokhari, Allum. “Politician’s Won’t Be Allowed On Facebook If They’ve Previously Been Banned,” *Breitbart*, November 14, 2019.



pandemic which made traditional means of campaigning, such as door knocking, public events, etc., impossible, thereby mandating reliance on digital and social media to reach and interact with prospective voters.

225.

Facebook refused to allow Plaintiff Candidate Loomer to conduct her campaign on its platform after Plaintiff declared as a Republican candidate with the Federal Elections Commission (FEC) and after winning the Republican nomination.<sup>196</sup>

226.

On April 11, 2019, at the annual meeting in Orlando, Florida of the Association of National Advertisers (ANA), P&G's Chief Brand Officer and Chairman of the ANA Board of Directors, Marc Pritchard, announced the creation of a "New Media Supply Chain" wherein P&G would require advertising platforms to "prove" that their content was "under their complete control."<sup>197</sup>

227.

On or about May 2019, a knowledgeable and reliable source confirmed that P&G, consistent with and in follow up to the April 11, 2019 public remarks, provided a list of persons who were to be banned from Facebook unless those persons disavowed the Proud Boys.

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<sup>196</sup> Harper, Cindy, "Facebook's refusal to run ads for candidate Laura Loomer hints at the need for a modern-day equal-time rule," *Reclaim the Net*, July 4, 2020.

<sup>197</sup> Keynote address April 11, 2019, at the ANA Media Conference in Orlando, FL.

228.

On or about May 2019, a knowledgeable and reliable source stated that P&G demanded Facebook label Plaintiff Ms. Loomer a “Dangerous Individual” and ban her from using Facebook’s platform.

229.

On or about June 24, 2020, Defendant Facebook said, "It's normal for us to have conversations with advertisers and discuss issues, including policy matters. This is something we do routinely and will keep doing."<sup>198</sup>

230.

On or about June 24, 2020, Marc Pritchard, vowed that P&G would not advertise “on or near content that we determine is hateful, denigrating or discriminatory.”<sup>199</sup>

231.

On or about June 24, 2020, Proctor & Gamble (“P&G”) met with civil-rights group Color of Change to discuss Facebook’s track record of removing content that violates their standards, according to people familiar with the matter.<sup>200</sup>

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<sup>198</sup> Rodrigo, Chris Mills. “Facebook executive acknowledges ‘trust deficit’ to advertisers,” *The Hill*, June 24, 2020; Fung, Brian. “Facebook executive acknowledges ‘trust deficit’ to advertisers Facebook exec admits there is a ‘trust deficit’ as advertiser boycott accelerates,” *CNN Business*. June 24, 2020.

<sup>199</sup> Rodrigo, Chris Mills. “Facebook executive acknowledges ‘trust deficit’ to advertisers,” *The Hill*, June 24, 2020; Fung, Brian. “Facebook executive acknowledges ‘trust deficit’ to advertisers Facebook exec admits there is a ‘trust deficit’ as advertiser boycott accelerates,” *CNN Business*. June 24, 2020.

<sup>200</sup> Vranica, Suzanne. “Facebook Tries to Contain Damage as Verizon Joins Ad Boycott,” *The Wall Street Journal*, June 26, 2020.

232.

On or about June 24, 2020, Marc Pritchard, P&G's chief brand officer, said, "Where we determine our standards are not met, we will take action, up to and including stopping spending, just like we've done before."<sup>201</sup>

233.

Plaintiff Candidate Loomer's campaign was run as a separate entity and Facebook's decision to directly prevent Plaintiff Candidate Loomer's campaign from advertising raises questions about election fairness.<sup>202</sup>

234.

On or about July 3, 2020, Plaintiff Candidate Loomer was informed that if a Political Action Committee (PAC) attempted to advertise to promote her campaign on Facebook, its ads would be taken down.<sup>203</sup>

235.

On or about July 4, 2020, Plaintiff Candidate Laura Loomer's election campaign ads on Facebook were prevented, thereby providing her Democrat opponent an unfair advantage during the general election.<sup>204</sup>

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<sup>201</sup> Coleman, Justine. "Most of Facebook's top 100 advertisers have not joined the boycott: analysis," *The Hill*, July 1, 2020; Fung Brian, and Yurieff, Kaya. "Hundreds of brands are pulling ads from Facebook. Its largest advertisers aren't among them," *CNN Philippines*, July 2, 2020.

<sup>202</sup> Harper, Cindy, "Facebook's refusal to run ads for candidate Laura Loomer hints at the need for a modern-day equal-time rule," *Reclaim the Net*, July 4, 2020.

<sup>203</sup> Harper, Cindy, "Facebook's refusal to run ads for candidate Laura Loomer hints at the need for a modern-day equal-time rule," *Reclaim the Net*, July 4, 2020.

<sup>204</sup> Harper, Cindy, "Facebook's refusal to run ads for candidate Laura Loomer hints at the need for a modern-day equal-time rule," *Reclaim the Net*, July 4, 2020.

236.

On or about July 4, 2020, and thereafter Plaintiff Candidate Loomer's Democrat opponent, Lois Frankel, was running ads on Facebook to reach voters and raise money.<sup>205</sup>

237.

On or about July 4, 2020, Defendant Facebook said its new policy is that nothing about Laura Loomer is permitted on Facebook, and that for the duration of the election cycle the Loomer campaign will not have access to run any of its own ads.<sup>206</sup>

238.

On or about, and after July 4, 2020, Plaintiff Candidate Loomer was the only federal candidate in the nation banned from advertising on Facebook.<sup>207</sup>

239.

On August 18, 2020, Plaintiff Candidate Loomer won the Republican primary for U.S. House Florida District 21.

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<sup>205</sup> Harper, Cindy. "Facebook's refusal to run ads for candidate Laura Loomer hints at the need for a modern-day equal-time rule," *Reclaim the Net*, July 4, 2020

<sup>206</sup> Harper, Cindy. "Facebook's refusal to run ads for candidate Laura Loomer hints at the need for a modern-day equal-time rule," *Reclaim the Net*, July 4, 2020

<sup>207</sup> Harper, Cindy. "Facebook's refusal to run ads for candidate Laura Loomer hints at the need for a modern-day equal-time rule," *Reclaim the Net*, July 4, 2020

240.

On August 19, 2020, Defendant Twitter announced that Plaintiffs would still not be allowed to use Twitter despite winning the Republican primary election.<sup>208</sup>

241.

On November 3, 2020, the general election for U.S. House Florida District 21 was called for Plaintiff Candidate Loomer's Democrat opponent, Lois Frankel.

242.

On February 24, 2021, Plaintiff Candidate Loomer filed and announced her 2022 congressional campaign for Florida's 21<sup>st</sup> District.<sup>209</sup>

243.

Plaintiff Ms. Loomer has suffered significant and continuing damages from Defendant Facebook's violations of Sections 1951, 1952, 1343, 2339, and 2385 of Title 18 of the United States Code, in the form of reputational damage, lost employment opportunities due to employers' fear of being similarly banned for mere association per Defendants' policies, and lost future profits.

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<sup>208</sup> Bokhari, Allum. "Twitter Refuses to Reinstate Laura Loomer's Account After Primary Win," *Breitbart*. August 20, 2020.

<sup>209</sup> Manjarres, Javier. "Laura Loomer Announces 2022 Congressional Run," *The Floridian*, February 24, 2021; As a result of state redistricting, Plaintiff Loomer is now running for Florida's 11<sup>th</sup> District.

244.

Plaintiffs Candidate Loomer and Loomer Campaign have suffered significant and continuing damages from Defendant Facebook’s violations of Sections 1951, 1952, 1343, 2339, and 2385 of Title 18 of the United States Code, in the form of reputational damage, deprivation of equal access to voters and campaign donations, and the loss of votes in a federal election.

**PREDICATE ACT – 18 U.S.C. §1951**

*Interference with commerce by threats or violence*

245.

Whoever in any way attempts to affect any commodity in commerce by extortion, meaning the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, fear, or under color of official right, violates 18 U.S.C. §1951.

246.

Under its terms of service, Twitter can remove any person from the platform – including the President of the United States – “at any time for any or no reason.”<sup>210</sup>

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<sup>210</sup> Twitter Inc., User Agreement (effective June 18, 2020).

247.

“As Twitter made clear, the right to cut off speech lies most powerfully in the hands of private digital platforms.”<sup>211</sup>

248.

“Any control Mr. Trump exercised over the account greatly paled in comparison to Twitter’s authority, dictated in its terms of service, to remove the account at any time for any or no reason.”<sup>212</sup>

249.

Twitter verification is recognized as increasing a candidate’s visibility and allows a candidate to reach supporters and donors from its over 125 million daily users.<sup>213</sup>

250.

Twitter verification consists of receiving a blue checkmark on a user’s profile and thereby obtaining better visibility to its 330 million users.<sup>214</sup>

251.

Twitter verification is widely recognized as a vital asset to political candidates, especially those challenging incumbent politicians.<sup>215</sup>

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<sup>211</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring)

<sup>212</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring)

<sup>213</sup> Birnbaum, Emily. “Twitter to start verifying candidates when they qualify for primary election,” *The Hill*, December 12, 2019.

<sup>214</sup> Scola, Nancy. “Twitter to verify all congressional and gubernatorial primary hopefuls,” *Politico*. December 12, 2019.

<sup>215</sup> Birnbaum, Emily and Rodrigo, Chris Mills. “Twitter falling short on pledge to verify primary candidates,” *The Hill*, February 25, 2020.

252.

Google maintains a monopoly over the website advertising market.<sup>216</sup>

253.

“Google search – at 90% of the market share – is valuable relative to other search engines because more people use it, creating data that Google’s algorithm uses to refine and improve search results.”<sup>217</sup>

254.

“The Facebook suite of apps is valuable largely because 3 billion people use it.”<sup>218</sup>

255.

“It changes nothing that these platforms are not the sole means for distributing speech or information ... in assessing whether a company exercises substantial market power, what matters is whether the alternatives are comparable.”<sup>219</sup>

256.

Facebook attempts and conspires to obtain contractual, speech and other rights and intellectual property consensually from its members induced by the threat of banning and labeling.

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<sup>216</sup> “As of October 2020, Google was responsible for almost 90 percent of global desktop search traffic. The company holds a market share of around 90 percent in a wide range of digital markets, having little to no domestic competition in many of them. China, Russia, and to a certain extent, Japan, are some of the few notable exceptions, where local products are more preferred.” <https://www.statista.com/statistics/266249/advertising-revenue-of-google/>

<sup>217</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring)

<sup>218</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring).

<sup>219</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring)



257.

On or about September 23, 2019, Facebook attempted to undermine Snapchat's business by discouraging popular figures and influencers from referencing their Snapchat accounts, and Instagram (which is owned and controlled by Facebook) threatened to remove the "verified" status (blue tick mark) if influencers posted competitor Snapchat profile links in their Instagram bio.<sup>220</sup>

258.

On or about January 7, 2020, Defendant Facebook's head of Virtual and Augmented Reality Division, Andrew Bosworth, said that he believed allowing President Trump to run digital advertisements on Facebook was responsible for President Trump's 2016 election victory.<sup>221</sup>

259.

Since on or about January 20, 2020, when a post or picture is factchecked by Defendant Facebook, instead of being presented with sharing options when tapping the share button, Facebook users are shown a further warning that says their own pages or websites could face sanctions if they share the content:

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<sup>220</sup> Wells, Georgia and Seetharaman, Deepa. "Snap Detailed Facebook's Aggressive Tactics in 'Project Voldemort' Dossier: Antitrust investigation gives competitors chance to air complaints about Facebook's hardball tactics," *The Wall Street Journal*. September 24, 2019; Pramod, Naga. "Snapchat dossier containing Facebook anti-competitive practices to be handed to the FTC," *Reclaim the Net*, September 23, 2019.

<sup>221</sup> Issac, Mike, Frenkel, Sheera, and Roose, Kevin. "Don't tilt scales against Trump, Facebook executive warns," *The New York Times*. January 7, 2020.

“Independent fact-checkers at Factcheck.org say this post has false information. To help stop the spread of false news, a notice will be added to your post if you decide to share this. Pages and websites that repeatedly publish or share false news will see their overall distribution reduced and be restricted in other ways.”<sup>222</sup>

260.

In June 2020, Google told *Zero Hedge*, a libertarian-oriented financial blog, that Google would demonetize the blog and prevent it from earning revenue through Google ads unless *Zero Hedge* remove and limit its acquisition of intellectual property.<sup>223</sup>

261.

On or about July 14, 2020, Google restored permissions for *Zero Hedge* to advertise after *Zero Hedge* deleted much of its comments section.<sup>224</sup>

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<sup>222</sup> Parker, Tom. “Facebook fact-checks and censors Martin Luther King Jr. memes on MLK Day,” *Reclaim The Net*, January 20, 2020.

<sup>223</sup> Graham, Megan. “Google says Zero Hedge can run Google ads again after removing ‘derogatory’ comments.” July 14, 2020. <https://www.cnn.com/2020/07/14/google-reinstates-zero-hedge-ad-monetization.html>.

<sup>224</sup> Bulleri, Fabrizio. “Google reinstates monetization for Zero Hedge after stricter comment moderation changes,” *Reclaim The Net*, July 14, 2020.

**PREDICATE ACT – 18 U.S.C. §1952**

*Interstate and Foreign Transportation in Aid of Racketeering Enterprises*

262.

Whoever uses the mail or any facility in interstate or foreign commerce, with intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of and thereafter performs or attempts to perform any unlawful activity, including extortion in violation of the laws of the State in which committed or of the United States, violates 18 U.S.C. §1952.

263.

Since on or about September 13, 2019, Angel Mom Mary Ann Mendoza, who heads the Angel Families organization, has had her posts raising awareness about illegal immigrant crime removed from Facebook as “hate speech.”<sup>225</sup>

264.

Mendoza’s son, 32-year-old police officer Brandon Mendoza, was killed in May 2014 by a drunk illegal alien who was driving the wrong way down a highway in Mesa, Arizona.<sup>226</sup>

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<sup>225</sup> Binder, John. “Angel Mom’s Facebook Posts on Illegal Immigration Removed for ‘Hate Speech’,” *Breitbart*, September 13, 2019; Rankovic, Didi. “Angel Mom’s post about illegal immigrant crime is censored on Facebook for ‘hate speech’,” *Reclaim the Net*, September 14, 2019.

<sup>226</sup> Binder, John. “Angel Mom’s Facebook Posts on Illegal Immigration Removed for ‘Hate Speech’,” *Breitbart*, September 13, 2019; Rankovic, Didi. “Angel Mom’s post about illegal immigrant crime is censored on Facebook for ‘hate speech’,” *Reclaim the Net*, September 14, 2019.

265.

On or about September 13, 2019, Facebook removed two of Mendoza's posts raising awareness about the impact of illegal immigrant crime, as violating its community standards on hate speech and permanently removed the donation button from the Angel Families Facebook page as punishment for the claimed violations.<sup>227</sup>

266.

*Lead Stories* is a fact-checking website, and like most of Facebook's over 60 global fact-checking partners, relies on money from Facebook as critical to its solvency.<sup>228</sup>

267.

Mr. Duke and his co-founder Maarten Schenk, who works from his home in Belgium, were the company's sole full-time employees until November 2019, when Facebook told U.S.-based fact-checking partners that it would bankroll a sharp expansion of their work ahead of the 2020 presidential election.<sup>229</sup>

268.

Mr. Duke said Facebook was paying *Lead Stories* a multiple of the \$359,000 it earned under its 2019 contract.<sup>230</sup>

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<sup>227</sup> Binder, John. "Angel Mom's Facebook Posts on Illegal Immigration Removed for 'Hate Speech'," *Breitbart*, September 13, 2019; Rankovic, Didi. "Angel Mom's post about illegal immigrant crime is censored on Facebook for 'hate speech'," *Reclaim the Net*, September 14, 2019.

<sup>228</sup> Horwitz, Jeff. "Facebook's Fact Checkers Fight Surge in Fake Coronavirus Claims," *The Wall Street Journal*, March 30, 2020.

<sup>229</sup> Horwitz, Jeff. "Facebook's Fact Checkers Fight Surge in Fake Coronavirus Claims," *The Wall Street Journal*, March 30, 2020.

<sup>230</sup> Horwitz, Jeff. "Facebook's Fact Checkers Fight Surge in Fake Coronavirus Claims," *The Wall Street Journal*, March 30, 2020.

269.

On or about March 30, 2020, *Lead Stories* co-founder Alan Duke said about Facebook users who are fact-checked, “It’s embarrassing when it shows up in their timeline that they shared something that’s wrong. That’s not something we’ve been through before with fact checking—this is much more personal.”<sup>231</sup>

270.

On August 6, 2020, Facebook banned ads from the Committee to Defend the President, a pro-Trump super PAC with nearly 1 million followers on Facebook that has invested hundreds of thousands of dollars on ads since 2018, “[a]s a result of the [Committee’s] repeated sharing of content determined by third-party fact-checkers to be false.”<sup>232</sup>

**PREDICATE ACT – 18 U.S.C. §1343**  
*Fraud by Wire, Radio, or Television*

271.

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits, or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings,

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<sup>231</sup> Horwitz, Jeff. “Facebook’s Fact Checkers Fight Surge in Fake Coronavirus Claims,” *The Wall Street Journal*, March 30, 2020.

<sup>232</sup> O’Sullivan, Donie. “Facebook bans ads from pro-Trump PAC,” *CNN*, August 6, 2020; Rodrigo, Chris Mills. “Facebook bans pro-Trump PAC from advertising,” *The Hill*, August 6, 2020.

signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, violates 18 U.S.C. §1343.

272.

A scheme in commission of honest services fraud occurs in the private sector when a private party breaches a fiduciary duty, which includes to “contravene - by inherently harming – the purpose of the parties’ relationship,” with reasonably foreseeable harm.<sup>233</sup>

273.

“The phrase ‘scheme or artifice [to defraud] by depriv[ing] another of the intangible right of honest services,’ in the private sector context, means a scheme or artifice to use the mails or wires to enable an officer or employee of a private entity (or a person in a relationship that gives rise to a duty of loyalty comparable to that owed by employees to employers) purporting to act for and in the interests of his or her employer (or of the other person to whom the duty of loyalty is owed) secretly to act in his or her or the defendant's own interests instead, accompanied by a material misrepresentation made or omission of information disclosed to the employer or other person.”<sup>234</sup>

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<sup>233</sup> *United States v. deVegter*, 198 F.3d 1324 (11th Cir. 1999); *see also* 18 USC §1346.

<sup>234</sup> *United States v. Rybicki*, 354 F.3d 124 (2d Cir. 2003).

274.

Defendant Facebook and Procter & Gamble schemed and acted in furtherance of that scheme to deprive Plaintiff Loomer of honest services due to her as a user of Facebook.

275.

Defendant Facebook and Procter & Gamble schemed and acted in furtherance of that scheme to deprive Facebook's user base of honest services.

276.

Governments have limited a company's right to exclude when the company holds itself "out to the public but do[es] not 'carry' freight, passengers, or communications."<sup>235</sup>

277.

"It stands to reason that if Congress may demand that telephone companies operate as a common carrier, it can ask the same of digital platforms. That is especially true because ... restricting a digital platform's right to exclude might not appreciably impede the platform from speaking."<sup>236</sup>

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<sup>235</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring)

<sup>236</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring)

278.

“At that point, a company’s property is but its instrument, the means of rendering the service which has become *of public interest*.”<sup>237</sup> (emphasis added)

279.

Defendant Facebook devised a scheme to obtain money and intellectual property from its user base, through the use of advertisement sales from political campaigns in the 2020 election, under the fraudulent pretense and false promises that advertisements from political candidates would *not* be subject to third-party review or censorship.

280.

Defendant Facebook used television and electronic communications to deliver said promises to current and potential political candidates during the period from October 2019 to June 2020 as a way to procure millions of dollars in advertisement purchases, website community construction, and other social media activities leading up to the election on November 3, 2020.

281.

On October 3, 2019, Defendant Facebook’s spokesman said: “We don’t believe that it’s an appropriate role for us to referee political debates. Nor do we think it would be appropriate to prevent a politician’s speech from reaching its audience and being

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<sup>237</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring)



subject to public debate and scrutiny.”<sup>238</sup>

282.

On October 17, 2019, in an advance clip of an interview set to air October 18, 2019 on *Fox News*, Defendant Zuckerberg said he would not censor social media posts from politicians, including President Donald Trump.<sup>239</sup>

283.

On or about November 8, 2019, Defendant Facebook’s Chief Product Officer Chris Cox, who oversaw all of WhatsApp, Messenger, and Instagram, led Facebook’s efforts to fight misinformation and protect elections, and was reported to be one of the most powerful people at Facebook, publicly stated “[Donald] Trump should not be our President” and that a campaign to spend millions on digital messaging to oppose Donald Trump in the 2020 presidential election was “something I have wanted to work on for a while.”<sup>240</sup>

284.

On or about June 2, 2020, Defendant Facebook alerted its staff that it would be changing its policies relating to the moderation of posts by politicians.<sup>241</sup>

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<sup>238</sup> Hern, Alex. “Facebook exempts political ads from ban on making false claims,” *The Guardian*, October 4, 2019; Boyle, Meka. “Facebook’s Updated Advertising Policy Could Enable Politicians to Spread Misinformation,” *Newsweek*. October 3, 2019.

<sup>239</sup> Martin, Jeffery. “Zuckerberg Tells Fox News Facebook Won’t Censor Politicians, While Warren Says Facebook Could Help Trump Win Again,” *Newsweek*. October 17, 2019.

<sup>240</sup> Matsakis, Louise. “Former Facebook Executive Chris Cox on Elections and Climate Change,” *Wired*. November 8, 2019.

<sup>241</sup> Nolan, Lucas. “Mark Zuckerberg Tells Angry Facebook Employees He May Change Censorship Policy on Trump and Other World Leaders,” *Breitbart*, June 2, 2020.

285.

Defendant Facebook fraudulently represented that all political candidates for the 2020 general election would be allowed to use its site for campaign activities and advertisements without third-party censorship.

286.

Defendant Facebook received over \$100 million in advertisement revenue from political candidate Donald J. Trump during the 2020 election cycle,<sup>242</sup> but then changed its policies to subject those advertisements to third-party review and censorship.

287.

On March 1, 2022, Defendant Zuckerberg was accused by the Office of Special Counsel Report to the Wisconsin State Assembly of providing financing for bribery operations and to purchase illegal drop boxes for the purpose of undermining the 2020 general election.<sup>243</sup>

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<sup>242</sup> “Presidential General Election Ad Spending Tops \$1.5 Billion,” *Wesleyan Media Project*. October 29, 2020. <https://mediaproject.wesleyan.edu/releases-102920/>.

<sup>243</sup> Cleveland, Margot. “Breaking: Special Counsel Finds Mark Zuckerberg’s Election Money Violated Wisconsin Bribery Laws,” *The Federalist*. March 01, 2022.

**PREDICATE ACT – 18 U.S.C. §2339B**  
*Providing material support or resources to designated  
foreign terrorist organizations*

288.

A person who knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, and has knowledge that the organization is a designated terrorist organization, that the organization has engaged or engages in terrorist activity, or that the organization has engaged or engages in terrorism, violates 18 U.S.C. §2339B.<sup>244</sup>

289.

The term “material support or resources” means any property, tangible or intangible, or service, including training, expert advice or assistance, false documentation or identification, communications equipment, or facilities.<sup>245</sup>

290.

“A company ordinarily is a place of public accommodation if it provides lodging, food, entertainment, or other services to the public in general ... Twitter and other digital platforms bear a resemblance to that definition.”<sup>246</sup>

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<sup>244</sup> 18 U.S.C. § 2339B(a)(1)

<sup>245</sup> 18 U.S.C. § 2339A(b)(1)

<sup>246</sup> *Biden v. Knight First Amendment Institute at Columbia Univ.*, 593 U.S. \_\_\_\_\_ (2021) (Thomas, J. concurring)

291.

On April 10, 2018, Defendant Zuckerberg testified before the U.S. Senate Commerce and Judiciary Committees, “[T]he way the ad system work is advertisers can come to us and say, I — I have a message that I’m trying to reach a certain type of people. They might be interested in something, they might live in a place, and then we help them get that message in front of people.”<sup>247</sup>

292.

On April 10, 2018, Defendant Zuckerberg testified before the U.S. Senate Commerce and Judiciary Committees, “We want our products to be valuable to people. And if they’re valuable, then people choose to use them.”<sup>248</sup>

293.

On April 10, 2018, Defendant Zuckerberg testified before the U.S. Senate Commerce and Judiciary Committees, “I agree that we’re responsible for the content, but we don’t produce the content. I — I think that when people ask us if we’re a media company or a *publisher*, my understanding of what — the heart of what they’re really getting at, is do we feel responsibility for the content on our platform. The answer to that, I think, is clearly ‘yes.’”<sup>249</sup>

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<sup>247</sup> “Transcript of Mark Zuckerberg’s Senate hearing,” *Bloomberg Government*, April 10, 2018.

<https://www.washingtonpost.com/news/the-switch/wp/2018/04/10/transcript-of-mark-zuckerbergs-senate-hearing/>

<sup>248</sup> “Transcript of Mark Zuckerberg’s Senate hearing,” *Bloomberg Government*, April 10, 2018.

<https://www.washingtonpost.com/news/the-switch/wp/2018/04/10/transcript-of-mark-zuckerbergs-senate-hearing/>

<sup>249</sup> “Transcript of Mark Zuckerberg’s Senate hearing,” *Bloomberg Government*, April 10, 2018.

<https://www.washingtonpost.com/news/the-switch/wp/2018/04/10/transcript-of-mark-zuckerbergs-senate-hearing/>  
(*emphasis added*)

294.

On or about April 19, 2019, Hezbollah and Hamas maintained a widespread presence on Facebook, YouTube and Twitter, including the Hamas television station, Al Aqsa, along with many leaders of the organizations, having a Twitter Feed and Facebook page.<sup>250</sup>

295.

On or about September 18, 2019, Defendant Facebook was found to have automatically generated hundreds of business pages promoting the terrorist groups ISIS and Al Qaida, allowed these pages to remain searchable and accessible by its user base through basic keyword searches for up to six weeks, and further helped “the extremist groups because it allow[ed] users to like the pages, potentially providing a list of sympathizers for recruiters.”<sup>251</sup>

296.

In October of 2019, Carlos Monje, Jr., U.S. policy director for Twitter, stated that Twitter allows accounts associated with political arms of groups designated by the U.S. government as “foreign terrorist organizations,” such as Hamas and Hezbollah.<sup>252</sup>

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<sup>250</sup> Frenkel, Sheera and Hubbard, Ben. “After Social Media bans, Militant Groups Found Ways to Remain,” *The New York Times*, April 19, 2019.

<sup>251</sup> Butler, Desmond, and Ortutay, Barbara. “Facebook still auto-generating Islamic State, al-Qaida pages,” *AP News*, September 18, 2019.

<sup>252</sup> Birnbaum, Emily. “Twitter takes down Hamas, Hezbollah-affiliated accounts after lawmaker pressure,” *The Hill*, November 4, 2019.

297.

Unlike Hamas and Hezbollah, the Taliban in Afghanistan have not been officially designated as a Foreign Terrorist Organization by the United States; however, the group was placed on the U.S. Treasury Department list of Specially Designated Global Terrorists and a Specially Designated Nationals list, as well as being designated as a terrorist organization in 1999 by the United Nations Security Council, and it has not been removed from that list.<sup>253</sup>

298.

“In accounts swelling across Facebook, Twitter and Instagram — and in group chats on apps such as WhatsApp and Telegram — the messaging from Taliban supporters typically challenges the West’s dominant image of the group as intolerant, vicious and bent on revenge, while staying within the evolving boundaries of taste and content that tech companies use to police user behavior.”<sup>254</sup>

299.

On or about August 17, 2021, two Taliban spokesmen, Suhail Shaehee and Zabihullah Mujahid had Twitter accounts which have been active for years with more than 351,000 and 310,000 Twitter followers, respectively.<sup>255</sup>

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<sup>253</sup> Madhok, Diksha. “How social media is dealing with the Taliban takeover,” *CNN Business*, August 17, 2021.

<sup>254</sup> Timberg, Craig and Lima, Cristiano. “Today’s Taliban uses sophisticated social media practices that rarely violate the rules,” *The Washington Post*, August 18, 2021.

<sup>255</sup> Eberhart, Christopher. “Taliban will be allowed to STAY on Twitter - as long as they don't 'glorify violence' - while ex-president Trump is still banned,” *Dailymail.com*, August 18, 2021.

300.

On and before August 17, 2021, Twitter permitted the Taliban official spokesmen to live-tweet Mujahideen terror,<sup>256</sup> the acquisition of arms, storming the Afghanistan capital, and the occupation of the presidential palace.<sup>257</sup>

**PREDICATE ACT - 18 U.S.C. §2385**  
*Advocating Overthrow of Government*

301.

Whoever knowingly or willfully abets or teaches the desirability or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or whoever, with intent to cause the overthrow or destruction of any such government attempts to publish, edit, issue, circulate, distribute, or publicly display any written matter advocating, advising, or teaching the desirability or propriety of overthrowing or destroying any government in the United States by force or violence; or whoever attempts to organize or help any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence – or anyone

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<sup>256</sup> This includes insurgents reportedly marrying girls as young as 12 and forcing them into sex slavery as 'spoils of war,' and the killing Afghan troops trying to surrender.

<sup>257</sup> Eberhart, Christopher. "Taliban will be allowed to STAY on Twitter - as long as they don't 'glorify violence' - while ex-president Trump is still banned," *Dailymail.com*, August 18, 2021.

who knowingly affiliates or conspires with any such group – violates 18 U.S.C. §2385.

302.

On or about September 17, 2019, Facebook facilitated the group Abolish ICE Denver and other Communist groups to organize gatherings outside the home of ICE warden Johnny Choate to harass and disrupt the lives of government officials and post direct threats, such as “FIRE TO THE PRISON” on these groups’ official Facebook pages, even labeling the event “Confront La Migra Where They Live.”<sup>258</sup>

303.

On or about May 26, 2020, President Donald Trump publicly accused Defendant Twitter of “interfering in the 2020 Presidential Election.”<sup>259</sup>

304.

On or about June 11, 2020, Facebook refused to remove a page celebrating “dead cops” titled “The Only Good Cops Are Dead Cops” which openly incited violence against police officers after it was reported by its users, and said that although it may be “offensive,” it does not violate any specific community standards.<sup>260</sup>

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<sup>258</sup> Bokhari, Allum. “Denver Communists Use Facebook to Threaten ICE Facility: ‘Fire to the Prison!’,” *Breitbart*, September 17, 2019.

<sup>259</sup> Dwoskin, Elizabeth. “Twitter labels Trump’s tweets with a fact check for the first time,” *The Washington Post*, May 27, 2020.

<sup>260</sup> Watson, Paul Joseph. “Facebook Says Page Celebrating “Dead Cops” Doesn’t Violate its Community Standards,” *Summit*, June 11, 2020.



305.

Facebook expressly told its content moderators to allow calling police officers “pigs,” and that “the policy was shaped by left-wing individuals who were seeking to influence the discourse and also influence the election.”<sup>261</sup>

306.

On July 24, 2020, Law Enforcement Today<sup>262</sup> was set to hold the largest pro-police rally in Long Island, New York on July 25<sup>th</sup>, but Facebook deleted the events page without any explanation.<sup>263</sup>

307.

On December 9, 2020, then Senate Homeland Security Committee Chairman Sen. Ron Johnson (R-WI) stated that without the interference of companies including Defendants, “Trump would have won the election. That’s the enormous influence that social media and our liberal biased media played on this election. Their interference – just is order of magnitude greater than any Russian or Chinese or Iran foreign interference in this campaign.”<sup>264</sup>

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<sup>261</sup> Bokhari, Allum. “Facebook Insider Ryan Hartwig: The Company Allowed Users to Demonize Whites, Men, Cops,” *Breitbart*, June 26, 2020.

<sup>262</sup> A pro-police advocacy group founded by Captain Robert Greenberg which operates a news website reporting first-hand accounts of what police officers go through when implementing the law.

<sup>263</sup> Harper, Cindy. “Facebook deletes pro-police “Back the Blue” event page,” *Reclaim The Net*. July 24, 2020.

<sup>264</sup> Hanchett, Ian. “Ron Johnson: Social Media and Media Influence on Election ‘Orders of Magnitude’ Greater Than any Foreign Interference in 2020,” *Breitbart*, December 9, 2020.

308.

On January 7, 2021, Facebook indefinitely froze the account of the President of the United States, Donald J. Trump, “for at least the next two weeks until the peaceful transition of power is complete.”<sup>265</sup>

309.

On January 8, 2021, Defendant Twitter permanently banned the President of the United States from its platform “due to the risk of further incitement of violence.”<sup>266</sup>

310.

On January 11, 2021, Defendant Facebook said it had begun removing content with the phrase “stop the steal,” which had become a rallying cry among supporters of President Trump, under its Coordinating Harm Policy.<sup>267</sup>

311.

On August 17, 2021, Congressman Doug Lamborn, 5<sup>th</sup> District of Colorado and Ranking Member on Armed Services Committee, stated in an official letter to Defendant Dorsey that the Taliban, specifically Zabihullah Mujahid, were using Twitter accounts to provide updates and propaganda messaging in furtherance and

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<sup>265</sup> Spangler, Todd. “Facebook Bans Trump Indefinitely as CEO Mark Zuckerberg Cites Need for ‘Peaceful Transition of Power,’” *Variety*. January 7, 2021.

<sup>266</sup> Osborne, Mark. “Twitter permanently suspends Donald Trump’s account; president teases new platform: The social media platform has been his preferred method of communication.” *ABCNews*. January 8, 2021.

<sup>267</sup> Spangler, Todd. “Facebook has No Plans to Reinstate Trump Accounts, Bans Phrase ‘Stop the Steal,’” *Variety*. January 11, 2021.

support of the Taliban overthrow of United States governmental entities and interests in Afghanistan.<sup>268</sup>

312.

On August 17, 2021, Congressman Doug Lamborn, 5<sup>th</sup> District of Colorado and Ranking Member on Armed Services Committee, stated in an official letter to Defendant Dorsey that he “did not find a single fact-check on any of [Zabihullah Mujahid or Yousef Ahmadi’s] tweets, nor any warnings for false or misleading content.”<sup>269</sup>

**ONGOING IMMEDIATE THREAT**

313.

The “equal time rule” under the Communications Act of 1934 explicitly precludes the use of selective bias of traditional media broadcasters to manipulate the outcome of elections by limiting points of view and excluding other candidates from getting the same airtime but does not currently extend to social media broadcasting.<sup>270</sup>

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<sup>268</sup> Eberhart, Christopher. “Taliban will be allowed to STAY on Twitter - as long as they don't 'glorify violence' - while ex-president Trump is still banned,” *Dailymail.com*, August 18, 2021.

<sup>269</sup> Eberhart, Christopher. “Taliban will be allowed to STAY on Twitter - as long as they don't 'glorify violence' - while ex-president Trump is still banned,” *Dailymail.com*, August 18, 2021.

<sup>270</sup> Harper, Cindy. “Facebook’s refusal to run ads for candidate Laura Loomer hints at the need for a modern-day equal-time rule,” *Reclaim The Net*. July 4, 2020.

314.

In 2017, Defendant Facebook's former head of growth, Chamath Palihapitiya, stated, "we have created tools that are ripping apart the social fabric of how society works."<sup>271</sup>

315.

On or about September 17, 2019, Defendant Facebook shut down Israeli Prime Minister Benjamin Netanyahu's ability to communicate with supporters on the site, claiming a violation of local law for sharing election information.<sup>272</sup>

316.

On or about October 26, 2019, U.S. Rep. Alexandria Ocasio-Cortez (D-N.Y.) accused Defendant Facebook of "making active & aggressive decisions that imperil our elections."<sup>273</sup>

317.

On or about January 18, 2020, Reuters reported that China is Defendant Facebook's largest source country for revenue after the United States, and Facebook is setting

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<sup>271</sup> Schiffer, Zoe. "WhatsApp co-founder Brian Acton still thinks you should delete Facebook," *The Verge*. November 8, 2019.

<sup>272</sup> Frazin, Rachel. "Netanyahu: Facebook caved to 'pressure of the Left' by suspending chatbot over illegal polls," *The Hill*, September 17, 2019.

<sup>273</sup> Frazin, Rachel. "Ocasio-Cortez blasts Facebook's ad decisions, calling them 'increasingly disturbing'," *The Hill*, October 26, 2019.

up a new engineering team to focus specifically on the lucrative advertising business in the country.<sup>274</sup>

318.

On or about January 27, 2020, Defendant Facebook was banned in China, yet the company maintains offices in the country and uses Chinese suppliers to manufacture its Oculus virtual reality headsets and its Portal family of video chat devices.<sup>275</sup>

319.

On or about February 4, 2020, U.S. Senator Ted Cruz (R-TX) stated, “For social media to be in the business of banning and censoring political speech, of silencing candidates for office, silencing citizen groups and silencing individual citizens, is profoundly harmful to our democratic process.”<sup>276</sup>

320.

On May 29, 2020, the White House said Defendant Twitter “has determined that it will allow terrorists, dictators, and foreign propagandists to abuse its platform.”<sup>277</sup>

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<sup>274</sup> Padilla, Mariel. “Facebook Apologized for Vulgar Translation of Chinese Leader’s Name,” *The New York Times*, January 18, 2020; Moreno, J. Edward. “Facebook apologizes after Chinese president’s name translated into vulgar phrase,” *The Hill*, January 18, 2020; “Facebook blames ‘technical error’ for Xi Jinping offensive name translation gaffe,” *The Guardian*, January 18, 2020. <https://www.theguardian.com/technology/2020/jan/18/facebook-xi-jinping-mr-shithole>.

<sup>275</sup> Statt, Nick. “Facebook, Razer, and LG are restricting employee travel to China amid coronavirus outbreak,” *The Verge*, January 27, 2020; Deese, Kaelan. “Facebook, other companies restrict travel to China,” *The Hill*, January 28, 2020; Gurman, Mark and Wagner, Kurt. “Facebook Restricts Employee Travel to China on Virus Concern,” *Bloomberg*, January 27, 2020.

<sup>276</sup> Bokhari, Allum. “Google Censors the Congressional Record,” *Breitbart*. February 4, 2020.

<sup>277</sup> Bokhari, Allum. “Twitter Censors Official White House Account,” *Breitbart*. May 28, 2020; White, Chris. “Twitter Censors White House Account for Quoting Trump’s Flagged ‘THUGS’ Tweet,” *Daily Caller*, May 29, 2020.

321.

An April 2021 report from the Tech Transparency Project (TTP) identified a surge in Facebook groups devoted to human smuggling.<sup>278</sup>

322.

The TTP report found that Facebook’s algorithms and automated features compound the problem of human smuggling by suggesting additional pages that offer border crossings, directing users to other dubious, and potentially dangerous, smuggling services.”<sup>279</sup>

323.

On May 5, 2021, Defendant Facebook’s Oversight Board upheld the January suspension of President Donald Trump’s accounts for his “maintaining an unfounded narrative of electoral fraud and persistent calls to action.”<sup>280</sup>

324.

On June 4, 2021, Defendant Facebook announced that “politicians’ posts will no longer be exempt from the company’s rules that prevent users from engaging in

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<sup>278</sup> Simonson, Joseph. “Meta Will Allow Solicitation of Human Smuggling on Its Platforms - Policy comes amid surge in Facebook groups devoted to human smuggling,” *Washington Free Beacon*. February 1, 2022.

<sup>279</sup> “Facebook Teems with Human Smugglers Luring Migrants,” *Tech Transparency Project*. April 16, 2021. <https://www.techtransparencyproject.org/articles/facebook-teems-human-smugglers-luring-migrants>.

<sup>280</sup> Spangler, Todd. “Donald Trump Facebook Suspension Upheld by Oversight Board Ruling,” *Variety*. May 5, 2021.

harmful speech” and “that it will no longer treat content that is posted by politicians as inherently of public interest or newsworthy.”<sup>281</sup>

325.

On July 15, 2021, White House Press Secretary and former CNN contributor Jen Psaki stated that a person banned from one social media platform should be banned from all others, and that “we’re flagging problematic posts for Facebook that spread disinformation.”<sup>282</sup>

326.

In August of 2021, the Taliban in Afghanistan and its terrorist affiliates used Twitter and Facebook applications to organize, implement, and procure substantial resources necessary to achieve the defeat of the United States and its allies in Afghanistan.<sup>283</sup>

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<sup>281</sup> Rodriguez, Salvador. “Facebook reverses policy protecting politicians from engaging in harmful speech” *CNBC*, June 4, 2021.

<sup>282</sup> Lancaster, Jordan. “Psaki Says People Should Be Banned on All Social Media if They are Banned from One Platform,” *Daily Caller*, July 16, 2021.

<sup>283</sup> Timberg, Craig and Lima, Cristiano. “Today’s Taliban uses sophisticated social media practices that rarely violate the rules,” *The Washington Post*, August 18, 2021; Eberhart, Christopher. “Taliban will be allowed to STAY on Twitter - as long as they don't 'glorify violence' - while ex-president Trump is still banned,” *Dailymail.com*, August 18, 2021.

**COUNT I**

**18 U.S.C. § 1962(c) (“FEDERAL RICO”) & 18 U.S.C. § 1964(c)**  
**RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS**

327.

The allegations of paragraphs 1 through 326 are incorporated herein by reference.

328.

Any person associated with any enterprise affecting interstate or foreign commerce who participates, directly or indirectly, in the conduct of such enterprise’s affairs through a pattern of racketeering activity, violates 18 U.S.C. § 1962(c).

329.

Defendants violated Federal RICO and Plaintiffs were injured as a result.

330.

Each Defendant is a "person" capable of holding legal or beneficial interest in property within the meaning of 18 U.S.C. § 1961 (3).

331.

Each Defendant violated 18 U.S.C. § 1962(c) by the acts described in the prior paragraphs, and as further described hereinbelow.

332.

Defendants Facebook, Twitter, Mark Zuckerberg, and Jack Dorsey, collectively along with YouTube and Google, and others constitute an enterprise (hereinafter, “Community Media Enterprise”) associated in fact and engaged in and whose



activities affect interstate commerce with common goals of making money, acquiring influence over other enterprises and entities, and other pecuniary and non-pecuniary interests.

333.

“A jury is entitled to infer the existence of an enterprise on the basis of largely or wholly circumstantial evidence. Direct Evidence of association may be difficult to obtain; a jury is permitted to draw the natural inference arising from circumstantial evidence of association.”<sup>284</sup>

334.

Community Media Enterprise is an enterprise engaged in and whose activities affect interstate commerce. The Defendants own, are employed by, or are otherwise associated with the enterprise.

335.

Plaintiffs have suffered the requisite direct injury to their business or property (tangibly and intangibly) by reason of substantive RICO violations committed by Defendants.

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<sup>284</sup> *United States v. Pipkins*, 378 F.3d 1281 (11<sup>th</sup> Cir. 2004).

336.

The Community Media Enterprise meets the criteria for “Open-Ended Continuity.”<sup>285</sup>

337.

A specific threat of repetition exists insofar as Defendants continue to engage in the predicates listed herein.

338.

The predicates listed below are supported by Defendants’ policies and procedures for its ongoing, legitimate businesses.

339.

Predicate acts can be attributed to Defendants operating as part of a long-term association that exists for criminal purposes outlined herein, as well as others currently under ongoing federal investigation.<sup>286</sup>

340.

“Also while a plaintiff may use predicate acts targeting other victims to show evidence of a ‘pattern’ of racketeering, the plaintiff needs only to be injured by a single predicate act committed in furtherance of the scheme.”<sup>287</sup>

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<sup>285</sup> See, *Magnifico v. Villanueva*, 783 F.Supp.2d 1217 (S.D. Fla. 2011).

<sup>286</sup> The Federal Trade Commission sued Facebook on December 9, 2020 for “illegally maintaining its personal social networking monopoly through a years-long course of anticompetitive conduct.” [Ftc.gov/news-events/press-releases/2020/12/ftc-sues-facebook-illegal-monopolization](https://www.ftc.gov/news-events/press-releases/2020/12/ftc-sues-facebook-illegal-monopolization)

<sup>287</sup> Hamill, John J. *et al.*, *Practice Series: RICO – A Guide to Civil RICO Litigation in Federal Courts*, Jenner and Block (2014); See also, *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 488-93 (1985).

341.

The Defendants agreed to and did conduct and participate in the conduct of Community Media Enterprise's affairs through a pattern of racketeering activity and for the unlawful purpose of intentionally defrauding Plaintiffs and others.

342.

Defendants have committed the following related predicate acts in violation of 18 U.S.C. §1343, §1951, §1952, §2339B, and §2385 as part of their standard practice, demonstrating a pattern of criminal conduct of a continuing nature, for the unlawful purpose of intentionally defrauding and extorting Plaintiffs and other individuals and entities in furtherance of the goals of Community Media Enterprise.

Wire Fraud

343.

Plaintiffs repeat and re-aver each and every statement contained in paragraphs 209 – 244 and 271 – 287.

344.

Defendants violated 18 U.S.C. §1343 by devising or intending to devise an artifice of community policies and scheme to exploit them in order to defraud and obtain money and intangible property under the false pretense of compliance with community policies, and false promises of upholding community standards and

transmitted writings by means of wire communication in interstate or foreign commerce for the purpose of executing such scheme or artifice.<sup>288</sup>

*Interference with Commerce by Threats or Violence*

345.

Plaintiffs repeat and re-aver each and every statement contained in paragraphs 209 – 244 and 245 – 261.

346.

Defendants Facebook, Twitter, Jack Dorsey and Mark Zuckerberg violated 18 U.S.C. §1951 by conspiring, attempting, and obstructing, delaying and affecting commerce through extortion by wrongfully using the fear of the public disgrace and economic harm associated with being banned and labeled a dangerous individual or group, under the color of official right, to obtain intangible property from Plaintiff Loomer, her associates, followers, and those similarly situated, with their consent.<sup>289</sup>

347.

Defendant Facebook used written communication to maliciously threaten to injure Plaintiff Loomer's intangible property and reputation, and expose Plaintiff Loomer to the disgrace of being banned, labeled a "dangerous individual," and placed on a dangerous individual's list, with the intent to compel Plaintiff Loomer, her

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<sup>288</sup> 18 U.S.C. § 1343, Fraud by wire, radio, or television (United States Code (2020 Edition))

<sup>289</sup> 18 U.S.C. § 1951, Interference with commerce by threats or violence (United States Code (2020 Edition))

associates, followers, and similarly situated individuals to refrain, against their will, from speaking to or associating with other individuals or groups labeled by Defendants as “dangerous” or who are or might otherwise be in violation of Defendants’ policies.

*Interstate and Foreign Transportation in Aid of Racketeering Enterprise*

348.

Plaintiffs repeat and re-aver each and every statement contained in paragraphs 209 – 244 and 262 – 270.

349.

Whoever maliciously threatens to accuse another of any crime or offense, or to injure the person, property or reputation of another, or to expose another to disgrace, or to impute any deformity to another, with intent thereby to extort any pecuniary advantage whatsoever, or to compel the person so threatened, or any other person, to do any act or refrain from doing any act against his or her will, violates the Florida Extortion Statute.<sup>290</sup>

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<sup>290</sup> Fla. Stat. § 836.05.

350.

Whoever obtains the property or other consideration from another with consent induced by a wrongful use of force, fear - including fear induced by a threat to accuse the threatened individual, or a relative, of a crime or to expose or to impute to them a disgrace or crime, or under color of official right, violates the California Extortion Statute.<sup>291</sup>

351.

Defendant Facebook used mail, email, the internet, social media, and other facilities in interstate commerce with the intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of the unlawful activity of extortion pursuant to Fla. Stat. Ch. 836.05. and Cal. Penal Code 518.

352.

Defendants violated 18 U.S.C. §1952 by, through printed and electronic communication, maliciously threatening to injure the property and reputation of Plaintiffs, and those similarly situated, and to expose them to disgrace with the intent to extort pecuniary advantage and to compel Plaintiffs and those similarly situated to refrain from associating or speaking against their wills.<sup>292</sup>

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<sup>291</sup> California Penal Code §518-519

<sup>292</sup> 18 U.S.C. §1952, Interstate and Foreign Transportation in Aid of Racketeering Enterprises (United States Code (2020 Edition))

*Providing Material Support or Resources to  
Designated Foreign Terrorist Organizations*

353.

Plaintiffs repeat and re-aver each and every statement contained in paragraphs 288 – 300.

354.

Defendants violated 18 U.S.C. §2339B by attempting to knowingly provide material support or resources to a foreign terrorist organization by announcing that the political wings of known foreign terrorist organizations could use its platforms and knowingly allowed them to do so.<sup>293</sup>

*Advocating Overthrow of Government*

355.

Plaintiffs repeat and re-avers each and every statement contained in paragraphs 301 – 312.

356.

Defendants violated 18 U.S.C. §2385 by conspiring to willfully abet the teaching of the propriety of overthrowing and assassinating U.S. and state officers and officials and knowingly affiliated with groups advocating and encouraging the destruction of the United States government.<sup>294</sup>

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<sup>293</sup> 18 U.S.C. § 2339B, Providing material support or resources to designated foreign terrorist organizations (United States Code (2020 Edition)).

<sup>294</sup> 18 U.S.C. § 2385, Advocating overthrow of Government (United States Code (2020 Edition)).

357.

Defendants violated 18 U.S.C. §2385 by attempting and conspiring to circulate, sell, distribute, and publicly display printed matter advocating, advising, and teaching the desirability and propriety of overthrowing or destroying United States and state governments, or their officers and officials, by force and violence.<sup>295</sup>

358.

Defendants violated 18 U.S.C. §2385 by helping and attempting to organize, through recruitment and formation, groups of persons who teach, advocate, and encourage the overthrow and destruction of U.S. and state government by force and violence.<sup>296</sup>

359.

Pursuant to and in furtherance of their fraudulent schemes, Defendants committed multiple related acts of Wire Fraud, Extortion, Interference with commerce by threats or violence, Interstate and foreign travel or transportation in aid of racketeering enterprises, Providing material support or resources to designated foreign terrorist organizations, and Advocating overthrow of government, violating 18 U.S.C. §1343, §1951, §1952, §2339B, and §2385.

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<sup>295</sup> 18 U.S.C. § 2385, Advocating overthrow of Government (United States Code (2020 Edition)).

<sup>296</sup> 18 U.S.C. § 2385, Advocating overthrow of Government (United States Code (2020 Edition)).



360.

The acts of wire fraud, extortion, interference with commerce by threats or violence, and interstate and foreign transportation in aid of racketeering enterprises, providing material support or resources to designated foreign terrorist organizations, and advocating overthrow of government committed between Defendants and Plaintiff Loomer, her associates, followers, and similarly situated individuals, expressly including those referenced herein, by Defendants and other members of the Community Media Enterprise constitute a pattern of racketeering activity pursuant to 18 U.S.C. §1961(5).

361.

The Defendants have directly and indirectly conducted and participated in the conduct of the enterprise's affairs through the pattern of racketeering and activity described above, in violation of 18 U.S.C. § 1962(c).

362.

As a direct and proximate result of the Defendants' racketeering activities and violations of 18 U.S.C. § 1962(c), Plaintiffs have been injured in their business, reputation, election activities, and property through the loss of money, property, intangible rights, equal opportunity, campaign exposure, goodwill, and donations.

**COUNT II**

**18 U.S.C. § 1962(d) & 18 U.S.C. § 1964(c)**  
***FEDERAL RICO CONSPIRACY***

363.

The allegations of paragraphs 1 through 326 are incorporated herein by reference.

364.

“A plaintiff can establish a RICO conspiracy claim in one of two ways: (1) by showing that the defendant agreed to the overall objective of the conspiracy; or (2) by showing that the defendant agreed to commit two predicate acts. Direct evidence of a RICO agreement is not required; rather it may be inferred from the conduct of the participants.”<sup>297</sup>

365.

Defendants agreed and conspired to violate 18 U.S.C. § 1962(c).

366.

Defendants conspired to conduct and participate in the conduct of the affairs of the Community Media Enterprise through a pattern of racketeering activity (§ 1962(c)).

367.

Plaintiffs repeat and re-aver each and every statement contained in paragraphs 328 – 359.

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<sup>297</sup> Magnifico v. Villaneuva, 783 F.Supp.2d 1217 (S.D. Fla. 2011).

368.

The Defendants have intentionally conspired and agreed to directly and indirectly conduct and participate in the conduct of the affairs of the Community Media Enterprise through a pattern of racketeering activity. The Defendants knew that their predicate acts were part of a pattern of racketeering activity and agreed to the commission of those acts to further the schemes described hereinabove. That conduct constitutes a conspiracy to violate 18 U.S.C.A. § 1962(c), in violation of 18 U.S.C. § 1962(d).

369.

As a direct and proximate result of the Count II Defendants' conspiracy, the overt acts undertaken in furtherance of that conspiracy, and violations of 18 U.S.C. § 1962(d), Plaintiffs have been injured in their business, reputation, election activities, and property through the loss of money, property, intangible rights, equal opportunity, and campaign exposure, goodwill, and donations.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs request that this Court enter judgment against the Defendants as follows:

A. On Count I, \$100,000,000.00 in Actual Damages, \$300,000,000.00 in Treble Damages, \$5,000,000,000.00 in Punitive Damages, reasonable investigator and attorneys' fees, and Order Defendants to cease all use of current hate speech, dangerous individuals and organizations, and other violative community policies and practices.

B. On Count II, \$50,000,000.00 in Actual Damages, \$150,000,000.00 in Treble Damages, \$5,000,000,000.00 in Punitive Damages, reasonable investigator and attorneys' fees, and Order Defendants to cease all use of current hate speech, dangerous individuals and organizations, and other violative community policies and practices.

Respectfully submitted this 2nd Day of May, 2022.



John M. Pierce

CA Bar # 250443

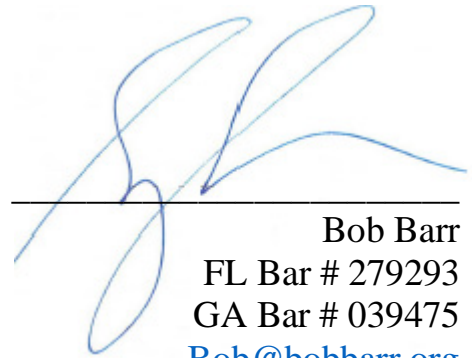
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