

UNITED STATES DISTRICT COURT

for the
District of Colorado

Division

Case No. _____

(to be filled in by the Clerk's Office)

Alfred P. Reaud

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Facebook, Inc.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JAN 24 2023

JEFFREY P. COLWELL
CLERK

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Alfred P. Reaud
Street Address	365 N Lincoln Avenue, Apartment 21
City and County	Loveland, Larimer County
State and Zip Code	Colorado, 80537-5654
Telephone Number	(970) 541-9950
E-mail Address	alreud@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

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Defendant No. 1

Name	Facebook, Inc.
Job or Title <i>(if known)</i>	
Street Address	1 Hacker Way
City and County	Menlo Park
State and Zip Code	California, 94025
Telephone Number	1 (650) 543-4800
E-mail Address <i>(if known)</i>	not known

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

- Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

n/a

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Alfred P. Reaud, is a citizen of the State of *(name)* Colorado.

b. If the plaintiff is a corporation

The plaintiff, *(name)* n/a, is incorporated under the laws of the State of *(name)* n/a, and has its principal place of business in the State of *(name)* n/a.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* n/a, is a citizen of the State of *(name)* n/a. Or is a citizen of *(foreign nation)* n/a.

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b. If the defendant is a corporation

The defendant, (name) Facebook, Inc, is incorporated under the laws of the State of (name) Deleware, and has its principal place of business in the State of (name) California.
Or is incorporated under the laws of (foreign nation) n/a, and has its principal place of business in (name) n/a.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Plaintiff claims the sum of One Million Five Hundred Thirty Thousand Dollars (\$1,530,000) for sexual harassment, intentional infliction of emotional distress, punitive damages, court costs, and reasonable attorney fees as described in the following claim.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Always and only when Plaintiff Reaud was accessing his Defendant Facebook feed webpage.

B. What date and approximate time did the events giving rise to your claim(s) occur?

The first recorded event of a pornographic ad violating Facebook's community standards Plaintiff Reaud captured from Plaintiff Facebook was 12/28/2021, however sexualized ads were reported to Facebook throughout 2021. The next recorded pornographic ad with complaint was 9/9/2022 with several hitting in quick succession. Next is 9/13/2022, with again several hits in quick succession with a screen capture of the complaint to Facebook. Reaud was unable to capture all instances of pornographic ads and accompanying reports. A printed index of all pornographic ads Reaud did capture including file names, dates, times, sizes and categorization is included to this complaint as Attachment 1, "Pornographic Advertisement Screenshot Index". A Windows NTFS formatted USB drive is included with this filing containing all referenced screen shots as Exhibit 1, "Screenshot USB"

C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

1. Claim of Sexual Harassment

a. Plaintiff Reaud has been subjected to 93 instances of unwanted gross and offensive pornographic ads in the SPONSORED section of Reaud's Facebook page while using the Facebook social platform since September 2021, as documented in Exhibit 1, "Screenshot USB", .

b. These ads served by Facebook are in direct violation of Facebook's own community standards. Reaud attaches three exemplars from the set of 93 instances of pornographic ads received from Facebook in a closed manila envelope as Exhibit 2. Reaud attaches Facebook's posted community standards as Exhibit 3.

c. Reaud has reported said ads to Facebook by using tools provided on Facebook website to report problems or to make Facebook better sixty three (63) times. Reaud accompanied each report with attached screen captures of the pornographic ads that the report pertains to. Reaud attached an index of reported pornographic ads as Exhibit 4.

Continued in the attachment included in this filing captioned "Attachment 2 Statement of Claim Continuation".

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

The psychological damage and trauma being cause to Plaintiff Reaud by Defendant Facebook's continued exposure of Reaud to unwanted gross pornography is not measurable.

The psychological damage and trauma being caused to Reaud from being restricted from interaction with friends and loved ones on the Facebook platform is not measurable.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Actual Damages for Sexual Harassment and Intentional Infliction of Emotional Distress

Ten Thousand Dollars for each documented instance of Defendant Facebook serving Plaintiff Reaud a pornographic ad in violation of Facebook's posted community standards. The sum total of actual damages claimed by Reaud for being forced to view unwanted pornography on Facebook is Nine Hundred Thirty Thousand Dollars (\$930,000) for Ninety Three (93) instances of pornographic ads served to Reaud in violation of Facebook's community standards.

One Hundred Thousand Dollars (\$100,000) for intentional infliction of emotional distress resulting from Defendant Facebook's continued infliction of the pornographic ads on Plaintiff Reaud irrespective of Reaud's complaints and reports.

Punative Damages

Putative damages of Five Hundred Thousand Dollars (\$500,000) to dissuade Defendant Facebook, Inc from serving advertisements to Plaintiff Reaud and other users that violate Facebook's own community standards.

Other Damages and Relief Requested

Court costs and reasonable attorney fees as determined by this Court.

Plaintiff Reaud requests a permanent injunction against Defendant Facebook, Inc. enjoining Facebook from serving further advertisements to Reaud's Facebook feed that are in violation of Facebook's own posted community standards.

Plaintiff Reaud demands a jury trial.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: January 22, 2023

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Signature of Plaintiff	<u>Alfred P. Reaud</u>
Printed Name of Plaintiff	<u>Alfred P. Reaud</u>

B. For Attorneys

Date of signing: n/a

Signature of Attorney	<u>n/a</u>
Printed Name of Attorney	<u>n/a</u>
Bar Number	<u>n/a</u>
Name of Law Firm	<u>n/a</u>
Street Address	<u>n/a</u>
State and Zip Code	<u>n/a</u>
Telephone Number	<u>n/a</u>
E-mail Address	<u>n/a</u>