

No. 21-1496

IN THE
Supreme Court of the United States

TWITTER, INC.,

Petitioner,

v.

MEHIER TAAMNEH, *et al.*,

Respondents.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOINT APPENDIX

ERIC SCHNAPPER
Counsel of Record for
Respondents Mehier
Taamneh, et al.

UNIVERSITY OF WASHINGTON
SCHOOL OF LAW
P.O. Box 353020
Seattle, WA 98195
(206) 616-3167
schnapp@uw.edu

LISA S. BLATT
Counsel of Record for
Respondent Google LLC
WILLIAMS & CONNOLLY LLP
680 Maine Avenue SW
Washington, DC 20024
(202) 434-5050
lblatt@wc.com

SETH P. WAXMAN
Counsel of Record for
Petitioner Twitter, Inc.

WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Ave., NW
Washington, DC 20006
(202) 663-6000
seth.waxman@wilmerhale.com

PAUL D. CLEMENT
Counsel of Record for
Respondent Facebook, Inc.

CLEMENT & MURPHY, PLLC
706 Duke Street
Alexandria, VA 22314
(202) 742-8900
paul.clement
@clementmurphy.com

TABLE OF CONTENTS

	Page
Docket in Case No. 18-17192 (9th Cir.)	1
Docket in Case No. 3:17-cv-04107-EMC (N.D. Cal.)	26
First Amended Complaint for Damages, Dist. Ct. Dkt. 55, filed May 16, 2018.....	46
Stipulation and Order, Dist. Ct. Dkt. 88, filed February 17, 2022.....	169

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DOCKET FOR CASE #: 18-17192

- 11/13/2018 1 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 11/20/2018. Transcript ordered by 12/13/2018. Transcript due 01/14/2019. Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh opening brief due 02/21/2019. Appellees Facebook, Inc., Google LLC and Twitter, Inc. answering brief due 03/25/2019. Appellant's optional reply brief is due 21 days after service of the answering brief. [11085543] (JBS) [Entered: 11/13/2018 01:15 PM]
- 11/21/2018 2 MEDIATION ORDER FILED: The court of appeals' records do not indicate that appellant has filed a mediation questionnaire in accordance with Cir. R. 3-4. Within seven (7) days of the filing date of this order, appellant shall file a Mediation Questionnaire or dismiss the appeal voluntarily. Failure to comply with this order will result in dismissal pursuant to Ninth Cir. R. 42-1. [11096127] (LW) [Entered: 11/21/2018 11:21 AM]
- 11/21/2018 3 Filed (ECF) notice of appearance of Kristin A. Linsley for Appellee Face-

- book, Inc.. Date of service: 11/21/2018. [11096387] [18-17192] (Linsley, Kristin) [Entered: 11/21/2018 01:30 PM]
- 11/21/2018 4 Filed (ECF) Appellee Facebook, Inc. Mediation Questionnaire. Date of service: 11/21/2018. [11096389] [18-17192] (Linsley, Kristin) [Entered: 11/21/2018 01:32 PM]
- 11/21/2018 5 Filed (ECF) Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh Mediation Questionnaire. Date of service: 11/21/2018. [11096401] [18-17192] (Altman, Keith) [Entered: 11/21/2018 01:37 PM]
- 11/21/2018 6 Filed (ECF) notice of appearance of Joseph F. Tartakovsky for Appellee Facebook, Inc.. Date of service: 11/21/2018. [11096756] [18-17192] (Tartakovsky, Joseph) [Entered: 11/21/2018 03:36 PM]
- 11/23/2018 7 Added attorney Joseph Friedman Tartakovsky for Facebook, Inc., in case 18-17192. [11097141] (QDL) [Entered: 11/23/2018 08:46 AM]
- 11/27/2018 8 MEDIATION ORDER FILED: This case is NOT SELECTED for inclusion in the Mediation Program. Counsel may contact circuit mediator to discuss services available through the court's mediation program, to request a settlement assessment conf, or to request a stay of the appeal for settlement

purposes. Also, upon agreement of the parties, the briefing schedule can be modified or vacated to facilitate settlement discussions. Counsel are requested to send copies of this order to their clients. Info regarding the mediation program may be found at www.ca9.uscourts.gov/mediation.
 [11099804] (VS) [Entered: 11/27/2018 08:57 AM]

- 01/11/2019 9 Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh. New requested due date is 03/25/2019. [11149569] [18-17192] (Altman, Keith) [Entered: 01/11/2019 08:49 AM]
- 01/11/2019 10 Streamlined request [9] by Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh to extend time to file the brief is approved. Amended briefing schedule: Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh opening brief due 03/25/2019. Appellees Facebook, Inc., Google LLC and Twitter, Inc. answering brief due 04/25/2019. The optional reply brief is due 21 days from the date of service of the answering brief. [11149809] (JN) [Entered: 01/11/2019 10:10 AM]

- 03/06/2019 11 Filed (ECF) Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh Unopposed Motion to extend time to file Opening brief until 04/24/2019. Date of service: 03/06/2019. [11217687] [18-17192] (Altman, Keith) [Entered: 03/06/2019 09:45 AM]
- 03/07/2019 12 Filed clerk order (Deputy Clerk: LKK): (ECF Filing) filed by Appellants Mehier Taamneh, Lawrence Taamneh, Sara Taamneh and Dimana Taamneh; Granting Motion [11] (ECF Filing) motion to extend time to file brief filed by Appellants Mehier Taamneh, Lawrence Taamneh, Sara Taamneh and Dimana Taamneh Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh opening brief due 04/24/2019. Appellees Facebook, Inc., Google LLC and Twitter, Inc. answering brief due 05/24/2019. The optional reply brief is due 21 days after service of the answering brief. [11219936] (LKK) [Entered: 03/07/2019 02:26 PM]
- 04/24/2019 13 Filed (ECF) notice of appearance of Daniel W. Weininger for Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh. Date of service: 04/24/2019. (Party previously proceeding without counsel: No) [11274636] [18-17192] (Weininger, Daniel) [Entered:

04/24/2019 06:32 AM]

- 04/24/2019 14 Added attorney Daniel Weininger for appellants Sara Taamneh. Dimana Taamneh. Lawrence Taamneh and Mhier Taamneh, in case 18-17192. [11276070] (HH) [Entered: 04/24/2019 03:34 PM]
- 04/24/2019 15 Submitted (ECF) Opening Brief for review. Submitted by Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh. Date of service: 04/24/2019. [11276387] [18-17192] (Weininger, Daniel) [Entered: 04/24/2019 08:21 PM]
- 04/24/2019 16 Submitted (ECF) excerpts of record. Submitted by Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh. Date of service: 04/24/2019. [11276388] [18-17192] (Weininger, Daniel) [Entered: 04/24/2019 08:26 PM]
- 04/25/2019 17 Filed clerk order: The opening brief [15] submitted by Appellants is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: blue. The Court has reviewed the excerpts of record [16] submitted by Appellants. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in

paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11276943] (GV) [Entered: 04/25/2019 10:57 AM]

- 05/01/2019 18 Received 7 paper copies of Opening Brief [15] filed by Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh. [11283460] (RG) [Entered: 05/01/2019 12:57 PM]
- 05/01/2019 19 Filed four paper copies of excerpts of record [16] in 1 volume(s) filed by Appellants. [11284026] (GV) [Entered: 05/01/2019 04:52 PM]
- 05/06/2019 20 Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee Twitter, Inc.. New requested due date is 06/24/2019. [11287426] [18-17192] (Holtzblatt, Ari) [Entered: 05/06/2019 11:35 AM]
- 05/06/2019 21 **Streamlined request [20] by Appellee Twitter, Inc. to extend time to file the brief is approved FOR ALL APPELLEES. Amended briefing schedule: Appellees Facebook, Inc., Google LLC and Twitter, Inc. answering brief due 06/24/2019. The optional reply brief is due 21 days from the date of service of the answering brief.** [11288216] (DLM) [Entered: 05/06/2019 03:42 PM]
- 06/18/2019 22 Filed (ECF) notice of appearance of Daniel Lawrence Chen for Appellee

- Facebook, Inc.. Date of service: 06/18/2019. (Party previously proceeding without counsel: No) [11335710] [18-17192] (Chen, Daniel) [Entered: 06/18/2019 12:30 PM]
- 06/18/2019 23 Added attorney Daniel Chen for Facebook, Inc., in case 18-17192. [11335758] (NAC) [Entered: 06/18/2019 01:08 PM]
- 06/24/2019 24 Filed (ECF) notice of appearance of Brian Michael Willen for Appellee Google LLC. Date of service: 06/24/2019. (Party previously proceeding without counsel: No) [11342169] [18-17192] (Willen, Brian) [Entered: 06/24/2019 01:00 PM]
- 06/24/2019 25 Added attorney Brian M. Willen for Google LLC, in case 18-17192. [11342207] (NAC) [Entered: 06/24/2019 01:33 PM]
- 06/24/2019 26 Submitted (ECF) Answering Brief for review. Submitted by Appellee Google LLC. Date of service: 06/24/2019. [11342975] [18-17192] (Willen, Brian) [Entered: 06/24/2019 05:41 PM]
- 06/25/2019 27 Filed clerk order: The answering brief [26] submitted by Google LLC is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The pa-

per copies shall be submitted to the principal office of the Clerk. [11343312] (GV) [Entered: 06/25/2019 09:30 AM]

- 06/27/2019 28 Received 7 paper copies of Answering Brief [26] filed by Google LLC. [11347064] (SD) [Entered: 06/27/2019 01:43 PM]
- 06/28/2019 29 Filed (ECF) Streamlined request for extension of time to file Reply Brief by Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh. New requested due date is 08/14/2019. [11347986] [18-17192] (Altman, Keith) [Entered: 06/28/2019 08:28 AM]
- 06/28/2019 30 **Streamlined request [29] by Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh to extend time to file the brief is approved. Amended briefing schedule: the optional reply brief is due 08/14/2019.** [11349112] (DLM) [Entered: 06/28/2019 03:53 PM]
- 08/02/2019 31 Filed (ECF) Notice of withdrawal of counsel. Filed by Attorney Mr. Daniel Chen for Appellee Facebook, Inc.. Party proceeding without counsel: No. Date of service: 08/02/2019. [11385259] [18-17192] (Chen, Daniel) [Entered: 08/02/2019 10:48 AM]
- 08/02/2019 32 Terminated Daniel Chen for Facebook, Inc. in 18-17192 [11385264] (NAC) [En-

tered: 08/02/2019 10:49 AM]

- 08/14/2019 33 Submitted (ECF) Reply Brief for review. Submitted by Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh. Date of service: 08/14/2019. [11397416] [18-17192] (Weininger, Daniel) [Entered: 08/14/2019 02:51 PM]
- 08/15/2019 34 Filed clerk order: The reply brief 33 submitted by appellants is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be submitted to the principal office of the Clerk. [11397941] (KT) [Entered: 08/15/2019 08:42 AM]
- 08/21/2019 35 Filed (ECF) notice of appearance of Jacob T. Spencer (Gibson, Dunn & Crutcher LLP, 1050 Connecticut Ave., NW, Washington, DC 20036) for Appellee Facebook, Inc.. Date of service: 08/21/2019. (Party previously proceeding without counsel: No) [11404942] [18-17192] (Spencer, Jacob) [Entered: 08/21/2019 10:20 AM]
- 08/21/2019 36 Added Attorney(s) Jacob T. Spencer for party(s) Appellee Facebook, Inc., in case 18-17192. [11404960] (NAC) [Entered: 08/21/2019 10:22 AM]

- 08/21/2019 37 Received 7 paper copies of Reply Brief [33] filed by Appellants. [11405233] (SD) [Entered: 08/21/2019 11:42 AM]
- 08/22/2019 38 Terminated participation of Court Reporter Lydia Radovich Zinn in this case (no longer in function, other court reporter remaining on case). [11406873] [18-17036, 18-17087, 18-17149, 18-17192, 18-17195, 18-17275, 18-17308, 18-17311, 18-17382, 18-80037, 19-10027, 19-10049, 19-10092, 19-10110, 19-10154, 19-10168, 19-10188, 19-10254, 19-15018, 19-15059, 19-15077, 19-15101, 19-15169, 19-15672, 19-15745, 19-15820, 19-15868, 19-16017, 19-16066, 19-16107, 19-16122, 19-16497, 19-16571, 19-70522] (RY) [Entered: 08/22/2019 12:03 PM]
- 08/22/2019 39 Entered appearance of Court Reporter Richard John Duvall in this case. [11406890] [18-17192, 18-17382, 19-15101] (RY) [Entered: 08/22/2019 12:09 PM]
- 09/03/2019 40 Filed (ECF) Appellee Google LLC citation of supplemental authorities. Date of service: 09/03/2019. [11419565] [18-17192] (Willen, Brian) [Entered: 09/03/2019 05:04 PM]
- 09/11/2019 41 Filed (ECF) Appellee Google LLC citation of supplemental authorities. Date of service: 09/11/2019. [11428924] [18-17192] (Willen, Brian) [Entered: 09/11/2019 05:14 PM]
- 10/04/2019 42 This case is being considered for an

upcoming oral argument calendar in San Francisco

Please review the San Francisco sitting dates for February 2020 and the 2 subsequent sitting months in that location at http://www.ca9.uscourts.gov/court_sessions. If you have an unavoidable conflict on any of the dates, please file Form 32 **within 3 business days of this notice** using the CM/ECF filing type **Response to Case Being Considered for Oral Argument**. Please follow the form's instructions carefully.

When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.

If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter **within 3 business days of this notice**, using CM/ECF (**Type of Document:** File Correspondence to Court; **Subject:** request for mediation).[11454631][18-17192] (AW) [Entered: 10/04/2019 12:47 PM]

10/08/2019 43 Filed (ECF) Attorney Ari Holtzblatt for Appellee Twitter, Inc. response to

notice for case being considered for oral argument. Date of service: 10/08/2019. [11457879] [18-17192] (Holtzblatt, Ari) [Entered: 10/08/2019 11:58 AM]

10/08/2019 44 Filed (ECF) Attorney Brian M. Willen for Appellee Google LLC response to notice for case being considered for oral argument. Date of service: 10/08/2019. [11457910] [18-17192] (Willen, Brian) [Entered: 10/08/2019 12:14 PM]

10/08/2019 45 Filed (ECF) Attorney Daniel Weininger for Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh response to notice for case being considered for oral argument. Date of service: 10/08/2019. [11457923] [18-17192] (Weininger, Daniel) [Entered: 10/08/2019 12:18 PM]

10/08/2019 46 Filed (ECF) Attorney Ms. Kristin Andrea Linsley, Esquire for Appellee Facebook, Inc. response to notice for case being considered for oral argument. Date of service: 10/08/2019. [11458519] [18-17192] (Linsley, Kristin) [Entered: 10/08/2019 04:19 PM]

11/04/2019 47 This case is being considered for an upcoming oral argument calendar in San Francisco

Please review the San Francisco sitting dates for March 2020 and the 2 subsequent sitting months in that loca-

tion at http://www.ca9.uscourts.gov/court_sessions. If you have an unavoidable conflict on any of the dates, please file Form 32 **within 3 business days of this notice** using the CM/ECF filing type **Response to Case Being Considered for Oral Argument**. Please follow the form's instructions carefully.

When setting your argument date, the court will try to work around unavoidable conflicts; the court is not able to accommodate mere scheduling preferences. You will receive notice that your case has been assigned to a calendar approximately 10 weeks before the scheduled oral argument date.

If the parties wish to discuss settlement before an argument date is set, they should jointly request referral to the mediation unit by filing a letter **within 3 business days of this notice**, using CM/ECF (**Type of Document:** File Correspondence to Court; **Subject:** request for mediation).[11487720]. [18-17192] (AW) [Entered: 11/04/2019 12:21 PM]

11/06/2019 48 Filed (ECF) Attorney Patrick Joseph Carome for Appellee Twitter, Inc. response to notice for case being considered for oral argument. Date of service: 11/06/2019. [11491047] [18-17192] (Carome, Patrick) [Entered: 11/06/2019 12:31 PM]

- 11/06/2019 49 Filed (ECF) Attorney Brian M. Willen for Appellee Google LLC response to notice for case being considered for oral argument. Date of service: 11/06/2019. [11491807] [18-17192] (Willen, Brian) [Entered: 11/06/2019 05:41 PM]
- 11/07/2019 50 Filed (ECF) Attorney Daniel Weininger for Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh response to notice for case being considered for oral argument. Date of service: 11/07/2019. [11492430] [18-17192] (Weininger, Daniel) [Entered: 11/07/2019 11:20 AM]
- 11/07/2019 51 Filed (ECF) Attorney Ms. Kristin Andrea Linsley, Esquire for Appellee Facebook, Inc. response to notice for case being considered for oral argument. Date of service: 11/07/2019. [11492747] [18-17192] (Linsley, Kristin) [Entered: 11/07/2019 01:34 PM]
- 01/12/2020 52 Notice of Oral Argument on Thursday, March 26, 2020 - 09:30 A.M. - Courtroom 1 - San Francisco CA.

View the Oral Argument Calendar for your case [here](#).

Be sure to review the GUIDELINES for important information about your hearing, including when to arrive (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in

advance of the hearing as possible).

If you are the specific attorney or self-represented Party who will be arguing, use the **ACKNOWLEDGMENT OF HEARING NOTICE** filing type in CM/ECF no later than 21 days before Thursday, March 26, 2020. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[11558823]. [Array, 18-17192] (AW) [Entered: 01/12/2020 06:12 AM]

- 02/25/2020 53 Filed (ECF) Appellee Twitter, Inc. Joint Motion for miscellaneous relief [to Consolidate Oral Argument]. Date of service: 02/25/2020. [11608248] [18-17192] (Carome, Patrick) [Entered: 02/25/2020 12:41 PM]
- 02/27/2020 54 Filed clerk order (Deputy Clerk: AF): Appellants and Appellees' Joint Motions to Consolidate Oral Argument are GRANTED. Oral argument time for the above-captioned cases on Thursday, March 26, 2020 in San Francisco is set as follows: Counsel for Plaintiffs-Appellants Taamneh and Clayborn will argue first, followed by counsel for Defendants-Appellees Twitter, Inc., Facebook, Inc., and Google LLC. Appellants and Appellees will each be given twenty minutes. [11611445] [18-17192, 19-15043] (AF) [Entered: 02/27/2020 02:33 PM]
- 03/04/2020 55 Filed (ECF) Acknowledgment of hear-

ing notice by Attorney Daniel Weininger for Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh. Hearing in San Francisco on 03/26/2020 at 09:30 A.M. (Courtroom: Courtroom 1). Filer sharing argument time: No. (Argument minutes: 20.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 03/04/2020. [11617337] [18-17192] (Weininger, Daniel) [Entered: 03/04/2020 08:11 AM]

03/05/2020 56 Filed (ECF) Acknowledgment of hearing notice by Attorney Ms. Kristin Andrea Linsley, Esquire for Appellee Facebook, Inc.. Hearing in San Francisco on 03/26/2020 at 09:30 A.M. (Courtroom: Courtroom 1). Filer sharing argument time: No. (Argument minutes: 20.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 03/05/2020. [11620115] [18-17192] (Linsley, Kristin) [Entered: 03/05/2020 06:30 PM]

03/17/2020 57 Filed (ECF) Acknowledgment of hearing notice by Attorney Ari Holtzblatt for Appellee Twitter, Inc.. Hearing in San Francisco on 03/26/2020 at 09:30 A.M. (Courtroom: Courtroom 1, 3rd Floor Room 338). Filer sharing argument time: Yes. (Argument minutes:

0.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 03/17/2020. [11632762] [18-17192] (Holtzblatt, Ari) [Entered: 03/17/2020 02:26 PM]

- 03/17/2020 58 Filed (ECF) Acknowledgment of hearing notice by Attorney Brian M. Willen for Appellee Google LLC. Hearing in San Francisco on 03/26/2020 at 09:30 A.M. (Courtroom: Courtroom: Courtroom 1, 3rd Floor Room 338). Filer sharing argument time: Yes. (Argument minutes: 0.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 03/17/2020. [11632998] [18-17192] (Willen, Brian) [Entered: 03/17/2020 03:51 PM]
- 03/25/2020 59 Filed (ECF) Appellees Facebook, Inc., Google LLC and Twitter, Inc. citation of supplemental authorities. Date of service: 03/25/2020. [11641435] [18-17192] (Linsley, Kristin) [Entered: 03/25/2020 11:51 AM]
- 03/26/2020 60 ARGUED AND SUBMITTED TO RONALD M. GOULD, MARSHA S. BERZON and MORGAN B. CHRISTEN. [11642806] (RL) [Entered: 03/26/2020 01:18 PM]
- 03/26/2020 61 Filed Audio recording of oral argument.

Note: Video recordings of public argument calendars are available on the Court's website, at <http://www.ca9.uscourts.gov/media/> [11653821] (BJK) [Entered: 04/07/2020 10:34 AM]

- 05/22/2020 62 Filed (ECF) Appellee Google LLC citation of supplemental authorities. Date of service: 05/22/2020. [11699551] [18-17192] (Willen, Brian) [Entered: 05/22/2020 03:13 PM]
- 08/12/2020 63 Terminated Joseph Friedman Tartakovsky for Facebook, Inc. in 18-17192 (due to incorrect ECF contact information) [11786451] (RY) [Entered: 08/12/2020 12:00 PM]
- 06/22/2021 64 FILED OPINION (RONALD M. GOULD, MARSHA S. BERZON and MORGAN B. CHRISTEN) Amicus Electronic Frontier Foundation (EFF) moves to file an amicus brief in this appeal. We grant the motion, and grant the Gonzalez Plaintiffs' motion to file an oversized reply brief in order to respond to EFF. The judgment in No. 18-16700 is AFFIRMED. The judgment in No. 18-17192 is REVERSED AND REMANDED. The judgment in No. 19-15043 is AFFIRMED. Opinion by Judge Christen; Concurrence by Judge Berzon; Partial Concurrence and Partial Dissent by Judge Gould. FILED AND ENTERED JUDGMENT. [12150326] [18-16700, 18-

17192, 19-15043]--[Edited (corrections issued to majority opinion) 06/24/2021 by AKM] (AKM) [Entered: 06/22/2021 08:53 AM]

- 06/28/2021 65 Filed (ECF) Appellee Twitter, Inc. Unopposed Motion to extend time to file petition for rehearing until 07/27/2021. Date of service: 06/28/2021. [12156881] [18-17192] (Carome, Patrick) [Entered: 06/28/2021 07:34 PM]
- 06/30/2021 66 Filed order (RONALD M. GOULD, MARSHA S. BERZON and MORGAN B. CHRISTEN) Appellees' motion to extend time to petition for rehearing en banc, ECF [65], is GRANTED. The deadline to file a petition for rehearing is extended to July 27, 2021. [12158894] (OC) [Entered: 06/30/2021 10:26 AM]
- 07/15/2021 67 Filed (ECF) Appellee Facebook, Inc. Unopposed Motion to extend time to file petition for rehearing until 08/03/2021. Date of service: 07/15/2021. [12174085] [18-17192] (Linsley, Kristin) [Entered: 07/15/2021 06:17 PM]
- 07/19/2021 68 Filed order (RONALD M. GOULD, MARSHA S. BERZON and MORGAN B. CHRISTEN): The unopposed motion for extension of time to file a petition for rehearing in Taamneh v. Twitter, No. 18-17192, ECF 67, is GRANTED. For the court's conven-

ience, the deadlines to petition for rehearing/rehearing en banc in Gonzalez v. Google, No. 18-16700; Taamneh v. Twitter, No. 18-17192; and Clayborn v. Twitter, No. 19-15043, are all extended to August 3, 2021. [12175835] [18-16700, 18-17192, 19-15043] (AF) [Entered: 07/19/2021 10:05 AM]

- 08/03/2021 69 Filed (ECF) notice of appearance of Theodore J. Boutrous Jr. (Gibson, Dunn & Crutcher LLP / 333 South Grand Avenue / Los Angeles, CA 90071) for Appellee Facebook, Inc.. Date of service: 08/03/2021. (Party was previously proceeding with counsel.) [12190679] [18-17192] (Boutrous, Theodore) [Entered: 08/03/2021 12:09 PM]
- 08/03/2021 70 Added Attorney(s) Theodore J. Boutrous Jr. for party(s) Appellee Facebook, Inc., in case 18-17192. [12190742] (NAC) [Entered: 08/03/2021 01:02 PM]
- 08/03/2021 71 Filed (ECF) Appellee Twitter, Inc. petition for panel rehearing and petition for rehearing en banc (from 06/22/2021 opinion). Date of service: 08/03/2021. [12191305] [18-17192] (Waxman, Seth) [Entered: 08/03/2021 07:45 PM]
- 08/04/2021 72 Filed (ECF) notice of appearance of Steffen N. Johnson (Wilson Sonsini Goodrich & Rosati, PC., 1700 K Street, NW, Washington, D.C. 20006) for Appellee Google LLC. Date of service:

- 08/04/2021. (Party was previously proceeding with counsel.) [12191402] [18-17192] (Johnson, Steffen) [Entered: 08/04/2021 08:03 AM]
- 08/04/2021 73 Added Attorney(s) Steffen Nathanael Johnson for party(s) Appellee Google LLC, in case 18-17192. [12191403] (NAC) [Entered: 08/04/2021 08:07 AM]
- 08/13/2021 74 Submitted (ECF) Amicus brief for review (by government or with consent per FRAP 29(a)). Submitted by Chamber of Commerce of the United States of America. Date of service: 08/13/2021. [12200464] [18-17192] (Pincus, Andrew) [Entered: 08/13/2021 08:36 AM]
- 08/13/2021 75 Entered appearance of Amicus Curiae Chamber of Commerce of the United States of America. [12200601] (SML) [Entered: 08/13/2021 09:40 AM]
- 08/13/2021 76 Filed clerk order: The amicus brief [74] submitted by Chamber of Commerce of the United States of America is filed. No paper copies are required. [12200615] (SML) [Entered: 08/13/2021 09:50 AM]
- 08/20/2021 77 Filed order (RONALD M. GOULD, MARSHA S. BERZON and MORGAN B. CHRISTEN) Appellants are directed to file a response to the Petition for Rehearing En Banc filed with this court. The response shall not exceed fifteen (15) pages or 4200 words,

and shall be filed within 21 days of the date of this order. Parties who are registered for Appellate ECF must file the response electronically without submission of paper copies. Parties who are not registered Appellate ECF filers must file the original response plus 50 paper copies. [12207318] (OC) [Entered: 08/20/2021 01:02 PM]

- 08/31/2021 78 Filed (ECF) Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh Unopposed Motion to extend time to file a response until 10/01/2021. Date of service: 08/31/2021. [12216353] [18-17192] (Altman, Keith) [Entered: 08/31/2021 11:12 AM]
- 09/01/2021 79 Filed order (RONALD M. GOULD, MARSHA S. BERZON and MORGAN B. CHRISTEN) Appellants' motion to extend time to respond to the petition for rehearing en banc, ECF [78], is GRANTED. The deadline to file a response to the petition for rehearing is extended to October 1, 2021. [12217370] (OC) [Entered: 09/01/2021 08:50 AM]
- 10/01/2021 80 Filed (ECF) Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh response to Combo PFR Panel and En Banc (ECF Filing), Combo PFR Panel and En Banc (ECF Filing) for panel and en banc rehearing, for panel and en banc

- rehearing (statistical entry). Date of service: 10/01/2021. [12244595]. [18-17192] (Altman, Keith) [Entered: 10/01/2021 07:52 AM]
- 10/19/2021 81 Filed (ECF) Notice of withdrawal of counsel. Filed by Attorney Daniel Weininger for Appellants Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh and Sara Taamneh. Party proceeding without counsel: No. Date of service: 10/19/2021. [12260849] [18-17192] (Weininger, Daniel) [Entered: 10/19/2021 06:52 AM]
- 10/19/2021 82 Terminated Daniel Weininger for Sara Taamneh, Mehier Taamneh, Lawrence Taamneh and Dimana Taamneh in 18-17192 [12260861] (NAC) [Entered: 10/19/2021 07:13 AM]
- 12/27/2021 83 Filed order (RONALD M. GOULD, MARSHA S. BERZON and MORGAN B. CHRISTEN) The panel has unanimously voted to deny Defendants-Appellees' petition for panel rehearing and rehearing en banc. The full court has been advised of Defendants-Appellees' petition for rehearing en banc, and no judge of the court has requested a vote on the petition for rehearing en banc. Fed. R. App. P. 35. The petition for rehearing and rehearing en banc is DENIED. [12324894] (OC) [Entered: 12/27/2021 09:41 AM]
- 12/31/2021 84 Filed (ECF) Appellee Twitter, Inc. Unopposed Motion for miscellaneous

relief [to Extend the Time for Issuance of the Mandate]. Date of service: 12/31/2021. [12328331] [18-17192] (Carome, Patrick) [Entered: 12/31/2021 03:55 PM]

- 01/03/2022 85 Filed order (RONALD M. GOULD, MARSHA S. BERZON and MORGAN B. CHRISTEN) Defendants-Appellees unopposed motion to extend the time for issuance of the mandate (dkt. #84) is GRANTED in part. We grant an extension of time for issuance of the mandate by ten days. The mandate will now issue on January 13, 2022. [12329933] (HH) [Entered: 01/03/2022 05:31 PM]
- 01/13/2022 86 MANDATE ISSUED.(RMG, MSB and MBC) [12339580] (NAC) [Entered: 01/13/2022 07:34 AM]
- 03/17/2022 87 Received copy of Supreme Court of the United States order filed on 03/14/2022. The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Kagan, who on March 14, 2022, extended the time to and including May 26, 2022 [12398243] (NAC) [Entered: 03/17/2022 03:26 PM]
- 06/01/2022 88 **Supreme Court Case Info**
Case number: 21-1496
Filed on: 05/26/2022
Cert Petition Action 1: Pending
[12460846] (RL) [Entered: 06/01/2022

10/03/2022 11:08 AM]
89 **Supreme Court Case Info**
Case number: 21-1496
Filed on: 05/26/2022
Cert Petition Action 1: Granted,
10/03/2022 [12554566] (DJV) [Entered:
10/03/2022 01:21 PM]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO)

DOCKET FOR CASE #: 3:17-cv-04107-EMC

Date Filed	#	Docket Text
07/20/2017	<u>1</u>	COMPLAINT against Facebook, Inc., Google, Inc., Twitter, Inc. (Filing fee \$ 400, receipt number 0971-11562572.)(jury demand). Filed by Sara Taamneh, Mehier Taamneh, Dimana Taamneh, Lawrence Taamneh. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Altman, Keith) (Filed on 7/20/2017) Modified on 7/21/2017 (jmlS, COURT STAFF). (Entered: 07/20/2017)
07/20/2017	<u>2</u>	COMPLAINT (<i>Corrected</i>) against Facebook, Inc., Google, Inc., Twitter, Inc.. Filed by Sara Taamneh, Mehier Taamneh, Dimana Taamneh, Lawrence Taamneh. (Altman, Keith) (Filed on 7/20/2017) (Entered: 07/20/2017)
07/20/2017	<u>3</u>	Case assigned to Magistrate Judge Kandis A. Westmore. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening .

Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 8/3/2017. (srn, COURT STAFF) (Filed on 7/20/2017) (Entered: 07/20/2017)

- 07/21/2017 Electronic filing error. Incorrect event used. Proposed Summons should be filed under the Proposed Summons event. [err101] ONLY ONE SUMMONS MAY BE ISSUED. Please re-file the summons in its entirety with all defendants listed on one summons. Re: [1-2][1-3][1-4] Summons, filed by Sara Taamneh, Mehier Taamneh, Lawrence Taamneh, Di-mana Taamneh (jmlS, COURT STAFF) (Filed on 7/21/2017) (Entered: 07/21/2017)
- 07/21/2017 4 **Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 10/17/2017. Initial Case Management Conference set for 10/24/2017 01:30 PM in Courtroom 4, 3rd Floor, Oakland.** (jmlS, COURT STAFF) (Filed on 7/21/2017) (Entered: 07/21/2017)
- 07/21/2017 5 Proposed Summons. (Altman, Keith) (Filed on 7/21/2017) (Entered: 07/21/2017)

- 07/21/2017 6 Summons Issued as to Facebook, Inc., Google, Inc., Twitter, Inc.. (jmlS, COURT STAFF) (Filed on 7/21/2017) (Entered: 07/21/2017)
- 08/03/2017 7 CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh, Sara Taamneh.. (Altman, Keith) Filed on 8/3/2017 (Entered: 08/03/2017)
- 09/14/2017 8 NOTICE of Appearance by Mark D. Flanagan (Flanagan, Mark) (Filed on 9/14/2017) (Entered: 09/14/2017)
- 09/14/2017 9 MOTION for leave to appear in Pro Hac Vice *by Seth Waxman* (Filing fee \$ 310, receipt number 0971-11717591.) filed by Twitter, Inc.. (Waxman, Seth) (Filed on 9/14/2017) Modified on 9/15/2017 (cjlS, COURT STAFF). (Entered: 09/14/2017)
- 09/14/2017 10 MOTION for leave to appear in Pro Hac Vice *by Patrick Carome* (Filing fee \$ 310, receipt number 0971-11717619.) filed by Twitter, Inc.. (Carome, Patrick) (Filed on 9/14/2017) Modified on 9/15/2017 (cjlS, COURT STAFF). (Entered: 09/14/2017)
- 09/14/2017 11 MOTION for leave to appear in Pro Hac Vice *by Ari Holtzblatt* (Filing fee \$ 310, receipt number 0971-11717641.) filed by Twitter, Inc.. (Holtzblatt, Ari) (Filed on 9/14/2017) Modified on 9/15/2017 (cjlS, COURT STAFF). (Entered: 09/14/2017)
- 09/14/2017 12 Certificate of Interested Entities by Twitter, Inc. (Flanagan, Mark) (Filed

- on 9/14/2017) (Entered: 09/14/2017)
- 09/18/2017 13 ORDER by Judge Kandis A. Westmore granting 9 Motion for Pro Hac Vice re Seth Waxman. (kawlc, COURT STAFF) (Filed on 9/18/2017) (Entered: 09/18/2017)
- 09/18/2017 14 ORDER by Judge Kandis A. Westmore granting 10 Motion for Pro Hac Vice re Patrick Carome. (kawlc, COURT STAFF) (Filed on 9/18/2017) (Entered: 09/18/2017)
- 09/18/2017 15 ORDER by Judge Kandis A. Westmore granting 11 Motion for Pro Hac Vice re Ari Holtzblatt. (kawlc, COURT STAFF) (Filed on 9/18/2017) (Entered: 09/18/2017)
- 09/19/2017 16 WAIVER OF SERVICE Returned Executed filed by Sara Taamneh, Mehier Taamneh, Dimana Taamneh, Lawrence Taamneh. Service waived by Twitter, Inc. waiver sent on 7/24/2017, answer due 9/22/2017. (Altman, Keith) (Filed on 9/19/2017) (Entered: 09/19/2017)
- 09/19/2017 17 WAIVER OF SERVICE Returned Executed filed by Sara Taamneh, Mehier Taamneh, Dimana Taamneh, Lawrence Taamneh. Service waived by Google, Inc. waiver sent on 7/24/2017, answer due 9/22/2017. (Altman, Keith) (Filed on 9/19/2017) (Entered: 09/19/2017)
- 09/19/2017 18 WAIVER OF SERVICE Returned Executed filed by Sara Taamneh, Mehier Taamneh, Dimana Taamneh, Lawrence Taamneh. Service waived

by Facebook, Inc. waiver sent on 7/24/2017, answer due 9/22/2017. (Altman, Keith) (Filed on 9/19/2017) (Entered: 09/19/2017)

- 09/19/2017 19 NOTICE of Appearance by David H. Kramer, *Lauren Gallo White, and Kelly M Knoll for Defendant Google Inc.* (Kramer, David) (Filed on 9/19/2017) (Entered: 09/19/2017)
- 09/19/2017 20 Certificate of Interested Entities by Google, Inc. identifying Corporate Parent Alphabet Inc. for Google, Inc.. (Kramer, David) (Filed on 9/19/2017) (Entered: 09/19/2017)
- 09/20/2017 21 NOTICE of Appearance by Kristin Andrea Linsley, Esq *for Defendant Facebook, Inc.* (Linsley, Kristin) (Filed on 9/20/2017) (Entered: 09/20/2017)
- 09/20/2017 22 NOTICE of Appearance by Ryan Paul McGinley-Stempel *as Counsel for Defendant Facebook, Inc.* (McGinley-Stempel, Ryan) (Filed on 9/20/2017) (Entered: 09/20/2017)
- 09/20/2017 23 STIPULATION *to Extend Time for Defendants to Answer or Otherwise Respond to the Complaint* filed by Twitter, Inc.. (Carome, Patrick) (Filed on 9/20/2017) (Entered: 09/20/2017)
- 09/21/2017 24 CLERK'S NOTICE Re: Consent or Declination: Defendants shall file a consent or declination to proceed before a magistrate judge. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at:

<http://cand.uscourts.gov/civilforms>.
Consent/Declination due by 10/5/2017.
(sisS, COURT STAFF) (Filed on
9/21/2017) (Entered: 09/21/2017)

09/25/2017 25 CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Google, Inc... (Kramer, David) (Filed on 9/25/2017) (Entered: 09/25/2017)

09/26/2017 26 CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned.

ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED.

This is a text only docket entry; there is no document associated with this notice. (sisS, COURT STAFF) (Filed on 9/26/2017) (Entered: 09/26/2017)

09/26/2017 27 **ORDER REASSIGNING CASE. Case reassigned to Judge Edward M. Chen for all further proceedings.**

Magistrate Judge Kandis A. Westmore no longer assigned to the case. This case is assigned to a judge who participates in the Cameras in the Courtroom Pilot Project. See General Order 65 and <http://cand.uscourts.gov/cameras>. Signed by Executive Committee on 9/26/2017. Attachments: # 1 Notice of Eligibility for Video Recording)(jmlS, COURT STAFF) (Filed on 9/26/2017) (Entered: 09/26/2017)

- 10/03/2017 28 ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Holtzblatt, Ari) (Filed on 10/3/2017) (Entered: 10/03/2017)
- 10/03/2017 29 NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Carome, Patrick) (Filed on 10/3/2017) (Entered: 10/03/2017)
- 10/03/2017 30 ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options *for Defendant Google Inc.* (Kramer, David) (Filed on 10/3/2017) (Entered: 10/03/2017)
- 10/03/2017 31 NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Kramer, David) (Filed on 10/3/2017) (Entered: 10/03/2017)
- 10/03/2017 32 ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options *for Defendant Facebook, Inc.* (McGinley-Stempel, Ryan) (Filed on 10/3/2017) (Entered: 10/03/2017)
- 10/03/2017 33 NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (McGinley-Stempel, Ryan) (Filed on 10/3/2017)

(Entered: 10/03/2017)

- 10/06/2017 34 **CASE MANAGEMENT SCHEDULING ORDER: Initial Case Management Conference set for 11/28/2017 09:30 AM in Courtroom 5, 17th Floor, San Francisco. Case Management Statement due by 11/21/2017.. Signed by Judge Edward M. Chen on 10/6/17. (bpfS, COURT STAFF) (Filed on 10/6/2017)**
- 10/12/2017 35 **STIPULATION WITH PROPOSED ORDER *to Reflect Name Change from Google Inc. to Google LLC* filed by Google, Inc.. (White, Lauren) (Filed on 10/12/2017) (Entered: 10/12/2017)**
- 10/12/2017 36 **Certificate of Interested Entities by Google, Inc. identifying Corporate Parent Alphabet Inc., Corporate Parent XXVI Holdings Inc. for Google, Inc.. re 20 Certificate of Interested Entities *re Google LLC's Supplemental Certification of Interested Entities or Persons* (White, Lauren) (Filed on 10/12/2017) (Entered: 10/12/2017)**
- 10/17/2017 37 **ADR Clerk's Notice Setting ADR Phone Conference on Wednesday, November 1, 2017, at 1:00 PM Pacific time. Please note that you must be logged into an ECF account of counsel of record in order to view this document. (af, COURT STAFF) (Filed on 10/17/2017) (Entered: 10/17/2017)**
- 10/24/2017 38 **Order by Judge Edward M. Chen granting 35 Stipulation and Order to Reflect Name Change From Google Inc. to Google LLC.(afmS, COURT**

- STAFF) (Filed on 10/24/2017) (Entered: 10/24/2017)
- 10/30/2017 39 Certificate of Interested Entities by Facebook, Inc. (Linsley, Kristin) (Filed on 10/30/2017) (Entered: 10/30/2017)
- 10/31/2017 40 MOTION to Stay *Proceedings*; Memorandum of Points and Authorities in Support Thereof filed by Facebook, Inc., Google LLC, Twitter, Inc. Motion Hearing set for 12/7/2017 01:30 PM in Courtroom 5, 17th Floor, San Francisco before Judge Edward M. Chen. Responses due by 11/14/2017. Replies due by 11/21/2017. (Attachments:# 1 Proposed Order)(White, Lauren) (Filed on 10/31/2017) Modified on 11/1/2017 (slhS, COURT STAFF). (Entered: 10/31/2017)
- 11/01/2017 41 STIPULATION *for Extension of Time to Respond to Complaint* filed by Google LLC. (White, Lauren) (Filed on 11/1/2017) (Entered: 11/01/2017)
- 11/02/2017 42 ADR Remark: ADR Phone Conference held on 11/1/2017 by Howard Herman. (af, COURT STAFF) (Filed on 11/2/2017) (*This is a text-only entry generated by the court. There is no document associated with this entry.*) (Entered: 11/02/2017)
- 11/02/2017 43 CLERK'S NOTICE. Motion to Stay Hearing reset from 12/7/2017 to 12/14/2017 01:30 PM in Courtroom 5, 17th Floor, San Francisco before Judge Edward M. Chen. Initial Case Management Conference reset from 11/28/2017 to 12/14/2017 01:30 PM in Courtroom 5, 17th Floor, San Francis-

- co. Case Management Statement due by 12/7/2017. (*This is a text-only entry generated by the court . There is no document associated with this entry.*) (bpfS, COURT STAFF) (Filed on 11/2/2017) (Entered: 11/21/2017)
- 11/14/2017 44 OPPOSITION/RESPONSE (re 40 MOTION to Stay *Proceedings*) filed by Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh, Sara Taamneh. (Altman, Keith) (Filed on 11/14/2017) (Entered: 11/14/2017)
- 11/21/2017 45 REPLY in Support (re 40 MOTION to Stay *Proceedings*) filed by Google LLC. (White, Lauren) (Filed on 11/21/2017) Modified on 11/22/2017 (slhS, COURT STAFF). (Entered: 11/21/2017)
- 12/07/2017 46 STIPULATION WITH PROPOSED ORDER to Stay *Proceedings* filed by Google LLC. (Attachments: # 1 Declaration of Lauren Gallo White)(White, Lauren) (Filed on 12/7/2017) (Entered: 12/07/2107)
- 12/07/2017 47 JOINT CASE MANAGEMENT STATEMENT filed by Twitter, Inc.. (Holtzblatt, Ari) (Filed on 12/7/2017) (Entered: 12/07/2017)
- 12/08/2017 48 STIPULATION AND ORDER re 46 to Stay *Proceedings* filed by Google LLC, Motions terminated: 40 MOTION to Stay *Proceedings* filed by Google LLC, Twitter, Inc., Facebook, Inc. Case Management Statement due by 2/22/2018. Initial Case Management Conference set for 3/1/2018 09:30 AM in Courtroom 5,

17th Floor, San Francisco. Signed by Judge Edward M. Chen on 12/8/17. (bpfS, COURT STAFF) (Filed on 12/8/2017) (Entered: 12/08/2017)

- 02/22/2018 49 JOINT CASE MANAGEMENT STATEMENT (*Updated Joint Case Management Conference Statement*) filed by Twitter, Inc.. (Holtzblatt, Ari) (Filed on 2/22/2018) (Entered: 02/22/2018)
- 02/23/2018 50 STIPULATION WITH PROPOSED ORDER (*Joint*) filed by Twitter, Inc.. (Attachments:# 1 Declaration Ari Holtzblatt in Support)(Holtzblatt, Ari) (Filed on 2/23/2018) (Entered: 02/23/2018)
- 02/27/2018 51 STIPULATION AND ORDER re 51 RESETTING CMC TO 5/31/2018 AT 9:30 A.M. filed by Twitter, Inc. Signed by Judge Edward M. Chen on 2/27/18. (bpf, COURT STAFF) (Filed on 2/27/2018) (Entered: 02/27/2018)
- 02/27/2018 Set/Reset Hearing, Set/Reset Deadlines: Initial Case Management Conference set for 5/31/2018 09:30 AM in San Francisco, Courtroom 05, 17th Floor. Case Management Statement due by 5/24/2018. (bpf, COURT STAFF) (Filed on 2/27/2018) (Entered: 02/27/2018)
- 04/06/2018 52 NOTICE of Change In Counsel by Kristin A. Linsley, Esq *for Defendant Facebook, Inc.* (Linsley, Kristin) (Filed on 4/6/2018) (Entered: 04/06/2018)
- 05/04/2018 53 MOTION to Dismiss *Corrected Complaint* filed by Facebook, Inc.. Motion Hearing set for 6/14/2018 01:30 PM in

San Francisco, Courtroom 05, 17th Floor before Judge Edward M. Chen. Responses due by 5/18/2018. Replies due by 5/25/2018. (Attachments: # 1 Proposed Order)(Linsley, Kristin) (Filed on 5/4/2018) (Entered: 05/04/2018)

- 05/15/2018 54 CLERK'S NOTICE Case Management Statement due by 6/7/2018. Initial Case Management Conference reset for 6/14/2018 01:30 PM in San Francisco, Courtroom 05, 17th Floor.. *(This is a text -only entry generated by the court . There is no document associated with this entry.)* (bpf, COURT STAFF) (Filed on 5/15/2018) (Entered 05/15/2018)
- 05/16/2018 55 FIRST AMENDED COMPLAINT against Facebook, Inc., Google, Inc., Twitter, Inc.. Filed by Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh, Sara Taamneh. (Altman, Keith) (Filed on 5/16/2018) Modified on 5/17/2018 (slhS, COURT STAFF). (Entered: 05/16/2018)
- 05/17/2018 56 NOTICE of Appearance by Joseph Abraham Gorman (Gorman, Joseph) (Filed on 5/17/2018) (Entered: 05/17/2018)
- 05/23/2018 57 Notice of Withdrawal of Motion *To Dismiss* (Linsley, Kristin) (Filed on 5/23/2018) (Entered: 05/23/2018)
- 05/24/2018 58 STIPULATION *for Extension of Time to Respond to First Amended Complaint* filed by Google LLC. (White, Lauren) (Filed on 5/24/2018)

(Entered: 05/24/2018)

- 05/24/2018 59 STIPULATION WITH PROPOSED ORDER *for Extension of Time* filed by Google LLC. (White, Lauren) (Filed on 5/24/2018) (Entered: 05/24/2018)
- 05/24/2018 60 Declaration of Lauren Gallo White in Support of 59 STIPULATION WITH PROPOSED ORDER *for Extension of Time* filed by Google LLC. (Related document(s) 59) (White, Lauren) (Filed on 5/24/2018) (Entered: 05/24/2018)
- 05/29/2018 61 STIPULATION AND ORDER re 52 STIPULATION WITH PROPOSED ORDER *for Extension of Time* filed by Google LLC. Case Management Statement due by 8/9/2018. Initial Case Management Conference reset for 8/16/2018 01:30 PM in San Francisco, Courtroom 05, 17th Floor. Signed by Judge Edward M. Chen on 5/29/18. (bpfS, COURT STAFF) (Filed on 5/29/2018) (Entered: 05/29/2018)
- 06/06/2018 62 MOTION to Dismiss *First Amended Complaint Pursuant to Fed . R. Civ . P. 12(b)(6)* filed by Google LLC. Motion Hearing set for 8/16/2018 01:30 PM in San Francisco, Courtroom 05, 17th Floor before Judge Edward M. Chen. Responses due by 7/6/2018. Replies due by 7/27/2018. (Attachments: # 1 Proposed Order)(Kramer, David) (Filed on 6/6/2018) (Entered: 06/06/2018)

- 07/06/2018 63 Joint MOTION for Extension of Time to File Response/Reply as to 62 MOTION to Dismiss *First Amended Complaint Pursuant to Fed . R. Civ . P. 12(b)(6)* filed by Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh, Sara Taamneh. (Altman, Keith) (Filed on 7/6/2018) (Entered: 07/06/2018)
- 07/10/2018 64 ORDER by Judge Edward M. Chen granting 63 Motion for Extension of Time to File Response/Reply. (bpfS, COURT STAFF) (Filed on 7/10/2018) (Entered: 07/10/2018)
- 07/26/2018 65 STIPULATION WITH PROPOSED ORDER *Stipulation and Proposed Order for Extension of Time* filed by Facebook, Inc.. (Linsley, Kristin) (Filed on 7/26/2018)
- 07/27/2018 Set/Reset Deadlines as to 62 MOTION to Dismiss. Responses due by 8/6/2018. Replies due by 8/23/2018. Motion Hearing set for 9/6/2018 01:30 PM in San Francisco, Courtroom 05, 17th Floor before Judge Edward M. Chen. (tlhS, COURT STAFF) (Filed on 7/27/2018) (Entered: 07/27/2018)
- 07/27/2018 66 STIPULATION AND ORDER FOR EXTENSION OF TIME: granting 65 Stipulation by Judge Edward M. Chen. Case Management Statement due by 8/30/2018. Initial Case Management Conference set for 9/6/2018 01:30 PM in San Francisco, Courtroom 05, 17th Floor. (tlhS, COURT STAFF) (Filed on 7/27/2018) (Entered: 07/27/2018)

- 08/01/2018 67 OPPOSITION/RESPONSE (re 62 MOTION to Dismiss *First Amended Complaint Pursuant to Fed . R. Civ. P. 12(b)(6)*) filed by Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh, Sara Taamneh. (Altman, Keith) (Filed on 8/1/2018) (Entered: 08/01/2018)
- 08/14/2018 68 MOTION for leave to appear in Pro Hac Vice for *Brian M. Willen for Defendant Google LLC* (Filing fee \$ 310, receipt number 0971-12593758.) filed by Google LLC. (Willen, Brian) (Filed on 8/14/2018) (Entered: 08/14/2018)
- 08/23/2018 69 REPLY MEMORANDUM in Support (re 62 MOTION to Dismiss *First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)*) (*Reply Memorandum in Support of Defendants' Motion to Dismiss First Amended Complaint*) filed by Twitter, Inc.. (Carome, Patrick) (Filed on 8/23/2018) Modified on 8/24/2018 (slhS, COURT STAFF) (Entered: 08/23/2018)
- 08/29/2018 70 Order by Judge Edward M. Chen granting 68 Motion for Pro Hae Vice.(afmS, COURT STAFF) (Filed on 8/29/2018) (Entered: 08/29/2018)
- 08/29/2018 71 JOINT CASE MANAGEMENT STATEMENT (*Second Updated Joint Case Management Conference Statement*) filed by Twitter, Inc.. (Holtzblatt, Ari) (Filed on 8/29/2018) (Entered: 08/29/2018)
- 09/06/2018 72 Minute Entry for proceedings held before Judge Edward M. Chen: Motion Hearing held on 9/6/2018 re 62 MOTION to Dismiss *First Amended*

Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) filed by Google LLC. Matter taken under submission.

Total Time in Court: 58 Minutes.
Court Reporter: Lydia Zinn.

Plaintiff Attorney: Keith Altman.
Defendant Attorneys: Kristin Linsley, Joseph Gorman, Brian Willen, Patrick Carome, Ari Holtzblatt.

(This is a text-only entry generated by the court. There is no document associated with this entry.) (afmS, COURT STAFF) (Date Filed: 9/6/2018) (Entered: 09/06/2018)

09/14/2018 73 TRANSCRIPT ORDER for proceedings held on 9/6/2018 before Judge Edward M. Chen by Google LLC, for Court Reporter Lydia Zinn. (Willen, Brian) (Filed on 9/14/2018) (Entered: 09/14/2018)

09/20/2018 74 Transcript of Proceedings held on 9/6/2018, before Judge Edward M. Chen. Court Reporter/Transcriber Lydia Zinn, telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re 73 Transcript Order) Redacted Tran-

- script Deadline set for 10/22/2018. Release of Transcript Restriction set for 12/19/2018. (Related documents(s) 73) (Zinn, Lydia) (Filed on 9/20/2018) (Entered: 09/20/2018)
- 10/29/2018 75 **ORDER by Judge Edward M. Chen Granting 62 Defendants' Motion to Dismiss. (emcsec, COURT STAFF) (Filed on 10/29/2018) (Entered: 10/29/2018)**
- 10/29/2018 76 **JUDGMENT. Signed by Judge Edward M. Chen on 10/29/2018. (emcsec, COURT STAFF) (Filed on 10/29/2018) (Entered: 10/29/2018)**
- 11/13/2018 77 **NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Dimana Taamneh, Lawrence Taamneh, Mehier Taamneh, Sara Taamneh. Appeal of Order on Motion to Dismiss 75 , Judgment 76 (Appeal fee of \$505 receipt number 0971-12840599 paid.) (Altman, Keith) (Filed on 11/13/2018) (Entered: 11/13/2018)**
- 06/25/2021 78 **USCA OPINION as to 77 Notice of Appeal to the Ninth Circuit, filed by Sara Taamneh, Mehier Taamneh, Lawrence Taamneh, Dimana Taamneh. (gbaS, COURT STAFF) (Filed on 6/25/2021) (Entered: 06/25/2021)**
- 06/30/2021 79 **ORDER of USCA as to 77 Notice of Appeal to the Ninth Circuit (USCA Case Number 18-17192), filed by Sara Taamneh, Mehier Taamneh, Lawrence Taamneh, Dimana Taamneh (elyS, COURT STAFF) (Filed on 6/30/2021)**

(Entered: 07/01/2021)

- 07/20/2021 80 ORDER of USCA as to 77 Notice of Appeal to the Ninth Circuit, filed by Sara Taamneh, Mehier Taamneh, Lawrence Taamneh, Dimana Taamneh. (gbaS, COURT STAFF) (Filed on 7/20/2021) (Entered: 07/20/2021)
- 08/23/2021 81 ORDER of USCA as to 77 Notice of Appeal to the Ninth Circuit, filed by Sara Taamneh, Mehier Taamneh, Lawrence Taamneh, Dimana Taamneh. (gbaS, COURT STAFF) (Filed on 8/23/2021) (Entered: 08/23/2021)
- 09/01/2021 82 ORDER of USCA as to 77 Notice of Appeal to the Ninth Circuit, filed by Sara Taamneh, Mehier Taamneh, Lawrence Taamneh, Dimana Taamneh (gbaS, COURT STAFF) (Filed on 9/1/2021) (Entered: 09/01/2021)
- 12/27/2021 83 ORDER of USCA as to 77 Notice of Appeal to the Ninth Circuit, filed by Sara Taamneh, Mehier Taamneh, Lawrence Taamneh, Dimana Taamneh. (gba, COURT STAFF) (Filed on 12/27/2021) (Entered: 12/27/2021)
- 01/04/2022 84 ORDER of USCA as to 77 Notice of Appeal to the Ninth Circuit, filed by Sara Taamneh, Mehier Taamneh, Lawrence Taamneh, Dimana Taamneh. (gba, COURT STAFF) (Filed on 1/4/2022) (Entered: 01/04/2022)
- 01/13/2022 85 MANDATE of USCA as to 77. Notice of Appeal to the Ninth Circuit, filed by

Sara Taamneh, Mehier Taamneh, Lawrence Taamneh, Dimana Taamneh. (gba, COURT STAFF) (Filed on 1/13/2022) (Entered: 01/13/2022)

01/13/2022 86 CLERK'S NOTICE Scheduling Status Conference: Status Conference set for 3/8/2022 02:30 PM in San Francisco, - Videoconference Only before Judge Edward M. Chen. This proceeding will be held via a Zoom webinar. Joint Status Report due by 3/1/2022.

Webinar Access: All counsel, members of the public, and media may access the webinar information at <https://www.cand.uscourts.gov/emc>

General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.

Zoom Guidance and Setup: <https://www.cand.uscourts.gov/zoom/>.

(This is a text-only entry generated by the court. There is no document associated with this entry.) (tmi, COURT STAFF) (Filed on 1/13/2022) (Entered: 01/13/2022)

02/16/2022 87 STIPULATION WITH PROPOSED ORDER filed by Twitter, Inc.. (Carome, Patrick) (Filed on 2/16/2022) (Entered: 02/16/2022)

02/17/2022 88 Order by Judge Edward M. Chen granting 87 Stipulation. Status Con-

ference set for 3/8/2022 is hereby vacated. (bxs, COURT STAFF) (Filed on 2/17/2022) (Entered: 02/17/2022)

- 06/01/2022 89 United States Supreme Court Notice that The petition for a writ of certiorari in the above entitled case was filed on May 26, 2022 and placed on the docket May 31, 2022 as No. 21-1496. as to 77 Notice of Appeal to the Ninth Circuit, filed by Sara Taamneh, Mehier Taamneh, Lawrence Taamneh, Dimana Taamneh. (gba, COURT STAFF) (Filed on 6/1/2022) (Entered: 06/01/2022)
- 10/03/2022 90 United States Supreme Court Notice. *The petition for a writ of certiorari is granted.* **21-1496** (wsn, COURT STAFF) (Filed on 10/3/2022) (Entered: 10/03/2022)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEHIER TAAMNEH, LAWRENCE TAAMNEH, DIMANA
TAAMNEH, AND SARA TAAMNEH
Plaintiffs,

-against-

TWITTER, INC., GOOGLE, INC.,
AND FACEBOOK, INC.
Defendants.

Case No: 3:17-cv-04107-EMC
Judge: Hon. Edward M. Chen

FIRST AMENDED COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

NOW COME Plaintiffs, by and through their attorneys, and allege the following against Defendants Twitter, Inc., Google, Inc., and Facebook, Inc. (“Defendants”):

NATURE OF ACTION

1. This is an action for damages against Twitter, Google, and Facebook pursuant to the Antiterrorism Act, 18 U.S.C. § 2333 (“ATA”), as amended by the Justice Against Sponsors of Terrorism Act (“JASTA”), Pub. L. No. 114-222 (2016), for aiding, abetting, and knowingly providing support and resources to ISIS, the notorious designated foreign terrorist organization that carried out the January 1, 2017 terrorist attacks at the Reina nightclub in Istanbul, Turkey that murdered Nawras Alassaf and 38 other innocent civilians and wounded some 69 others.

2. The ATA's civil remedies have served as an important means for enforcing the federal criminal anti-terrorism provisions since the early 1990s.

3. Congress enacted the ATA in October 1992 as a legal complement to criminal penalties against terrorists that kill or injure Americans abroad, specifically intending that the civil provisions would not only provide a mechanism for compensating victims of terror but also serve as an important means of depriving terrorists of financial resources to carry out attacks.

4. Following the bombing of the World Trade Center in New York by *al-Qaeda* in 1993, Congress targeted terrorist resources again by enacting 18 U.S.C. § 2339A in September 1994, making it a crime to provide material support or resources knowing or intending that they will be used in preparing or carrying out terrorist acts.

5. In April 1996, Congress further expanded the effort to cut off resources to terrorists by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide material support or resources to a designated foreign terrorist organization.

6. In the wake of the terror attacks on the United States by al-Qaeda of September 11, 2001 killing nearly 3,000 Americans, Congress amended the "material support" statutes, 18 U.S.C. §§ 2339A-B, via the PATRIOT Act in October 2001 and the Intelligence Reform and Terrorism Prevention Act of 2004, to impose greater criminal penalties for violating these statutes and to expand the definition of "material support or resources" prohibited thereby.

7. In September 2016, Congress amended the ATA's civil provisions to recognize causes of action for

aiding and abetting and conspiring with foreign terrorist organizations who plan, prepare, or carry out acts of international terrorism. The Justice Against Sponsors of Terrorism Act (“JASTA”), Public Law No: 114-222 (09/28/2016) states in relevant part:

Purpose.—The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States. (JASTA 2(b))

8. The terror attacks in this case were carried out by ISIS, a terrorist organization for years closely affiliated with *al-Qaeda*, but from which *al-Qaeda* separated as being too brutal and extreme.

9. Known at various times as “The al-Zarqawi Network,” “*al-Qaida* in Iraq,” “The Islamic State in Iraq,” “ISIL,” and other official and unofficial names, ISIS has been a designated Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189 (“INF”), since October 2004.

10. By the time of the terror attacks in this case, ISIS had become one of the largest and most widely-recognized and feared terrorist organizations in the world.

11. The expansion and success of ISIS is in large part due to its use of the Defendants’ social media

platforms to promote and carry out its terrorist activities.

12. For years, Defendants have knowingly and recklessly provided the terrorist group ISIS with accounts to use its social networks as a tool for spreading extremist propaganda, raising funds, and attracting new recruits. This material support has been instrumental to the rise of ISIS and has enabled it to carry out or cause to be carried out, numerous terrorist attacks, including January 1, 2017, attack at the Reina nightclub in Istanbul, Turkey, where 69 people were seriously injured and 39 were killed, including Nawras Alassaf.

13. Without Defendants Twitter, Facebook, and Google (YouTube), the explosive growth of ISIS over the last few years into the most feared terrorist group in the world would not have been possible. According to the Brookings Institution, ISIS “has exploited social media, most notoriously Twitter, to send its propaganda and messaging out to the world and to draw in people vulnerable to radicalization.”¹ Using Defendants’ sites, “ISIS has been able to exert an outsized impact on how the world perceives it, by disseminating images of graphic violence (including the beheading of Western journalists and aid workers) ... while using social media to attract new recruits and inspire lone actor attacks.” According to FBI Director James Comey, ISIS has perfected its use of Defendants’ sites to inspire small-scale individual attacks, “to crowdsource terrorism” and “to sell murder.”

¹ <https://www.brookings.edu/blog/markaz/2015/11/09/how-terrorists-recruit-online-and-how-to-stop-it/>

14. Since first appearing on Twitter in 2010, ISIS accounts on Twitter have grown at an astonishing rate and, until recently, ISIS maintained official accounts on Twitter unfettered. These official accounts included media outlets, regional hubs and well-known ISIS members, some with tens of thousands of followers. For example, Al-Furqan, ISIS's official media wing responsible for producing ISIS's multimedia propaganda, maintained a dedicated Twitter page where it posted messages from ISIS leadership as well as videos and images of beheadings and other brutal forms of executions to 19,000 followers.

15. Likewise, Al-Hayat Media Center, ISIS's official public relations group, maintained at least a half dozen accounts, emphasizing the recruitment of Westerners. As of June 2014, Al-Hayat had nearly 20,000 followers.



Figure 1 Tweet by Al-Hayat Media Center Account @alhayaten Promoting an ISIS Recruitment Video

16. Another Twitter account, @ISIS_Media_Hub, had 8,954 followers as of September 2014.



Figure 2 ISIS Propaganda Posted on @ISIS_Media_Hub

17. As of December 2014, ISIS had an estimated 70,000 Twitter accounts, at least 79 of which were “official,” and it posted at least 90 tweets every minute.

18. As with Twitter, ISIS has used Google (YouTube) and Facebook in a similar manner.

19. ISIS, in particular, embraced and used Google’s YouTube platform and services as a powerful tool for terrorism.

20. Google’s YouTube media platform and services provide tremendous utility and value to ISIS as a tool to connect its members and to facilitate the terrorist group’s ability to communicate, recruit members, plan and carry out attacks, and strike fear in its enemies.

21. Google’s services have played a uniquely essential role in the development of ISIS’s image, its success in recruiting members from around the world, and its ability to carry out attacks and intimidate its enemies.

22. For example, ISIS uses Google's YouTube platform and services to distribute high-production-quality videos, images, and recordings that make it appear more sophisticated, established, and invincible.

23. ISIS has used YouTube to cultivate and maintain an image of brutality, to instill greater fear and intimidation, and to appear unstoppable, by disseminating videos and images of numerous beheadings and other brutal killings, including setting captives on fire, blowing them up with explosives, slowly lowering them in a cage underwater to drown, and more.

24. In this case, ISIS used Defendants' platforms to specifically threaten Turkey that it would be attacked for participating in a coalition of nations against ISIS, to celebrate smaller attacks leading up to these major attacks, and to transform the operational leader of the Reina attack into a "celebrity" among jihadi terrorists in the year leading up to the Istanbul attack via videos featuring his ISIS exploits in Syria, France and Belgium.

25. ISIS also used Defendants' platforms to celebrate the Istanbul attack, to intensify the intimidation of the attacks, and to claim credit for the attacks.

26. For years, ISIS and its affiliated media production and distribution networks openly maintained and used official Twitter, Facebook, and YouTube accounts with little or no interference. Despite extensive media coverage, complaints, legal warnings, petitions, congressional hearings, and other attention for providing its online social media platforms and communications services to ISIS, prior to the Istanbul attacks Defendants continued to provide these resources and services to ISIS and its affiliates, refusing to actively identify ISIS Twitter, Facebook, and

YouTube accounts, and only reviewing accounts reported by other social media users.

27. Defendants knowingly provided material support and resources to ISIS in the form of Twitter, Facebook, and Google's YouTube platforms and other services, as well as by making personnel available to ISIS.

28. ISIS used and relied on Twitter, Facebook, and YouTube as among its most important tools to facilitate and carry out its terrorist activity, including the terrorist attacks in which ISIS murdered Nawras Alasaf

29. By providing its social media platforms and other online services and personnel to ISIS, Defendants: violated the federal prohibitions on providing material support or resources for acts of international terrorism (18 U.S.C. § 2339A) and providing material support or resources to designated foreign terrorist organizations (18 U.S.C. § 2339B); aided and abetted and conspired with a designated FTO in the commission of acts of international terrorism as defined by 18 U.S.C. § 2331; and committed acts of international terrorism as defined by 18 U.S.C. § 2331. Accordingly, Defendants are liable pursuant to 18 U.S.C. § 2333 to the plaintiffs, who were injured by reason of acts of international terrorism.

30. Plaintiffs' claims are based not upon the content of ISIS's social media postings, but upon Defendants provision of the infrastructure which provides material support to ISIS.

31. Furthermore, Defendants profit from ISIS by placing ads on ISIS's postings. For at least one of

the Defendants, Google, revenue earned from advertising is shared with ISIS.

32. Lastly, Defendants incorporate ISIS's postings to create unique content by combining the ISIS postings with advertisements selected by Defendants based upon ISIS's postings and the viewer looking at the postings and the advertisements.

THE PARTIES

A. The Plaintiffs

33. The Decedent, Nawras Alassaf, was a citizen Jordan at the time of his death.

34. Plaintiff Mehier Taamneh is the brother of Nawras Alassaf. Mehier Taamneh is a national of the United States and is domiciled in Arizona. Furthermore, Mehier Taamneh received direct financial support from Decedent.

35. Plaintiff Lawrence Taamneh is the nephew of Nawras Alassaf. Lawrence Taamneh is a national of the United States and is domiciled in Arizona. Furthermore, Lawrence Taamneh received direct financial support from Decedent.

36. Plaintiff Dimana Taamneh is the niece of Nawras Alassaf. Dimana Taamneh is a national of the United States and is domiciled in Arizona. Furthermore, Dimana Taamneh received direct financial support from Decedent.

37. Plaintiff Sara Taamneh is the Niece of Nawras Alassaf. Sara Taamneh is a national of the United States and is domiciled in Arizona. Furthermore, Sara Taamneh received direct financial support from Decedent.

B. The Defendants

38. Defendant Twitter, Inc. (“Twitter”) is a publicly traded U.S. company incorporated in Delaware, with its principal place of business at 1355 Market Street, Suite 900, San Francisco, California 94103.

39. Defendant Facebook, Inc. (“Facebook”) is a publicly traded U.S. company incorporated in Delaware, with its principal place of business at 1601 Willow Road, Menlo Park, California, 94025.

40. Defendant Google, Inc. (“Google”) is a corporation organized under the laws of Delaware, with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California, 94043. Google owns and operates YouTube. For the purposes of this complaint, Google and YouTube are used interchangeably.

JURISDICTION AND VENUE

41. Defendants are subject to the jurisdiction of this Court. Defendants are at home in the United States because they are Delaware corporations with principal places of business in California. Defendants may be found in this District and have an agent in this District.

42. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 18 U.S.C. §§ 2333 and 2334, as this is a civil action brought by nationals of the United States who have been killed or injured by reason of acts of international terrorism, and/or their estates, survivors, and heirs.

43. Venue is proper in this district pursuant to 18 U.S.C. § 2334(a).

FACTUAL ALLEGATIONS**I. LEGAL BACKGROUND: ANTITERRORISM LEGISLATION****A. The Antiterrorism Act (“ATA”)**

44. In the 1980’s, terrorist groups carried out a number of major terror attacks around the world, killing and injuring many Americans abroad.

45. Among these terror attacks were:

- a. The April 1983 suicide bombing of the U.S. Embassy in Beirut, Lebanon, killing 63 people, including 17 Americans;
- b. The October 1983 suicide bombing of U.S. Marine barracks in Beirut, Lebanon, killing 241 U.S. Marines and injuring more than 100;
- c. The December 1983 terrorist bombings of the U.S. Embassy and the residential quarters of American company Raytheon in Kuwait;
- d. The September 1984 terrorist bombing of a U.S. Embassy annex northeast of Beirut, Lebanon;
- e. The June 1985 hijacking of TWA flight 847;
- f. The October 1985 hijacking of the Achille Lauro cruise ship and murder of wheelchair-bound American Leon Klinghoffer; and
- g. The December 1985 terrorist bombings of the Rome and Vienna airports.

46. In response to these attacks, Congress in 1986 amended the U.S. Criminal Code, Title 18, Part I, to add a new chapter titled, “Extraterritorial Jurisdiction Over Terrorist Acts Abroad Against United States Nationals.”

47. This new chapter contained a new section titled, “Terrorist acts abroad against United States nationals,” providing criminal penalties for killing, conspiring, or attempting to kill a national of the United States, or engaging in physical violence with the intent to cause serious bodily injury to a national of the United States or that results in serious bodily injury to a national of the United States.

48. In addition, Congress later enacted the ATA, which established a private cause of action for U.S. nationals injured by acts of international terrorism, as a legal complement to the criminal penalties against terrorists that kill or injure Americans abroad.

49. In enacting the ATA, Congress specifically intended that the civil cause of action would not only provide a mechanism for compensating victims of terror, but also serve as an important means of depriving terrorists of financial resources to carry out attacks.

50. As the ATA was being considered in Congress, the State Department’s Deputy Legal Advisor, Alan J. Kreczko, testified before the Senate Judiciary Committee’s Subcommittee on Courts and Administrative Practice that this proposed bill “will add to the arsenal of legal tools that can be used against those who commit acts of terrorism against United States citizens abroad.”²

² “Statement of Alan J. Kreczko, Deputy Legal Adviser, On S. 2465: A bill to provide a new civil cause of action in federal

51. The Deputy Legal Advisor also testified:

“[T]his bill will provide general jurisdiction to our federal courts and a cause of action for cases in which an American has been injured by an act of terrorism overseas.

We view this bill as a welcome addition to the growing web of law we are weaving against terrorists. ... The existence of such a cause of action ... may deter terrorist groups from maintaining assets in the United States, from benefiting from investments in the U.S. and from soliciting funds within the U.S. In addition, other countries may follow our lead and implement complimentary national measures, thereby increasing obstacles to terrorist operations.

Moreover, the bill may be useful in situations in which the rules of evidence or standards of proof preclude the U.S. government from effectively prosecuting a criminal case in U.S. Courts. Because a different evidentiary standard is involved in a civil suit, the bill may provide another vehicle for ensuring that terrorists do not escape justice.”³

52. Likewise, Senator Grassley, one of the sponsors of the bill, explained a purpose of ATA’s civil cause of action as follows:

court for terrorist acts abroad against United States nationals,” Before the Subcommittee on Courts and Administrative Practice of the Senate Judiciary Committee (July 25, 1990), <https://www.state.gov/documents/organization/28458.pdf>.

³ *Id.*

“The United States must take a strong stand against terrorism. The Department of State testified that this bill would add to the arsenal of legal tools that can be used against those who commit acts of terrorism against U.S. citizens abroad.

...

Now is the time for action. Now is the time to strengthen our ability to both deter and punish acts of terrorism.

We must make it clear that terrorists’ assets are not welcome in our country. And if they are found, terrorists will be held accountable where it hurts them most: at their lifeline, their funds.”⁴

53. In July 1992, a Senate Committee Report explained that the ATA’s treble damages provision “would interrupt, or at least imperil, the flow of money” to terrorist organizations.⁵

54. In October 1992, Congress enacted ATA’s civil provisions, including 18 U.S.C. § 2333.

B. The “Material Support” Statutes and Regulations

55. On February 26, 1993, a group of *al-Qaeda* terrorists detonated a truck bomb under the North Tower of the World Trade Center in New York City, attempting to cause the collapse of both towers and the death of thousands of Americans.

⁴ 136 Cong. Rec. 26716-26717 (Oct. 1, 1990), <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1990-pt19/pdf/GPO-CRECB-1990-pt19-1.pdf>.

⁵ S. Rep. No. 102-342 at 22 (1992).

56. Although the damage from the World Trade Center bombing was limited, it nevertheless killed six people and injured more than one thousand.

57. In response, Congress again took aim at the resources available to terrorists in September 1994 and enacted 18 U.S.C. § 2339A, making it a crime to provide material support or resources to terrorists, knowing or intending that they would be used for terrorist acts.

58. In April 1996, Congress expanded the prohibition of providing material support or resources to terrorists by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide material support or resources to a designated foreign terrorist organization, without regard to how such support or resources will be used.

59. On the morning of September 11, 2001, several teams of *al-Qaeda* operatives carried out terrorist hijackings of civilian aircraft in the United States with the purpose of crashing them into various targets, causing enormous damage and mass murder (the “9/11 Attacks”).

60. In the course of the 9/11 Attacks, *al-Qaeda* terrorists crashed two aircraft into the World Trade Center towers, causing the fiery collapse of both towers, a third aircraft was crashed into the U.S. military headquarters known as the Pentagon, and a fourth aircraft was crashed into a field.

61. The 9/11 Attacks killed nearly 3,000 people and injured more than 6,000 others, and caused more than \$10 billion in damage to property.

62. On September 23, 2001, in response to the 9/11 Attacks, President George W. Bush issued Execu-

tive Order No. 13224 pursuant to the International Emergency Economic Powers Act, 50 U.S.C. §§ 1701 *et seq.* (“IEEPA”).

63. In Executive Order No. 13224, President Bush found that “grave acts of terrorism and threats of terrorism committed by foreign terrorists ... and the continuing and immediate threat of farther attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States,” and he declared a national emergency to deal with such threats.

64. Executive Order No. 13224 legally blocked all property and interests in property of “Specially Designated Global Terrorists” (“SDGTs”), prohibited the provision of funds, goods, or services for the benefit of SDGTs, and authorized the U.S. Treasury to block the assets of individuals and entities that provide support, services, or assistance to, or otherwise associate with, SDGTs, as well as their subsidiaries, front organizations, agents, and associates.

65. Executive Order No. 13224’s prohibitions remain in effect.

66. Under the IEEPA, violation of Executive Order No. 13224 is a federal criminal offense. *See* 50 U.S.C. § 1705.

67. In the wake of the 9/11 Attacks, Congress passed the “PATRIOT Act” in October 2001 and the “Intelligence Reform and Terrorism Prevention Act of 2004,” which amended the “material support” statutes, 18 U.S.C. §§ 2339A-B, to increase the criminal penalties for violating these statutes and to expand the defi-

dition of “material support or resources” prohibited thereby.

C. The Justice Against Sponsors of Terrorism Act (“JASTA”)

68. In September 2016, Congress enacted JASTA, which amended the ATA’s civil provisions to recognize causes of action for aiding and abetting and conspiring with foreign terrorist organizations who plan, prepare, or carry out acts of international terrorism.

69. In enacting JASTA, Congress made a number of specific findings, including the following:

“Persons, entities, or countries that knowingly or recklessly contribute material support or resources, directly or indirectly, to persons or organizations that pose a significant risk of committing acts of terrorism that threaten the security of nationals of the United States or the national security, foreign policy, or economy of the United States, necessarily direct their conduct at the United States, and should reasonably anticipate being brought to court in the United States to answer for such activities.”⁶

70. Congress also specifically stated that the purpose of JASTA as follows:

“Purpose.—The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have

⁶ JASTA § 2(a)(6).

provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.”⁷

II. ISIS: A DESIGNATED FOREIGN TERRORIST ORGANIZATION

A. Al-Zarqawi and the Internet as a New Weapon in the Global Terrorist’s Arsenal

71. In the late 1980’s, Abu Musab al-Zarqawi (“al-Zarqawi”) left his native Jordan and traveled briefly to Afghanistan to join radical Islamists fighting against Soviet forces at that time.

72. When he returned to Jordan, al-Zarqawi adopted a goal of overthrowing the Jordanian monarchy and establishing an Islamic state in Jordan and formed a local radical Islamist group called *Jund al-Sham*.

73. In 1992, when a cache of guns and explosives were discovered in his home, al-Zarqawi was arrested and imprisoned in Jordan.

74. After his release from prison in 1999, al-Zarqawi returned to Afghanistan, where he met with *al-Qaeda* leader Osama Bin-Laden (“Bin-Laden”) and reportedly received \$200,000 in “seed money” from Bin-Laden to establish a *jihadi* training camp near the border of Iran.

75. Al-Zarqawi soon formed a new radical Islamist terrorist group called “*Jam’at al Tawhid wa’al-Jihad*” (“The Monotheism and Jihad Group”), popularly known as “*al-Tawhid*” or “The Zarqawi Network.”

⁷ JASTA § 2(b).

76. The following is a picture of al-Zarqawi and the al-Tawhid flag:



Figure 3 al-Zarqawi



Figure 4 al-Tawhid flag

77. On September 23, 2003, the U.S. Treasury designated al-Zarqawi as a Specially Designated Global Terrorist (“SDGT”) pursuant to Executive Order No. 13224.

78. Al-Zarqawi’s *al-Tawhid* was based upon a vision of Sunni Islamist eschatology in which violent attacks on non-believers, heretics, and apostates are not only justified but religiously mandated.

79. Al-Zarqawi taught that these attacks would lead to the establishment of an Islamic state and accelerate a global apocalyptic battle in which Islam would ultimately triumph and govern the world.

80. Al-Zarqawi’s successors, including the “Islamic State” today, maintain al-Zarqawi’s vision of Islam, teaching that true Muslims have an obligation to

engage in *jihad* (“holy war”), using intimidation, violence, and killing to establish Sunni Islamic dominance.

81. At the beginning of 2004, Osama bin Laden’s terrorist organization *al-Qaeda*—having carried out the 9/11 Attacks on the United States—was still the dominant symbol of global terrorism.

82. In January 2004, al-Zarqawi reportedly sought to be officially recognized by bin-Laden as part of *al-Qaeda’s* global *jihadi* movement, but without success.

83. Over the course of 2004, al-Zarqawi began to use the Internet to promote his particularly savage form of *jihad* and gain widespread notoriety.

84. While al-Zarqawi was not the first to use the Internet to promote and engage in *jihad*, he is known as a figure who embraced internet technology and communication to promote terrorism, taking terror on the internet to a new level.

85. Al-Zarqawi combined shocking images of graphic violence and cruelty with the Internet to fashion a new psychological weapon in the service of terrorism.

86. Terrorism analyst Rita Katz, director of the SITE Intelligence Group, explained: “While Osama bin Laden traditionally relied on Al Jazeera [satellite television] and the media to disseminate his propaganda, Zarqawi went straight to the internet, which enabled him to produce graphic videos that would never have been shown on the mainstream media.”⁸

⁸ Scott Shane, “Web Used As Tool of Terror,” Sun Sentinel (June 9, 2006), http://articles.sun-sentinel.com/2006-06-09/news/0606081728_1_al-zarqawi-al-jazeera-rita-katz.

87. For example, on May 11, 2004, al-Zarqawi's group posted a link on the *jihadi* internet website forum "*Muntada al-Ansar al-Islami*" ("Forum of the Islamic Supporters") ("*al-Ansar*") to a grainy five-and-a-half-minute video titled, "Sheikh Abu Musab Al-Zarqawi slaughters an American infidel with his own hands" (the "Berg Video").

88. The Berg Video showed five hooded terrorists dressed in black standing behind abducted Jewish-American businessman Nicholas Berg, who was sitting and dressed in an orange jumpsuit (reminiscent of the orange prison uniforms worn by captured terrorists held by the U.S. at Guantanamo Bay).

89. The following is a screen clip from the Berg Video:



Figure 5 Clip From Video of Murder of Nicholas Berg

90. The Berg Video next showed one of the hooded men (presumed to be al-Zarqawi) read a statement condemning reported abuse of security prisoners at the Iraqi Abu Ghraib prison, after which he pulled a knife from his shirt, stepped forward, and sawed off Berg's head.

91. The *al-Ansar* internet forum quickly crashed due to the volume of traffic and attempted downloads of the Berg Video from the site.

92. Nevertheless, before the website crashed, forum members copied the Berg Video from the *al-Ansar* forum to other sites and it was thus downloaded thousands of times and still circulates on the internet today.

93. Despite the relatively low quality of the Berg Video and the technical difficulties involved in its distribution, *The Atlantic* magazine later reported: “With the slash of a knife, al-Zarqawi had pulled off the most successful online terrorist PR campaign ever ... Al-Zarqawi’s success was possible because he had anticipated the importance of the Internet—an increasingly important weapon in the global terrorist arsenal.”⁹

94. Following the Berg Video, in June 2004 al-Zarqawi released the first part of a full hour-long propaganda video titled, “The Winds of Victory.”

95. The “Winds of Victory” video opened with the nighttime bombing of the city of Baghdad by U.S. forces while mocking captions flashed the words “Democracy” and “Freedom” in Arabic across the screen.

96. The nighttime bombing was then contrasted with graphic scenes in full daylight of mutilated Iraqi children ostensibly injured by the attacks, and pictures showing abuse of Iraqi captives held by American soldiers at Abu Ghraib prison.

97. The “Winds of Victory” also featured foreign *jihadi* members from Kuwait, Saudi Arabia, Libya, and other places, reading their wills in preparation

⁹ Nadya Labi, “Jihad 2.0,” *The Atlantic* (July/August 2006), <http://www.theatlantic.com/magazine/archive/2006/07/jihad-20/304980/>.

for suicide missions, followed by footage of their bombing attacks, often from multiple angles.

98. As the release of “The Winds of Victory” preceded the development of YouTube, al-Zarqawi’s group did not have the internet capability to mass-distribute a single 90-megabyte video file, so the hour-long video had to be broken into chapters and released on internet *jihadi* forums piecemeal over the course of several weeks.

99. In the months to come, al-Zarqawi and his followers continued to carry out and record more beheadings of foreign captives and post videos of these murderous atrocities on *jihadi* internet forums.

100. Among the videos posted on *jihadi* internet forums of al-Zarqawi and his followers beheading foreign captives in 2004 were the following:

- a. Kim Sun-il, a South Korean interpreter and Christian missionary, beheaded in June 2004;
- b. Georgi Lazov, a Bulgarian truck driver, beheaded in July 2004;
- c. Mohammed Mutawalli, an Egyptian citizen, beheaded in August 2004;
- d. Twelve Nepali citizens murdered on video, one was beheaded and the others were shot, in August 2004;
- e. Eugene Armstrong, a U.S. construction contractor, beheaded in September 2004;
- f. Jack Hensley, a U.S. construction contractor, beheaded in September 2004;

- g. Kenneth Bigly, a British civil engineer, beheaded in October 2004; and
- h. Shosei Koda, a Japanese tourist, beheaded in October 2004.

101. On October 15, 2004, the U.S. Government designated al-Zarqawi's terrorist group *al-Tawhid* as a "specially designated global terrorist" ("SDGT") pursuant to Executive Order 13224, and as a designated "foreign terrorist organization" ("FTO") pursuant to § 219 of the INA, 8 U.S.C. § 1189.

102. These SDGT and FTO designations have been updated from time to time to include ISIS's various names and aliases including, among others, "*al-Qaeda* in Iraq," "The Islamic State of Iraq," "The Islamic State of Iraq and Syria," and "The Islamic State," and remain in effect today.

103. Al-Zarqawi's innovative—yet relatively low-tech—use of the internet to broadcast his *jihadi* message together with graphic videos of beheadings and suicide bombings catapulted him to a new prominence.

104. According to BBC Security Correspondent Gordon Corera, "[o]ver the summer of 2004 with Osama bin Laden yet to appear and Zarqawi carrying out increasingly bloody and high profile attacks, some began to question whether Zarqawi was beginning to rival or even succeed bin Laden."¹⁰

¹⁰ Gordon Corera, "Unraveling Zarqawi's al-Qaeda Connection," *Terrorism Monitor*, Vol. 2, Issue 24 (The Jamestown Foundation, Dec. 15, 2004), http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=27306&tx_ttnews%5BbackPid%5D=179&no_cache=1#.V49OsjXdlrZ.

105. Corera explained that, even though al-Zarqawi's terrorist group was estimated to have only between 50 to 500 members at this time, "they exercise[d] an exaggerated degree of influence due to their coupling of extreme violence with an acute understanding of the power of the media."¹¹

106. Al-Zarqawi becomes a figure *al-Qaeda* could not ignore: according to terrorism analyst Aaron Y. Zelin, founder of Jihadology.net, not only did bin-Laden not want to be "outdone" by al-Zarqawi, "bin-Laden himself wanted to 'own' the Iraq jihad as well as remain relevant while hiding from the United States."¹²

107. In late 2004, al-Zarqawi finally received the official recognition he sought: on October 17, 2004, al-Zarqawi declared allegiance to bin-Laden in an official online statement, and *al-Qaeda* accepted and publicized al-Zarqawi's oath to bin-Laden in its online magazine *Mu'askar al-Battar* on October 25, 2004.

108. On December 27, 2004, Al Jazeera television broadcast an audiotape of bin-Laden calling al-Zarqawi "the prince of al Qaeda in Iraq" and asking "all our organization brethren to listen to him and obey him in his good deeds."¹³

109. Al-Zarqawi changed his group's name to "*Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn*" ("Or-

¹¹ *Id.*

¹² Aaron Y. Zelin, "The War between ISIS and al-Qaeda for Supremacy of the Global Jihadist Movement," *The Washington Institute for Near East Policy* (June 2014), http://www.washingtoninstitute.org/uploads/Documents/pubs/ResearchNote_20_Zelin.pdf.

¹³ "Purported bin Laden tape endorses al-Zarqawi," *CNN* (Dec. 27, 2004), <http://edition.cnn.com/2004/WORLD/meast/12/27/binladen.tape/>.

ganization of Jihad's Base in the Land of Two Rivers [Iraq]), and it became commonly known as "*al-Qaeda* in Iraq" ("AQI").

110. The following is a picture of the AQI flag:



Figure 6 AQI Flag

111. The official connection with *al-Qaeda* not only provided al-Zarqawi with greater legitimacy among *jihadi* terrorists, it also gave him essential tangible resources, including access to *al-Qaeda's* important private donors and recruitment, logistics, and facilitation networks.

112. By mid-2005, Lt. General David Petraeus assessed that al-Zarqawi had indeed attained "an international name 'of enormous symbolic importance' ... on a par with bin-Laden, largely because of his group's proficiency at publicizing him on the Internet."¹⁴

113. However, al-Zarqawi's notoriety was not without cost: on June 7, 2006, Al-Zarqawi was targeted and killed by a U.S. airstrike.

¹⁴ Susan B. Glasser and Steve Coll, "The Web as Weapon," *The Washington Post* (Aug. 9, 2005), <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/08/AR2005080801018.html>.

B. AQI Rebrands Itself as the Islamic State of Iraq

114. Prior to Al-Zarqawi's death, AQI and allied groups in Iraq joined together to create a "Mujahideen Shura Council."

115. In October 2006, after al-Zarqawi's death, the Mujahideen Shura Council released a video declaring the establishment of what it called "The Islamic State of Iraq" ("*ad-Dawlah al-'Iraq al-Islamiyah*") ("ISI").

116. Although the video of the announcement of ISI was originally posted on *jihadi* website forums, in December 2006 ISI supporters posted the video on YouTube.

117. The following are screen clips from the video posted on YouTube with English subtitles:



Figure 7 Scene from ISIS Video



Figure 8 Scene from ISIS Video

118. The United States and its allies, nevertheless, generally continued to call the group “*al-Qaeda* in Iraq” or AQL.

119. Although ISI’s reach was still limited, its goal was to take control of the western and central areas of Iraq and turn it into a Sunni Islamic religious state.

120. The following is a picture of the ISI flag (which also remains the flag of ISIS):



Figure 9 ISIS Flag

C. ISI Expands into Syria to Become ISIS

121. On May 16, 2010, ISI announced Abu Bakr al-Baghdadi (“Abu Bakr”) as its new leader.

122. On April 8, 2013, Abu Bakr announced that ISI had been responsible for secretly establishing and

supporting an Islamist militant group known as “*al-Nusra*” in neighboring Syria since August 2011.

123. In his announcement, Abu Bakr declared that ISI and *al-Nusra* were now officially merged under the name “*ad-Dawlah al-Islamiyah fil-Iraq wash-Sham*” (“The Islamic State of Iraq and Syria” or “ISIS”¹⁵).

124. The Syrian leader of *al-Nusra* rejected Abu Bakr’s merger announcement, but many *al-Nusra* members, particularly those who were foreign-born, shifted their allegiance to ISIS.

125. ISIS took advantage of this shift to establish a substantial official presence in Syria almost overnight, and to take control of additional Syrian areas in the following months, including the northeastern Syrian city of Raqqa, which ISIS declared as its capital.

126. ISIS imposed its own strict *sharia* (Islamic law) on Raqqa’s 220,000 inhabitants and declared members of other Muslim sects in the city to be infidels.

127. ISIS jailed, maimed, or killed its opponents in the city of Raqqa, or those whom ISIS accused of engaging in activities ISIS considered anti-Islamic.

128. ISIS subjugated the city of Raqqa through terror and fear, with its members patrolling the city wearing explosive suicide vests, killing, beheading, and crucifying some of its victims and leaving their remains in the public square.

¹⁵ The Arabic “*al-Sham*” can be understood as either Syria or the Levant, the latter being an historically broader term. The English acronyms “ISIS” and “ISIL” have thus both been used to identify the same terrorist organization depending upon translation. ISIS is also known (primarily by its detractors) as “DAESH,” an acronym based upon its Arabic name.

129. Ultimately, ISIS's extreme brutality and ruthlessness even led *al-Qaeda's* leader Ayman al-Zawahiri (who succeeded Osama bin-Laden) to disavow ISIS.

130. On February 3, 2014, al-Zawahiri declared that *al-Qaeda* had cut all ties with ISIS.

D. ISIS Proclaims an Islamic Caliphate on YouTube and Expands its Reach of Terror

131. On June 29, 2014, ISIS used YouTube to post a video titled "The End of Sykes-Picot," in which ISIS announced that it would annul the Sykes-Picot Agreement that had served as the basis for the nation-states of the Middle East, and shatter all the borders to form a single Islamic state.

132. The following is a screen clip from the ISIS video "The End of Sykes-Picot":

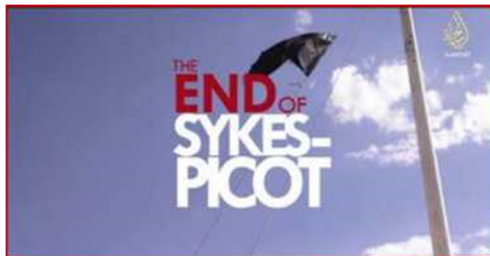


Figure 10 Scene from ISIS Video "The End of Sykes-Picot"

133. Also on June 29, 2014, ISIS used YouTube to post an audio message titled "This is the Promise of Allah," in which ISIS spokesman Abu Muhammad al-Adnani declared the establishment of ISIS as a world-

wide “Islamic Caliphate”¹⁶—an Islamic religious state to which all Muslims must submit and pledge fealty—with Abu Bakr as its “Caliph” (ruler).

134. The following is an ISIS graphic promoting the video “This is the Promise of Allah”:



Figure 11 ISIS Graphic “This is the Promise of Allah”

135. ISIS has claimed that it is destined to establish its rule worldwide.

136. Several smaller Islamist terrorist groups have taken control of territory within other countries and areas, including Libya, Yemen, and the Sinai Peninsula, and have claimed such territories to be “provinces” of the ISIS Caliphate.

E. Official Terrorist Designations of ISIS

137. Not only have ISIS’s claims of statehood and sovereignty been rejected by countries worldwide, ISIS has been officially designated as a terrorist organization by the United Nations, the European Union, and numerous governments around the world, including the United States, Britain, Australia, Canada, Turkey, Saudi Arabia, Indonesia, the United Arab Emirates, Malaysia, Egypt, India, Russia, Kyrgyzstan, Syria, Jordan, and Pakistan.

¹⁶ At this time, ISIS shortened its name to *ad-Dawlah al-Islamiyah* (“The Islamic State” or “IS”). For the sake of simplicity, the more commonly used name ISIS is used in this Complaint.

138. Since October 15, 2004 and still today, ISIS is a designated foreign terrorist organization (“FTO”) pursuant to § 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

139. Knowingly providing material support or resources to ISIS, a designated FTO, is a federal criminal offense under 18 U.S.C. § 2339B.

140. Since October 15, 2004, and still today, ISIS is a specially designated global terrorist (“SDGT”) under Executive Order No. 13224.

141. Federal law prohibits “making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any [SDGT],” including ISIS, and a violation of these prohibitions is a federal criminal offense. 31 C.F.R. § 594.204; 50 U.S.C. § 1705.

III. ISIS’S EXTENSIVE USE OF DEFENDANT’S SERVICES

A. ISIS is Dependent on Twitter, Facebook, and YouTube to Terrorize: ISIS Uses Defendants to Recruit New Terrorists.

142. One of ISIS’s primary uses of Defendants’ sites is a recruitment platform, particularly to draw fighters from Western countries.

143. ISIS reaches potential recruits by maintaining accounts on Twitter, Facebook, and YouTube so that individuals across the globe may reach out to them directly. After the first contact, potential recruits and ISIS recruiters often communicate via Defendants’ Direct Messaging capabilities. According to former FBI Director James Comey, “[o]ne of the challenges in facing this hydra-headed monster is that if (ISIS) finds someone online, someone who might be willing to travel

or kill in place they will begin a Twitter direct messaging contact.” Indeed, according to the Brookings Institution, some ISIS members “use Twitter purely for private messaging or covert signaling.”

144. In addition to individual recruitment, ISIS members use Defendants to post instructional guidelines and promotional videos referred to as “mujatweets.”

145. For example, in June 2014, ISIS fighters tweeted guidelines in English targeting Westerners and instructing them on how to travel to the Middle East to join its fight.

146. That same month, ISIS posted a recruitment video on various social media sites, including Defendants. Although YouTube removed the video from its site, the link remained available for download from Twitter. The video was further promoted through retweets by accounts associated with ISIS.

147. ISIS also posted its notorious promotional training video, “Flames of War,” narrated in English, in September 2014. The video was widely distributed on Twitter through ISIS sympathizers. After joining ISIS, new recruits become propaganda tools themselves, using Defendants to advertise their membership and terrorist activities.

148. For example, in May 2013, a British citizen who publicly identified himself as an ISIS supporter tweeted about his touchdown in Turkey before crossing the border into Syria to join ISIS in the fight against the Syrian regime. And in December 2013, the first Saudi Arabian female suicide bomber to join ISIS in Syria tweeted her intent to become a martyr for the ISIS cause, as she embarked for Syria.

149. As another example, two Tunisian girls, ages 19 and 21, were lured by ISIS's use of Facebook to travel to Syria believing they would be providing humanitarian aid¹⁷. Instead, they were taken to an ISIS compound where there were forced to serve as prostitutes and were repeatedly raped. The girls escaped during a bombing of the compound and returned home.

150. Recently, it was reported that the leader of ISIS in the United Kingdom, Omar Hussain, was using Facebook to recruit terrorists to launch attacks in the U.K.¹⁸

151. After kidnapping and murdering Ruqia Hassan Mohammad, a female journalist and activist, ISIS used her account to lure others into supporting ISIS¹⁹.

152. Through its use of Defendants' sites, ISIS has recruited more than 30,000 foreign recruits since 2013, including some 4,500 Westerners and 250 Americans.

B. ISIS Uses Defendants to Fund Terrorism

153. ISIS also uses Defendants to raise funds for its terrorist activities.

154. According to David Cohen, the U.S. Treasury Department's Under Secretary for Terrorism and Financial Intelligence, "[y]ou see these appeals on Twitter in particular from, you know, well-know[n] ter-

¹⁷ <http://www.teenvogue.com/story/isis-recruits-american-teens>

¹⁸ <http://www.mirror.co.uk/news/uk-news/british-isis-leader-using-facebook-7545645?>

¹⁹ <http://www.independent.co.uk/news/world/middle-east/ruqia-hassan-mohammed-theactivist-and-citizen-journalist-that-isis-murdered-and-then-posed-as-for-a6798111.html>

rorist financiers ... and they're quite explicit that these are to be made to ISIL for their military campaign.”

155. The Financial Action Task Force confirms that “individuals associated with ISIL have called for donations via Twitter and have asked the donors to contact them.” These tweets even promote “donation tiers.” One ISIS-linked cleric with the Twitter account @Jahd_bmalk, for instance, sought donations for weapons with the slogan “Participate in Jihad with your Money.” The account tweeted that “if 50 dinars is donated, equivalent to 50 sniper rounds, one will receive a ‘silver status.’ Likewise, if 100 dinars is donated, which buys eight mortar rounds, the contributor will earn the title of ‘gold status’ donor.” According to various tweets from the account, over 26,000 Saudi Riyals (almost \$7,000) were donated.



Figure 12 Fundraising Images from ISIS Twitter Accounts

156. A similar Twitter campaign in the spring of 2014 asked followers to “support the Mujahideen with financial contributions via the following reliable accounts” and provided contact information for how to make the requested donations.

157. In its other Twitter fundraising campaigns, ISIS has posted photographs of cash gold bars and lux-

ury cars that it received from donors, as well as weapons purchased with the proceeds.



Figure 13 Donations to ISIS Publicized on Twitter

158. As discussed more fully below, YouTube approves of ISIS videos allowing for ads to be placed with ISIS videos. YouTube earns revenue from these advertisements and shares a portion of the proceeds with ISIS.

159. Below is an example of a video posted by ISIS on YouTube with a member speaking in French looking for Muslims to support ISIS's cause online.



Figure 14 Screenshot from ISIS Video Posted on June 17, 2015

C. ISIS Uses Defendant's Sites to Spread Its Terror Propaganda

160. Defendants' platforms have played an essential role in the rise of ISIS to become the most feared terrorist organization in the world.

161. ISIS's use of violence and threats of violence is calculated and intended to have an impact far beyond the harm inflicted upon the individual victims of an attack.

162. ISIS's use of violence and threats of violence is part of its program of terrorism, designed inter alia to gain attention, instill fear and "terror" in others, send a message, and obtain results.

163. In other words, the physical attack itself and the harm to the individual victims of the attack are not the only goal or "end" of ISIS's terror attacks; rather, ISIS uses terror attacks as a "means" to communicate and accomplish its broader objectives.

164. ISIS uses terrorism as a psychological weapon.

165. Thus, the messages communicated before, during, and after an ISIS terror attack, as well as the attack itself, are essential components of generating the physical, emotional, and psychological impact ISIS desire to achieve via the terrorist attack.

166. The impact and effectiveness of ISIS terrorism, and its motivation to carry out more terrorist attacks, are dependent upon ISIS's ability to communicate its messages and reach its intended audiences, without intermediaries and without interference.

167. Defendants provide ISIS with a unique and powerful tool of communication that enables ISIS to

achieve these goals, and it has become an essential and integral part of ISIS's program of terrorism.

168. Defendants' platforms enable ISIS to communicate its messages directly to intended audiences without having to go through the filter of commercial media, and it enables ISIS to have greater access to the commercial media to further its goals as well.

169. ISIS not only uses Defendants' platforms for recruiting, planning, inciting, and giving instructions for terror attacks, ISIS also uses Defendants' platforms to issue terroristic threats, attract attention to its terror attacks and atrocities, instill and intensify fear from terror attacks, intimidate and coerce civilian populations, take credit for terror attacks, communicate its desired messages about the terror attacks, reach its desired audiences, demand and attempt to obtain results from the terror attacks, and influence and affect government policies and conduct.

170. ISIS thus uses Defendants' platforms to actually carry out essential communication components of ISIS's terror attacks.

171. Simply put, ISIS uses Facebook, Twitter, and YouTube as tools and weapons of terrorism.

172. Moreover, by allowing ISIS and its affiliates to register for Facebook, Twitter, and YouTube accounts and use Defendants' Services, Defendants lend a sense of authenticity and legitimacy to ISIS as an organization that can operate openly and with impunity, notwithstanding the murderous crimes it commits and its status as an illegal terrorist organization.

173. In defiance of federal criminal laws that prohibit providing services to designated terrorists,

Defendants enable ISIS terrorists to come out of hiding and present a public face under their own brand and logo, and under the brands and logos of American companies: Facebook, Twitter, and Google.

174. Defendants' provision of support to ISIS is not simply a matter of whether ISIS abuses its use of Defendants' Services, or whether Defendants abuse their editorial judgment regarding the content of ISIS's postings; under federal law, Defendants have no discretion about whether to provide its Services to ISIS—it is prohibited by law from doing so.

175. ISIS also uses Defendants' sites to spread propaganda and incite fear by posting graphic photos and videos of its terrorist feats.

176. Through Defendants' sites, ISIS disseminates its official media publications as well as posts about real-time atrocities and threats to its perceived enemies.

177. In October 2013, ISIS posted a video of a prison break at the Abu Ghraib prison in Iraq, and its subsequent execution of Iraqi army officers.

178. In November 2013, an ISIS-affiliated user reported on Twitter that ISIS had killed a man it mistakenly believed to be Shiite. Another post by an ISIS account purported to depict Abu Dahr, identified as the "suicide bomber that attacked the Iranian embassy."

179. In December 2013, an ISIS-affiliated user tweeted pictures of what it described as the killing of an Iraqi cameraman.

180. In June 2014, ISIS tweeted a picture of an Iraqi police chief, sitting with his severed head perched on his legs. The accompanying tweet read: "This is our ball ... it has skin on it." ISIS then hashtagged the

tweet with the handle #WorldCup so that the image popped up on the feeds of millions following the soccer challenge in Brazil.

181. On July 25, 2014, ISIS members tweeted photos of the beheading of around 75 Syrian soldiers who had been captured during the Syrian conflict.

182. In August 2014, an Australian member of ISIS tweeted a photo of his seven-year-old son holding the decapitated head of a Syrian soldier.

183. Also in August 2014, ISIS member Abu Musaab Hafid al-Baghdadi posted photos on his Twitter account showing an ISIS militant beheading a blind-folded captured Lebanese Army Sergeant Ali al-Sayyed.

184. That same month, ISIS supporters tweeted over 14,000 tweets threatening Americans under the hashtags #WaronWhites and #AMessagefromISIS-toUS, including posting gruesome photos of dead and seriously injured Allied soldiers. Some of the photos depicted U.S. marines hung from bridges in Fallujah, human heads on spikes and the twin towers in flames following the 9/11 attacks. Other messages included direct threats to attack U.S. embassies around the world, and to kill all Americans “wherever you are.”

185. Various ISIS accounts have also tweeted pictures and videos of the beheadings of Americans James Foley, Steven Sotloff, and Peter Kassig.

186. To keep its membership informed, in April 2014, ISIS created an Arabic-language Twitter App called “The Dawn of Glad Tidings,” or “The Dawn,” which posts tweets to thousands of users’ accounts, the content of which is controlled by ISIS’s social media operation. The tweets include hashtags, links, and im-

ages related to ISIS's activities. By June 2014, the app reached a high of 40,000 tweets in one day as ISIS captured Mosul, Iraq.

187. ISIS has also used Twitter to coordinate hashtag campaigns, whereby it enlists thousands of members to repetitively tweet hashtags at certain times of the day so that they trend on Twitter, meaning a wider number of users are exposed to the tweets. One such campaign dubbed a "Twitter storm," took place on June 8, 2014, and led to a surge in followers.

188. In 2014, propaganda operatives from ISIS posted videos of photojournalist John Cantile and other captors on both Twitter and YouTube.²⁰ These operatives used various techniques to ensure that ISIS's posting was spread using Defendants' sites. In her New York Times article, (Not "Lone Wolves" After All: How ISIS Guides World's Terror Plots From Afar-2/5/17), Rakmini Callimachi acknowledges that because of Twitter and other social media, "In the most basic enabled attacks Islamic State handlers acted as confidants and coaches, coaxing recruits to embrace violence. ... Because the recruits are instructed to use encrypted messaging applications, the guiding role played by the terrorist group often remains obscured. As a result, remotely guided plots in Europe, Asia, and the United States ... were initially labeled the work of "lone wolves", ... and only later discovered to have direct communications with the group discovered."

D. Twitter's Services

189. Twitter is an online news and social networking service that provides sophisticated yet easy-

²⁰ <http://www.theguardian.com/world/2014/sep/24/isis-Twitter-youtube-message-socialmedia-jihadi>

to-use online products and services (collectively, “Services”). Twitter’s network allows users to publicly connect with its more than 100 million users through “following” other accounts, as well as through “tweets,” or 140 character posts.

190. Twitter’s Services include the use of Twitter’s computer infrastructure, network, applications, tools and features, communications services, and more.

191. Certain uses or features of Twitter’s Services are only available to its registered users, who register and establish an account with Twitter by inputting identifying information and clicking on a “sign up” button.

192. For example, only registered users may establish a Twitter “account,” “follow” and “Direct Message” other Twitter accounts, post tweets and videos on Twitter’s platform, or post comments on a Twitter user’s posted tweets.

193. Is it not necessary to view the “Terms of Service” or other policies or conditions of Twitter’s Services to proceed with registration.

194. Twitter’s platform can be used to post and distribute content or videos publicly, or privacy settings are available to enable users to communicate, share, or distribute videos or messages privately.

195. Twitter enables registered users to “follow” other Twitter accounts and receive notifications of new content, videos, or messages posted by those accounts.

196. Twitter generally provides its platform and services to registered users free of charge.

E. ISIS and Twitter

197. For years, the media has reported on the ISIS's use of Defendants' social media sites and their refusal to take any meaningful action to stop it.

198. In December 2011, the New York Times reported that the terrorist group al-Shabaab, "best known for chopping off hands and starving their own people, just opened a Twitter account and have been writing up a storm, bragging about recent attacks and taunting their enemies."

199. That same month, terrorism experts cautioned that "Twitter terrorism" was part of "an emerging trend" and that several branches of *al-Qaeda* were using Twitter to recruit individuals, fundraise and distribute propaganda more efficiently. New York Times correspondent, Rukmini Callimachi, probably the most significant reporter covering terrorism, acknowledges that social media and specifically Twitter, allows her to "get inside the minds of ISIS". Moreover, Callimachi acknowledges, "Twitter is the main engine" in ISIS communication, messaging and recruiting. "Al Qaeda (and now ISIS) have created a structure that was meant to regenerate itself and no longer be dependent on just one person (bin Laden). The Ideology is now a living, breathing thing, because of Twitter. You no longer have to go to some closed dark-web forum to see their stuff." Using Twitter, you don't need to even know the exact address to gain access to messages. "With Twitter, you can guess; you look for certain words and you end up finding these accounts. And then it's kind of organic; You go to one account, then you go to their followers and you follow all those people, and suddenly you're in the know." (Rukmini Callimachi, Wired.com, 8/3/16.)

200. On November 20, 2015, Business Insider reported that ISIS members have been providing a 34-page guide to operational security and communications available through multiple social media platforms which delivers instructions to users about communications methods including specifics in the use of Twitter, for purposes of recruiting and radicalizing in the United States.

201. On October 14, 2013, the BBC issued a report on “The Sympatic,” “one of the most important spokesmen of the Islamic State of Iraq and the Levant on the social contact website Twitter” who famously tweeted: “I swear by God that with us there are mujahideen who are not more than 15 years old!! Where are the men of the [Arabian] Peninsula? By God, shame on you.”

202. On October 31, 2013, Agence France-Presse reported on an ISIS video depicting a prison break at Abu Ghraib and the execution of Iraqi army officers that was “posted on jihadi forums and Twitter.”

203. On June 19, 2014, CNN reported on ISIS’s use of Twitter to raise money for weapons, food, and operations. The next day, Seth Jones, Associate Director of International Security and Defense Policy Center, stated in an interview on CNN that Twitter was widely used by terrorist groups like ISIS to collect information, fundraise and recruit. “Social media is where it’s at for these groups,” he added.

204. On August 21, 2014, after ISIS tweeted out the graphic video showing the beheading of American James Foley, the Wall Street Journal warned that Twitter could no longer afford to be the “Wild West” of social media.

205. In September 2014, Time Magazine quoted terrorism expert Rita Katz, who observed that “[f]or several years, ISIS followers have been hijacking Twitter to freely promote their jihad with very little to no interference at all. ... Twitter’s lack of action has resulted in a strong, and massive pro-ISIS presence on their social media platform, consisting of campaigns to mobilize, recruit and terrorize.”

206. Throughout this period, both the U.S. government and the public at large have urged Defendants to stop providing its services to terrorists.

207. In December 2011, an Israeli law group threatened to file suit against Twitter for allowing terrorist groups like Hezbollah to use its social network in violation of U.S. anti-terrorism laws.

208. In December 2012, several members of Congress wrote to FBI Director Robert Mueller asking the Bureau to demand that the Twitter block the accounts of various terrorist groups.

209. In a committee hearing held on August 2, 2012, Rep. Ted Poe, chair of the House Foreign Affairs Subcommittee on Terrorism, lamented that “when it comes to a terrorist using Twitter, Twitter has not shut down or suspended a single account.” “Terrorists are using Twitter,” Rep. Poe added, and “[i]t seems like it’s a violation of the law.” In 2015, Rep. Poe again reported that Twitter had consistently failed to respond sufficiently to pleas to shut down clear incitements to violence by terrorists.

210. Recently, former Secretary of State Hillary Clinton has urged Defendants to become more aggressive in preventing ISIS from using its network. “Resolve means depriving jihadists of virtual territory,

just as we work to deprive them of actual territory,” she told one audience. Later, Secretary Clinton stated that Twitter and other companies “cannot permit the recruitment and the actual direction of attacks or the celebration of violence by this sophisticated Internet user. They’re going to have to help us take down these announcements and these appeals.”

211. On January 7, 2016, White House officials announced that they would hold high-level discussions with Defendants to encourage them “to do more to block terrorists” from using their services. “The primary purpose is for government officials to press the biggest Internet firms to take a more proactive approach to countering terrorist messages and recruitment online. ... That issue has long vexed U.S. counterterrorism officials, as terror groups use Twitter ... to spread terrorist propaganda, cultivate followers and steer them toward committing violence. But the companies have resisted some requests by law-enforcement leaders to take action...”

F. Facebook’s Services

212. Facebook is an online social media and social networking service that provides sophisticated yet easy-to-use online products and services (collectively, “Services”). Facebook allows users to connect with “friends,” a connection that allows for the exchange of messages, posting of status updates and digital photos, sharing of digital videos and links to online content, as well as the use of various software applications.

213. Facebook’s Services include the use of Facebook’s computer infrastructure, network, applications, tools and features, communications services, and more.

214. Certain uses or features of Facebook's Services are only available to its registered users, who register and establish an account with Facebook by inputting identifying information and clicking on a "sign up" button.

215. For example, only registered users may establish a Facebook "account," add or communicate with "friends" on Facebook's platform, privately message friends or businesses through Facebook's "Messenger" application, or post status and video updates or comments on the page of a Facebook account or video.

216. Is it not necessary to view the "Terms of Service" or other policies or conditions of Facebook's Services to proceed with registration.

217. Facebook's platform can be used to post and distribute content and videos publicly, or privacy settings are available to enable users to communicate, share, or distribute videos or messages privately.

218. Facebook enables registered users to "friend request," "like," or "follow," other Facebook accounts in order to receive notifications of new content, videos or messages posted by those accounts.

219. Facebook generally provides its platform and services to registered users free of charge.

G. ISIS and Facebook

220. On January 10, 2012, CBC News Released an article stating that Facebook is being used by terrorist organizations for recruitment and to gather military and political intelligence. "Many users don't even bother finding out who they are confirming as 'friend' and to whom they are providing access to a large amount of information on their personal life. The terrorists themselves, in parallel, are able to create false

profiles that enable them to get into highly visible groups,” he said.²¹

221. On January 10, 2014, the Washington Post released an article titled *Why aren't YouTube, Facebook, and Twitter doing more to stop terrorists from inciting violence?*²²

222. In June 2014, the Washington Times reported that Facebook is refusing to take down a known ISIS terror group fan page that “has nearly 6,000 members and adoringly quotes Abu Musab al-Zarqawi, founder of al-Qaeda in Iraq who was killed by U.S. forces in 2006.”²³

223. On August 21, 2014, the anti-defamation league explained that ISIS supporters on Twitter have “not only promoted ISIS propaganda (primarily in English) but has also directed supporters to his English-language Facebook pages (continuously replacing pages as they are removed by Facebook for content violation) that do the same.”²⁴

224. On October 28, 2015, at the Radicalization: Social Media And The Rise Of Terrorism hearing, it was reported that Zale Thompson, who attacked four New York City Police Officers with an axe, posted on

²¹ <http://www.cbc.ca/news/technology/terrorist-groups-recruiting-through-social-media-1.1131053>

²² <https://www.washingtonpost.com/posteverything/wp/2014/07/10/farrow-why-arent-youtube-facebook-and-Twitter-doing-more-to-stop-terrorists-from-inciting-violence/>

²³ <http://www.washingtontimes.com/news/2014/jun/16/husain-facebook-refuses-take-down-isis-terror-grou/>

²⁴ <http://www.adl.org/combatting-hate/international-extremism-terrorism/c/isis-islamic-states-social-media.html?referrer=https://www.google.com/#.Vzs0xfkrIdU>

Facebook “Which is better, to sit around and do nothing or to wage jihad.”²⁵”

225. At this same hearing, it was also reported that in September 2014 “Alton Nolen, a convert to Islam and ex-convict who had just been fired from his job at a food processing plant, entered his former workplace and beheaded an employee with a knife. This attack combines elements of workplace violence and terrorism. Nolen had been a voracious consumer of IS propaganda, a fact reflected on his Facebook page.”²⁶

226. On November 11, 2015, it was reported that one of the attackers from a terrorist bus attack two weeks prior “was a regular on Facebook, where he had already posted a “will for any martyr.” Very likely, they made use of one of the thousands of posts, manuals and instructional videos circulating in Palestinian society these last few weeks, like the image, shared by thousands on Facebook, showing an anatomical chart of the human body with advice on where to stab for maximal damage.”²⁷

227. On December 4, 2015, The Counter Extremism Project released a statement that “Today’s news that one of the shooters in the San Bernardino attack that killed 14 innocent people pledged allegiance to ISIS in a Facebook posting demonstrates once again

²⁵ <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Purdy-TRC-Testimony.pdf>

²⁶ <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Gartenstein-Ross-FDD-Testimony.pdf>

²⁷ http://www.nytimes.com/2015/11/03/opinion/the-facebook-intifada.html?_r=1

that the threat of ISIS and violent Islamist extremist ideology knows no borders.”²⁸

228. On April 8, 2016, the Mirror reported that “Jihadi fighters in the Middle East are using Facebook to buy and sell heavy duty weaponry” and that “Fighters in ISIS-linked regions in Libya are creating secret arms bazaars and hosting them on the massive social network. Because of Facebook’s ability to create groups and to send secure payments through its Messenger application, it works as the perfect platform for illegal deals.”²⁹

229. On March 30, 2018 a memorandum written by a senior Facebook executive was widely publicized through the news³⁰. Part of the memorandum states:

We connect people.

That can be good if they make it positive. Maybe someone finds love. Maybe it even saves the life of someone on the brink of suicide. So we connect more people.

That can be bad if they make it negative. Maybe it costs a life by exposing someone to bullies. Maybe someone dies in a terrorist attack coordinated on our tools.

And still we connect people.

²⁸ http://www.counterextremism.com/press/counter-extremism-project-releases-statementnews-san-bernardino-shooter-pled-gedallegiance?utm_content=buffer38967&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer#sthash.iJjhU3bF.dpuf

²⁹ <http://www.mirror.co.uk/tech/isis-terrorists-use-facebook-buy-7713893>

³⁰ <https://www.theverge.com/2018/3/30/17179100/facebook-memo-leaks-boz-andrew-bosworth>

The ugly truth is that we believe in connecting people so deeply that anything that allows us to connect more people more often is **de facto** good.

230. This memorandum was dated June 18, 2016 which was six days after the Pulse nightclub attack, four days after a lawsuit against Facebook was filed concerning the November 13, 2015 terror attack in Paris, and a few days after it became widely reported that Omar Mateen had used Facebook before and during the Pulse attack. Clearly, the timing of this memo indicates that Facebook was well aware that its site was being used by ISIS for terrorist activities and Facebook was putting growth over people being harmed in terrorist attacks.

H. Google's Services

231. Google provides sophisticated yet easy-to-use online products and services (collectively, "Services"), including the online video platform known as "YouTube."

232. Google's Services include the use of Google's computer infrastructure, network, applications, tools and features, communications services, and more.

233. Certain uses or features of Google's Services are only available to its registered users, who register and establish an account with Google by inputting identifying information and clicking on a "sign up" button.

234. For example, only registered users may establish a YouTube "channel," post videos on Google's YouTube platform, or post comments on the page of a YouTube channel or video.

235. Is it not necessary to view the “Terms of Service” or other policies or conditions of Google’s Services to proceed with registration.

236. Google’s YouTube platform can be used to post and distribute videos publicly, or privacy settings are available to enable users to communicate, share, or distribute videos or messages privately.

237. Google enables registered users to “subscribe” to YouTube “channels” in order to receive notifications of new videos or messages posted on those channels.

238. Google generally provides its YouTube platform and services to registered users free of charge.

I. ISIS and YouTube

239. ISIS has used YouTube as an extremely effective means of announcing and releasing its propaganda materials, which include music, speeches, graphic acts of violence, full-length videos and more, presenting an image of technical sophistication and advanced media capabilities.

240. In November 2006, following the development of YouTube, ISIS (then known as AQI/ISI) announced the establishment of its “*al-Furqan* Institute for Media Production” (“*al-Furqan* Media”), which was to produce more professional and stylized video and other materials to be disseminated through online platforms.

241. *Al-Furqan* Media’s logo appears as follows:



Figure 15 Al-Furqam Logo

242. In a press release announcing *Al-Furqan* Media, ISIS stated: “This Institute is a milestone on the path of Jihad; a distinguished media that takes the great care in the management of the conflict with the Crusaders [Western nations] and their tails [sic] and to expose the lies in the Crusaders’ media.”³¹

243. Following a raid on one of ISIS’s *al-Furqan* Media offices in Samarra, Iraq in June 2007, Brigadier General Kevin Bergner, a spokesman for the Multinational Forces Iraq, described the extensive scope of the office’s operations as follows:

“[The Samarra office] produced CDs, DVDs, posters, pamphlets, and web-related propaganda products and contained documents clearly identifying al Qaeda in Iraq/[ISI]’s intent to use media as a weapon.

...

The building contained 65 hard drives, 18 thumb drives, over 500 CDs and 12 stand-alone computers ... In all, this media center had the capacity of reproducing 156 CDs in an eight-

³¹ See Bill Raggio, “US targets al Qaeda’s al Furqan media wing in Iraq,” *The Long War Journal* (Oct. 28, 2007), http://www.longwarjournal.org/archives/2007/10/us_targets_al_gaedas.php.

hour period and had a fully functioning film studio.

...

[U.S. forces also found] a sampling of other propaganda documents: a letter that gives instructions on how to use the media to get out the al Qaeda [in Iraq/ISI] message most effectively; an al Qaeda [in Iraq/ISI] activity report highlighting car bomb, suicide, missile, mortar, sniping and IED [improvised explosive device] attacks; a propaganda poster that encourages filming and distributing videos, showing al Qaeda [in Iraq/ISI] attacks on coalition forces; and a pamphlet and a CD cover of their sniper school.”³²

244. ISIS’s *al-Furqan* Media has used YouTube extensively to distribute its video propaganda online.

245. In 2013, ISIS began a dramatic new expansion of its media production capabilities and exploitation of YouTube and other social media.

246. In March 2013, ISI announced the formation of a second ISI media production arm known as “*al-Itisam* Media Foundation” (“*al-Itisam* Media”), in addition to its already well-established *al-Furqan* Media.

247. *Al-Itisam* Media’s logo appears as follows:

³² *Id.*



Figure 16 Al-I'tisam Media's logo

248. In August 2013, ISIS announced the formation of a third media production arm, the “*Ajnad* Foundation for Media Production” (the “*Ajnad* Foundation”), specializing in audio content that would also be distributed via YouTube as music videos, Islamic inspirational songs (“*nashids*”) that accompany ISIS videos, as well as sermons, Quran readings, and other indoctrination to be posted on YouTube.

249. The ISIS *nashids* are emotionally powerful musical chants, and ISIS terrorists have reportedly used recordings of these *nashids* that are posted on YouTube to pump up their emotions and excitement prior to carrying out an attack.

250. The *Ajnad* Foundation’s logo appears as follows:



Figure 17 Ajnad Foundation's Logo

251. In May 2014, ISIS launched a fourth media production department named “*al-Hayat* Media Cen-

ter” (“*al-Hayat Media*”) specifically to target Western and non-Arabic-speaking audiences, producing and distributing material in many languages, including English, French, Dutch, German, Turkish, Russian, and more, to be distributed via YouTube in conjunction with other internet platforms.

252. *Al-Hayat Media*’s logo appears as follows:



Figure 18 Al-Hayat Media’s Logo

253. With its highly developed media production departments and various branded media outlets, ISIS has been able to create and distribute via YouTube video propaganda, recruitment, and operational campaigns that are exceptionally professional, sophisticated, and effective.

254. Amb. Alberto Fernandez, Vice-President of the Middle East Media Research Institute (“MEMRI”) and former Coordinator for Strategic Counter-Terrorism Communications at the U.S. Department of State, has called ISIS’s media materials, “the gold standard for propaganda in terms of its quality and quantity.”³³

³³ Dr. Erin Marie Saltman & Charlie Winter, “Islamic State: The Changing Face of Modern Jihadism,” Quilliam (Nov. 2014), <https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/islamic-state-the-changing-face-of-modern-jihadism.pdf>

255. Essential to the success of its media and terror campaigns—and to the success of ISIS—has been ISIS’s use of YouTube to disseminate its videos and messages and execute its propaganda, recruitment, and operational campaigns; indeed, all of ISIS’s media production departments described above have used YouTube for this purpose.

256. ISIS has used YouTube to disseminate videos of its brutality and conquests as a psychological weapon to strike fear in its enemies.

257. For example, in October 2013, ISIS used YouTube to post a video of a prison break at the Abu Ghraib prison in Iraq, and its subsequent execution of Iraqi army officers, which served to intimidate soldiers in the Iraqi army.

258. The following is an ISIS graphic promoting ISIS’s October 2013 Abu Ghraib video:



Figure 19 ISIS Graphic Promoting Abu Gharib Video

259. In contrast to the days before the development of YouTube, when al-Zarqawi was limited to releasing short, low-quality videos, on websites that could only handle limited traffic, Google’s YouTube platform and services provide ISIS with the ability to

produce and disseminate professional-quality feature films of any length to an unlimited audience.

260. For example, on March 17, 2014, ISIS's *al-Itisam* Media used YouTube to release an hour-long highly-graphic video titled, "The Clanging of the Swords 4," produced by ISIS's *al-Furqan* Media.

261. The terrorism analysis website Jihadica.com reported that within 24 hours of the video's publication on YouTube, "The Clanging of the Swords 4" had been viewed 56,998 times.³⁴

262. ISIS has used YouTube to raise its profile among terror groups and even overtake older jihadist competitors like *al-Qaeda*.

263. ISIS uses YouTube to disseminate its propaganda in video to both Muslims and non-Muslims, with the effect of instilling fear and terror in the "non-believers" while encouraging others to join in ISIS's cause.

264. ISIS also uses YouTube to communicate with ISIS "sympathizers" and to provide them with directions as well.

265. ISIS has engaged and continues to engage, in horrific terrorist atrocities against civilians/non-combatants in every area it has operated, and has posted videos of such activity on YouTube to spread even more fear.

266. ISIS has kidnapped innocent civilians and made various demands for their release, and it has carried out numerous beheadings, crucifixions, public exe-

³⁴ Nica Prucha, "Is this the most successful release of a jihadist video ever?" Jihadica.com (May 19, 2014), <http://www.jihadica.com/is-this-the-most-successful-release-of-a-jihadist-videoever/>.

cutions, and mass-murders of its enemies and people it considers “apostates” or “infidels,” all in front of the cameras for the purpose of posting videos of these atrocities on YouTube.

267. ISIS has directed and overseen the systematic rape and enslavement of captive women and girls and has conducted a program of genocide against religious and ethnic groups, even promoting the sale of women as slaves on YouTube.

268. ISIS has enforced its own strict interpretations of Islamic law in the areas it has captured, meting out punishments including whipping, amputation, and death to those who fail or refuse to comply, again using YouTube to post videos praising these punishments.

269. ISIS has paraded captives before cameras and forced them to give statements for ISIS propaganda, and it has become infamous for its use of YouTube to broadcast worldwide its cruel and ever-unusual executions of captives for their shocking and terror-inducing effect.

270. Using YouTube and other social media, ISIS has recruited, and continues to recruit, individuals from all over the world to travel to Syria and Iraq for the purpose of joining its ranks and participating in its terrorist activities and atrocities.

271. Tens of thousands of people from around the world have viewed ISIS’s propaganda on YouTube and have been persuaded to travel to Syria and Iraq to join ISIS and engage in its jihad.

272. ISIS’s use of YouTube has enabled the terrorist organization to produce and distribute high-quality videos by dedicated professional ISIS media personnel.

273. For example, in June 2014, ISIS's *al-Hayat* Media used YouTube to launch and propagate a series of videos called the "MujaTweets," claiming to show "snippets of day-to-day life in the 'Islamic State'" to portray life under ISIS as peaceful and normal.

274. The Huffington Post described the quality of ISIS's propaganda videos as follows:³⁵

When it comes to producing recruitment and propaganda videos ... unaffiliated supporters leave room to a much smaller group of official ISIS members. This mainly consists of professional filmmakers working directly for the Islamic State. Their use of high definition video cameras, slick graphics and refined editing techniques has elevated the quality of the videos produced to Hollywood standards. One series of video clips called Mujatweets, released by ISIS' media arm on YouTube, portrays a number of ISIS militants as they engage in noble activities such as visiting an injured fighter at the hospital or distributing candies to some children. Episodes are filmed in HD, contain sophisticated graphics and logos, and include English subtitles—a sign of how the message is explicitly intended for second generation immigrants, especially the young.

275. In September 2014, ISIS used YouTube to release an animated recruitment video set to the entrancing sounds of ISIS's militant Islamist *nasheed* chant and titled "Grand Theft Auto: *Salil al-Sawareem*

³⁵ Alessandro Bonzio, "ISIS' Use of Social Media Is Not Surprising; Its Sophisticated Digital Strategy Is," The Huffington Post (Nov. 14, 2014), http://www.huffingtonpost.co.uk/alessandro-bonzio/isisuseofsocialmedia_b_5818720.html.

['Clanging of the Swords'],” ostensibly announcing the release of an ISIS video game modeled after a famous PlayStation interactive video game titled “Grand Theft Auto” that sold 27.5 million copies.

276. The following are screen clips from the ISIS YouTube video “Grand Theft Auto: *Salil al-Sawarem*”:



Figure 20 ISIS YouTube video “Grand Theft Auto: Salil al-Sawarem



Figure 21 ISIS YouTube video “Grand Theft Auto: Salil al-Sawarem

277. In releasing its video-version of “Grand Theft Auto” on YouTube, which depicted an ISIS terrorist shooting a policeman and attacking a convoy of army trucks and jeeps, ISIS announced that its purpose was to “raise the morale of the mujahedin [“holy warriors”] and to train children and youth how to battle the

West and to strike terror into the hearts of those who oppose the Islamic State.”³⁶

278. Through its use of YouTube and other social media, ISIS has recruited more than 30,000 foreign recruits since 2014, including some 4,500 Westerners and 250 Americans.

279. ISIS has used YouTube to indoctrinate and radicalize potential recruits and followers, providing a constant stream of religious teachings, mantras, and images showing the “truth” of ISIS’s doctrines and the “heresy” of other groups, particularly Christians, Jews, and non-Sunni Muslims

280. ISIS has used YouTube to indoctrinate and provided training to these recruits, and has sent many of them to return to their home countries to carry out terrorist attacks there.

281. ISIS has also used and continues to use, YouTube to solicit and recruit individuals to remain in their home countries to carry out terrorist attacks there.

282. These efforts have been particularly directed at citizens of countries participating in efforts to suppress and defeat ISIS in Syria and Iraq, including the United States, England, France, Belgium, Turkey, and Russia, and ISIS has also used YouTube to provide indoctrination, training, and inspiration to these recruits to carry out terrorist attacks.

³⁶ Paul Crompton, “Grand Theft Auto: ISIS? Militants reveal video game,” Al Arabiya News (Sept. 20, 2014), <http://english.alarabiya.net/en/variety/2014/09/20/Grand-Theft-Auto-ISISMilitants-reveal-video-game.html>.

283. ISIS's use of violence against civilians is politically motivated and intended to intimidate and coerce the civilian populations where it carries out such violence, to influence the policies of governments, and to affect the policy of governments through kidnapping, assassination, and mass destruction.

284. ISIS has used YouTube to indoctrinate and radicalize potential recruits and followers, providing a constant stream of religious teachings, mantras, music videos, and other images showing the "truth" of ISIS's doctrines and the "heresy" of other groups, particularly Christians, Jews, and non-Sunni Muslims.

285. ISIS has used YouTube to exaggerate its expansion territorially by disseminating videos with maps showing areas ISIS claims to control as well as other regions where other groups have allegedly pledged allegiance to ISIS.

286. ISIS has used YouTube to generate sympathy by showing images of women and children allegedly injured or killed by the enemies of ISIS.

287. ISIS uses YouTube as a psychological weapon to project strength, brutality, superiority, and invincibility, and to instill fear, awe, and terror.

288. ISIS regularly records the executions of large groups of local prisoners in order to intimidate and demoralize its opposition, and then uses YouTube to make these videos, mixed and produced with drama and set to music, "go viral" on the internet and into the mainstream media.

289. ISIS also used YouTube to post a series of videos of beheadings together with political messages and warnings to the West.

290. On August 19, 2014, ISIS used YouTube to post a video in English titled “A Message to America,” showing the beheading of American journalist James Foley by a hooded man with a British accent, later known as “Jihadi John.”

291. The following are screen clips from the August 19, 2014 video:



Figure 22 Clip from “A Message to America”



Figure 23 Clip from “A Message to America”

292. In the YouTube video of Foley’s murder, ISIS also showed another captive American, Steven Sotloff, and threatened that his fate would be the same if the U.S. did not cease all attacks against ISIS.

293. On September 2, 2014, ISIS used YouTube to post a video titled “A Second Message to America,” showing the beheading of Steven Sotloff, and threatening to murder Britain David Hanes.

294. The following are screen clips from the September 2, 2014 video:



Figure 24 Clip from “A Second Message to America”



Figure 25 Clip from “A Second Message to America”

295. On September 13, 2014, ISIS used YouTube to post a video titled “A Message to the Allies of America,” showing the beheading of David Haines, a British aid worker, and threatening to murder Britain Alan Henning.

296. The following is a screen clip from the September 13, 2014 video:



Figure 26 Clip from “A Message to the Allies of America”

297. On October 3, 2014, ISIS used YouTube to post a video titled “Another Message to America and

its Allies,” showing the beheading of Alan Henning, a British aid worker, and threatening to murder American Peter Kassig.

298. The following is a screen clip from the October 3, 2014 video:



Figure 27 Clip from “Another Message to America and its Allies”

299. On November 16, 2014, ISIS used YouTube to post a video titled “Although the Disbelievers Will Not Like It,” which opened with an ISIS propaganda map showing areas that had been declared “provinces” of the ISIS “Caliphate” and a speech by ISIS leader Abu Bakr (who took the name Khalifah Ibrahim al-Badri) accepting oaths of loyalty purportedly made from various terrorist leaders of these “provinces.”

300. The following are screen clips from the November 16, 2014 video:



Figure 28 Clip from “Although the Disbelievers Will Not Like It”



Figure 29 Clip from “Although the Disbelievers Will Not Like It”

301. The video shows action scenes of Christians, Shiite Muslims, and Americans being killed by ISIS *jihadis*, contrasted with bloody images of children depicted as victims of enemy attacks.

302. The video continues with a procession of about 18 bound captives said to be Syrian pilots, who are forced to kneel and are beheaded before the camera by ISIS terrorists, all set to the sound of the militant ISIS *nashid* musical chant familiar to many ISIS videos.

303. The following are additional screen clips from the November 16, 2014 video:



Figure 30 Clips from “Although the Disbelievers Will Not Like It”

304. Just before the beheading is shown in the video, ISIS executioner “Jihadi John” makes the following statement:

“To Obama, the dog of Rome, today we are slaughtering the soldiers of [Syrian President] Bashar [al Assad] and tomorrow we’ll be slaughtering your soldiers. And with Allah’s permission we will break this final and last crusade. And the Islamic State will soon, like your puppet David Cameron said, will begin to slaughter your people in your streets.”

305. After the beheadings, the video shows the bodies of the captives on the ground with their severed heads placed on their backs and pools of blood on the ground.

306. In the final minute of the video, the scene changes to “Jihadi John” standing alone by another severed head on the ground, which he says is that of

American Peter Kassig, as the terrorist announces another threat to America and its allies.

307. On February 3, 2015, ISIS’s *al-Furqan* Institute used YouTube to post a video titled “Healing a Believer’s Chest,” which showed Jordanian pilot Mu’adh Al-Kasasbeh (who had been captured by ISIS) being burned alive in a cage.

308. The following are scenes from the “Healing a Believer’s Chest” video that ISIS posted on YouTube:



Figure 31 Clips from “Healing a Believer’s Chest”

309. On February 15, 2015, ISIS used YouTube to post a video titled “A Message Signed With Blood To The Nation Of The Cross,” showing the beheading of 21 Coptic Christian men ISIS had captured in Libya.

310. The following is a screen clip from the February 15, 2015 video:



Figure 32 Clip from “A Message Signed With Blood To The Nation Of The Cross”

311. ISIS has also used YouTube to post videos of other cruel executions, including numerous beheadings and crucifixions, discharging explosives attached to captives, slowly lowering caged captives into water to drown, and more.

312. ISIS's ability to use YouTube to disseminate around the world its message, evidence of its atrocities, and an image of invincibility, not only intensifies the intimidation it creates but also motivates and emboldens its members and followers to carry out even more terrorist attacks.

313. ISIS has also used YouTube to raise funds for its terrorist activities.

314. ISIS has used YouTube to inflame Muslim emotions and incite violence against non-Muslims and to glorify terrorist "martyrs" and *jihad*.

315. ISIS has used YouTube to direct viewers to other online sites, postings, media, and other social network media.

316. Thus, ISIS has used YouTube as a platform from which followers can access not only YouTube videos and comments, but also other websites, Facebook pages, Twitter accounts, and other online social network media.

317. ISIS has used YouTube as a means to communicate its messages to the broader news media.

318. ISIS has used YouTube accounts, channels, subscriptions, and messages to build and maintain networks.

319. In June 2015, it was reported that ISIS had released at least 830 videos just since 2013, an average of 21 videos each month.

320. YouTube is especially useful to ISIS because, among other things, it is provided free of charge, allows unlimited usage, offers the ability to reach an enormous number of users instantaneously, provides the ability to distribute videos without disclosing location, enables like-minded users to connect and communicate, affords both public and private communications, and integrates other social media platforms and services.

321. YouTube is also readily available, easy-to-use, and enables registered users to share videos, large and small, using Google's computer servers via the Internet.

322. Moreover, the money ISIS saves by using YouTube frees up funds for ISIS to devote to even more terrorist attacks.

323. In all of these ways and more, Google's Services have played an essential role in enabling ISIS to grow, develop, and project itself as the most feared terrorist organization in the world.

324. The sophisticated technological capabilities that Google's Services give to ISIS have had an enormous impact on ISIS's methods and success in recruiting, indoctrination, training, conducting terrorist operations, and engaging in psychological warfare.

IV. ISIS'S JANUARY 1, 2017 REINA ATTACK

A. Introduction

325. On January 1, 2017, ISIS carried out a horrific terrorist attack at the Reina nightclub in Istanbul, Turkey, murdering 39 people, including Nawras Alasaf, and injuring 69 more (the "Reina Attack").

326. The Reina Attack was intended: a) to intimidate and coerce the civilian populations of Turkey, the United States, and other countries engaged in activities against ISIS; b) to influence the policies of these governments by intimidation and coercion; and c) to affect the conduct of these governments by mass destruction, assassination, and kidnapping.

327. Indeed, a major component of the Reina Attack was the messaging disseminated by ISIS prior to, during, and after the events, in which ISIS stated its reasons for committing the terrorist attack against these countries' civilians.

328. The Reina Attack involved extensive planning, recruiting, organization, training, preparation, coordination, and funding.

329. It also involved the use of Defendants' platforms, before and after the attack, to intensify the fear and intimidation that ISIS intended to inflict by this mass casualty attack.

330. ISIS used Defendants' platforms and services to facilitate and accomplish all of these things.

B. Recruiting and Planning

331. The stated goal of ISIS is to use social media, including Defendants' platforms, services, computers, and communications equipment, to assist in carrying out their terrorist attacks throughout the world.

332. Turkey has become a "central target" of ISIS's campaign of terror attacks.³⁷

³⁷ <http://time.com/4387838/turkey-ataturk-airport-bombing-terrorist-attack/>

333. ISIS's terror attacks are primarily organized through online social media platforms and communication services, like Defendants' websites. Defendants' services allow ISIS to carry out its terrorist activities, including recruiting, radicalizing, and instructing terrorists, raising funds, and creating fear.

334. The Reina Attack involved year-long communication and coordination between attacker Abdulkadir Masharipov and Islamic State emir Abu Shuhada.

335. In order to facilitate their terror attacks in Europe and the Middle East, ISIS has recently increased their recruitment of citizens from Uzbekistan, as ISIS gains a "major advantage" from recruiting Uzbeks for terror attacks in Turkey due to the "close linguistic and cultural traits they share" with citizens of Turkey.³⁸

336. Abdulkadir Masharipov was born in 1983 in Uzbekistan.

337. Tasked with carrying out "retaliation" against Turkey, ISIS "activated" "sleeper operative" Abdulkadir Masharipov, who had previously received military training with al-Qaeda in Afghanistan in 2011.³⁹

338. According to Istanbul Governor Vasip Sahin, officials believe Masharipov, who speaks Chinese, Russian, Arabic, and Turkish, was "very well trained"

³⁸ <http://nationalinterest.org/feature/why-isis-recruits-uzbekistan-kyrgyzstan-19067>

³⁹ <https://etc.usma.edu/posts/the-reina-nightclub-attack-and-the-islamic-state-threat-to-turkey>

in both Afghanistan and Pakistan, maintaining contacts with ISIS in Syria.⁴⁰

339. According to Masharipov's subsequent account to interrogators, about a year before his Reina terrorist attack on January 1, 2017, he was given orders by an Islamic State emir in Raqqa to travel to Turkey to establish himself, along with his wife and two children, and await further orders.

340. It is believed that Masharipov entered Turkey in January 2016, crossing the Iranian border illegally on a frequently used smuggling route.⁴¹

341. Reports suggest Masharipov is just one of many Central-Asian individuals to be radicalized in recent years, as many as 4,000 young people are believed to have traveled from the region to Syria.⁴²

342. Masharipov testified to the Turkish prosecutor that Abu Shuhada, an ISIS emir, was responsible for Islamic State operations in Turkey.

343. On December 25, 2016, Masharipov was directed by Shuhada to launch an attack on New Year's Eve in Istanbul.

344. Masharipov farther claimed upon his arrival in Istanbul, he was provided with an AK-47 assault rifle, six loaded magazines, and three stun grenades.

345. Prior to his attack on the Reina nightclub, Masharipov made a "martyrdom" video, recorded by his wife, Zarina Nurullayeva, on December 27, 2016.

⁴⁰ <http://www.bbc.com/news/world-europe-38648350>

⁴¹ <http://www.bbc.com/news/world-europe-38648350>

⁴² *Id.*

346. Martyrdom videos, shared via Defendants' websites, are tools of propaganda frequently used by ISIS. These videos are used as psychological weapons in ISIS's attempt to establish validity for their actions, inspire fear in their enemies, or spread their ideology for political or religious ambitions.⁴³

347. In the video, Masharipov said he was going to carry out a suicide attack in the name of the Islamic State. He asks his children to behave well, to not upset their mother after he is gone, and he additionally requests that his son grows up to be a suicide bomber just like him.⁴⁴

348. In the safe house where Masharipov was apprehended, police recovered a voice message from an emir in Raqqa, who gave Masharipov his farewells and guaranteed him that his family was going to be well-taken care of, asking not to worry about his family under any circumstances.

C. ISIS vs. the United States, France, and their Allies

349. In September 2014, ISIS used YouTube to post an audio message from ISIS spokesman Abu Muhammad al-Adnani titled "Verily Your Lord is Ever Watchful," in which he urged ISIS supporters worldwide to perform terrorist attacks against countries that participated in fighting against ISIS, and in particular, against the United States, France, and other European nations.

⁴³ <http://floodhelp.uno.edu/uploads/Content%20Analysis/Salem.pdf>

⁴⁴ <https://etc.usma.edu/posts/the-reina-nightclub-attack-and-the-islamic-state-threat-to-turkey>

350. The following are translated excerpts from al-Adnani's September 2014 message:

“[To the U.S. and its allies:] We promise you that this campaign will be your last and it will collapse and fail, just as all your other campaigns collapsed. But this time, when the war ends we will be the ones to invade your countries, whereas you will no longer invade [ours]. We will invade your Rome, break your Cross and enslave your women, with Allah's help. This is His promise and he will not break it until it is realized. And if we do not achieve this, our sons or grandsons will, and they will sell your sons and grandsons as slaves.

...

[To American and Europeans:] The Islamic State did not launch a war against you, as your lying governments and your media claim. You are the ones who initiated hostilities against us, and the [side] that initiates hostilities is the evil one. You will pay [for it] dearly when your economies collapse. You will pay dearly when your sons are sent to fight us and return crippled and damaged, in coffins or as lunatics. You will pay when each of you feels afraid to travel abroad. You will pay when you walk the streets in trepidation, for fear of Muslims. You will not be safe in your own beds. You will pay the price when your Crusader war fails, and then we invade the very heart of your countries.

...

[To Muslims:] O monotheist, don't sit out this war, wherever you may be. [Attack] the tyrants' soldiers, their police and security forces, their intelligence [forces] and collaborators. Cause them to lose sleep, make their lives miserable, and cause them to be preoccupied with their own [problems]. If you are able to kill an American or European infidel - particularly any of the hostile, impure Frenchmen - or an Australian or a Canadian, or any [other] infidel enemy from the countries that have banded against the Islamic State, then put your trust in Allah and kill him, by any way or means. Do not consult anyone and do not seek a *fatwa* [religious ruling] from anyone. It is immaterial if the infidel is a combatant or a civilian. Their sentence is one; they are both infidels, both enemies. The blood of both is permitted ... The best thing to do would be to kill any French or American infidel or any of their allies ... If you cannot [detonate] a bomb or [fire] a bullet, arrange to meet alone with a French or an American infidel and bash his skull in with a rock, slaughter him with a knife, run him over with your car, throw him off a cliff, strangle him, or inject him with poison. Don't stand by, helpless and abject... If you are incapable even of this - then spit in his face. And if you refuse [to do] this while your brothers are being bombed and killed and their lives and property are under attack everywhere, then examine your faith. This is a serious matter you face, for the Islam

ic faith is predicated upon the principle of loyalty to Muslims and hostility toward infidels.”⁴⁵

351. On October 14, 2014, ISIS used YouTube to release a video message directed to the people of France, titled “Message of the Mujahid 3.”

352. The “Message of the Mujahid 3” YouTube video featured a French-speaking member of ISIS, sitting in the driver’s seat of a car with a rifle, threatening France with terrorist attacks and calling upon Muslims to carry out attacks.

353. The following are screen clips from ISIS’s “Message of the Mujahid 3” video:

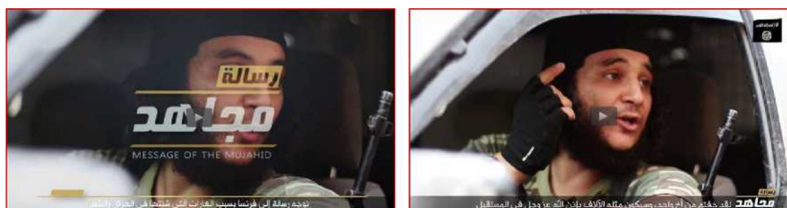


Figure 33 Clips from “Message of the Mujahid 3”

354. The following is a translation of excerpts from the French-speaker’s statement in the Message of the Mujahid 3 video posted on YouTube:

“We will give a message to France over the bombing in Iraq and Syria. We have warned, you are at war against the Islamic State. We are people to whom the victory will be assured with the help God. Now you have been warned.

⁴⁵ See “Responding To U.S.-Led Campaign, IS Spokesman Calls To Kill Westerners, Including Civilians, By Any Means Possible,” The Middle East Research Institute (MEMRI) (Sept. 22, 2014), http://www.memrijtm.org/content/view_print/blog/7825.

...

You have so many murders and killings as did our dear brother Mohamed Merah.

...

You were afraid of a brother, there will be thousands in the future.

...

This is a message to all Muslims of France. Enjoy and see what happens in the world. They gathered against us. Why, because we are defending Islam and because we want to apply the law of Allah. ... You say that we're the criminals. But they're the cowards who drop bombs in their sky. We will take revenge for all the brothers and all the civilians who were killed.

...

You will not be safe anywhere in France or in other countries. We will make appeals to all brothers who live in France to kill any civilian. You will never be safe. All murders you committed, you will regret it."

355. Prior to the Reina Attack, ISIS carried out and attempted several other terror attacks in Paris, Nice, and Belgium.

356. For example, on January 15, 2015, Belgian commandos thwarted an ISIS terrorist plot (the "Venders Plot") when they raided a safe house in Venders, Belgium, killing ISIS terrorists Sofiane Amghar ("Amghar") and Khalid Ben Larbi ("Larbi"), and arresting a third conspirator.

357. In the safe house, police found AK-47 assault rifles, components of the explosive TATP, GoPro cameras, and police uniforms.

358. Officials reported that the Venders Plot had included a planned beheading of a police officer that was to be filmed.

359. ISIS's *Dar al-Islam* online French-language magazine is dedicated to recruiting French-speaking members for ISIS and promoting attacks against France and other western countries.

360. *Dar al-Islam* Issue 2 was released shortly after a series of Islamist terrorist attacks in Paris had taken place from January 7-9, 2015: in one attack, two "al-Qaeda in the Arabian Peninsula" ("AQAP") terrorists shot and killed 11 civilians and a police officer and wounded 11 others in a shooting attack at the office of the *Charlie Hebdo* satire magazine; immediately afterward, ISIS terrorist Amedy Coulibaly ("Coulibaly") shot and killed a police officer and a jogger, and then killed four Jewish shoppers and took others hostage at a Hypercacher kosher supermarket.

361. *Dar al-Islam* Issue 2 praised and justified these attacks, and featured pictures of Coulibaly and an interview with his wife, Hayat Boumeddiene.

362. The issue also called for more terrorist attacks against France and other western countries; for example, one article in this issue included the following statement:

The disbeliever states have understood the consequences of the return of the Caliphate: the end of the domination by the Jews, the Crusaders and their allies. Every sincere Muslim must migrate to one of the regions of the Is-

lamic State, the land of Islam, and leave the land of disbelief led by the worst *tawaghit* [tyrants] of this world, who constantly war against our community. The time has come for the believers to go forth, to recover the land, and not to let these tyrants rest for one second. ... France needs to mourn its dead as we mourn our own; may they see the blood of their own people flow like we see that of our own.

363. In June 2015, French police took an ISIS recruit named Nicholas Moreau (“Moreau”) into custody after he was deported from Turkey.

364. After arresting Moreau, French police arrested another ISIS recruit in 2015 named Reda Hame (“Hame”) before he was able to carry out a planned terrorist attack.

365. During his interrogation on August 13, 2015, Hame told the police that in June 2015 ISIS had given Hame hands-on training in a park in Raqqa on the use of Kalashnikov assault rifles and grenades.

366. Asked by police whether he was aware of any pending attacks, Hame replied: “All I can tell you is that it’s going to happen soon. It’s a veritable factory over there - they are really looking to hit France or Europe.”⁴⁶

D. The Reina Attack

367. The original target of Masharipov’s terror attack, chosen by ISIS leadership, was Taksim Square

⁴⁶ *Id.*

in Istanbul, where a large public gathering was expected to welcome in the new year.⁴⁷

368. Masharipov sent Shuhada a “selfie” reconnaissance video from the square, which was subsequently released and spread by pro-Islamic State social media accounts, calling Masharipov a “lion of the caliphate.”



Figure 34 Masharipov Selfie

369. When Masharipov arrived at the square around midnight, he aborted the attack due to “intense security measures.”⁴⁸

⁴⁷ <http://www.hurriyetdailynews.com/istanbul-nightclub-attacker-says-original-target-was-taksim.aspx?pageID=238&nID=108659&NewsCatID=509>

370. Masharipov communicated with Shuhada who told him to look for an alternate target. As Masharipov passed the Reina nightclub in a Taxi, Shuhada confirmed to Masharipov that the new target was the Reina nightclub.

371. ISIS leaders sent Masharipov footage from inside the nightclub, which Masharipov viewed “over and over” to memorize the floor plan of the nightclub and plan his attack.⁴⁹

372. Masharipov returned to his residence to retrieve his weapons and the stun grenades, returning to Reina via taxi to carry out the attack.

373. Masharipov subsequently told investigators, “I entered Reina to die.”⁵⁰

374. At around 1:15 AM, Masharipov arrived at the Reina nightclub where he shot and killed a police officer and a bystander at the entrance of the club.

375. Masharipov continued shooting as he entered the Reina nightclub, firing upwards of 120 rounds into the crowd of more than 700 people celebrating the New Year.⁵¹

376. Witnesses described Masharipov’s demeanor as calm and calculated. Numerous reports ref-

⁴⁸ *Id.*

⁴⁹ <http://www.hurriyetdailynews.com/isil-militants-in-raqqa-sent-footage-from-inside-nightclub-attacked-by-masharipov.aspx?PageID=238&NID=108718&NewsCatID=509>

⁵⁰ <https://ctc.usma.edu/posts/the-reina-nightclub-attack-and-the-islamic-state-threat-to-turkey>

⁵¹ <https://www.thesun.co.uk/news/2561888/police-say-they-have-identified-the-man-accused-of-shooting-dead-39-people-in-istanbul-nightclub-terror-attack/>

erenced his training, utilizing flash grenades as he calmly reloaded to disorient victims.⁵²

377. During the seven minute attack, Masharipov killed 39 people, injuring an additional 69.⁵³

378. Following his terrorist attack, Masharipov changed his clothes in the club's kitchen, facilitating his escape as he blended in with the crowd.⁵⁴

E. The Aftermath of the Reina Nightclub Attack

379. The day after the terror attack on the Reina nightclub, on January 2, 2017, ISIS issued a statement claiming direct responsibility, describe Masharipov as a “hero soldier of the caliphate.”⁵⁵

380. Referencing Turkey's role in the conflict in Syria, ISIS's statement read “in continuation of the blessed operations that Islamic State is conducting against the protector of the cross, Turkey, a heroic soldier of the caliphate struck one of the most famous nightclubs where the Christians celebrate their apostate holiday.”⁵⁶

381. ISIS additionally warned that “the government of Turkey should know that the blood of Mus-

⁵² *Id.*

⁵³ <http://www.cnn.com/2017/01/04/middleeast/istanbul-shooting-reina-nightclub-scene/index.html>

⁵⁴ <http://www.washingtontimes.com/news/2017/jan/16/istanbul-turkey-nightclub-attacker-arrested-report/>

⁵⁵ <https://www.nytimes.com/2017/01/02/world/europe/istanbul-nightclub-attack.html>

⁵⁶ <https://www.nytimes.com/2017/01/02/world/europe/istanbul-nightclub-attack.html>

lims, which it is targeting with its planes and its guns, will cause a fire in its home by God's will."⁵⁷

382. Following the attacks, there were extensive retaliatory military raids by Turkish forces against ISIS targets in Syria.⁵⁸

383. For over two weeks, Masharipov evaded arrest, utilizing ISIS connections and safe houses.

384. On January 16, 2017, Masharipov was arrested in the Esenyurt district of Istanbul. Firearms, ammunition, two drones, and about \$200,000 were found in the apartment.⁵⁹

385. On April 6, 2017, American troops killed Abdurakhom Uzbeki, a militant who was a "close associate" of ISIS's leader and who helped plot the deadly attack on the Reina nightclub.⁶⁰

386. Colonel John Thomas, a spokesman for the military's central command, explained that Uzbeki "facilitated the movement of ISIS foreign terror fighters and funds."⁶¹

V. NAWRAS ALASSAF

387. On New Year's Eve 2016, Nawras Alassaf ("Alassaf") was in Istanbul with his wife to celebrate

⁵⁷ *Id.*

⁵⁸ <http://www.independent.co.uk/news/world/europe/istanbul-nightclub-attack-isis-claimresponsibility-new-years-eve-shooting-reina-a7505151.html>

⁵⁹ <http://www.bbc.com/news/world-europe-38648350>

⁶⁰ <https://www.nytimes.com/2017/04/21/world/middleeast/isis-abdurakhmon-uzbeki-syriaspecial-operations.html>

⁶¹ *Id.*

the New Year. Alassaf lived in Jordan and owned a lounge and bar. He was a father of three young boys and the brother-in-law of Jordan's water and irrigation minister.



Figure 35 Nawras Alassaf

388. Described by his friends and family as “kind” and “generous”, Alassaf was murdered in the Reina attack shortly after midnight on January 1, 2017, along with 38 others. Alassaf’s wife was also critically injured in the attack and remained hospitalized up to and through the filing of Plaintiffs’ first Complaint.

389. Plaintiffs, Alassaf’s brother, nieces, and nephew were devastated by the loss of their beloved

brother/uncle. They suffered and will continue to suffer, severe psychological and emotional harm, as well as loss of consortium as a result of the terrorist attack that killed Nawras Alassaf. Furthermore, Alassaf provided substantial financial support to Plaintiffs.

390. The following is a picture from a memorial service held for Alassaf:



Figure 36 Scene from Funeral of Nawras Alassaf

VI. DEFENDANT'S CONDUCT

A. Twitter, Facebook, and Google Profit From Allowing ISIS to Use Their Services

391. Astonishingly, Defendants routinely profit from ISIS. Each Defendant places ads on ISIS postings and derives revenue for the ad placement.

392. These ads are not placed randomly by Defendants. Instead, they are targeted to the viewer using knowledge about the viewer as well as information about the content being viewed. The following sites for each Defendant show how targeting works:

<https://business.Twitter.com/en/targeting.html>,

<https://www.facebook.com/business/a/online-sales/ad-targeting-details>,

<https://static.googleusercontent.com/media/www.youtube.com/en/yt/advertise/medias/pdfs/targeting-onesheet-en.pdf>.

393. By specifically targeting advertisements based on viewers and content, Defendants are no longer simply passing through the content of third parties. Defendants are themselves creating content because Defendants exercise control over what advertisement to match with an ISIS posting. Furthermore, Defendants' profits are enhanced by charging advertisers extra for targeting advertisements at viewers based upon knowledge of the viewer and the content being viewed.

B. Defendants Knowingly Provided Material Support and Resources to Terrorists, Including ISIS and its Supporters

394. ISIS's reputation as an organization that has engaged in and continues to engage in terrorist acts is widespread and has been reported in the world news media.

395. ISIS's designation as a Foreign Terrorist Organization is public knowledge that has likewise been widely reported in the world news media.

396. At all times relevant to this Complaint, Defendants have known that ISIS is an organization that has engaged in and continues to engage in terrorist activity.

397. At all times relevant to this Complaint, Defendants have known that ISIS is designated as a Foreign Terrorist Organization.

398. Despite this knowledge, Defendants have for years knowingly provided its Services to ISIS, its members, organizations owned or controlled by ISIS, and organizations and individuals that provide financing and material support to ISIS, including individuals and organizations that are designated as and SDGTs.

399. ISIS, its members, and its related entities and affiliates have operated numerous accounts on Defendants' platforms, often using their own names and displaying emblems and symbols associated with ISIS and its related terrorist entities.

400. ISIS's news and media organizations have operated accounts across each of Defendants' platforms, often including separate accounts for Arabic, French, English and other languages.

401. Through Defendants' services, Defendants make potential ISIS recruits, ISIS members, and ISIS leaders, available to other ISIS operatives, thus providing personnel to ISIS itself.

402. Prior to the Reina Attack, Defendants refused to actively monitor its online social media networks, including Facebook, Twitter, and YouTube, to block ISIS's use of Defendants' Services. Instead, Defendants knowingly permitted ISIS and ISIS's members and affiliates to use Defendants' platforms and other services, and generally only reviewed ISIS's use of its Services in response to third party complaints.

403. Even when Defendants have received complaints about ISIS's use of their platforms and other services, despite knowing that ISIS is a designated FTO and that ISIS has engaged in terrorist activity, Defendants have at various times determined that ISIS's use of its Services did not violate Defendants'

policies and permitted ISIS-affiliated accounts to remain active, or removed only a portion of the content posted on an ISIS-related account and permitted the account to remain active.

404. While Defendants suspended or blocked selected ISIS-related accounts at various times, prior to the Istanbul attack, Defendants did not make substantial or sustained efforts to ensure that ISIS would not reestablish the accounts using new identifiers.

405. Terrorists have used YouTube to promote and support their activities for years.

406. In 2008, a member of a prominent *jihadi* website forum began to call on Islamist terrorists to begin using Facebook as a tool for terrorism; in making the case for Facebook, the member argued: “We have already had great success in raiding YouTube.”⁶²

407. In December 2011, the Middle East Media Research Institute (“MEMRI”) issued a report stating that it had determined that: “YouTube has emerged as one of the leading websites for online jihad. It has replaced - and surpassed - web sites administered by the jihadis themselves, which were previously the leaders in online jihadi efforts.”

408. On February 26, 2013, members of the Home Affairs Committee of the U.K. House of Commons questioned Google/YouTube executive Sarah Hunter about *jihadi* terrorists’ use of YouTube to promote terrorism, and particularly focused on *al-Qaeda* leader Anwar Al-Awlaki, whose video speeches (known

⁶² Will Mccants, “Invading Facebook: Theory and Practice,” Jihadica.com (Dec. 17, 2008), <http://www.jihadica.com/invading-facebook-theory-and-practice/>.

to have inspired multiple terrorist attacks in the West) proliferate on YouTube.

409. The Google representative admitted that she had seen some of al-Awlaki's videos on YouTube, but acknowledged that Google did not actively guard against terrorists' use of the YouTube platform and services.

410. Rather, the Google representative testified that Google only reviews a video posted on YouTube if it receives a complaint from a YouTube user, and then Google will decide whether to block or remove the video if a Google reviewer determines that it violates Google's own content policies.

411. The media has widely reported on terrorists' use of YouTube and Google's refusal to take any meaningful action to stop it.

412. For example, on July 7, 2014, CBS Local reported that "militants post beheading videos on sites like Google's YouTube, giving an image the chance to go viral before being shut down."⁶³

413. In February 2015, Google announced that it had begun hiring Arabic speakers to serve as "moderators" to review videos posted to YouTube in the event complaints are received about particular posts.

414. However, Google reiterated that it would only review a video after a complaint is received, and it would then make a determination to block or delete the video based upon its own content policies.

⁶³ "Should Twitter, Facebook Be Held Liable For A Terrorist Attack? (Jul. 24, 2015), <http://sanfrancisco.cbslocal.com/2015/07/24/should-twitter-facebook-be-held-liable-for-a-terroristattack/>.

415. In some cases, rather than block or remove terrorist videos, Google will place an age restriction on a YouTube video, requiring a viewer to log-in to YouTube and claim to be at least 18 years-of-age before viewing it.

416. On March 3, 2015, CNN Money reported that Google was placing advertisements in front of ISIS videos posted on YouTube.⁶⁴

417. On March 10th 2015, DeathandTaxes.com released an article titled, “Beer ads keep showing up on ISIS YouTube videos.”⁶⁵

418. On March 10th 2015, NBC News released an article titled, “Ads Shown Before YouTube ISIS Videos Catch Companies Off-Guard.”⁶⁶

419. On March 11, 2015, NewsMediaRockstars reported that: “Major corporations like Procter and Gamble, Anheuser-Busch, and Toyota have all been forced to make apologies after ads for their products started rolling in front of ISIS recruiting videos which have been cropping up ever more frequently on the [YouTube] site.”⁶⁷

⁶⁴ Laurie Segall, “These ads ran before ISIS videos,” CNN Money (Mar. 3, 2015), <http://money.cnn.com/2015/03/03/technology/isis-ads-youtube/>.

⁶⁵ Joe Veix, “Beer ads keep showing up on ISIS YouTube videos,” Deathandtaxes.com (Mar. 10, 2015), <http://www.deathandtaxes.com/239510/beer-ads-keep-showing-up-on-isis-youtubevideos/>.

⁶⁶ See <http://www.nbcnews.com/storyline/isis-terror/ads-shown-isis-videos-youtube-catch-companies-guard-n320946>.

⁶⁷ Evan DiSimone, “Advertisers Apologize For Ads Shown On ISIS YouTube Videos,” NewMediaRockstars (Mar. 11, 2015), <http://newmediarockstars.com/2015/03/advertisers-apologize-for-ads-shown-on-isis-youtube-videos/>.

420. On April 28, 2015, MusicTechPolicy.com reported that the Islamic State has released a new YouTube video “showcasing recent battles in the Al Sufiyah area of eastern Ramadi. Approximately 30 Iraqi police have been killed and around 100 more have been injured in recent days in the western provincial capital.”⁶⁸

421. On August 6, 2015, Vladimir Platov of New Eastern Outlook reported: “The well-known online video platform YouTube serves as the main media platform of these radical fighters.”⁶⁹

422. In March 2016 the Digital Citizens’ Alliance issued a report documenting a number of examples of presidential election campaign ads placed on ISIS videos, including a Ted Cruz ad appearing before a video produced by ISIS’s *al-Hayat* Media.⁷⁰

423. Google derives revenue from ads placed on YouTube, including the ads placed before ISIS videos posted on YouTube.

424. Google does not place ads on YouTube randomly; rather, they are targeted to the viewer using

⁶⁸ Chris Castle, “Live From YouTubeistan: Google Still Providing Material Support for ISIS,” MusicTechnologyPolicy.com (Apr. 28, 2015), <https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-isis/>.

⁶⁹ Vladimir Platov, “Hi-Tech Tools of ISIL Propaganda,” New Eastern Outlook (Aug. 6, 2015), <http://journal-neo.org/2015/06/08/hi-tech-tools-of-isil-propaganda/>.

⁷⁰ “Fear, Loathing, and Jihad: How YouTube is pairing the 2016 candidates with the creepy, the corrupt, and the criminal,” Digital Citizens’ Alliance (Mar. 2016), <https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-blaa-4b29-a4d5-5d6453acc2cd.pdf>.

based upon algorithms that analyze and use data about the ads, the user, and the video posted.⁷¹

425. By specifically targeting advertisements based on viewers and content, Google is no longer simply passing through the content of third parties; rather, Google is itself creating content because it exercises control over what advertisement to match with an ISIS video posting on YouTube.

426. Moreover, Google's revenue is enhanced by charging advertisers extra for placing targeted advertisements.

427. In addition, Google agrees to share a percentage of the revenue it generates from ads placed before YouTube videos with the user who posts the video.

428. In order for ads to appear associated with a YouTube video, the poster must create a Google "AdSense" account and register the account for "monetization."

429. According to Google, each video must be reviewed and approved by Google before Google will permit ads to be placed with that video.

430. Google represents that videos must meet Google's policies and terms before they will be approved for ads.

431. Upon information and belief, Google has reviewed and approved ISIS videos, including videos posted by ISIS-affiliated users, for "monetization" through Google's placement of ads in connection with those videos.

⁷¹ See Google's description of targeted ads on YouTube at: <https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pdfs/targeting-onesheet-en.pdf>.

432. Upon information and belief, by thus approving ISIS videos, including videos by posted by ISIS-affiliated users, Google has agreed to share with ISIS and ISIS-affiliated users a percentage of revenues generated by these ads.

433. Google uses the AdSense monetization program to earn revenue, and as an incentive to encourage users to post videos on YouTube.

434. By approving ISIS videos for monetization via AdSense, Google has provided a financial incentive and encouraged ISIS to post videos on You Tube.

435. The following is a screen shot example of Google placing targeted ads in conjunction with an ISIS video on YouTube. The video was created by ISIS and was posted by ISIS using a known ISIS account. On information and belief, the poster complied with YouTube's terms and conditions, as did YouTube. Thus, YouTube shared revenue with ISIS, the creator and poster of the video in violation of 18 U.S.C. §§ 2339A-B. By providing financial support to ISIS, Google contributed to the Reina attack.

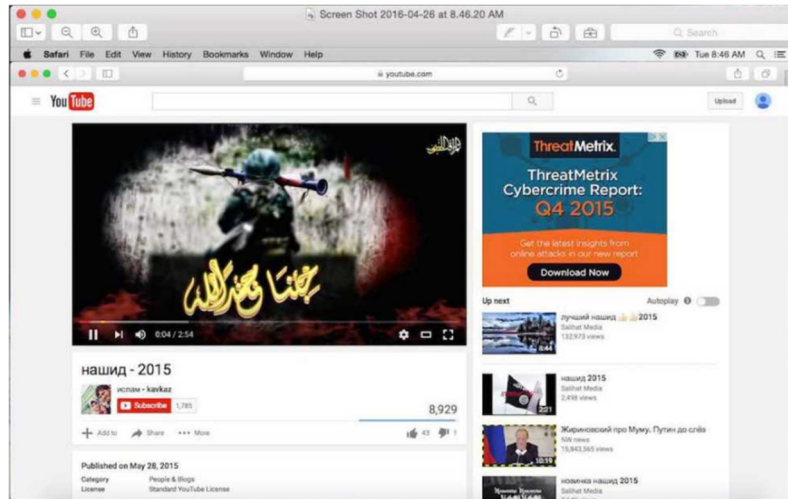


Figure 37 Screenshot Example of Ads on YouTube

436. Given that ad placement on videos requires Google’s specific approval of the video according to Google’s terms and conditions, any video which is associated with advertising has been approved by Google.

437. Because ads appear on the above video posted by ISIS, this means that Google specifically approved the video for monetization, Google earned revenue from each view of this video, and Google shared the revenue with ISIS. As a result, Google provides material support to ISIS.

438. Twitter also profits from material posted by ISIS by routinely placing ads. For example, a view of the account of “DJ Nasheed” on May 17, 2016, shows that Twitter placed an ad for OneNorth for their “M.E.A.N. Stack” offering. As such, Twitter provides material support to ISIS and is compensated for the effort.

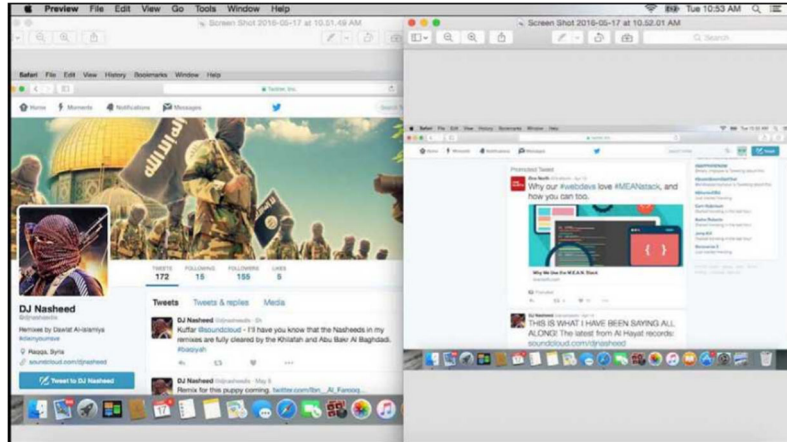


Figure 38 ISIS post on Twitter with ad placed by Twitter

439. Facebook also profits from ISIS postings. On May 31, 2016, the following screenshot was collected:



Figure 39 ISIS post on Facebook with add placed by Facebook

440. As such, Facebook provides material support to ISIS and is compensated for the effort.

441. Thus, not only does each Defendant provide material support to ISIS by allowing ISIS to make use of their social media sites, each Defendant derives revenue from ISIS postings irrespective of the content of ISIS's postings.

C. Defendants Are Information Content Providers

442. When individuals look at a page on one of Defendants' sites that contains postings and advertisements, that configuration has been created by Defendants. In other words, a viewer does not simply see a posting; nor does the viewer see just an advertisement. Defendants create a composite page of content from multiple sources.

443. Defendants create this page by selecting which advertisement to match with the content on the page. This selection is done by Defendants' proprietary algorithms that select the advertisement based on information about the viewer and the content being. Thus there is a content triangle matching the postings, advertisements, and viewers.

444. Although Defendants have not created the posting, nor have they created the advertisement, Defendants have created new unique content by choosing which advertisement to combine with the posting with knowledge about the viewer.

445. For example, Google also recommends content to users based upon the content and what is known about the viewer.⁷² Google has recommended ISIS videos to users. Targeting content to users is not a traditional publishing function. By recommended ISIS vid-

⁷² See "How YouTube's Suggested Videos Work," *YouTube Creator Academy* (Aug. 30, 2017), <https://www.youtube.com/watch?v=E6pC6iql5xM>.

eos to users, Google assists ISIS in spreading its message and thus provides material support to ISIS. The image below shows a video that was recommended to a user based upon other videos he had viewed in the past.⁷³ On information and belief, this is a common occurrence.



Figure 40 Screen clip from Google

446. In addition, by specifically targeting advertisements based on viewers and content, Defendants are no longer simply passing through the content of third parties; rather, Defendants are themselves creating and developing content because they exercise control over what advertisement to match with an ISIS posting.

447. When individuals look at a page that contains postings and advertisements, that configuration has been created and developed by Defendants. In other words, a viewer does not simply see the posted

⁷³ Personal email from Eric Feinberg to Keith Altman dated October 29, 2016.

content; nor does the viewer see just an advertisement. Rather, Defendants create and develop a composite page of content from multiple sources.

448. Defendants create and develop this page by selecting which advertisement to match with the posting on the page through its proprietary algorithms that select the advertisement based on information about the viewer and the posting. Thus there is a content triangle matching the videos, advertisements, and viewers.

449. As discussed above, Defendants tout the ability to target advertisements as a benefit to advertising with the respective networks. Furthermore, Defendants extract a premium from advertisers for the use of targeted advertising. The ability to target advertising based upon what is known about the viewer and what the viewer is looking at is not a traditional publishing function and did not exist until long after 1996.

450. Although Defendants have not created the posted content, nor has it created the advertisement, Defendants have created new unique content and developed the content by choosing which advertisement to combine with the posted video with knowledge about the viewer.

451. Thus, Defendants' active involvement in combining certain advertisements with certain postings for specific viewers means that Defendants are not simply passing along content created by third parties; rather, Defendants have incorporated ISIS postings along with advertisements matched to the viewer to create new content for which Defendants earn revenue, and thus providing material support to ISIS.

D. Defendants' Platforms and Other Services are Unique

452. Defendants' platforms and other services are provided to users via Defendants' unique computer architecture.

453. Whenever a Twitter, Facebook, or YouTube user posts content on Twitter, Facebook, or YouTube, Defendants' computer servers receive the information and distribute it to the Twitter, Facebook, or YouTube user's network of Twitter "followers," Facebook "friends," or YouTube channel "subscribers."

454. The posted content also appears on Twitter's "Timeline," Facebook's "Newsfeed," or the YouTube user's YouTube channel page, and is available via Twitter, Facebook, or YouTube's platforms and search engines on the Internet, depending upon the user's privacy settings.

455. The video and other information that is input by a Twitter, Facebook, or YouTube user into Twitter, Facebook, or YouTube is also stored on Defendants' computer equipment as well as on Defendants' backup storage equipment.

456. Twitter, Facebook, and YouTube users' content, videos, and other information are hosted on Defendants' computer equipment.

457. Defendants enable users to connect and communicate with "followers," "friends," "subscribers," or with others via posts that can be in the form of a short message, a photo with a caption, sharing a web link or a news article from another website, or linking to other social media platforms.

458. Defendants' platforms' users also "like" and "share" others' videos, thereby exposing these videos to new networks of viewers.

459. Defendants use computer algorithms to match content, videos, and accounts with similarities, so that similar Twitter, Facebook, or YouTube content, videos and accounts are suggested to a user or viewer when viewing a Twitter, Facebook, or YouTube account; in this way, users are able to locate other videos and accounts related to ISIS even if they do not know the correct identifier or if the original Twitter, Facebook, or YouTube account has been replaced by a new identifier.

460. Effectively, Defendants serve as a broker or matchmaker between like-minded people, introducing users to other users and videos that they will be interested in based on the video and account information and characteristics; these types of suggestions appear on the side margin of the user's Twitter, Facebook, or YouTube page, and in the case of YouTube, even automatically load and play when a selected video ends.

461. By providing Twitter, Facebook, and Google's YouTube platforms and other services to ISIS, Defendants are providing to ISIS use of unique computer architecture, computer servers, storage and communication equipment, highly-developed and sophisticated algorithms, and services that facilitate ISIS's ability to reach and engage audiences it could not otherwise reach as effectively.

462. As discussed above, Twitter, Facebook, and YouTube's usefulness to ISIS is not merely about content; ISIS uses Twitter, Facebook, and YouTube as tools to connect with others and promote its terrorist activity.

E. Defendants Can Deny Services to ISIS But Refused to Do So

463. Defendants have tools by which it can identify, flag, review, and remove ISIS accounts.

464. In a January 2011 blog post entitled “The tweets Must Flow,” Twitter co-founder Biz Stone and Twitter General Counsel Alex Macgillivray wrote: “We don’t always agree with the things people choose to tweet, but we keep the information flowing irrespective of any view we may have about the content.”

465. On June 20, 2014, Twitter founder Biz Stone, responding to media questions about ISIS’s use of Twitter to publicize its acts of terrorism, said, “[i]f you want to create a platform that allows for the freedom of expression for hundreds of millions of people around the world, you really have to take the good with the bad.”

466. In September 2014, Twitter spokesperson Nu Wexler reiterated Twitter’s hands-off approach, telling the press, “Twitter users around the world send approximately 500 million tweets each day, and we do not monitor them proactively.” “The Twitter Rules” reiterated that Twitter “do[es] not actively monitor and will not censor user content, except in exceptional circumstances.” In February 2015, Twitter confirmed that it does not proactively monitor content and that it reviews only that content which is reported by other users as violating its rules.

467. Most technology experts agree that Defendants could and should be doing more to stop ISIS from using its social network. “When Twitter says, ‘We can’t do this,’ I don’t believe that,” said Hany Farid, chairman of the computer science department at Dart-

mouth College. Mr. Farid, who co-developed a child pornography tracking system with Microsoft, says that the same technology could be applied to terror content, so long as companies were motivated to do so. “There’s no fundamental technology or engineering limitation,” he said. “This is a business or policy decision. Unless the companies have decided that they just can’t be bothered.”

468. According to Rita Katz, the director of SITE Intelligence Group, “Twitter is not doing enough. With the technology Twitter has, they can immediately stop these accounts, but they have done nothing to stop the dissemination and recruitment of lone wolf terrorists.”

469. Even when Defendants shut down an ISIS-linked account, they do nothing to stop it from springing right back up. According to the New York Times, the Twitter account of the pro-ISIS group Asawitiri Media has had 335 accounts. When its account @TurMedia333 was shut down, it started @TurMedia334. When that was shut down, it started @TurMedia335. This “naming convention — adding one digit to a new account after the last one is suspended — does not seem as if it would require artificial intelligence to spot.” Each of these accounts also used the same user photograph of a bearded man’s face over and over again. In the hours after the shooting attack in San Bernardino, California on December 2, 2015, @TurMedia335 tweeted: “California, we have already arrived with our soldiers. Decide how to be your end, with knife or bomb.”

470. Using this simplistic naming scheme is critical to ISIS’s use of social media. Without a common

prefix, it would be difficult for followers of ISIS accounts to know the new name of the account.

471. Because of the simplistic renaming scheme, Defendants could easily detect names that are likely to be replacement accounts and delete them almost as soon as they are created. Yet Defendants have failed to implement such a basic account detection methodology.

472. Furthermore, ISIS keeps track of the followers of each account. Once an account is deleted by one of the Defendants and then regenerated, ISIS uses a hot to contact each of its followers asking them to connect. This allows ISIS to reconstitute the connections for each account very quickly. Defendants could easily detect such activity but chose not to.

473. Although Defendants proclaim that they do take accounts down including those of ISIS, Defendants do nothing to keep those accounts down. ISIS and other nefarious groups are dependent upon having a social media network from which to collect money and conduct terrorist operations including recruitment and radicalization.

474. The following example illustrates how Defendants allow ISIS to quickly construct networks of followers. Below is a posting from Twitter captured on June 20, 2016. The individual is named “DriftOne00146” and he proudly proclaims that this is the 146th version of his account. With only 11 tweets, this individual is followed by 349 followers. This is very suspicious activity.



Figure 41: DriftOne00146 posting 06/20/2016

475. The very next day, this individual now has 547 followers with only 3 additional tweets.

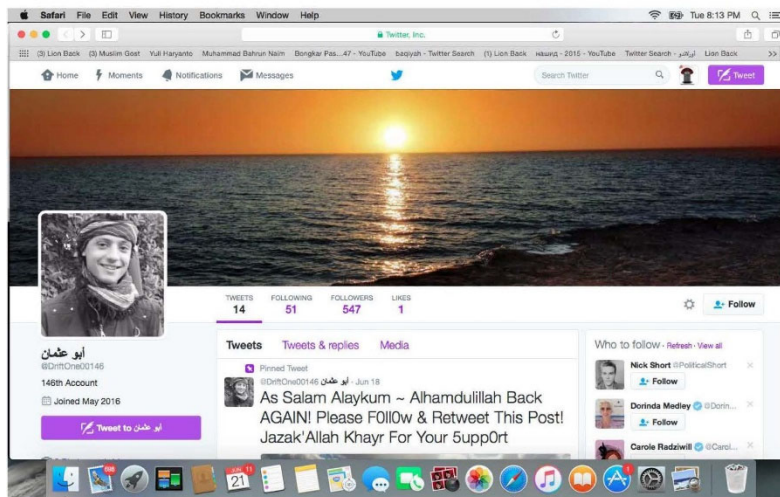


Figure 42: DriftOne00146 posting June 21, 2016

476. The next morning, this individual's account was taken down by Twitter. That afternoon, he was back up as DriftOne0147 with 80 followers.

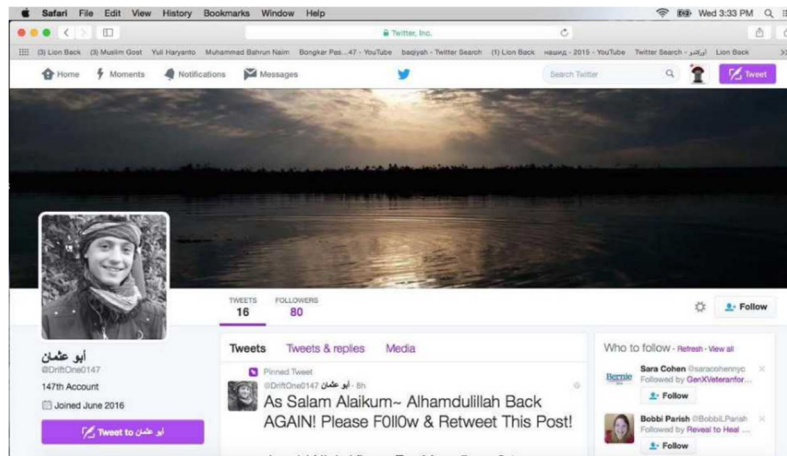


Figure 43: DriftOne0147 posting June 22, 2016

477. The very next week on June 28, 2016, the same individual was back up as DriftOne150. Most disturbing is that his posting of #Bangladesh and #Dhaka just three days before the unfortunate ISIS attack in Dhaka, Bangladesh.

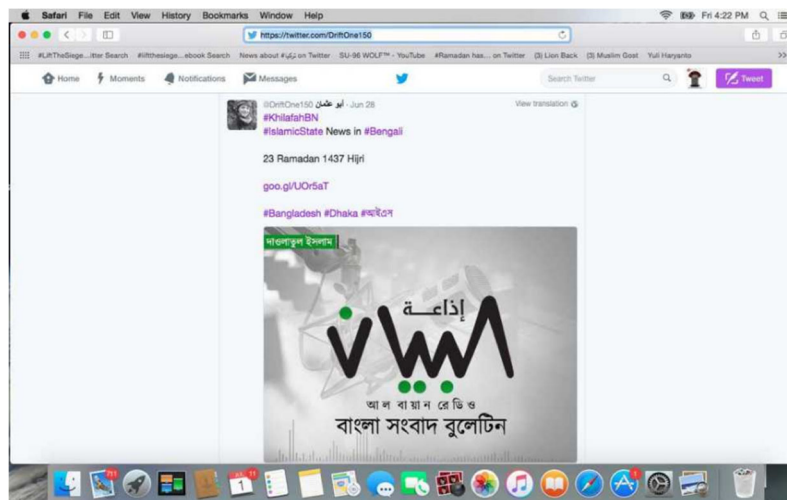


Figure 44: DriftOne150 posting June 28, 2016

478. The day after the attacks, he is now DriftOne0151 and he posts pictures of those individuals who conducted the attacks.

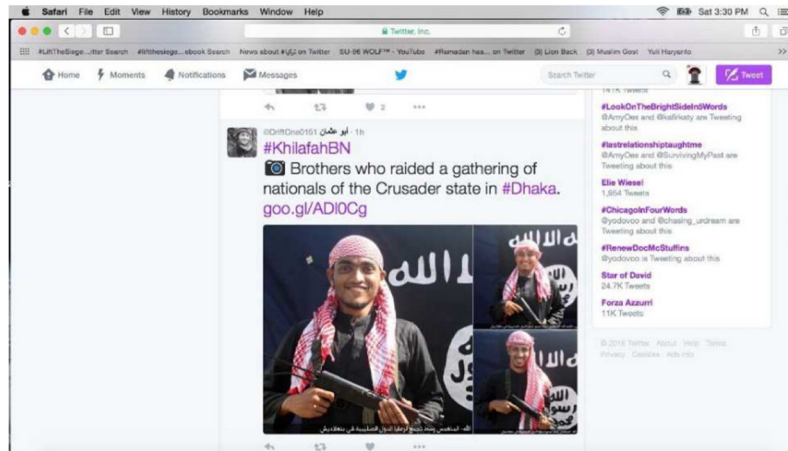


Figure 45: DriftOne0151 posting July 2, 2016

479. What the above example clearly demonstrates is that there is a pattern that is easily detectable without reference to the content. As such, a content-neutral algorithm could be easily developed that would prohibit the above behavior. First, there is a text prefix to the username that contains a numerical suffix. When an account is taken down by a Defendant, assuredly all such names are tracked by Defendants. It would be trivial to detect names that appear to have the same name root with a numerical suffix which is incremented. By limiting the ability to simply create a new account by incrementing a numerical suffix to one which has been deleted, this will disrupt the ability of individuals and organizations from using Defendants networks as an instrument for conducting terrorist operations.

480. Prohibiting this conduct would be simple for Defendants to implement and not impinge upon the

utility of Defendants sites. There is no legitimate purpose for allowing the use of fixed prefix/incremental numerical suffix names. Preventing the use of these names once a similarly named account would not place a significant burden on Defendants to implement nor would it place any “chilling” effect on the use of Defendants’ sites.

481. Sending out large numbers of requests to connect with friends/followers from a newly created account is also suspicious activity. As shown in the “DriftOne” example above, it is clear that this individual must be keeping track of those previously connected. When an account is taken down and then re-established, the individual then uses an automated method to send out requests to all those members previously connected. Thus, accounts for ISIS and others can quickly reconstitute after being deleted. Such activity is suspicious on its face.

482. Clearly, it is not normal activity for a newly created account to send out large numbers of requests for friends and followers immediately after creation. It is further unusual for those connections requests to be accepted in a very short period of time. As such, this activity would be easy to detect and could be prohibited by Defendants in a content-neutral manner as the content is never considered; only the conduct.

483. Furthermore, limiting the rapidity with which a newly created account can send requests to friends/followers would not place a significant burden on Defendants to implement. Once again, such activity is suspicious and suggestive of reconstitution of an account which was deleted by Defendants. In addition, Defendants could easily track that a newly created account similarly named to one previously taken down is

sending out large numbers of requests in a very short period of time.

484. Because the suspicious activity used by ISIS and other nefarious organizations engaged in illegal activities is easily detectable and preventable and that Defendants are fully aware that these organizations are using their networks to engage in illegal activity demonstrates that Defendants are acting knowingly and recklessly allowing such illegal conduct. ISIS is dependent on using social media to conduct its terrorist operations. Limiting ISIS's ability to rapidly connect and reconnect to supports Thus, Defendants knowing and reckless conduct provides materials support to ISIS and other nefarious organizations.

485. Notably, while Twitter has now put in place a rule that supposedly prohibits "threats of violence ... including threatening or promoting terrorism," many ISIS-themed accounts are still easily found on Twitter.com. To this day, Twitter also permits groups designated by the U.S. government as Foreign Terrorist Organizations to maintain official accounts, including Hamas (@hamasinfo and @HamasInfoEn) and Hizbollah (@almanamews).

486. On November 17, 2015, the hacking group Anonymous took down several thousand ISIS Twitter accounts. That an external third party could identify and disrupt ISIS Twitter accounts confirms that Twitter itself could have prevented or substantially limited ISIS's use of Twitter.

487. Although YouTube proclaims that it deletes accounts of those who run afoul of its policies, YouTube allows these accounts to be quickly regenerated. This account regeneration leaves signatures which could be easily detected by YouTube in a content

independent manner. That YouTube allows ISIS to quickly regenerate deleted accounts when this practice could be eliminated or severely limited provides farther evidence that YouTube provides material support to ISIS.

488. In August 2016, after a 12-month inquiry on countering extremism that included testimony from Google and other social media company executives, the U.K. House of Commons' Home Affairs Committee issued a report titled "Radicalisation: the counter-narrative and identifying the tipping point." ("U.K. Report").⁷⁴

489. In the 2016 U.K. Report, the Home Affairs Committee found that:

"The use of the internet to promote radicalisation and terrorism is one of the greatest threats that countries ... face.

...

Social media companies are consciously failing to combat the use of their sites to promote terrorism and killings. Networks like Facebook, Twitter and YouTube are the vehicle of choice in spreading propaganda and they have become the recruiting platforms for terrorism. They must accept that the hundreds of millions in revenues generated from billions of people using their products needs to be accompanied by a greater sense of responsibility and ownership for the impact that extremist material on their

⁷⁴ Home Affairs Committee, "Radicalisation: the counter-narrative and identifying the tipping point," House of Commons (Aug. 25, 2016), <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/135/135.pdf>.

sites is having. There must be a zero tolerance approach to online extremism, including enticement to join extremist groups or commit attacks of terror and any glorification of such activities... These companies are hiding behind their supranational legal status to pass the parcel of responsibility and refusing to act responsibly in case they damage their brands.”⁷⁵

VII. The Istanbul Attack Was An Act of International Terrorism

490. One of the stated goals of ISIS is to use social media including Defendants platforms to radicalize individuals to conduct attacks throughout the world, including the United States.

491. By radicalizing individuals through social media, this allowed ISIS to exert its influence without the necessity of direct physical contact with these individuals. Furthermore, this allows ISIS to incite or participate in attacks without the necessity of sending its own operatives.

492. Thus, an attack in Istanbul to which ISIS’s use of social media caused or contributed is an action by ISIS. Given that ISIS has been declared an international terrorist organization, such an action is an act of international terrorism.

493. Abdulkadir Masharipov was radicalized by ISIS’s use of social media. This was the stated goal of ISIS. Abdulkadir Masharipov then carried out the deadly attack in Istanbul. Conducting terrorist acts via radicalized individuals is a stated goal of ISIS.

⁷⁵ *Id.* at 11, 13-14 (original in bold).

494. Abdulkadir Masharipov's attack on the Reina nightclub was a violent act causing death and injury and constitutes numerous criminal acts under the laws of the United States.

495. ISIS intended to intimidate and coerce Istanbul's populations and governments through a pattern of intimidation and coercion as discussed throughout Plaintiff's Complaint.

496. ISIS acts from outside Istanbul using Defendants' platforms in a manner that transcends national boundaries because of the international usage of Defendants' platforms.

497. But for ISIS's postings using Defendants' social media platforms, Abdulkadir Masharipov would not have engaged in their attack on the Reina nightclub.

498. Abdulkadir Masharipov's terrorist actions were a direct result of ISIS's actions and given that ISIS is an international terrorist organization, Abdulkadir Masharipov's actions were also an act of international terrorism.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

LIABILITY FOR AIDING AND ABETTING ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)

499. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as if fully set forth herein.

500. Since 2004, ISIS has been and continues to be, a designated foreign terrorist organization under

section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

501. ISIS has committed, planned, or authorized activities that involved violence or acts dangerous to human life that are a violation of the criminal laws of the United States, or that would be a criminal violation if committed within the jurisdiction of the United States, including *inter alia* the prohibition on killing, attempting to kill, causing serious bodily injury, or attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C. § 2332.

502. These activities committed, planned, or authorized by ISIS appear to have been, and were intended to: (a) intimidate or coerce the civilian populations of Turkey, the United States, and other countries; (b) influence the policy of the Governments of Turkey, the United States and other countries by intimidation or coercion; or (c) affect the conduct of the Governments of Turkey, the United States and other countries by mass destruction, assassination, or kidnapping.

503. These activities committed, planned, or authorized by ISIS occurred entirely or primarily outside of the territorial jurisdiction of the United States and constituted acts of international terrorism as defined in 18 U.S.C. § 2331(1).

504. Plaintiffs have been injured in their person by reason of the acts of international terrorism committed, planned, or authorized by ISIS.

505. At all times relevant to this action, Defendants knew that ISIS was a Foreign Terrorist Organization, that it had engaged in and continued to engage in illegal acts of terrorism, including international terrorism.

506. Defendants knowingly provided substantial assistance and encouragement to ISIS, and thus aided and abetted ISIS in committing, planning, or authorizing acts of international terrorism, including the acts of international terrorism that injured Plaintiffs.

507. By aiding and abetting ISIS in committing, planning, or authorizing acts of international terrorism, including acts that caused each of the Plaintiffs to be injured in his or her person and property, Defendants are liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that Plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

SECOND CLAIM FOR RELIEF

LIABILITY FOR CONSPIRING IN FURTHERANCE OF ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)

508. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as if fully set forth herein.

509. Defendants knowingly agreed, licensed, and permitted ISIS and its affiliates to register and use Defendants' sites and other services to promote and carry out ISIS's activities, including ISIS's illegal acts of international terrorism that injured Plaintiffs.

510. Defendants were aware that U.S. federal law prohibited providing material support and resources to, or engaging in transactions with, designated foreign terrorist organizations and other specially designated terrorists.

511. Defendants thus conspired with ISIS in its illegal provision of Defendants' sites and equipment to

promote and carry out ISIS's illegal acts of international terrorism, including the acts that injured Plaintiffs.

512. By conspiring with ISIS in furtherance of ISIS's committing, planning, or authorizing acts of international terrorism, including acts that caused each of the Plaintiffs to be injured in his or her person and property, Defendants are liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that Plaintiffs have sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

THIRD CLAIM FOR RELIEF

PROVISION OF MATERIAL SUPPORT TO TERRORISTS IN VIOLATION OF 18 U.S.C. § 2339A AND 18 U.S.C. § 2333

513. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as if fully set forth herein.

514. The online social media platform and communication services which Defendants knowingly provided to ISIS, including the use of Defendants' services, computers, and communications equipment, substantially assisted ISIS in carrying out its terrorist activities, including recruiting, radicalizing, and instructing terrorists, raising funds, creating fear and carrying out attacks, among other things.

515. Through their actions, Defendants have also provided personnel to ISIS by making ISIS leaders, members, and potential new recruits available to each other and to ISIS.

516. These services, equipment, and personnel constituted material support and resources pursuant to 18 U.S.C. § 2339A, and they facilitated acts of terrorism

in violation of 18 U.S.C. § 2332 that caused the death of Nawras Alassaf and injuries to Plaintiffs.

517. Defendants provided these services, equipment, and personnel to ISIS, knowing that they were to be used in preparation for, or in carrying out, criminal acts including the acts that injured the Plaintiffs.

518. As set forth more fully above, but for the material support and resources provided by Defendants, the attack that injured the Plaintiffs would have been substantially more difficult to implement.

519. By committing violations of 18 U.S.C. § 2339A that have caused the Plaintiffs to be injured in his or her person, business or property, Defendants are liable pursuant to 18 U.S.C. § 2333 for any and all damages that Plaintiffs have sustained as a result of such injuries.

FOURTH CLAIM FOR RELIEF

PROVISION OF MATERIAL SUPPORT AND RESOURCES TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION IN VIOLATION OF 18 U.S.C. § 2339B(A)(1) AND 18 U.S.C. § 2333(A)

520. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as if fully set forth herein.

521. By knowingly (or with willful blindness) providing their social media platforms and communication services, including use of computer and communications equipment, and personnel, for the benefit of ISIS, Defendants have provided material support and resources to a designated Foreign Terrorist Organiza-

tion under the Antiterrorism and Effective Death Penalty Act of 1996 in violation of 18 U.S.C. § 2339B(a)(1).

522. Defendants knew of (or were willfully blind to) ISIS's terrorist activities.

523. Defendants knew (or were willfully blind to the fact) that ISIS had been designated a Foreign Terrorist Organization by the United States Government.

524. The Services and support that Defendants purposefully, knowingly or with willful blindness provided to ISIS constitute material support to the preparation and carrying out of acts of international terrorism, including the attack in which the Plaintiffs were killed or injured.

525. Defendants' violation of 18 U.S.C. § 2339B proximately caused the damages to Plaintiffs described herein.

526. By knowingly (or with willful blindness) providing material support to a designated Foreign Terrorist Organization, Defendants are therefore civilly liable for damages to plaintiffs for their injuries pursuant to 18 U.S.C. § 2333(a).

FIFTH CLAIM FOR RELIEF

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

527. Plaintiffs repeat and reallege each of the foregoing allegations with the same force and effect as if more fully set forth herein.

528. Defendants engaged in negligent behavior by providing services to ISIS.

529. Defendants' acts of providing services to ISIS constituted a willful violation of federal statutes,

and thus amounted to a willful violation of a statutory standard.

530. As a direct, foreseeable and proximate result of the conduct of Defendants as alleged hereinabove, Plaintiffs has suffered severe emotional distress, and therefore Defendants are liable to the Plaintiffs for Plaintiffs' severe emotional distress and related damages.

SIXTH CLAIM FOR RELIEF

WRONGFUL DEATH

531. Plaintiffs repeat and reallege each of the foregoing allegations with the same force and effect as if more fully set forth herein.

532. Each of the Defendants' provides services to ISIS that, among other things, substantially assist and contribute to ISIS's ability to carry out its terrorist activities.

533. As set forth more fully above, but for the assistance provided by the Defendants' the terrorist attack that killed each of Plaintiffs' Decedents herein, would have been substantially more difficult to implement.

534. The conduct of each Defendant party was unreasonable and outrageous and exceeds the bounds usually tolerated by decent society, and was done willfully, maliciously and deliberately, or with reckless indifference to the life of the victims of ISIS's terrorist activity, Plaintiffs herein.

535. The conduct of each Defendant was a direct, foreseeable and proximate cause of the wrongful deaths of each of Plaintiffs' Decedents and therefore

the Defendants' are liable to Plaintiffs for their wrongful deaths.

536. Each of the Defendants actions were undertaken willfully, wantonly, maliciously and in reckless disregard for Plaintiff's rights, and as a direct, foreseeable and proximate result thereof Plaintiffs suffered economic and emotional damage in a total amount to be proven at trial, therefore Plaintiffs seek punitive damages in an amount sufficient to deter Defendants from similar future wrongful conduct.

SEVENTH CLAIM FOR RELIEF

**CONCEALMENT OF MATERIAL SUPPORT AND
RESOURCES TO A DESIGNATED FOREIGN
TERRORIST ORGANIZATION IN VIOLATION OF
18 U.S.C. § 2339C(C) AND 18 U.S.C. § 2333(A)**

537. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

538. By knowingly concealing or disguising the nature, location, source, ownership, or control of material support or resources, knowing that the material support or resources were provided to ISIS in violation of 18 U.S.C. § 2339B, Defendants violated 18 U.S.C. § 2339C(c).

539. By concealing such material support and resources, Defendants enabled and prolonged ISIS's use of such material support and resources to carry out terrorist activities, including the acts of international terrorism that injured Plaintiffs.

540. Defendant's violation of 18 U.S.C. § 2339C(c) proximately caused the injuries to Plaintiffs described herein.

541. By knowingly concealing material support or resources as described herein, Defendants are therefore civilly liable for damages to Plaintiffs for their injuries pursuant to 18 U.S.C. § 2333(a).

EIGHTH CLAIM FOR RELIEF

**PROVISION OF FUNDS, GOODS, OR SERVICES TO
OR FOR THE BENEFIT OF SPECIALLY DESIGNATED
GLOBAL TERRORISTS IN VIOLATION OF
EXECUTIVE ORDER NO. 13224, 31 C.F.R. PART 594,
50 U.S.C. § 1705, AND 18 U.S.C. § 2333(A)**

542. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

543. Defendants knowingly and willfully engaged in transactions with, and provided funds, goods, or services to or for the benefit of, Specially Designated Global Terrorists (“SDGTs”), including ISIS, its leaders, and members, in violation of EO 13224, 31 C.F.R. Part 594, and 50 U.S.C. § 1705.

544. The actions of Defendants constituted acts of international terrorism as defined in 18 U.S.C. § 2331, and proximately caused Plaintiffs’ injuries.

545. Defendants are liable pursuant to 18 U.S.C. § 2333(a) for any and all damages that Plaintiffs have sustained as a result of such injuries.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

(a) Enter judgment against Defendants and in favor of each Plaintiff for compensatory damages in amounts to be determined at trial;

(b) Enter judgment against Defendants and in favor of each Plaintiff for treble damages pursuant to 18 U.S.C. § 2333;

(c) Enter judgment against Defendants and in favor of each Plaintiff for any and all costs sustained in connection with the prosecution of this action, including attorneys' fees, pursuant to 18 U.S.C. § 2333;

(d) Enter an Order declaring that Defendants have violated, and are continuing to violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 et seq.; and

(e) Grant such other and further relief as justice requires.

JURY DEMAND

PLAINTIFFS DEMAND A TRIAL BY JURY
ON ALL ISSUES SO TRIABLE.

Dated: May 16, 2018.

Excolo Law, PLLC

by: /s/ Keith Altman
Keith Altman

Keith Altman (SBN 257309)
Solomon Radner (*pro hac vice to be applied for*)
26700 Lahser Road, Suite 401
Southfield, MI 48033
516-456-5885
Email: kaltman@excololaw.com
sradner@1800lawfirm.com

1-800-LAWFIRM

Ari Kresch (*pro hac vice to be applied for*)
26700 Lahser Road, Suite 401
Southfield, MI 48033

516-456-5885

800-LawFirm

Email: akresch@18001awfirm.com

LAW OFFICE OF THEIDA SALAZAR

Theida Salazar, SBN 295547

2140 N Hollywood Way

#7192

Burbank, CA 91510

Telephone: (818)433-7290

salazarlawgroup@gmail.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA,
SAN FRANCISCO DIVISION

<p>MEHIER TAAMNEH, et al., Plaintiffs, v. TWITTER, INC., GOOGLE LLC, and FACEBOOK INC. (n/k/a Meta Platforms, Inc.), Defendants.</p>	<p>Case No. 3:17-CV-04107- EMC STIPULATION AND [PROPOSED] ORDER Hearing Date: 2:30 pm, Mar. 8, 2022 Place: Courtroom 5, 17th Floor Judge: Hon. Edward M. Chen</p>
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Pursuant to Civil Local Rule 7-12 and Federal Rule of Civil Procedure 41(a)(2), the Parties, by and through their respective undersigned counsel of record, submit the following stipulation and proposed order:

WHEREAS, on June 6, 2018, Defendants moved to dismiss (Dkt. 62) all claims asserted in Plaintiffs' First Amended Complaint ("FAC") (Dkt. 55) on multiple independent grounds, including that the FAC failed to allege essential elements of each substantive claim that it purported to assert and that all of the claims were barred by the immunity afforded to providers of interactive computer services under 47 U.S.C. § 230 ("Section 230");

WHEREAS, on October 29, 2018, this Court granted Defendants' motion to dismiss for failure to state a claim, including failure to state a claim for aiding and abetting acts of international terrorism in violation of

the Anti-Terrorism Act, 18 U.S.C. § 2333(a), (d) (Dkt. 75);

WHEREAS, this Court's order dismissing the FAC did not reach or decide the question of whether the claims asserted in the FAC are barred by Section 230 immunity (*see* Dkt. 75);

WHEREAS, on November 13, 2018, Plaintiffs appealed the Court's order and judgment dismissing the FAC (Dkt. 77);

WHEREAS, Plaintiffs' appeal was limited to this Court's dismissal of their aiding-and-abetting claim (Appeal Dkt. 15 at 8 n.1, No. 18-17192);

WHEREAS, Defendants on appeal urged the Ninth Circuit to affirm this Court's dismissal of the aiding-and-abetting claim both on the grounds provided in this Court's dismissal order and on the alternative ground that Section 230 immunity bars the claim as a matter of law (Appeal Dkt. 26 at 3, No. 18-17192);

WHEREAS, on June 22, 2021, the Ninth Circuit reversed this Court's judgment that the FAC failed to adequately state a claim for aiding-and-abetting liability under the Anti-Terrorism Act (Appeal Dkt. 64 at 74, No. 18-17192);

WHEREAS, the Ninth Circuit noted that this Court's dismissal ruling had not reached the question of whether Section 230 immunity barred Plaintiffs' aiding-and-abetting claim and stated that it would not reach that question but would instead remand so that this Court could instead decide that question in the first instance (*id.* at 23, n.6);

WHEREAS, the Ninth Circuit decided the appeal in this case together with an appeal brought by differ-

ent plaintiffs in another case, *Gonzalez v. Google LLC*, No. 18-16700;

WHEREAS, *Gonzalez* involved a materially identical claim asserted against Google for aiding-and-abetting liability under the Anti-Terrorism Act (Appeal Dkt. 64 at 11, No. 18-17192), which another court in this District dismissed with prejudice, including based on Section 230 immunity;

WHEREAS, in the *Gonzalez* appeal, the Ninth Circuit affirmed dismissal with prejudice of that aiding-and-abetting claim based on Section 230 immunity (*id.* at 49);

WHEREAS, the Ninth Circuit denied Defendants' petition for panel rehearing and rehearing en banc in the appeal in this case (Appeal Dkt. 83, No. 18-17192) and the *Gonzalez* plaintiffs' petition for rehearing en banc in that case (Dkt. 101, No. 18-16700);

WHEREAS, undersigned counsel for Plaintiffs, who also serves as counsel for one of the *Gonzalez* plaintiffs, hereby represents that the plaintiff whom he represents in *Gonzalez* intends to file a petition for a writ of certiorari in the United States Supreme Court seeking review of the Ninth Circuit's decision in *Gonzalez*;

WHEREAS, the parties agree that if the Supreme Court denies the petition for a writ of certiorari in *Gonzalez*, or if the Supreme Court grants the petition and affirms the Ninth Circuit's ruling in regard to Section 230, then Plaintiffs' claim for aiding and abetting under the ATA (their only remaining claim) fails as a matter of law based on the Ninth Circuit's holding in *Gonzalez*;

WHEREAS, Federal Rule of Civil Procedure 41(a)(2) authorizes a court to dismiss an action "at the

plaintiff's request" "on terms that the court considers proper";

WHEREAS, on January 13, 2022, this Court scheduled a status conference for March 8, 2022 and ordered the Parties to file a joint status report by March 1, 2022 (Dkt. 86);

WHEREAS, the Parties respectfully request that the Court treat this stipulation as constituting the required joint status report;

NOW THEREFORE, the Parties hereby agree and stipulate to the following:

1. If the Supreme Court denies a petition for a writ of certiorari in *Gonzalez v. Google LLC*; if the Supreme Court after granting such a petition later affirms the Ninth Circuit's ruling in regard to Section 230; or if no such petition is timely filed in *Gonzalez*, this action shall immediately be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).
2. All proceedings in this case, including the status conference currently scheduled for March 8, 2022, should be stayed pending the Supreme Court's resolution of *Gonzalez* or, if no timely petition for a writ of certiorari is filed, until the deadline for filing such petition (currently, April 3, 2022).
3. Within fifteen (15) days of any of the three events referenced in paragraph 1, counsel for Defendants shall file with this Court proof of the occurrence of such event and, if the Court is satisfied with such proof, the Court shall immediately dismiss this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

4. In the event that the Supreme Court reverses the Ninth Circuit's decision in *Gonzalez*, the Parties shall file a joint status report with this Court within thirty (30) days of issuance of the Supreme Court's decision.

Dated: February 16, 2022 Respectfully Submitted,

/s/ Keith Altman
KEITH ALTMAN
(CA SBN 257309)

kaltman@lawampmmt.com
EXCOLO LAW, PLLC
26700 Lahser Road,
Suite 401
Southfield, MI 48033
Telephone: (516) 456-5885

Attorney for Plaintiff

/s/ Lauren Gallo White
DAVID H. KRAMER
(CA SBN 168452)

dkramer@wsgr.com
LAUREN GALLO
WHITE (CA SBN
309075)
lwhite@wsgr.com
KELLY M. KNOLL
(CA SBN 305579)
kknoll@wsgr.com
WILSON SONSINI
GOODRICH & ROSATI, P.C.

650 Page Mill Road
Palo Alto, California 94304
Telephone: (650) 493-9300

/s/ Ari Holtzblatt
PATRICK J. CAROME
(*pro hac vice*)

patrick.carome
@wilmerhale.com
ARI HOLTZBLATT
(*pro hac vice*)
ari.holtzblatt@wilmerhale.com
WILMER CUTLER

PICKERING HALE AND
DORR LLP
1875 Pennsylvania Avenue, NW
Washington, D.C. 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363

MARK D. FLANAGAN
(CA SBN 130303)
mark.flanagan
@wilmerhale.com
950 Page Mill Road
Palo Alto, CA 94304
Telephone: (650) 858-6000
Facsimile: (650) 858-6100

Attorneys for Defendant
TWITTER, INC.

Facsimile: (650) 565-5100 /s/ Kristin A. Linsley
KRISTIN A. LINSLEY
Attorneys for Defendant (CA SBN 154148)
GOOGLE LLC klinsley@gibsondunn.com
GIBSON, DUNN &
CRUTCHER LLP
555 Mission Street,
Suite 3000
San Francisco, CA 94105
Telephone: (415) 393-8200
Facsimile: (415) 393-8306

Attorney for Defendant
FACEBOOK, INC.
(n/k/a Meta Platforms,
Inc.)

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 17, 2022

/s/ Edward M. Chen
Honorable Edward M. Chen
United States District Judge