

No. 21-1474

IN THE

Supreme Court of the United States

CANDACE OWENS, an Individual and Citizen of
the United States, and CANDACE OWENS, LLC,

Petitioners,

v.

LEAD STORIES, LLC, and GANNETT SATELLITE
INFORMATION NETWORK, LLC d/b/a
USA TODAY,

Respondents.

**On Petition for Writ of Certiorari to the
Delaware Supreme Court**

BRIEF IN OPPOSITION OF *USA TODAY*

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QUESTION PRESENTED

Whether the Supreme Court of Delaware correctly affirmed Delaware Superior Court's ruling that state common law tort claims based on a truthful news report concerning a public figure involved in a matter of public interest are barred by the First Amendment.

RULE 29.6 DISCLOSURE STATEMENT

Respondent Gannett Satellite Information Network, LLC, is an indirect, wholly-owned subsidiary of Gannett Co., Inc., a publicly traded company. Black Rock and Vanguard, Inc., have more than a 10% interest in Gannett Co., Inc.

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INTRODUCTION

Petitioners seek a writ of certiorari with respect to the Supreme Court of Delaware's affirmance of a decision issued by Delaware Superior Court holding that common law tort claims, premised solely on statements protected by the First Amendment, are not actionable as a matter of law. They do so without even attempting to demonstrate under Rule 10 why this Court should accept this case, which presents no conflict with any decision of another state court of last resort or a federal appellate court, no conflict with any decision from this Court, and no unsettled question of federal law. Rather, Petitioners simply disagree with the decisions appealed from. However, as the Delaware courts correctly determined, truthful news reporting is not subject to liability under collateral tort theories regardless of how they are labeled (interference with business relations, unfair, anticompetitive, etc.). This is especially so when the reporting at issue involves a public figure who challenges speech addressing a matter of public concern.

Contrary to what Petitioners would have the Court believe, this appeal is about *USA Today's* speech — not its purportedly anticompetitive conduct. The theory of Petitioners' tort claims is that their alleged injury flows directly from what *USA Today* reported in a news article that analyzed data from the Center for Disease Control and Prevention ("CDC") and concluded that a Facebook post by Petitioners, which accused the federal government of undercounting annual flu deaths to exaggerate the public health threat posed by the COVID-19 pandemic, presented erroneous information. Petitioners do not challenge the truth of what *USA Today* published. Accordingly, their arguments run headlong into the First

Amendment's protection of the right to communicate truthful information on public issues.

Try as they might, Petitioners cannot overcome this bedrock constitutional principle. The Petition provides no authority whatsoever to support the novel theories that true statements concerning a paramount public health issue amount to actionable torts so long as they come from so-called "market competitors," or that protected speech may somehow be transmogrified into proscribable "conduct." No such authority exists. Constitutional protection for true news reporting is neither as casual, marginal, or dispensable as Petitioners suggest.

In short, Petitioners' arguments have no traction in the law. Motives, whether perceived or real, do not amount to torts. Neither does truthful news reporting on a matter of public interest. The Delaware courts recognized these fatal flaws in Petitioners' case when dismissing it for failure to state a viable claim, and *USA Today* respectfully submits that this Court should deny the Petition for the very same reasons.

STATEMENT OF THE CASE

A. The Parties.

Petitioner Candace Owens characterizes herself as a "prominent social media star" (Resp. App. 4) who "offers her opinion on a variety of political issues."¹ *Id.* at 3. Petitioner Candace Owens, LLC is a "pass-through entity" that is "solely controlled and managed" by Owens. *Id.* at 5. Petitioners contend that Candace Owens, LLC had a contract with Facebook

¹ Delaware Superior Court held that Owens "is a public figure" for purposes of the First Amendment (Pet. App. 31), which she did not contest on appeal to Delaware Superior Court.

pursuant to which Petitioners paid Facebook for advertisements appearing on Owens’s Facebook page. Pet. App. 35.

Respondent *USA Today* “publishes a popular online and print newspaper throughout the United States that is viewed by millions of people every day.” Resp. App. 10. *USA Today* “has its own website at www.usatoday.com, which is where it publishes its ‘fact check’ articles, as well as its other articles.” *Id.* *USA Today* “is a member and ‘partner’ of Facebook’s Third-Party Fact-Checking Program . . . [and] has a contractual agreement with Facebook to publish fact-check articles on various Facebook and other internet posts.” *Id.*

B. Owens’s Second Facebook Post Concerning COVID-19.

On April 28, 2020, Owens published a post on her Facebook page “questioning the relationship between the counting of COVID-19 deaths and flu deaths in early 2020 (the ‘Second Facebook Post’).”² Pet. App. 33. The Second Facebook Post stated:

According to CDC reports—2020 is working out to be the lowest flu death season of the decade. 20,000 flu deaths took place before Covid-19 in January, and then only 4,000 deaths thereafter. To give you context: 80,000 Americans died of the flu in 2019.

² Delaware Superior Court referred to this posting as the “Second Facebook Post” to distinguish it from a preceding post (“First Facebook Post”) published on March 29, 2020, that was fact-checked by Respondent Lead Stories, LLC. Pet. App. 32-33. *USA Today* adopts the same convention here.

Resp. App. 20. The Second Facebook Post incorporated the text of a tweet published by Owens on her Twitter account:

Possibly the greatest trade deal ever inked was between the flu virus and #coronavirus. So glad nobody is dying of the flu anymore, and therefore the CDC has abruptly decided to stop calculating flu deaths altogether. Agreements between viruses are the way of the future!

Id. at 21.

According to Petitioners, the Second Facebook Post set forth Owens’s “opinion” and stated that its purpose was “not to republish actual statistics but to raise an issue in an ongoing debate surrounding Covid-19.” Resp. App. 21-22.

C. *USA Today*’s April 30, 2020, News Article.

On April 30, 2020, *USA Today* published an article entitled “Fact Check: CDC has not stopped reporting flu deaths, and this season’s numbers are typical” (the “Article”). Resp. App. 26, 79-84. The Article addressed two factual assertions in the Second Facebook Post: (1) that “the CDC has abruptly decided to stop calculating flu deaths;” and (2) that “2020 is working out to be the lowest flu death season of the decade.” *Id.* at 20-21.

The Article quoted from the Second Facebook Post and indicated what other users had said about it: “Some Facebook and Twitter users questioned the validity of Owens’ statistics. Others read between the lines of her sarcasm to comment on what she may be implying.” Resp. App. 79. It quoted a Facebook user’s comment suggesting that other causes of death in

addition to the flu were also classified as caused by COVID-19. *Id.*

Citing multiple research sources, the Article stated that “[a]ccording to CDC data, none of Owens’ statistics is correct.” Resp. App. 80. The Article then explained how the CDC tracks flu deaths and defines the flu season, and why Owens’s claim that “80,000 Americans died of the flu in 2019” was incorrect. *Id.* at 81. The Article further explained that CDC was continuing to report flu deaths, and why Owens’s assertion that “20,000 flu deaths took place before Covid-19 in January, and then only 4,000 deaths thereafter” was wrong based on CDC data. *Id.* at 82. The Article then compared this flu season to those in the recent past based on CDC data, concluding that “this 2019-2020 flu season isn’t shaping up to be the decade’s most or least deadly.” *Id.* at 83.

The Article provided a summary of the data, concluding “the claim that the CDC has stopped reporting flu deaths because the death rates are so low [i]s FALSE because it is not supported by [USA Today’s] research.” Resp. App. 83. The Article identified eleven fact-check sources, including several CDC reports. *Id.* The Article did not suggest that Owens intentionally misrepresented CDC data or question Owens’s motives behind her Facebook post. The Article noted that *USA Today* reached out to Owens for comment, but she did not respond. *Id.* at 80.

As a result of the Article, Petitioners claim, Facebook placed a “false information warning label” on the Second Facebook Post. Pet. App. 33; Resp. App. 23.

D. Facebook’s Demonetization of Petitioners’ Account.

Petitioners allege that, in May 2020, Facebook sent an email warning them that their account and page were “at risk of being suspended or outright eliminated” for spreading misinformation about the COVID-19 pandemic. Resp. App. 32-33. Petitioners do not allege any communications with *USA Today* or Facebook concerning the Article or the false information warning label applied to the Second Facebook Post.

Petitioners allege that after the May 2020 email communication from Facebook, Owens’s Facebook page was “demonetized,” when she was no longer able to pay for and post her own ads. Resp. App. 8. Petitioners claim this was a breach of Facebook’s terms and conditions, declaring them an enforceable contract, and “constitute[d] tortious interference with prospective business relations” as well as “unfair competition.” Pet. App. 35.

E. Delaware Superior Court’s Opinion Dismissing Petitioners’ Tort Claims.

In a ruling premised on the recognition that “[e]lements of free speech [] pervade this case,” Delaware Superior Court applied longstanding constitutional principles in dismissing Petitioners’ common law tort claims. Pet. App. 5. The opinion held that Owens’s pervasive social media activities render her a public figure (*id.* at 31) and, as such, the First Amendment immunized *USA Today*’s reporting from tort liability “unless Plaintiffs’ Amended Complaint supports reasonably conceivable inferences that (1) Defendant[’s] article[] contain[s] false statements, and (2) Defendant [] made the statements with

actual malice.” *Id.* at 53-54 (citing *New York Times Co. v. Sullivan*, 376 U.S. 254, 280 (1964); *Blatty v. New York Times Co.*, 728 P.2d 117, 1182-84 (Cal. 1986) (*en banc*)).

After a painstaking analysis, Delaware Superior Court: (a) concluded that neither element had been satisfied (Pet. App. 54-59), and (b) rejected Petitioners’ argument that *USA Today* impermissibly fact-checked their hyperbole that “nobody is dying of the flu anymore,” because Petitioners’ “statement was presented with statistical facts that are objectively verifiable.” *Id.* at 57-58, 59 (“*USA Today* fact-checked the statistics Owens offered in the Second Facebook Post”). Delaware Superior Court therefore dismissed Petitioners’ state law tort claims as incompatible with the First Amendment:

However, although [Petitioners’] contract with Facebook is a contract with which interference may occur, [Petitioners] fail to plead that [*USA Today*] “improperly” or “wrongfully” interfered with the performance of the contract between [Petitioners] and Facebook under § 766 of the Restatement (Second) of Torts, which requires improper interference as an essential element. A tortious interference claim cannot survive if the claim is premised solely on statements that are protected by the First Amendment because the exercise of constitutionally protected speech cannot be an “improper” or “wrongful” action.

Id. at 53.

Further, Delaware Superior Court correctly recognized that each of Petitioners’ causes of action against

USA Today was subject to the same constitutional restrictions that govern defamation claims:

If [the First Amendment's] limitations applied only to actions denominated 'defamation,' they would furnish little if any protection to free-speech and free-press values: plaintiffs suing press defendants might simply affix a label other than 'defamation' to their injurious-falsehood claims — a task that appears easy to accomplish as a general matter . . . and thereby avoid the operation of the limitations and frustrate their underlying purpose.

Pet. App. 55 (*quoting Blatty*, 728 P.2d at 1184). Having so found, Delaware Superior Court concluded that each count failed because none alleged a false statement, and thus none alleged legally wrongful conduct. *Id.* at 59 ("speech protected by the First Amendment is not enough to constitute an essential element of improper interference"); *id.* at 61 ("[Petitioners] fail to plead that [*USA Today's*] alleged interference was improper, because the alleged interference was protected by the First Amendment"); *id.* at 61-62 ("it is not wrongful if a defendant's interference is protected by the First Amendment").

After full briefing and oral argument before an *en banc* panel, the Supreme Court of Delaware unanimously affirmed the dismissal of Petitioners' tort claims on February 9, 2022, for all of the reasons set forth by the Superior Court. Pet. App. 1-2.

REASONS FOR DENYING THE PETITION

I. THE DELAWARE COURTS CORRECTLY DETERMINED THAT PETITIONERS' COMMON LAW TORT CLAIMS ASSERTED AGAINST *USA TODAY* ARE PROHIBITED BY THE FIRST AMENDMENT

A. The First Amendment Precludes Civil Liability Based on *USA Today's* Publication of the Article.

As this Court has emphasized, the First Amendment reflects our “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964). The right to speak on matters of public concern “is more than self-expression; it is the essence of self-government.” *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 759 (1985) (quotation marks and citations omitted). “Accordingly, ‘speech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.’” *Snyder v. Phelps*, 562 U.S. 443, 452 (2011) (quoting *Connick v. Meyers*, 461 U.S. 138, 145 (1983)). This type of speech is protected because “freedom to discuss public affairs . . . is unquestionably . . . the kind of speech the First Amendment was primarily designed to keep within the area of free discussion.” *Sullivan*, 376 U.S. at 296-97; *see also Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46, 50 (1988) (First Amendment promotes the “free flow of ideas and opinions on matters of public interest”).

While the state has an interest in protecting its citizens’ commercial relationships through tort law, “the presence of activity protected by the First

Amendment imposes restraints on the grounds that may give rise to damages liability and on the persons who may be held accountable for those damages.” *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 916-17 (1982); *see also Coplin v. Fairfield Pub. Access Television Comm.*, 111 F.3d 1395, 1401 n.2 (8th Cir. 1987) (“As the Supreme Court has made clear, states may not regulate speech merely because the speech is defined as a state-law tort.”); *Higgins v. Ky. Sports Radio, LLC*, Case No. 5:18-cv-043-JMH, 2019 WL 1290870, at *10 (E.D. Ky. Mar. 20, 2019) (“As a general legal maxim, individuals may not use tort actions to abridge and chill the freedom of speech protected by the First Amendment.”), *aff’d*, 951 F.3d 728 (6th Cir. 2020).

Petitioners’ attempt to impose liability on *USA Today* for protected speech on a matter of significant public concern is precluded by the First Amendment. As elaborated below, and as the Delaware courts correctly ruled, state law tort claims cannot be used to abridge press freedom or to punish constitutionally protected speech.

1. The Article Merits “Special Protection.”

This Court has broadly defined matters of public concern as those that “can be fairly considered as relating to any matter of political, social, or other concern to the community, . . . or when it is a subject of legitimate news interest; that is, a subject of general interest and of value and concern to the public.” *Snyder*, 562 U.S. at 453 (quotation marks and citations omitted); *see also City of San Diego v. Roe*, 543 U.S. 77, 84 (2004). In analyzing whether speech addresses a matter of public interest, courts “examine the content, form, and context of that speech, as

revealed by the whole record,” including “what was said, where it was said, and how it was said.” *Snyder*, 562 U.S. at 453-54 (quotation marks omitted).

There can be no doubt that *USA Today*’s reporting expressed views on a public issue. As Petitioners acknowledge, the Article addressed “perhaps the most important public issue [of] the time” in analyzing the CDC’s reporting of influenza deaths both before and during the pandemic. Pet. 4. It accurately provided the reader with Petitioners’ statements, explained how the CDC tracks flu deaths and defines the flu season, stated that the CDC was continuing to report flu deaths, and compared the current flu season to others. Resp. App. 79-84. The Article concluded that “the claim that the CDC has stopped reporting flu deaths because the death rates are so low [i]s FALSE because it is not supported by [*USA Today*’s] research.” *Id.* at 84. Like the Second Facebook Post itself, the Article was intended to “raise an issue in [the] ongoing debate surrounding Covid-19” and “to highlight an issue in the public perception of the Covid-19 pandemic.” *Id.* at 22.

USA Today’s speech unquestionably addressed “a matter of public concern, [and is therefore] entitled to ‘special protection’ under the First Amendment.” *Snyder*, 562 U.S. at 458; *Wash. League for Increased Transparency & Ethics v. Fox News*, 19 Wash.App.2d 1006, at *3 (2021) (“[T]he pandemic, COVID-19, and government responses to this health threat represent legitimate news interests and are a matter of social and political concern to all Americans.”).

2. *USA Today's* Truthful News Reporting Cannot, as a Matter of Law, Be an Actionable “Wrong” For Purposes of Petitioners’ Tort Claims.

Under Delaware’s common law, “[t]he elements of a claim for tortious interference with a contract are: ‘(1) a contract, (2) about which defendant knew, and (3) an intentional act that is a significant factor in causing the breach of such contract, (4) without justification, (5) which causes injury.’” *Bhole, Inc. v. Shore Invs., Inc.*, 67 A.3d 444, 453 (Del. 2013) (citation omitted); *see also Restatement (Second) of Torts* § 766 (1979). The elements of tortious interference with prospective business relations and unfair competition are similar; in all cases, the interference or anticompetitive conduct alleged must be “wrongful or improper.” *See Orthopaedic Assocs. of S. Del., P.A. v. Pfaff*, Case No. S17C-07-016 ESB, 2018 WL 822020, at *2 (Del. Super. Ct. Feb. 9, 2018); *Malpiede v. Townson*, 780 A.2d 1075, 1099 (Del. 2001); *Del. Solid Waste Auth. v. E. Shore Envtl., Inc.*, Case No. CIV.A. 1472-K, 2002 WL 537691, at *6 (Del. Ch. Mar. 28, 2002) (“Only wrongful interferences will satisfy the tort”); *see also Accenture Glob. Servs. GMBH v. Guidewire Software, Inc.*, 581 F. Supp. 2d 654, 666 (D. Del. 2008) (dismissing claim for unfair competition based on same allegations as defective tortious interference claim).

Delaware Superior Court dismissed each of Petitioners’ causes of action against *USA Today* for the straightforward reason that a tort claim “cannot survive if the claim is premised solely on statements that are protected by the First Amendment because the exercise of constitutionally protected speech cannot be an ‘improper’ or ‘wrongful’ action.” Pet. App.

53; *see also id.* at 61 (same for tortious interference with a business relationship); *id.* at 61-62 (same for unfair competition).

Nowhere does the Petition muster any authority that calls into question the First Amendment's protection of *USA Today's* speech. Contrary to the theory of recovery espoused by Petitioners, courts have repeatedly invoked the First Amendment to dismiss tortious interference claims based on protected speech because "such lawful activity is insufficient to establish the required element of improper conduct." *Jefferson Cnty. Sch. Dist. No. R-1 v. Moody's Investor's Servs., Inc.*, 175 F.3d 848, 858 (10th Cir. 1999); *Redco Corp. v. CBS, Inc.*, 758 F.2d 970, 973 (3d Cir. 1985) ("Since neither [defendant] can be found liable for defamation, the intentional interference with contract relations count is not actionable because there is no basis for finding that their actions were 'improper.'"); *Farah v. Esquire Magazine*, 736 F.3d 528, 540 (D.C. Cir. 2013) (First Amendment considerations that apply to defamation also apply to tortious interference claim); *Unelko Corp. v. Rooney*, 912 F.2d 1049, 1058 (9th Cir. 1990) (claim for tortious interference with business relationships based on *60 Minutes* broadcast was "subject to the same first amendment requirements that govern actions for defamation"); *TMJ Implants, Inc. v. Aetna, Inc.*, 498 F.3d 1175, 1201 (10th Cir. 2007) ("We held that lawful speech could not form the basis of the interference claims because such activity was not improper.") (applying Colorado law which, like Delaware's, follows the *Restatement (Second) of Torts*). As far as true news coverage goes, "the exercise of constitutionally protected speech cannot be an 'improper' or 'wrongful' action." *Seminole Tribe of Fla. v. Times Publ'g Co.*, 780 So. 2d 310, 318 (Fla. Dist. Ct. App. 2001) (expressing doubt that

tortious interference claims “could ever be stretched to cover a case involving news gathering and publication”).

Petitioners’ speculation about improper motives — supposedly evinced by *USA Today*’s purported ability to remove competitors from the marketplace pursuant to their fact-check agreement with Facebook — does nothing to advance their argument. *See* Pet. 2, 9-10. Even if accepted as true, Petitioners’ characterization of *USA Today* as a “highly empowered business competitor[]” (*id.* at 3) that sought to capitalize on Owens’s fame and thereby increase advertising revenue by redirecting readers to its website (*id.* at 3, 9-10) is unavailing. That is because “allow[ing] a plaintiff to establish a tort claim by proving merely that a particular motive accompanied protected speech . . . might well inhibit the robust debate that the First Amendment seeks to protect.” *Jefferson Cnty. Sch. Dist.*, 175 F.3d at 858; *accord*, *E.R.R. Presidents Conf. v. Noerr Motor Freight, Inc.*, 365 U.S. 127, 139-40 (1961) (“at least insofar as the railroads’ campaign was directed toward obtaining governmental action, its legality was not at all affected by any anticompetitive purpose it may have had”). Simply put, First Amendment protections cannot be made to depend on whether a publisher “was motivated by a legitimate desire to express his or her view or by a desire to interfere with a contract.” *Jefferson Cnty. Sch. Dist.*, 175 F.3d at 858. Thus, Petitioners’ speculative attribution of a commercial motive to *USA Today*’s publication fails to divest the Article of constitutional protection. *See, e.g.*, *Pittsburgh Press Co. v. Pittsburgh Comm. on Human Relations*, 413 U.S. 376, 385 (1973) (“If a newspaper’s profit motive were determinative, all aspects of its operations . . . would be subject to regulation if it could be

established that they were conducted with a view toward increased sales,” and “[s]uch a basis for regulation clearly would be incompatible with the First Amendment”).

3. Petitioners Failed to Identify Any False Statements in the Article.

The Petition should be denied for yet another fundamental reason: tortious interference and unfair competition claims predicated on speech must adequately allege falsity. *See Others First, Inc. v. Better Bus. Bureau of Greater St. Louis, Inc.*, 829 F.3d 576, 579-80 (8th Cir. 2016) (without alleged falsity, a “tortious interference claim must [] fail because the plaintiff cannot establish an absence of justification as a matter of law”); *Agilent Techns. Inc. v. Kirkland*, Case No. 3512-VCS, 2009 WL 119865, at *7 (Del. Ch. Jan. 20, 2009) (holding truthful opinions cannot constitute wrongful conduct for tortious interference claims); *Restatement (Second) of Torts* § 772, cmt. b. (“There is of course no liability for interference with a contract or with a prospective contractual relation on the part of one who merely gives truthful information to another.”).

In a glaring omission — and in a tacit concession of the Article’s truthfulness — Petitioners nowhere claim that *USA Today*’s statements with which they disagree are false. Thus, Delaware Superior Court correctly rejected Petitioners’ tort claims: “As [Petitioners] do not claim that *USA Today*’s article is factually false, [Petitioners] fail to plead that the alleged interference is improper as *USA Today*’s article is protected by the First Amendment.” Pet. App. 59.

B. Petitioners Misstate the Implications of the Decisions Below.

Petitioners offer a parade of horrors that they suggest will result from the Delaware courts' decisions, claiming that the application of the First Amendment to speech-based torts would invalidate a broad array of federal statutory and state common law claims. Pet. 6. Two obvious errors pervade this contention.

First, it is simply incorrect to portray the decisions below as imposing First Amendment limitations on *all* torts with communicative dimensions. Indeed, a careful reading of the law review article cited at pages 8-9 of the Petition confirms that it actually discredits Petitioners' argument in this regard. Petitioners either misrepresent or misapprehend the authors' position, which expressly acknowledges that certain torts arising from speech — in particular, tortious interference claims — are prohibited by the First Amendment where, as in this case, the words at issue involve matters of public concern:

A second area in which First Amendment protection may legitimately be afforded involves interferences with prospective advantage (and perhaps contract as well) that occur because of matters of public concern. Those rare cases merit First Amendment protection under current doctrine. In *Missouri v. National Organization for Women, Inc.*, for example, the state of Missouri sued an organization that discouraged groups from holding conventions in the state because it had not ratified the Equal Rights Amendment. The court held, on common law grounds, that this

“interference” was not an improper interference. And in *NAACP v. Claiborne Hardware Co.*, a civil rights organization encouraged a boycott of white merchants, but the Supreme Court held that the boycott constituted constitutionally protected activity. ***The communications in both settings deserve First Amendment protection because they involve statements—apparently true statements—that pertained to matters of public concern.***³

So too here, as *USA Today*’s reporting “pertain[s] to matters of public concern or speech that is newsworthy.” *Id.* at 852. Far from threatening the viability of federal and state business law regimes, the Delaware courts adhered to longstanding free speech principles establishing that truthful news coverage of a public figure enmeshed in a public issue is immunized from tort liability absent proof of falsity and actual malice as required by the First Amendment. Pet. App. 53-54, 58-59.

Second, the reality that Petitioners’ tortious interference and unfair competition claims arose directly from the Article’s publication of a counter-narrative to the Second Facebook Post cannot be obscured by an assertion that Petitioners are challenging *USA Today*’s *conduct* rather than its *speech*. Pet. 9. Their attempt to characterize their speech-based tort claims as targeting “conduct” has long been discredited as a

³ Kenneth S. Abraham and G. Edward White, *First Amendment Imperialism and the Constitutionalization of Tort Liability*, 98 TEX. L. REV. 813, 853 (2020) (emphasis supplied; footnotes omitted).

matter of First Amendment doctrine,⁴ and was correctly rejected by Delaware Superior Court as “not consistent with [] First Amendment principles.” Pet. App. 56.

The decision in *Jefferson Cnty. Sch. Dist.*, *supra*, is instructive on this point. There, the plaintiff school district brought tortious interference and other claims against Moody’s based on an allegedly false article that evaluated bonds issued by the district. 175 F.3d at 850. The trial court granted Moody’s motion to dismiss, finding that the challenged statements were

⁴ More than half a century ago, a prominent commentator criticized as “specious” the distinction advocated by Petitioners — noting that “[s]peech is conduct and actions speak,” and asserting that “[t]he meaningful constitutional distinction is not between speech and conduct, but between conduct that speaks, communicates, and other kinds of conduct.” Louis Henkin, *The Supreme Court, 1967 Term—Forward: On Drawing Lines*, 82 HARV. L. REV. 63 (1968) (emphasis in original). Notably, the law review article cited by Petitioners similarly disavows this distinction as “inconsistent with the [Supreme] Court’s . . . recognition that some forms of expressive conduct amount[] to speech.” Abraham and White, *First Amendment Imperialism and the Constitutionalization of Tort Liability*, 98 TEX. L. REV. at 824; *see also id.* at 842 (“The distinction between speech and conduct — once tentatively proposed as a way of excluding picketing, marching, or demanding service in a restaurant from the [First] Amendment’s coverage — was abandoned in the Court’s symbolic-conduct cases beginning in the 1960s.”). Petitioners’ argument that *USA Today*’s publication of the Article is regulable conduct rather than protected speech dissolves upon recognition that even entirely nonverbal activities may convey a message protected by the First Amendment: *e.g.*, a salute, the raising of a clenched fist, the wearing of a black armband in public school (*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969)), and the public burning of an American flag (*Street v. New York*, 394 U.S. 576 (1969); *Texas v. Johnson*, 491 U.S. 397 (1989)).

opinions relating to matters of public concern insulated from liability by the First Amendment. *Id.* at 851. The Tenth Circuit affirmed, observing that courts routinely “reject[] a variety of tort claims based on speech protected by the First Amendment.” *Id.* at 857 (citing *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46, 53 (1988) and other authority).

The school district’s attempts to couch its tortious interference claims as “directed at conduct rather than speech” were of no moment. *Id.* Specifically, it argued that the article was part of a “pattern” of retaliation intended to harm bond issuers, like the district, that had chosen not to hire Moody’s to rate their bonds. *Id.* Noting that the school district’s position was not supported by any authority, the Tenth Circuit rejected its argument as “inconsistent with applicable First Amendment principles,” including the rule that the First Amendment protects speech “even when a speaker is motivated by hatred or illwill [sic].” *Id.* (quoting *Hustler Magazine*, 485 U.S. at 53). The same principles control here and require denial of the Petition.

C. *Claiborne Hardware* Mandates Dismissal of Petitioners’ Claims.

The constitutional infirmity of Petitioners’ tort claims is further reinforced by *NAACP v. Claiborne Hardware Co.*, which they strain to distinguish by stripping away Facebook’s independent editorial discretion over what gets published on its own platform. Pet. 7. *Claiborne Hardware* centered on a boycott of certain “white merchants” in Port Gibson, Mississippi, by members of the NAACP. 458 U.S. at 889. The purpose of the boycott was to bring political, social, and economic change to the community. *Id.* at 911. The actions of the boycott’s participants consisted

mainly of speeches and peaceful protests. *Id.* at 903. However, the boycotters would also read aloud the names of boycott violators at the First Baptist Church, and published their names in a local newspaper. *Id.* at 909-10. The purpose of publicizing the names was to place the threat of social ostracism on community members who violated the boycott. *Id.* Writing for the Court, Justice Stevens stated that “[s]peech does not lose its protected character . . . simply because it may embarrass others or coerce them into action. The Court recognizes that ‘offensive’ and ‘coercive’ speech is protected by the First Amendment.” *Id.* at 910. Surely chastising private citizens or printing their names in a newspaper would be considered a form of “malicious publication” (Resp. App. 1) or a “malicious decision” (*id.* at 23) that “leveraged [the boycotters’] power” (*id.* at 2) — the very type of speech Petitioners’ claims would render actionable. However, as established by the ruling in *Claiborne Hardware*, punishment of such expression for that reason is “flatly inconsistent with the First Amendment.” 458 U.S. at 921.

To find otherwise would not, as Petitioners hyperbolically contend, “weaponiz[e] the First Amendment.” Pet. 6 (quoting *Janus v. AFSCME, Council 31*, 138 S. Ct. 2448, 2501 (2018) (Kagan, J., dissenting)). Nor does the case from which Petitioners cherry-pick that phrase say anything about the First Amendment’s preclusion of what Petitioners deem “business tort” liability where based on protected speech. *Janus* instead addressed whether non-union government workers may be required to pay agency fees to unions that bargain on their behalf. Petitioners’ preference for Justice Kagan’s dissent, which recognized a heightened showing to limit speech “on a public matter,” is self-defeating. And the Court’s controlling

opinion, which embraced First Amendment rights even in the government employment context, is even more hostile to Petitioners' assault on a newspaper's truthful reporting.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

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June 23, 2022

APPENDIX

1a

APPENDIX

IN THE SUPERIOR COURT FOR
THE STATE OF DELAWARE

C.A. No. S20C-10-016 CAK

CANDACE OWENS, in her individual capacity,
and CANDACE OWENS, LLC, a Delaware
limited liability company,

Plaintiffs,

v.

LEAD STORIES, LLC, a Colorado limited
liability company, and GANNETT SATELLITE
INFORMATION NETWORK, LLC d/b/a USA TODAY,
a Delaware limited liability company,

Defendants.

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

NOW COME Plaintiffs Candace Owens and Candace Owens, LLC (“Plaintiffs”), by and through undersigned counsel, and state their First Amended Complaint against Defendants Lead Stories, LLC (“Lead Stories”) and Gannett Satellite Information Network, LLC d/b/a USA TODAY (“USA TODAY”) (collectively, the “Defendants”) as follows:

INTRODUCTION

1. This action arises from the Defendants’ malicious publication of false “fact check” articles charging Plaintiffs with spreading misinformation about the

Covid-19 pandemic on the internet in “an attempt to downplay the severity” of the pandemic.

2. The Defendants wrongfully misused, abused, and leveraged their power as Facebook Third-Party Fact-Checking partners to place false or misleading information warning labels on Plaintiffs’ posts for the purpose of redirecting web traffic away from Plaintiffs and directing it to their respective websites. By such a scheme, the Defendants sought to increase their number of clicks and advertising revenue by commandeering Plaintiffs’ large Facebook following, enhance their status on the internet, further their political opposition to the Plaintiffs, and enhance their contractual relationship with Facebook as Third-Party Fact-Checking partners.

3. As detailed herein, Plaintiffs had a contract with Facebook pursuant to Facebook’s Self-Serve Ad Terms and Advertising Policies whereby Plaintiffs paid Facebook to run Plaintiffs’ advertisements on the Facebook platform, and in return Facebook ran those advertisements on the Facebook platform for a specified period.

4. As a proximate result of the Defendants’ publications, Facebook terminated Plaintiffs’ contract and Plaintiffs’ ability to run advertisements on Facebook, thereby tortiously interfering with a lucrative contractual relationship between Plaintiffs and Facebook. Indeed, as alleged below, a Facebook representative told Plaintiffs that, “because [Plaintiffs’ Facebook Page] has continually shared content rated false by third party fact-checkers [e.g., Defendants], it is no longer eligible to monetize or run ads.”

PARTIES

Candace Owens

5. Plaintiff Candace Owens is a citizen and domiciliary of the State of Tennessee.

6. Candace Owens is a highly-regarded, free-thinking and popular conservative commentator who offers her opinion on a variety of political issues.

7. For example, Candace recently authored a book entitled “Blackout,” which argues that liberal policies and ideals are actually harmful to Black Americans and hinders their ability to rise above poverty, live independent and successful lives, and be an active part of the American Dream.¹

8. Similarly, in 2018, Candace started a movement known as “Blexit,” which is a term used to describe and encourage the Black exit from the Democratic party in favor of the Republican party.

9. Between 2017 and 2019, Candace served as communications director for Turning Point USA, a conservative, pro-Trump non-profit organization.

10. In 2019, Candace married George Farmer, the son of a British Conservative Party peer Lord Michael Farmer, and their wedding was held at the Trump Winery in Virginia and attended by Brexit Party leader Nigel Farage.

11. Candace previously had her own podcast program called “The Candace Owens Show” on PragerU, a nonprofit organization whose stated mission is “[t]o

¹ See <https://www.simonandschuster.com/books/Blackout/Candace-Owens/9781982133276> (last visited Aug. 20, 2020).

promote what is true, what is excellent, and what is noble through digital media.”²

12. In 2021, Candace began hosting a new show on The Daily Wire titled, “Candace.” The show’s summary states, in part, “[j]oin us weekly as Candace delves into the political and cultural issues of the day with her signature blend of intelligence and humor.”³

13. Candace is a prominent social media star. She maintains, through her company, Candace Owens, LLC, a popular Facebook page, which has approximately five (5) million active followers (the “Facebook Page”).⁴

14. Upon information and belief, prior to the publication of the Defendants’ articles (alleged below), the Facebook Page’s ability to run advertisements was not in danger of being suspended by or banned from Facebook.

15. Candace also maintains, through Candace Owens, LLC, a popular Twitter account, which has approximately 2.6 million followers.⁵

16. Candace’s popular social media posts provide an outlet for her opinions on the state of Black America and the Democratic and Republican Parties.

² The Court can view this program page at: <https://www.prageru.com/series/candace/> (last visited May 3, 2021).

³ The Court can view this program page at: <https://www.dailywire.com/show/candace> (last visited May 3, 2021).

⁴ Candace’s Facebook Page can be viewed by the Court at https://www.facebook.com/realCandaceOwens/?ref=page_internal (last visited August 20, 2020).

⁵ Candace’s Twitter account can be viewed by the Court at <https://twitter.com/RealCandaceO> (last visited August 20, 2020) (the “Twitter Account”).

17. But her popularity does not come without opposition. Upon information and belief, Facebook employees, motivated by hostility towards Candace's conservative political viewpoint and open support of former President Trump, have maliciously and falsely labeled her a "Hate Agent" and actively attempt to limit her use of Facebook's platform.⁶

18. Nevertheless, Candace takes pride in her social media posts and is often a last bastion for truth in an online world of misinformation. Candace is popular and economically successful in her trade as a political commentator because her posts are meticulously researched, carefully argued, and strive to be accurate and truthful. Her followers recognize her as a champion of truth and continue to follow her because she is truthful and courageous in her social media posts.

Candace Owens, LLC

19. Plaintiff Candace Owens, LLC is a limited liability company existing under the laws of the State of Delaware. Candace Owens, LLC is citizen and domiciliary of the State of Delaware.

20. Candace Owens, LLC is a pass-through entity that is named after Candace and solely controlled and managed by Candace.

21. Candace Owens, LLC is the legal entity used by Candace to, among other things, operate and manage Candace's popular social media accounts, including the Facebook Page.

⁶ See Chris Enloe, *Report: Facebook tracks list of 'hate agents' that includes Candace Owens*, The Blaze (May 20, 2019), <https://www.theblaze.com/news/facebook-hate-agents-candace-owens>.

6a

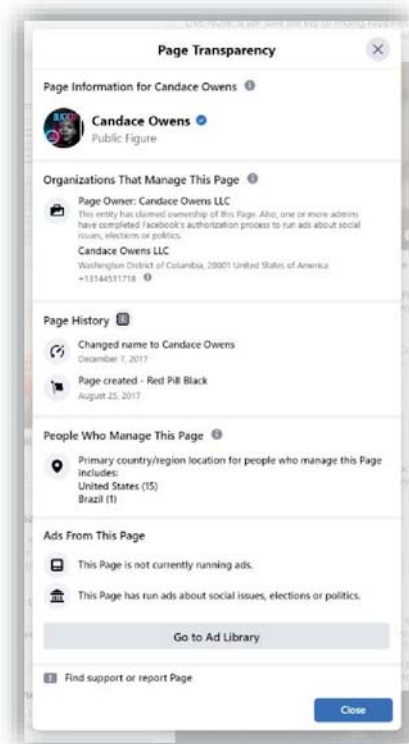
22. Candace Owens, LLC is named after Candace, and Candace has primary control over the management of Candace Owens, LLC.

23. Facebook shows, under a “Page Transparency” window, to all Facebook users who access Candace’s Facebook Page that it is Candace Owens, LLC who is the “Page Owner” of Candace’s Facebook Page, as depicted in this screenshot:



24. In a more detailed Page Transparency view, a screenshot of which was taken on September 14, 2020 and attached below for the Court’s reference, Facebook indicates that the name of the page is “Candace Owens.” Moreover, the same detailed Page Transparency view shows that Facebook banned Candace Owens, LLC from running ads and deriving revenue from the Facebook platform—it states that “This Page is Not Currently Running Ads”:

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25. Candace herself writes the content that is published on the social media accounts managed by Candace Owens, LLC.

26. Candace Owens, LLC derives significant revenue from its posts on various social media websites, including Facebook, through advertising.

27. As alleged in more detail later in this First Amended Complaint, Candace Owens, LLC has a contract with Facebook whereby Candace Owens, LLC pays Facebook to run Plaintiffs' advertisements on the Facebook platform. The primary purpose of these advertisements is to drive web traffic to Candace's Facebook page and other internet pages operated by Candace.

28. Before the Defendants' interference, Candace Owens, LLC derived substantial revenue from advertisements that Candace Owens, LLC paid Facebook to run.

29. On or about June 22, 2020, Facebook demonetized Candace Owens, LLC by terminating Candace Owens, LLC's ability to run advertisements on Facebook. Facebook explained, in an email, that it terminated Candace Owens, LLC's ability to run ads because organic content posted by Candace Owens, LLC (on its Facebook page) had been rated false by Facebook's Third-Party Fact-Checking Partners (e.g., Defendants).

30. As a proximate consequence of Defendants' actions as alleged herein, Candace Owens, LLC was unable to run advertisements on Facebook for approximately nine (9) months.

Lead Stories, LLC

31. Defendant Lead Stories, LLC is a foreign limited liability company existing under the laws of the State of Colorado. Lead Stories, LLC is a citizen and domiciliary of the State of Colorado, with its principal place of business being located at 31 N. Tejon St., Ste. 405, Colorado Springs, Colorado 80903. Lead Stories may be served by delivery of a copy of the summons and complaint to its duly-appointed registered agent, Sanders Law Firm, 31 N. Tejon St., Ste. 400, Colorado Springs, Colorado 80903, in accordance with the provisions of 10 Del. Code § 3101, et seq. and Del R. Super. Ct. R. Civ. P. 4.

32. Lead Stories has its own independent website at LeadStories.com, which is where it publishes its "fact check" articles. The Court can view Lead Stories'

website at <https://leadstories.com/> (last visited Sep. 11, 2020).

33. Lead Stories is a “Facebook Third-Party Fact-Checking Partner” as it is defined by Facebook.⁷ Lead Stories has a contractual agreement with Facebook to perform this service.

34. Upon information and belief, Lead Stories is paid by Facebook to publish a certain amount of “fact check” articles that analyze whether certain Facebook posts contain truthful information or not.

35. Lead Stories is a signatory to the International Fact Checking Network (“IFCN”), which is a unit of the Poynter Institute of Media Studies that promulgates a “code of principles” to promote “excellence in fact-checking.”⁸

36. One of the co-founders of Lead Stories is Alan Duke, who was a former editor of the Cable News Network (“CNN”) for 26 years. CNN is an organization with a provable political and journalistic bias in favor of the Democratic party over the Republican party.

37. Ryan Cooper, who was Lead Stories’ reporter who wrote the April 1 Article (as alleged later in this First Amended Complaint), formerly worked for CNN for more than 22 years and has written a thesis on the “impact of fake news and disinformation on the

⁷ See <https://www.facebook.com/journalismproject/programs/third-party-fact-checking> (last visited Aug. 26, 2020).

⁸ See <https://ifncodeofprinciples.poynter.org/> (last visited August 21, 2020).

2016 U.S. presidential election,” which attacks the legitimacy of the Trump presidency.⁹

Gannett Satellite Information Network, LLC
d/b/a USA TODAY

38. Defendant Gannett Satellite Information Network, LLC d/b/a USA TODAY (“USA TODAY”) is a limited liability company existing under the laws of the State of Delaware with its principal place of business being located at 7950 Jones Branch Drive, McLean, Virginia 22107. USA TODAY is a citizen of the State of Delaware and the State of Virginia. USA TODAY may be served by delivery of a copy of the summons and complaint to its duly-appointed registered agent, The Corporation Trust Company, Corporation Trust Center 1209 Orange Street, Wilmington, Delaware 19801.

39. USA TODAY publishes a popular online and print newspaper throughout the United States that is viewed by millions of people every day. USA TODAY has its own website at www.usatoday.com, which is where it publishes its “fact check” articles, as well as its other articles.

40. USA TODAY is a member and “partner” of Facebook’s Third-Party Fact-Checking Program as it is defined by Facebook.¹⁰ USA TODAY has a contractual agreement with Facebook to publish fact-

⁹ See <https://leadstories.com/ryan-cooper.html> (last visited Sep. 11, 2020).

¹⁰ See <https://www.usatoday.com/story/news/pr/2020/03/12/usa-today-expands-its-factchecking-efforts-new-partnership-facebook-identify-misinformation/5032239002/> (last visited Oct. 8, 2020); <https://www.facebook.com/journalismproject/programs/third-party-fact-checking> (last visited Aug. 26, 2020).

check articles on various Facebook and other internet posts.

41. Upon information and belief, USA TODAY is paid by Facebook, and possibly others, to publish a certain amount of “fact check” articles that analyze whether certain Facebook posts contain truthful information or not.

JURISDICTION

42. The preceding paragraphs are hereby realleged as if fully restated herein.

43. This Court has subject matter jurisdiction over this action as the state court of general jurisdiction pursuant to 10 Del Code § 541.

44. This Court has personal jurisdiction over Defendant Gannett Satellite Information Network, LLC d/b/a USA TODAY because it is a Delaware citizen.

45. This Court has personal jurisdiction over non-resident Defendant Lead Stories, LLC pursuant to 10 Del. Code § 3104 and the minimum contacts due process requirements of the Constitution.

46. Lead Stories regularly contracts to supply fact-checking services to Facebook, which operates extensively in this State. By the same token, Lead Stories regularly engages in a persistent course of conduct in Delaware and derives substantial revenue from Delaware by providing fact-checking services to Delaware citizens through its website and through Facebook.

47. Lead Stories regularly circulates its articles in Delaware through Facebook and the internet, and

Delaware citizens regularly interact with Lead Stories' articles through Facebook and the internet.

48. Lead Stories targeted a citizen of Delaware and caused reputational injury to be suffered in Delaware to a citizen of Delaware. In order to profit from redirecting Candace's visitors, and to further its policy preferences and mute those it opposes, Lead Stories purposely and with malice targeted Candace personally and Candace Owens, LLC by tortiously interfering with Candace and Candace Owens, LLC's contractual relationship with Facebook and her and the LLC's prospective business relationships that stemmed from her successful and widely read Facebook posts and blog posts.

49. Through the use of the internet and its network, Lead Stories caused tortious injury to be suffered inside Delaware by an act outside of Delaware.

50. Lead Stories caused tortious injury in Delaware to a citizen of Delaware, including by publication and injury in Delaware.

51. Plaintiffs' causes of action against Lead Stories arise from or relate to Lead Stories' contacts with Delaware, specifically with its targeting of Candace Owens, LLC, a Delaware corporation, thereby invoking specific personal jurisdiction.

52. Lead Stories' website, www.leadstories.com, is an interactive website. It allows and encourages users, including users who are citizens of Delaware, to engage with the articles posted thereon through the use of sharing links. By encouraging this sharing of links, Lead Stories seeks and obtains profitable relationships with citizens of Delaware.

53. Lead Stories' website contains and promotes numerous advertisements, links, banners, and other marketing devices that encourage its readers, including citizens of Delaware, to engage with and make purchases from Lead Stories' supporters and advertisers. On information and belief, it is alleged that Lead Stories is compensated for that advertising and marketing, and that these payments increase or rely on visitors who view the entire advertisement, or "click" on the offer or enticement, or make actual purchases from Lead Stories' advertisers and supporters.

FACTUAL BACKGROUND

54. The preceding paragraphs are hereby realleged as if fully restated herein.

Relevant Social Media Posts

The First Facebook Post

55. On March 29, 2020, Candace published a post via her Facebook Page that outlined facts and her opinion surrounding the method U.S. government officials were using to count the Covid-19 pandemic death toll (the "First Facebook Post"). Mirroring an argument that has been made in numerous publications by numerous commentators and expert analysts, Candace's First Facebook Post argued that government measures of cause-of-death overstated the extent and danger of the Covid-19 pandemic.

Important information for everyone to know about #coronavirus. Obesity is the number 1 killer in America. Right now, they are giving everyone who dies a Covid-19 lab test. If people die from heart disease, but were asymptomatic carriers of Covid-19, their deaths are

counted toward the total. Same with other viruses an[d] illnesses. I am an asthmatic. If I die from an asthma attack today, and it is determined that I have Covid-19 in my system at the time of death, my death counts as “complications from coronavirus,” even if I never had any symptoms. They are trying desperately to get the numbers they need to justify this pandemic response.

Candace did not simply make an unsupported assertion that government officials were overstating Covid-19 fatalities. Her post cites to a research paper establishing this contention and described her personal research efforts on this topic and enlisted her readers’ assistance in continuing her research project. Indeed, the Facebook Post continued:

Below is an article that explains how they are manipulating deaths. I spent all day today trying to look up daily death rates for any other diseases. You can’t get it anywhere. They are reporting ONLY on coronavirus deaths. I suspect if we begin to demand the daily death toll numbers for heart disease, we will observe a deep decline. I am most interested in NYC overall deaths for this past month (Not just from Covid-19). If anyone knows where we can get this information, please let me know. They seem to be locking it down. If they can tell us how many people are dying from coronavirus daily—why can’t they tell us how many people are dying otherwise?

Far from constituting a “false” posting, which is how Lead Stories would describe it, Plaintiffs’ post was thoughtful, sourced, researched, and clearly furthered

the important discussion of the most significant ongoing national crisis in decades.¹¹ A true and correct copy of the First Facebook Post is attached as *Exhibit A*.

56. Candace's First Facebook Post is true or substantially true.

57. Candace's First Facebook Post linked and referenced an article written by Dr. John Lee. Dr. Lee is a noted medical authority. He is a former professor of pathology and is a consultant pathologist with the National Health Service.¹² A true and correct copy of this article is attached as *Exhibit B*.

58. Dr. Lee's article confirms that Candace's First Facebook Post is accurate. Dr. Lee, consistent with the factual basis for Candace's First Facebook Post, explains that, in general, the cause of death (here referencing the U.K. and respiratory infections) is not always recorded in a way that the public might expect. (Upon information and belief, the reporting criteria for cause of death are international: thus, the standards to be followed in the U.K. mirror those in the U.S.). Instead, specific causes of death by respiratory infection is not recorded unless the illness constitutes a "notifiable disease." For respiratory illnesses, these diseases are "rare."

¹¹ The First Facebook Post is still online and can be viewed by the Court at <https://www.facebook.com/realCandaceOwens/posts/3598900840181091> (last visited August 25, 2020).

¹² Dr. Lee's article is still online and can be viewed by the Court at <https://www.spectator.co.uk/article/The-evidence-on-Covid-19-is-not-as-clear-as-wethink?fbclid=IwAR2H45UElxXC1pP4T1stxhKPCuGp0HgWb6SZ5cyBhMtJvn64p8fHJCZ0rXY> (last visited August 20, 2020).

But there's another, potentially even more serious problem: the way that deaths are recorded. If someone dies of a respiratory infection in the UK, the specific cause of the infection is not usually recorded, unless the illness is a rare 'notifiable disease.' So the vast majority of respiratory deaths in the UK are recorded as bronchopneumonia, pneumonia, old age or a similar designation. We don't really test for flu, or other seasonal infections. If the patient has, say, cancer, motor neurone (sic) disease or another serious disease, this will be recorded as the cause of death, even if the final illness was a respiratory infection. This means UK certifications normally under-record deaths due to respiratory infections.

Thus, explains Dr. Lee, the actual cause of death is not always listed as the reported cause of death. Then Dr. Lee takes his general point and applies it specifically to the problem of deaths from Covid-19. He points out that Covid-19 has been listed as a "notifiable disease."

Now look at what has happened since the emergence of Covid-19. The list of notifiable diseases has been updated. This list — as well as containing smallpox (which has been extinct for many years) and conditions such as anthrax, brucellosis, plague and rabies (which most UK doctors will never see in their entire careers) — has now been amended to include Covid-19. But not flu. That means every positive test for Covid-19 must be notified, in a way that it just would not be for flu or most other infections.

This is important. Dr. Lee, an international expert and NHS consulting pathologist, explains precisely why Covid-19 would be potentially overstated as the cause of death. Covid-19 is listed, and therefore deaths from that disease will be “notified” or reported in a way that deaths from other, common respiratory diseases and maladies will not. The result, as Dr. Lee explains below, is that Covid-19 deaths will be reported and recorded in a way that deaths from other infections are not.

In the current climate, anyone with a positive test for Covid-19 will certainly be known to clinical staff looking after them: if any of these patients dies, staff will have to record the Covid-19 designation on the death certificate — contrary to usual practice for most infections of this kind. There is a big difference between Covid-19 causing death, and Covid-19 being found in someone who died of other causes. Making Covid-19 notifiable might give the appearance of it causing increasing numbers of deaths, whether this is true or not. It might appear far more of a killer than flu, simply because of the way deaths are recorded.

As Dr. Lee explains, the method of reporting cause of death might make Covid-19 “appear far more of a killer than the flu, simply because of the way deaths are recorded.” Finally, Dr. Lee ties his explanation to public policy.

If we take drastic measures to reduce the incidence of Covid-19, it follows that the deaths will also go down. We risk being convinced that we have averted something that was never really going to be as severe as we

feared. This unusual way of reporting Covid-19 deaths explains the clear finding that most of its victims have underlying conditions — and would normally be susceptible to other seasonal viruses, which are virtually never recorded as a specific cause of death.

It is this aberration, this “unusual way of reporting Covid-19 deaths,” that explains the “clear finding” that “most of its victims have underlying conditions.” This point is not contestable. It is a “clear finding,” one which Cadence Owens repeats and reports on to her vast network on Facebook. This “clear finding” in the expert view of the medical doctor is what the inexperienced journalist at Lead Stories terms “false” and a “hoax.”

59. Multiple credible United States officials, including Dr. Deborah Birx, a world-renowned global health official whose three-decade-long career has focused on HIV/AIDS immunology, vaccine research, and global health, and who is a prominent member of the White House Coronavirus Task Force, have likewise confirmed that the factual basis for Candace’s First Facebook Post is true. On April 7, 2020, during a White House coronavirus press conference, Dr. Birx stated unequivocally:

There are other countries that if you had a preexisting condition and let's say the virus caused you to go to the ICU and then have a heart or kidney problem some countries are recording as a heart issue or a kidney issue and not a COVID-19 death. Right now we are still recording it and we will I mean the great thing about having forms that come in and a form that has the ability to market as COVID-19 infection the intent is right now

that those if someone dies with COVID-19 we are counting that as a COVID-19 death.

There is no doubt from Dr. Birx's statement that, in America, if a person dies while testing positive for Covid-19, that person is counted as a Covid-19 death, even if something else caused that person's death.¹³

60. Likewise, Dr. Ngozi Ezike, the Director of Public Health in Illinois, has confirmed this method of counting the death toll:

If you were in hospice and had already been given a few weeks to live, and then you also were found to have COVID, that would be counted as a COVID death. It means technically even if you died of a clear alternate cause, but you had COVID at the same time, it's still listed as a COVID death. So, everyone who's listed as a COVID death doesn't mean that that was the cause of the death, but they had COVID at the time of the death.¹⁴

61. Candace also published several tweets outlining how the U.S. government was counting Covid-19 deaths. For example, on March 29, 2020, Candace tweeted:

¹³ See Tim Hains, *Dr. Birx: Unlike Some Countries, "If Someone Dies With COVID-19 We Are Counting That As A COVID-19 Death."* Real Clear Politics (April 8, 2020), https://www.realclearpolitics.com/video/2020/04/08/dr_birx_unlike_some_countries_if_someone_dies_with_covid-19_we_are_counting_that_as_a_covid-19_death.html (last visited Aug. 25, 2020).

¹⁴ See Lauren Melendez, *IDPH Director explains how Covid deaths are classified*, Week.com (April 20, 2020), <https://week.com/2020/04/20/idph-director-explains-how-covid-deaths-are-classified/>.

The number one killer in America is Heart disease. 1,002 people a day. Did you know that if you die from heart disease right now, and they determine you to be an asymptomatic carrier of Covid-19 in your post-Mortem (sic), they legally add your death to the #Coronavirus death toll?

This tweet is still available online and can be viewed by the Court at <https://twitter.com/RealCandaceO/status/1244380921329070081> (last visited August 21, 2020). This tweet was incorporated into Candace's First Facebook Post.

62. Far from being “false,” or constituting a “hoax,” Candace's First Facebook Post and the recordation of cause of death were carefully researched, cited leading medical experts, and were consistent with the views of leading medical authorities.

The Second Facebook Post

63. On April 28, 2020, Candace published a post via her Facebook Page that questioned the relationship between and the counting of flu deaths and Covid-19 deaths in early 2020 (the “Second Facebook Post”). The Second Facebook Post stated:

According to CDC reports—2020 is working out to be the lowest flu death season of the decade. 20,000 flu deaths took place before Covid-19 in January, and then only 4,000 deaths thereafter. To give you context: 80,000 Americans died of the flu in 2019.

The Second Facebook Post incorporated the text of a tweet published by Candace on her Twitter account that stated:

Possibly the greatest trade deal ever inked was between the flu virus and #coronavirus. So glad nobody is dying of the flu anymore, and therefore the CDC has abruptly decided to stop calculating flu deaths altogether. Agreements between viruses are the way of the future!¹⁵

A true and correct copy of the Second Facebook Post is attached to this First Amended Complaint and hereby incorporated by reference as *Exhibit C*.

64. The Second Facebook Post, claiming “nobody is dying of the flu anymore,” clearly communicates Candace’s opinion or “rhetorical hyperbole” and was not interpreted by reasonable readers to convey actual statements of fact. To the extent that readers read the Second Facebook Post to convey statements of fact, those statements are true or substantially true.

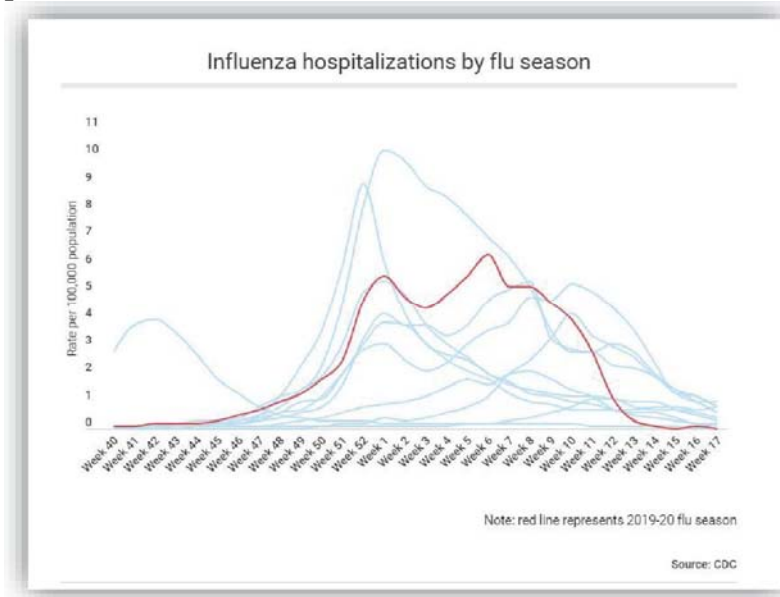
65. Candace’s Second Facebook Post utilizes hyperbolic sarcasm—a literary technique—to pointedly highlight and question how immense public attention was being given to the Covid-19 pandemic and very little attention being given to regular flu deaths in early 2020.

66. The essence of the Second Facebook Post is to highlight the idea that the public could be giving undue attention to the Covid-19 pandemic and not to other diseases, such as the flu. Indeed, a chart produced by the Centers for Disease Control (“CDC”) shows that the 2019-2020 season of flu deaths was one of the most abrupt reduction in deaths on record,

¹⁵ The Second Facebook Post is still online and can be viewed by the Court at <https://www.facebook.com/realCandaceOwens/posts/3701928399878334> (last visited Oct. 8, 2020).

22a

which tends to prove that public attention shifted away from flu deaths in early 2020 when the Covid-19 pandemic hit:¹⁶



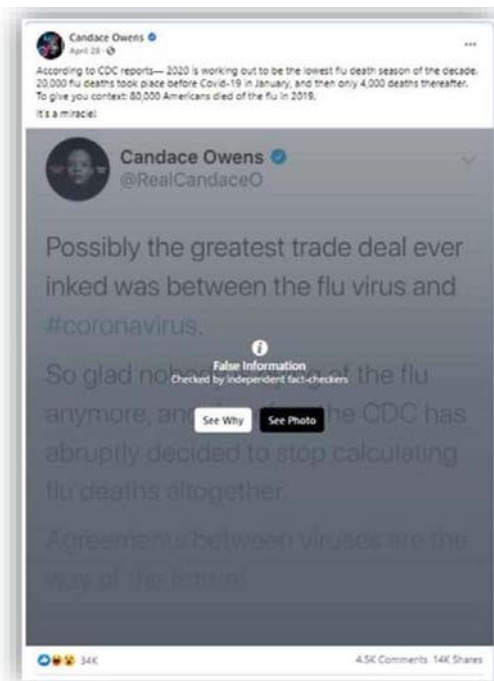
67. The purpose of Candace’s Second Facebook Post was not to republish actual statistics but to raise an issue in an ongoing debate surrounding Covid-19. The purpose of the Second Facebook Post was to highlight an issue in the public perception of the Covid-19 pandemic. In this way, the Second Facebook Post reads more like a critique of the media response to the Covid-19 pandemic than it does a statistical exposé of the amount of flu deaths in recent years.

68. As alleged later in this First Amended Complaint, USA TODAY published an article “fact checking” the Second Facebook Post. USA TODAY should have known, like any reasonable reader would

¹⁶ <https://www.advisory.com/daily-briefing/2020/05/05/flu-update> (last visited Oct. 15, 2020).

know, that Candace's Second Facebook Post was not capable of being fact checked because the post was merely expressing opinion or rhetorical hyperbole, offering a comment on the difference between flu deaths and Covid-19 deaths. Despite the obvious rhetorical thrust of Candace's post, USA TODAY proceeded to "fact-check" Candace's sarcastic claim that "nobody is dying of the flu anymore." As a result of its "fact-check" investigation, USA TODAY was able to determine that people are still dying of the flu.

69. As a result of USA TODAY's malicious decision to "fact check" a statement that is clearly rhetorical and hyperbolic in content, as alleged later in this First Amended Complaint, USA TODAY induced Facebook to place a false information warning label upon Candace's Second Facebook Post that blocks its viewability to readers, as depicted below:



70. Upon information and belief, Candace's Second Facebook Post was "fact checked" by USA TODAY because it desired to publish its own weblink on her Second Facebook Post, hijacking her large following to obtain clicks and views on USA TODAY's own article, thereby profiting from its false labeling.

71. Candace has also published several other social media posts about the Covid-19 pandemic that are not the subject of this action.

Lead Stories Published False Statements
About the Plaintiffs

72. On April 1, 2020, Lead Stories published an article written by its reporter Ryan Cooper with the headline, "Fact Check: COVID-19 NOT Being Blamed For Deaths Primarily Due To Unrelated Causes" (the "April 1 Article").¹⁷ A true and correct copy of the April 1 Article is attached as *Exhibit D* and is hereby incorporated by reference in its entirety.

73. Data sourced from Facebook's Crowdtangle web tool shows that the April 1 Article was interacted with over 2,600 times on Facebook.

74. Lead Stories republished its April 1 Article on Facebook on April 1, 2020. Facebook is an interactive website. By republishing the April 1 Article on Facebook, Lead Stories invited public comment on the April 1 Article.¹⁸

¹⁷ The April 1 Article is still available online and can be viewed by the Court at <https://leadstories.com/hoax-alert/2020/04/Fact-Check-COVID19-NOT-Being-Blamed-ForDeaths-Primarily-Due-To-Unrelated-Causes.html>.

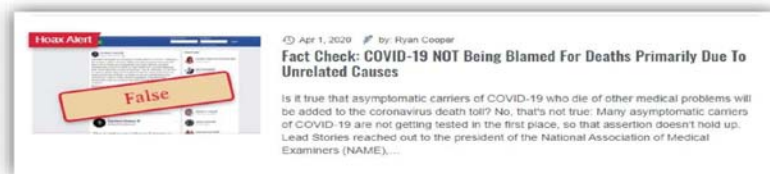
¹⁸ This republication is still available online and can be viewed by the Court at <https://www.facebook.com/LeadStoriesCom/posts/2881451205287498> (last visited Sep. 11, 2020).

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75. Lead Stories' April 1 Article imputes to Candace the false charge that she is a liar who intentionally lied about the Covid-19 pandemic to "downplay the severity" of the disease in an effort to bolster former President Trump's successful handling of the pandemic and to increase Plaintiffs' advertising revenue from Facebook.

76. Lead Stories' April 1 Article terming Candace an intentional liar is unequivocally false.

77. On Lead Stories' website, as a link to the April 1 Article, Lead Stories labeled a screenshot of Candace Owens' Facebook Post with the words "Hoax Alert" and "False," as pictured below:



These two statements are provably untrue because Candace's Facebook Post was not a "hoax" nor was it "false."

78. In its April 1 Article, Lead Stories published at least three false and defamatory statements about Plaintiffs and the Facebook Post. The three false statements are organized in the table below for the Court's convenience:

SPECIFIC FALSE STATEMENTS IN LEAD STORIES' APRIL 1 ARTICLE	
Statement 1	"The [false] claims [about the Covid-19 death counting method] originated in a post . . . published on Facebook by Candace Owens on March 29, 2020."
Statement 2	"[Owens' First Facebook Post] is being shared to suggest that medical officials are – in Owens' words – 'trying desperately to get the numbers to justify this pandemic response.' This comment is an attempt to downplay the severity of a global infectious disease that has killed more than 42,000 people as of March 31, 2020."
Statement 3	There are several inaccuracies in Owens' [First Facebook Post]."

USA TODAY Discredited Plaintiffs for
Its Own Financial Gain

79. On April 30, 2020, USA TODAY published an article on its website with the headline, "Fact Check: CDC has not stopped reporting flu deaths, and this season's numbers are typical" (the "April 30 Article").¹⁹ A true and correct copy of the April 30 Article is

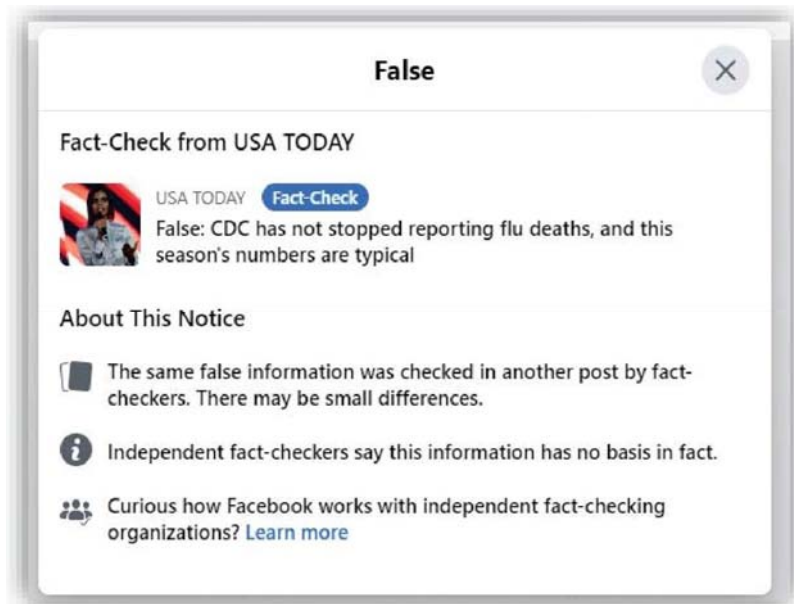
¹⁹ The April 30 Article is still available online and can be viewed by the Court at https://www.usatoday.com/story/news/factcheck/2020/04/30/fact-check-cdc-still-tracking-flu-deaths-2019-20-typical/3044888001/?fbclid=IwAR17Rl8OjBWnU_v0r2wC KhZkIpP60r_CdNxXLlpoV7fX7uV7Z7du (last visited Oct. 8, 2020).

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attached to this First Amended Complaint and hereby incorporated by reference as *Exhibit E*.

80. The April 30 Article is false and references Candace's Second Facebook Post and identifies Candace specifically by name.

81. The April 30 Article was used by Facebook to place a false information warning label upon Candace's Second Facebook Post. When one clicks the false information warning label, Facebook identifies USA TODAY as the entity who fact checked Candace. Moreover, this link redirects the reader to USA TODAY's website; it appears directly under the blue oval that states "fact-check," as depicted below:



82. The April 30 Article was wrongful and improper because USA TODAY intended that its article would be used by Facebook to place a false information warning label upon the Second Facebook Post so that traffic from Candace's page would be

redirected to USA TODAY's webpage for USA TODAY's own financial gain. By redirecting Plaintiffs' large following to USA TODAY's webpage, USA TODAY generates clicks and views that increase its advertising revenue.

The Defendants' Articles Caused Facebook to
Demonetize Plaintiffs by Preventing Plaintiffs
from Running Advertisements on Facebook

83. The Defendants' articles individually and collectively caused Facebook to restrict the viewability of Plaintiffs' First and Second Facebook Posts through the use of false information warning labels. Moreover, the Defendants' articles individually and collectively caused Facebook to demonetize Plaintiffs by restricting Plaintiffs' ability to pay Facebook to run their advertisements and generate clicks and donations.

84. For example, after Lead Stories published its April 1 Article, Facebook used and linked to it as justification for placing a false information warning label on Candace's Facebook Post that labels it as "false." This false information warning label entirely blocks Candace's First Facebook Post. When clicked, the false warning label placed by Facebook indicates that it was Lead Stories' decision to label Candace's content as false that caused Facebook to restrict access to her page:

Independent fact-checkers at Lead Stories say [the Facebook Post] has false information. To help stop the spread of false news, a notice will be added to your post if you decide to share [the Facebook Post].

85. Facebook's warning label is based entirely upon the allegations made in Lead Stories' April 1 Article.

86. As a result of USA TODAY's April 30 Article, Facebook placed a similar warning label upon Candace's Second Facebook Post, as previously alleged in this First Amended Complaint.

87. As Facebook Third-Party Fact-Checking Partners that are signatories to the IFCN, the Defendants knew that their respective articles would be used by Facebook to discredit Plaintiffs through the publication of false information warning labels.

88. Due to their contractual relationship with Facebook, the Defendants knew and were substantially certain that their articles would be used by Facebook as a justification to suspend Plaintiffs' ability to run advertisements on Facebook.

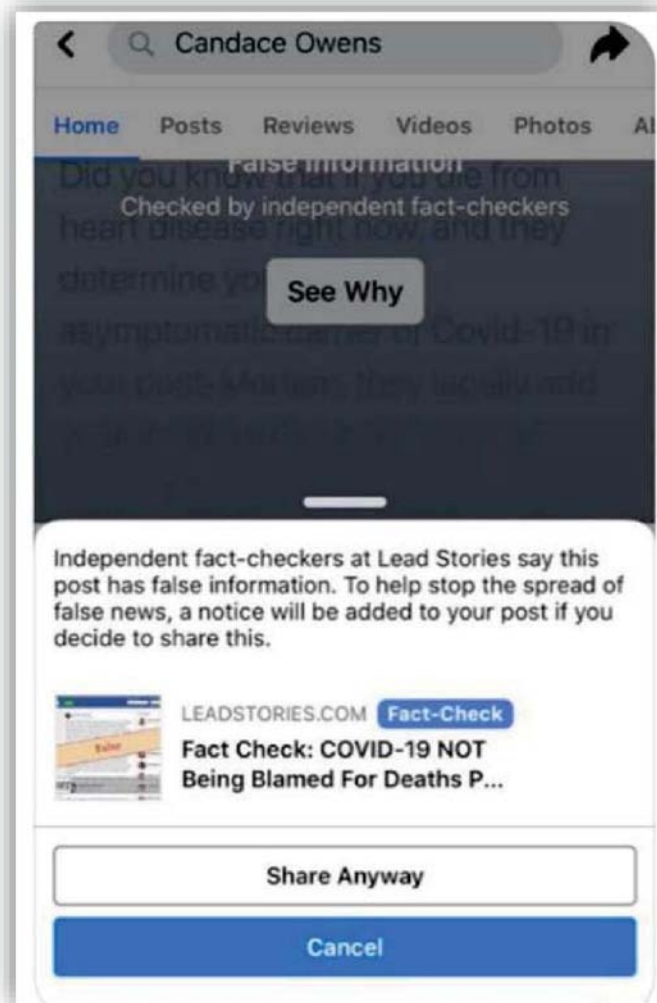
89. The Defendants, as Facebook Third-Party Fact-Checking Partners, knew that Facebook's false information warning label would serve to redirect Candace's viewers to Lead Stories' and USA TODAY's respective websites. In fact, the false information warning labels on both the First Facebook Post and Second Facebook Post contain clickable links that redirect Candace's viewers to Lead Stories' and USA TODAY's respective websites.

90. Upon information and belief, Facebook would not have placed false information warning labels upon Candace's First or Second Facebook Posts but for Lead Stories' April 1 Article and USA TODAY's April 30 Article.

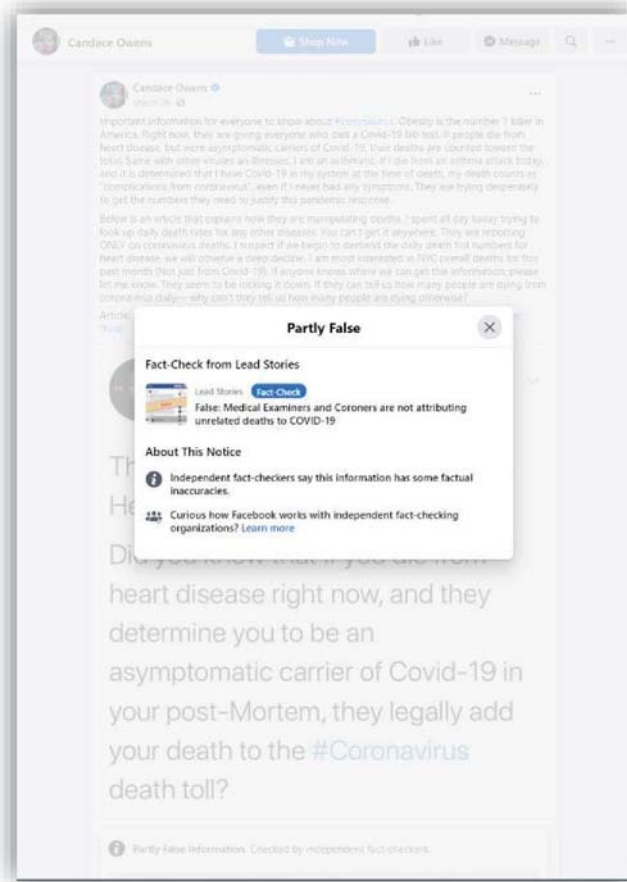
91. Facebook's false information warning labels improperly block and obstruct the viewability of Candace's First and Second Facebook Posts to her 4.1 million followers and undermine the content contained therein. The false information warning labels actually blur the text of Candace's First and Second Facebook

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Posts so that viewers cannot read them. For example, screenshots of the false information warning label from both the smartphone and desktop perspective for the First Facebook Post appear below:



Smartphone View



Desktop View

92. As depicted in the Desktop View, above, at the time of the publication of Lead Stories' false Article, the Desktop View said "False" and not "Partly False." Lead Stories subsequently changed its label to "Partly False" after Candace complained to Lead Stories about its erroneous labeling of her posts.

93. To the date of this filing of this First Amended Complaint, the false information warning labels still block or obscure the viewability of Candace's First and

Second Facebook Posts on the internet, across both the smartphone and desktop view.²⁰

94. All Facebook users are confronted with the false information warning labels on the First and Second Facebook Posts every time they view those posts on Facebook, regardless of who shares the posts and regardless of whether the posts are viewed on Plaintiffs' Facebook timeline, someone else's Facebook timeline, or elsewhere on Facebook. In this way, Facebook and the Defendants are inhibiting readers' ability to pass along or forward Candace's posts to friends, acquaintances, and other parties.

95. Facebook's false information warning labels state that Facebook will attach the label to users who pass along or forward Candace's First or Second Facebook Post. The Defendants were aware that Facebook would attach this label to all instances where users or followers of Candace would attempt to expand her influence or spread her message.

96. The Defendants acted with actual and common law malice to curtail and sever Candace's opportunities to expand her business, her market for her views, opinions, and publications, and her goodwill.

97. The false information warning labels attach to Candace's name and likeness because users cannot engage with her First or Second Facebook Post without first clicking a button that acknowledges the existence of the false information warning label.

98. In May of 2020, Facebook emailed Plaintiffs to inform them that Plaintiffs' account and Facebook Page were at risk of being suspended or outright

²⁰ See <https://www.facebook.com/realCandaceOwens/posts/3598900840181091> (last visited Aug. 25, 2020).

eliminated from the Plaintiffs' contract with Facebook for purportedly spreading misinformation about the Covid-19 pandemic in its Facebook Post. The Defendants were the but-for cause and a substantial factor in causing this threat of demonetization to be sent to Plaintiffs.

99. Defendants' articles, individually and collectively, caused Facebook to terminate its contract with Plaintiffs and refuse to enter into future contracts with Plaintiffs for the running of Plaintiffs' advertisements. But for Defendants' articles, Plaintiffs would not have been demonetized and rendered unable to advertise on Facebook. Defendants' articles were a substantial factor in Facebook's decision to demonetize Plaintiffs and suspend Plaintiffs from advertising on Facebook. This allegation is directly supported by the email sent by a Facebook representative to Plaintiffs stating that "because [Plaintiffs' Facebook Page] has continually shared content rated false by third party fact-checkers [e.g., Defendants], it is no longer eligible to monetize or run ads."

Plaintiffs Had a Contract with Facebook and Had
Future Opportunities to Contract with Facebook

100. Between approximately March 31, 2020 and June 22, 2020, Plaintiffs had a contract with Facebook. During the same period, Plaintiffs had future opportunities to contract with Facebook.

101. The contract entitled Plaintiffs to run Plaintiffs' advertisements on the Facebook platform, and in return Facebook ran those advertisements on the Facebook platform for a specified period. This arrangement is a bargained-for exchange that is supported by consideration, with reasonable terms and fees, and is mutually assented to by both Plaintiffs and Facebook.

This is a legally cognizable contract that can be interfered with as a matter of Delaware law.

102. Plaintiffs' contract with Facebook constituted an advertising agreement. It is akin to a contractor paying the owner of a newspaper to run the contractor's advertisements in the Sunday newspaper; it is akin to a contractor paying a television network to broadcast the contractor's TV advertisement during a sports contest. Similarly, here, Plaintiffs pay Facebook to run Plaintiffs' advertisements on Facebook's platform. Such an arrangement constitutes a contract that can be interfered with. *See Baird v. Chesapeake & Potomac Tel. Co.*, 117 A.2d 873, 877 (Md. 1955) (noting, in a tortious interference with contract action, that telephone company had a contract with an individual where the individual paid the telephone company to insert the individual's business advertisement in the telephone company's telephone directory). Paying to run ads on Facebook is essentially the same as paying to run ads in the phone book.

103. The terms of Plaintiffs' contract with Facebook are set forth in two documents: (1) Facebook's Self-Serve Ad Terms, and (2) Facebook's Advertising Policies. A true and correct copy of Facebook's Self-Serve Ad Terms as of April 30, 2021 is attached hereto as *Exhibit I* and is hereby incorporated by reference. As well, a true and correct copy of Facebook's Advertising Policies as of April 30, 2021 is attached hereto as *Exhibit J* and is hereby incorporated by reference.

104. As described in Facebook's Self-Serve Ad Terms, Plaintiffs' contract with Facebook operated essentially like an open account with a supplier or a tab at the local bar: Plaintiffs would place one or more "Order(s)" for advertisements, Facebook would fill the Order(s) by running the ads on its platform, and later,

Facebook would withdraw funds from Plaintiffs' credit card to satisfy the Order(s). Under Facebook's Self-Serve Ad Terms, Plaintiffs could have placed one "Order" or up to 20,000²¹ "Orders" under the same contract. In this way, Plaintiffs had a contract with Facebook and had future opportunities to contract with Facebook.

105. Paragraph 16 of Facebook's Self-Serve Ad Terms explicitly refers to the purchaser of advertisement space on Facebook (e.g., Plaintiffs) as the "Contracting party."

106. Paragraph 13 of Facebook's Advertising Policies as of April 30, 2021 provides, "Facebook prohibits ads that include claims debunked by third-party fact checkers or, in certain circumstances, claims debunked by organizations with particular expertise. Advertisers that repeatedly post information deemed to be false [by Third-Party Fact-Checking Partners] may have restrictions placed on their ability to advertise on Facebook"

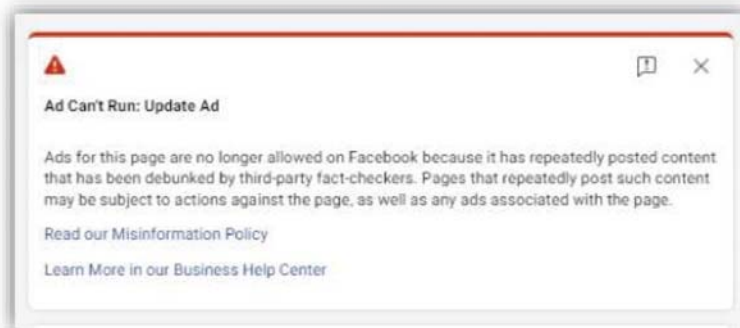
107. Plaintiffs employ a third-party, Olympic Media LLC ("Olympic"), to manage Plaintiffs' advertising efforts on Facebook. Olympic began advertising for Plaintiffs in March of 2020 and continue through to the date of filing this First Amended Complaint. Plaintiffs are the principals and exercise direct control over Olympic, which is the agent.

108. In an email on or about June 24, 2020 to Candace Owens, a Facebook representative stated that Facebook was terminating Plaintiffs' contract and Plaintiffs' ability to advertise "because [Plaintiffs'

²¹ See <https://www.facebook.com/business/help/766697140509126?id=561906377587030>

Facebook Page] has continually shared content rated false by third party fact-checkers [e.g., Defendants], it is no longer eligible to monetize or run ads.” A true and correct copy of this email communication is attached as *Exhibit K*.

109. As well, the administrative panel of Plaintiffs’ Facebook page told Plaintiffs that “[a]ds for this page are no longer allowed on Facebook because it has repeatedly posted content that has been debunked by third-party fact-checkers. Pages that repeatedly post such content may be subject to actions against the page, as well as any ads associated with the page”:



110. The above email and administrative notice are direct evidence that Defendants interfered with Plaintiffs’ contract with Facebook to run advertisements and derive revenue from Facebook. Similarly, this email is direct evidence that Defendants’ publications interfered with Plaintiffs’ ability to procure future contracts with Facebook for the running of advertisements. Defendants’ interference was wrongful as alleged in this First Amended Complaint.

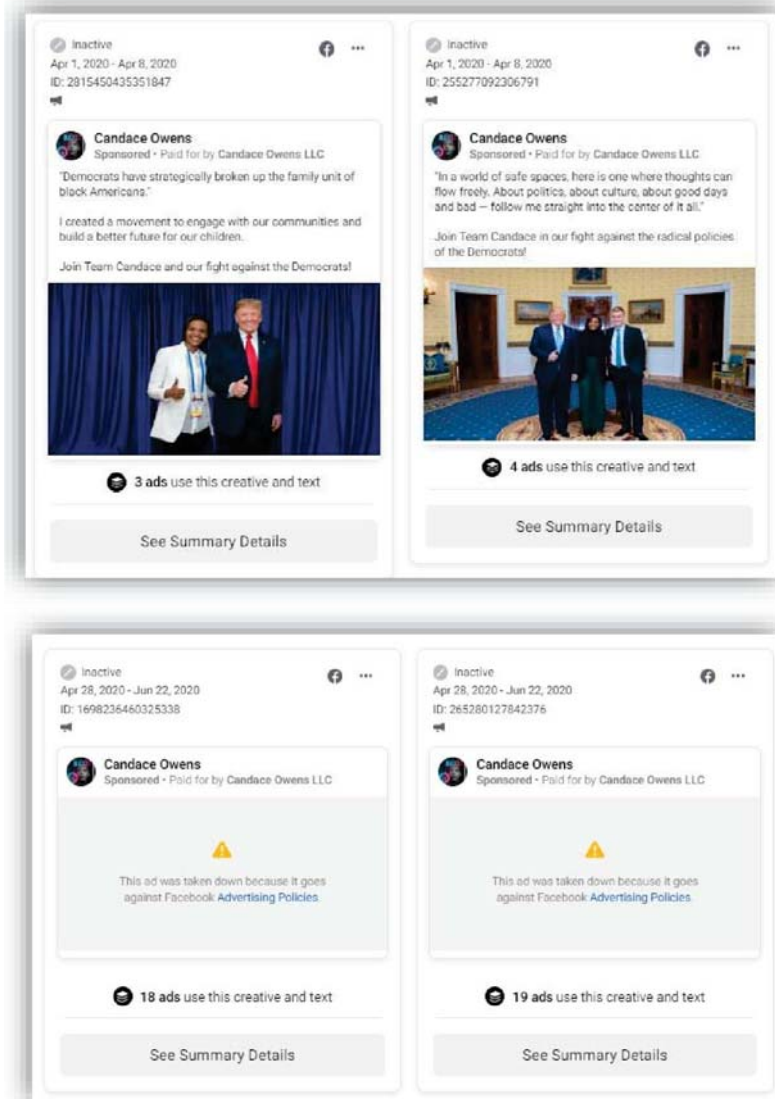
111. Facebook has a publicly viewable “Ad Library” page that allows Facebook users to view political advertisements that a Facebook page has paid

Facebook to run. Plaintiffs' Ad Library page reflects that Plaintiffs paid Facebook to run ads that were subsequently suspended by Facebook (a.k.a., rendered "inactive"). A paginated book of all advertisements Plaintiffs paid Facebook to run but were subsequently suspended between April 2020 and April 2021 are attached as *Exhibit L*. Plaintiffs also paid for advertisements before April of 2020 that were also suspended as a result of the Defendants' publications; however, upon information and belief, Facebook's Ad Library only shows ads within the past year.

112. For example, Plaintiffs' "Ad Library" page shows that Plaintiffs have paid Facebook nearly \$1,000,000 to run Plaintiffs' advertisements:



Only some ads viewable on Plaintiffs' "Ad Library" page state that they were terminated because "[they] go against Facebook Advertising Policies."



113. Plaintiffs were running advertisements on Facebook at the time Defendants published their articles. As a result, Defendants interfered with contracts that existed at the time of Defendants' publications. As well, Defendants interfered with Plaintiffs'

future opportunities to enter into future contracts with Facebook to run advertisements.

114. Facebook terminated Plaintiffs' ability to pay Facebook to run advertisements on or about June 22, 2020. Facebook permitted Plaintiffs to begin advertising again on or about March 17, 2021.

115. But for the Defendants' interference, Plaintiffs would have continued to place Order(s) to advertise on Facebook between June 22, 2020 and March 17, 2021. These advertisements generate substantial revenue for Plaintiffs. In total, Defendants intentionally caused Plaintiffs to lose approximately nine (9) months of Facebook advertising revenue.

116. Plaintiffs derive significant revenue from various social media websites, including Facebook. For example, between June 1, 2020 and June 21, 2020 alone, Plaintiffs generated approximately \$780,000 in revenue from running advertisements on Facebook for an average of approximately \$35,500 per day.

117. On a monthly basis, Plaintiffs lost \$1,065,000 in Facebook revenues. This along with other damages caused by Facebook's ban resulted in monthly damages of \$1,082,750.58.

Plaintiffs' Demands for Retraction and
Appeals Have Been Unsuccessful

118. Pursuant to the protocol established by Facebook for appealing the misinformation warning labels placed upon Facebook posts, Candace sent an email directly to Alan Duke, co-founder and a representative of Lead Stories, explaining to him why Lead Stories' Article was incorrect and should be edited or removed from the internet.

119. Instead of acknowledging Lead Stories' ironic failure to accurately fact check its own baseless allegations concerning Candace, Mr. Duke merely changed Lead Stories' Article rating of the Facebook Post from "False" to "Partly False." As Lead Stories knew, this was insufficient to cause Facebook to remove its false information warning label. It also did not properly respond to the well-researched and accurate statements made in Candace's Facebook Post. Although Candace explained this situation to him in subsequent email communications, Mr. Duke ignored additional emails from Candace. True and correct copies of these emails are attached to this First Amended Complaint and hereby incorporated by reference as *Exhibit F*.

120. The fact that Lead Stories changed the label on the Facebook Post from "False" to "Partly False" is a practical demonstration that Lead Stories' Article is false, yet Lead Stories has not retracted it or published a sufficient correction.

121. Moreover, Facebook representatives told Candace that they would not remove the Warning Label on her Facebook Post unless Lead Stories agreed to have it removed or Lead Stories removed its Article. A true and correct copy of this correspondence is attached to this First Amended Complaint and hereby incorporated by referenced as *Exhibit G*.

122. Without a further response from Mr. Duke, Plaintiffs propounded a written demand for retraction upon Lead Stories and Facebook on May 18, 2020, which identified the April 1 Article and explained why it was false and defamatory. A true and correct copy of Plaintiffs' retraction demand is attached to this First Amended Complaint and hereby incorporated by reference as *Exhibit H*.

123. Although Facebook responded to Candace's demand in a letter dated June 8, 2020, which denied responsibility and pointed the finger at Lead Stories accusing them of being wholly responsible for the April 1 Article, Lead Stories has, to the date of the filing of this First Amended Complaint, failed to respond or issue a retraction of its April 1 Article.

124. Facebook's response letter to Candace states, as a matter of fact, that the defamatory statements in the April 1 Article were published by Lead Stories and not Facebook.

Lead Stories Published Its April 1 Article
with Actual and Common Law Malice

125. Lead Stories maliciously and falsely attacked Plaintiffs for its own financial and political gain.

126. Lead Stories stands to gain financially from its false attack on Candace. It profits from visitors being redirected from Candace's website and to its website and being exposed to Lead Stories' advertisers and sponsors. Lead Stories also profits from its contractual relationship with Facebook and has an economic incentive to fulfill its contractual obligation with Facebook to locate and label falsehoods and hoaxes.

127. By terming a prominent political commentator like Candace a liar who utters irresponsible falsehoods and conjures up hoaxes that impair the national interest, Lead Stories also advances its patent political or policy interest in promoting a leftist agenda and thwarting Candace's conservative agenda.

128. Lead Stories is an organization that knowingly employs reporters like Ryan Cooper who have a provable and demonstrable left-leaning political bias

and an axe to grind with conservative thought leaders like Candace.

129. Lead Stories targeted Candace and deliberately aimed to censor her opinion on the Covid-19 pandemic. Lead Stories has a contractual relationship with Facebook and a patent interest in satisfying its mission to police Facebook posts. Facebook has incorrectly and maliciously labeled Candace a “Hate Agent,” of which Lead Stories was the cause, acting through its contractual relationship with Facebook.

130. Lead Stories actually knew and knows that its accusations made against Candace were false. It has been alerted to that fact by Candace’s demand for retraction. It has been made aware of statements such as those made by high-ranking U.S. officials, including Dr. Birx, a chief member of the White House Coronavirus Task Force, which support the factual basis for Candace’s Facebook Post as previously alleged in this First Amended Complaint.

131. Upon information and belief, Lead Stories purposely avoided publishing facts and including expert opinions that would have supported Candace’s position in her First Facebook Post.

132. To the extent that the First Facebook Post relied on its own expert, Dr. Lee, and Lead Stories Article relied on its own expert, Dr. Aiken, Lead Stories had actual knowledge that it could not “fact check” the Facebook Post and prove it “false” because the competing expert opinions about how Covid-19 deaths are being counted reflected an inconclusive disagreement among experts.

133. Because Lead Stories knew that Candace’s Facebook Post could not be “false,” as the issue involved sharp disagreement among experts, Lead

Stories' article was published with actual malice. It was false for Lead Stories to accuse Candace of originating a viral lie that spread on Facebook, and Lead Stories knew it was false or was in reckless disregard of that knowledge at the time it published the accusation. Candace's very Facebook post provided ample citation to the leading medical authorities who substantiated her claims.

134. Lead Stories' actual malice is further evidenced by its failure to retract the Article in derogation of accepted journalistic standards and those articulated by the IFCN, an organization to which Lead Stories is a signatory, as previously alleged in this First Amended Complaint.

135. Even in May 2020—approximately one month after the Article's publication—Lead Stories purposely disregarded contrary information presented to it by Candace to continue its attack on Plaintiffs.

136. Lead Stories—and its reporter Ryan Cooper—do not like Candace, her political viewpoint, or her support for former President Trump.

137. Upon information and belief, Lead Stories condones Facebook's incorrect labeling of Candace as a "Hate Agent."

138. Lead Stories published its false and defamatory April 1 Article knowing full well that it would be used by Facebook to attack Candace and make her appear to be a liar in front of her followers.

139. Upon information and belief, Lead Stories itself selected Candace's Facebook Post for "fact checking" and it was not required, by contract or request, to specifically fact check Candace's Facebook Post. In this way, Lead Stories voluntarily chose to attack Candace

and to interfere with her contract with Facebook and to impede her future business opportunities.

140. Upon information and belief, Lead Stories could have adequately published its April 1 Article without reference to Candace at all, but it instead chose to identify her by name and make her the centerpiece of its Article.

CAUSES OF ACTION

Count 1—Intentional Interference with Contractual Relations (brought by both Plaintiffs against both Defendants)

141. The preceding paragraphs are hereby incorporated by reference as if fully realleged herein.

142. Plaintiffs, at all times relevant to this action, had a contract with Facebook pursuant to Facebook's Self-Serve Ad Terms and Advertising Policies that provided for, among other things, the ability for Plaintiffs to advertise and derive revenue from the Facebook platform.

143. The Defendants had actual knowledge of the contract between Plaintiffs and Facebook given that, among other things, the Defendants are Facebook Third-Party Fact-Checking Partners and themselves under a contract with Facebook.

144. The Defendants had actual knowledge that Plaintiff was running ads on Facebook because the "Ad Library" page appurtenant to Plaintiffs' Facebook Page is publicly accessible.

145. Defendant Lead Stories committed an intentional act by publishing defamatory statements that it knew would be utilized by Facebook to justify

banning Candace Owens, LLC from deriving advertising revenue from the Facebook platform.

146. Lead Stories' intentional act was improper and wrongful in that it constitutes a recognized tort (defamation), and because it intended to harm Candace Owens, LLC out of political motivation. It sought to hinder the LLC's ability to operate and derive revenue from the Facebook platform, seeking to diminish or eliminate a conservative opinion with which it disagreed. Instead of fighting free speech with free speech, Lead Stories used its financial and contractual relationship with Facebook to eliminate Candace's speech.

147. USA TODAY's intentional act was improper and wrongful in that it constitutes a recognized tort (unfair competition), and because it improperly used its contract with Facebook to "fact check" an obvious statement of hyperbole solely to further its own profit and political aims. USA TODAY sought to redirect traffic from Candace's Facebook page to its own website so that it could obtain more advertising clicks and views. As such, USA TODAY sought to advance its sole financial interest.

148. The Defendants were not justified in publishing their respective articles.

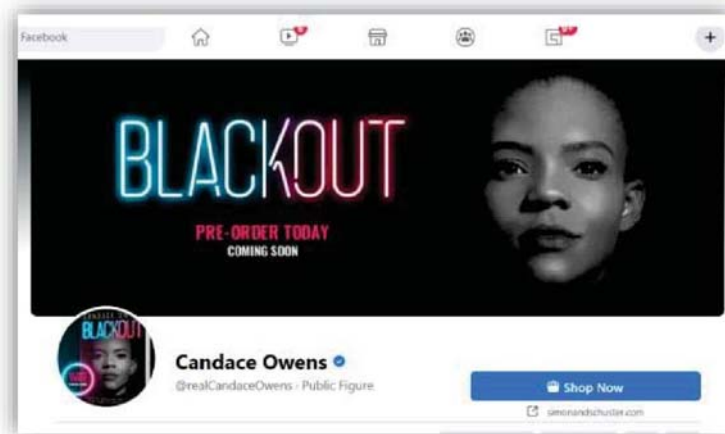
149. But for the Defendants' articles, Plaintiffs would not have suffered damages significant pecuniary harm and other damages resulting from Facebook's termination of Plaintiffs' contract to advertise.

Count 2—Tortious Interference with
Prospective Business Relations
(brought by both Plaintiffs
against both Defendants)

150. The preceding paragraphs are hereby incorporated by reference as if fully realleged herein.

151. Before the publication of the Defendants' articles, given Candace's prior success, it was reasonably probable—and absolutely expected—that Plaintiffs would obtain future business opportunities and revenue derived from Facebook and other social media platforms.

152. In fact, Lead Stories knew or should have known, through the cover photo and profile picture of Candace Owens' Facebook account, that Candace was advertising and encouraging pre-orders of her new book, "Blackout." A copy of this cover photo describing the presale, which is immediately viewable to all who access Plaintiffs' Facebook Page, is depicted below:



153. Plaintiffs' Facebook Page contains a large, blue "Shop Now" button that would allow viewers to

immediately navigate to www.simonandschuster.com, where viewers could pre-order Candace's new book.

154. The Defendants knew and should have known that their respective articles would be used to place false information warning labels on Candace's First and Second Facebook Posts and that all who saw the First and Second Facebook Posts—regardless of who shared it—would be confronted with false information warning labels. The warning labels that resulted from Defendants' tortious conduct obscured or eliminated the opportunity for potential purchasers to migrate to the publisher's website to consider purchasing "Blackout."

155. Lead Stories, through publication of its Article, unreasonably and intentionally interfered with:

- a. Plaintiffs' opportunity to advertise and sell Candace's book through the use of Facebook and other social media platforms;
- b. Plaintiff's opportunity to maximize the amount of pre-sale orders for Candace's book;
- c. Plaintiffs' opportunity to expand viewership of Candace's Facebook page and its accounts on other social media platforms; and
- d. Other opportunities for Candace to speak, teach, publish, comment, or engage in other activities that either immediately inured to the Plaintiffs' financial gain or contributed to Candace's goodwill.

156. But for Lead Stories' Article, Plaintiffs would not have suffered significant pecuniary and other damages resulting from Facebook's demonetization of Plaintiffs.

157. Plaintiffs also had recurring, prospective business opportunities directly with Facebook. Plaintiffs had a contractual business arrangement with Facebook whereby Plaintiffs would create an advertisement, pay Facebook to run the advertisement, and Facebook would run the advertisement for a specified period. This arrangement not only created an umbrella agreement under Facebook's Self-Serve Ad Terms, it also created an enforceable contract for each new advertisement that Plaintiffs created and paid Facebook to run. Therefore, by publishing its articles, Defendants interfered with Plaintiffs' ability to prospectively enter into new contracts with Facebook for the running and monetization of new advertisements created by Plaintiffs.

Count 3—Unfair Competition at Common Law
(brought by both Plaintiffs against both Defendants)

158. The preceding paragraphs are hereby incorporated by reference as if fully realleged herein.

159. Plaintiffs had a reasonable expectancy of entering into and continuing a valid business relationship with Facebook pursuant to Facebook's Self-Serve Ad Terms. This expectancy was reasonable because it was based upon a contract and history of prior dealing between Facebook and Plaintiffs whereby Plaintiffs paid Facebook to run Plaintiffs' advertisements on the Facebook platform, and in return Facebook ran those advertisements on the Facebook platform for a specified period.

160. The Defendants wrongfully interfered with this expectancy by leveraging their power as Facebook Third-Party Fact-Checking Partners to place false or misleading information warning labels on Candace's posts for the purpose of redirecting web traffic away

from Candace and directing it to their respective websites. By such a scheme, the Defendants sought to increase their number of clicks and advertising revenue by commandeering Plaintiffs' large Facebook following, enhance their status on the internet, and enhance their relationship with Facebook as Third-Party Fact-Checking partners.

161. The Defendants intended and were substantially certain that by publishing articles that sought to fact check Candace and identify her by name, Facebook would place a false information warning label on her First and Second

Facebook Post and cite, through clickable URL links, to the Defendants' articles as justification.

162. Defendants' actions were unfair actions because they prevented Plaintiffs from legitimately earning revenue from Facebook, as well as from enhanced goodwill, book sales and other publication opportunities, speaking and teaching, and other business relationships.

163. Plaintiffs' reasonable expectancy was defeated by the Defendants' wrongful conduct. The Defendants' articles were the sole or at least a substantial factor in Facebook's decision to demonetize Candace Owens, LLC and prohibit Plaintiffs from deriving revenue from Facebook.

164. Candace Owens, LLC suffered substantial harm as a result of Defendants' wrongful and unfair conduct, including by being demonetized and losing revenue.

Count 4—Defamation with Actual Malice
(brought by both Plaintiffs against
Defendant Lead Stories, LLC)

165. The preceding paragraphs are hereby incorporated by reference as if fully realleged herein.

166. Lead Stories' April 1 Article is demonstrably false.

167. Lead Stories' April 1 Article is of and concerning the Plaintiffs because it specifically identifies Candace by name several times, as previously alleged in this First Amended Complaint. Lead Stories' April 1 Article singles Plaintiffs out in specific accusations that charge the intentional dissemination of false information.

168. Lead Stories' April 1 Article imputes specific charges of conduct to Plaintiffs including but not limited to:

- a. intentionally spreading a lie;
- b. receiving advertising revenue from spreading misinformation on the internet; and
- c. attempting to "downplay the severity" of a deadly worldwide pandemic.

169. Lead Stories' April 1 Article is capable of a defamatory meaning because, when read by a reasonable reader in context, the aforementioned specific charges of conduct tend to, in no particular order:

- a. subject Plaintiffs to hatred, ridicule, and contempt;
- b. diminish Plaintiffs' standing in the community; and

- c. denigrate Plaintiffs' fitness for her occupation as a media commentator.

170. Lead Stories' April 1 Article is defamatory per se because it is defamatory on its face without any reference to outside material.

171. Lead Stories published its April 1 Article and false accusations therein as fact. Indeed, Lead Stories labels its work "fact checking."

172. Lead Stories did not publish its false statements as mere parody or opinion.

173. Lead Stories published its false accusations about Plaintiffs with actual malice, as previously alleged in this First Amended Complaint.

174. Lead Stories' Article was unprivileged.

175. Candace has suffered significant reputational harm as a result of Lead Stories' April 1 Article. She demands \$50,000,000 in damages for reputational harm.

176. Candace has suffered significant reputational harm as a result of Lead Stories' April 1 Article.

177. Even though the Article was defamatory per se and is actionable irrespective of allegations of special harm, but for Lead Stories' April 1 Article, Plaintiffs would not have suffered significant pecuniary damages resulting from Facebook's demonetization of Plaintiffs.

Count 5—Defamation with Common Law Malice
(brought by both Plaintiffs against
Defendant Lead Stories, LLC)

178. The preceding paragraphs are hereby incorporated by reference as if fully realleged herein.

179. Lead Stories' April 1 Article is demonstrably false.

180. Lead Stories' April 1 Article is of and concerning the Plaintiffs because it specifically identifies Candace by name several times, as previously alleged in this First Amended Complaint. Lead Stories' April 1 Article singles Plaintiffs out in specific accusations that charge the intentional dissemination of false information.

181. Lead Stories' April 1 Article imputes specific charges of conduct to Plaintiffs including but not limited to:

- a. intentionally spreading a lie;
- b. receiving advertising revenue from spreading misinformation on the internet; and
- c. attempting to "downplay the severity" of a deadly worldwide pandemic.

182. Lead Stories' April 1 Article is capable of a defamatory meaning because, when read by a reasonable reader in context, the aforementioned specific charges of conduct tend to, in no particular order:

- a. subject Plaintiffs to hatred, ridicule, and contempt;
- b. diminish Plaintiffs' standing in the community; and
- c. denigrate Plaintiffs' fitness for her occupation at PragerU and as a media commentator.

183. Lead Stories' April 1 Article is defamatory per se because it is defamatory on its face without any reference to outside material.

184. Lead Stories published its April 1 Article and false accusations therein as fact. Indeed, Lead Stories labels its work “fact checking.”

185. Lead Stories did not publish its false statements as mere parody or opinion.

186. Lead Stories published its false accusations about Plaintiffs with common law malice, as previously alleged in this First Amended Complaint.

187. Lead Stories’ April 1 Article was unprivileged.

188. Candace has suffered significant reputational harm and humiliation as a result of Lead Stories’ April 1 Article. She demands \$50,000,000 in damages for reputational harm.

189. Even though the April 1 Article was defamatory per se and is actionable irrespective of allegations of special harm, but for Lead Stories’ Article, Plaintiffs would not have suffered significant pecuniary damages from Facebook’s demonetization of Plaintiffs.

WHEREFORE, Plaintiffs respectfully pray:

- (a) That judgment be entered against the Defendants, jointly and severally, for substantial compensatory damages in an amount to be determined at trial;
- (b) That Lead Stories be held liable for the reputational harm it has caused Plaintiff;
- (c) That judgment be entered against the Defendants for punitive damages in an amount to be determined at trial;
- (d) That Plaintiffs recover pre- and post-judgment interest;

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- (e) That Plaintiffs recover their reasonable attorneys' fees and expenses from the Defendants;
- (f) That trial by jury on all issues so triable;
- (g) That all costs of this action be taxed to the Defendants; and
- (h) That the Court grant all such other and further relief that the Court deems just and proper, including equitable relief.

Dated: May 4, 2021 /s/ Sean J. Bellew
Sean J. Bellew (No. 4072)
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-and-

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Counsel for Plaintiffs

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EXHIBIT A

**Candace Owens** ✓
March 29 · 🌐

Important information for everyone to know about #coronavirus. Obesity is the number 1 killer in America. Right now, they are giving everyone who dies a Covid-19 lab test. If people die from heart disease, but were asymptomatic carriers of Covid-19, their deaths are counted toward the total. Same with other viruses and illnesses. I am an asthmatic. If I die from an asthma attack today, and it is determined that I have Covid-19 in my system at the time of death, my death counts as "complications from coronavirus", even if I never had any symptoms. They are trying desperately to get the numbers they need to justify this pandemic response.

Below is an article that explains how they are manipulating deaths. I spent all day today trying to look up daily death rates for any other diseases. You can't get it anywhere. They are reporting ONLY on coronavirus deaths. I suspect if we begin to demand the daily death toll numbers for heart disease, we will observe a deep decline. I am most interested in NYC overall deaths for this past month (Not just from Covid-19). If anyone knows where we can get this information, please let me know. They seem to be locking it down. If they can tell us how many people are dying from coronavirus daily— why can't they tell us how many people are dying otherwise?

Article: <https://www.spectator.co.uk/article/The-evidence-on-Covid-19-is-not-as-clear-as-we-think>

**Candace Owens** ✓
@RealCandaceO

The number one killer in America is Heart disease. 1,002 people a day.

Partly False Information
Checked by independent fact-checkers

See Why

Did you know that if you die from heart disease now, and they determine you to be an asymptomatic carrier of Covid-19 in your post-Mortem, they legally add your death to the #Coronavirus

See Photo



22K

5.6K Comments 15K Shares

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EXHIBIT B

THE SPECTATOR

Dr John Lee

How deadly is the coronavirus? It's still far from clear

There is room for different interpretations of the data

From magazine issue: 28 March 2020



In announcing the most far-reaching restrictions on personal freedom in the history of our nation, Boris Johnson resolutely followed the scientific advice that he had been given. The advisers to the government seem calm and collected, with a solid consensus among them.

In the face of a new viral threat, with numbers of cases surging daily, I'm not sure that any prime minister would have acted very differently.

But I'd like to raise some perspectives that have hardly been aired in the past weeks, and which point to an interpretation of the figures rather different from that which the government is acting on. I'm a recently-retired Professor of Pathology and NHS

consultant pathologist, and have spent most of my adult life in healthcare and science - fields which, all too often, are characterised by doubt rather than certainty. There is room for different interpretations of the current data. If some of these other interpretations are correct, or at least nearer to the truth, then conclusions about the actions required will change correspondingly.

The simplest way to judge whether we have an exceptionally lethal disease is to look at the death rates. Are more people dying than we would expect to die anyway in a given week or month? Statistically, we would expect about 51,000 to die in Britain this month. At the time of writing, 422 deaths are linked to Covid-19 — so 0.8 per cent of that expected total. On a global basis, we'd expect 14 million to die over the first three months of the year. The world's 18,944 coronavirus deaths represent 0.14 per cent of that total. These figures might shoot up but they are, right now, lower than other infectious diseases that we live with (such as flu). Not figures that would, in and of themselves, cause drastic global reactions.

Initial reported figures from China and Italy suggested a death rate of 5 per cent to 15 per cent, similar to Spanish flu. Given that cases were increasing exponentially, this raised the prospect of death rates that no healthcare system in the world would be able to cope with. The need to avoid this scenario is the justification for measures being implemented: the Spanish flu is believed to have infected about one in four of the world's population between 1918 and 1920, or roughly 500 million people with 50 million deaths. We developed pandemic emergency plans, ready to snap into action in case this happened again.

At the time of writing, the UK's 422 deaths and 8,077 known cases give an apparent death rate of 5 per cent. This is often cited as a cause for concern, contrasted with the mortality rate of seasonal flu, which is estimated at about 0.1 per cent. But we ought to look very carefully at the data. Are these figures really comparable?

Most of the UK testing has been in hospitals, where there is a high concentration of patients susceptible to the effects of any infection. As anyone who has worked with sick people will know, any testing regime that is based only in hospitals will over-estimate the virulence of an infection. Also, we're only dealing with those Covid-19 cases that have made people sick enough or worried enough to get tested. There will be many more unaware that they have the virus, with either no symptoms, or mild ones.

That's why, when Britain had 590 diagnosed cases, Sir Patrick Vallance, the government's chief scientific adviser, suggested that the real figure was probably between 5,000 and 10,000 cases, ten to 20 times higher. If he's right, the headline death rate due to this virus is likely to be ten to 20 times lower, say 0.25 per cent to 0.5 per cent. That puts the Covid-19 mortality rate in the range associated with infections like flu.

But there's another, potentially even more serious problem: the way that deaths are recorded. If someone dies of a respiratory infection in the UK, the specific cause of the infection is not usually recorded, unless the illness is a rare 'notifiable disease'. So the vast majority of respiratory deaths in the UK are recorded as bronchopneumonia, pneumonia, old age or a similar designation. We don't really test for flu, or other seasonal infections. If the patient has, say, cancer, motor neurone disease or another serious disease, this

will be recorded as the cause of death, even if the final illness was a respiratory infection. This means UK certifications normally under-record deaths due to respiratory infections.

Now look at what has happened since the emergence of Covid-19. The list of notifiable diseases has been updated. This list — as well as containing smallpox (which has been extinct for many years) and conditions such as anthrax, brucellosis, plague and rabies (which most UK doctors will never see in their entire careers) — has now been amended to include Covid-19. But not flu. That means every positive test for Covid-19 must be notified, in a way that it just would not be for flu or most other infections.

In the current climate, anyone with a positive test for Covid-19 will certainly be known to clinical staff looking after them: if any of these patients dies, staff will have to record the Covid-19 designation on the death certificate — contrary to usual practice for most infections of this kind. There is a big difference between Covid-19 causing death, and Covid-19 being found in someone who died of other causes. Making Covid-19 notifiable might give the appearance of it causing increasing numbers of deaths, whether this is true or not. It might appear far more of a killer than flu, simply because of the way deaths are recorded.

If we take drastic measures to reduce the incidence of Covid-19, it follows that the deaths will also go down. We risk being convinced that we have averted something that was never really going to be as severe as we feared. This unusual way of reporting Covid-19 deaths explains the clear finding that most of its victims have underlying conditions — and would normally be susceptible to other seasonal viruses,

which are virtually never recorded as a specific cause of death.

Let us also consider the Covid-19 graphs, showing an exponential rise in cases — and deaths. They can look alarming. But if we tracked flu or other seasonal viruses in the same way, we would also see an exponential increase. We would also see some countries behind others, and striking fatality rates. The United States Centers for Disease Control, for example, publishes weekly estimates of flu cases. The latest figures show that since September, flu has infected 38 million Americans, hospitalised 390,000 and killed 23,000. This does not cause public alarm because flu is familiar.

The data on Covid-19 differs wildly from country to country. Look at the figures for Italy and Germany. At the time of writing, Italy has 69,176 recorded cases and 6,820 deaths, a rate of 9.9 per cent. Germany has 32,986 cases and 157 deaths, a rate of 0.5 per cent. Do we think that the strain of virus is so different in these nearby countries as to virtually represent different diseases? Or that the populations are so different in their susceptibility to the virus that the death rate can vary more than twentyfold? If not, we ought to suspect systematic error, that the Covid-19 data we are seeing from different countries is not directly comparable.

Look at other rates: Spain 7.1 per cent, US 1.3 per cent, Switzerland 1.3 per cent, France 4.3 per cent, South Korea 1.3 per cent, Iran 7.8 per cent. We may very well be comparing apples with oranges. Recording cases where there was a positive test for the virus is a very different thing to recording the virus as the main cause of death.

Early evidence from Iceland, a country with a very strong organisation for wide testing within the

population, suggests that as many as 50 per cent of infections are almost completely asymptomatic. Most of the rest are relatively minor. In fact, Iceland's figures, 648 cases and two attributed deaths, give a death rate of 0.3 per cent. As population testing becomes more widespread elsewhere in the world, we will find a greater and greater proportion of cases where infections have already occurred and caused only mild effects. In fact, as time goes on, this will become generally truer too, because most infections tend to decrease in virulence as an epidemic progresses.

One pretty clear indicator is death. If a new infection is causing many extra people to die (as opposed to an infection present in people who would have died anyway) then it will cause an increase in the overall death rate. But we have yet to see any statistical evidence for excess deaths, in any part of the world.

Covid-19 can clearly cause serious respiratory tract compromise in some patients, especially those with chest issues, and in smokers. The elderly are probably more at risk, as they are for infections of any kind. The average age of those dying in Italy is 78.5 years, with almost nine in ten fatalities among the over-70s. The life expectancy in Italy — that is, the number of years you can expect to live to from birth, all things being equal — is 82.5 years. But all things are not equal when a new seasonal virus goes around.

It certainly seems reasonable, now, that a degree of social distancing should be maintained for a while, especially for the elderly and the immune-suppressed. But when drastic measures are introduced, they should be based on clear evidence. In the case of Covid-19, the evidence is not clear. The UK's lockdown has been informed by modelling of what might happen. More needs to be known about these models. Do they correct

for age, pre-existing conditions, changing virulence, the effects of death certification and other factors? Tweak any of these assumptions and the outcome (and predicted death toll) can change radically.

Much of the response to Covid-19 seems explained by the fact that we are watching this virus in a way that no virus has been watched before. The scenes from the Italian hospitals have been shocking, and make for grim television. But television is not science.

Clearly, the various lockdowns will slow the spread of Covid-19 so there will be fewer cases. When we relax the measures, there will be more cases again. But this need not be a reason to keep the lockdown: the spread of cases is only something to fear if we are dealing with an unusually lethal virus. That's why the way we record data will be hugely important. Unless we tighten criteria for recording death due only to the virus (as opposed to it being present in those who died from other conditions), the official figures may show a lot more deaths apparently caused by the virus than is actually the case. What then? How do we measure the health consequences of taking people's lives, jobs, leisure and purpose away from them to protect them from an anticipated threat? Which causes least harm?

The moral debate is not lives vs money. It is lives vs lives. It will take months, perhaps years, if ever, before we can assess the wider implications of what we are doing. The damage to children's education, the excess suicides, the increase in mental health problems, the taking away of resources from other health problems that we were dealing with effectively. Those who need medical help now but won't seek it, or might not be offered it. And what about the effects on food production and global commerce, that will have unquantifiable

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consequences for people of all ages, perhaps especially in developing economies?

Governments everywhere say they are responding to the science. The policies in the UK are not the government's fault. They are trying to act responsibly based on the scientific advice given. But governments must remember that rushed science is almost always bad science. We have decided on policies of extraordinary magnitude without concrete evidence of excess harm already occurring, and without proper scrutiny of the science used to justify them.

In the next few days and weeks, we must continue to look critically and dispassionately at the Covid-19 evidence as it comes in. Above all else, we must keep an open mind — and look for what is, not for what we fear might be.

John Lee is a recently retired professor of pathology and a former NHS consultant pathologist.

WRITTEN BY *Dr John Lee*



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EXHIBIT C



<https://www.facebook.com/realCandaceOwens/posts/3701928399878334>

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https://www.usatoday.com/story/news/factcheck/2020/04/30/fact-check-cdc-still-tracking-flu-deaths-2019-20-typical/3044888001/?fbclid=IwAR17Rl8OjBWnU_vor2wCKhZkIpP6or_CdNxXLlpV7fX7uV7Z7duXus-pVA

False



Fact-Check from USA TODAY



USA TODAY **Fact-Check**

False: CDC has not stopped reporting flu deaths, and this season's numbers are typical

About This Notice



Independent fact-checkers say this information has no basis in fact.



Curious how Facebook works with independent fact-checking organizations? [Learn more](#)

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EXHIBIT D

LEAD STORIES

Hoax Alert

Fact Check: COVID-19 NOT Being Blamed For Deaths Primarily Due To Unrelated Causes

Apr 1, 2020 | by Ryan Cooper

STORY UPDATED: check for updates below.



Is it true that asymptomatic carriers of COVID-19 who die of other medical problems will be added to the coronavirus death toll? No, that's not true: Many asymptomatic carriers of COVID-19 are not getting tested in the first place, so that assertion doesn't hold up.

Lead Stories reached out to the president of the National Association of Medical Examiners (NAME), who analyzed these claims. She told us there is a lot of false information in the posts.

The claims originated in a post (archived [here](#)) published on Facebook by Candace Owens on March 29, 2020. It opened:

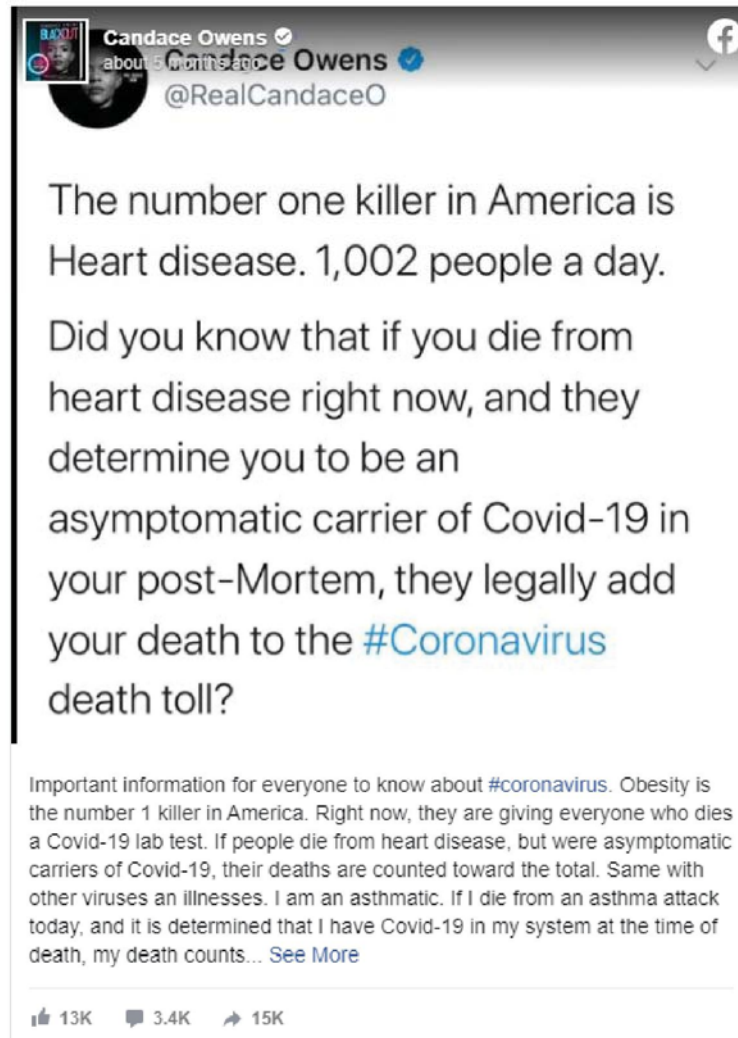
Important information for everyone to know about #coronavirus. Obesity is the number 1 killer in America. Right now, they are giving everyone who dies a Covid-19 lab test. If

people die from heart disease, but were asymptomatic carriers of Covid-19, their deaths are counted toward the total. Same with other viruses and illnesses. I am an asthmatic. If I die from an asthma attack today, and it is determined that I have Covid-19 in my system at the time of death, my death counts as “complications from coronavirus”, even if I never had any symptoms. They are trying desperately to get the numbers they need to justify this pandemic response.

Below is an article that explains how they are manipulating deaths. I spent all day today trying to look up daily death rates for any other diseases. You can't get it anywhere. They are reporting ONLY on coronavirus deaths. I suspect if we begin to demand the daily death toll numbers for heart disease, we will observe a deep decline. I am most interested in NYC overall deaths for this past month (Not just from Covid-19). If anyone knows where we can get this information, please let me know. They seem to be locking it down. If they can tell us how many people are dying from coronavirus daily—why can't they tell us how many people are dying otherwise?

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Users on social media only saw this:



The post also included a screenshot of Owens' tweet, which read:

The number one killer in America is Heart disease. 1,002 people a day.

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Did you know that if you die from heart disease right now, and they determine you to be an asymptomatic carrier of Covid-19 in your post-Mortem, they legally add your death to the #Coronavirus death toll?



The post is being shared to suggest that medical officials are – in Owens’ words – “trying desperately to get the numbers to justify this pandemic response” This comment is an attempt to downplay the severity of a global infectious disease that has killed more than 42,000 people as of March 31, 2020. By April 1, the United States – which has the highest number of cases in the world – recorded more than 4,000 deaths, a figure that doubled in a period of just days.

There are several inaccuracies in Owens’ post. We consulted with Dr. Sally Aiken, M.D., the president of NAME, and a practicing medical examiner in Washington state. She said:

For decedents (dead persons) who are known to be positive for COVID-19, and who have symptoms, the vast majority have died during

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a hospitalization. If they were otherwise healthy, the deaths are being attributed to COVID-19 on the death certificate. The exact certification may vary from jurisdiction to jurisdiction.

Aiken said the Centers for Disease Control and Prevention had issued guidance for death certification on its website. According to its guidance, dated March 4, 2020:

It is important to emphasize that Coronavirus Disease 2019 or COVID-19 should be reported on the death certificate for all decedents where the disease caused or is assumed to have caused or contributed to death.

Owens' post used the example of people with heart disease. However, individuals with underlying medical conditions are in the higher-risk groups for the coronavirus, as Aiken detailed:

As most people are aware, people pre-existing disease like heart failure, and COPD, seem to be at higher risk for death due to COVID-19. If those individuals are positive for COVID-19 and have symptoms, COVID-19 is typically being listed on the death certificate as the cause of death, with their other diseases listed as contributory. This helps all of us; as we learn what the natural disease risk factors for COVID-19 death are. It is not a conspiracy, or any different than what occurs during non-COVID-19 times. (If someone dies of Influenza A or B, contributory causes are often listed on the death certificate as well.)

The post also refers to “asymptomatic carriers” of COVID-19 being identified on death certificates as having died of the coronavirus. But Aiken pointed out that this suggestion is flawed due to the lack of widespread testing:

As most people are aware, very few asymptomatic people in the U.S. have been tested for COVID-19. In the vast number of cases, living individuals are being tested because they have symptoms. Medical examiners and coroners are doing the same thing. We are performing autopsies on homicides, suicides, traffic accidents, etc. These decedents are not being tested for COVID-19 as a matter of course. Medical Examiners and Coroners are testing decedents who had symptoms, but were undiagnosed during life. MEs and Coroners are not identifying any ‘asymptomatic carriers,’ because we aren’t testing for them, as it is not pertinent for death certification.

Owens also suggested in her Facebook post that if she were to die from an asthma attack, her death would be added to the coronavirus tally. Aiken called out that claim:

The statement, ‘If I die from an asthma attack today, and have COVID-19 in my system,’ shows a lack of understanding about triggers for asthma. A viral infection with respiratory symptoms is often a trigger for a severe asthma attack. I would suspect that in these circumstances. COVID-19 would justifiably

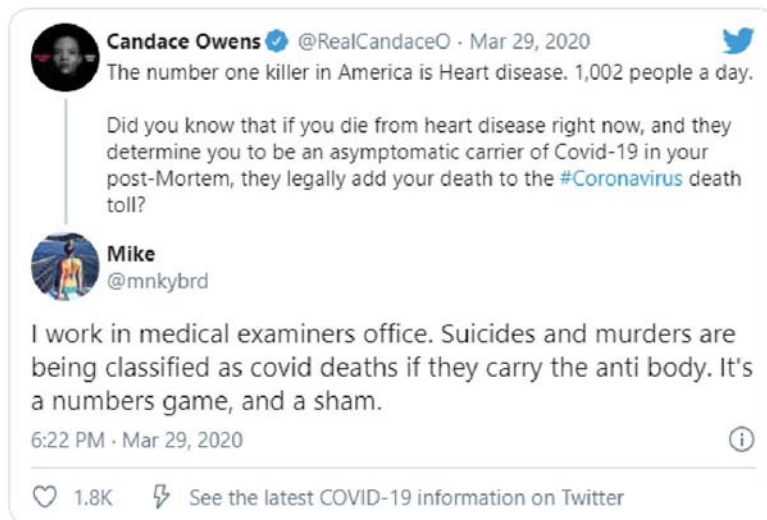
73a

be listed on the death certificate along with asthma.

Owens' Facebook post contradicts the screenshot of her own tweet. On Facebook, she said the number one killer in the United States is obesity. But her screenshot from Twitter said the number one killer is heart disease. Certainly, obesity is associated with an increased risk of heart disease, but her post is contradictory. The CDC does not list obesity as a cause of death, according to NBC News.

Many other posts are being shared that include Owens' tweet along with a circled response from a user name @mnkybrd who claims to work in a medical examiners office. The tweet reply said

I work in medical examiners office. Suicides and murders are being classified as covid deaths if they carry the anti body. It's a numbers game, and a sham.



That unsourced statement is not true. Aiken said, “It is categorically false that ‘suicides and murders’ are being categorized as COVID-19 deaths.”

The Washington Post published an investigative story on April 5, 2020, titled Coronavirus death toll: Americans are almost certainly dying of covid-19 but being left out of the official count, which found that the number of COVID-19 related deaths is likely undercounted:

The U.S. Centers for Disease Control and Prevention counts only deaths in which the presence of the coronavirus is confirmed in a laboratory test. “We know that it is an underestimation,” agency spokeswoman Kristen Nordlund said.

A widespread lack of access to testing in the early weeks of the U.S. outbreak means people with respiratory illnesses died without being counted, epidemiologists say. Even now, some people who die at home or in overburdened nursing homes are not being tested, according to funeral directors, medical examiners and nursing home representatives.

Postmortem testing by medical examiners varies widely across the country, and some officials say testing the dead is a misuse of scarce resources that could be used on the living. In addition, some people who have the virus test negative, experts say.

There is a lot of misinformation online about the coronavirus. Here are some other fact checks by Lead Stories you may want to check out:

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- Fact Check: Black People Are NOT Immune To The Dangers Of Coronavirus
- Fact Check: 60 Democrats Did NOT Vote Against Coronavirus Stimulus Bill
- Fact Check: Photos Do NOT Show People Falling Dead Of COVID-19 On Italy's Streets
- Fact Check: Coronavirus Test DOES Require Swab To Be Inserted Clear Through Nasal Passage
- Fact Check: Sky News Video About Coronavirus Victims In Italian Hospital Did NOT Get Taken Down
- Fact Check: Using A Sauna Or Hairdryer Will NOT Kill Coronavirus
- Fact Check: Helicopters Are NOT Spraying Disinfectants To Try To Eradicate Coronavirus
- Fact Check: Tanks NOT Arriving In San Diego, NO Martial Law
- Fact Check: Massachusetts State Police DO Warn Of Possible Scam Related To Coronavirus
- Fact Check: NOT A Photo Of Hundreds Of Coronavirus Dead In Italy
- Fact Check: Coronavirus Cases In U.S. NOT Linked To 5G Rollout
- Fact Check: Joe Biden Did NOT Test Positive For Coronavirus, As African Hoax Website Claims
- Fact Check: Homeland Security Is NOT Preparing To Mobilize The National Guard To Combat Coronavirus

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- Fact Check: Italy Has NOT Mandated No Treatment Of All Elderly With Coronavirus
- Fact Check: A Banana A Day Does NOT Keep The Coronavirus Away
- Fact Check: 15 Minutes In Sauna Will NOT Kill The Coronavirus
- Fact Check: A Dog Vaccine Can NOT Be Used To Inoculate People Against Coronavirus
- Fact Check: The CDC Is NOT Warning People The Morel Mushroom Increases Coronavirus Risk By 200%
- Fact Check: Baby Formula NOT Necessarily Being Shipped For Free During Coronavirus Outbreak
- Fact Check: Train Was NOT Marked With “COVID-19” On Its Side
- Fact Check: NOT 10,000 Deaths In Virus Outbreak in Michigan, Washington, Idaho, North Dakota, Missouri, Mississippi
- Fact Check: CDC Did NOT Recommend Men Shave Their Beards To Protect Against Coronavirus
- Fact Check: Florida Man NOT Arrested For Robbery Using Cough As A Weapon
- Fact Check: Lysol Products Can Kill Older Strains Of Coronavirus, But Tests Have NOT Scientifically Proven They Kill Novel Coronavirus
- Fact Check: Hair Weaves And Lace Front Wigs Made In China NOT Likely To Contain Coronavirus
- Fact Check: Scientists Did NOT Discover That Cocaine Kills Coronavirus

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- Fact Check: NO Evidence Coronavirus Is Bioweapon Leaked From Wuhan Lab
- Fake News: Six Coronavirus Cases NOT Confirmed In Wichita, Kansas (Or Several Other U.S. Cities)
- Fake News: 20 Million Chinese Did NOT Convert To Islam, And It Was NOT Proven That Coronavirus Epidemic Did Not Afflict Muslims
- Fake News: NO Evidence To Support Claim From Bioweapons Expert Who Says Coronavirus Is Biological Warfare Weapon
- Fake News: Popping Bubble Wrap Does NOT Expose People To Coronavirus
- Fake News: Data From Windy.com Does NOT Show Massive Release Of Sulfur Dioxide Gas Near Wuhan
- Fake News: Latest Research Published By Chinese Scientists Did NOT Say Coronavirus Will Render Most Male Patients Infertile
- Fake News: NO Proof That High-Rise Buildings Have Become Human Incinerators To Combat Coronavirus

Updates:

5 months ago 12:21

Updated 4/5/2020: Adding quotes from Washington Post investigation finding number of COVID-19 deaths is likely undercounted.

Want to inform others about the accuracy of this story?

<https://leadstories.com/hoax-alert/2020/04/Fact-Check-COVID19-NOT-Being-Blamed-For-Deaths-Primarily-Due-To-Unrelate...>

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Click this link to copy it to your clipboard

See who is sharing it (it might even be your friends...) and leave the link in the comments.:

Facebook | Twitter

Lead Stories is working with the CoronaVirus Facts/DatosCoronaVirusAlliance, a coalition of more than 100 fact-checkers who are fighting misinformation related to the COVID-19 pandemic. Learn more about the alliance here.

Ryan Cooper, a staff writer and fact-checker for Lead Stories, is the former Director of Programming at CNN International, where he helped shape the network's daily newscasts broadcast to more than 280 million households around the world. He was based at the network's Los Angeles Bureau. There, he managed the team responsible for a three-hour nightly program, *Newsroom LA*.

Formerly, he worked at the headquarters in Atlanta, and he spent four years at the London bureau. An award-winning producer, Cooper oversaw the network's Emmy Award-winning coverage of the uprising in Egypt in 2011. He also served as a supervising producer during much of the network's live reporting on the Israel-Hezbollah conflict in 2006, for which CNN received an Edward R. Murrow Award.

Read more about or contact Ryan Cooper

EXHIBIT E

FACT CHECK

Fact Check: CDC has not stopped reporting flu deaths, and this season's numbers are typical

Devon Link USA TODAY

Published 2:41 p.m. ET Apr. 30, 2020 | Updated 11:35 a.m. ET May 12, 2020

The claim: The CDC has stopped reporting flu deaths because they are so low

On April 28, conservative commentator and political activist Candace Owens accused the Centers for Disease Control and Prevention of misreporting flu deaths.

"According to CDC reports — 2020 is working out to be the lowest flu death season of the decade," she posted on Facebook. "It's a miracle!"

Owens posted a photo of a tweet she'd written the same day alongside her comment.

"Possibly the greatest trade deal ever inked was between the flu virus and #coronavirus," she tweeted. "So glad nobody is dying of the flu anymore, and therefore the CDC has abruptly decided to stop calculating flu deaths altogether."

Some Facebook and Twitter users questioned the validity of Owens' statistics. Others read between the lines of her sarcasm to comment on what she may be implying.

"Not just lowest flu death, but also cancer deaths, diabetes deaths, heart disease deaths, and many other know(n) diseases," one Facebook user wrote. "When hospitals are guaranteed payment from the federal

government if it is classified as covid19 hospitalization, it becomes a business plan.”

According to CDC data, none of Owens’ statistics is correct.

Owens did not respond to USA TODAY’s request for comment.

How the CDC tracks flu deaths

The CDC uses mathematical estimates to retroactively measure the burden of each flu season. “The model uses a ratio of deaths-to-hospitalizations in order to estimate the total influenza-associated deaths from the estimated number of influenza-associated hospitalizations,” the CDC states, describing its methodology.

This in-hospital mortality FluSurv-NET data is the basis from which larger, annual estimates are made. This data excludes all influenza-associated deaths that are misdiagnosed or occur outside a hospital.

After each flu season, the CDC considers in-hospital death data and investigates death certificates to account for the total flu deaths. “(B)ecause not all deaths related to influenza occur in the hospital, we use death certificate data to estimate how likely deaths are to occur outside the hospital,” the CDC website explains.

Defining flu season

Flu seasons vary from year to year and don’t have a strict timeline. Last year, flu season was the longest in a decade, lasting 21 weeks.

“In the United States, flu season occurs in the fall and winter. While influenza viruses circulate year-round, most of the time flu activity peaks between

December and February, but activity can last as late as May,” the CDC website explains.

To account for this ambiguous period the CDC releases weekly U.S. influenza summary updates from October through May.

Influenza-associated deaths last year were much lower than claimed

According to the CDC’s 2018-2019 estimates, there were 34,200 influenza-associated deaths from October 2018 to May 2019 — not 80,000 as Owens claimed on Facebook.

The CDC estimated 61,000 influenza-associated deaths in the 2017-2018 season.

So where did Owens’ 80,000 statistic come from?

For the preliminary 2017-2018 season estimates the CDC approximated 79,400 influenza-associated deaths, which it later updated to 61,000 deaths and archived for historical purposes.

“All estimates from the 2017-2018 influenza season are preliminary and may change as data from the season are cleaned and finalized,” the CDC estimated disclosed.

The National Foundation for Infectious Diseases estimated 80,000 deaths for the same season. This NFID’s estimate came from unpublished CDC data and used estimation methodology that the CDC has since altered for better accuracy.

The NFID is a nonprofit “dedicated to educating the public and healthcare professionals about the burden, causes, prevention, diagnosis, and treatment of infectious diseases across the lifespan,” its website states.

CDC continues to report flu deaths

The FluSurv-NET data for 2020 has not dipped after January as Owens claimed. It increased in February.

The CDC reported fewer than 2,000 influenza-associated deaths in January — not 20,000 as Owens claimed. Since January, the CDC reported more than 5,000 influenza-associated deaths — not 4,000, as claimed.

Keep in mind, this data only accounts for the patients who died in a hospital from diagnosed influenza. The CDC's anticipated estimates for the season will be much larger than the 7,000 documented cases so far.

From October 2018 to May 2019 the FluSurv-NET data accounted for about 7,000 influenza-associated deaths, which CDC ultimately used to estimate 34,200 total deaths for the 2018-2019 flu season.

How this flu season compares so far

FluSurv-NET data shows there have been nearly as many influenza-associated deaths to date in 2020 as there were in all of 2019.

This year's total will continue to rise as the U.S. enters the 2020-2021 flu season in October, but it's unlikely that increase will be significant since the majority of annual flu seasons decrease at the beginning of each year.

The 2017-2018 flu season was the most deadly in the past decade with a CDC estimate of 61,000 deaths. The FluSurv-NET data for 2018 totaled nearly 15,000 in-hospital influenza-associated deaths.

In the last decade, 2011-2012 was the least deadly, with 12,000 deaths, according to CDC data.

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The early FluSurv-NET data indicates that this 2019-2020 flu season isn't shaping up to be the decade's most or least deadly.

Our ruling: False

We rate the claim that the CDC has stopped reporting flu deaths because the death rates are so low as FALSE because it is not supported by our research. The CDC continues to report weekly on the 2020 influenza season. Its data shows this season's rates are similar to rates of past years. Further, the rate of flu deaths did not decrease in January, as stated, nor was the total number of deaths in 2018-19 as high as claimed.

Our fact-check sources:

CDC "How CDC Estimates the Burden of Seasonal Influenza in the U.S."

Centers for Disease Control and Prevention "Weekly U.S. Influenza Surveillance Report"

USA TODAY "U.S. flu season is now the longest in a decade"

CDC "The Flu Season"

CDC "Past Seasons Estimated Influenza Disease Burden"

National Foundation for Infectious Diseases "INFLUENZA AND PNEUMOCOCCAL DISEASE CAN BE SERIOUS, HEALTH OFFICIALS URGE VACCINATION"

CDC "Archived Estimated Influenza Illnesses, Medical Visits, Hospitalizations, and Deaths in the United States— 2017-2018 influenza season"

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NCBI “Influenza Illness and Hospitalizations Averted by Influenza Vaccination in the United States, 2005-2011”

CDC “National Press Conference Kicks Off 2018-2019 Flu Vaccination Campaign”

USA TODAY “This flu season is the worst in nearly a decade — and it’s not getting better”

USA TODAY “Fact check: Hospitals get paid more if patients listed as COVID-19, on ventilators”

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EXHIBIT F

From: Candace Owens
<candaceoh@candaceowens.com>
Date: Friday, May 8, 2020 at 10:14 PM
To: Alan Duke <alan@leadstories.com>,
"daniellecyr@fb.com" <daniellecyr@fb.com>
Cc: "katcanfield@fb.com" <katcanfield@fb.com>,
"appeals@leadstories.com"
<appeals@leadstories.com>

Subject: Re: False Stories: Candace Owens

Following up to include another article, from today in which Deputy Health officer Dr. Mark Fox confirms that:

"For example, if a patient dies from a heart attack but has tested positive for COVID-19, it's up to the judgment of the patient's physician to decide if there's probable cause this was coronavirus related."

<https://www.wndu.com/content/news/Fact-Check-Are-COVID-19-case-numbers-accurate-570184681.html>

This is EXACTLY what my post stipulated. There is no getting around this. Your pathologist is not more well informed than our government, other pathologists and health ministers in this country.

Your doctor was either sincerely mistaken, or being dishonest about how deaths are reported.

Candace Owens

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On May 8, 2020, at 8:08 PM, Candace Owens <candaceoh@candaceowens.com> wrote:

Alan,

Dr. Sally Aiken is a pathologist, just as the Doctor who wrote the article that I quoted is a pathologist.

How do you determine that your pathologist is more reliable than another pathologist? I am not going to edit my post on your fallacious assumption that “my pathologist is better than yours”.

Also, how does your randomly selected doctor from Washington top what Dr. Deborah Birx—the lead doctor of our nation’s coronavirus response task force—, stated during a Presidential press conference?

Here are her exact words, which is exactly what I intimated in my Facebook post.

“I think in this country, we’ve taken a very liberal approach to mortality,” The intent is if someone dies WITH COVID-19, we are counting that as a COVID-19 death,”

Here is a video of her confirming just what I stated on Facebook—that UNLIKE in other countries where people who die of heart disease are not counted toward covid-19 death toll—in America, they are https://twitter.com/greg_price11/status/1247669966939262977

Danielle— I am asking Facebook to review this case outside of Leadstories. They are clearly in the wrong to claim that our nation’s lead doctor on the coronavirus task force made statements that can be considered false because they independently found one doctor that agreed with them. As I stated, the CDC website even verifies exactly what my post stipulated. I find this action taken on my account from Facebook to be discriminatory. Especially considering the fact

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that Alan Duke here worked at CNN for 26 years, the home of biased news. If anything, he is honing in on skills he developed at his previous network by utilizing selective information, to further a storyline he believes in.

This is completely fraudulent behavior and should be consider unacceptable at Facebook when weighed against the evidence here. How is a CNN editor of 26 years deemed an unbiased fact-checker?

Respectfully,

Candace Owens

On May 7, 2020, at 11:09 AM, Alan Duke <alan@leadstories.com> wrote:

Ms. Owens,

We at Lead Stories are part of Facebook's third-party fact-checking program. Facebook works with independent fact-checking organizations around the world that are certified by the International Fact-Checking Network (IFCN). We review and rate the veracity of articles, images, videos and text posts, focused on claims that are spreading virally. You can read more about Lead Stories' methodology here: <https://leadstories.com/how-we-work.html>.

We reviewed your post, and rated revised the rating from "False" to "Partly False" for the following reasons:

You wrote: "Right now, they are giving everyone who dies a Covid-19 lab test. If people die from heart disease, but were asymptomatic carriers of Covid-19, their deaths are counted toward the total. Same with other viruses an illnesses. I am an asthmatic. If I die from an asthma attack today, and it is determined that I have Covid-19 in my system at the time of death, my death counts as "complications from coronavirus",

even if I never had any symptoms. They are trying desperately to get the numbers they need to justify this pandemic response.”

Lead Stories consulted with Dr. Sally Aiken, M.D., the president of NAME, and a practicing medical examiner in Washington state. On April 1, she said:

“As most people are aware, very few asymptomatic people in the U.S. have been tested for COVID-19. In the vast number of cases, living individuals are being tested because they have symptoms. Medical examiners and coroners are doing the same thing. We are performing autopsies on homicides, suicides, traffic accidents, etc. These decedents are not being tested for COVID-19 as a matter of course. Medical Examiners and Coroners are testing decedents who had symptoms, but were undiagnosed during life. MEs and Coroners are not identifying any ‘asymptomatic carriers,’ because we aren’t testing for them, as it is not pertinent for death certification.”

Also note our reference to a Washington Post interview with CDC spokeswoman Kristen Nordlund titled Coronavirus death toll: Americans are almost certainly dying of covid-19 but being left out of the official count:

The U.S. Centers for Disease Control and Prevention counts only deaths in which the presence of the coronavirus is confirmed in a laboratory test. “We know that it is an underestimation,” agency spokeswoman Kristen Nordlund said.

A widespread lack of access to testing in the early weeks of the U.S. outbreak means people with respiratory illnesses died without being counted, epidemiologists say. Even now, some people who die at home or in overburdened nursing homes are not being tested,

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according to funeral directors, medical examiners and nursing home representatives.

Postmortem testing by medical examiners varies widely across the country, and some officials say testing the dead is a misuse of scarce resources that could be used on the living. In addition, some people who have the virus test negative, experts say.

You can read more detail in our fact-check article: https://leadstories.com/hoax-alert/2020/04/Fact-Check-COVID19-NOT-Being-Blamed-For-Deaths-Primarily-Due-To-Unrelated-Causes.html?fbclid=IwAR0d4FQ_FT28lsVP7dx5Ni8OOJAU_7a7S-kK17gEOUD5JLKHfa0A-asGZwA

If you issue a correction, we will review it and can update the rating on your content.

Please note that deleting a post or removing a URL will make it impossible for us to process your appeal.

Per Facebook's Help Center:

- For corrections to URLs, please ensure the relevant information has been corrected on both your website and the relevant Facebook post (including headline).
- For corrections to image or video posts, please update the post text to correct the false content and clearly state that a correction was made. You may also link to an additional post that includes an updated, accurate version of the image or video, or to a fact-check article.

Let me know if you have any questions, or if you'd like to discuss further.

Alan Duke
Lead Stories

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EXHIBIT G

From: Danielle Cyr <daniellecyr@fb.com>

Date: Monday, May 11, 2020 at 5:55 PM

To: Candace Owens <candaceoh@candaceowens.com>

Cc: Kathleen Marie Canfield <katcanfield@fb.com>

Subject: Re: False Stories: Candace Owens

Hi Candace,

Thank you for your reply.

Facebook's fact-checking partners apply their ratings independently and are responsible for responding to appeals. Therefore, disputes between publishers and fact-checkers are independent from Facebook.

Facebook is responsible for setting the policies that guide its program. For example, Facebook asks that fact-checking partners focus on viral misinformation, particularly the type that could harm or mislead people. More information about the program generally can be found [here](#).

For some additional background on the program, Facebook requires fact-checking organizations to be certified by the International Fact-Checking Network (IFCN). IFCN has a Code of Principles to promote higher standards on accountability, transparency, and better signals in fact-checking. Fact-checking organizations applying to IFCN's Code go through a rigorous process supervised by independent assessors to get verified as a signatory by its board of advisors. IFCN's Code of Principles includes a series of commitments that organizations must adhere to in order to promote excellence in fact-checking: nonpartisanship and fairness; transparency of sources; transparency of funding

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and organization; transparency of methodology; open and honest corrections policy.

With that said, I encourage you to continue working with the third party fact-checkers on this appeal. I hear your concerns though and will communicate them to the team who works on the program.

If you have additional questions about this process, please let me know.

Thank you,

Danielle

Danielle Cyr

U.S. Politics & Government Outreach

Facebook | Washington, DC

e: daniellecyr@fb.com

From: Candace Owens

<candaceoh@candaceowens.com>

Date: Sunday, May 10, 2020 at 7:39 PM

To: "alan@leadstories.com" <alan@leadstories.com>, Danielle Cyr <daniellecyr@fb.com>

Cc: Kathleen Marie Canfield <katcanfield@fb.com>, "appeals@leadstories.com" <appeals@leadstories.com>

Subject: Re: False Stories: Candace Owens

Hi Danielle,

I wanted to update this by including a link of a press conference by the Director of Public Health, Dr. Ngozi Ezike. These are her exact words, which again, prove Alan Duke's doctor friend, is wrong.

"I just want to be clear in terms of the definition of "people dying of COVID". The case definition is very

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simplistic. It means, at the time of death, there was a COVID positive diagnosis. That means that if you were in hospice and had already been given a few weeks to live, and then you also were found to have COVID, that would be counted as a Covid death. It means technically even if you died of a clear alternate cause, but you had COVID at the same time, it's still listed as a COVID death. Everyone who is listed as a COVID doesn't mean that was the cause of the death, but they had COVID at the time of death."

Here is a link, if you would like to watch her say it verbatim—which is EXACTLY WHAT MY FACEBOOK POST SAID. <https://week.com/2020/04/20/idph-director-explains-how-covid-deaths-are-classified/>

I am again requesting to have the strike removed from Facebook account, immediately—on the basis that the fake fact-checking organization comprised of CNN editors is completely biased and fraudulent.

Thank you,

-C

EXHIBIT H

HEMMER DEFRANK WESSELS
ATTORNEYS AT LAW

Todd V. McMurtry
tmcmurtry@hemmerlaw.com

May 18, 2020

Via Federal Express & Electronic Mail

Facebook, Inc.
c/o Jennifer Newstead, General Counsel
1 Hacker Way
Menlo Park, CA 94025
jnewstead@fb.com

Lead Stories LLC
c/o Sanders Law Firm, Registered Agent
31 N. Tejon St., Suite 405
Colorado Springs, CO 80903
slf@perrysanderslaw.com

Re: Candace Owens

To Whom it May Concern:

I write on behalf of my client, Candace Owens (“Ms. Owens”), with regard to a “fake news” warning Facebook published on its platform by which Facebook accused Ms. Owens of spreading false information about the Covid-19 pandemic (the “Defamatory Notice”). Facebook’s accusation is patently false, defamatory, and was published with reckless or intentional disregard of the truth. Indeed, Facebook’s accusation is solely designed to maliciously suppress and silence Ms. Owens’ conservative perspective of the U.S. government’s response to the Covid-19 pandemic. In fact, the truth of the matter is that Ms. Owens’ post—which Facebook says contains false information—is purely

her opinion based upon facts that are completely and provably true but which were wholly ignored by Facebook’s “independent fact-checker,” LeadStories.com (“Lead Stories”).¹

Ms. Owens is a highly-regarded, free-thinking and popular conservative commentator who offers her opinion on a variety of political issues. Accordingly, on March 29, 2020, Ms. Owens published an opinion that questioned the method that U.S. government officials were using to count the number of deaths caused by the Covid-19 pandemic (“the Post”).² The Post contained a screenshot of a tweet she posted on her Twitter account (@RealCandaceO), which read:

The number one killer in America is Heart disease. 1,002 people a day. Did you know that if you die from heart disease right now, and they determine you to be an asymptomatic carrier of Covid-19 in your post-Mortem, they legally add your death to the #Coronavirus death toll?

The Post linked and directed her readers to an article from a reputable source, which lends factual support for her opinion.³ Multiple credible U.S.

¹ This letter is not intended to contain an exhaustive recitation of every claim and/or argument Ms. Owens could make in a civil action against Facebook and/or Lead Stories. Ms. Owens reserves her right to assert claims and/or arguments not mentioned herein.

² The Post and the Defamatory Notice are still available online and can be accessed at <https://www.facebook.com/realCandaceOwens/posts/3598900840181091>.

³ Dr. John Lee, *How deadly is the coronavirus? It’s still far from clear*, THE SPECTATOR (March 28, 2020), <https://www.spectator.co.uk/article/The-evidence-on-Covid-19-is-not-as-clear-as-we-thin>

officials, including Dr. Ngozi Ezike, the Director of Public Health in Illinois, and Dr. Deborah Birx, a member of the White House Coronavirus Task Force, have expressed that the factual basis for Ms. Owens' Post is true. For example, Dr. Ngozi Ezike said:

If you were in hospice and had already been given a few weeks to live, and then you also were found to have COVID, that would be counted as a COVID death. It means technically even if you died of a clear alternate cause, but you had COVID at the same time, it's still listed as a COVID death. So, everyone who's listed as a COVID death doesn't mean that that was the cause of the death, but they had COVID at the time of the death.⁴

However, in complete disregard of this truth, Facebook published the Defamatory Notice on the Post—stonewalling its viewability to her 1,500,000 followers.⁵ Facebook's Defamatory Notice read:

Independent fact-checkers at Lead Stories say [the Post] has false information. To help stop the spread of false news, a notice will be added to [the reader's] post if [the reader] decide[s] to share [the Post].⁶

k?fbclid=IwAR1hsNKscw7rsxDqDWrv1qFsV9-5AT48w2Ow_Ho
mOalveK9JrEGwBHqCNYE.

⁴ Lauren Melendez, *IDPH Director explains how Covid deaths are classified*, Week.com (April 20, 2020), <https://week.com/2020/04/20/idph-director-explains-how-covid-deaths-are-classified/>.

⁵ The Defamatory Notice is also visible to Facebook users who do not follow Ms. Owens but who otherwise see her Post on Facebook.

⁶ Another iteration of the Defamatory Notice read: "[P]artly false information, checked by independent fact-checkers; the

Facebook’s Defamatory Notice recklessly referenced and relied on an article published by Lead Stories entitled “Fact Check: COVID-19 NOT Being Blamed For Deaths Primarily Due To Unrelated Causes” (“the Article”).⁷ Lead Stories is an organization that has a provable left-leaning bias and an axe to grind with conservative thought leaders like Ms. Owens who offer fresh perspectives on public issues. As a consequence of that bias, the Article incompetently and incorrectly assesses the underlying facts of the Post.⁸ Indeed, it is clear that the Article is not so much a “fact-check” as it is a vehicle to communicate Lead Stories’ own combative opinion about the U.S. government’s methods of counting deaths caused by Covid-19.

But instead of allowing these two competing opinions to coexist and be displayed as equally valid, Facebook and Lead Stories concertedly engaged in a tortious campaign to subvert the public debate in their favor by branding the Post as being “false news” and communicating “false information.” Instead of facilitating and protecting a marketplace of ideas on its online public forum, Facebook’s Defamatory Notice weaponized its platform, for reasons deeply rooted in

information in this post is a mix of true and false statements or it could simply be incomplete. In some cases, the information is misleading.”

⁷ Ryan Cooper, *Fact Check: COVID-19 NOT Being Blamed For Deaths Primarily Due To Unrelated Causes*, Lead Stories (Apr. 1, 2020), https://leadstories.com/hoax-alert/2020/04/Fact-Check-COVID19-NOT-Being-Blamed-For-Deaths-Primarily-Due-To-Unrelated-Causes.html?fbclid=IwARoyCaK5FfSI-LucwOrzNPHJuOx2cMHGZ9cl54YqdEXOlgWiqqDegqOGB_M.

⁸ Ms. Owens contacted Lead Stories and Facebook on multiple occasions to explain why the Article and Defamatory Notice is incorrect. However, Ms. Owens was repeatedly ignored.

its political ideology, for the purpose of discrediting Ms. Owens' opposing opinion and her inquisition into the methods the U.S. government is currently using to count deaths caused by Covid-19.

Facebook's Defamatory Notice and Lead Stories' Article recklessly and intentionally convey the false and defamatory gist that Ms. Owens' is a liar, is paid to lie, and insinuate that she profits from disseminating misinformation on the internet. In reality, nothing could be further from the truth. Moreover, Facebook published its Defamatory Notice with actual malice. Facebook employees maintain a spreadsheet of "hate agents" containing the names of conservative thought leaders who Facebook employees actively seek to attack, discredit, and vilify.⁹ Ms. Owens' name is on that list.

Finally, if Facebook believes that it is shielded from civil liability by Section 230 of the Communications Decency Act ("Section 230"), it would be wrong for two primary reasons. First, Facebook itself, and not a third-party user, published the Defamatory Notice. Moreover, and even if it were not the publisher, Facebook could not escape liability by republishing the false and defamatory statements of Lead Stories. And second, Section 230's "Good Samaritan" provision would not apply because Facebook and Lead Stories acted in bad faith, and the Post is not the type of content that falls within the scope of that provision.

In light of the above, I hereby demand that Facebook remove its Defamatory Notice from the internet, remove it from the Post, and remove all reference to

⁹ Chris Enloe, *Report: Facebook tracks list of 'hate agents' that includes Candace Owens*, THE BLAZE (May 20, 2019), <https://www.theblaze.com/news/facebook-hate-agents-candace-owens>.

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the Article. Furthermore, I hereby demand that Lead Stories remove its Article from the internet. Should Facebook and/or Lead Stories refuse to comply with our request, Ms. Owens may be forced to pursue legal action against both entities to vindicate her rights, including filing an action for defamation and related causes of action.

I further request that Facebook and Lead Stories provide written confirmation that they have complied with these instructions **no later than June 1, 2020**.

Govern yourselves accordingly.

Sincerely,

/s/ Todd V. McMurtry

Todd V. McMurtry

cc: Candace Owens
Jeffrey A. Seaman

EXHIBIT I

Facebook

Self-Serve Ad Terms

The following terms (“Self-Serve Advertising Terms” or “Self-Serve Ad Terms”) apply to your use of Facebook Products (such as the self-service advertising interfaces and APIs) for creation, submission and/or delivery of any advertising or other commercial or sponsored activity or content (collectively, “Self-Serve Ad Interfaces”) and any order you place through the Self-Serve Ad Interfaces (“Order”).

You can target your desired audience by buying ads to be delivered on Facebook, Messenger, Instagram, our publisher network, or any place we serve ads.

1. When you place an Order, you will tell us the type of advertising you want to buy, the amount you want to spend, and your bid. If we accept your Order, we will deliver your ads as inventory becomes available. When serving your ad, we use best efforts to deliver the ads to the audience you specify or to achieve the outcome you select, though we cannot guarantee in every instance that your ad will reach its intended target or achieve the outcome you select.
2. Your ads must comply with all applicable laws, regulations, and guidelines, as well as our Advertising Policies. Failure to comply may result in a variety of consequences, including the cancellation of ads you have placed and termination of your account.
3. We may reject or remove any ad for any reason.
4. You will pay for your Orders in accordance with the following:

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- a. You will comply with our Community Payments Terms to the extent applicable.
- b. You will pay all amounts specified in each Order you place, along with any applicable taxes. The amount you owe for each Order will be calculated based on our tracking mechanisms.
- c. By placing an Order, you authorize us to obtain your personal and/or business credit report from a credit bureau, either when you place an Order or at any time thereafter.
- d. You are responsible for maintaining the security of your advertising account, and you understand that you will be charged for any Orders placed on or through your advertising account.
- e. If you are making direct debit payments, you agree that we can charge you any amount that falls within the range you agreed to upon signup. We will notify you in advance if any charge will exceed the agreed-upon range.
- f. You can cancel an Order at any time, but your ads may run for 24 hours after you notify us, and you are still responsible for paying for all ads that run.
- g. The amounts we charge you may be subject to and include applicable taxes and levies, including without limitation withholding taxes. You are responsible for bearing and remitting any taxes that apply to your transactions. You will indemnify and hold us harmless from and against any claim arising out of your failure to do so.
- h. If your payment method fails or your account is past due, we may take additional steps to collect past due amounts. You will pay all expenses

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associated with such collection, including reasonable attorneys' fees. Past due amounts will accrue interest at 1% per month or the lawful maximum, whichever is less.

- i. We may allow you to purchase ads with an "Advertiser Balance," which is a pre-paid balance that can be used solely to purchase ads on Facebook. Advertiser Balances are only for business or commercial purposes. Advertiser Balances are non-refundable except where required by law. Facebook is not a bank and does not offer banking services; accordingly, Advertiser Balances do not earn interest, are not deposit obligations, and are not insured by the Federal Deposit Insurance Corporation, the Financial Services Compensation Scheme, or any other entity or insurance scheme, whether governmental or private.
 - j. You will fall under one of two categories depending on your payment method: invoiced or non-invoiced client. Invoiced clients are those for whom Facebook sets a maximum spending limit and issues invoices on a periodic basis for payment in accordance with the applicable invoicing terms. Non-invoiced clients are those who must make payments at the time of purchase itself. In its sole discretion, Facebook may classify clients as invoiced clients based on factors such as ad spend and creditworthiness.
5. From time to time, we need to test improvements to our audiences and delivery systems, which could impact your advertising. Our testing is designed to improve the effectiveness of your advertising performance. We reserve the right to test when we believe it will be beneficial for advertiser performance.

6. We will determine the size, placement, and positioning of your ads.
7. Scheduling of delivery is subject to availability and may not be continuous.
8. We do not guarantee the reach or performance that your ads will receive, such as the number of people who will see your ads or the number of clicks your ads will get.
9. We cannot control how clicks are generated on your ads. We have systems that attempt to detect and filter certain click activity, but we are not responsible for click fraud, technological issues, or other potentially invalid click activity that may affect the cost of running ads.

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from the Facebook Page running the ads or within Facebook Products). If users have interacted with your ad, your ad may remain on our Products (*e.g., shared until the users delete it or visible to users through their account tools*).

- b. If your ad is about Social Issues, Elections or Politics, Facebook may display (at no cost to you) and provide access to the ad content and creative, and information about the ad campaign (such as total spend and delivery data, and targeting information) for a period of seven years from the completion of your order.
- c. You consent that Facebook may disclose your advertising content, and all information associated with your advertising, to a governmental entity or body if Facebook believes that disclosure would assist in a lawful investigation.

11. We will provide you with reports about the kinds of people seeing your ads and how your ads are performing. Your use of these reports is subject to the Data Use Restrictions in our Advertising Policies. We may provide a business, and all those who advertise for the business, with information about the number of ads being run for the business across the Facebook Products and any applicable restrictions on those ads.

12. We offer tools to provide transparency to our users about how Facebook advertising works and control over their ads experience, including information sufficient to show them why they are being shown specific ads. You agree that information associated with your advertising may be included in these tools, and that those tools may impact your ability to advertise to those users or to prevent them from seeing your ads.

13. You will not issue any press release or make public statements about your relationship with Facebook or the Facebook Products without our prior written permission.

14. If you are placing ads on someone else's behalf, you must have permission to place those ads, and agree as follows:

- a. You represent and warrant that you have the authority to and will bind the advertiser to these Self-Serve Ad Terms and the Terms of Service, and the Commercial Terms, to which you also agree.
- b. If the advertiser you represent violates these Self-Serve Ad Terms, the Terms of Service, or the Commercial Terms, we may hold you responsible for that violation.

- c. You agree that we may provide campaign reporting information to the end advertiser for whom you placed a campaign.

15. We may ask you to review and accept supplemental terms that apply to your use of a specific feature or functionality made available through the Self-Serve Ad Interfaces. To the extent those supplemental terms conflict with these Self-Serve Ad Terms, the supplemental terms will govern with respect to your use of the specific feature or functionality to the extent of the conflict. We may change or update these Self-Serve Ad Terms from time to time and your continued use of the Self-Serve Ad Interfaces constitutes acceptance of those changes.

16. Contracting party:

- a. If you reside or have your principal place of business in the United States or Canada, Facebook, Inc. provides the Self-Serve Ad Interfaces.
- b. If you reside or have your principal place of business outside the United States or Canada, Facebook Ireland Limited provides the Self-Serve Ad Interfaces, except that advertisers in some countries may under certain circumstances contract directly with Facebook affiliate companies solely for purposes of placing Orders. If applicable to you, you can find special provisions applicable to your Orders from those affiliates [here](#).
- c. For the avoidance of doubt, regardless which entity you contract with (as described in Sections 16.a and 16.b), Facebook's Advertising Policies (and its Community Standards as incorporated) are enforced under the Terms of Service by the

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entity that provides the Facebook Products under the applicable Terms of Service in your region.

17. Any claim, cause of action, or dispute that arises out of or relates to these Self-Serve Ad Terms is subject to the disputes resolution clause in the Commercial Terms.

18. These Self-Serve Ad Terms will terminate in the event of any termination of the Commercial Terms, but the following provisions will still apply: the lead-in paragraph, Sections 2, 4, 8-12 and 15-18.

Effective Date: August 31, 2020.

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EXHIBIT J

1. Overview

Understanding Our Policies

Our Advertising Policies provide guidance on what types of ad content are allowed. When advertisers place an order, each ad is reviewed against these policies. If you think your ad was mistakenly disapproved, you can request a review of the decision in Account Quality.

[Learn More](#)

Common Points of Confusion

To help you build a compliant and user-friendly ads experience we've highlighted some common areas of confusion. Click the links below to learn more about each policy:

- [Personal Attributes](#)
- [Sexually Suggestive Content](#)
- [Facebook's Brands](#)

2. The Ad Review Process

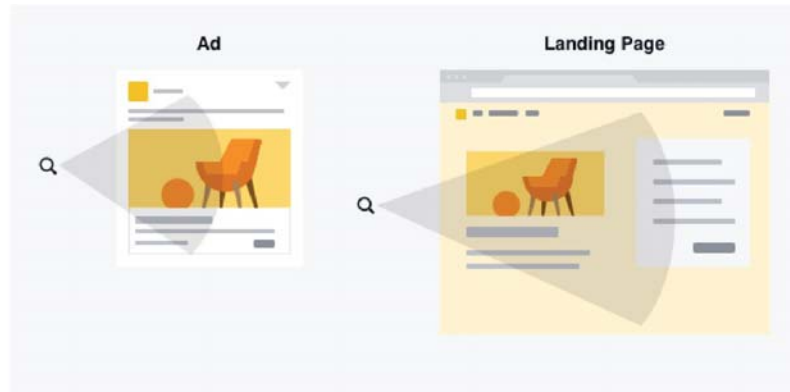
Before ads show up on Facebook or Instagram, they're reviewed to make sure they meet our Advertising Policies. Typically most ads are reviewed within 24 hours, although in some cases it may take longer.

What We Consider

During the ad review process, we'll check your ad's images, text, targeting, and positioning, in addition to the content on your ad's landing page. Your ad may not be approved if the landing page content isn't fully functional, doesn't match the product/service promoted

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in your ad or doesn't fully comply with our Advertising Policies.



What Happens After an Ad is Reviewed?

After your ad is reviewed, you'll receive a notification letting you know if your ad is approved. If it's approved, we'll start running your ad and you can see your results in the Ads Manager.

3. Steps to Take if Disapproved

If your ad isn't approved for not fully complying with our policies, you can edit it and resubmit for review. To edit your ad:

- Check the email address associated with your advertising account. If your ad doesn't get approved, we'll send you an email with details that explain why.
- Using the information in your disapproval email, you can edit your ad and create a compliant one. Check this page for editing steps.
- Save your edited changes. Once you save your changes, your ad will be resubmitted for review.

Appeal the Decision

If you can't edit your ad or feel it was a mistake that it wasn't approved, you can request a review of the decision in Account Quality.

4. Prohibited Content

1. Community Standards

Ads must not violate our Community Standards. Ads on Instagram must not violate the Instagram Community Guidelines.

2. Illegal Products or Services

Ads must not constitute, facilitate, or promote illegal products, services or activities. Ads targeted to minors must not promote products, services, or content that are inappropriate, illegal, or unsafe, or that exploit, mislead, or exert undue pressure on the age groups targeted.

3. Discriminatory Practices

Ads must not discriminate or encourage discrimination against people based on personal attributes such as race, ethnicity, color, national origin, religion, age, sex, sexual orientation, gender identity, family status, disability, medical or genetic condition.

[Learn More](#)

4. Tobacco and Related Products

Ads must not promote the sale or use of tobacco products and related paraphernalia. Advertisements must not promote electronic cigarettes, vaporizers, or any other products that simulate smoking.

[Learn More](#)

5. Drugs & Drug-Related Products

Ads must not promote the sale or use of illegal, prescription, or recreational drugs. [Learn More](#)

6. Unsafe Supplements

Ads must not promote the sale or use of unsafe supplements, as determined by Facebook in its sole discretion.

[Learn More](#)

7. Weapons, Ammunition, or Explosives

Ads must not promote the sale or use of weapons, ammunition, or explosives. This includes ads for weapon modification accessories. Advertising for any of the age-restricted products mentioned below is temporarily suspended in the US. For more information, please see our Newsroom post.

[Learn More](#)

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Ads must not promote the sale or use of adult products or services. Ads promoting sexual and reproductive health products or services, like contraception and family planning must be targeted to people 18 years or older and must not focus on sexual pleasure.

[Learn More](#)

9. Adult Content

Ads must not contain adult content. This includes nudity, depictions of people in explicit or suggestive positions, or activities that are overly suggestive or sexually provocative.

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Ads that assert or imply the ability to meet someone, connect with them or view content created by them must not be positioned in a sexual way or with an intent to sexualise the person featured in the ad.

[Learn More](#)

10. Third-Party Infringement

Ads must not contain content that infringes upon or violates the rights of any third party, including copyright, trademark, privacy, publicity, or other personal or proprietary rights. To report content that you feel may infringe upon or violate your rights, please visit our Intellectual Property Help Center.

11. Sensational Content

Ads must not contain shocking, sensational, inflammatory or excessively violent content.

[Learn More](#)

12. Personal Attributes

Ads must not contain content that asserts or implies personal attributes. This includes direct or indirect assertions or implications about a person's race, ethnic origin, religion, beliefs, age, sexual orientation or practices, gender identity, disability, medical condition (including physical or mental health), financial status, voting status, membership in a trade union, criminal record, or name.

[Learn More](#)

13. Misinformation

Facebook prohibits ads that include claims debunked by third-party fact checkers or, in certain circumstances, claims debunked by organizations with particular expertise. Advertisers that repeatedly post

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information deemed to be false may have restrictions placed on their ability to advertise on Facebook. Find out more about Fact Checking on Facebook [here](#).

[Learn More](#)

14. Controversial Content

Ads must not contain content that exploits crises or controversial political or social issues for commercial purposes.

[Visit our Business Help Center](#)

15. Non-Functional Landing Page

Ads must not direct people to non-functional landing pages. This includes landing page content that interferes with a person's ability to navigate away from the page.

[Learn More](#)

16. Cheating and Deceitful Practices

Ads may not promote products or services that are designed to enable a user to engage in cheating or deceitful practices.

[Learn More](#)

17. Grammar & Profanity

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enforcement systems.

[Learn More](#)

18. Nonexistent Functionality

Ads must not contain images that portray nonexistent functionality. This includes imagery that replicates play buttons, notifications, or checkboxes, as well as

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ads containing features that do not work, such as multiple choice options in the ad creative itself.

[Learn More](#)

19. Personal Health

Ads must not contain “before-and-after” images or images that contain unexpected or unlikely results. Ad content must not imply or attempt to generate negative self-perception in order to promote diet, weight loss, or other health related products.

[Learn More](#)

20. Payday Loans, Paycheck Advances, and Bail Bonds

Ads may not promote payday loans, paycheck advances, bail bonds, or any short-term loans intended to cover someone’s expenses until their next payday. Short term loan refers to a loan of 90 days or less.

21. Multilevel Marketing

Ads promoting income opportunities must fully describe the associated product or business model, and must not promote business models offering quick compensation for little investment, including multilevel marketing opportunities.

[Learn More](#)

22. Penny Auctions

Ads may not promote penny auctions, bidding fee auctions, or other similar business models.

23. Misleading Claims

Ads must not contain deceptive, false, or misleading claims like those relating to the effectiveness or characteristics of a product or service, including

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misleading health, employment or weight-loss claims that set unrealistic expectations for users.

[Learn More](#)

24. Low Quality or Disruptive Content

Ads must not contain content leading to external landing pages that provide an unexpected or disruptive experience. This includes misleading ad positioning, such as overly sensationalized headlines or prompts for users to inauthentically interact with the ad, and leading people to landing pages that contain minimal original content and a majority of unrelated or low quality ad content. For more information on what we consider low quality, visit our [Ads Help Center](#).

[Learn More](#)

25. Spyware or Malware

Ads must not contain spyware, malware, or any software that results in an unexpected or deceptive experience. This includes links to sites containing these products.

26. Automatic Animation

Ads must not contain audio or flash animation that plays automatically without a person's interaction or expands within Facebook after someone clicks on the ad.

27. Unacceptable Business Practices

Ads must not promote products, services, schemes or offers using deceptive or misleading practices, including those meant to scam people out of money or personal information.

28. Circumventing Systems

Ads must not use tactics intended to circumvent our ad review process or other enforcement systems. This includes techniques that attempt to disguise the ad's content or destination page.

[Learn More](#)

29. Prohibited Financial Products and Services

Ads must not promote financial products and services that are frequently associated with misleading or deceptive promotional practices.

[Learn More](#)

30. Sale of Body Parts

Ads must not promote the sale of human body parts or fluids.

31. Vaccine Discouragement

Ads must not discourage people from vaccination or advocate against vaccines. [Learn More](#)

5. Restricted Content

1. Alcohol

Ads that promote or reference alcohol must comply with all applicable local laws, required or established industry codes, guidelines, licenses and approvals, and include age and country targeting criteria consistent with Facebook's targeting requirements and applicable local laws. Note that our policies prohibit ads promoting or referencing alcohol in some countries, including but not limited to: Afghanistan, Brunei, Bangladesh, Egypt, Gambia, Kuwait, Libya, Lithuania, Norway, Pakistan, Russia, Saudi Arabia, Thailand, Turkey, United Arab Emirates and Yemen.

[Learn More](#)

2. Dating

Ads for dating services are only allowed with prior written permission. These must adhere to the dating targeting requirements and our dating ad guidelines. Details on the requirements for permission can be found [here](#).

[Learn More](#)

3. Online Gambling and Gaming

Ads that promote online gambling, and gaming where anything of monetary value (including cash or digital/virtual currencies, e.g. bitcoin) is required to play and anything of monetary value forms part of the prize, are only allowed with our prior written permission. This includes games where purchases are required to continue game play and/or provide advantage in winning prizes, in cases where the prize is of monetary value. Authorized advertisers must follow all applicable laws, including targeting their ads in accordance with legal requirements. At a minimum, ads may not be targeted to people under 18 years of age.

[Apply for Permission in our Contact Form](#)

[Learn More in our Business Help Center](#)

[Learn More](#)

4. Online Pharmacies

Ads must not promote the sale of prescription pharmaceuticals. Ads for online and offline pharmacies are only permitted with prior written permission.

5. Promotion of Over-The-Counter Drugs

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country targeting criteria consistent with applicable local laws.

6. Subscription Services

Ads for subscription services, or that promote products or services that include negative options, automatic renewal, free-to-pay conversion billing products, or mobile marketing are subject to our subscription services requirements.

[Learn More](#)

7. Financial and Insurance Products and Services

Ads promoting credit card applications, or financial services with accredited institutions must clearly provide sufficient disclosure regarding associated fees, including APR percentages, transaction fees, interest rates and the physical address of the entity offering the product within the ad's landing page. Ads promoting credit cards, loans or insurance services must be targeted to people 18 years or above. Ads promoting credit cards, loans or insurance services must not directly request the input of a person's financial information, including credit card information.

[Learn More](#)

8. Branded Content

Ads promoting branded content must tag the featured third party product, brand or business partner using the branded content tool. Branded content within ads is defined as a creator or publisher's content that features or is influenced by a business partner for an exchange of value. When promoting branded content integrations, advertisers must use

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the branded content tool (please learn more here on how to tag the featured third party product, brand or business partner).

9.a Ads About Social Issues, Elections or Politics

Advertisers can run ads about social issues, elections or politics, provided the advertiser complies with all applicable laws and the authorization process required by Facebook. Where appropriate, Facebook may restrict issue, electoral or political ads. In addition, certain content related to elections may be prohibited in specific regions ahead of voting; click [here](#) for more.

[Learn More](#)

9.b Disclaimers for Ads About Social Issues, Elections or Politics

If Facebook's ad authorization process is available in your country, in addition to complying with the Community Standards and Advertising Policies, the disclaimer you submit for your ad about social issues, elections or politics must comply with the following guidelines. This information is provided by you during the ad authorization process and will be displayed on your ad's header.

[Learn More](#)

10. Cryptocurrency Products and Services

Ads may not promote cryptocurrency trading or related products and services without prior written permission. Details on the requirements for permission can be found, [here](#).

[Learn More](#)

11. Drug and Alcohol Addiction Treatment

Facebook requires advertisers who wish to run addiction treatment ads targeting the USA to be certified with LegitScript, and apply to Facebook for permission to advertise.

Addiction treatment ads include, but are not limited to: Clinical addiction treatment services or websites providing information about in-person treatment, online and in-person support groups, and crisis hotlines for those in recovery or who are seeking information about addiction treatment.

Advertisers can apply for certification with LegitScript [here](#).

[Learn More](#)

12. Cosmetic Procedures and Weight Loss

Ads marketing weight loss products and services must be targeted to people at least 18 years or older.

13. Social Casino Games

Ads for social casino games, which are online games that simulate casino gambling (e.g. poker, slots, roulette etc) where there is no opportunity to win money or moneys worth, are allowed only if they are targeted to people 18 years or older.

[Learn More in our Business Help Center](#)

[Learn More](#)

6. Video Ads

Video ads and other dynamic ad types must comply with all of the rules listed in these Advertising Policies, including the Community Standards, as well as the policies below:

1. Disruptive Content

Videos and other similar ad types must not use overly disruptive tactics, such as flashing screens.

2. Entertainment Related Restrictions

Ads for movie trailers, TV shows, video game trailers, and other similar content intended for mature audiences are only allowed with prior written permission from Facebook and must target people who are 18 years or older. Excessive depictions of the following content within these ads are not allowed:

1. Drugs and alcohol use
2. Adult content
3. Profanity
4. Violence and gore

7. Targeting

1. You must not use targeting options to discriminate against, harass, provoke, or disparage users or to engage in predatory advertising practices.

2. If you target your ads to custom audiences, you must comply with the applicable terms when creating an audience.

8. Positioning

1. Relevance

All ad components, including any text, images or other media, must be relevant and appropriate to the product or service being offered and the audience viewing the ad.

2. Accuracy

Ads must clearly represent the company, product, service, or brand that is being advertised.

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The products and services promoted in an ad's text must match those promoted on the landing page, and the destination site must not offer or link to any prohibited product or service.

Learn more about ad quality best practices that can improve ad performance.

9. Lead Ads

Advertisers must not create Lead Ads questions to request the following types of information without our prior written permission.

1. Account Numbers

Ads must not request account numbers, including frequent flyer numbers, loyalty card numbers, or cable or telephone account numbers without our prior permission.

2. Criminal History

Ads must not request information regarding criminal or arrest history without our prior permission.

[Learn More](#)

3. Financial Information

Ads must not request financial information, including bank account numbers, bank routing numbers, credit or debit card numbers, credit scores, income, net worth or how much debt someone has without our prior permission.

[Learn More](#)

4. Government Issued Identifiers

Ads must not request government-issued identifiers, including Social Security numbers, passport

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numbers or driver's license numbers without our prior permission.

5. Health Information

Ads must not request health information, including physical health, mental health, medical treatments, medical conditions or disabilities without our prior permission.

[Learn More](#)

6. Insurance Information

Ads must not request insurance information, including current insurance policy numbers, without our prior permission.

[Learn More](#)

7. Political Affiliation

Ads must not request information regarding political affiliation. [Learn More](#)

8. Race or Ethnicity

Ads must not request information regarding race or ethnicity without our prior permission. [Learn More](#)

9. Religion

Ads must not request information regarding religion or philosophical beliefs without our prior permission.

[Learn More](#)

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Ads must not request information regarding sexual orientation or information about the sexual life of the individual, including what gender(s) the person prefers to date, without our prior permission.

[Learn More](#)

11. Prefill Questions

Ads must not request the same or substantially similar information that you could use a Prefill Question to request.

[Learn More](#)

12. Trade Union Membership

Ads must not request information regarding trade Union membership status without our prior permission.

[Learn More](#)

13. Usernames or Passwords

Ads must not request usernames or passwords, including usernames and passwords for existing and new accounts, without our prior permission. If you want to direct people to sign up for an account with your site or service, you should use the Clicks to Website or Website Conversions objective when you run your ads.

[Learn More](#)

10. Use of Our Brand Assets

For ads that feature the Facebook or Instagram brands please refer to the Facebook Brand Resource Center and the Instagram Brand Resource Center to review brand guidelines and download approved assets.

1. Brand Endorsement

Ads must not imply a Facebook or Instagram endorsement or partnership of any kind, or an endorsement by any other Facebook Company.

2. Brand Usage in Ads

Ads linking to Facebook or Instagram content (including Pages, groups, events or sites that use

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Facebook Login) may make limited reference to “Facebook” or “Instagram” in ad text for the purpose of clarifying the destination of the ad.

Ads should not represent the Facebook brand in a way that makes it the most distinctive or prominent feature of the creative.

Facebook brand assets should not be modified in any way, such as by changing the design or color, or for the purpose of special effects or animation.

[Learn More](#)

3. Copyrights & Trademarks

All other ads and landing pages must not use our copyrights, trademarks, or any confusingly similar marks, except as expressly permitted by the Facebook Brand Resource Center and the Instagram Brand Resource Center, or with our prior written permission.

4. User Interface Screenshots

When featuring the Facebook, Messenger or Instagram User Interface (UI) in an ad, it must accurately depict how the UI currently appears and functions in product. If an action or functionality depicted cannot happen in the current product or within the current UI then it cannot appear to happen in an ad.

Depictions of the UI in ads must be featured within the context of a relevant device (ex, mobile or desktop) and as permitted by the Facebook Brand Guidelines or Instagram Brand Guidelines.

* * *

11. Data Use Restrictions

1. Ensure any ad data collected, received or derived from your Facebook or Instagram ad (“Facebook advertising data”) is only shared with someone acting on your behalf, such as your service provider. You are responsible for ensuring your service providers protect any Facebook advertising data or any other information obtained from us, limit their use of all of that information, and keep it confidential and secure.

2. Don’t use Facebook advertising data for any purpose (including retargeting, commingling data across multiple advertisers’ campaigns, or allowing piggybacking or redirecting with tags), except on an aggregate and anonymous basis (unless authorized by Facebook) and only to assess the performance and effectiveness of your Facebook advertising campaigns.

3. Don’t use Facebook advertising data, including the targeting criteria for your ad, to build, append to, edit, influence, or augment user profiles, including profiles associated with any mobile device identifier or other unique identifier that identifies any particular user, browser, computer or device.

4. Don’t transfer any Facebook advertising data (including anonymous, aggregate, or derived data) to any ad network, ad exchange, data broker or other advertising or monetization related service.

12. Things You Should Know

1. The Advertising Policies apply to (1) ads and commercial content served by or purchased through Facebook, on or off the Facebook services, including ads purchased under AAAA/IAB Standard Terms and Conditions, (2) ads appearing within apps on Facebook, and (3) ads on Instagram. Your use of Facebook’s

advertising products and services is part of “Facebook” under Facebook’s Statement of Rights and Responsibilities (<https://www.facebook.com/legal/terms>, the “SRR”) and is subject to the SRR. You may be subject to additional terms or guidelines if you use Instagram or certain Facebook advertising-related products or services.

2. Advertisers are responsible for understanding and complying with all applicable laws and regulations. Failure to comply may result in a variety of consequences, including the cancellation of ads you have placed and termination of your account.

3. We do not use sensitive personal data for ad targeting. Topics you choose for targeting your ad don’t reflect the personal beliefs, characteristics or values of the people who use Facebook or Instagram.

4. Once displayed, ads are public information. Ads may be re-shared and accessed outside of the targeted audience, including from the Facebook Page running the ads or within Facebook Products. If users have interacted with your ad, your ad may remain on Facebook products (for example, shared until the users delete it or visible to users through their account tools). If your ad is a political ad, it will be displayed in our Ad Archive. This means that Facebook may display (at no cost to you) and provide access to the ad content and creative, as well as information about the ad campaign (such as total spend and delivery data) for a period of seven (7) years from the completion of your order. Facebook may disclose your advertising content, and all

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5. If you are managing ads on behalf of other advertisers, each advertiser or client must be managed

through separate ad accounts. You must not change the advertiser or client associated with an established ad account; set up a new account. You are responsible for ensuring that each advertiser complies with these Advertising Policies.

6. We reserve the right to reject, approve or remove any ad for any reason, in our sole discretion, including ads that negatively affect our relationship with our users or that promote content, services, or activities, contrary to our competitive position, interests, or advertising philosophy.

7. For policies that require prior written permission, Facebook or a Facebook Company may grant these permissions.

8. These policies are subject to change at any time without notice.

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EXHIBIT K

Begin forwarded message:

From: Ryan Coyne <ryan@olympicmedia.com>

Date: 24 June 2020 at 18:40:57 BST

To: George Farmer <george@candaceowens.com>

Subject: Fwd: Heads Up: Ad Rejections for Candace Owens

Begin forwarded message:

From: Kathleen Marie Canfield <katcanfield@fb.com>

Date: June 24, 2020 at 1:35:18 PM EDT

To: Ryan Coyne <ryan@olympicmedia.com>

Cc: Dave Olgee <dave@olympicmedia.com>, Danielle Cyr <daniellecyr@fb.com>

Subject: Re: Heads Up: Ad Rejections for Candace Owens

Hey Ryan, because the Page has continually shared content rated false by third party fact-checkers, it is no longer eligible to monetize or run ads. That said, Pages and domains can restore their distribution and ability to monetize and advertise if they stop sharing false news.

Happy to hop on a call to talk through if you'd like!

Thanks, Kathleen

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From: Ryan Coyne <ryan@olympicmedia.com>

Date: Wednesday, June 24, 2020 at 1:18 PM

To: Kathleen Marie Canfield <katcanfield@fb.com>

Cc: Dave Olgee <dave@olympicmedia.com>, Danielle Cyr <daniellecyr@fb.com>

Subject: Re: Heads Up: Ad Rejections for Candace Owens

Ok - so Candace has been banned from advertising on Facebook?

On Jun 24, 2020, at 1:13 PM, Kathleen Marie Canfield <katcanfield@fb.com> wrote:

Hi Ryan —

Thanks for your response! Great to hear that Candace has been in contact with our third party fact-checkers.

Facebook's fact-checking partners apply their ratings independently and are responsible for responding to appeals. Any corrections or disputes must be sent to the fact-checking organization directly.

Please note:

- Simply deleting the post or unpublishing the content is insufficient to change the rating. This will make it impossible for the fact-checker to process the appeal.
- Publishers must submit their correction or dispute within one week of receiving a rating notification. We can't guarantee that appeals made after this one-week window will be processed by our fact-checking partners.

If ratings are successfully corrected or disputed, the demotion on the content will be lifted, associated ad

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disapprovals may be lifted, and the strike against the Page or domain will be removed. You can read more about the appeals process in our Help Center.

In regards to the previously active ads because the Page has continually shared content rated false by third party fact-checkers, it is no longer eligible to monetize or run ads. The inability to run ads is not dependent on the actual content of the ad.

The best path forward is to continue to work with the third party fact-checkers on the content that was fact checked. Over time, Pages and domains can restore their distribution and ability to monetize and advertise if they stop sharing false news.

Happy to hop on the phone to discuss if that would be helpful!

Thanks, Kathleen

From: Ryan Coyne <ryan@olympicmedia.com>

Date: Tuesday, June 23, 2020 at 10:08 AM

To: Kathleen Marie Canfield <katcanfield@fb.com>

Cc: Dave Olgee <dave@olympicmedia.com>, Danielle Cyr <daniellecyr@fb.com>

Subject: Re: Heads Up: Ad Rejections for Candace Owens

Hi Kathleen -

This is obviously an enormous monetary problem for us and I'm hoping we can connect on how to get the ads reinstated. I know Candace has challenged the "fact-check" ratings being attributed to her posts and those ratings have since been altered from their original ratings. Further - these ads have been running for a long time and are fairly generic so I'm sure

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they themselves do not violate any rules regarding misinformation.

Would it be possible to sort out a pathway forward whereby these ads (or new ads) can be reinstated? It looks like the ads have been rejected however the ad account remains in good standing. We value our partnership with you guys and look forward to proceeding on the best path forward.

Thanks!

Ryan

On Mon, Jun 22, 2020 at 5:32 PM Kathleen Marie Canfield <katcanfield@fb.com> wrote:

Hi Ryan & Dave,

I hope your week is going well. I wanted to send you all a quick note to let you know the ads in the campaign below were rejected today for violating our misinformation policies, specifically because the Page has continually shared content rated false by third party fact-checkers.

Campaign ID: 23844527769440463

According to our policies, Pages and websites that repeatedly publish or share content rated false by third party fact-checkers may see their overall distribution reduced and ability to monetize and advertise removed.

More information about this advertising policy can be found [here](#).

Please let us know if you have any questions.

Thank you,

Kathleen & Danielle

131a

Kathleen Canfield
Partner Manager | Government, Politics, and Advocacy

--

Ryan P. Coyne
Olympic Media LLC
Founder & CEO
484-459-9148

132a
EXHIBIT L

Inactive

Apr 1, 2020 - Apr 8, 2020

ID: 255277092306791



Candace Owens

Sponsored • Paid for by Candace Owens LLC

"In a world of safe spaces, here is one where thoughts can flow freely. About politics, about culture, about good days and bad — follow me straight into the center of it all."

Join Team Candace in our fight against the radical policies of the Democrats!

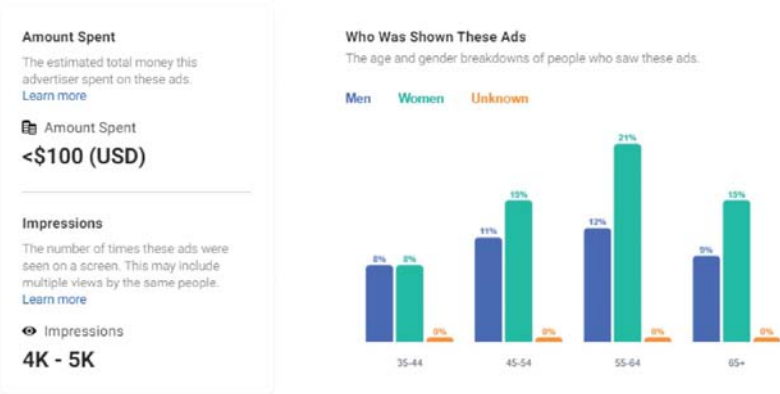


4 ads use this creative and text

[See Summary Details](#)

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 4 ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.



134a

 Inactive

Apr 1, 2020 - Apr 8, 2020

ID: 2815450435351847





Candace Owens

Sponsored • Paid for by Candace Owens LLC

"Democrats have strategically broken up the family unit of black Americans."

I created a movement to engage with our communities and build a better future for our children.

Join Team Candace and our fight against the Democrats!





3 ads use this creative and text

See Summary Details

135a

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 3 ads.

Amount Spent

The estimated total money this advertiser spent on these ads.
[Learn more](#)

 Amount Spent
<\$100 (USD)

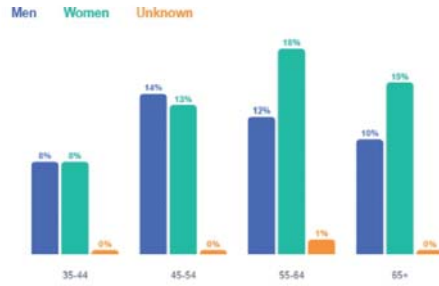
Impressions

The number of times these ads were seen on a screen. This may include multiple views by the same people.
[Learn more](#)

 Impressions
2K - 3K

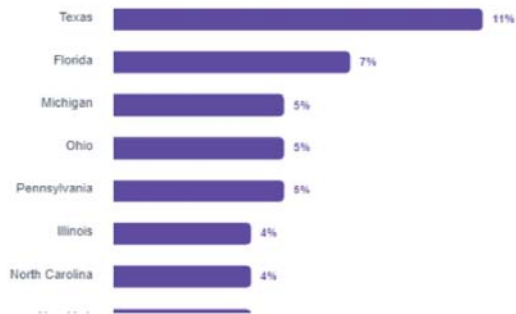
Who Was Shown These Ads

The age and gender breakdowns of people who saw these ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.



[See More](#)

136a

Inactive



Apr 1, 2020 - Apr 8, 2020

ID: 224374472255784



Candace Owens

Sponsored • Paid for by Candace Owens LLC

"Hatred for Donald Trump has manifested itself as a cancer to the Democrat Party. The arrogance and obsession of their political vendetta has proven terminal."

Join Team Candace today!



3 ads use this creative and text

[See Summary Details](#)

137a

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for **3 ads**.

Amount Spent

The estimated total money this advertiser spent on these ads.
[Learn more](#)

 Amount Spent
<\$100 (USD)

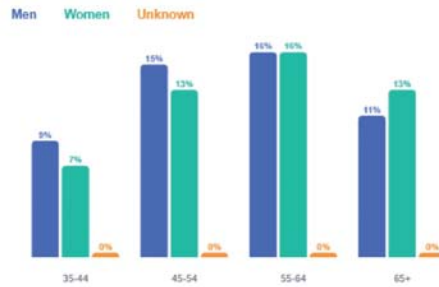
Impressions

The number of times these ads were seen on a screen. This may include multiple views by the same people.
[Learn more](#)

 Impressions
5K - 6K

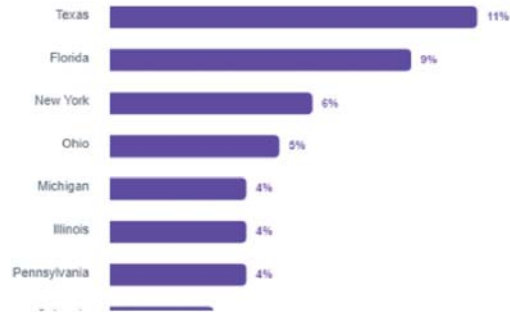
Who Was Shown These Ads

The age and gender breakdowns of people who saw these ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.



[See More](#)

138a

Inactive



Apr 1, 2020 - Apr 8, 2020

ID: 521270688571966



Candace Owens

Sponsored • Paid for by Candace Owens LLC

Democrats know that they can no longer use physical force to enslave Blacks, as they once did.

Today, they weaponize language, the media and culture to convince black people to oppress themselves.

If you hold a permanent view of yourself as a victim, you...

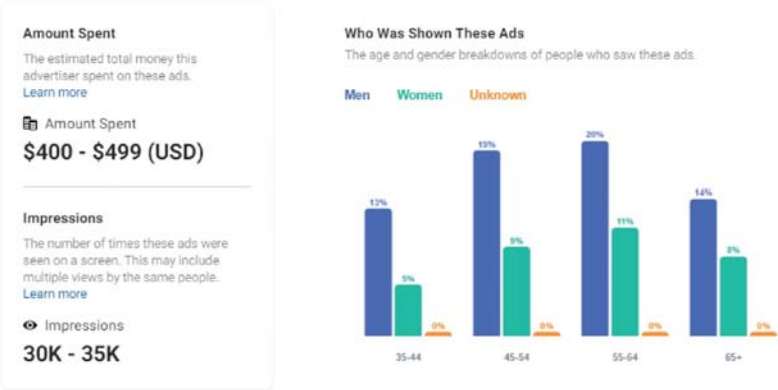


5 ads use this creative and text

[See Summary Details](#)

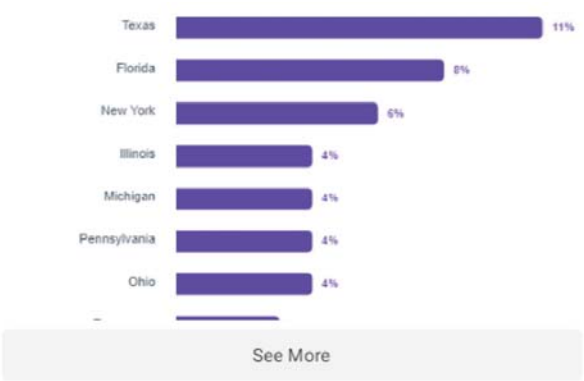
Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 5 ads.




Where These Ads Were Shown

The regions where people who saw these ads are located.






140a

 Inactive

Apr 3, 2020 - Apr 3, 2020


ID: 698603340892387

 **Candace Owens**


Sponsored • Paid for by Candace Owens LLC


Candace is considering running for office and would like to hear your opinion!



CANDACEOWENS.REVV.CO/
Create A Personalized Message to Candace.
Let Candace know what you think about her potential bid for Congress!

Learn More

 Amount spent (USD): <\$100

 Potential Reach: >1M people

See Ad Details

141a

Data Behind the Ad

 Inactive



Apr 3, 2020 - Apr 3, 2020

ID: 698603340892387



Potential Reach

This is an estimate of the size of the audience that's eligible to see this ad. It's based on targeting criteria, ad placements and how many people were shown ads on Facebook apps and services in the past 30 days... [See More](#)

 Potential Reach

>1M people

Impressions

The number of times an ad was on a screen. May include multiple views by the same people. [Learn More](#)

 Impressions

<1K

Amount Spent

The estimated total amount of money spent on an ad during its schedule. [Learn More](#)

 Amount Spent

<\$100 (USD)

142a

Who Was Shown This Ad

The age and gender breakdowns of people who saw this ad.



Where This Ad Was Shown

The regions where people who saw this ad are located.




See More

143a

Inactive

Apr 3, 2020 - Apr 3, 2020


ID: 865200790591699



Candace Owens

Sponsored • Paid for by Candace Owens LLC

Candace for Congress? Give your thoughts here.



CANDACEOWENS.REVV.CO/

Candace is Asking For Your Opinion!

Let Candace know what you think about her potential bid for Congress!

Learn More

Amount spent (USD): <\$100

Potential Reach: >1M people

See Ad Details

144a

Data Behind the Ad

 Inactive



Apr 3, 2020 - Apr 3, 2020

ID: 865200790591699



Potential Reach

This is an estimate of the size of the audience that's eligible to see this ad. It's based on targeting criteria, ad placements and how many people were shown ads on Facebook apps and services in the past 30 days... [See More](#)

 Potential Reach

>1M people

Impressions

The number of times an ad was on a screen. May include multiple views by the same people. [Learn More](#)

 Impressions

<1K

Amount Spent

The estimated total amount of money spent on an ad during its schedule. [Learn More](#)

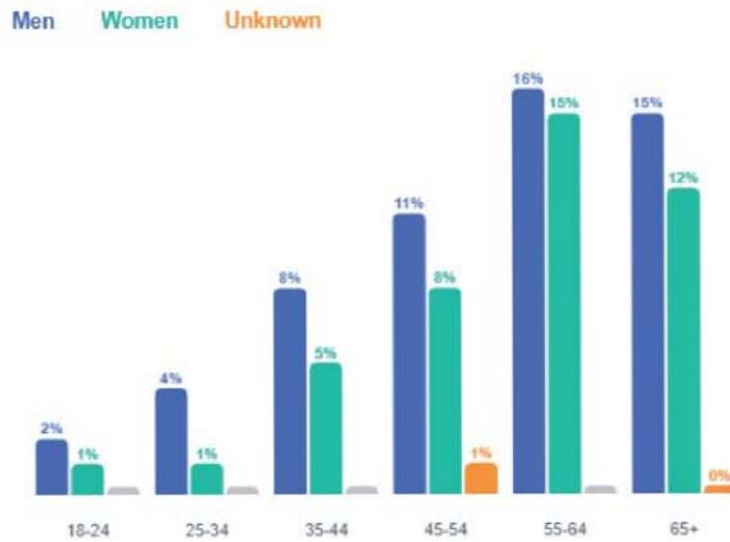
 Amount Spent

<\$100 (USD)

145a

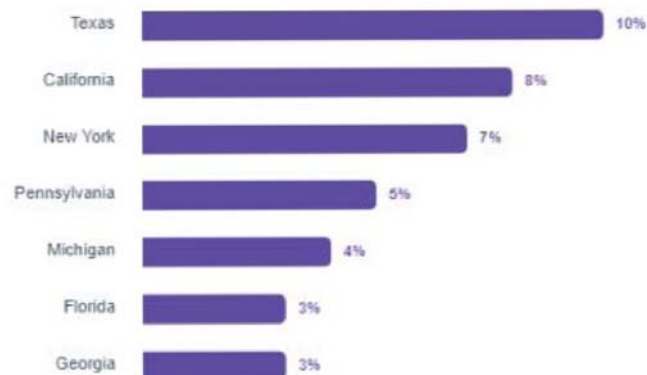
Who Was Shown This Ad

The age and gender breakdowns of people who saw this ad.



Where This Ad Was Shown

The regions where people who saw this ad are located.



[See More](#)

146a



Inactive



Apr 3, 2020 - Apr 3, 2020

ID: 651401852103581



Candace Owens

Sponsored • Paid for by Candace Owens LLC

Candace is committed to the President and helping America continue to grow.



CANDACEOWENS.REVV.CO/

Please Show Support for Candace's Potential Congressional Run.

Let Candace know what you think about her potential bid for Congress!

[Learn More](#)



Amount spent (USD): <\$100



Potential Reach: >1M people

[See Ad Details](#)

147a

Data Behind the Ad

 Inactive



Apr 3, 2020 - Apr 3, 2020

ID: 651401852103581



Potential Reach

This is an estimate of the size of the audience that's eligible to see this ad. It's based on targeting criteria, ad placements and how many people were shown ads on Facebook apps and services in the past 30 days... [See More](#)

 Potential Reach

>1M people

Impressions

The number of times an ad was on a screen. May include multiple views by the same people. [Learn More](#)

 Impressions

<1K

Amount Spent

The estimated total amount of money spent on an ad during its schedule. [Learn More](#)

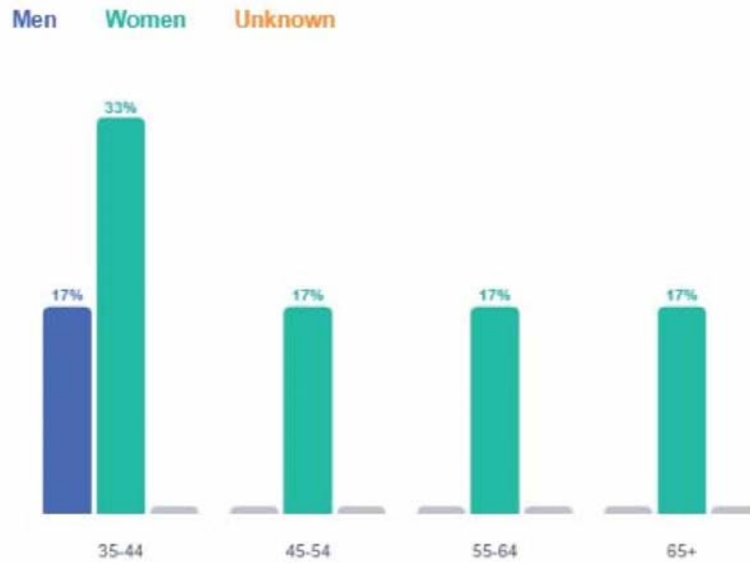
 Amount Spent

<\$100 (USD)

148a

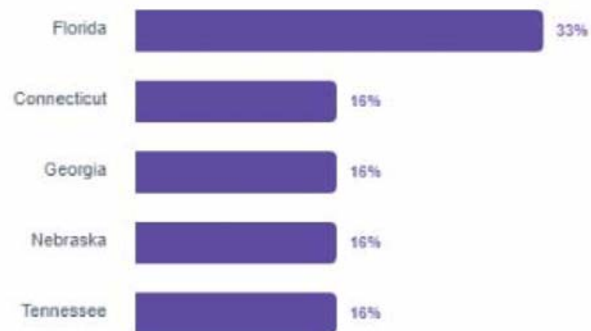
Who Was Shown This Ad

The age and gender breakdowns of people who saw this ad.



Where This Ad Was Shown

The regions where people who saw this ad are located.



149a

Inactive

Apr 3, 2020 - Apr 3, 2020

ID: 222115659004323



Candace Owens

Sponsored • Paid for by Candace Owens LLC

Show your support for Candace and her potential run for Congress.



CANDACEOWENS.REVV.CO/

Candace for Congress?

Let Candace know what you think about her potential bid for Congress!

[Learn More](#)



Amount spent (USD): <\$100



Potential Reach: >1M people

[See Ad Details](#)

150a

Data Behind the Ad

 Inactive



Apr 3, 2020 - Apr 3, 2020

ID: 222115659004323



Potential Reach

This is an estimate of the size of the audience that's eligible to see this ad. It's based on targeting criteria, ad placements and how many people were shown ads on Facebook apps and services in the past 30 days... [See More](#)

 Potential Reach

>1M people

Impressions

The number of times an ad was on a screen. May include multiple views by the same people. [Learn More](#)

 Impressions

<1K

Amount Spent

The estimated total amount of money spent on an ad during its schedule. [Learn More](#)

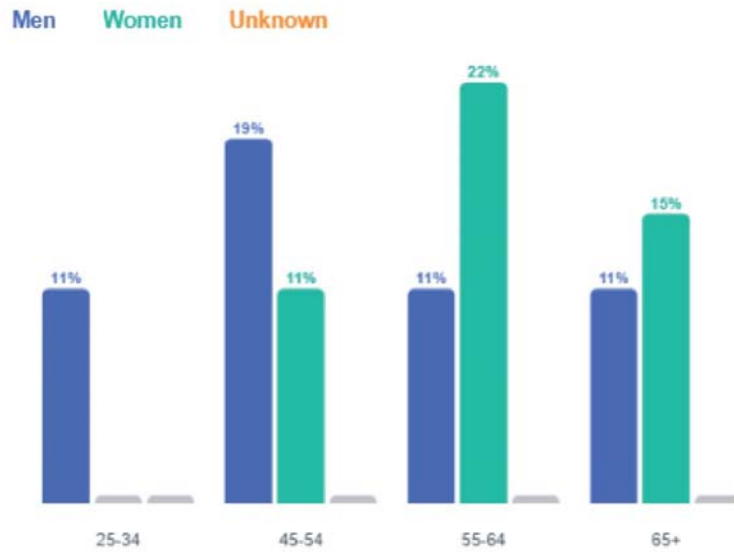
 Amount Spent

<\$100 (USD)

151a

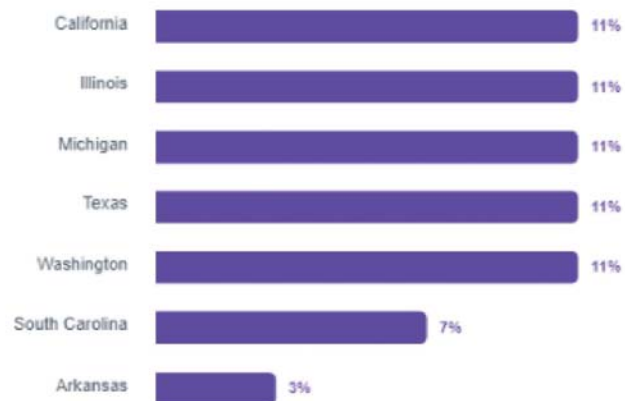
Who Was Shown This Ad

The age and gender breakdowns of people who saw this ad.



Where This Ad Was Shown

The regions where people who saw this ad are located.



See More

152a

Inactive

Apr 3, 2020 - Apr 3, 2020

ID: 537288190531815



Candace Owens

Sponsored · Paid for by Candace Owens LLC

Candace is taking on the Fake News media and their anti-Trump agenda head-on. Show your support for her potential congressional run!



CANDACEOWENS.REVV.CO/

Please Show Support for Candace's Potential Congressional Run.

Let Candace know what you think about her potential bid for Congress!

[Learn More](#)



Amount spent (USD): <\$100



Potential Reach: >1M people

[See Ad Details](#)

153a

Data Behind the Ad

 Inactive

Apr 3, 2020 - Apr 3, 2020

ID: 537288190531815



Potential Reach

This is an estimate of the size of the audience that's eligible to see this ad. It's based on targeting criteria, ad placements and how many people were shown ads on Facebook apps and services in the past 30 days... [See More](#)

 Potential Reach

>1M people

Impressions

The number of times an ad was on a screen. May include multiple views by the same people. [Learn More](#)

 Impressions

<1K

Amount Spent

The estimated total amount of money spent on an ad during its schedule. [Learn More](#)

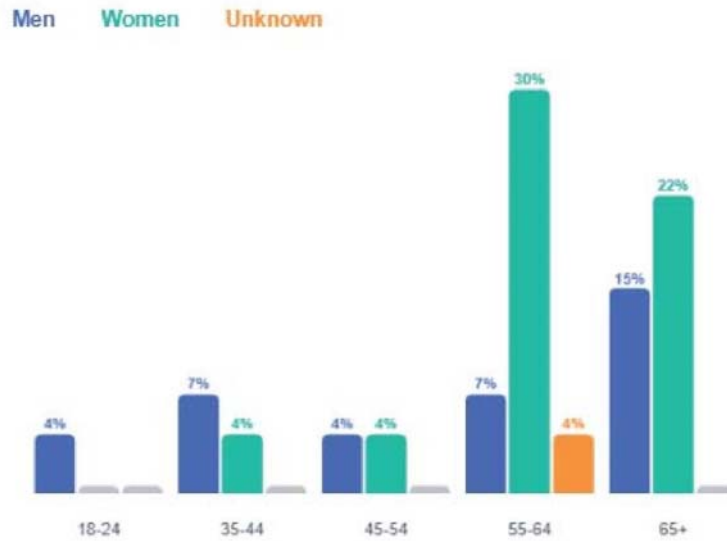
 Amount Spent

<\$100 (USD)

154a

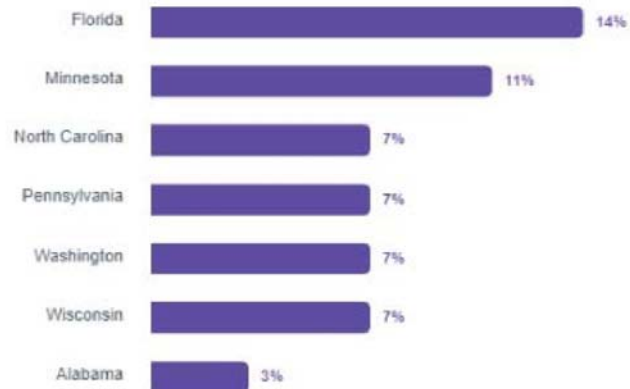
Who Was Shown This Ad

The age and gender breakdowns of people who saw this ad.



Where This Ad Was Shown

The regions where people who saw this ad are located.




See More


155a


Inactive

Apr 3, 2020 - Apr 3, 2020

ID: 205647067552939








Candace Owens

Sponsored • Paid for by Candace Owens LLC

Let Candace know what you think about her potential run!




CANDACEOWENS.REVV.CO/


Candace for Congress? Show Your Support.

Let Candace know what you think about her potential bid for Congress!

Learn More



Amount spent (USD): <\$100



Potential Reach: >1M people

See Ad Details

156a

Data Behind the Ad

 Inactive

Apr 3, 2020 - Apr 3, 2020

ID: 205647067552939



Potential Reach

This is an estimate of the size of the audience that's eligible to see this ad. It's based on targeting criteria, ad placements and how many people were shown ads on Facebook apps and services in the past 30 days... [See More](#)

 Potential Reach

>1M people

Impressions

The number of times an ad was on a screen. May include multiple views by the same people. [Learn More](#)

 Impressions

<1K

Amount Spent

The estimated total amount of money spent on an ad during its schedule.

[Learn More](#)

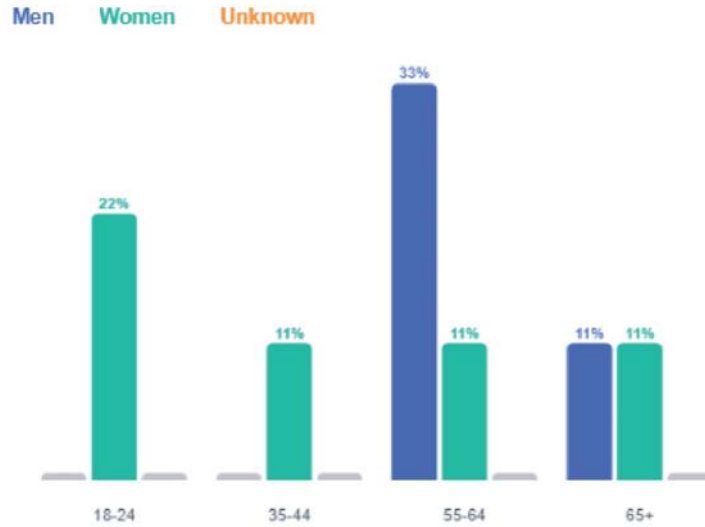
 Amount Spent

<\$100 (USD)

157a

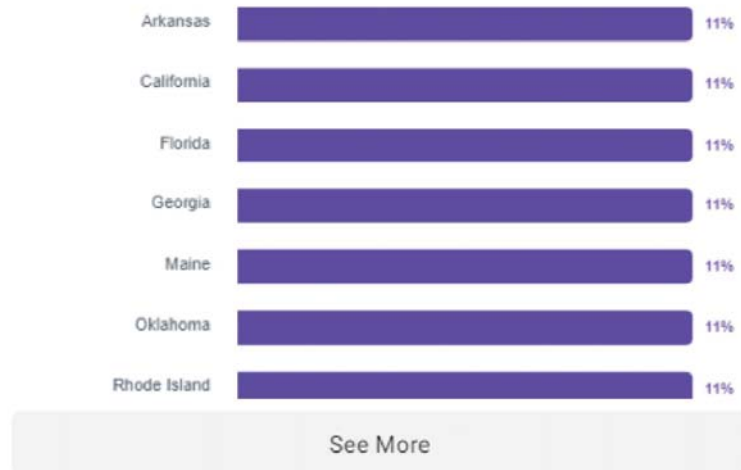
Who Was Shown This Ad

The age and gender breakdowns of people who saw this ad.



Where This Ad Was Shown

The regions where people who saw this ad are located.



158a

Inactive



Apr 13, 2020 - Apr 15, 2020

ID: 1079053925805746



Candace Owens

Sponsored • Paid for by Candace Owens LLC

Join the movement against Liberals' radical policies. Donate today to help President Trump's re-election bid.



20 ads use this creative and text

[See Summary Details](#)

159a

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 20 ads.

Amount Spent

The estimated total money this advertiser spent on these ads.
[Learn more](#)



Amount Spent

\$3.5K - \$4K (USD)

Impressions

The number of times these ads were seen on a screen. This may include multiple views by the same people.
[Learn more](#)

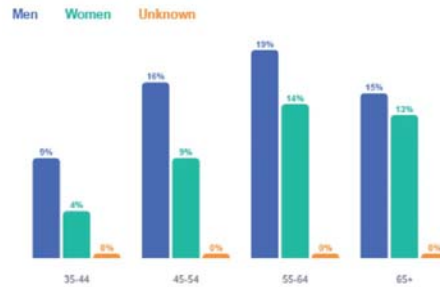


Impressions

300K - 350K

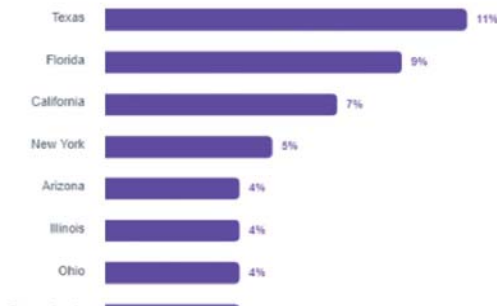
Who Was Shown These Ads

The age and gender breakdowns of people who saw these ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.



[See More](#)

160a

Inactive



Apr 14, 2020 - Apr 15, 2020

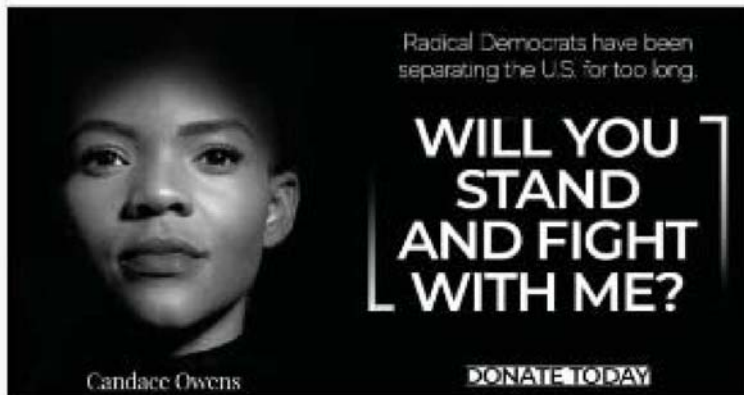
ID: 2536365506615888



Candace Owens

Sponsored • Paid for by Candace Owens LLC

President Trump and Candace Owens are working tirelessly to free Black Americans from the lies and stranglehold of the Left, but they can't do it alone. Chip in at this safe and secure link to show your support -->



2 ads use this creative and text

[See Summary Details](#)

161a

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 2 ads.

Amount Spent

The estimated total money this advertiser spent on these ads.
[Learn more](#)

 Amount Spent

\$10K - \$15K (USD)

Impressions

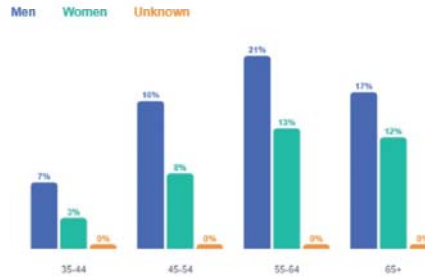
The number of times these ads were seen on a screen. This may include multiple views by the same people.
[Learn more](#)

 Impressions

700K - 800K

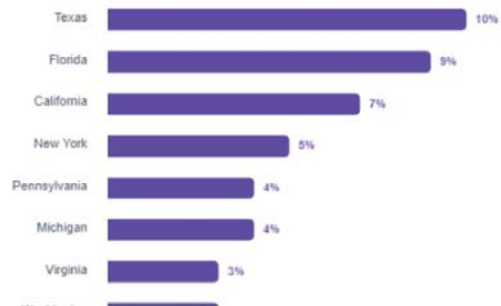
Who Was Shown These Ads

The age and gender breakdowns of people who saw these ads.




Where These Ads Were Shown



The regions where people who saw these ads are located.



[See More](#)


162a


 Inactive


Apr 28, 2020 - Jun 22, 2020

ID: 2494027630909270






Candace Owens
Sponsored • Paid for by Candace Owens LLC



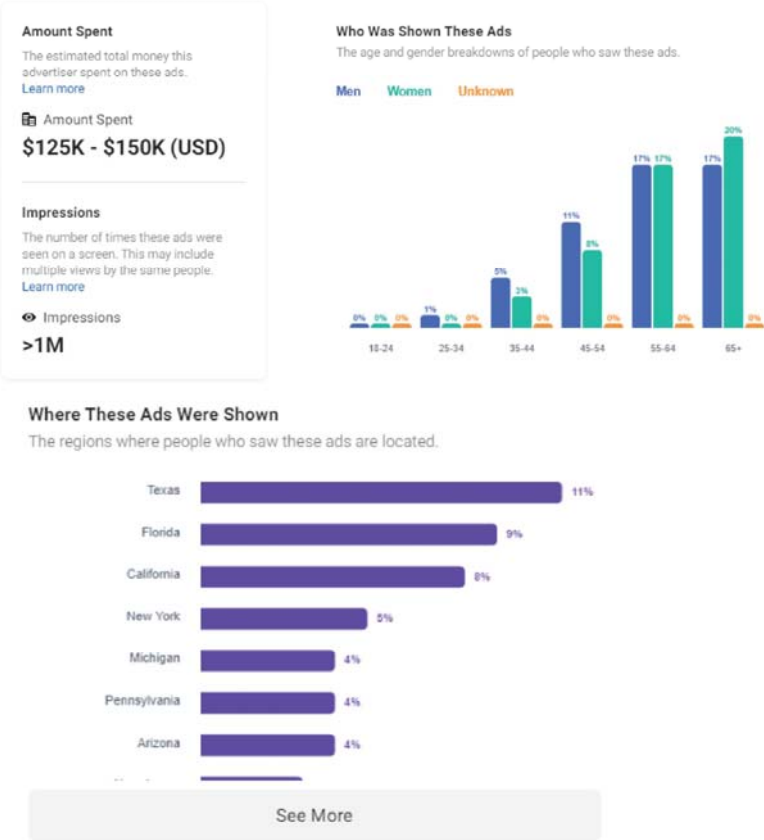
This ad was taken down because it goes against Facebook [Advertising Policies](#).

 24 ads use this creative and text

See Summary Details

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 24 ads.



164a

 Inactive

 ...

Apr 28, 2020 - Jun 22, 2020

ID: 263897207985291





Candace Owens

Sponsored • Paid for by Candace Owens LLC

I'm fighting the Left who have proven time and time again, THEY DO NOT CARE ABOUT YOU. Every donation helps to further our goal of showing the American people how devastating the Democrats' policies are.

The Democrats **DO NOT** have your best interest in mind.

WILL YOU HELP ME CHANGE THE STIGMA?

Candace Owens



DONATE \$5

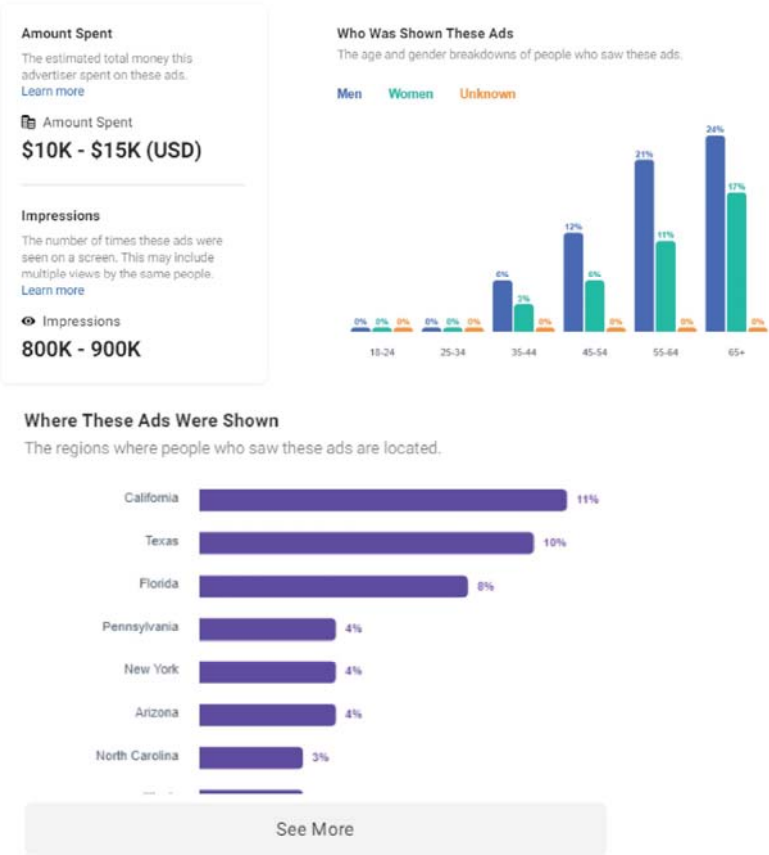


4 ads use this creative and text

See Summary Details

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 4 ads.



166a

 Inactive



Apr 28, 2020 - Jun 22, 2020

ID: 1397177373817242



Candace Owens

Sponsored • Paid for by Candace Owens LLC



This ad was taken down because it goes
against Facebook [Advertising Policies](#).



19 ads use this creative and text

See Summary Details

167a

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 19 ads.

Amount Spent

The estimated total money this advertiser spent on these ads.
[Learn more](#)

 Amount Spent
\$4K - \$4.5K (USD)

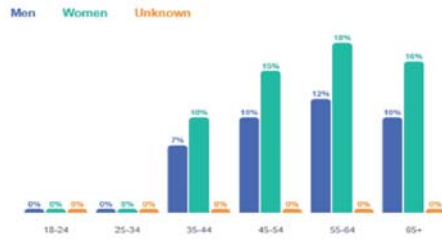
Impressions

The number of times these ads were seen on a screen. This may include multiple views by the same people.
[Learn more](#)

 Impressions
300K - 350K

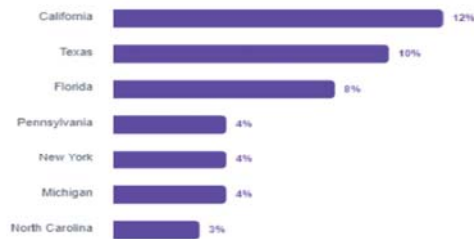
Who Was Shown These Ads

The age and gender breakdowns of people who saw these ads.




Where These Ads Were Shown



The regions where people who saw these ads are located.



[See More](#)


168a


 Inactive


 

Apr 28, 2020 - Jun 22, 2020


ID: 546214479369853



 **Candace Owens**
Sponsored • Paid for by Candace Owens LLC



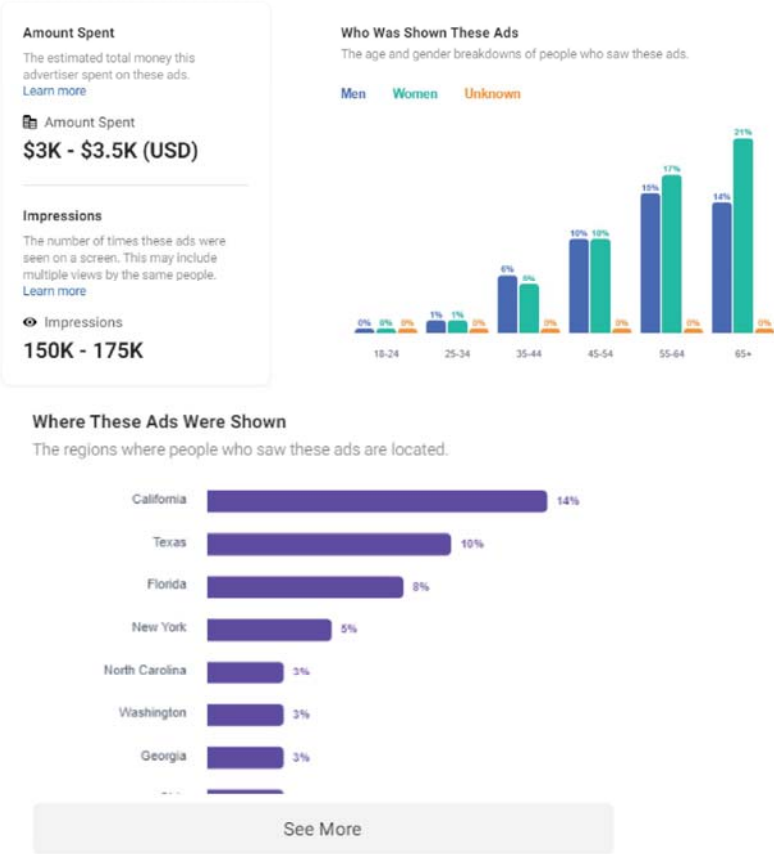
This ad was taken down because it goes against Facebook [Advertising Policies](#).

 **20 ads** use this creative and text


[See Summary Details](#)



Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 20 ads.




170a


 Inactive

Apr 28, 2020 - Jun 22, 2020


ID: 546214479369853






Candace Owens

Sponsored • Paid for by Candace Owens LLC



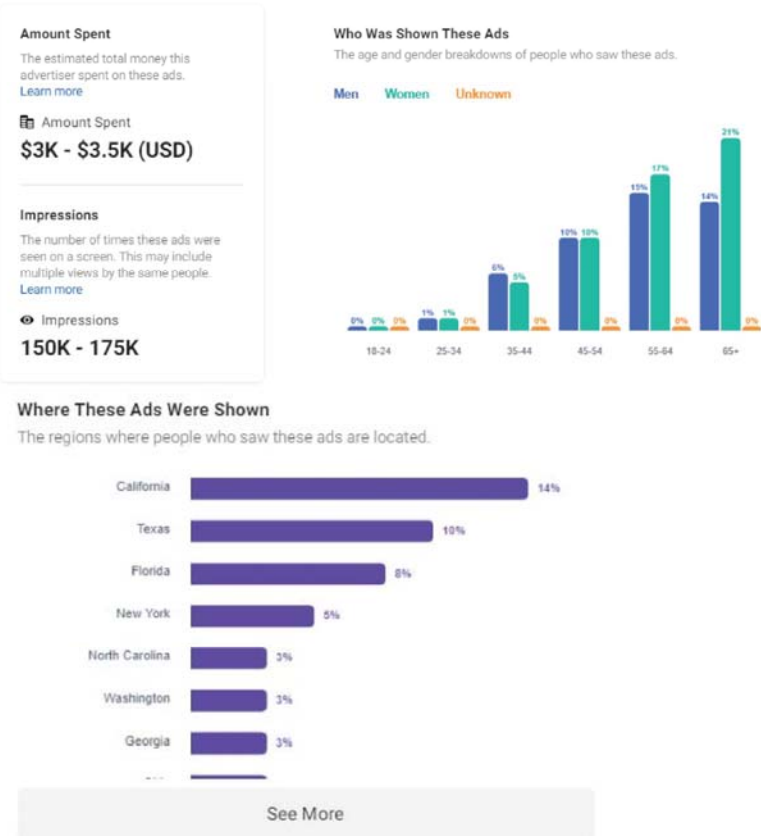
This ad was taken down because it goes against Facebook [Advertising Policies](#).

 20 ads use this creative and text

See Summary Details

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 20 ads.



172a

Inactive

Apr 28, 2020 - Jun 22, 2020

ID: 2145310202268342



Candace Owens

Sponsored • Paid for by Candace Owens LLC

The Democrats' policies have segregated the American people for long enough. I'm Candace Owens, I need YOU to join the fight against the toxic behavior the Left is normalizing.

Supporting our President is
vital to our victory November

**JOIN
THE
FIGHT.**

Candace Owens

DONATE TODAY



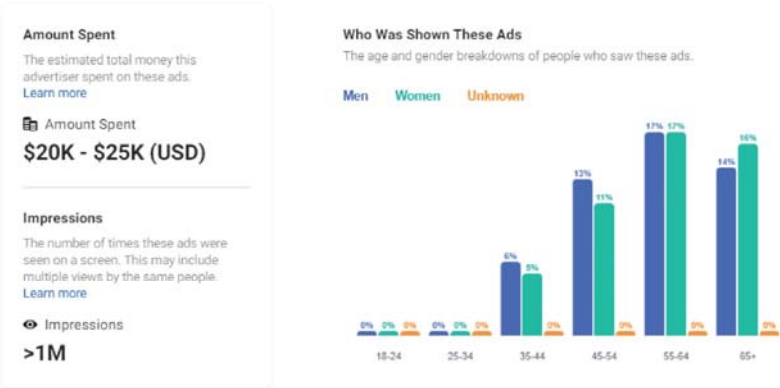
4 ads use this creative and text

[See Summary Details](#)

173a

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 4 ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.



174a

 Inactive

Apr 28, 2020 - Jun 22, 2020

ID: 941471786285477



Candace Owens

Sponsored • Paid for by Candace Owens LLC



This ad was taken down because it goes against Facebook [Advertising Policies](#).



22 ads use this creative and text


[See Summary Details](#)


Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 22 ads.




176a


 Inactive

 ...

Apr 28, 2020 - Jun 22, 2020

ID: 562250597828561





Candace Owens

Sponsored • Paid for by Candace Owens LLC


America's youth is at risk of descending into the mainstream media fake news traps. Help us fight to maintain strong American values, your donation is critical.

Supporting our President is
vital to our victory November

**JOIN
THE
FIGHT.**

Candace Owens

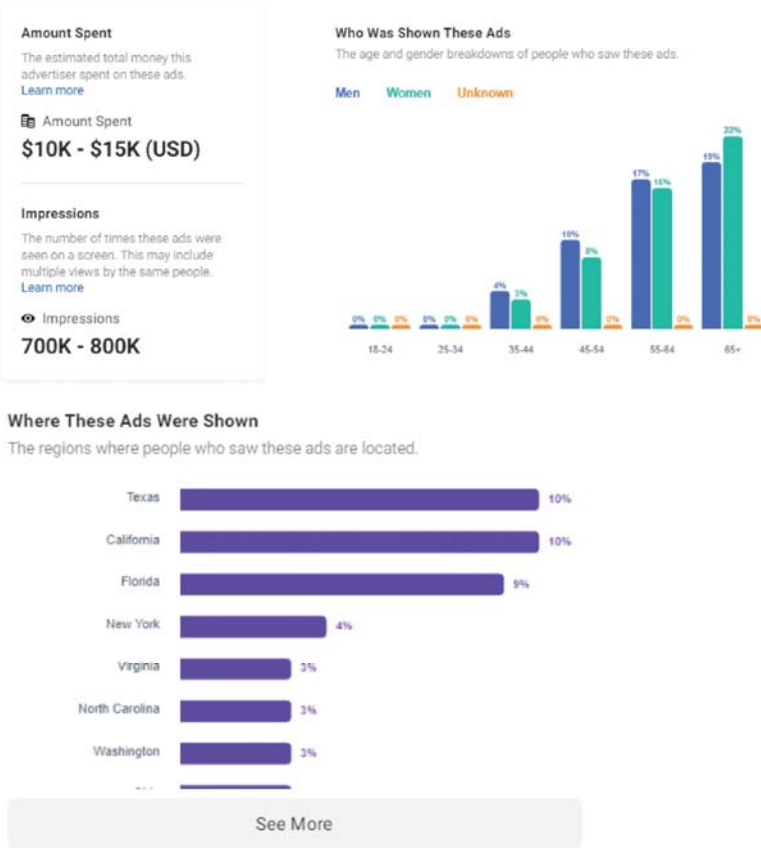
DONATE TODAY

 **4 ads** use this creative and text


See Summary Details



Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 4 ads.




178a


 Inactive


 

Apr 28, 2020 - Jun 22, 2020


ID: 259449058434526



 **Candace Owens**
Sponsored • Paid for by Candace Owens LLC



This ad was taken down because it goes against Facebook [Advertising Policies](#).

 4 ads use this creative and text

See Summary Details

179a

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for **4 ads**.

Amount Spent

The estimated total money this advertiser spent on these ads.
[Learn more](#)

 Amount Spent
\$20K - \$25K (USD)

Impressions

The number of times these ads were seen on a screen. This may include multiple views by the same people.
[Learn more](#)

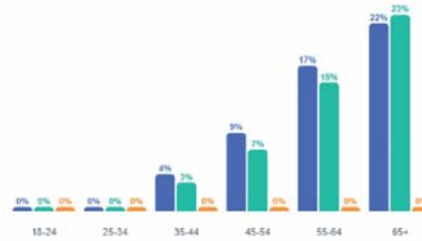
 Impressions

>1M

Who Was Shown These Ads

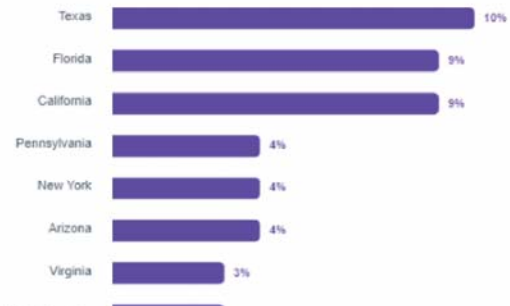
The age and gender breakdowns of people who saw these ads.

Men Women Unknown




Where These Ads Were Shown

The regions where people who saw these ads are located.



[See More](#)

180a

 Inactive

Apr 28, 2020 - Jun 22, 2020

ID: 259449058434526



Candace Owens

Sponsored • Paid for by Candace Owens LLC



This ad was taken down because it goes against Facebook [Advertising Policies](#).



4 ads use this creative and text

See Summary Details

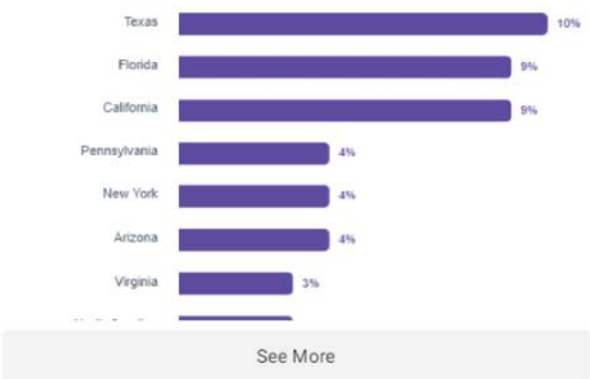
Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 4 ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.



182a

 Inactive



Apr 28, 2020 - Jun 22, 2020

ID: 265280127842376



Candace Owens

Sponsored • Paid for by Candace Owens LLC



This ad was taken down because it goes against Facebook [Advertising Policies](#).

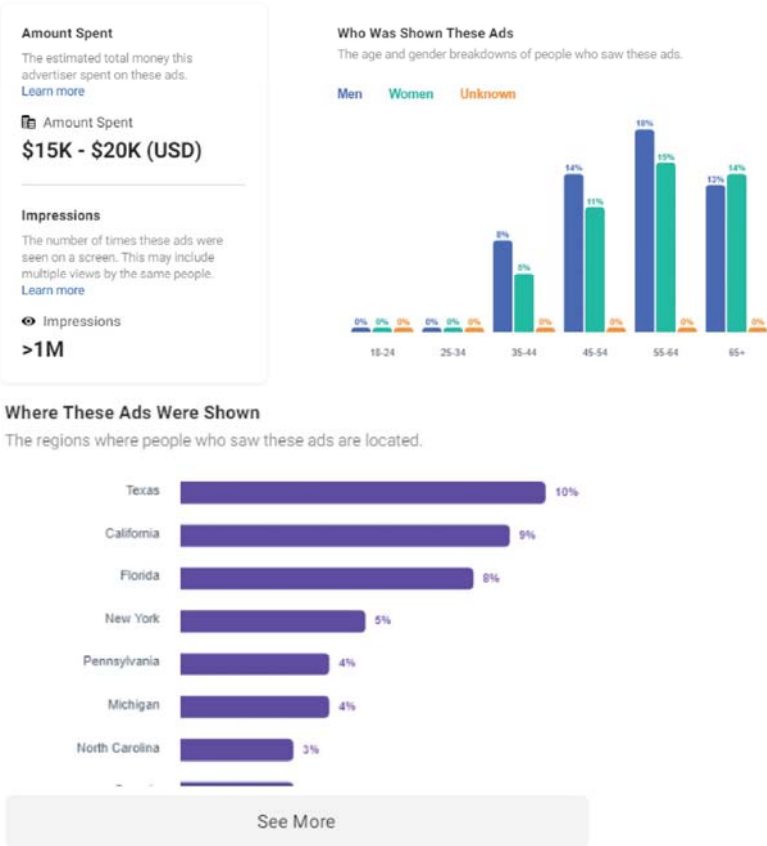


19 ads use this creative and text

See Summary Details

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 19 ads.



184a

 Inactive



Apr 28, 2020 - Jun 22, 2020

ID: 1698236460325338



Candace Owens

Sponsored • Paid for by Candace Owens LLC



This ad was taken down because it goes against Facebook [Advertising Policies](#).

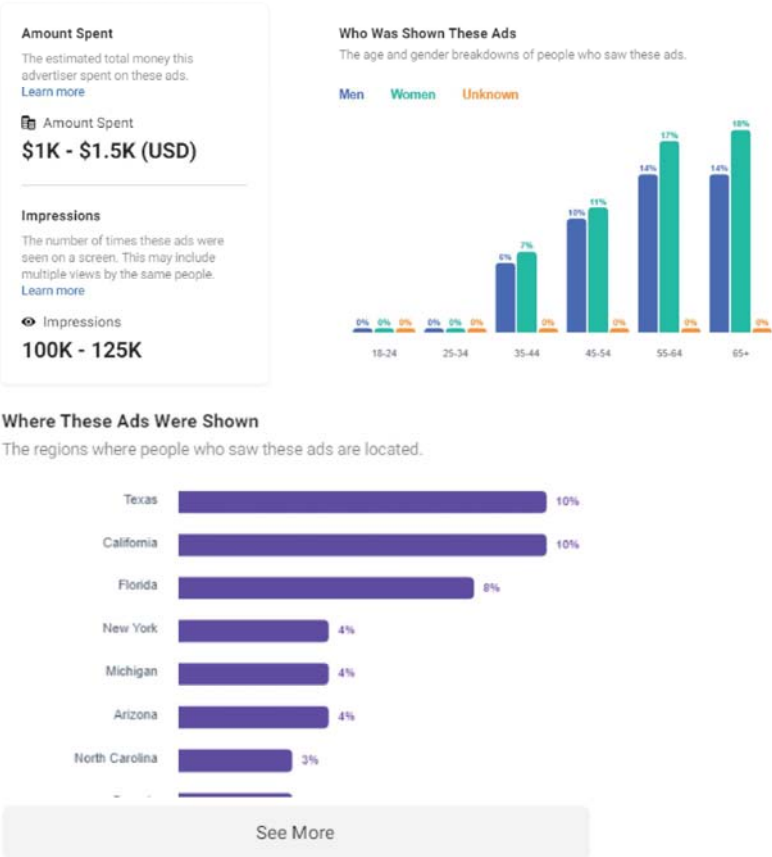


18 ads use this creative and text

[See Summary Details](#)

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 18 ads.



186a

Inactive

Apr 29, 2020 - Jun 22, 2020

ID: 233163624413168



Candace Owens

Sponsored • Paid for by Candace Owens LLC

America's youth is at risk of descending into the mainstream media fake news traps. Help us fight to maintain strong American values, your donation is critical.

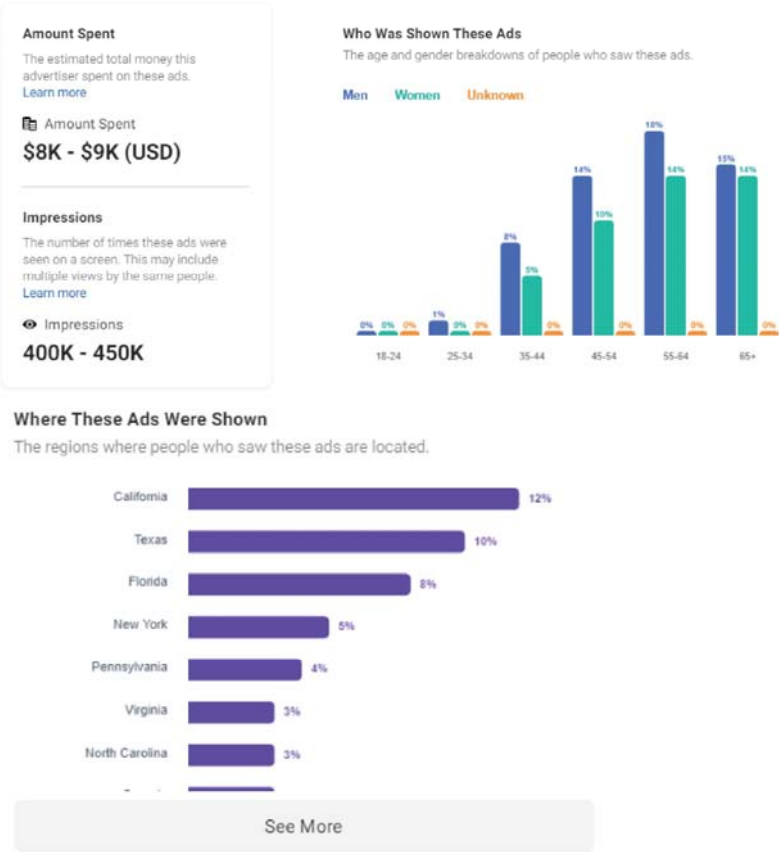


4 ads use this creative and text


[See Summary Details](#)

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 4 ads.



188a

 Inactive

May 8, 2020 - Jun 17, 2020

ID: 169891584347286



Candace Owens

Sponsored • Paid for by Candace Owens LLC

Twitter is attacking my free speech but allows the unhinged Left to continue fueling lies and spinning news.

I Was Just **Suspended**
From Using Twitter.

THEY ARE TARGETING ME BUT
GIVING **AOC AND ILHAN OMAR**
A FREE PASS.

DONATE



Candace Owens



4 ads use this creative and text

[See Summary Details](#)

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 4 ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.



190a

Inactive



May 8, 2020 - Jun 17, 2020

ID: 612557152937706



Candace Owens

Sponsored • Paid for by Candace Owens LLC

My 1st Amendment rights are being attacked! Twitter is targeting me despite tolerating AOC's fabricated rants.

Twitter Suspended Me For **Speaking Out**

Against The Government.

Candace Owens

**Tell Twitter To
Stop Attacking
Conservative Voices.**

DONATE



4 ads use this creative and text


[See Summary Details](#)



Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 4 ads.




192a


 Inactive

May 7, 2020 - Jun 17, 2020


ID: 685554288861249






Candace Owens

Sponsored • Paid for by Candace Owens LLC



This ad was taken down because it goes against Facebook [Advertising Policies](#).

 4 ads use this creative and text

See Summary Details

193a

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 4 ads.

Amount Spent

The estimated total money this advertiser spent on these ads.
[Learn more](#)

 Amount Spent

\$40K - \$45K (USD)

Impressions

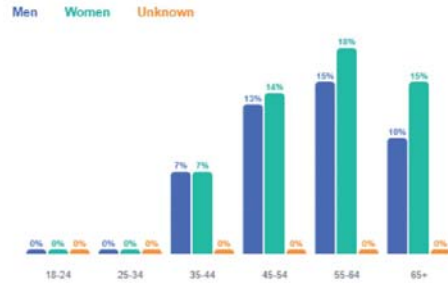
The number of times these ads were seen on a screen. This may include multiple views by the same people.
[Learn more](#)

 Impressions

>1M

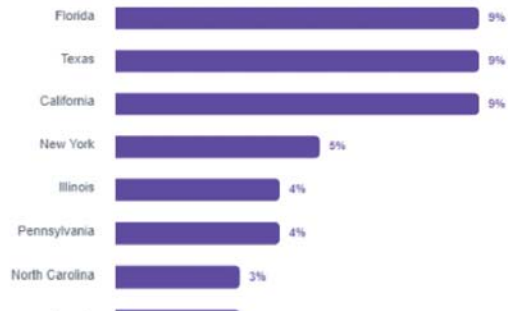
Who Was Shown These Ads

The age and gender breakdowns of people who saw these ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.



[See More](#)

194a

Inactive

Jun 2, 2020 - Jun 13, 2020

ID: 307513090254559



Candace Owens

Sponsored • Paid for by Candace Owens LLC

The rule of law must be respected. Demand justice not violence.

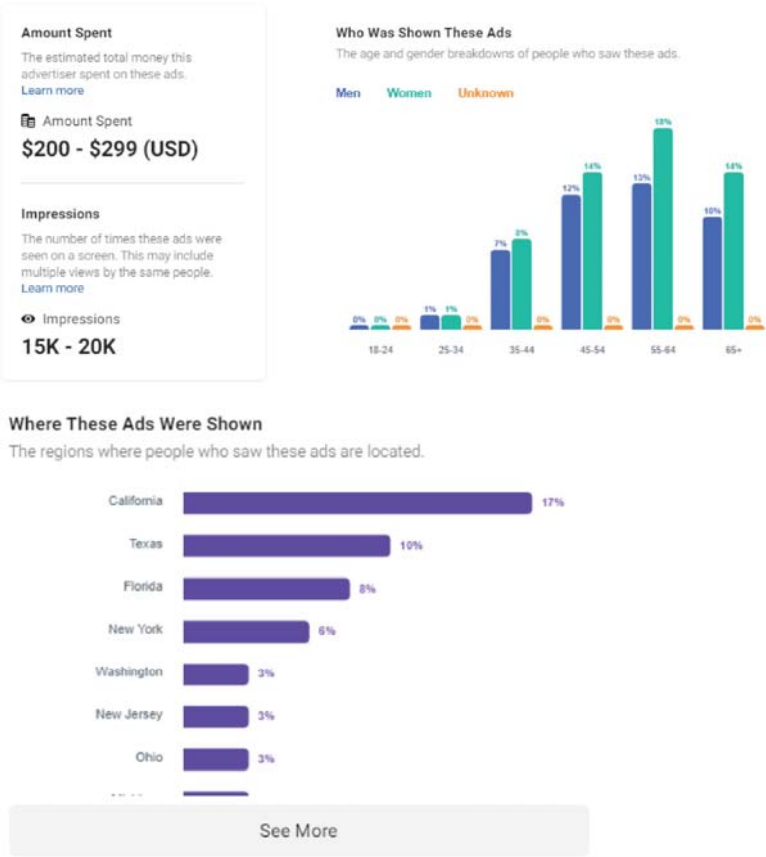


4 ads use this creative and text



[See Summary Details](#)

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 4 ads.





196a

 Inactive  ...

Jun 1, 2020 - Jun 13, 2020



ID: 604325293509830



**Candace Owens**
Sponsored • Paid for by Candace Owens LLC

I am asking the black community to seek justice through the judicial system.


Riots Will
NOT
Advance the
Black Community



Demand Justice
Not Destruction

Candace Owens

DONATE >>

 12 ads use this creative and text

See Summary Details

197a

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 12 ads.

Amount Spent

The estimated total money this advertiser spent on these ads.
[Learn more](#)

 Amount Spent

\$200 - \$299 (USD)

Impressions

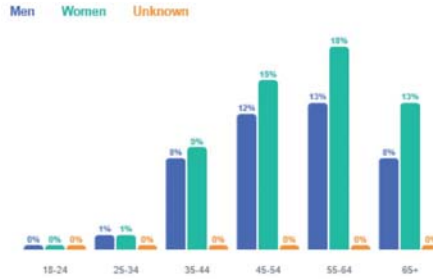
The number of times these ads were seen on a screen. This may include multiple views by the same people.
[Learn more](#)

 Impressions

25K - 30K

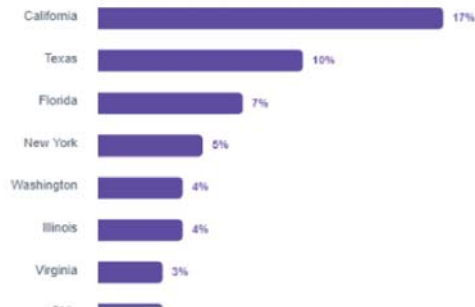
Who Was Shown These Ads

The age and gender breakdowns of people who saw these ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.



[See More](#)

198a

Inactive



Jun 1, 2020 - Jun 10, 2020

ID: 257301602183787



Candace Owens

Sponsored • Paid for by Candace Owens LLC

Riots are not the answer, the rule of law and judicial system is.



12 ads use this creative and text

[See Summary Details](#)

199a

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 12 ads.

Amount Spent

The estimated total money this advertiser spent on these ads.

[Learn more](#)

 Amount Spent

\$100 - \$199 (USD)

Impressions

The number of times these ads were seen on a screen. This may include multiple views by the same people.

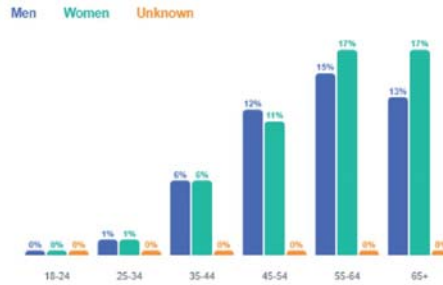
[Learn more](#)

 Impressions

10K - 15K

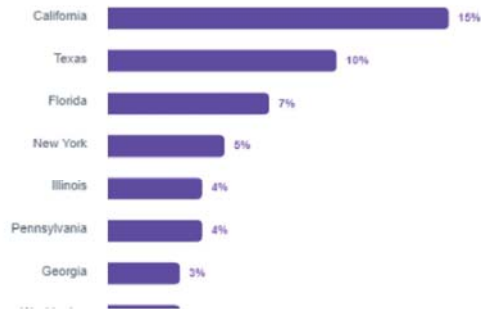
Who Was Shown These Ads

The age and gender breakdowns of people who saw these ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.



[See More](#)

200a

Inactive



Mar 17, 2021 - Mar 18, 2021

ID: 262376478847453



Candace Owens

Sponsored • Paid for by Candace Owens LLC

Contribute to support Candace Owens and the fight for the heart and soul of America!



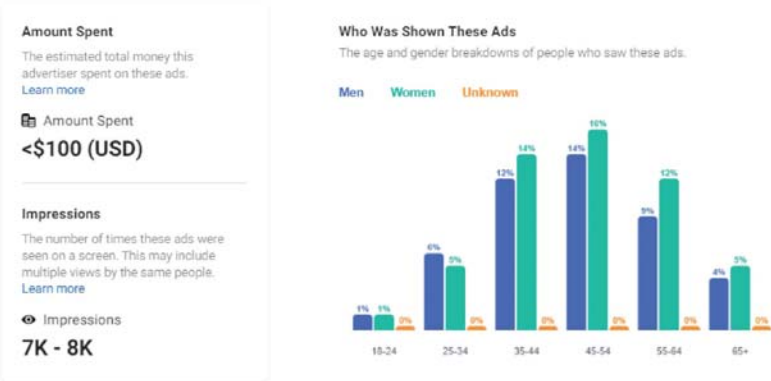
13 ads use this creative and text

[See Summary Details](#)

201a

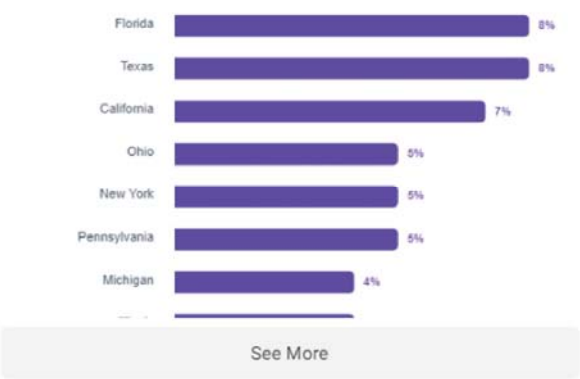
Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 13 ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.



202a

Inactive

Mar 17, 2021 - Mar 18, 2021

ID: 214919473725191



Candace Owens

Sponsored • Paid for by Candace Owens LLC

Contribute to support Candace Owens and the fight for the heart and soul of America!



13 ads use this creative and text

[See Summary Details](#)

203a

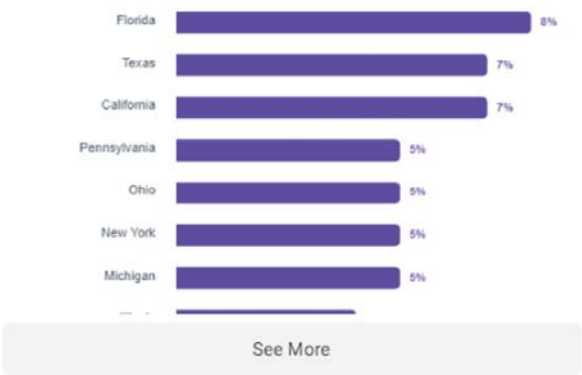
Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 13 ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.



204a

Inactive



Mar 17, 2021 - Mar 17, 2021

ID: 3849545238499619



Candace Owens

Sponsored • Paid for by Candace Owens LLC

I want to make a difference and need your support - donate \$10 and we can help Republicans win big in 2022.



CANDACEOWENS.REVV.CO/

NOT AFFILIATED WITH FACEBOOK

DONATION REQUEST: PLEASE CHIP IN \$10.

Join Team Candace's fight against Liberal policies.

Donate Now



Amount spent (USD): <\$100



Potential Reach: >1M people

See Ad Details

205a

Data Behind the Ad

 Inactive



Mar 17, 2021 - Mar 17, 2021

ID: 3849545238499619



Potential Reach

This is an estimate of the size of the audience that's eligible to see this ad. It's based on targeting criteria, ad placements and how many people were shown ads on Facebook apps and services in the past 30 days... [See More](#)

 Potential Reach

>1M people

Impressions

The number of times an ad was on a screen. May include multiple views by the same people. [Learn More](#)

 Impressions

<1K

Amount Spent

The estimated total amount of money spent on an ad during its schedule. [Learn More](#)

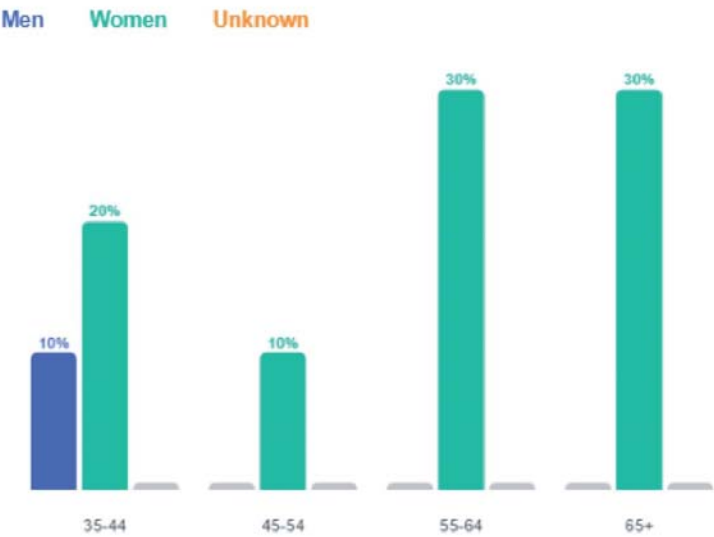
 Amount Spent

<\$100 (USD)

206a

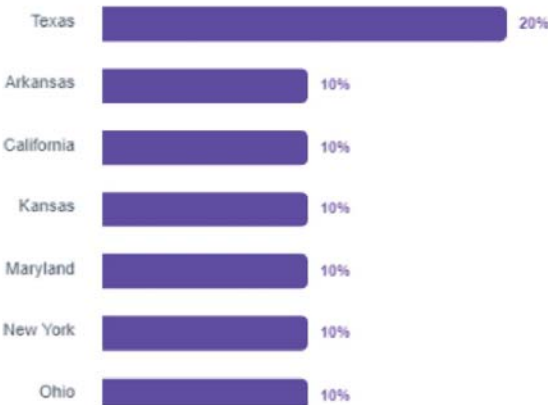
Who Was Shown This Ad

The age and gender breakdowns of people who saw this ad.



Where This Ad Was Shown

The regions where people who saw this ad are located.



See More

207a

 Inactive



Apr 22, 2021 - Apr 23, 2021

ID: 1830909063757008



Candace Owens

Sponsored • Paid for by Candace Owens LLC

Please Stand With the American People and Vote to Expel Rep. Maxine Waters for Inciting Violence!





CANDACEOWENS.REVV.CO

Cancel Maxine

Rep. Maxine Waters has broken a code of trust with the American people and her actions do not represent her constituents.

Sign Up

 Amount spent (USD): <\$100

 Potential Reach: >1M people

See Ad Details

208a

Data Behind the Ad

 Inactive

Apr 22, 2021 - Apr 23, 2021

ID: 1830909063757008



Potential Reach

This is an estimate of the size of the audience that's eligible to see this ad. It's based on targeting criteria, ad placements and how many people were shown ads on Facebook apps and services in the past 30 days... [See More](#)

 Potential Reach

>1M people

Impressions

The number of times an ad was on a screen. May include multiple views by the same people. [Learn More](#)

 Impressions

<1K

Amount Spent

The estimated total amount of money spent on an ad during its schedule.

[Learn More](#)

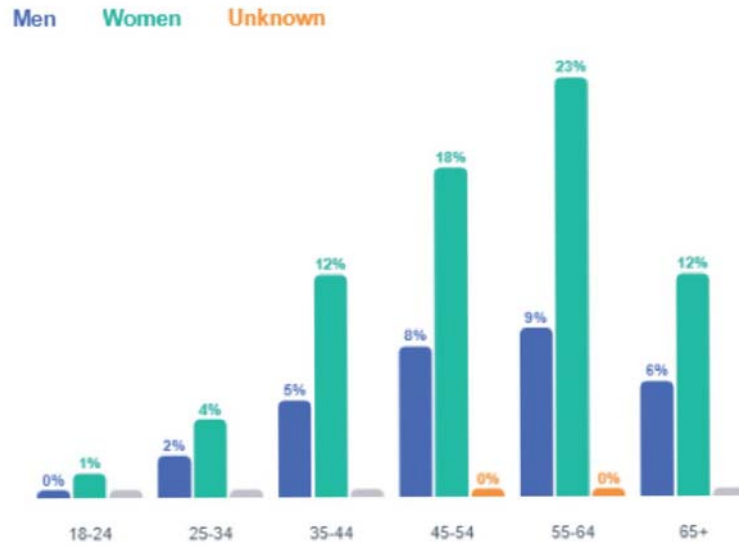
 Amount Spent

<\$100 (USD)

209a

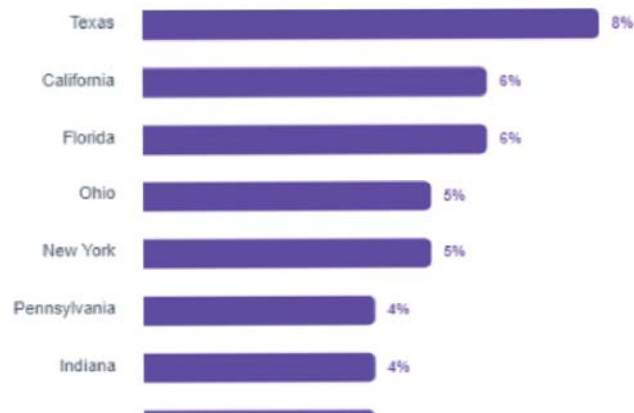
Who Was Shown This Ad

The age and gender breakdowns of people who saw this ad.



Where This Ad Was Shown

The regions where people who saw this ad are located.






See More


210a

Inactive

Apr 23, 2021 - Apr 23, 2021

ID: 814704472464706



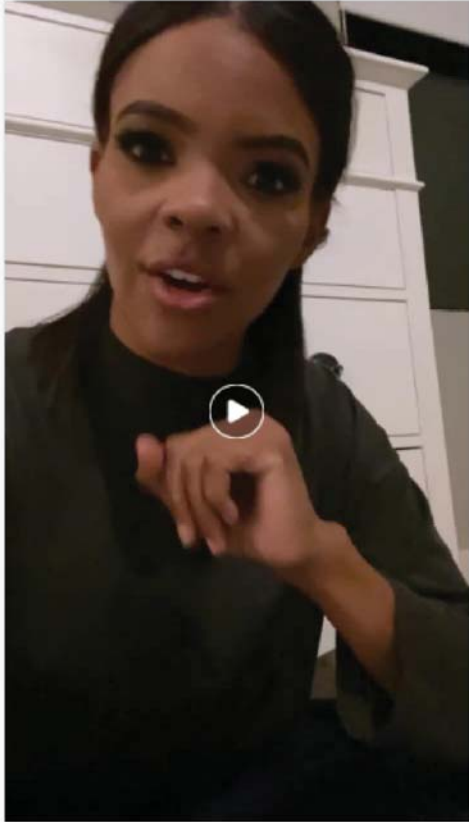
**Candace Owens**


Sponsored • Paid for by Candace Owens LLC

If LeBron James is your King...

What kind of a despicable human being defends a knife-wielding maniac?

Is that your King?





2 ads use this creative and text

See Summary Details

211a

Summary Data

Advertisers often use the same image or video and text to create ad campaigns with different start dates, locations or budgets. This section contains the collective data for 2 ads.



Where These Ads Were Shown

The regions where people who saw these ads are located.

