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24 **UNITED STATES DISTRICT COURT**
25 **NORTHERN DISTRICT OF CALIFORNIA**

26 -----

27 Mehier Taamneh, Lawrence Taamneh, Dimana
28 Taamneh, and Sara Taamneh

Plaintiffs,

-against-

29 TWITTER, INC., GOOGLE, INC., and
30 FACEBOOK, INC.

Defendants.

Case No:

COMPLAINT FOR
DAMAGES FOR:

JURY TRIAL DEMANDED

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

NATURE OF ACTION

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

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

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

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

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

1 11. The expansion and success of ISIS is in large part due to its use of the Defendants’
2 social media platforms to promote and carry out its terrorist activities.

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

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

19 14. Since first appearing on Twitter in 2010, ISIS accounts on Twitter have grown at an
20 astonishing rate and, until recently, ISIS maintained official accounts on Twitter unfettered. These
21 official accounts included media outlets, regional hubs and well-known ISIS members, some with
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25 _____
26 ¹ [https://www.brookings.edu/blog/markaz/2015/11/09/how-terrorists-recruit-online-and-how-](https://www.brookings.edu/blog/markaz/2015/11/09/how-terrorists-recruit-online-and-how-to-stop-it/)
27 [to-stop-it/](https://www.brookings.edu/blog/markaz/2015/11/09/how-terrorists-recruit-online-and-how-to-stop-it/)

1 tens of thousands of followers. For example, Al-Furqan, ISIS's official media wing responsible for
2 producing ISIS's multimedia propaganda, maintained a dedicated Twitter page where it posted
3 messages from ISIS leadership as well as videos and images of beheadings and other brutal forms
4 of executions to 19,000 followers.

5 15. Likewise, Al-Hayat Media Center, ISIS's official public relations group,
6 maintained at least a half dozen accounts, emphasizing the recruitment of Westerners. As of June
7 2014, Al-Hayat had nearly 20,000 followers.



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

19 16. Another Twitter account, @ISIS_Media_Hub, had 8,954 followers as of September
20 2014.

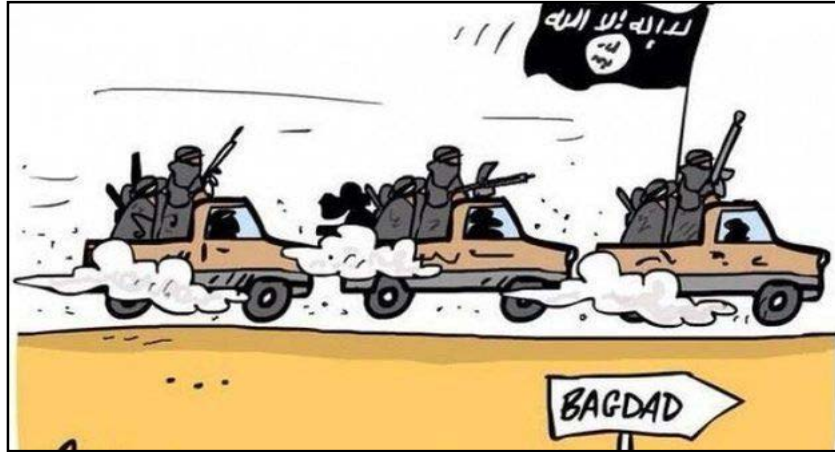


Figure 2 ISIS Propaganda Posted on @ISIS_Media_Hub

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

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

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

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

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

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

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

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

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

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

22 27. Defendants knowingly provided material support and resources to ISIS in the form
23 of Twitter, Facebook, and Google’s YouTube platforms and other services, as well as by making
24 personnel available to ISIS.
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1 28. ISIS used and relied on Twitter, Facebook, and YouTube as among its most
2 important tools to facilitate and carry out its terrorist activity, including the terrorist attacks in
3 which ISIS murdered Nawras Alassaf

4 29. By providing its social media platforms and other online services and personnel to
5 ISIS, Defendants: violated the federal prohibitions on providing material support or resources for
6 acts of international terrorism (18 U.S.C. § 2339A) and providing material support or resources to
7 designated foreign terrorist organizations (18 U.S.C. § 2339B); aided and abetted and conspired
8 with a designated FTO in the commission of acts of international terrorism as defined by 18
9 U.S.C. § 2331; and committed acts of international terrorism as defined by 18 U.S.C. § 2331.
10 Accordingly, Defendants are liable pursuant to 18 U.S.C. § 2333 to the plaintiffs, who were
11 injured by reason of acts of international terrorism.
12

13 30. Plaintiffs' claims are based not upon the content of ISIS's social media postings,
14 but upon Defendants provision of the infrastructure which provides material support to ISIS.
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16 31. Furthermore, Defendants profit from ISIS by placing ads on ISIS's postings. For at
17 least one of the Defendants, Google, revenue earned from advertising is shared with ISIS.

18 32. Lastly, Defendants incorporate ISIS's postings to create unique content by
19 combining the ISIS postings with advertisements selected by Defendants based upon ISIS's
20 postings and the viewer looking at the postings and the advertisements.
21

22 **THE PARTIES**

23 **A. The Plaintiffs**

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

25 34. Plaintiff Mehier Taamneh is the brother of Nawras Alassaf. Mehier Taamneh is a
26 national of the United States and is domiciled in Arizona. Furthermore, Mehier Taamneh received
27 direct financial support from Decedent.
28

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

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

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

10
11 **B. The Defendants**

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

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

18 40. Defendant Google, Inc. (“Google”) is a corporation organized under the laws of
19 Delaware, with its principal place of business at 1600 Amphitheatre Parkway, Mountain View,
20 California, 94043. Google owns and operates YouTube. For the purposes of this complaint,
21 Google and YouTube are used interchangeably.
22

23
24 **JURISDICTION AND VENUE**

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

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

4 47. This new chapter contained a new section titled, “Terrorist acts abroad against
5 United States nationals,” providing criminal penalties for killing, conspiring, or attempting to kill
6 a national of the United States, or engaging in physical violence with the intent to cause serious
7 bodily injury to a national of the United States or that results in serious bodily injury to a national
8 of the United States.
9

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

13 49. In enacting the ATA, Congress specifically intended that the civil cause of action
14 would not only provide a mechanism for compensating victims of terror, but also serve as an
15 important means of depriving terrorists of financial resources to carry out attacks.
16

17 50. As the ATA was being considered in Congress, the State Department’s Deputy
18 Legal Advisor, Alan J. Kreczko, testified before the Senate Judiciary Committee’s Subcommittee
19 on Courts and Administrative Practice that this proposed bill “will add to the arsenal of legal tools
20 that can be used against those who commit acts of terrorism against United States citizens
21 abroad.”²
22

23 51. The Deputy Legal Advisor also testified:
24

25 ² “Statement of Alan J. Kreczko, Deputy Legal Adviser, On S. 2465: A bill to provide a new
26 civil cause of action in federal court for terrorist acts abroad against United States nationals,”
27 Before the Subcommittee on Courts and Administrative Practice of the Senate Judiciary
28 Committee (July 25, 1990), <https://www.state.gov/documents/organization/28458.pdf>.

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

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

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

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

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

22 . . .
23 Now is the time for action. Now is the time to strengthen our ability to
24 both deter and punish acts of terrorism.

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

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

30 ³ *Id.*

31 ⁴ 136 Cong. Rec. 26716-26717 (Oct. 1, 1990), <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1990-pt19/pdf/GPO-CRECB-1990-pt19-1.pdf>.

32 ⁵ S. Rep. No. 102-342 at 22 (1992).

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

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

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

11 “Purpose.--The purpose of this Act is to provide civil litigants with the
12 broadest possible basis, consistent with the Constitution of the United
13 States, to seek relief against persons, entities, and foreign countries,
14 wherever acting and wherever they may be found, that have provided
15 material support, directly or indirectly, to foreign organizations or persons
16 that engage in terrorist activities against the United States.”⁷

17 **II. ISIS: A DESIGNATED FOREIGN TERRORIST ORGANIZATION**

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

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

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

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

26 ⁶ JASTA § 2(a)(6).

27 ⁷ JASTA § 2(b).

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

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

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



13 *Figure 3 al-Zarqawi*



18 *Figure 4 al-Tawhid flag*

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

21
22 78. Al-Zarqawi’s *al-Tawhid* was based upon a vision of Sunni Islamist eschatology in
23 which violent attacks on non-believers, heretics, and apostates are not only justified but religiously
24 mandated.

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

1 80. Al-Zarqawi's successors, including the "Islamic State" today, maintain al-
2 Zarqawi's vision of Islam, teaching that true Muslims have an obligation to engage in *jihad* ("holy
3 war"), using intimidation, violence, and killing to establish Sunni Islamic dominance.

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

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

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

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

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

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

20 87. For example, on May 11, 2004, al-Zarqawi's group posted a link on the *jihadi*
21 internet website forum "*Muntada al-Ansar al-Islami*" ("Forum of the Islamic Supporters") ("*al-*
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26 ⁸ Scott Shane, "Web Used As Tool of Terror," *Sun Sentinel* (June 9, 2006), http://articles.sun-sentinel.com/2006-06-09/news/0606081728_1_al-zarqawi-al-jazeera-rita-katz.
27

1 *Ansar*”) to a grainy five-and-a-half-minute video titled, “Sheikh Abu Musab Al-Zarqawi
2 slaughters an American infidel with his own hands” (the “Berg Video”).

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

7
8 89. The following is a screen clip from the Berg Video:



13 *Figure 5 Clip From Video of Murder of Nicholas Berg*

14
15 90. The Berg Video next showed one of the hooded men (presumed to be al-Zarqawi)
16 read a statement condemning reported abuse of security prisoners at the Iraqi Abu Ghraib prison,
17 after which he pulled a knife from his shirt, stepped forward, and sawed off Berg’s head.

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

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

23
24 93. Despite the relatively low quality of the Berg Video and the technical difficulties
25 involved in its distribution, The Atlantic magazine later reported: “With the slash of a knife, al-
26 Zarqawi had pulled off the most successful online terrorist PR campaign ever . . . Al-Zarqawi’s
27

1 success was possible because he had anticipated the importance of the Internet—an increasingly
2 important weapon in the global terrorist arsenal.”⁹

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

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

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

11 97. The “Winds of Victory” also featured foreign *jihadi* members from Kuwait, Saudi
12 Arabia, Libya, and other places, reading their wills in preparation for suicide missions, followed
13 by footage of their bombing attacks, often from multiple angles.

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

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

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

1 104. According to BBC Security Correspondent Gordon Corera, “[o]ver the summer of
2 2004 with Osama bin Laden yet to appear and Zarqawi carrying out increasingly bloody and high
3 profile attacks, some began to question whether Zarqawi was beginning to rival or even succeed
4 bin Laden.”¹⁰

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

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

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

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22 ¹⁰ Gordon Corera, “Unraveling Zarqawi’s al-Qaeda Connection,” *Terrorism Monitor*, Vol. 2,
23 Issue 24 (The Jamestown Foundation, Dec. 15, 2004), [http://www.jamestown.org/programs/
24 tm/single/?tx_ttnews%5Btt_news%5D=27306&tx_ttnews%5BbackPid%5D=179&no_cache=1#.V49QsjXdlrZ](http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=27306&tx_ttnews%5BbackPid%5D=179&no_cache=1#.V49QsjXdlrZ).

25 ¹¹ *Id.*

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

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

4 109. Al-Zarqawi changed his group’s name to “*Tanzim Qa’idat al-Jihad fi Bilad al-*
5 *Rafidayn*” (“Organization of Jihad’s Base in the Land of Two Rivers [Iraq]”), and it became
6 commonly known as “*al-Qaeda in Iraq*” (“AQI”).

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



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11
12
13 *Figure 6 AQI Flag*

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

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

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

22
23
24 ¹³ “Purported bin Laden tape endorses al-Zarqawi,” *CNN* (Dec. 27, 2004), <http://edition.cnn.com/2004/WORLD/meast/12/27/binladen.tape/>.

25 ¹⁴ Susan B. Glasser and Steve Coll, “The Web as Weapon,” *The Washington Post* (Aug. 9,
26 2005), <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/08/AR2005080801018.html>.

1 **B. AQI Rebrands Itself as the Islamic State of Iraq**

2 114. Prior to Al-Zarqawi’s death, AQI and allied groups in Iraq joined together to create
3 a “Mujahideen Shura Council.”

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

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

9 117. The following are screen clips from the video posted on YouTube with English
10 subtitles:
11



17 *Figure 7 Scene from ISIS Video*



23 *Figure 8 Scene from ISIS Video*

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

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

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



Figure 9 ISIS Flag

C. ISI Expands into Syria to Become ISIS

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

122. On April 8, 2013, Abu Bakr announced that ISI had been responsible for secretly establishing and supporting an Islamist militant group known as “*al-Nusra*” in neighboring Syria since August 2011.

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

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

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

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

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

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

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

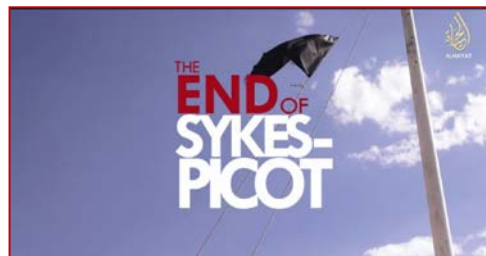
11 129. Ultimately, ISIS's extreme brutality and ruthlessness even led *al-Qaeda's* leader
12 Ayman al-Zawahiri (who succeeded Osama bin-Laden) to disavow ISIS.

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

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

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

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



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

1 133. Also on June 29, 2014, ISIS used YouTube to post an audio message titled “This is
2 the Promise of Allah,” in which ISIS spokesman Abu Muhammad al-Adnani declared the
3 establishment of ISIS as a worldwide “Islamic Caliphate”¹⁶—an Islamic religious state to which
4 all Muslims must submit and pledge fealty—with Abu Bakr as its “Caliph” (ruler).
5

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



8
9
10
11
12 *Figure 11 ISIS Graphic "This is the Promise of Allah"*

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

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

17 **E. Official Terrorist Designations of ISIS**

18 137. Not only have ISIS’s claims of statehood and sovereignty been rejected by
19 countries worldwide, ISIS has been officially designated as a terrorist organization by the United
20 Nations, the European Union, and numerous governments around the world, including the United
21 States, Britain, Australia, Canada, Turkey, Saudi Arabia, Indonesia, the United Arab Emirates,
22 Malaysia, Egypt, India, Russia, Kyrgyzstan, Syria, Jordan, and Pakistan.
23
24

25
26 ¹⁶ At this time, ISIS shortened its named to *ad-Dawlah al-Islamiyah* (“The Islamic State” or
27 “IS”). For the sake of simplicity, the more commonly used name ISIS is used in this Complaint.
28

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

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

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

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

10
11 **III. ISIS’S EXTENSIVE USE OF DEFENDANT’S SERVICES**

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

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

16 143. ISIS reaches potential recruits by maintaining accounts on Twitter, Facebook,
17 and YouTube so that individuals across the globe may reach out to them directly. After the first
18 contact, potential recruits and ISIS recruiters often communicate via Defendants’ Direct
19 Messaging capabilities. According to former FBI Director James Comey, “[o]ne of the
20 challenges in facing this hydra-headed monster is that if (ISIS) finds someone online, someone
21 who might be willing to travel or kill in place they will begin a Twitter direct messaging
22 contact.” Indeed, according to the Brookings Institution, some ISIS members “use Twitter
23 purely for private messaging or covert signaling.”
24

25 144. In addition to individual recruitment, ISIS members use Defendants to post
26 instructional guidelines and promotional videos referred to as “mujatweets.”
27

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

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

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

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

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

20 21 22 23 24 150. Recently, it was reported that the leader of ISIS in the United Kingdom, Omar
25 Hussain, was using Facebook to recruit terrorists to launch attacks in the U.K.¹⁸

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

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



Figure 12 Fundraising Images from ISIS Twitter Accounts

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

157. In its other Twitter fundraising campaigns, ISIS has posted photographs of cash gold bars and luxury cars that it received from donors, as well as weapons purchased with the proceeds.



Figure 13 Donations to ISIS Publicized on Twitter

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

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



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

12
13 **C. ISIS Uses Defendant's Sites to Spread Its Terror Propaganda**

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

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

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

21
22 163. In other words, the physical attack itself and the harm to the individual victims of
23 the attack are not the only goal or "end" of ISIS's terror attacks; rather, ISIS uses terror attacks as
24 a "means" to communicate and accomplish its broader objectives.

25 164. ISIS uses terrorism as a psychological weapon.
26
27
28

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

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

7 167. Defendants provide ISIS with a unique and powerful tool of communication that
8 enables ISIS to achieve these goals, and it has become an essential and integral part of ISIS's
9 program of terrorism.

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

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

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

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

23 172. Moreover, by allowing ISIS and its affiliates to register for Facebook, Twitter, and
24 YouTube accounts and use Defendants' Services, Defendants lend a sense of authenticity and
25

1 legitimacy to ISIS as an organization that can operate openly and with impunity, notwithstanding
2 the murderous crimes it commits and its status as an illegal terrorist organization.

3 173. In defiance of federal criminal laws that prohibit providing services to designated
4 terrorists, Defendants enable ISIS terrorists to come out of hiding and present a public face under
5 their own brand and logo, and under the brands and logos of American companies: Facebook,
6 Twitter, and Google.

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

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

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

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

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

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

22 180. In June 2014, ISIS tweeted a picture of an Iraqi police chief, sitting with his
23 severed head perched on his legs. The accompanying tweet read: "This is our ball . . . it has
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1 skin on it.” ISIS then hashtagged the tweet with the handle #WorldCup so that the image
2 popped up on the feeds of millions following the soccer challenge in Brazil.

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

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

7 183. Also in August 2014, ISIS member Abu Musaab Hafid al-Baghdadi posted
8 photos on his Twitter account showing an ISIS militant beheading a blindfolded captured
9 Lebanese Army Sergeant Ali al-Sayyed.
10

11 184. That same month, ISIS supporters tweeted over 14,000 tweets threatening
12 Americans under the hashtags #WaronWhites and #AMessagefromISISstoUS, including posting
13 gruesome photos of dead and seriously injured Allied soldiers. Some of the photos depicted U.S.
14 marines hung from bridges in Fallujah, human heads on spikes and the twin towers in flames
15 following the 9/11 attacks. Other messages included direct threats to attack U.S. embassies around
16 the world, and to kill all Americans “wherever you are.”
17

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

20 186. To keep its membership informed, in April 2014, ISIS created an Arabic-
21 language Twitter App called “The Dawn of Glad Tidings,” or “The Dawn,” which posts tweets to
22 thousands of users’ accounts, the content of which is controlled by ISIS’s social media operation.
23 The tweets include hashtags, links, and images related to ISIS’s activities. By June 2014, the app
24 reached a high of 40,000 tweets in one day as ISIS captured Mosul, Iraq.
25

26 187. ISIS has also used Twitter to coordinate hashtag campaigns, whereby it enlists
27 thousands of members to repetitively tweet hashtags at certain times of the day so that they trend
28

1 on Twitter, meaning a wider number of users are exposed to the tweets. One such campaign
2 dubbed a “Twitter storm,” took place on June 8, 2014, and led to a surge in followers.

3 188. In 2014, propaganda operatives from ISIS posted videos of photojournalist John
4 Cantile and other captors on both Twitter and YouTube.²⁰ These operatives used various
5 techniques to ensure that ISIS’s posting was spread using Defendants’ sites. In her New York
6 Times article, (Not “Lone Wolves” After All: How ISIS Guides World’s Terror Plots From Afar-
7 2/5/17), Rakmini Callimachi acknowledges that because of Twitter and other social media, “In the
8 most basic enabled attacks Islamic State handlers acted as confidants and coaches, coaxing recruits
9 to embrace violence. ... Because the recruits are instructed to use encrypted messaging
10 applications, the guiding role played by the terrorist group often remains obscured. As a result,
11 remotely guided plots in Europe, Asia, and the United States ... were initially labeled the work of
12 “lone wolves”, ... and only later discovered to have direct communications with the group
13 discovered.”

14 **D. Twitter’s Services**

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16
17 189. Twitter is an online news and social networking service that provides sophisticated
18 yet easy-to-use online products and services (collectively, “Services”). Twitter’s network allows
19 users to publicly connect with its more than 100 million users through “following” other accounts,
20 as well as through “tweets,” or 140 character posts.

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

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26 ²⁰ [http://www.theguardian.com/world/2014/sep/24/isis-Twitter-youtube-message-social-
27 media-jihadi](http://www.theguardian.com/world/2014/sep/24/isis-Twitter-youtube-message-social-media-jihadi)

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

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

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

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

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

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

16
17
18 **E. ISIS and Twitter**

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

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

25 199. That same month, terrorism experts cautioned that “Twitter terrorism” was part
26 of “an emerging trend” and that several branches of *al-Qaeda* were using Twitter to recruit
27

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

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

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

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

1 “posted on jihadi forums and Twitter.”

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

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

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

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

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

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

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

4 210. Recently, former Secretary of State Hillary Clinton has urged Defendants to
5 become more aggressive in preventing ISIS from using its network. “Resolve means depriving
6 jihadists of virtual territory, just as we work to deprive them of actual territory,” she told one
7 audience. Later, Secretary Clinton stated that Twitter and other companies “cannot permit the
8 recruitment and the actual direction of attacks or the celebration of violence by this sophisticated
9 Internet user. They’re going to have to help us take down these announcements and these
10 appeals.”

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

21 **F. Facebook’s Services**

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

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

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

6 215. For example, only registered users may establish a Facebook “account,” add or
7 communicate with “friends” on Facebook’s platform, privately message friends or businesses
8 through Facebook’s “Messenger” application, or post status and video updates or comments on the
9 page of a Facebook account or video.
10

11 216. Is it not necessary to view the “Terms of Service” or other policies or conditions of
12 Facebook’s Services to proceed with registration.

13 217. Facebook’s platform can be used to post and distribute content and videos publicly,
14 or privacy settings are available to enable users to communicate, share, or distribute videos or
15 messages privately.
16

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

20 219. Facebook generally provides its platform and services to registered users free of
21 charge.
22

23 **G. ISIS and Facebook**

24 220. On January 10, 2012, CBC News Released an article stating that Facebook is
25 being used by terrorist organizations for recruitment and to gather military and political
26 intelligence. "Many users don't even bother finding out who they are confirming as 'friend' and
27 to whom they are providing access to a large amount of information on their personal life. The
28

1 terrorists themselves, in parallel, are able to create false profiles that enable them to get into
2 highly visible groups," he said.²¹

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

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

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

12 224. On October 28, 2015, at the Radicalization: Social Media And The Rise Of
13 Terrorism hearing, it was reported that Zale Thompson, who attacked four New York City Police
14 Officers with an axe, posted on Facebook "Which is better, to sit around and do nothing or to
15 wage jihad."²⁵

16 225. At this same hearing, it was also reported that in September 2014 "Alton Nolen, a
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19

20 21 <http://www.cbc.ca/news/technology/terrorist-groups-recruiting-through-social-media-1.1131053>

21 22 <https://www.washingtonpost.com/posteverything/wp/2014/07/10/farrow-why-arent-youtube-facebook-and-Twitter-doing-more-to-stop-terrorists-from-inciting-violence/>

22 23 <http://www.washingtontimes.com/news/2014/jun/16/husain-facebook-refuses-take-down-isis-terror-grou/>

23 24 <http://www.adl.org/combatting-hate/international-extremism-terrorism/c/isis-islamic-state-social-media.html?referrer=https://www.google.com/#.Vzs0xfkrIdU>

24 25 <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Purdy-TRC-Testimony.pdf>

1 convert to Islam and ex-convict who had just been fired from his job at a food processing plant,
2 entered his former workplace and beheaded an employee with a knife. This attack combines
3 elements of workplace violence and terrorism. Nolen had been a voracious consumer of IS
4 propaganda, a fact reflected on his Facebook page.”²⁶

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

12 227. On December 4, 2015, The Counter Extremism Project released a statement that
13 “Today’s news that one of the shooters in the San Bernardino attack that killed 14 innocent
14 people pledged allegiance to ISIS in a Facebook posting demonstrates once again that the threat
15 of ISIS and violent Islamist extremist ideology knows no borders.”²⁸

17 228. On April 8, 2016, the Mirror reported that “Jihadi fighters in the Middle East are
18 using Facebook to buy and sell heavy duty weaponry” and that “Fighters in ISIS-linked regions
19 in Libya are creating secret arms bazaars and hosting them on the massive social network.
20 Because of Facebook's ability to create groups and to send secure payments through its
21

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

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

25 ²⁸ http://www.counterextremism.com/press/counter-extremism-project-releases-statement-news-san-bernardino-shooter-pledged-allegiance?utm_content=buffer38967&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer#sthash.iJhU3bF.dpuf

1 Messenger application, it works as the perfect platform for illegal deals.”²⁹

2
3 **H. Google’s Services**

4 229. Google provides sophisticated yet easy-to-use online products and services
5 (collectively, “Services”), including the online video platform known as “YouTube.”

6 230. Google’s Services include the use of Google’s computer infrastructure, network,
7 applications, tools and features, communications services, and more.

8
9 231. Certain uses or features of Google’s Services are only available to its registered
10 users, who register and establish an account with Google by inputting identifying information and
11 clicking on a “sign up” button.

12 232. For example, only registered users may establish a YouTube “channel,” post videos
13 on Google’s YouTube platform, or post comments on the page of a YouTube channel or video.

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

16
17 234. Google’s YouTube platform can be used to post and distribute videos publicly, or
18 privacy settings are available to enable users to communicate, share, or distribute videos or
19 messages privately.

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

22 236. Google generally provides its YouTube platform and services to registered users
23 free of charge.

24
25 **I. ISIS and YouTube**

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

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

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

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



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11
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16 *Figure 15 Al-Furqam Logo*

17 240. In a press release announcing *Al-Furqan* Media, ISIS stated: “This Institute is a
18 milestone on the path of Jihad; a distinguished media that takes the great care in the management
19 of the conflict with the Crusaders [Western nations] and their tails [sic] and to expose the lies in
20 the Crusaders’ media.”³⁰

21 241. Following a raid on one of ISIS’s *al-Furqan* Media offices in Samarra, Iraq in June
22 2007, Brigadier General Kevin Bergner, a spokesman for the Multinational Forces Iraq, described
23 the extensive scope of the office’s operations as follows:

24
25
26 ³⁰ See Bill Roggio, “US targets al Qaeda’s al Furqan media wing in Iraq,” *The Long War*
27 *Journal* (Oct. 28, 2007), http://www.longwarjournal.org/archives/2007/10/us_targets_al_qaedas.php.

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

4 . . .
5 The building contained 65 hard drives, 18 thumb drives, over 500 CDs and
6 12 stand-alone computers . . . In all, this media center had the capacity of
7 reproducing 156 CDs in an eight-hour period and had a fully functioning
8 film studio.

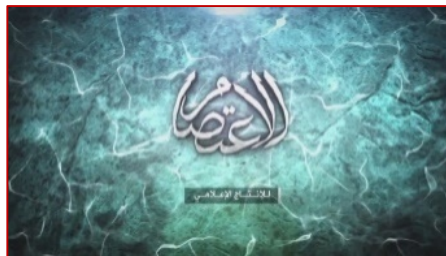
9 . . .
10 [U.S. forces also found] a sampling of other propaganda documents: a
11 letter that gives instructions on how to use the media to get out the al
12 Qaeda [in Iraq/ISI] message most effectively; an al Qaeda [in Iraq/ISI]
13 activity report highlighting car bomb, suicide, missile, mortar, sniping and
14 IED [improvised explosive device] attacks; a propaganda poster that
15 encourages filming and distributing videos, showing al Qaeda [in Iraq/ISI]
16 attacks on coalition forces; and a pamphlet and a CD cover of their sniper
17 school.”³¹

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

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

22 244. In March 2013, ISI announced the formation of a second ISI media production arm
23 known as “*al-I’tisam* Media Foundation” (“*al-I’tisam* Media”), in addition to its already well-
24 established *al-Furqan* Media.

25 245. *Al-I’tisam* Media’s logo appears as follows:



26 *Figure 16 Al-I’tisam Media’s logo*

27 ³¹ *Id.*



Figure 18 Al-Hayat Media's Logo

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

252. Amb. Alberto Fernandez, Vice-President of the Middle East Media Research Institute (“MEMRI”) and former Coordinator for Strategic Counter-Terrorism Communications at the U.S. Department of State, has called ISIS’s media materials, “the gold standard for propaganda in terms of its quality and quantity.”³²

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

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

³² Dr. Erin Marie Saltman & Charlie Winter, “Islamic State: The Changing Face of Modern Jihadism,” Quilliam (Nov. 2014), <https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/islamic-state-the-changing-face-of-modern-jihadism.pdf>.

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

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



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13 *Figure 19 ISIS Graphic Promoting Abu Gharib Video*

14 257. In contrast to the days before the development of YouTube, when al-Zarqawi was
15 limited to releasing short, low-quality videos, on websites that could only handle limited traffic,
16 Google’s YouTube platform and services provide ISIS with the ability to produce and disseminate
17 professional-quality feature films of any length to an unlimited audience.

18
19 258. For example, on March 17, 2014, ISIS’s *al-I’tisam* Media used YouTube to release
20 an hour-long highly-graphic video titled, “The Clanging of the Swords 4,” produced by ISIS’s *al-*
21 *Furqan* Media.

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

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

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

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

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

15 271. For example, in June 2014, ISIS’s *al-Hayat* Media used YouTube to launch and
16 propagate a series of videos called the “MujaTweets,” claiming to show “snippets of day-to-day
17 life in the ‘Islamic State’” to portray life under ISIS as peaceful and normal.

18 272. The Huffington Post described the quality of ISIS’s propaganda videos as
19 follows:³⁴

20 When it comes to producing recruitment and propaganda
21 videos...unaffiliated supporters leave room to a much smaller group of
22 official ISIS members. This mainly consists of professional filmmakers

23 34 Alessandro Bonzio, “ISIS’ Use of Social Media Is Not Surprising; Its Sophisticated Digital
24 Strategy Is,” The Huffington Post (Nov. 14, 2014), [http://www.huffingtonpost.co.uk/alessandro
25 bonzio/isisuseofsocialmedia_b_5818720.html](http://www.huffingtonpost.co.uk/alessandro-bonzio/isisuseofsocialmedia_b_5818720.html).

1 working directly for the Islamic State. Their use of high definition video
2 cameras, slick graphics and refined editing techniques has elevated the
3 quality of the videos produced to Hollywood standards. One series of
4 video clips called Mujatweets, released by ISIS' media arm on YouTube,
5 portrays a number of ISIS militants as they engage in noble activities such
6 as visiting an injured fighter at the hospital or distributing candies to some
7 children. Episodes are filmed in HD, contain sophisticated graphics and
8 logos, and include English subtitles—a sign of how the message is
9 explicitly intended for second generation immigrants, especially the
10 young.

11 273. In September 2014, ISIS used YouTube to release an animated recruitment video
12 set to the entrancing sounds of ISIS's militant Islamist *nasheed* chant and titled "Grand Theft
13 Auto: *Salil al-Sawarem* ['Clanging of the Swords']," ostensibly announcing the release of an ISIS
14 video game modeled after a famous PlayStation interactive video game titled "Grand Theft Auto"
15 that sold 27.5 million copies.

16 274. The following are screen clips from the ISIS YouTube video "Grand Theft Auto:
17 *Salil al-Sawarem*:



21 *Figure 20 ISIS YouTube video "Grand Theft Auto: Salil al-Sawarem"*



26 *Figure 21 ISIS YouTube video "Grand Theft Auto: Salil al-Sawarem"*

1 policies of governments, and to affect the policy of governments through kidnapping,
2 assassination, and mass destruction.

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

7
8 283. ISIS has used YouTube to exaggerate its expansion territorially by disseminating
9 videos with maps showing areas ISIS claims to control as well as other regions where other groups
10 have allegedly pledged allegiance to ISIS.

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

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

15
16 286. ISIS regularly records the executions of large groups of local prisoners in order to
17 intimidate and demoralize its opposition, and then uses YouTube to make these videos, mixed and
18 produced with drama and set to music, “go viral” on the internet and into the mainstream media.

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

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

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25 289. The following are screen clips from the August 19, 2014 video:
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Figure 22 Clip from “A Message to America”



Figure 23 Clip from “A Message to America”

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

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

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



Figure 24 Clip from “A Second Message to America”



Figure 25 Clip from “A Second Message to America”

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

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



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

295. On October 3, 2014, ISIS used YouTube to post a video titled “Another Message to America and its Allies,” showing the beheading of Alan Henning, a British aid worker, and threatening to murder American Peter Kassig.

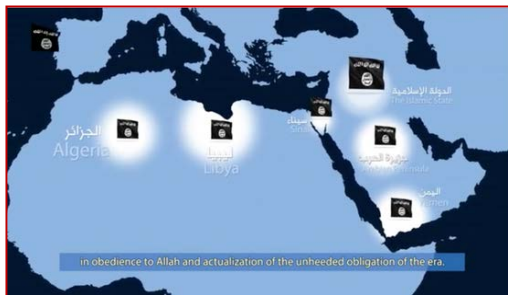
296. The following is a screen clip from the October 3, 2014 video:



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

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

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



12
13 *Figure 28 Clip from “Although the Disbelievers Will Not Like It”*



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

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

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

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



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

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

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

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

304. In the final minute of the video, the scene changes to “Jihadi John” standing alone by another severed head on the ground, which he says is that of American Peter Kassig, as the terrorist announces another threat to America and its allies.

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

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



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

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

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



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

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

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

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

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

1 344. Martyrdom videos, shared via Defendants’ websites, are tools of propaganda
2 frequently used by ISIS. These videos are used as psychological weapons in ISIS’s attempt to
3 establish validity for their actions, inspire fear in their enemies, or spread their ideology for
4 political or religious ambitions.⁴²

5 345. In the video, Masharipov said he was going to carry out a suicide attack in the
6 name of the Islamic State. He asks his children to behave well, to not upset their mother after he is
7 gone, and he additionally requests that his son grows up to be a suicide bomber just like him.⁴³

8 346. In the safe house where Masharipov was apprehended, police recovered a voice
9 message from an emir in Raqqa, who gave Masharipov his farewells and guaranteed him that his
10 family was going to be well-taken care of, asking not to worry about his family under any
11 circumstances.
12

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

14 347. In September 2014, ISIS used YouTube to post an audio message from ISIS
15 spokesman Abu Muhammad al-Adnani titled “Verily Your Lord is Ever Watchful,” in which he
16 urged ISIS supporters worldwide to perform terrorist attacks against countries that participated in
17 fighting against ISIS, and in particular, against the United States, France, and other European
18 nations.
19

20 348. The following are translated excerpts from al-Adnani’s September 2014 message:

21 “[To the U.S. and its allies:] We promise you that this campaign will be
22 your last and it will collapse and fail, just as all your other campaigns
23 collapsed. But this time, when the war ends we will be the ones to invade
24 your countries, whereas you will no longer invade [ours]. We will invade
your Rome, break your Cross and enslave your women, with Allah’s help.

25
26 ⁴² <http://floodhelp.uno.edu/uploads/Content%20Analysis/Salem.pdf>

27 ⁴³ <https://ctc.usma.edu/posts/the-reina-nightclub-attack-and-the-islamic-state-threat-to-turkey>

1 This is His promise and he will not break it until it is realized. And if we
2 do not achieve this, our sons or grandsons will, and they will sell your
sons and grandsons as slaves.

3 . . .

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

11 . . .

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

1 serious matter you face, for the Islamic faith is predicated upon the
2 principle of loyalty to Muslims and hostility toward infidels.”⁴⁴

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

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

8 351. The following are screen clips from ISIS’s “Message of the Mujahid 3” video:
9



15 *Figure 33 Clips from “Message of the Mujahid 3”*

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

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

21 ...

22 You have so many murders and killings as did our dear brother Mohamed Merah.
23 You were afraid of a brother, there will be thousands in the future.

24 ...

25 This is a message to all Muslims of France. Enjoy and see what happens in the
26 world. They gathered against us. Why, because we are defending Islam and
27 because we want to apply the law of Allah. . . . You say that we’re the criminals.

28 ⁴⁴ See “Responding To U.S.-Led Campaign, IS Spokesman Calls To Kill Westerners, Including Civilians, By Any Means Possible,” The Middle East Research Institute (MEMRI) (Sept. 22, 2014), http://www.memrijtm.org/content/view_print/blog/7825.

1 But they're the cowards who drop bombs in their sky. We will take revenge for all
2 the brothers and all the civilians who were killed.

3 ...
4 You will not be safe anywhere in France or in other countries. We will make
5 appeals to all brothers who live in France to kill any civilian. You will never be
6 safe. All murders you committed, you will regret it."

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

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

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

15 356. Officials reported that the Verviers Plot had included a planned beheading of a
16 police officer that was to be filmed.

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

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

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

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

5 The disbeliever states have understood the consequences of the return of
6 the Caliphate: the end of the domination by the Jews, the Crusaders and
7 their allies. Every sincere Muslim must migrate to one of the regions of
8 the Islamic State, the land of Islam, and leave the land of disbelief led by
9 the worst *tawaghit* [tyrants] of this world, who constantly war against our
10 community. The time has come for the believers to go forth, to recover the
11 land, and not to let these tyrants rest for one second. . . . France needs to
mourn its dead as we mourn our own; may they see the blood of their own
people flow like we see that of our own.

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

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

16 363. During his interrogation on August 13, 2015, Hame told the police that in June
17 2015 ISIS had given Hame hands-on training in a park in Raqqa on the use of Kalashnikov assault
18 rifles and grenades.

19 364. Asked by police whether he was aware of any pending attacks, Hame replied: “All
20 I can tell you is that it’s going to happen soon. It’s a veritable factory over there – they are really
21 looking to hit France or Europe.”⁴⁵

22
23
24 **D. The Reina Attack**

25
26
27 ⁴⁵ *Id.*

1 365. The original target of Masharipov’s terror attack, chosen by ISIS leadership, was
2 Taksim Square in Istanbul, where a large public gathering was expected to welcome in the new
3 year.⁴⁶

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



19
20

Figure 34 Masharipov Selfie

21 367. When Masharipov arrived at the square around midnight, he aborted the attack due
22 to “intense security measures.”⁴⁷

23
24 _____
25 ⁴⁶<http://www.hurriyetdailynews.com/istanbul-nightclub-attacker-says-original-target-was-taksim.aspx?pageID=238&nID=108659&NewsCatID=509>

26
27 ⁴⁷ *Id.*

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

4 369. ISIS leaders sent Masharipov footage from inside the nightclub, which Masharipov
5 viewed “over and over” to memorize the floor plan of the nightclub and plan his attack.⁴⁸

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

8 371. Masharipov subsequently told investigators, “I entered Reina to die.”⁴⁹

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

11 373. Masharipov continued shooting as he entered the Reina nightclub, firing upwards
12 of 120 rounds into the crowd of more than 700 people celebrating the New Year.⁵⁰

13 374. Witnesses described Masharipov’s demeanor as calm and calculated. Numerous
14 reports referenced his training, utilizing flash grenades as he calmly reloaded to disorient
15 victims.⁵¹

16 375. During the seven minute attack, Masharipov killed 39 people, injuring an additional
17 69.⁵²

18
19
20
21 ⁴⁸<http://www.hurriyetdailynews.com/isil-militants-in-raqqa-sent-footage-from-inside-nightclub-attacked-by-masharipov.aspx?PageID=238&NID=108718&NewsCatID=509>

22 ⁴⁹ <https://ctc.usma.edu/posts/the-reina-nightclub-attack-and-the-islamic-state-threat-to-turkey>

23 ⁵⁰ <https://www.thesun.co.uk/news/2561888/police-say-they-have-identified-the-man-accused-of-shooting-dead-39-people-in-istanbul-nightclub-terror-attack/>

24 ⁵¹ *Id.*

25 ⁵²<http://www.cnn.com/2017/01/04/middleeast/istanbul-shooting-reina-nightclub-scene/index.html>

1 376. Following his terrorist attack, Masharipov changed his clothes in the club's kitchen,
2 facilitating his escape as he blended in with the crowd.⁵³

3 **E. The Aftermath of the Reina Nightclub Attack**

4 377. The day after the terror attack on the Reina nightclub, on January 2, 2017, ISIS
5 issued a statement claiming direct responsibility, describe Masharipov as a "hero soldier of the
6 caliphate."⁵⁴

7 378. Referencing Turkey's role in the conflict in Syria, ISIS's statement read "in
8 continuation of the blessed operations that Islamic State is conducting against the protector of the
9 cross, Turkey, a heroic soldier of the caliphate struck one of the most famous nightclubs where the
10 Christians celebrate their apostate holiday."⁵⁵

11 379. ISIS additionally warned that "the government of Turkey should know that the
12 blood of Muslims, which it is targeting with its planes and its guns, will cause a fire in its home by
13 God's will."⁵⁶

14 380. Following the attacks, there were extensive retaliatory military raids by Turkish
15 forces against ISIS targets in Syria.⁵⁷

16 381. For over two weeks, Masharipov evaded arrest, utilizing ISIS connections and safe
17 houses.
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22 ⁵³ <http://www.washingtontimes.com/news/2017/jan/16/istanbul-turkey-nightclub-attacker-arrested-report/>

23 ⁵⁴ <https://www.nytimes.com/2017/01/02/world/europe/istanbul-nightclub-attack.html>

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

25 ⁵⁶ Id.

26 ⁵⁷ <http://www.independent.co.uk/news/world/europe/istanbul-nightclub-attack-isis-claim-responsibility-new-years-eve-shooting-reina-a7505151.html>

1 382. On January 16, 2017, Masharipov was arrested in the Esenyurt district of Istanbul.
2 Firearms, ammunition, two drones, and about \$200,000 were found in the apartment.⁵⁸

3 383. On April 6, 2017, American troops killed Abdurakhom Uzbeki, a militant who was
4 a “close associate” of ISIS’s leader and who helped plot the deadly attack on the Reina
5 nightclub.⁵⁹

6 384. Colonel John Thomas, a spokesman for the military’s central command, explained
7 that Uzbeki “facilitated the movement of ISIS foreign terror fighters and funds.”⁶⁰

8
9 **V. NAWRAS ALASSAF**

10 385. On New Year’s Eve 2016, Nawras Alassaf (“Alassaf”) was in Istanbul with his
11 wife to celebrate the New Year. Alassaf lived in Jordan and owned a lounge and bar. He was a
12 father of three young boys and the brother-in-law of Jordan’s water and irrigation minister.

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25 ⁵⁸ <http://www.bbc.com/news/world-europe-38648350>

26 ⁵⁹ <https://www.nytimes.com/2017/04/21/world/middleeast/isis-abdurakhmon-uzbeki-syria-special-operations.html>

27 ⁶⁰ *Id.*



Figure 35 Nawras Alassaf

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386. Described by his friends and family as “kind” and “generous”, Alassaf was murdered in the Reina attack shortly after midnight on January 1, 2017, along with 38 others. Alassaf’s wife was also critically injured in the attack and remains hospitalized to this day.

387. Plaintiffs, Alassaf’s brother, nieces, and nephew were devastated by the loss of their beloved brother/uncle. They suffered and will continue to suffer, severe psychological and emotional harm, as well as loss of consortium as a result of the terrorist attack that killed Nawras Alassaf. Furthermore, Alassaf provided substantial financial support to Plaintiffs.

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



Figure 36 Scene from Funeral of Nawras Alassaf

VI. DEFENDANT'S CONDUCT

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

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

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

- <https://business.Twitter.com/en/targeting.html>,
- <https://www.facebook.com/business/a/online-sales/ad-targeting-details>,
- <https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pdfs/targeting-onesheet-en.pdf>.

391. By specifically targeting advertisements based on viewers and content, Defendants are no longer simply passing through the content of third parties. Defendants are themselves creating content because Defendants exercise control over what advertisement to match with an ISIS posting. Furthermore, Defendants' profits are enhanced by charging

1 advertisers extra for targeting advertisements at viewers based upon knowledge of the viewer
2 and the content being viewed.

3
4 **B. Defendants Knowingly Provided Material Support and Resources to**
5 **Terrorists, Including ISIS and its Supporters**

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

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

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

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

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

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

21 398. ISIS's news and media organizations have operated accounts across each of
22 Defendants' platforms, often including separate accounts for Arabic, French, English and other
23 languages.
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1 399. Through Defendants’ services, Defendants make potential ISIS recruits, ISIS
2 members, and ISIS leaders, available to other ISIS operatives, thus providing personnel to ISIS
3 itself.

4 400. Prior to the Reina Attack, Defendants refused to actively monitor its online social
5 media networks, including Facebook, Twitter, and YouTube, to block ISIS’s use of Defendants’
6 Services. Instead, Defendants knowingly permitted ISIS and ISIS’s members and affiliates to use
7 Defendants’ platforms and other services, and generally only reviewed ISIS’s use of its Services in
8 response to third party complaints.
9

10 401. Even when Defendants have received complaints about ISIS’s use of their
11 platforms and other services, despite knowing that ISIS is a designated FTO and that ISIS has
12 engaged in terrorist activity, Defendants have at various times determined that ISIS’s use of its
13 Services did not violate Defendants’ policies and permitted ISIS-affiliated accounts to remain
14 active, or removed only a portion of the content posted on an ISIS-related account and permitted
15 the account to remain active.
16

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

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

21 404. In 2008, a member of a prominent *jihadi* website forum began to call on Islamist
22 terrorists to begin using Facebook as a tool for terrorism; in making the case for Facebook, the
23 member argued: “We have already had great success in raiding YouTube.”⁶¹
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26 ⁶¹ Will McCants, “Invading Facebook: Theory and Practice,” Jihadica.com (Dec. 17, 2008),
27 <http://www.jihadica.com/invading-facebook-theory-and-practice/>.

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

5 406. On February 26, 2013, members of the Home Affairs Committee of the U.K. House
6 of Commons questioned Google/YouTube executive Sarah Hunter about *jihadi* terrorists’ use of
7 YouTube to promote terrorism, and particularly focused on *al-Qaeda* leader Anwar Al-Awlaki,
8 whose video speeches (known to have inspired multiple terrorist attacks in the West) proliferate on
9 YouTube.
10

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

14 408. Rather, the Google representative testified that Google only reviews a video posted
15 on YouTube if it receives a complaint from a YouTube user, and then Google will decide whether
16 to block or remove the video if a Google reviewer determines that it violates Google’s own
17 content policies.
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19 409. The media has widely reported on terrorists’ use of YouTube and Google’s refusal
20 to take any meaningful action to stop it.
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1 421. Google derives revenue from ads placed on YouTube, including the ads placed
2 before ISIS videos posted on YouTube.

3 422. Google does not place ads on YouTube randomly; rather, they are targeted to the
4 viewer using based upon algorithms that analyze and use data about the ads, the user, and the
5 video posted.⁷⁰

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

10 424. Moreover, Google’s revenue is enhanced by charging advertisers extra for placing
11 targeted advertisements.

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

14 426. In order for ads to appear associated with a YouTube video, the poster must create
15 a Google “AdSense” account and register the account for “monetization.”

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

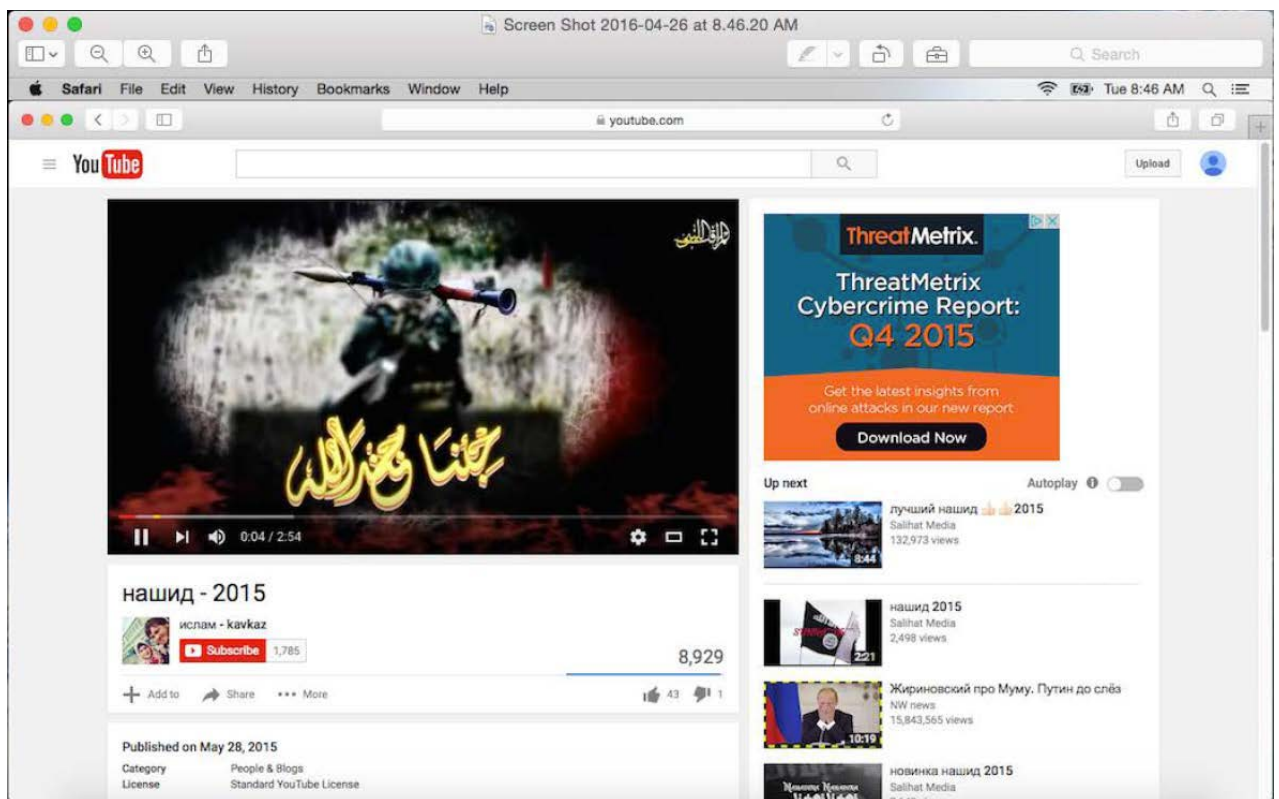
18 428. Google represents that videos must meet Google’s policies and terms before they
19 will be approved for ads.

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26 ⁷⁰ See Google’s description of targeted ads on YouTube at: <https://static.googleusercontent.com/media/www.youtube.com/en/yt/advertise/medias/pdfs/targeting-onesheet-en.pdf>.

1 429. Upon information and belief, Google has reviewed and approved ISIS videos,
2 including videos posted by ISIS-affiliated users, for “monetization” through Google’s placement
3 of ads in connection with those videos.

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

7 431. The following is a screen shot example of Google placing targeted ads in
8 conjunction with an ISIS video on YouTube:
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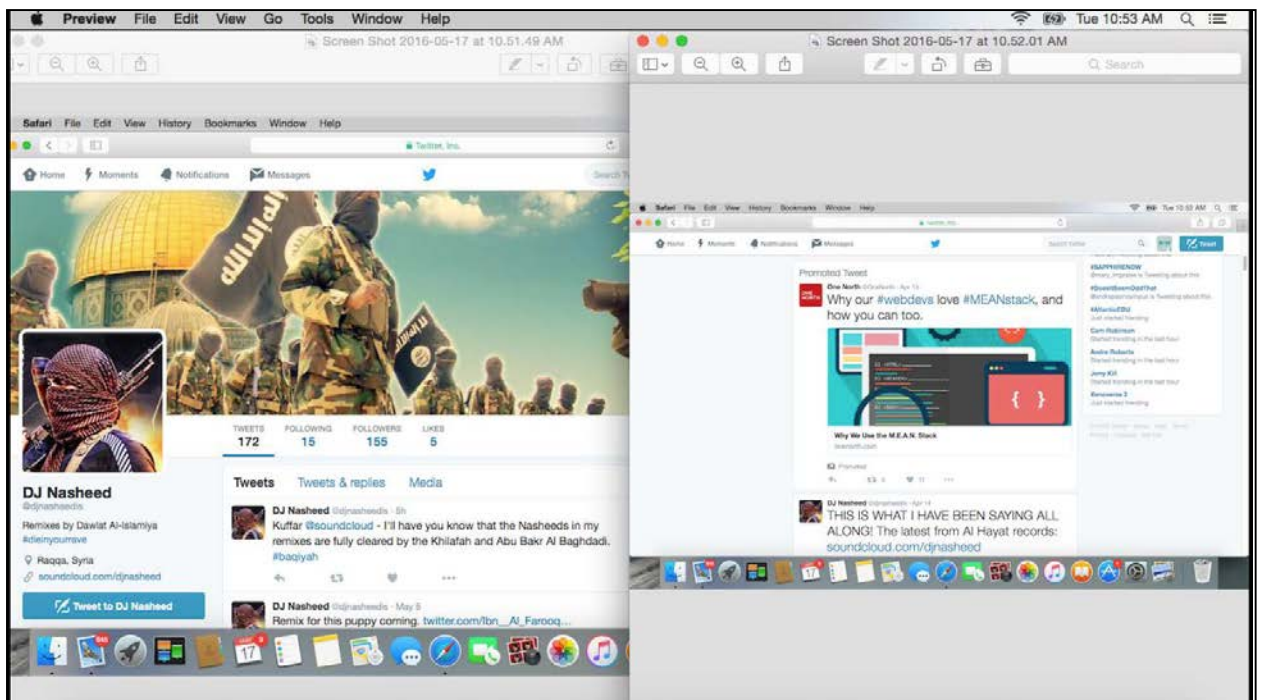
23 *Figure 37 Screenshot Example of Ads on YouTube*

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

27 433. Because ads appear on the above video posted by ISIS, this means that Google

1 specifically approved the video for monetization, Google earned revenue from each view of this
2 video, and Google shared the revenue with ISIS. As a result, Google provides material support
3 to ISIS.

4 434. Twitter also profits from material posted by ISIS by routinely placing ads. For
5 example, a view of the account of “DJ Nasheed” on May 17, 2016, shows that Twitter placed an
6 ad for OneNorth for their “M.E.A.N. Stack” offering. As such, Twitter provides material
7 support to ISIS and is compensated for the effort.
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Figure 38 ISIS post on Twitter with ad placed by Twitter

20 435. Facebook also profits from ISIS postings. On May 31, 2016, the following
21 screenshot was collected:
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Figure 39 ISIS post on Facebook with add placed by Facebook

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

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

C. Defendants Are Information Content Providers

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

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

5 440. Although Defendants have not created the posting, nor have they created the
6 advertisement, Defendants have created new unique content by choosing which advertisement to
7 combine with the posting with knowledge about the viewer.
8

9 441. Thus, Defendants' active involvement in combining certain advertisements with
10 certain postings for specific viewers means that Defendants are not simply passing along content
11 created by third parties; rather, Defendants have incorporated ISIS postings along with
12 advertisements matched to the viewer to create new content for which Defendants earn revenue,
13 and thus providing material support to ISIS.
14

15 **D. Defendants' Platforms and Other Services are Unique**

16 442. Defendants' platforms and other services are provided to users via Defendants'
17 unique computer architecture.

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

22 444. The posted content also appears on Twitter's "Timeline," Facebook's "Newsfeed,"
23 or the YouTube user's YouTube channel page, and is available via Twitter, Facebook, or
24 YouTube's platforms and search engines on the Internet, depending upon the user's privacy
25 settings.
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1 445. The video and other information that is input by a Twitter, Facebook, or YouTube
2 user into Twitter, Facebook, or YouTube is also stored on Defendants' computer equipment as
3 well as on Defendants' backup storage equipment.

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

6 447. Defendants enable users to connect and communicate with "followers," "friends,"
7 "subscribers," or with others via posts that can be in the form of a short message, a photo with a
8 caption, sharing a web link or a news article from another website, or linking to other social media
9 platforms.
10

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

13 449. Defendants use computer algorithms to match content, videos, and accounts with
14 similarities, so that similar Twitter, Facebook, or YouTube content, videos and accounts are
15 suggested to a user or viewer when viewing a Twitter, Facebook, or YouTube account; in this
16 way, users are able to locate other videos and accounts related to ISIS even if they do not know the
17 correct identifier or if the original Twitter, Facebook, or YouTube account has been replaced by a
18 new identifier.
19

20 450. Effectively, Defendants serve as a broker or matchmaker between like-minded
21 people, introducing users to other users and videos that they will be interested in based on the
22 video and account information and characteristics; these types of suggestions appear on the side
23 margin of the user's Twitter, Facebook, or YouTube page, and in the case of YouTube, even
24 automatically load and play when a selected video ends.
25

26 451. By providing Twitter, Facebook, and Google's YouTube platforms and other
27 services to ISIS, Defendants are providing to ISIS use of unique computer architecture, computer
28

1 servers, storage and communication equipment, highly-developed and sophisticated algorithms,
2 and services that facilitate ISIS's ability to reach and engage audiences it could not otherwise
3 reach as effectively.

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

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

8
9 453. Defendants have tools by which it can identify, flag, review, and remove ISIS
10 accounts.

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

15
16 455. On June 20, 2014, Twitter founder Biz Stone, responding to media questions about
17 ISIS's use of Twitter to publicize its acts of terrorism, said, "[i]f you want to create a platform that
18 allows for the freedom of expression for hundreds of millions of people around the world, you
19 really have to take the good with the bad."

20 456. In September 2014, Twitter spokesperson Nu Wexler reiterated Twitter's hands-
21 off approach, telling the press, "Twitter users around the world send approximately 500 million
22 tweets each day, and we do not monitor them proactively." "The Twitter Rules" reiterated that
23 Twitter "do[es] not actively monitor and will not censor user content, except in exceptional
24 circumstances." In February 2015, Twitter confirmed that it does not proactively monitor content
25 and that it reviews only that content which is reported by other users as violating its rules.
26
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1 457. Most technology experts agree that Defendants could and should be doing more to
2 stop ISIS from using its social network. “When Twitter says, ‘We can’t do this,’ I don’t believe
3 that,” said Hany Farid, chairman of the computer science department at Dartmouth College. Mr.
4 Farid, who co-developed a child pornography tracking system with Microsoft, says that the same
5 technology could be applied to terror content, so long as companies were motivated to do so.
6 “There’s no fundamental technology or engineering limitation,” he said. “This is a business or
7 policy decision. Unless the companies have decided that they just can’t be bothered.”
8

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

12 459. Even when Defendants shut down an ISIS-linked account, they do nothing to stop
13 it from springing right back up. According to the New York Times, the Twitter account of the pro-
14 ISIS group Asawitiri Media has had 335 accounts. When its account @TurMedia333 was shut
15 down, it started @TurMedia334. When that was shut down, it started @TurMedia335. This
16 “naming convention — adding one digit to a new account after the last one is suspended — does
17 not seem as if it would require artificial intelligence to spot.” Each of these accounts also used the
18 same user photograph of a bearded man’s face over and over again. In the hours after the shooting
19 attack in San Bernardino, California on December 2, 2015, @TurMedia335 tweeted: “California,
20 we have already arrived with our soldiers. Decide how to be your end, with knife or bomb.”
21

22 460. Using this simplistic naming scheme is critical to ISIS’s use of social media.
23 Without a common prefix, it would be difficult for followers of ISIS accounts to know the new
24 name of the account.
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1 461. Because of the simplistic renaming scheme, Defendants could easily detect names
2 that are likely to be replacement accounts and delete them almost as soon as they are created. Yet
3 Defendants have failed to implement such a basic account detection methodology.

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

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

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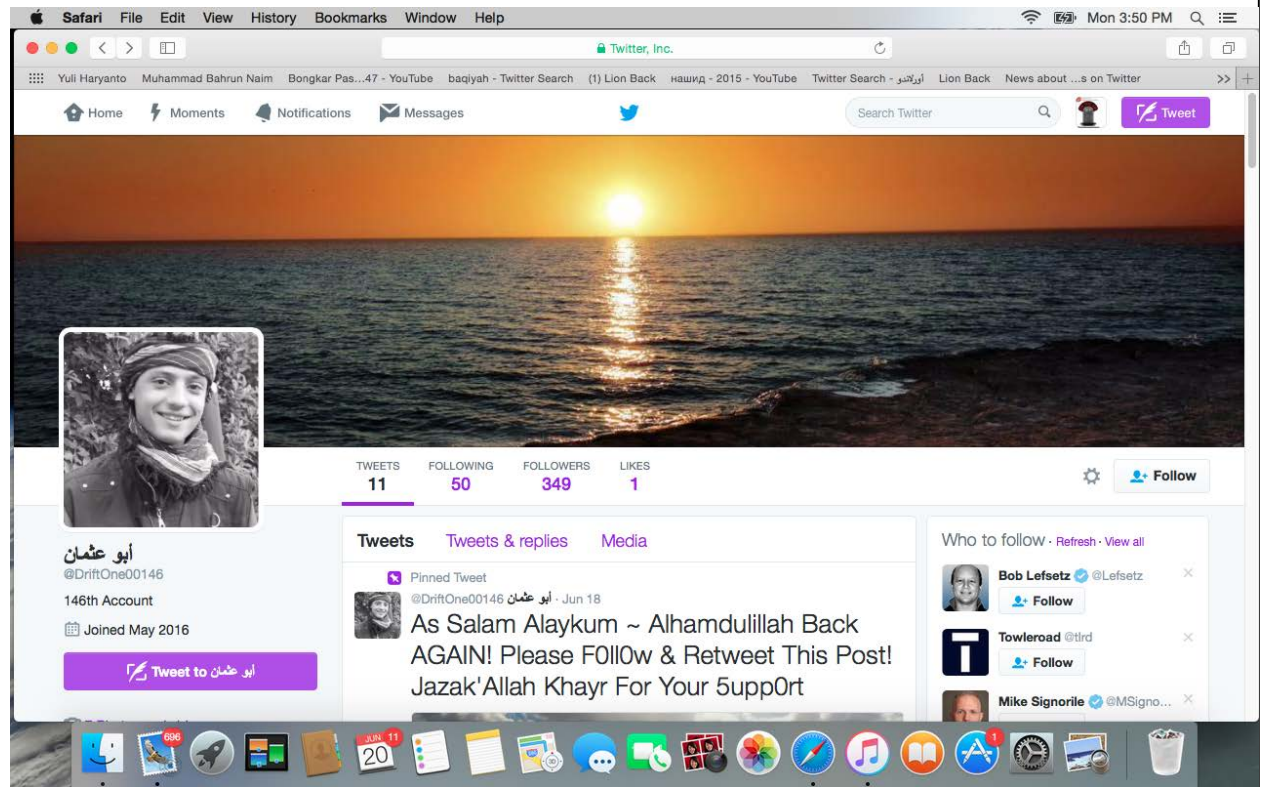


Figure 40: DriftOne00146 posting 06/20/2016

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

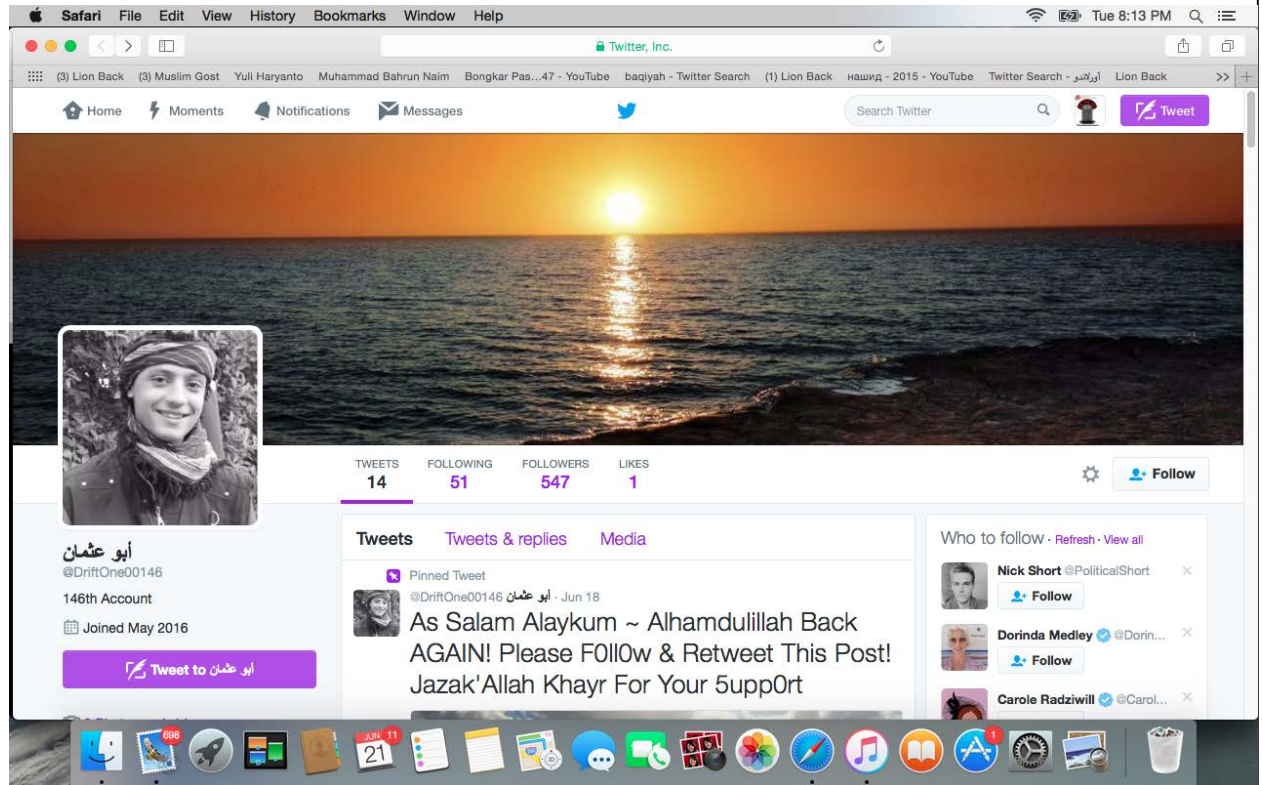


Figure 41: DriftOne00146 posting June 21, 2016

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

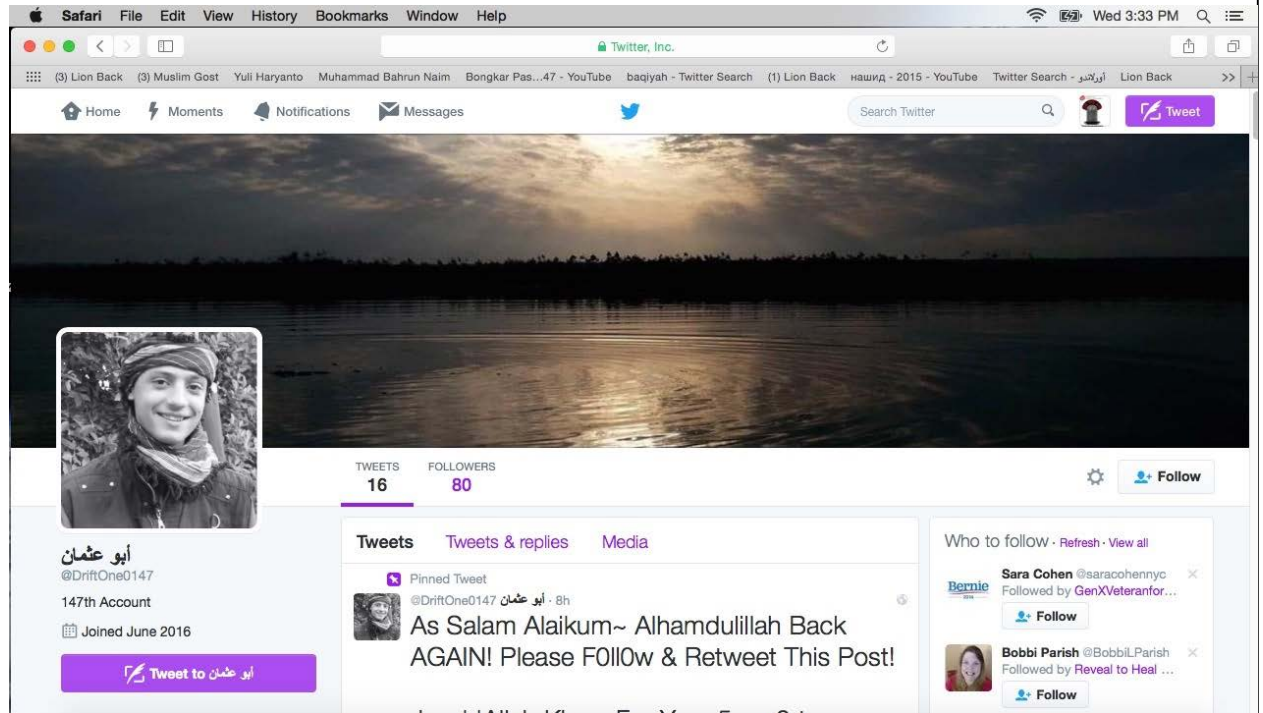


Figure 42: DriftOne0147 posting June 22, 2016

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

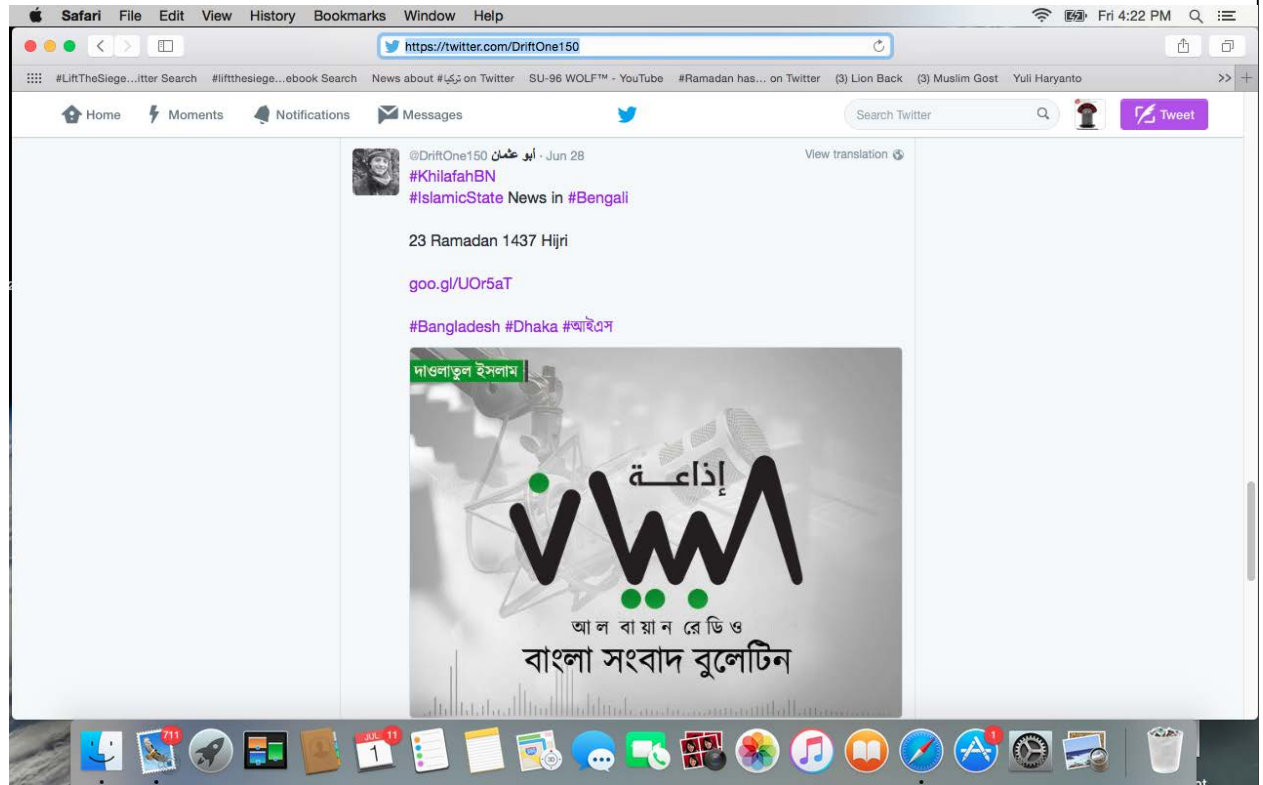


Figure 43: DriftOne150 posting June 28, 2016

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

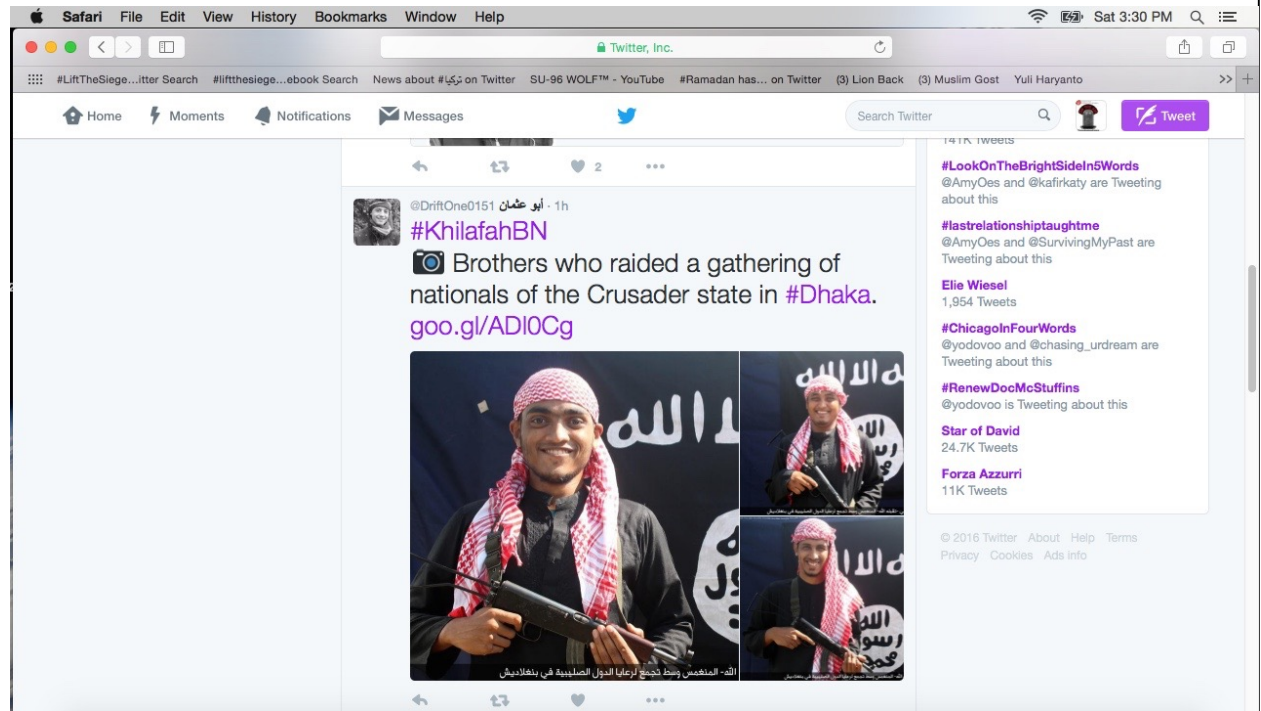


Figure 44: DriftOne0151 posting July 2, 2016

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

470. Prohibiting this conduct would be simple for Defendants to implement and not impinge upon the utility of Defendants sites. There is no legitimate purpose for allowing the use of fixed prefix/incremental numerical suffix names. Preventing the use of these names once a

1 similarly named account would not place a significant burden on Defendants to implement nor
2 would it place any “chilling” effect on the use of Defendants’ sites.

3 471. Sending out large numbers of requests to connect with friends/followers from a
4 newly created account is also suspicious activity. As shown in the “DriftOne” example above, it
5 is clear that this individual must be keeping track of those previously connected. When an
6 account is taken down and then re-established, the individual then uses an automated method to
7 send out requests to all those members previously connected. Thus, accounts for ISIS and others
8 can quickly reconstitute after being deleted. Such activity is suspicious on its face.
9

10 472. Clearly, it is not normal activity for a newly created account to send out large
11 numbers of requests for friends and followers immediately after creation. It is further unusual
12 for those connections requests to be accepted in a very short period of time. As such, this
13 activity would be easy to detect and could be prohibited by Defendants in a content-neutral
14 manner as the content is never considered; only the conduct.
15

16 473. Furthermore, limiting the rapidity with which a newly created account can send
17 requests to friends/followers would not place a significant burden on Defendants to implement.
18 Once again, such activity is suspicious and suggestive of reconstitution of an account which was
19 deleted by Defendants. In addition, Defendants could easily track that a newly created account
20 similarly named to one previously taken down is sending out large numbers of requests in a very
21 short period of time.
22

23 474. Because the suspicious activity used by ISIS and other nefarious organizations
24 engaged in illegal activities is easily detectable and preventable and that Defendants are fully
25 aware that these organizations are using their networks to engage in illegal activity demonstrates
26 that Defendants are acting knowingly and recklessly allowing such illegal conduct. ISIS is
27 dependent on using social media to conduct its terrorist operations. Limiting ISIS’s ability to
28

1 rapidly connect and reconnect to supports Thus, Defendants knowing and reckless conduct
2 provides materials support to ISIS and other nefarious organizations.

3 475. Notably, while Twitter has now put in place a rule that supposedly prohibits
4 “threats of violence . . . including threatening or promoting terrorism,” many ISIS-themed
5 accounts are still easily found on Twitter.com. To this day, Twitter also permits groups
6 designated by the U.S. government as Foreign Terrorist Organizations to maintain official
7 accounts, including Hamas (@hamasinfo and @HamasInfoEn) and Hizbollah (@almanarnews).
8

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

13 477. Although YouTube proclaims that it deletes accounts of those who run afoul of its
14 policies, YouTube allows these accounts to be quickly regenerated. This account regeneration
15 leaves signatures which could be easily detected by YouTube in a content independent
16 manner. That YouTube allows ISIS to quickly regenerate deleted accounts when this practice
17 could be eliminated or severely limited provides further evidence that YouTube provides material
18 support to ISIS.
19

20 478. In August 2016, after a 12-month inquiry on countering extremism that included
21 testimony from Google and other social media company executives, the U.K. House of Commons’
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1 Home Affairs Committee issued a report titled “Radicalisation: the counter-narrative and
2 identifying the tipping point.” (“U.K. Report”).⁷¹

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

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

6 ...

7 Social media companies are consciously failing to combat the use of their
8 sites to promote terrorism and killings. Networks like Facebook, Twitter
9 and YouTube are the vehicle of choice in spreading propaganda and they
10 have become the recruiting platforms for terrorism. They must accept that
11 the hundreds of millions in revenues generated from billions of people
12 using their products needs to be accompanied by a greater sense of
13 responsibility and ownership for the impact that extremist material on their
14 sites is having. There must be a zero tolerance approach to online
15 extremism, including enticement to join extremist groups or commit
16 attacks of terror and any glorification of such activities... These
17 companies are hiding behind their supranational legal status to pass the
18 parcel of responsibility and refusing to act responsibly in case they
19 damage their brands.”⁷²

14 **VII. The Istanbul Attack Was An Act of International Terrorism**

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

19 481. By radicalizing individuals through social media, this allowed ISIS to exert its
20 influence without the necessity of direct physical contact with these individuals. Furthermore,
21 this allows ISIS to incite or participate in attacks without the necessity of sending its own
22 operatives.
23

24 ⁷¹ Home Affairs Committee, “Radicalisation: the counter-narrative and identifying the tipping
25 point,” House of Commons (Aug. 25, 2016), [http://www.publications.parliament.uk/pa/
26 cm201617/cmselect/cmhaff/135/135.pdf](http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/135/135.pdf).

27 ⁷² *Id.* at 11, 13-14 (original in bold).

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

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

7
8 484. Abdulkadir Masharipov's attack on the Reina nightclub was a violent act causing
9 death and injury and constitutes numerous criminal acts under the laws of the United States.

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

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

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

16
17 488. Abdulkadir Masharipov's terrorist actions were a direct result of ISIS's actions
18 and given that ISIS is an international terrorist organization, Abdulkadir Masharipov's actions
19 were also an act of international terrorism.

20
21 **CLAIMS FOR RELIEF**

22 **FIRST CLAIM FOR RELIEF**

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

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

1 490. Since 2004, ISIS has been and continues to be, a designated foreign terrorist
2 organization under section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

3 491. ISIS has committed, planned, or authorized activities that involved violence or acts
4 dangerous to human life that are a violation of the criminal laws of the United States, or
5 that would be a criminal violation if committed within the jurisdiction of the United States,
6 including *inter alia* the prohibition on killing, attempting to kill, causing serious bodily
7 injury, or attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C.
8 § 2332.
9

10 492. These activities committed, planned, or authorized by ISIS appear to have been,
11 and were intended to: (a) intimidate or coerce the civilian populations of Turkey, the
12 United States, and other countries; (b) influence the policy of the Governments of Turkey,
13 the United States and other countries by intimidation or coercion; or (c) affect the conduct
14 of the Governments of Turkey, the United States and other countries by mass destruction,
15 assassination, or kidnapping.
16

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

20 494. Plaintiffs have been injured in their person by reason of the acts of international
21 terrorism committed, planned, or authorized by ISIS.
22

23 495. At all times relevant to this action, Defendants knew that ISIS was a Foreign
24 Terrorist Organization, that it had engaged in and continued to engage in illegal acts of
25 terrorism, including international terrorism.
26
27
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1 496. Defendants knowingly provided substantial assistance and encouragement to ISIS,
2 and thus aided and abetted ISIS in committing, planning, or authorizing acts of
3 international terrorism, including the acts of international terrorism that injured Plaintiffs.

4 497. By aiding and abetting ISIS in committing, planning, or authorizing acts of
5 international terrorism, including acts that caused each of the Plaintiffs to be injured in his
6 or her person and property, Defendants are liable pursuant to 18 U.S.C. § 2333(a) and (d)
7 for threefold any and all damages that Plaintiffs have sustained as a result of such injuries,
8 and the costs of this suit, including attorney's fees.
9

10
11 **SECOND CLAIM FOR RELIEF**

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

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

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

20 500. Defendants were aware that U.S. federal law prohibited providing material support
21 and resources to, or engaging in transactions with, designated foreign terrorist
22 organizations and other specially designated terrorists.
23

24 501. Defendants thus conspired with ISIS in its illegal provision of Defendants' sites
25 and equipment to promote and carry out ISIS's illegal acts of international terrorism,
26 including the acts that injured Plaintiffs.
27

1 502. By conspiring with ISIS in furtherance of ISIS's committing, planning, or
2 authorizing acts of international terrorism, including acts that caused each of the Plaintiffs
3 to be injured in his or her person and property, Defendants are liable pursuant to 18 U.S.C.
4 § 2333(a) and (d) for threefold any and all damages that Plaintiffs have sustained as a
5 result of such injuries, and the costs of this suit, including attorney's fees.
6

7
8 **THIRD CLAIM FOR RELIEF**

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

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

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

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

20 506. These services, equipment, and personnel constituted material support and
21 resources pursuant to 18 U.S.C. § 2339A, and they facilitated acts of terrorism in violation
22 of 18 U.S.C. § 2332 that caused the death of Nawras Alassaf and injuries to Plaintiffs.

23 507. Defendants provided these services, equipment, and personnel to ISIS, knowing
24 that they were to be used in preparation for, or in carrying out, criminal acts including the
25 acts that injured the Plaintiffs.
26
27

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

4 509. By committing violations of 18 U.S.C. § 2339A that have caused the Plaintiffs to
5 be injured in his or her person, business or property, Defendants are liable pursuant to 18
6 U.S.C. § 2333 for any and all damages that Plaintiffs have sustained as a result of such
7 injuries.
8

9 **FOURTH CLAIM FOR RELIEF**

10 **PROVISION OF MATERIAL SUPPORT AND RESOURCES**
11 **TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION**
12 **IN VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)**

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

15 511. By knowingly (or with willful blindness) providing their social media platforms
16 and communication services, including use of computer and communications equipment,
17 and personnel, for the benefit of ISIS, Defendants have provided material support and
18 resources to a designated Foreign Terrorist Organization under the Antiterrorism and
19 Effective Death Penalty Act of 1996 in violation of 18 U.S.C. § 2339B(a)(1).

20 512. Defendants knew of (or were willfully blind to) ISIS's terrorist activities.

21 513. Defendants knew (or were willfully blind to the fact) that ISIS had been designated
22 a Foreign Terrorist Organization by the United States Government.

23 514. The Services and support that Defendants purposefully, knowingly or with willful
24 blindness provided to ISIS constitute material support to the preparation and carrying out
25 of acts of international terrorism, including the attack in which the Plaintiffs were killed or
26 injured.
27

1 515. Defendants' violation of 18 U.S.C. § 2339B proximately caused the damages to
2 Plaintiffs described herein.

3 516. By knowingly (or with willful blindness) providing material support to a designated
4 Foreign Terrorist Organization, Defendants are therefore civilly liable for damages to
5 plaintiffs for their injuries pursuant to 18 U.S.C. § 2333(a).

6 **FIFTH CLAIM FOR RELIEF**

7
8 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

9 517. Plaintiffs repeat and reallege each of the foregoing allegations with the same
10 force and effect as if more fully set forth herein.

11 518. Defendants engaged in negligent behavior by providing services to ISIS.

12 519. Defendants' acts of providing services to ISIS constituted a willful violation of
13 federal statutes, and thus amounted to a willful violation of a statutory standard.

14 520. As a direct, foreseeable and proximate result of the conduct of Defendants as
15 alleged hereinabove, Plaintiffs has suffered severe emotional distress, and therefore
16 Defendants are liable to the Plaintiffs for Plaintiffs' severe emotional distress and related
17 damages.
18

19
20 **SIXTH CLAIM FOR RELIEF**

21 **WRONGFUL DEATH**

22
23 521. Plaintiffs repeat and reallege each of the foregoing allegations with the same force
24 and effect as if more fully set forth herein.

25 522. Each of the Defendants' provides services to ISIS that, among other things,
26 substantially assist and contribute to ISIS's ability to carry out its terrorist activities.
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523. As set forth more fully above, but for the assistance provided by the Defendants’ the terrorist attack that killed each of Plaintiffs’ Decedents herein, would have been substantially more difficult to implement.

524. The conduct of each Defendant party was unreasonable and outrageous and exceeds the bounds usually tolerated by decent society, and was done willfully, maliciously and deliberately, or with reckless indifference to the life of the victims of ISIS’s terrorist activity, Plaintiffs herein.

525. The conduct of each Defendant was a direct, foreseeable and proximate cause of the wrongful deaths of each of Plaintiffs’ Decedents and therefore the Defendants’ are liable to Plaintiffs for their wrongful deaths.

526. Each of the Defendants actions were undertaken willfully, wantonly, maliciously and in reckless disregard for Plaintiff’s rights, and as a direct, foreseeable and proximate result thereof Plaintiffs suffered economic and emotional damage in a total amount to be proven at trial, therefore Plaintiffs seek punitive damages in an amount sufficient to deter Defendants from similar future wrongful conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

(a) Enter judgment against Defendants and in favor of each Plaintiff for compensatory damages in amounts to be determined at trial;

1 (b) Enter judgment against Defendants and in favor of each Plaintiff for treble
2 damages pursuant to 18 U.S.C. § 2333;

3 (c) Enter judgment against Defendants and in favor of each Plaintiff for any
4 and all costs sustained in connection with the prosecution of this action, including attorneys' fees,
5 pursuant to 18 U.S.C. § 2333;

6 (d) Enter an Order declaring that Defendants have violated, and are continuing
7 to violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 et seq.; and

8 (e) Grant such other and further relief as justice requires.
9

10 **JURY DEMAND**

11 **PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.**

12 Dated: July 20, 2017.

13
14 **Excolo Law, PLLC**

15
16 by: /s/ Keith Altman
Keith Altman

17 Keith Altman (SBN 257309)
18 Solomon Radner (*pro hac vice to be applied for*)
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VERIFICATION

I, the undersigned, certify and declare that I have read the foregoing complaint, and know its contents.

I am the attorney for Plaintiffs to this action. Such parties are absent from the county where I have my office and is unable to verify the document described above. For that reason, I am making this verification for and on behalf of the Plaintiffs. I am informed and believe on that ground allege the matters stated in said document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 20, 2017, at Southfield, MI.

Respectfully Submitted,

EXCOLO LAW, PLLC

By: /s Keith Altman
Attorney for Plaintiffs

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