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11
12 **UNITED STATES DISTRICT COURT FOR THE**
13 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**
14

15 HANAN MEGALLA and OSAMA
16 MEGALLA, individually; and
17
18 VERONICA MARTINEZ and ABEL
19 MARTINEZ, individually;

20 Plaintiffs,

21 vs.

22 TWITTER, INC., GOOGLE, INC.,
23 and FACEBOOK, INC.

24 Defendants.

25 **COMPLAINT FOR DAMAGES**
26 **FOR:**

- 27 **1. LIABILITY FOR AIDING AND**
ABETTING ACTS OF
INTERNATIONAL TERRORISM
PURSUANT TO 18 U.S.C. §
2333(a) and (d)
- 28 **2. LIABILITY FOR CONSPIRING**
IN FURTHERANCE OF ACTS OF
INTERNATIONAL TERRORISM
PURSUANT TO 18 U.S.C. §2333(a)
and (d)
- 3. PROVISION OF MATERIAL**
SUPPORT TO TERRORISTS IN
VIOLATION OF 18 U.S.C. § 2339a
AND 18 U.S.C. § 2333

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

**5. NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS**

JURY TRIAL DEMANDED

1 **COMPLAINT**

2 NOW COME Plaintiffs, by and through their attorneys, and allege the following
3 against Defendants Twitter, Inc., Google, Inc., Facebook, Inc. (“Defendants”):
4

5 **NATURE OF ACTION**

- 6
- 7 1. For years, Defendants have knowingly and recklessly provided the terrorist group
8 ISIS with accounts to use its social networks as a tool for spreading extremist
9 propaganda, raising funds, and attracting new recruits. This material support has
10 been instrumental to the rise of ISIS and has enabled it to carry out or cause to be
11 carried out, numerous terrorist attacks, including December 2, 2015, attack in San
12 Bernardino where 14 were killed and 22 were seriously injured. Defendants are
13 information content providers because they create unique content by combining
14 ISIS postings with advertisements in a way that is specifically targeted at the
15 viewer. Defendants share revenue with ISIS for its content and profit from ISIS
16 postings through advertising revenue.
- 17 2. Without Defendants Twitter, Facebook, and Google (YouTube), the explosive
18 growth of ISIS over the last few years into the most feared terrorist group in the
19 world would not have been possible. According to the Brookings Institution, ISIS
20 “has exploited social media, most notoriously Twitter, to send its propaganda and
21 messaging out to the world and to draw in people vulnerable to radicalization.”¹
22 Using Defendants’ sites, “ISIS has been able to exert an outsized impact on how
23 the world perceives it, by disseminating images of graphic violence (including the
24 beheading of Western journalists and aid workers) . . . while using social media
25 to attract new recruits and inspire lone actor attacks.” According to former FBI
26 Director James Comey, ISIS has perfected its use of Defendants’ sites to inspire
27 small-scale individual attacks, “to crowdsource terrorism” and “to sell murder.”

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

- 1 3. Since first appearing on Twitter in 2010, ISIS accounts on Twitter have grown at
2 an astonishing rate and, until recently, ISIS maintained official accounts on
3 Twitter unfettered. These official accounts included media outlets, regional hubs
4 and well-known ISIS members, some with tens of thousands of followers. For
5 example, Al-Furqan, ISIS's official media wing responsible for producing ISIS's
6 multimedia propaganda, maintained a dedicated Twitter page where it posted
7 messages from ISIS leadership as well as videos and images of beheadings and
8 other brutal forms of executions to 19,000 followers.
- 9 4. Likewise, Al-Hayat Media Center, ISIS's official public relations group,
10 maintained at least a half dozen accounts, emphasizing the recruitment of
11 Westerners. As of June 2014, Al-Hayat had nearly 20,000 followers.



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

- 25 5. Another Twitter account, @ISIS_Media_Hub, had 8,954 followers as of
26 September 2014.



Figure 2 ISIS Propaganda Posted on @ISIS_Media_Hub

6. 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.
7. As with Twitter, ISIS has used Google (YouTube) and Facebook in a similar manner.
8. Plaintiffs’ claims are based not upon the content of ISIS’ social media postings, but upon Defendants provision of the infrastructure which provides material support to ISIS. Furthermore, Defendants profit from ISIS by placing ads on ISIS’ postings. For at least one of the Defendants, Google, revenue earned from advertising is shared with ISIS. Lastly, Defendants incorporate ISIS’ postings to create unique content by combining the ISIS postings with advertisements selected by Defendants based upon ISIS’ postings and the viewer looking at the postings and the advertisements.

PARTIES

9. Plaintiff Hanan Megalla is a citizen of the United States domiciled in the State of California, County of San Bernardino. She brings this lawsuit on behalf of herself.

- 1 10. Plaintiff Osama Megalla is a citizen of the United States domiciled in the State of
2 California, County of San Bernardino. He brings this lawsuit on behalf of
3 himself.
- 4 11. Plaintiff Veronica Martinez is a citizen of the United States domiciled in the State
5 of California, County of Los Angeles. She brings this lawsuit on behalf of herself.
- 6 12. Plaintiff Abel Martinez is a citizen of the United States domiciled in the State of
7 California, County of Los Angeles. He brings this lawsuit on behalf of himself.
- 8 13. Defendant Twitter, Inc. (“Twitter”) is a publicly traded U.S. company
9 incorporated in Delaware, with its principal place of business at 1355 Market
10 Street, Suite 900, San Francisco, California 94103.
- 11 14. Defendant Facebook, Inc. (“Facebook”) is a publicly traded U.S company
12 incorporated in Delaware, with its principal place of business at 1601 Willow
13 Road, Menlo Park, California, 94025.
- 14 15. Defendant Google Inc. (“Google”) is a publicly traded U.S company incorporated
15 in Delaware, with its principal place of business at 1600 Amphitheatre Parkway,
16 Mountain View, California, 94043. Google owns the social media site YouTube.
17 For the purposes of this complaint, Google and YouTube are used
18 interchangeably.

19
20 **JURISDICTION AND VENUE**

- 21 16. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
22 §1331 and 18 U.S.C. § 2333(a) as a civil action brought by a citizen of the United
23 States injured by reason of an act of international terrorism and the estate,
24 survivor, or heir of a United States citizen injured by reason of an act of
25 international terrorism.
- 26 17. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and 18 U.S.C. §
27 2334(a) because at least one of the Plaintiffs was a resident of the Central District
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1 of California, Western District and Defendants conduct significant business
2 operations in the state of California and within the Central District of California.

3
4 **ALLEGATIONS**

- 5 18. ISIS, which stands for the Islamic State of Iraq and Syria, is also known as the
6 Islamic State of Iraq and the Levant (“ISIL”), the Islamic State (“IS”), ad-Dawlah
7 al-Islāmiyah fil-‘Irāq wash-Shām (“DAESH”) and al-Qaeda in Iraq (“AQI”).
- 8 19. Originally affiliated with al Qaeda, ISIS’s stated goal is the establishment of a
9 transnational Islamic caliphate, *i.e.* an Islamic state run under strict Sharia law.
10 By February 2014, however, ISIS’s tactics had become too extreme for even al
11 Qaeda and the two organizations separated.
- 12 20. Since its emergence in Iraq in the early 2000’s when it was known as AQI, ISIS
13 has wielded increasing territorial power, applying brutal, terrifying violence to
14 attain its military and political goals, including summary executions, mass
15 beheadings, amputations, shootings and crucifixions, which it applies to anyone it
16 considers an “unbeliever,” a “combatant” or a “prisoner of war.”
- 17 21. The United Nations and International NGOs have condemned ISIS for war
18 crimes and ethnic cleansing, and more than 60 countries are currently fighting to
19 defeat ISIS and prevent its expansion.
- 20 22. On December 17, 2004, the United States designated ISIS as a Foreign Terrorist
21 Organization (“FTO”) under Section 219 of the Immigration and Nationality Act,
22 as amended.

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1 **ISIS is Dependent on Twitter, YouTube, and Facebook to Terrorize**

2 **ISIS Uses Defendants to Recruit New Terrorists**

- 3 23. One of ISIS’s primary uses of Defendants’ sites is as a recruitment platform,
4 particularly to draw fighters from Western countries.
- 5 24. ISIS reaches potential recruits by maintaining accounts on Twitter, YouTube, and
6 Facebook so that individuals across the globe may reach out to them directly.
7 After the first contact, potential recruits and ISIS recruiters often communicate
8 via Defendants’ Direct Messaging capabilities. According to former FBI Director
9 James Comey, “[o]ne of the challenges in facing this hydra-headed monster is
10 that if (ISIS) finds someone online, someone who might be willing to travel or
11 kill in place they will begin a Twitter direct messaging contact.” Indeed,
12 according to the Brookings Institution, some ISIS members “use Twitter purely
13 for private messaging or covert signaling.”
- 14 25. In addition to individual recruitment, ISIS members use Defendants to post
15 instructional guidelines and promotional videos referred to as “mujatweets.”
- 16 26. For example, in June 2014, ISIS fighters tweeted guidelines in English targeting
17 Westerners and instructing them on how to travel to the Middle East to join its
18 fight.
- 19 27. That same month, ISIS posted a recruitment video on various social media sites,
20 including Defendants. Although YouTube removed the video from its site, the
21 link remained available for download from Twitter. The video was further
22 promoted through retweets by accounts associated with ISIS.
- 23 28. ISIS also posted its notorious promotional training video, “Flames of War,”
24 narrated in English, in September 2014. The video was widely distributed on
25 Twitter through ISIS sympathizers. After joining ISIS, new recruits become
26 propaganda tools themselves, using Defendants to advertise their membership
27 and terrorist activities.
- 28

- 1 29. For example, in May 2013, a British citizen who publicly identified himself as an
2 ISIS supporter tweeted about his touchdown in Turkey before crossing the border
3 into Syria to join ISIS in the fight against the Syrian regime. And in December
4 2013, the first Saudi Arabian female suicide bomber to join ISIS in Syria tweeted
5 her intent to become a martyr for the ISIS cause, as she embarked for Syria.
- 6 30. As another example, two Tunisian girls, ages 19 and 21, were lured by ISIS’s use
7 of Facebook to travel to Syria believing they would be providing humanitarian
8 aid². Instead, they were taken to an ISIS compound where there were forced to
9 serve as prostitutes and were repeatedly raped. The girls escaped during a
10 bombing of the compound and returned home.
- 11 31. Recently, it was reported that the leader of ISIS in the United Kingdom, Omar
12 Hussain, was using Facebook to recruit terrorists to launch attacks in the U.K.³
- 13 32. After kidnapping and murdering Ruqia Hassan Mohammad, a female journalist
14 and activist, ISIS used her account to lure others into supporting ISIS⁴.
- 15 33. Through its use of Defendants’ sites, ISIS has recruited more than 30,000 foreign
16 recruits since 2013, including some 4,500 Westerners and 250 Americans.

ISIS Uses Defendants to Fund Terrorism

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- 19 34. ISIS also uses Defendants to raise funds for its terrorist activities.
- 20 35. According to David Cohen, the U.S. Treasury Department’s former Under
21 Secretary for Terrorism and Financial Intelligence, “[y]ou see these appeals on
22 Twitter in particular from, you know, well-know[n] terrorist financiers . . . and
23 they’re quite explicit that these are to be made to ISIL for their military
24 campaign.”

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27 ² <http://www.teenvogue.com/story/isis-recruits-american-teens>

28 ³ <http://www.mirror.co.uk/news/uk-news/british-isis-leader-using-facebook-7545645?>

⁴ <http://www.independent.co.uk/news/world/middle-east/ruqia-hassan-mohammed-the-activist-and-citizen-journalist-that-isis-murdered-and-then-posed-as-for-a6798111.html>

1 36. The Financial Action Task Force confirms that “individuals associated with ISIL
 2 have called for donations via Twitter and have asked the donors to contact them.”
 3 These tweets even promote “donation tiers.” One ISIS-linked cleric with the
 4 Twitter account @Jahd_bmalk, for instance, sought donations for weapons with
 5 the slogan “Participate in Jihad with your Money.” The account tweeted that “if
 6 50 dinars is donated, equivalent to 50 sniper rounds, one will receive a ‘silver
 7 status.’ Likewise, if 100 dinars is donated, which buys eight mortar rounds, the
 8 contributor will earn the title of ‘gold status’ donor.” According to various tweets
 9 from the account, over 26,000 Saudi Riyals (almost \$7,000) were donated.



17 *Figure 3 Fundraising Images from ISIS Twitter Accounts*

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 19 37. A similar Twitter campaign in the spring of 2014 asked followers to “support the
 20 Mujahideen with financial contribution via the following reliable accounts” and
 21 provided contact information for how to make the requested donations. In its
 22 other Twitter fundraising campaigns, ISIS has posted photographs of cash gold
 23 bars and luxury cars that it received from donors, as well as weapons purchased
 24 with the proceeds.
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Figure 4 Donations to ISIS Publicized on Twitter

38. 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.
39. Below is an example of a video posted by ISIS on YouTube with a member speaking in French looking for Muslims to support ISIS’s cause online.



Figure 4 Donations to ISIS Publicized on Twitter

ISIS Uses Defendants’ Sites to Spread Its Propaganda

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40. ISIS also uses Defendants’ sites to spread propaganda and incite fear by posting graphic photos and videos of its terrorist feats.
 41. Through Defendants’ sites, ISIS disseminates its official media publications as well as posts about real-time atrocities and threats to its perceived enemies.
 42. In October 2013, ISIS posted a video of a prison break at the Abu Ghraib prison in Iraq, and its subsequent execution of Iraqi army officers.
 43. In November 2013, an ISIS-affiliated user reported on Twitter that ISIS had killed a man it mistakenly believed to be Shiite. Another post by an ISIS account purported to depict Abu Dahr, identified as the “suicide bomber that attacked the Iranian embassy.”
 44. In December 2013, an ISIS-affiliated user tweeted pictures of what it described as the killing of an Iraqi cameraman.
 45. In June 2014, ISIS tweeted a picture of an Iraqi police chief, sitting with his severed head perched on his legs. The accompanying tweet read: “This is our ball . . . it has skin on it.” ISIS then hashtagged the tweet with the handle #WorldCup so that the image popped up on the feeds of millions following the soccer challenge in Brazil.
 46. On July 25, 2014, ISIS members tweeted photos of the beheading of around 75 Syrian soldiers who had been captured during the Syrian conflict.
 47. In August 2014, an Australian member of ISIS tweeted a photo of his seven-year-old son holding the decapitated head of a Syrian soldier.
 48. Also in August 2014, ISIS member Abu Musaab Hafid al-Baghdadi posted photos on his Twitter account showing an ISIS militant beheading a blindfolded captured Lebanese Army Sergeant Ali al-Sayyed.
 49. That same month, ISIS supporters tweeted over 14,000 tweets threatening Americans under the hashtags #WaronWhites and #AMessagefromISISstoUS,

1 including posting gruesome photos of dead and seriously injured Allied soldiers.
2 Some of the photos depicted U.S. marines hung from bridges in Fallujah, human
3 heads on spikes and the twin towers in flames following the 9/11 attacks. Other
4 messages included direct threats to attack U.S. embassies around the world, and
5 to kill all Americans “wherever you are.”

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

8 51. To keep its membership informed, in April 2014, ISIS created an Arabic-
9 language Twitter App called “The Dawn of Glad Tidings,” or “The Dawn,”
10 which posts tweets to thousands of users’ accounts, the content of which is
11 controlled by ISIS’s social media operation. The tweets include hashtags, links,
12 and images related to ISIS’s activities. By June 2014, the app reached a high of
13 40,000 tweets in one day as ISIS captured Mosul, Iraq.

14 52. ISIS has also used Twitter to coordinate hashtag campaigns, whereby it enlists
15 thousands of members to repetitively tweet hashtags at certain times of the day so
16 that they trend on Twitter, meaning a wider number of users are exposed to the
17 tweets. One such campaign dubbed a “Twitter storm,” took place on June 8,
18 2014, and led to a surge in followers.

19 53. In 2014, propaganda operatives from ISIS posted videos of photojournalist John
20 Cantile and other captors on both Twitter and YouTube⁵. These operatives used
21 various techniques to ensure that ISIS’ posting was spread using Defendants’
22 sites. In her New York Times article, (Not “Lone Wolves” After All: How ISIS
23 Guides World’s Terror Plots From Afar-2/5/17), Rakmini Callimachi
24 acknowledges that because of Twitter and other social media, “In the most basic
25 enabled attacks Islamic State handlers acted as confidants and coaches, coaxing
26 recruits to embrace violence. ... Because the recruits are instructed to use
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28 ⁵ <http://www.theguardian.com/world/2014/sep/24/isis-Twitter-youtube-message-social-media-jihadi>

1 encrypted messaging applications, the guiding role played by the terrorist group
2 often remains obscured. As a result, remotely guided plots in Europe, Asia, and
3 the United States ... were initially labeled the work of “lone wolves”, ... and only
4 later discovered to have direct communications with the group discovered.”

5
6 **Defendants Knowingly Permit ISIS to Use Their Social Network**
7 **The Use of Twitter by Terrorists Has Been Widely Reported**

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

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

14 56. That same month, terrorism experts cautioned that “Twitter terrorism” was part of
15 “an emerging trend” and that several branches of al Qaeda were using Twitter to
16 recruit individuals, fundraise and distribute propaganda more efficiently. New
17 York Times correspondent, Rukmini Callimachi, probably the most significant
18 reporter covering terrorism, acknowledges that social media and specifically
19 Twitter, allows her to “get inside the minds of ISIS”. Moreover, Callimachi
20 acknowledges, “Twitter is the main engine” in ISIS communication, messaging
21 and recruiting. “Al Qaeda (and now ISIS) have created a structure that was meant
22 to regenerate itself and no longer be dependent on just one person (bin Laden).
23 The Ideology is now a living, breathing thing, because of Twitter. You no longer
24 have to go to some closed dark-web forum to see their stuff.” Using Twitter, you
25 don’t need to even know the exact address to gain access to messages. “With
26 Twitter, you can guess; you look for certain words and you end up finding these
27 accounts. And then it’s kind of organic; You go to one account, then you go to
28

1 their followers and you follow all those people, and suddenly you're in the know.
2 "(Rukmini Callimachi, Wired.com, 8/3/16.)

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

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

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

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

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

24 62. In September 2014, Time Magazine quoted terrorism expert Rita Katz, who
25 observed that "[f]or several years, ISIS followers have been hijacking Twitter to
26 freely promote their jihad with very little to no interference at all. . . . Twitter's
27 lack of action has resulted in a strong, and massive pro-ISIS presence on their
28

1 social media platform, consisting of campaigns to mobilize, recruit and
2 terrorize.””

3 **The Use of Facebook by ISIS has been widely reported**

- 4 63. On January 10, 2012, CBC News Released an article stating that Facebook is
5 being used by terrorist organizations for recruitment and to gather military and
6 political intelligence "Many users don't even bother finding out who they are
7 confirming as 'friend' and to whom they are providing access to a large amount of
8 information on their personal life. The terrorists themselves, in parallel, are able
9 to create false profiles that enable them to get into highly visible groups," he
10 said⁶.
- 11 64. On January 10, 2014, the Washington post released an article titled Why aren't
12 YouTube, Facebook, and Twitter doing more to stop terrorists from inciting
13 violence?⁷
- 14 65. In June 2014, the Washington times reported that Facebook is refusing to take
15 down a known ISIS terror group fan page that “has nearly 6,000 members and
16 adoringly quotes Abu Musab al-Zarqawi, founder of al-Qaeda in Iraq who was
17 killed by U.S. forces in 2006.”⁸
- 18 66. On August 21, 2014, the anti-defamation league explained that ISIS supporters
19 on Twitter have “not only promoted ISIS propaganda (primarily in English) but
20 has also directed supporters to his English-language Facebook pages
21 (continuously replacing pages as they are removed by Facebook for content
22 violation) that do the same.”⁹
- 23 67. On October 28, 2015, at the Radicalization: Social Media And The Rise Of
24 Terrorism hearing it was reported that Zale Thompson who attacked four New
25

26 ⁶ <http://www.cbc.ca/news/technology/terrorist-groups-recruiting-through-social-media-1.1131053>

27 ⁷ https://www.washingtonpost.com/posteverything/wp/2014/07/10/farrow-why-arent-youtube-facebook-and-twitter-doing-more-to-stop-terrorists-from-inciting-violence/?utm_term=.b14e3747de40

28 ⁸ <http://www.washingtontimes.com/news/2014/jun/16/husain-facebook-refuses-take-down-isis-terror-grou/>

⁹ <http://www.adl.org/combating-hate/international-extremism-terrorism/c/isis-islamic-state-social-media.html?referrer=https://www.google.com/#.Vzs0xfkrIdU>

1 York City Police Officers with an ax posted on Facebook “Which is better, to sit
2 around and do nothing or to wage jihad.¹⁰”

3 68. At this same hearing, it was also reported that in September 2014 “Alton Nolen, a
4 convert to Islam and ex-convict who had just been fired from his job at a food
5 processing plant, entered his former workplace and beheaded an employee with a
6 knife. This attack combines elements of workplace violence and terrorism. Nolen
7 had been a voracious consumer of IS propaganda, a fact reflected on his
8 Facebook page.¹¹”

9 69. On November 11, 2015, it was reported that one of the attackers from a terrorist
10 bus attack two weeks prior “was a regular on Facebook, where he had already
11 posted a “will for any martyr.” Very likely, they made use of one of the
12 thousands of posts, manuals and instructional videos circulating in Palestinian
13 society these last few weeks, like the image, shared by thousands on Facebook,
14 showing an anatomical chart of the human body with advice on where to stab for
15 maximal damage.¹²”

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

21 71. On April 8, 2016, the Mirror reported that “Jihadi fighters in the Middle East are
22 using Facebook to buy and sell heavy duty weaponry” and that “Fighters in ISIS-
23 linked regions in Libya are creating secret arms bazaars and hosting them on the

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

26 ¹¹ [https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-
26 Radicalization-Gartenstein-Ross-FDD-Testimony.pdf](https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Gartenstein-Ross-FDD-Testimony.pdf)

27 ¹² http://www.nytimes.com/2015/11/03/opinion/the-facebook-intifada.html?_r=1

28 ¹³ [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.
iJjhU3bF.dpuf](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.iJjhU3bF.dpuf)

1 massive social network. Because of Facebook's ability to create groups and to
2 send secure payments through its Messenger application, it works as the perfect
3 platform for illegal deals.¹⁴”

4 **The Use of YouTube by ISIS has been widely reported**

- 5 72. The media has widely reported on terrorists’ use of YouTube and YouTube’s
6 refusal to take any meaningful action to stop it.
- 7 73. On July 7, 2014, CBS Local reported that “militants post beheading videos on
8 sites like Google’s YouTube, giving an image the chance to go viral before being
9 shut down.¹⁵”
- 10 74. On March 1, 2015, the New York Times reported that “some of the most
11 sophisticated recruitment efforts by the Islamic State, particularly online, are
12 geared toward Westerners, featuring speakers who are fluent in English. For
13 instance, in a video available on YouTube and Facebook, the Islamic State has
14 manipulated the video game Grand Theft Auto, making the game’s officers look
15 like New York police officers and showing how a militant could attack them.¹⁶”
- 16 75. On March 3, 2015, CNN Money reported that YouTube was placing
17 advertisements in front of ISIS videos¹⁷.
- 18 76. On March 10, 2015, Death and Taxes released an article titled *Beer ads keep*
19 *showing up on ISIS YouTube videos*¹⁸.
- 20 77. On March 10, 2015, NBC News released an article titled *Ads Shown Before*
21 *YouTube ISIS Videos Catch Companies Off-Guard*¹⁹.
- 22 78. On March 11, 2015, NewsMediaRockstars.com reported that “Major corporations
23 like Procter and Gamble, Anheuser-Busch, and Toyota have all been forced to
24

25 ¹⁴ <http://www.mirror.co.uk/tech/isis-terrorists-use-facebook-buy-7713893>

26 ¹⁵ <http://sanfrancisco.cbslocal.com/2015/07/24/should-Twitter-facebook-be-held-liable-for-a-terrorist-attack/>

27 ¹⁶ http://www.nytimes.com/2015/03/01/nyregion/brooklyn-arrests-highlight-challenges-in-fighting-of-isis-and-known-wolves.html?_r=0

28 ¹⁷ <http://money.cnn.com/2015/03/03/technology/isis-ads-youtube/>

¹⁸ <http://www.deathandtaxesmag.com/239510/beer-ads-keep-showing-up-on-isis-youtube-videos/>

¹⁹ <https://www.nbcnews.com/storyline/isis-terror/ads-shown-isis-videos-youtube-catch-companies-guard-n320946>

1 make apologies after ads for their products started rolling in front of ISIS
2 recruiting videos which have been cropping up ever more frequently on the
3 site.²⁰”

4 79. On August 6, 2015, Journal-Neo.org reported that “The well-known online video
5 platform YouTube serves as the main media platform of these radical fighters.²¹”

6 80. On April 28, 2015, MusicTechPolicy.com reported that the Islamic State has
7 released a new YouTube video “showcasing recent battles in the Al Sufiyah area
8 of eastern Ramadi. Approximately 30 Iraqi police have been killed and around
9 100 more have been injured in recent days in the western provincial capital.²²”

10 81. In March 2016, the Morning Consult reported that “a video ad from a pro-Ted
11 Cruz Super PAC (Reigniting the Promise PAC) was the inadvertent prelude to a
12 video produced by an official media outlet of the Islamic State terror group. The
13 outlet, Al-Hayat Media Center, produces propaganda for ISIS. Digital Citizens
14 Alliance says it’s likely an ISIS supporter uploaded that video.”

15 82. In March 2016, the digital citizens’ alliance found several examples of campaign
16 ads placed on ISIS videos²³.

17 **Defendants Have Rebuffed Numerous Requests to Comply with U.S. Law**

18
19 83. Throughout this period, both the U.S. government and the public at large have
20 urged Defendants to stop providing its services to terrorists.

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

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26 ²⁰ <http://newmediarockstars.com/2015/03/advertisers-apologize-for-ads-shown-on-isis-youtube-videos/>

27 ²¹ <http://journal-neo.org/2015/06/08/hi-tech-tools-of-isil-propaganda/>

28 ²² <https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-isis/>

²³ <https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc2cd.pdf>

- 1 85. In December 2012, several members of Congress wrote to then FBI Director
2 Robert Mueller asking the Bureau to demand that the Twitter block the accounts
3 of various terrorist groups.
- 4 86. In a committee hearing held on August 2, 2012, Rep. Ted Poe, then chair of the
5 House Foreign Affairs Subcommittee on Terrorism, lamented that “when it
6 comes to a terrorist using Twitter, Twitter has not shut down or suspended a
7 single account.” “Terrorists are using Twitter,” Rep. Poe added, and “[i]t seems
8 like it’s a violation of the law.” In 2015, Rep. Poe again reported that Twitter had
9 consistently failed to respond sufficiently to pleas to shut down clear incitements
10 to violence by terrorists.
- 11 87. Recently, former Secretary of State Hillary Clinton has urged Defendants to
12 become more aggressive in preventing ISIS from using its network. “Resolve
13 means depriving jihadists of virtual territory, just as we work to deprive them of
14 actual territory,” she told one audience. Later, former Secy. Clinton stated that
15 Twitter and other companies “cannot permit the recruitment and the actual
16 direction of attacks or the celebration of violence by this sophisticated Internet
17 user. They’re going to have to help us take down these announcements and these
18 appeals.”
- 19 88. On January 7, 2016, White House officials announced that they would hold high-
20 level discussions with Defendants to encourage them “to do more to block
21 terrorists” from using their services. “The primary purpose is for government
22 officials to press the biggest Internet firms to take a more proactive approach to
23 countering terrorist messages and recruitment online. . . . That issue has long
24 vexed U.S. counterterrorism officials, as terror groups use Twitter . . . to spread
25 terrorist propaganda, cultivate followers and steer them toward committing
26 violence. But the companies have resisted some requests by law-enforcement
27 leaders to take action . . .”
- 28

Defendants have failed to prevent ISIS from using its services

1
2 89. Despite these appeals, Defendants have failed to take meaningful action.

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

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

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

20 93. Most technology experts agree that Defendants could and should be doing more
21 to stop ISIS from using its social network. “When Twitter says, ‘We can’t do
22 this,’ I don’t believe that,” said Hany Farid, chairman of the computer science
23 department at Dartmouth College. Mr. Farid, who co-developed a child
24 pornography tracking system with Microsoft, says that the same technology could
25 be applied to terror content, so long as companies were motivated to do so.
26 “There’s no fundamental technology or engineering limitation,” he said. “This is
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1 a business or policy decision. Unless the companies have decided that they just
2 can't be bothered."

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

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

18 96. Using this simplistic naming scheme is critical to ISIS's use of social media.
19 Without a common prefix, it would be difficult for followers of ISIS accounts to
20 know the new name of the account.

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

25 98. Furthermore, ISIS keeps track of the followers of each account. Once an account
26 is deleted by one of the Defendants and then regenerated, ISIS uses a bot to
27 contact each of its followers asking them to connect. This allows ISIS to
28

1 reconstitute the connections for each account very quickly. Defendants could
2 easily detect such activity but chose not to.

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

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



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Figure 6: DriftOne00146 posting June 20, 2016

24 101. The very next day, this individual now has 547 followers with only 3 additional
25 tweets.
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Figure 7: DriftOne00146 posting June 21, 2016

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

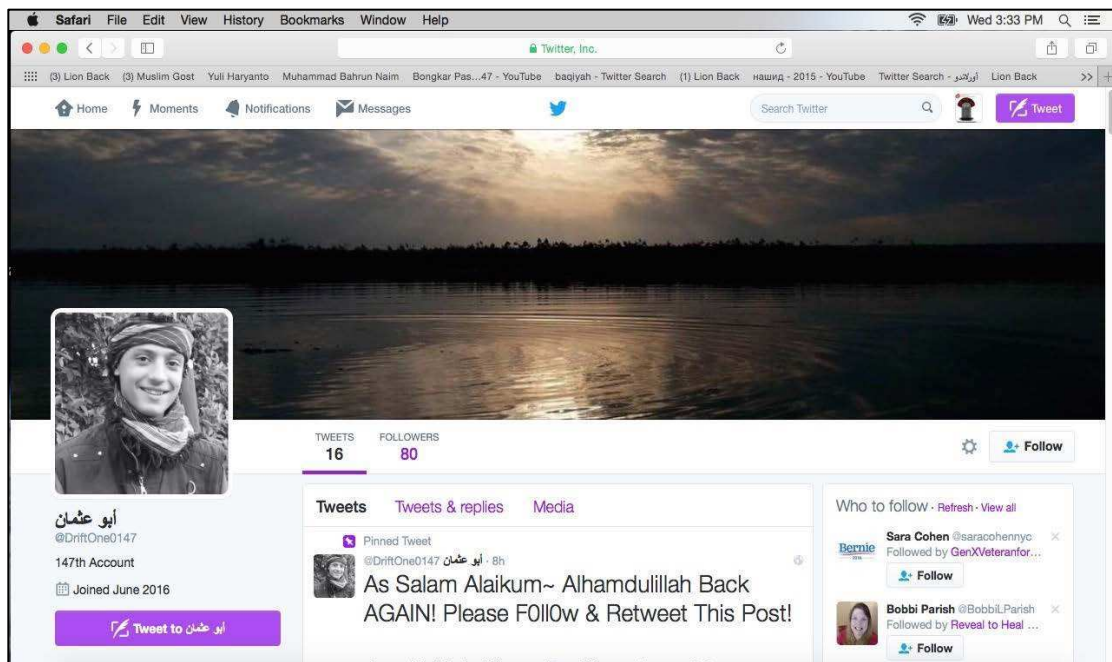


Figure 8: DriftOne0147 posting June 22, 2016

1 103. The very next week on June 28, 2016, the same individual was back up as
2 DriftOne150. Most disturbing is that his posting of #Bangladesh and #Dhaka just
3 three days before the unfortunate ISIS attack in Dhaka, Bangladesh.
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14 *Figure 9: DriftOne150 posting June 28, 2016*

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16 104. The day after the attacks, he is now DriftOne0151 and he posts pictures of those
17 individuals who conducted the attacks.
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Figure 10: DriftOne0151 posting July 2, 2016

105. 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.
106. Prohibiting this conduct would be simple for Defendants to implement and not impinge upon the utility of Defendants sites. There is no legitimate purpose for allowing the use of fixed prefix/incremental numerical suffix names. Preventing the use of these names once a similarly named account would not place a

1 significant burden on Defendants to implement nor would it place any “chilling”
2 effect on the use of Defendants’ sites.

3 107. 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”
5 example above, it is clear that this individual must be keeping track of those
6 previously connected. When an account is taken down and then re-established,
7 the individual then uses an automated method to send out requests to all those
8 members previously connected. Thus, accounts for ISIS and others can quickly
9 reconstitute after being deleted. Such activity is suspicious on its face.

10 108. 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
12 further unusual for those connections requests to be accepted in a very short
13 period of time. As such, this activity would be easy to detect and could be
14 prohibited by Defendants in a content-neutral manner as the content is never
15 considered; only the conduct.

16 109. 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
18 to implement. Once again, such activity is suspicious and suggestive of
19 reconstitution of an account which was deleted by Defendants. In addition,
20 Defendants could easily track that a newly created account similarly named to
21 one previously taken down is sending out large numbers of requests in a very
22 short period of time.

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

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

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

14 **Twitter, Facebook, and Google Profit from allowing ISIS to use their services**

15
16 113. Astonishingly, Defendants routinely profit from ISIS. Each Defendant places ads
17 on ISIS postings and derives revenue for the ad placement.

18 114. These ads are not placed randomly by Defendants. Instead, they are targeted to
19 the viewer using knowledge about the viewer as well as information about the
20 content being viewed. The following sites for each Defendant show how targeting
21 works: <https://business.Twitter.com/en/targeting.html>,
22 <https://www.facebook.com/business/a/online-sales/ad-targeting-details>,
23 [https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/m
24 edias/pdfs/targeting-onesheet-en.pdf](https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pdfs/targeting-onesheet-en.pdf).

25 115. By specifically targeting advertisements based on viewers and content,
26 Defendants are no longer simply passing through the content of third parties.
27 Defendants are themselves creating content because Defendants exercise control
28

1 over what advertisement to match with an ISIS posting. Furthermore,
2 Defendants' profits are enhanced by charging advertisers extra for targeting
3 advertisements at viewers based upon knowledge of the viewer and the content
4 being viewed.

5 116. Not only does Defendant Google profit from ISIS, it shares some of those
6 revenues with ISIS. In order for ads to appear associated with a posting on a
7 YouTube video, the poster must create a Google AdSense account. The poster
8 must the register the account for monetization²⁴.

9 ▼ How can my videos make money?

10 Once your video is submitted and approved for monetization, YouTube will place ads inside or near the video. After you've associated an AdSense account with your YouTube account, you will earn revenue that is generated from the ads. [Learn more](#)

11 117. According to Google, each video must be approved in order for ads to be placed.
12 These videos must meet Googles' terms of service.

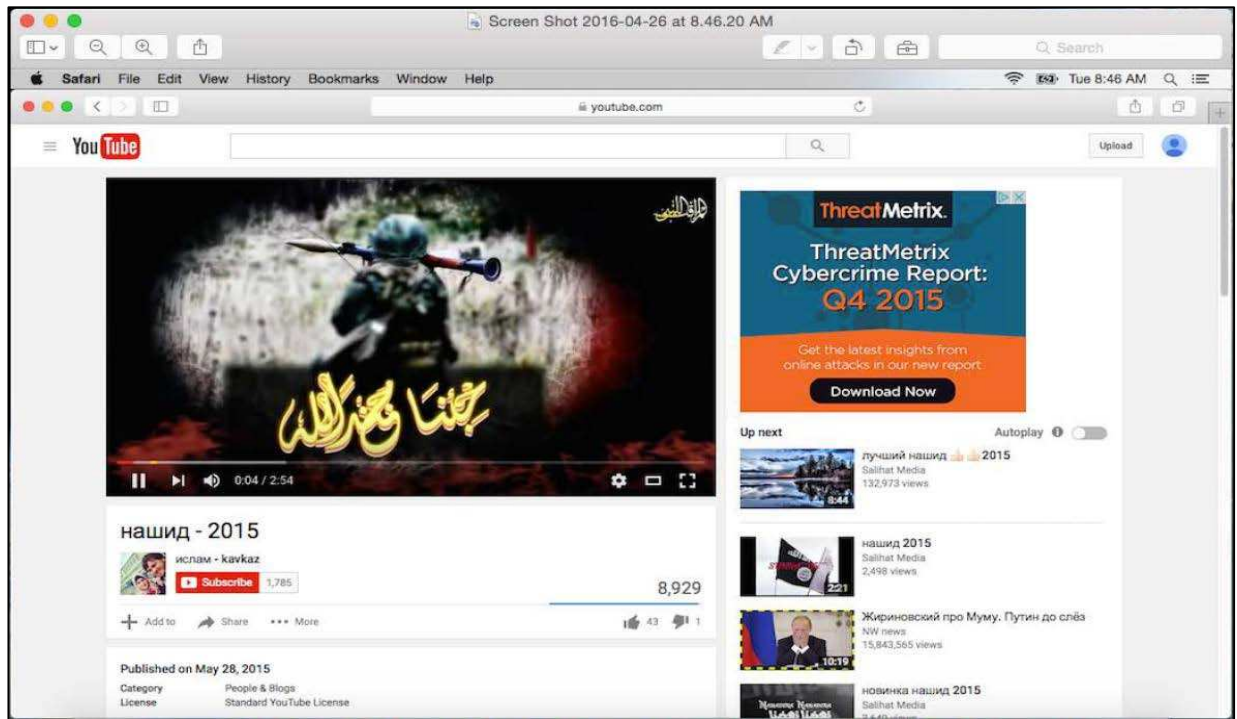
13 ▼ What types of videos are eligible?

14 For a video to be eligible, you must own worldwide commercial usage rights to everything in the video and the video must abide by our [Terms of Service](#) and [Community Guidelines](#).

15 118. Videos that are approved generate revenue for both the poster and for Google.
16 Therefore, according to its terms, if there are ads associated with a YouTube
17 video, the video has been approved by Google, Google is earning revenue from
18 each view of that video, and Google is sharing revenue with the poster.

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28 ²⁴ https://www.youtube.com/account_monetization accessed on 05/24/2016.

1 119. With respect to ISIS, Google has placed ads on ISIS postings.



14 *Figure 11 ISIS video on YouTube with ad place by Google*

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

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

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

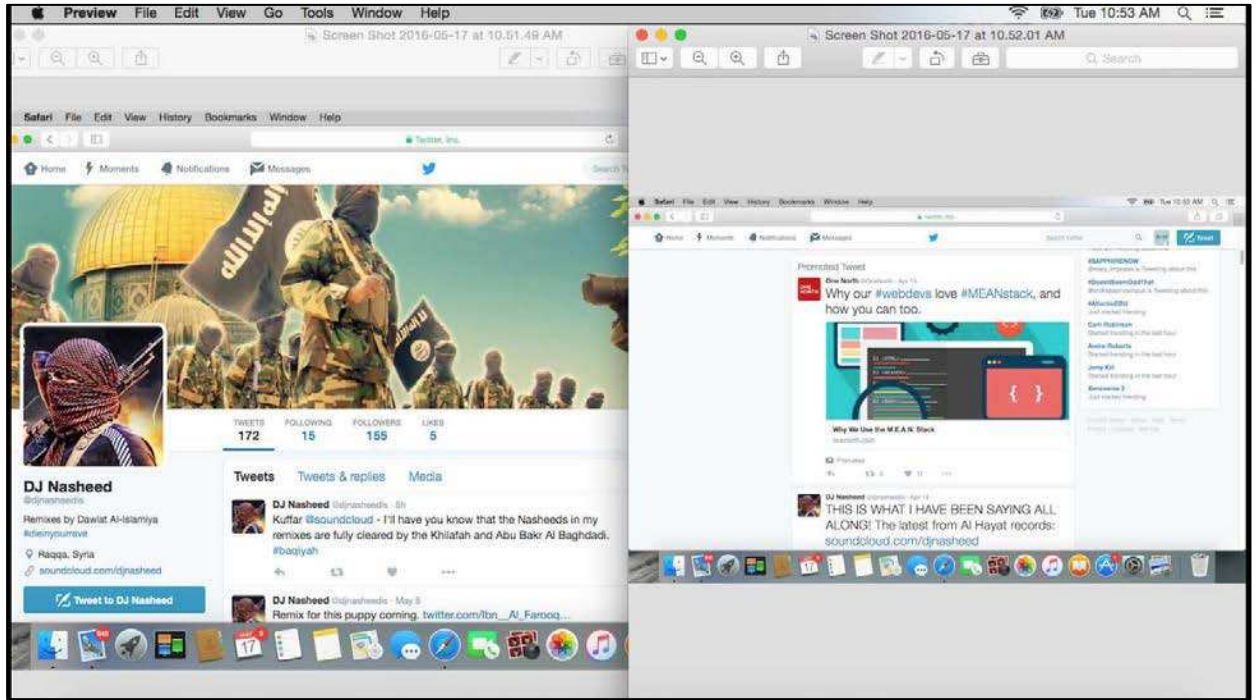


Figure 12 ISIS post on Twitter with ad placed by Twitter

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



Figure 13 ISIS post on Facebook with add placed by Facebook

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

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

6 **The December 2, 2015 San Bernardino Attack**
7

8 126. On December 2, 2015, Radicalized ISIS supporters Syed Rizwan Farook and
9 Tashfeen Malik stormed the Inland Regional Center in San Bernardino,
10 California firing more than 100 bullets into a staff meeting of the environmental
11 health department. In all, 14 people were murdered and 22 were seriously injured.
12 Subsequent to the attack, Farook and Malik were killed in a shootout with police.

13 127. Among those in attendance at the Inland Regional Center in San Bernardino on
14 the date of the attack were Plaintiffs Hanan Megalla and Veronica Martinez.

15 128. Hanan Megalla was attending a holiday party with her co-employees at the Inland
16 Regional Center, when one of her co-employees, Syed Rizwan Farook, and his
17 wife Tashfeen Malik, who were armed with several firearms, walked into the
18 Inland Regional Center and into the conference room where Hanan Magalla and
19 her co-employees were celebrating in, and opened fire at all persons in said
20 conference room. Hanan Magalla was struck by gunfire, and was a witness to the
21 mass shooting that took the lives of many of her co-employees and friends and
22 injured several others. She suffered serious and permanent physical and
23 psychological injuries.

24 129. Osama Megalla, is the lawful husband of Hanan Megalla. As a result of the
25 incident and because of the serious and permanent nature of the injury to his wife,
26 Osama Megalla, suffered the loss of society and consortium of his wife and will
27 continue to suffer such loss for an indefinite period.
28

1 130. Veronica Martinez was attending a holiday party with her co-employees at the
2 Inland Regional Center, when one of her co-employees, Syed Rizwan Farook,
3 and his wife Tashfeen Malik, who were armed with several firearms, walked into
4 the Inland Regional Center and into the conference room Veronica Martinez and
5 her co-employees were celebrating in, and opened fire at all persons in said
6 conference room. Ms. Martinez hid and feigned death and experienced the death
7 of several co-employees. As a result, she suffered serious and permanent
8 psychological injuries.

9 131. Abel Martinez, is the lawful husband of Veronica Martinez. As a result of the
10 incident and because of the serious and permanent nature of the injury to his wife,
11 Abel Martinez, suffered the loss of society and consortium of his wife and will
12 continue to suffer such loss for an indefinite period.

13 132. US Department of Justice analysts confirmed in their 141-page summary on the
14 San Bernardino, massacre, that “two individuals opened fire indiscriminately...as
15 part of a vicious and premeditated terrorist attack...

16 133. On December 2, 2015, radicalized, ISIS supporters, Syed Rizwan Farook and his
17 spouse Tashfeen Malik committed an act of international terrorism by spraying
18 bullets into a crowd of employees at a holiday party for the environmental health
19 department in San Bernardino.

20 134. Investigators have confirmed that Farook and Malik started a dialogue on line via
21 a dating web site, and married a short time after Farook travelled to Saudi Arabia
22 in 2014. Malik travelled to California to live with her husband shortly after their
23 wedding. At the time of their terrorist attack and ultimately their deaths, Malik
24 and Farook had a 6-month-old daughter.

25 135. The acts of terrorism in the San Bernardino massacre were conducted against
26 Farook’s former co-workers who assembled for the scheduled environmental
27
28

1 health department training session, to be followed by a celebration of the holiday
2 season.

3 136. Instead, Farook and Malik killed 14 people and severely injured 22 others during
4 their terrorist massacre. The assassins, Farook and Malik were also killed the
5 same day by resisting arrest and entering a shoot-out with law enforcement.

6 137. Farook and Malik were dressed in black outfits and face coverings, and armed
7 with .223 AR-15 type semi-automatic rifles, and a .9mm semi-automatic pistol,
8 as well as assembled pipe bombs that failed to detonate.

9 138. Just a couple of days later, ISIS embraced the acts of terrorism by declaring on
10 their station, al-Bayan Radio, “Two followers of Islamic State attacked several
11 days ago a center in San Bernardino in California, we pray to God to accept them
12 as Martyrs.”

13 139. Moreover, during the time of the shooting massacre, terrorist Tashfeen Malik,
14 declared on Facebook her allegiance and pledge of loyalty to ISIS leader, Abu
15 Bakr al-Baghdadi.

16 140. On December 9, 2015, during Senate Judiciary testimony concerning the San
17 Bernardino terrorist attack, former FBI Director James Comey, stated for the
18 record that the investigation by the FBI had established that Farook and Malik
19 were “consuming poison on the internet” and that both had become radicalized to
20 jihadism and to martyrdom via social media platforms available to them.

21 141. During his testimony, Comey confirmed that Farook and Malik were
22 “homegrown violent extremists, inspired by foreign terrorist organizations.”

23 142. The FBI according to the report of the New York Times, (December 5,2015) has
24 confirmed that they had evidence that Farook had face to face meetings a few
25 years ago with 5 people the Bureau investigated and labelled as having “links to
26 terrorism”.

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- 1 143. Further links to terrorism were discovered in the home of Farook and Malik,
2 where FBI search uncovered what they described as “pipe bombs, bomb making
3 materials and thousands of rounds of ammunition along with several more guns.”
- 4 144. Speaking of “home grown international terrorists, in the US, including Farook
5 and Malik in San Bernardino, Brookings Institute Terrorism expert, Daniel
6 Byman has stated the Islamic State has made their radicalization of US extremists
7 in 2014 releases via the ISIS Online magazine Dabiq which urged in their
8 October 2014 on line edition” At this point of our crusade. It is very important
9 that attacks take place in every country that has entered into alliance against the
10 Islamic State, especially the U.S., U.K., France, Australia and Germany.”
- 11 145. The DOJ, in their 2016 report entitled “Bringing Calm to Chaos: A critical
12 incident review of the San Bernardino public safety response to the December 2,
13 2015, terrorist shooting at the Island Regional Center”, confirms that the attack
14 committed by Rizwan Farouk, and Tashfeen Malik was in fact an act of
15 international terrorism. (page 48)
- 16 146. A factor helping to confirm that the massacre in San Bernardino was an act of
17 terrorism was the discovery in the aftermath by FBI SWAT agents, that Terrorist
18 Farook had evidently assembled and left in a “suspicious package”, explosive
19 devices that miraculously failed to detonate and were later safely detonated by the
20 bomb squad.
- 21 147. The DOJ summary report confirms that “investigators believed the explosive
22 devices left by Farook in the conference room where the carnage occurred, was
23 likely intended to be detonated upon the arrival of the first responders who would
24 be giving aid to the wounded-a frequent, well documented practice in
25 international terror incidents.” (DOJ, San Bernardino Summary report, page 36).
- 26 148. FBI and DOJ investigators have indicated that they are of the belief that terrorists
27 Farook and Malik, left at the massacre site a remote-controlled toy car strapped
28

1 with the 3 rudimentary explosive devices. The deadly remote was found with
2 Farook and Malik upon their deaths, and evidently did not work.

3 149. FBI investigators have opined that the explosive devices along with the remote
4 control was likely intended to be detonated against the first responders arriving to
5 provide medical help to terrorism victims. Further they are potentially derived
6 from Al Qaeda's Inspire Magazine, plus the ISIS' Dabiq Magazine, wherein the
7 international terrorist organizations have provided "tips" and instructions to be
8 utilized in preparation of such explosive devices as found at the scene of the San
9 Bernardino carnage.

10 150. The attack has caused Plaintiff's severe mental anguish, extreme emotional pain
11 and suffering.

12
13 **Defendants' Material Support of ISIS has a Direct Connection to the December**
14 **2, 2015 San Bernardino Attack and is a Proximate Cause**

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

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

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

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

23 155. Despite this knowledge, Defendants have for years knowingly provided its
24 Services to ISIS, its members, organizations owned or controlled by ISIS, and
25 organizations and individuals that provide financing and material support to ISIS,
26 including individuals and organizations that are designated as and SDGTs.
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1 156. The identifiers for ISIS-associated Twitter, You-Tube, and Facebook accounts are
2 often publicized on ISIS websites, social media sites, and platforms.

3 157. ISIS's news and media organizations operate Twitter, YouTube, and Facebook
4 accounts, and equipment often including separate accounts for Arabic and
5 English.

6 158. ISIS, its members, and its related entities and affiliates have operated numerous
7 Twitter accounts of the defendants' using their own names and displaying
8 emblems and symbols associated with ISIS and its related terrorist entities.

9 159. The rise of ISIS has been substantial fueled through their use of Defendants'
10 social media sites which have been used by ISIS for fundraising activities.
11 Furthermore, as discussed above, Defendant Google shares advertising revenue
12 with ISIS.

13 160. Defendants' sites have been used by ISIS to conduct terrorist operations,
14 including the San Bernardino attack and have also been used as a recruitment tool
15 and fundraising tool.

16 161. The FBI believes that the San Bernardino shooters were self-radicalized on the
17 Internet and social media.

18 162. ISIS uses Defendants' sites to radicalize individuals to conduct terrorist activities.
19 Farook and Malik were radicalized by ISIS's use of Defendants' tools to conduct
20 terrorist operations.

21 163. Even if Farook and Malik had never been directly in contact with ISIS, ISIS' use
22 of social media directly influenced their actions on the day of the San Bernardino
23 massacre:

24 researchers, who identified and analyzed second-by-second online
25 records of 196 pro-ISIS groups operating during the first eight months of
26 2015, found that even though most of the 108,000-plus individual
27 members of these self-organized groups probably never met, they had a
28 striking ability to adapt and extend their online longevity, increase their

size and number, reincarnate when shut down — and inspire “lone wolves” with no history of extremism to carry out horrific attacks²⁵.

164. Without the ability to use Defendants’ sites as tools to conduct terrorist operations, ISIS would have substantially less funding, substantially less exposure, and would not be able to recruit as many operatives.
165. Money raised through the use of Defendants sites was used by ISIS to conduct terrorist operations including radicalizing Farook and Malik.
166. Individuals recruited by ISIS through the use of Defendants sites allowed ISIS to conduct terrorist operations, including radicalizing Farook and Malik contributing to their decision to launch the San Bernardino attack and injuring Plaintiffs.
167. Subsequent to the San Bernardino attack and before their death, Malik pledged her allegiance to ISIS on Facebook. Facebook further confirmed that postings to an account established by Malic under an alias praised the Islamic state²⁶.
168. On December 5, 2015 ISIS claimed responsibility for the attack on its radio broadcast²⁷.
169. But for ISIS’ use of Defendants sites to raise funds, recruit, and conduct terrorist operations, ISIS’ ability to conduct terrorist operations would essentially evaporate. Here, had Defendants sites not been used by ISIS, ISIS would not have been able to radicalize Farook and Malik leading to the deadly attack in San Bernardino.

Defendants Are Information Content Providers

170. When individuals look at a page on one of Defendants’ sites that contains postings and advertisements, the page has been created by Defendants. In other words, a viewer does not simply see a posting. Nor does the viewer see just an

²⁵ <http://www.homelandsecuritynewswire.com/dr20160620-tracking-analyzing-how-isis-recruits-through-social-media>
²⁶ <http://www.cnbc.com/2015/12/05/san-bernardino-killers-were-our-followers-isis-claims.html>
²⁷ *Id.*

1 advertisement. Defendants create a composite page of content from multiple
2 sources.

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

8 172. As discussed above, Defendants tout the ability to target advertisements as a
9 benefit to advertising with the respective networks. Furthermore, Defendants
10 extract a premium from advertisers for the use of targeted advertising.

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

14 174. Thus, Defendants have incorporated content from others into Defendant created
15 content for revenue purposes. Defendants' choice to combine certain
16 advertisements with certain postings for specific viewers means that Defendants
17 are not simply passing along content created by third parties.

18 175. Specifically, as shown above, Defendants have incorporated ISIS postings along
19 with advertisements matched to the viewer and ISIS postings to create new
20 content for which Defendants have earned revenue. ISIS has received material
21 support as described above allowing them to conduct terrorist operations.

22 **The San Bernardino Attack Was an Act of International Terrorism**

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24 176. One of the state goals of ISIS is to use social media including Defendants
25 platforms to radicalize individuals to conduct attacks throughout the world,
26 including the United States.

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

5 178. Thus, an attack in the United States to which ISIS' use of social media caused or
6 contributed is an action by ISIS. Given that ISIS has been declared an
7 international terrorist organization, such an action is an act of international
8 terrorism.

9 179. Farook and Malik were radicalized by ISIS' use of social media. This was the
10 stated goal of ISIS. Farook and Mateen then carried out the deadly attack in San
11 Bernardino. Conducting terrorist acts via radicalized individuals is a stated goal
12 of ISIS.

13 180. Farook and Malik's attack on the Inland Regional Center was a violent act
14 causing death and injury and constitutes numerous criminal acts under the laws of
15 the United States.

16 181. ISIS intended to intimidate and coerce western populations and governments
17 through a pattern of intimidation and coercion as discussed throughout Plaintiff's
18 Complaint.

19 182. ISIS acts from outside the United States using Defendants' platforms in a manner
20 and transcend national boundaries because of the international usage of
21 Defendants' platforms.

22 183. But for ISIS' postings using Defendants' social media platforms, Farook and
23 Malik would not have engaged in their attack on the Inland Regional Center.

24 184. Farook and Malik's terrorist actions were a direct result of ISIS' actions and
25 given that ISIS is an international terrorist organization, Farook and Malik's
26 actions were also an act of international terrorism.

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

- 14 185. Each plaintiff here repeats and realleges each and every allegation of the
15 foregoing paragraphs as if fully set forth herein.
- 16 186. Since October 31, 2001, ISIS has been international terrorist organization.
- 17 187. ISIS has committed, planned, or authorized activities that involved violence or
18 acts dangerous to human life that are a violation of the criminal laws of the
19 United States, or that would be a criminal violation if committed within the
20 jurisdiction of the United States, including inter alia the prohibition on killing,
21 attempting to kill, causing serious bodily injury, or attempting to cause serious
22 bodily injury to U.S. citizens as set forth in 18 U.S.C. § 2332.
- 23 188. These activities committed, planned, or authorized by ISIS appear to have been,
24 and were intended to: (a) intimidate or coerce the civilian population of the
25 United States and other countries; (b) influence the policy of the Governments of
26 the United States and other countries by intimidation or coercion; or (c) affect the

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1 conduct of the Governments of the United States and other countries by mass
2 destruction, assassination, or kidnapping.

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

6 190. Plaintiffs have been injured in their person by reason of the acts of international
7 terrorism committed, planned, or authorized by ISIS. At all times relevant to this
8 action, Defendants knew that ISIS was a Foreign Terrorist Organization, that it
9 had engaged in and continued to engage in illegal acts of terrorism, including
10 international terrorism.

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

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

20 193. The services and support that Defendants purposefully, knowingly or with willful
21 blindness provided to ISIS constitute material support to the preparation and
22 carrying out of acts of international terrorism, including the attack in which
23 Plaintiffs were injured.

24 194. Defendants' provision of material support to ISIS was a proximate cause of the
25 injury inflicted on Plaintiffs.

26 195. By virtue of its violations of 18 U.S.C. § 2339A, Defendants are liable pursuant
27 to 18 U.S.C. § 2333 for any and all damages that Plaintiffs have sustained.
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SECOND CLAIM FOR RELIEF
LIABILITY FOR CONSPIRING IN FURTHERANCE OF ACTS OF
INTERNATIONAL TERRORISM PURSUANT TO
18 U.S.C. § 2333(a) and (d)

- 15 196. Each plaintiff here repeats and realleges each and every allegation of the
16 foregoing paragraphs as if fully set forth herein.
- 17 197. Defendants knowingly agreed, licensed, and permitted ISIS, its affiliates, and
18 other radical groups to register and use Defendants’ sites to promote and carry
19 out ISIS’s activities, including ISIS’s illegal acts of international terrorism and
20 injured Plaintiffs.
- 21 198. Defendants were aware that U.S. federal law prohibited providing material
22 support and resources to, or engaging in transactions with, designated foreign
23 terrorist organizations and other specially designated terrorists.
- 24 199. 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
26 terrorism, including the acts that injured Plaintiffs.

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1 200. 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
3 Plaintiffs to be injured in his or her person and property, Defendants are liable
4 pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that
5 Plaintiffs have sustained as a result of such injuries, and the costs of this suit,
6 including attorney's fees.

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THIRD CLAIM FOR RELIEF

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PROVISION OF MATERIAL SUPPORT TO TERRORISTS IN

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VIOLATION OF 18 U.S.C. § 2339a AND 18 U.S.C. § 2333

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201. Each plaintiff here repeats and realleges each and every allegation of the
15 foregoing paragraphs as if fully set forth herein.

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

21

203. These services and equipment constituted material support and resources
22 pursuant to 18 U.S.C. § 2339A and they facilitated acts of terrorism in violation
23 of 18 U.S.C. § 2332 that caused the deaths and injury of more than 36 individuals
24 at the Inland Regional Center in San Bernardino.

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

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

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

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FOURTH CLAIM FOR RELIEF

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PROVISION OF MATERIAL SUPPORT AND RESOURCES TO A

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DESIGNATED FOREIGN TERRORIST ORGANIZATION IN

14

VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)

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207. Each plaintiff here repeats and realleges each and every allegation of the
16 foregoing paragraphs as if fully set forth herein.

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208. By knowingly (or with willful blindness) providing their social media platforms
18 and communications services, including use of computer and communications
19 equipment, for the benefit of ISIS, Defendants have provided material support
20 and resources to a designated Foreign Terrorist Organization under the
21 Antiterrorism and Effective Death Penalty Act of 1996 in violation of 18 U.S.C §
22 2339B(a)(1).

23

209. Defendants knew of (or was willfully blind to) ISIS' terrorist activities.

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210. Defendants knew (or was willfully blind to the fact) that ISIS had been
25 designated a Foreign Terrorist Organization by the United States Government.

26

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

3 212. The Defendants' provision of material support to ISIS was a proximate cause of
4 the injury inflicted on Plaintiffs.

5 213. Defendants' violation of 18 U.S.C. § 2339B proximately caused the damages to
6 Plaintiffs described herein.

7 214. By knowingly (or with willful blindness) providing material support to a
8 designated Foreign Terrorist Organization, Defendants are therefore civilly liable
9 for damages to Plaintiffs for his injuries pursuant to 18 U.S.C. § 2333(a).

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16 **FIFTH CLAIM FOR RELIEF**

17 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

18 215. Each plaintiff here repeats and realleges each and every allegation of the
19 foregoing paragraphs as if fully set forth herein.

20 216. Defendants engaged in negligent behavior by providing services to ISIS.

21 217. Defendants' acts of providing services to ISIS constituted a willful violation of
22 federal statutes, and thus amounted to a willful violation of a statutory standard.

23 218. As a direct, foreseeable and proximate result of the conduct of Defendants as
24 alleged hereinabove, Plaintiffs has suffered severe emotional distress, and
25 therefore Defendants are liable to the Plaintiffs for Plaintiffs' severe emotional
26 distress and related damages.

1 **PRAYER FOR RELIEF**

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3 1. WHEREFORE, Plaintiffs request that this Honorable Court:

- 4 a. Accept jurisdiction over this action;
- 5 b. Enter judgment against Defendants and in favor of Plaintiffs for
- 6 compensatory damages in an amount to be determined at trial;
- 7
- 8 c. Enter judgment against Defendants and in favor of Plaintiffs for treble
- 9 damages pursuant to 18 U.S.C. § 2333;
- 10
- 11 d. Enter judgment against Defendants and in favor of Plaintiffs for any and
- 12 all costs sustained in connection with the prosecution of this action,
- 13 including attorneys' fees, pursuant to 18 U.S.C. § 2333;
- 14
- 15 e. Order any equitable relief to which Plaintiffs might be entitled;
- 16
- 17 f. Enter an Order declaring that Defendants have violated, and are
- 18 continuing to violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 et seq.;
- 19 and
- 20 g. Grant such other and further relief as justice requires.
- 21

22
23 Dated: November 30, 2017

CASILLAS & ASSOCIATES

24 By /s/ Arnoldo Casillas
25 ARNOLDO CASILLAS
26 DANIEL GILLETTE
27 Attorneys for Plaintiffs
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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury of all issues so triable.

Dated: November 30, 2017

CASILLAS & ASSOCIATES

By: /s/ Arnaldo Casillas
ARNOLDO CASILLAS
DANIEL GILLETTE
Attorneys for Plaintiffs