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15 Attorneys for Plaintiffs

16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 GREGORY CLAYBORN,  
 19 Individually and as  
 20 Successor-In-Interest of the  
 21 Estate of SIERRA  
 22 CLAYBORN, KIM  
 23 CLAYBORN, TAMISHIA  
 24 CLAYBORN; and

25 VANESSA NGUYEN,  
 26 Individually and as  
 27 Successor-In-Interest of the  
 28 Estate of TIN NGUYEN,  
 TRUNG DO; and

JACOB THALASINOS,  
 JAMES THALASINOS;

*Plaintiffs,*

**COMPLAINT FOR DAMAGES  
 FOR:**

1. **LIABILITY FOR AIDING AND ABETTING ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)**
2. **LIABILITY FOR CONSPIRING IN FURTHERANCE OF ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

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v.

TWITTER, INC., GOOGLE,  
INC., and FACEBOOK, INC.

*Defendants.*

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

**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**

**6. WRONGFUL DEATH**

**JURY TRIAL DEMANDED**

1 **COMPLAINT**

2  
3 NOW COME Plaintiffs, by and through their attorneys, and allege the following  
4 against Defendants Twitter, Inc., Google, Inc., Facebook, Inc. (“Defendants”):  
5

6 **NATURE OF ACTION**

- 7 1. This is an action for damages against Google pursuant to the Antiterrorism Act,  
8 18 U.S.C. § 2333 (“ATA”), as amended by the Justice Against Sponsors of  
9 Terrorism Act (“JASTA”), Pub. L. No. 114-222 (2016), for aiding, abetting, and  
10 knowingly providing support and resources to ISIS, the notorious designated  
11 foreign terrorist organization that carried out including the December 2, 2015,  
12 attack in San Bernadino where 22 were seriously injured and 14 were killed,  
13 including Sierra Clayborn, Tin Nguyen, and Nicholas Thalasinios.  
14  
15 2. The ATA’s civil remedies have served as an important means for enforcing the  
16 federal criminal anti-terrorism provisions since the early 1990s.  
17  
18 3. Congress enacted the ATA in October 1992 as a legal complement to criminal  
19 penalties against terrorists that kill or injure Americans abroad, specifically  
20 intending that the civil provisions would not only provide a mechanism for  
21 compensating victims of terror but also serve as an important means of depriving  
22 terrorists of financial resources to carry out attacks.  
23  
24 4. Following the bombing of the World Trade Center in New York by *al-Qaeda* in  
25 1993, Congress targeted terrorist resources again by enacting 18 U.S.C. § 2339A  
26  
27  
28

1 in September 1994, making it a crime to provide material support or resources  
2 knowing or intending that they will be used in preparing or carrying out terrorist  
3 acts.  
4

5 5. In April 1996, Congress further expanded the effort to cut off resources to  
6 terrorists by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide  
7 material support or resources to a designated foreign terrorist organization.  
8

9 6. In the wake of the terror attacks on the United States by *al-Qaeda* of September  
10 11, 2001 killing nearly 3,000 Americans, Congress amended the “material  
11 support” statutes, 18 U.S.C. §§ 2339A-B, via the PATRIOT Act in October 2001  
12 and the Intelligence Reform and Terrorism Prevention Act of 2004, to impose  
13 greater criminal penalties for violating these statutes and to expand the definition  
14 of “material support or resources” prohibited thereby.  
15  
16

17 7. In September 2016, Congress amended the ATA’s civil provisions to recognize  
18 causes of action for aiding and abetting and conspiring with foreign terrorist  
19 organizations who plan, prepare, or carry out acts of international terrorism. The  
20 Justice Against Sponsors of Terrorism Act (“JASTA”), Public Law No: 114-222  
21 (09/28/2016) states in relevant part:  
22  
23

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

1 (JASTA 2(b))  
2

3 8. The terror attacks in this case were carried out by ISIS, a terrorist organization  
4 for years closely affiliated with *al-Qaeda*, but from which *al-Qaeda* separated as  
5 being too brutal and extreme.  
6

7 9. Known at various times as “The al-Zarqawi Network,” “*al-Qaida* in Iraq,” “The  
8 Islamic State in Iraq,” “ISIL,” and other official and unofficial names, ISIS has  
9 been a designated Foreign Terrorist Organization (“FTO”) under Section 219 of  
10 the Immigration and Nationality Act, 8 U.S.C. § 1189 (“INI”), since October  
11 2004.  
12

13  
14 10. By the time of the terror attacks in this case, ISIS had become one of the largest  
15 and most widely-recognized and feared terrorist organizations in the world.  
16

17 11. The expansion and success of ISIS is in large part due to its use of the Defendants’  
18 social media platforms to promote and carry out its terrorist activities.  
19

20 12. For years, Defendants have knowingly and recklessly provided the terrorist group  
21 ISIS with accounts to use its social networks as a tool for spreading extremist  
22 propaganda, raising funds, and attracting new recruits. This material support  
23 has been instrumental to the rise of ISIS and has enabled it to carry out or  
24 cause to be carried out, numerous terrorist attacks, including December 2, 2015,  
25 attack in San Bernadino where 22 were seriously injured and 14 were killed,  
26 including Sierra Clayborn, Tin Nguyen, and Nicholas Thalasinios. Defendants are  
27  
28

1 information content providers because they create unique content by combining  
2 ISIS postings with advertisements in a way that is specifically targeted at the  
3 viewer. Defendants share revenue with ISIS for its content and profit from ISIS  
4 postings through advertising revenue.  
5

6  
7 13. Without Defendants Twitter, Facebook, and Google (YouTube), the explosive  
8 growth of ISIS over the last few years into the most feared terrorist group in the  
9 world would not have been possible. According to the Brookings Institution,  
10 ISIS “has exploited social media, most notoriously Twitter, to send its propaganda  
11 and messaging out to the world and to draw in people vulnerable to  
12 radicalization.”<sup>1</sup> Using Defendants’ sites, “ISIS has been able to exert an  
13 outsized impact on how the world perceives it, by disseminating images of  
14 graphic violence (including the beheading of Western journalists and aid  
15 workers) . . . while using social media to attract new recruits and inspire lone  
16 actor attacks.” According to FBI Director James Comey, ISIS has perfected  
17 its use of Defendants’ sites to inspire small-scale individual attacks, “to  
18 crowdsource terrorism” and “to sell murder.”  
19  
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23 14. Since first appearing on Twitter in 2010, ISIS accounts on Twitter have grown at  
24 an astonishing rate and, until recently, ISIS maintained official accounts on  
25 Twitter unfettered. These official accounts included media outlets, regional hubs  
26  
27

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

1 and well-known ISIS members, some with tens of thousands of followers. For  
2 example, Al-Furqan, ISIS's official media wing responsible for producing ISIS's  
3 multimedia propaganda, maintained a dedicated Twitter page where it posted  
4 messages from ISIS leadership as well as videos and images of beheadings and  
5 other brutal forms of executions to 19,000 followers.  
6  
7

8 15. Likewise, Al-Hayat Media Center, ISIS's official public relations group,  
9 maintained at least a half dozen accounts, emphasizing the recruitment of  
10 Westerners. As of June 2014, Al-Hayat had nearly 20,000 followers.  
11



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

23  
24 16. Another Twitter account, @ISIS\_Media\_Hub, had 8,954 followers as of  
25 September 2014.  
26  
27  
28



*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. 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**

20. Plaintiff Gregory Clayborn is a citizen of the United States domiciled in the State of California and is the father of Sierra Clayborn. He brings this lawsuit on behalf

1 of himself and as a successor-in-interest of the estate of his daughter Sierra  
2 Clayborn, a U.S. citizen and domiciliary of California at the time of her death.

3  
4 21. Plaintiff Kim Clayborn is a citizen of the United States domiciled in the State of  
5 California and is the step-mother of Sierra Clayborn.

6  
7 22. Plaintiff Tamishia Clayborn is a citizen of the United States domiciled in the State  
8 of California and is the sister of Sierra Clayborn.

9  
10 23. Plaintiff Vanessa Nguyen is a citizen of the United States domiciled in the State  
11 of California and is the mother of Tin Nguyen. She brings this lawsuit on behalf  
12 of herself and as a successor-in-interest of the estate of her daughter Tin Nguyen,  
13 a U.S. citizen and domiciliary of California at the time of her death.

14  
15 24. Plaintiff Trung Do is a citizen of the United States domiciled in the State of  
16 California and is the brother of Tin Nguyen.

17  
18 25. Plaintiff Jacob Thalasinis is a citizen of the United States domiciled in the State  
19 of California and is the son of Nicholas Thalasinis.

20  
21 26. Plaintiff James Thalasinis is a citizen of the United States domiciled in the state  
22 of California and is the son of Nicholas Thalasinis.

23  
24 27. Defendant Twitter, Inc. (“Twitter”) is a publicly traded U.S. company  
25 incorporated in Delaware, with its principal place of business at 1355 Market  
26 Street, Suite 900, San Francisco, California 94103.

27  
28 28. Defendant Facebook, Inc. (“Facebook”) is a publicly traded U.S. company

1 incorporated in Delaware, with its principal place of business at 1601 Willow  
2 Road, Menlo Park, California, 94025.

3  
4 29. Defendant Google Inc. (“Google”) is a publicly traded U.S company incorporated  
5 in Delaware, with its principal place of business at 1600 Amphitheatre Parkway,  
6 Mountain View, California, 94043. Google owns the social media site YouTube.  
7  
8 For the purposes of this complaint, Google and YouTube are used  
9 interchangeably.

### 10 **JURISDICTION AND VENUE**

11  
12 30. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.  
13 §1331 and 18 U.S.C. § 2333(a) as a civil action brought by a citizen of the United  
14 States injured by reason of an act of international terrorism and the estate,  
15 survivor, or heir of a United States citizen injured by reason of an act of  
16 international terrorism.

17  
18  
19 31. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and 18 U.S.C. §  
20 2334(a) because at least one of the Plaintiffs and/or decedents was a resident of  
21 the Central District of California, Western District and Defendants conduct  
22 significant business operations in the state of California and within the Central  
23 District of California.  
24  
25

### 26 **FACTUAL ALLEGATIONS**



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

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

13 37. 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  
15 serve as an important means of depriving terrorists of financial resources to carry  
16 out attacks.  
17  
18

19 38. As the ATA was being considered in Congress, the State Department’s Deputy  
20 Legal Advisor, Alan J. Kreczko, testified before the Senate Judiciary Committee’s  
21 Subcommittee on Courts and Administrative Practice that this proposed bill “will  
22 add to the arsenal of legal tools that can be used against those who commit acts of  
23 terrorism against United States citizens abroad.”<sup>2</sup>  
24  
25  
26

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27  
28 <sup>2</sup> “Statement of Alan J. Kreczko, Deputy Legal Adviser, On S. 2465: A bill to provide a new  
civil cause of action in federal court for terrorist acts abroad against United States nationals,” Before

1 39. The Deputy Legal Advisor also testified:

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

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

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

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

16  
17 “The United States must take a strong stand against terrorism. The Department of  
18 State testified that this bill would add to the arsenal of legal tools that can be used  
against those who commit acts of terrorism against U.S. citizens abroad.

19 . . .  
20 Now is the time for action. Now is the time to strengthen our ability to both deter  
21 and punish acts of terrorism.

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

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24  
25  
26 the Subcommittee on Courts and Administrative Practice of the Senate Judiciary Committee (July 25,  
27 1990), <https://www.state.gov/documents/organization/28458.pdf>.

28 <sup>3</sup> *Id.*

1 their lifeline, their funds.”<sup>4</sup>

2 41. In July 1992, a Senate Committee Report explained that the ATA’s treble damages  
3 provision “would interrupt, or at least imperil, the flow of money” to terrorist  
4 organizations.<sup>5</sup>

5  
6 42. In October 1992, Congress enacted ATA’s civil provisions, including 18 U.S.C. §  
7 2333.  
8

9 **B. The “Material Support” Statutes and Regulations**

10  
11 43. On February 26, 1993, a group of *al-Qaeda* terrorists detonated a truck bomb under  
12 the North Tower of the World Trade Center in New York City, attempting to cause  
13 the collapse of both towers and the death of thousands of Americans.  
14

15 44. Although the damage from the World Trade Center bombing was limited, it  
16 nevertheless killed six people and injured more than one thousand.  
17

18 45. In response, Congress again took aim at the resources available to terrorists in  
19 September 1994 and enacted 18 U.S.C. § 2339A, making it a crime to provide  
20 material support or resources to terrorists, knowing or intending that they would  
21 be used for terrorist acts.  
22  
23  
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25

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26 <sup>4</sup> 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>.  
27

28 <sup>5</sup> S. Rep. No. 102-342 at 22 (1992).

- 1 46. In April 1996, Congress expanded the prohibition of providing material support or  
2 resources to terrorists by enacting 18 U.S.C. § 2339B, making it a crime to  
3 knowingly provide material support or resources to a designated foreign terrorist  
4 organization, without regard to how such support or resources will be used.  
5
- 6 47. On the morning of September 11, 2001, several teams of *al-Qaeda* operatives  
7 carried out terrorist hijackings of civilian aircraft in the United States with the  
8 purpose of crashing them into various targets, causing enormous damage and mass  
9 murder (the “9/11 Attacks”).  
10
- 11 48. In the course of the 9/11 Attacks, *al-Qaeda* terrorists crashed two aircraft into the  
12 World Trade Center towers, causing the fiery collapse of both towers, a third  
13 aircraft was crashed into the U.S. military headquarters known as the Pentagon,  
14 and a fourth aircraft was crashed into a field.  
15
- 16 49. The 9/11 Attacks killed nearly 3,000 people and injured more than 6,000 others,  
17 and caused more than \$10 billion in damage to property.  
18
- 19 50. On September 23, 2001, in response to the 9/11 Attacks, President George W. Bush  
20 issued Executive Order No. 13224 pursuant to the International Emergency  
21 Economic Powers Act, 50 U.S.C. §§ 1701 *et seq.* (“IEEPA”).  
22
- 23 51. In Executive Order No. 13224, President Bush found that “grave acts of terrorism  
24 and threats of terrorism committed by foreign terrorists . . . and the continuing and  
25 immediate threat of further attacks on United States nationals or the United States  
26  
27  
28

1 constitute an unusual and extraordinary threat to the national security, foreign  
2 policy, and economy of the United States,” and he declared a national emergency  
3 to deal with such threats.  
4

5 52. Executive Order No. 13224 legally blocked all property and interests in property  
6 of “Specially Designated Global Terrorists” (“SDGTs”), prohibited the provision  
7 of funds, goods, or services for the benefit of SDGTs, and authorized the U.S.  
8 Treasury to block the assets of individuals and entities that provide support,  
9 services, or assistance to, or otherwise associate with, SDGTs, as well as their  
10 subsidiaries, front organizations, agents, and associates.  
11

12 53. Executive Order No. 13224’s prohibitions remain in effect.  
13

14 54. Under the IEEPA, violation of Executive Order No. 13224 is a federal criminal  
15 offense. *See* 50 U.S.C. § 1705.  
16

17 55. In the wake of the 9/11 Attacks, Congress passed the “PATRIOT Act” in October  
18 2001 and the “Intelligence Reform and Terrorism Prevention Act of 2004,” which  
19 amended the “material support” statutes, 18 U.S.C. §§ 2339A-B, to increase the  
20 criminal penalties for violating these statutes and to expand the definition of  
21 “material support or resources” prohibited thereby.  
22

23  
24 **C. The Justice Against Sponsors of Terrorism Act (“JASTA”)**  
25

26 56. In September 2016, Congress enacted JASTA, which amended the ATA’s civil  
27 provisions to recognize causes of action for aiding and abetting and conspiring with  
28

1 foreign terrorist organizations who plan, prepare, or carry out acts of international  
2 terrorism.

3  
4 57. In enacting JASTA, Congress made a number of specific findings, including the  
5 following:

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

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

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

22 59. ISIS, which stands for the Islamic State of Iraq and Syria, is also known as  
23 the Islamic State of Iraq and the Levant (“ISIL”), the Islamic State (“IS”), ad-  
24 Dawlah al-Islāmiyah fil-‘Irāq wash-Shām (“DAESH”) and al-Qaeda in Iraq  
25 (“AQI”).

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26  
27 <sup>6</sup> JASTA § 2(a)(6).

28 <sup>7</sup> JASTA § 2(b).

1 60. Originally affiliated with al Qaeda, ISIS's stated goal is the establishment of  
2 a transnational Islamic caliphate, *i.e.* an Islamic state run under strict Sharia law.  
3  
4 By February 2014, however, ISIS's tactics had become too extreme for even  
5 al Qaeda and the two organizations separated.

6  
7 61. Since its emergence in Iraq in the early 2000's when it was known as AQI, ISIS  
8 has wielded increasing territorial power, applying brutal, terrifying violence to  
9 attain its military and political goals, including summary executions, mass  
10 beheadings, amputations, shootings and crucifixions, which it applies to anyone  
11 it considers an "unbeliever," a "combatant" or a "prisoner of war."

12  
13 62. The United Nations and International NGOs have condemned ISIS for war  
14 crimes and ethnic cleansing, and more than 60 countries are currently fighting to  
15 defeat ISIS and prevent its expansion.  
16

17  
18 63. On December 17, 2004, the United States designated ISIS as a Foreign Terrorist  
19 Organization ("FTO") under Section 219 of the Immigration and Nationality Act,  
20 as amended.  
21

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

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

24  
25 64. One of ISIS's primary uses of Defendants' sites is as a recruitment platform,  
26 particularly to draw fighters from Western countries.

27  
28 65. ISIS reaches potential recruits by maintaining accounts on Twitter, YouTube,

1 and Facebook so that individuals across the globe may reach out to them directly.  
2 After the first contact, potential recruits and ISIS recruiters often communicate  
3 via Defendants' Direct Messaging capabilities. According to FBI Director James  
4 Comey, "[o]ne of the challenges in facing this hydra-headed monster is that if  
5 (ISIS) finds someone online, someone who might be willing to travel or kill  
6 in place they will begin a Twitter direct messaging contact." Indeed, according  
7 to the Brookings Institution, some ISIS members "use Twitter purely for private  
8 messaging or covert signaling."  
9

10  
11 66. In addition to individual recruitment, ISIS members use Defendants to post  
12 instructional guidelines and promotional videos referred to as "mujatweets."

13 67. For example, in June 2014, ISIS fighters tweeted guidelines in English targeting  
14 Westerners and instructing them on how to travel to the Middle East to join its  
15 fight.  
16

17 68. That same month, ISIS posted a recruitment video on various social media sites,  
18 including Defendants. Although YouTube removed the video from its site, the  
19 link remained available for download from Twitter. The video was further  
20 promoted through retweets by accounts associated with ISIS.  
21

22 69. ISIS also posted its notorious promotional training video, "Flames of War,"  
23 narrated in English, in September 2014. The video was widely distributed on  
24 Twitter through ISIS sympathizers. After joining ISIS, new recruits become  
25 propaganda tools themselves, using Defendants to advertise their membership and  
26 terrorist activities.  
27

28 70. For example, in May 2013, a British citizen who publicly identified himself as

1 an ISIS supporter tweeted about his touchdown in Turkey before crossing the  
2 border into Syria to join ISIS in the fight against the Syrian regime. And in  
3 December 2013, the first Saudi Arabian female suicide bomber to join ISIS in  
4 Syria tweeted her intent to become a martyr for the ISIS cause, as she embarked  
5 for Syria.  
6

7 71. As another example, two Tunisian girls, ages 19 and 21, were lured by ISIS's use  
8 of Facebook to travel to Syria believing they would be providing humanitarian  
9 aid<sup>8</sup>. Instead, they were taken to an ISIS compound where there were forced to  
10 serve as prostitutes and were repeatedly raped. The girls escaped during a  
11 bombing of the compound and returned home.  
12

13  
14 72. Recently, it was reported that the leader of ISIS in the United Kingdom, Omar  
15 Hussain, was using Facebook to recruit terrorists to launch attacks in the U.K.<sup>9</sup>  
16

17 73. After kidnapping and murdering Ruqia Hassan Mohammad, a female journalist  
18 and activist, ISIS used her account to lure others into supporting ISIS<sup>10</sup>.  
19

20 74. Through its use of Defendants' sites, ISIS has recruited more than 30,000 foreign  
21 recruits since 2013, including some 4,500 Westerners and 250 Americans.  
22

### **ISIS Uses Defendants to Fund Terrorism**

23 75. ISIS also uses Defendants to raise funds for its terrorist activities.  
24

25 <sup>8</sup> <http://www.teenvogue.com/story/isis-recruits-american-teens>

26 <sup>9</sup> <http://www.mirror.co.uk/news/uk-news/british-isis-leader-using-facebook-7545645?>

27 <sup>10</sup> <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>  
28

1 76. According to David Cohen, the U.S. Treasury Department’s Under Secretary  
 2 for Terrorism and Financial Intelligence, “[y]ou see these appeals on Twitter in  
 3 particular from, you know, well-know[n] terrorist financiers . . . and they’re  
 4 quite explicit that these are to be made to ISIL for their military campaign.”  
 5  
 6 77. The Financial Action Task Force confirms that “individuals associated with ISIL  
 7 have called for donations via Twitter and have asked the donors to contact them.”  
 8 These tweets even promote “donation tiers.” One ISIS-linked cleric with the  
 9 Twitter account @Jahd\_bmalk, for instance, sought donations for weapons with  
 10 the slogan “Participate in Jihad with your Money.” The account tweeted that “if  
 11 50 dinars is donated, equivalent to 50 sniper rounds, one will receive a ‘silver  
 12 status.’ Likewise, if 100 dinars is donated, which buys eight mortar rounds, the  
 13 contributor will earn the title of ‘gold status’ donor.” According to various tweets  
 14 from the account, over 26,000 Saudi Riyals (almost \$7,000) were donated.



27 *Figure 3 Fundraising Images from ISIS Twitter Accounts*

1 78. A similar Twitter campaign in the spring of 2014 asked followers to “support  
2 the Mujahideen with financial contribution via the following reliable accounts”  
3 and provided contact information for how to make the requested donations.  
4

5 In its other Twitter fundraising campaigns, ISIS has posted photographs of cash  
6 gold bars and luxury cars that it received from donors, as well as weapons  
7 purchased with the proceeds.  
8



18 *Figure 4 Donations to ISIS Publicized on Twitter*

19  
20 79. As discussed more fully below, YouTube approves of ISIS videos allowing for  
21 ads to be placed with ISIS videos. YouTube earns revenue from these  
22 advertisements and shares a portion of the proceeds with ISIS.  
23

24 80. Below is an example of a video posted by ISIS on YouTube with a member  
25 speaking in French looking for Muslims to support ISIS’s cause online.  
26  
27  
28



Figure 5 Screenshot from ISIS Video Posted on June 17, 2015

### **ISIS Uses Defendants' Sites to Spread Its Propaganda**

81. ISIS also uses Defendants' sites to spread propaganda and incite fear by posting graphic photos and videos of its terrorist feats.
82. Through Defendants' sites, ISIS disseminates its official media publications as well as posts about real-time atrocities and threats to its perceived enemies.
83. 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.
84. 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."
85. In December 2013, an ISIS-affiliated user tweeted pictures of what it described as the killing of an Iraqi cameraman.

1 86. In June 2014, ISIS tweeted a picture of an Iraqi police chief, sitting with his  
2 severed head perched on his legs. The accompanying tweet read: “This is our  
3 ball . . . it has skin on it.” ISIS then hashtagged the tweet with the handle  
4 #WorldCup so that the image popped up on the feeds of millions following the  
5 soccer challenge in Brazil.  
6  
7

8 87. On July 25, 2014, ISIS members tweeted photos of the beheading of around 75  
9 Syrian soldiers who had been captured during the Syrian conflict.  
10

11 88. In August 2014, an Australian member of ISIS tweeted a photo of his seven-  
12 year- old son holding the decapitated head of a Syrian soldier.  
13

14 89. Also in August 2014, ISIS member Abu Musaab Hafid al-Baghdadi posted  
15 photos on his Twitter account showing an ISIS militant beheading a blindfolded  
16 captured Lebanese Army Sergeant Ali al-Sayyed.  
17

18 90. That same month, ISIS supporters tweeted over 14,000 tweets threatening  
19 Americans under the hashtags #WaronWhites and #AMessagefromISISstoUS,  
20 including posting gruesome photos of dead and seriously injured Allied soldiers.  
21 Some of the photos depicted U.S. marines hung from bridges in Fallujah, human  
22 heads on spikes and the twin towers in flames following the 9/11 attacks. Other  
23 messages included direct threats to attack U.S. embassies around the world, and  
24 to kill all Americans “wherever you are.”  
25  
26

27 91. Various ISIS accounts have also tweeted pictures and videos of the beheadings  
28

1 of Americans James Foley, Steven Sotloff, and Peter Kassig.

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

8  
9  
10 93. ISIS has also used Twitter to coordinate hashtag campaigns, whereby it enlists  
11 thousands of members to repetitively tweet hashtags at certain times of the day so  
12 that they trend on Twitter, meaning a wider number of users are exposed to the  
13 tweets. One such campaign dubbed a “Twitter storm,” took place on June 8, 2014,  
14 and led to a surge in followers.

15  
16  
17 94. In 2014, propaganda operatives from ISIS posted videos of photojournalist John  
18 Cantile and other captors on both Twitter and YouTube<sup>11</sup>. These operatives used  
19 various techniques to ensure that ISIS’ posting was spread using Defendants’  
20 sites. In her New York Times article, (Not “Lone Wolves” After All: How ISIS  
21 Guides World’s Terror Plots From Afar-2/5/17), Rakmini Callimachi  
22 acknowledges that because of Twitter and other social media, “In the most basic  
23 enabled attacks Islamic State handlers acted as confidants and coaches, coaxing  
24  
25  
26  
27

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28 <sup>11</sup> <http://www.theguardian.com/world/2014/sep/24/isis-Twitter-youtube-message-social-media-jihadi>

1 recruits to embrace violence. ... Because the recruits are instructed to use  
2 encrypted messaging applications, the guiding role played by the terrorist group  
3 often remains obscured. As a result, remotely guided plots in Europe, Asia, and  
4 the United States ... were initially labeled the work of “lone wolves”, ... and only  
5 later discovered to have direct communications with the group discovered.”  
6  
7

8 **Defendants Knowingly Permit ISIS to Use Their Social Network**

9 **The Use of Twitter by Terrorists Has Been Widely Reported**

- 10 95. For years, the media has reported on the ISIS’s use of Defendants’ social media  
11 sites and their refusal to take any meaningful action to stop it.  
12
- 13 96. In December 2011, the New York Times reported that the terrorist group al-  
14 Shabaab, “best known for chopping off hands and starving their own people, just  
15 opened a Twitter account and have been writing up a storm, bragging about recent  
16 attacks and taunting their enemies.”  
17
- 18 97. That same month, terrorism experts cautioned that “Twitter terrorism” was part  
19 of “an emerging trend” and that several branches of al Qaeda were using Twitter  
20 to recruit individuals, fundraise and distribute propaganda more efficiently. New  
21 York Times correspondent, Rukmini Callimachi, probably the most significant  
22 reporter covering terrorism, acknowledges that social media and specifically  
23 Twitter, allows her to “get inside the minds of ISIS”. Moreover, Callimachi  
24 acknowledges, “Twitter is the main engine” in ISIS communication, messaging  
25 and recruiting. “Al Qaeda (and now ISIS) have created a structure that was meant  
26  
27  
28

1 to regenerate itself and no longer be dependent on just one person (bin Laden).  
2 The Ideology is now a living, breathing thing, because of Twitter. You no longer  
3 have to go to some closed dark-web forum to see their stuff.” Using Twitter, you  
4 don’t need to even know the exact address to gain access to messages. “With  
5 Twitter, you can guess; you look for certain words and you end up finding these  
6 accounts. And then it’s kind of organic; You go to one account, then you go to  
7 their followers and you follow all those people, and suddenly you’re in the know.  
8  
9 “ (Rukmini Callimachi, Wired.com, 8/3/16.)

10  
11 98. On November 20, 2015, Business Insider reported that ISIS members have been  
12 providing a 34-page guide to operational security and communications available  
13 through multiple social medium platforms which delivers instructions to users  
14 about communications methods including specifics in the use of Twitter, for  
15 purposes of recruiting and radicalizing in the United States. Twitter

16  
17 99. On October 14, 2013, the BBC issued a report on “The Sympatic,” “one of the  
18 most important spokesmen of the Islamic State of Iraq and the Levant on the social  
19 contact website Twitter” who famously tweeted: “I swear by God that with us  
20 there are mujahideen who are not more than 15 years old!! Where are the men of  
21 the [Arabian] Peninsula? By God, shame on you.”

22  
23 100. On October 31, 2013, Agence France-Presse reported on an ISIS video depicting  
24 a prison break at Abu Ghraib and the execution of Iraqi army officers that was  
25 “posted on jihadi forums and Twitter.”

26  
27 101. On June 19, 2014, CNN reported on ISIS’s use of Twitter to raise money for  
28 weapons, food, and operations. The next day, Seth Jones, Associate Director of

1 International Security and Defense Policy Center, stated in an interview on CNN  
2 that Twitter was widely used by terrorist groups like ISIS to collect information,  
3  
4 fundraise and recruit. "Social media is where it's at for these groups," he added.

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

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

15  
16 **The Use of Facebook by ISIS has been widely reported**

17 104. On January 10, 2012, CBC News Released an article stating that Facebook is  
18 being used by terrorist organizations for recruitment and to gather military and  
19 political intelligence "Many users don't even bother finding out who they are  
20 confirming as 'friend' and to whom they are providing access to a large amount of  
21 information on their personal life. The terrorists themselves, in parallel, are able  
22 to create false profiles that enable them to get into highly visible groups," he  
23  
24 said<sup>12</sup>.

25  
26  
27  
28 

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<sup>12</sup> <http://www.cbc.ca/news/technology/terrorist-groups-recruiting-through-social-media-1.1131053>

1 105. On January 10, 2014, the Washington post released an article titled *Why aren't*  
2 *YouTube, Facebook, and Twitter doing more to stop terrorists from inciting*  
3 *violence?*<sup>13</sup>  
4

5 106. 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  
7 adoringly quotes Abu Musab al-Zarqawi, founder of al-Qaeda in Iraq who was  
8 killed by U.S. forces in 2006.”<sup>14</sup>  
9

10 107. On August 21, 2014, the anti-defamation league explained that ISIS supporters on  
11 Twitter have “not only promoted ISIS propaganda (primarily in English) but has  
12 also directed supporters to his English-language Facebook pages (continuously  
13 replacing pages as they are removed by Facebook for content violation) that do  
14 the same.”<sup>15</sup>  
15  
16  
17

18 108. On October 28, 2015, at the Radicalization: Social Media And The Rise Of  
19 Terrorism hearing it was reported that Zale Thompson who attacked four New  
20 York City Police Officers with an ax posted on Facebook “Which is better, to sit  
21  
22  
23  
24

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25 <sup>13</sup> <https://www.washingtonpost.com/posteverything/wp/2014/07/10/farrow-why-arent-youtube-facebook-and-Twitter-doing-more-to-stop-terrorists-from-inciting-violence/>

26 <sup>14</sup> <http://www.washingtontimes.com/news/2014/jun/16/husain-facebook-refuses-take-down-isis-terror-grou/>

27 <sup>15</sup> <http://www.adl.org/combating-hate/international-extremism-terrorism/c/isis-islamic-state-social-media.html?referrer=https://www.google.com/#.Vzs0xfkrIdU>  
28

1 around and do nothing or to wage jihad.<sup>16</sup>”

2 109. At this same hearing, it was also reported that in September 2014 “Alton Nolen,  
3 a convert to Islam and ex-convict who had just been fired from his job at a food  
4 processing plant, entered his former workplace and beheaded an employee with a  
5 knife. This attack combines elements of workplace violence and terrorism. Nolen  
6 had been a voracious consumer of IS propaganda, a fact reflected on his Facebook  
7 page.<sup>17</sup>”

8 110. On November 11, 2015, it was reported that one of the attackers from a terrorist  
9 bus attack two weeks prior “was a regular on Facebook, where he had already  
10 posted a “will for any martyr.” Very likely, they made use of one of the thousands  
11 of posts, manuals and instructional videos circulating in Palestinian society these  
12 last few weeks, like the image, shared by thousands on Facebook, showing an  
13 anatomical chart of the human body with advice on where to stab for maximal  
14 damage.<sup>18</sup>”

15 111. On December 4, 2015, The Counter Extremism Project released a statement that  
16 “Today’s news that one of the shooters in the San Bernardino attack that killed 14  
17  
18  
19  
20  
21  
22  
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24

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25 <sup>16</sup> <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Purdy-TRC-Testimony.pdf>

26 <sup>17</sup> <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Gartenstein-Ross-FDD-Testimony.pdf>

27 <sup>18</sup> [http://www.nytimes.com/2015/11/03/opinion/the-facebook-intifada.html?\\_r=1](http://www.nytimes.com/2015/11/03/opinion/the-facebook-intifada.html?_r=1)

1 innocent people pledged allegiance to ISIS in a Facebook posting demonstrates  
2 once again that the threat of ISIS and violent Islamist extremist ideology knows  
3 no borders.<sup>19</sup>”  
4

5 112. On April 8, 2016, the Mirror reported that “Jihadi fighters in the Middle East are  
6 using Facebook to buy and sell heavy duty weaponry” and that “Fighters in ISIS-  
7 linked regions in Libya are creating secret arms bazaars and hosting them on the  
8 massive social network. Because of Facebook's ability to create groups and to send  
9 secure payments through its Messenger application, it works as the perfect  
10 platform for illegal deals.<sup>20</sup>”  
11  
12

### 13 **The Use of YouTube by ISIS has been widely reported**

14

15 113. The media has widely reported on terrorists’ use of YouTube and YouTube’s  
16 refusal to take any meaningful action to stop it.  
17

18 114. On July 7, 2014, CBS Local reported that “militants post beheading videos on  
19 sites like Google’s YouTube, giving an image the chance to go viral before being  
20 shut down.<sup>21</sup>”  
21

22 115. On March 1, 2015, the New York Times reported that “some of the most  
23

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24 <sup>19</sup> [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)

25  
26  
27 <sup>20</sup> <http://www.mirror.co.uk/tech/isis-terrorists-use-facebook-buy-7713893>

28 <sup>21</sup> <http://sanfrancisco.cbslocal.com/2015/07/24/should-Twitter-facebook-be-held-liable-for-a-terrorist-attack/>

1 sophisticated recruitment efforts by the Islamic State, particularly online, are  
2 geared toward Westerners, featuring speakers who are fluent in English. For  
3 instance, in a video available on YouTube and Facebook, the Islamic State has  
4 manipulated the video game Grand Theft Auto, making the game's officers look  
5 like New York police officers and showing how a militant could attack them.<sup>22</sup>

6  
7  
8 116. On March 3, 2015, CNN Money reported that YouTube was placing  
9 advertisements in front of ISIS videos<sup>23</sup>.

10  
11 117. On March 10<sup>th</sup> 2015, Death and Taxes released an article titled *Beer ads keep*  
12 *showing up on ISIS YouTube videos*<sup>24</sup>.

13  
14 118. On March 10<sup>th</sup> 2015, NBC News released an article titled *Ads Shown Before*  
15 *YouTube ISIS Videos Catch Companies Off-Guard*<sup>25</sup>.

16  
17 119. On March 11, 2015, NewsMediaRockstars.com reported that “Major corporations  
18 like Procter and Gamble, Anheuser-Busch, and Toyota have all been forced to  
19 make apologies after ads for their products started rolling in front of ISIS  
20 recruiting videos which have been cropping up ever more frequently on the site.<sup>26</sup>”

21  
22  
23 \_\_\_\_\_  
24 <sup>22</sup> <http://www.nytimes.com/2015/03/01/nyregion/brooklyn-arrests-highlight-challenges-in-fighting-of-isis-and-known-wolves.html? r=0>

25 <sup>23</sup> <http://money.cnn.com/2015/03/03/technology/isis-ads-youtube/>

26 <sup>24</sup> <http://www.deathandtaxesmag.com/239510/beer-ads-keep-showing-up-on-isis-youtube-videos/>

27 <sup>25</sup> <http://www.nbcnews.com/storyline/isis-terror/ads-shown-isis-videos-youtube-catch-companies-guard-n320946>

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

1 120. On August 6, 2015, Journal-Neo.org reported that “The well-known online video  
2 platform YouTube serves as the main media platform of these radical fighters.<sup>27</sup>”

3  
4 121. On April 28, 2015, MusicTechPolicy.com reported that the Islamic State has  
5 released a new YouTube video “showcasing recent battles in the Al Sufiyah area  
6 of eastern Ramadi. Approximately 30 Iraqi police have been killed and around  
7 100 more have been injured in recent days in the western provincial capital.<sup>28</sup>”

8  
9 122. In March 2016, the Morning Consult reported that “a video ad from a pro-Ted  
10 Cruz Super PAC (Reigniting the Promise PAC) was the inadvertent prelude to a  
11 video produced by an official media outlet of the Islamic State terror group. The  
12 outlet, Al-Hayat Media Center, produces propaganda for ISIS. Digital Citizens  
13 Alliance says it’s likely an ISIS supporter uploaded that video.”

14  
15  
16 123. In March 2016 the digital citizens’ alliance found several examples of campaign  
17 ads placed on ISIS videos<sup>29</sup>.

18  
19 **Defendants Have Rebuffed Numerous Requests to Comply with U.S. Law**

20 124. Throughout this period, both the U.S. government and the public at large have  
21 urged Defendants to stop providing its services to terrorists.  
22

23  
24  
25 <sup>27</sup> <http://journal-neo.org/2015/06/08/hi-tech-tools-of-isis-propaganda/>

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

27 <sup>29</sup> <https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc2cd.pdf>  
28

1 125. In December 2011, an Israeli law group threatened to file suit against Twitter for  
2 allowing terrorist groups like Hezbollah to use its social network in violation of  
3 U.S. anti-terrorism laws.  
4

5 126. In December 2012, several members of Congress wrote to FBI Director Robert  
6 Mueller asking the Bureau to demand that the Twitter block the accounts of  
7 various terrorist groups.  
8

9 127. In a committee hearing held on August 2, 2012, Rep. Ted Poe, chair of the House  
10 Foreign Affairs Subcommittee on Terrorism, lamented that “when it comes to a  
11 terrorist using Twitter, Twitter has not shut down or suspended a single account.”  
12 “Terrorists are using Twitter,” Rep. Poe added, and “[i]t seems like it’s a violation  
13 of the law.” In 2015, Rep. Poe again reported that Twitter had consistently failed  
14 to respond sufficiently to pleas to shut down clear incitements to violence by  
15 terrorists.  
16  
17  
18

19 128. Recently, former Secretary of State Hillary Clinton has urged Defendants to  
20 become more aggressive in preventing ISIS from using its network. “Resolve  
21 means depriving jihadists of virtual territory, just as we work to deprive them of  
22 actual territory,” she told one audience. Later, Secy. Clinton stated that Twitter  
23 and other companies “cannot permit the recruitment and the actual direction of  
24 attacks or the celebration of violence by this sophisticated Internet user. They’re  
25 going to have to help us take down these announcements and these appeals.”  
26  
27  
28

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

10  
11  
12 **Defendants have failed to prevent ISIS from using its services**

13 130. Despite these appeals, Defendants have failed to take meaningful action.

14  
15 131. In a January 2011 blog post entitled “The tweets Must Flow,” Twitter co-  
16 founder Biz Stone and Twitter General Counsel Alex Macgillivray wrote: “We  
17 don’t always agree with the things people choose to tweet, but we keep the  
18 information flowing irrespective of any view we may have about the content.”

19  
20 132. On June 20, 2014, Twitter founder Biz Stone, responding to media questions about  
21 ISIS’s use of Twitter to publicize its acts of terrorism, said, “[i]f you want to create  
22 a platform that allows for the freedom of expression for hundreds of millions of  
23 people around the world, you really have to take the good with the bad.”

24  
25  
26 133. In September 2014, Twitter spokesperson Nu Wexler reiterated Twitter’s hands-  
27 off approach, telling the press, “Twitter users around the world send  
28

1 approximately 500 million tweets each day, and we do not monitor them  
2 proactively.” “The Twitter Rules” reiterated that Twitter “do[es] not actively  
3 monitor and will not censor user content, except in exceptional circumstances.”  
4  
5 In February 2015, Twitter confirmed that it does not proactively monitor content  
6 and that it reviews only that content which is reported by other users as violating  
7  
8 its rules.

9 134. Most technology experts agree that Defendants could and should be doing more  
10 to stop ISIS from using its social network. “When Twitter says, ‘We can’t do this,’  
11 I don’t believe that,” said Hany Farid, chairman of the computer science  
12 department at Dartmouth College. Mr. Farid, who co-developed a child  
13 pornography tracking system with Microsoft, says that the same technology could  
14 be applied to terror content, so long as companies were motivated to do so.  
15 “There’s no fundamental technology or engineering limitation,” he said. “This is  
16 a business or policy decision. Unless the companies have decided that they just  
17 can’t be bothered.”  
18  
19

20 135. According to Rita Katz, the director of SITE Intelligence Group, “Twitter is not  
21 doing enough. With the technology Twitter has, they can immediately stop these  
22 accounts, but they have done nothing to stop the dissemination and recruitment of  
23 lone wolf terrorists.”  
24

25 136. Even when Defendants shut down an ISIS-linked account, they do nothing to stop  
26 it from springing right back up. According to the New York Times, the Twitter  
27 account of the pro- ISIS group Asawitiri Media has had 335 accounts. When its  
28

1 account @TurMedia333 was shut down, it started @TurMedia334. When that was  
2 shut down, it started @TurMedia335. This “naming convention — adding one  
3 digit to a new account after the last one is suspended — does not seem as if it  
4 would require artificial intelligence to spot.” Each of these accounts also used the  
5 same user photograph of a bearded man’s face over and over again. In the hours  
6 after the shooting attack in San Bernardino, California on December 2, 2015,  
7 @TurMedia335 tweeted: “California, we have already arrived with our soldiers.  
8 Decide how to be your end, with knife or bomb.”  
9

10 137. Using this simplistic naming scheme is critical to ISIS’s use of social media.  
11

12 Without a common prefix, it would be difficult for followers of ISIS accounts to  
13 know the new name of the account.  
14

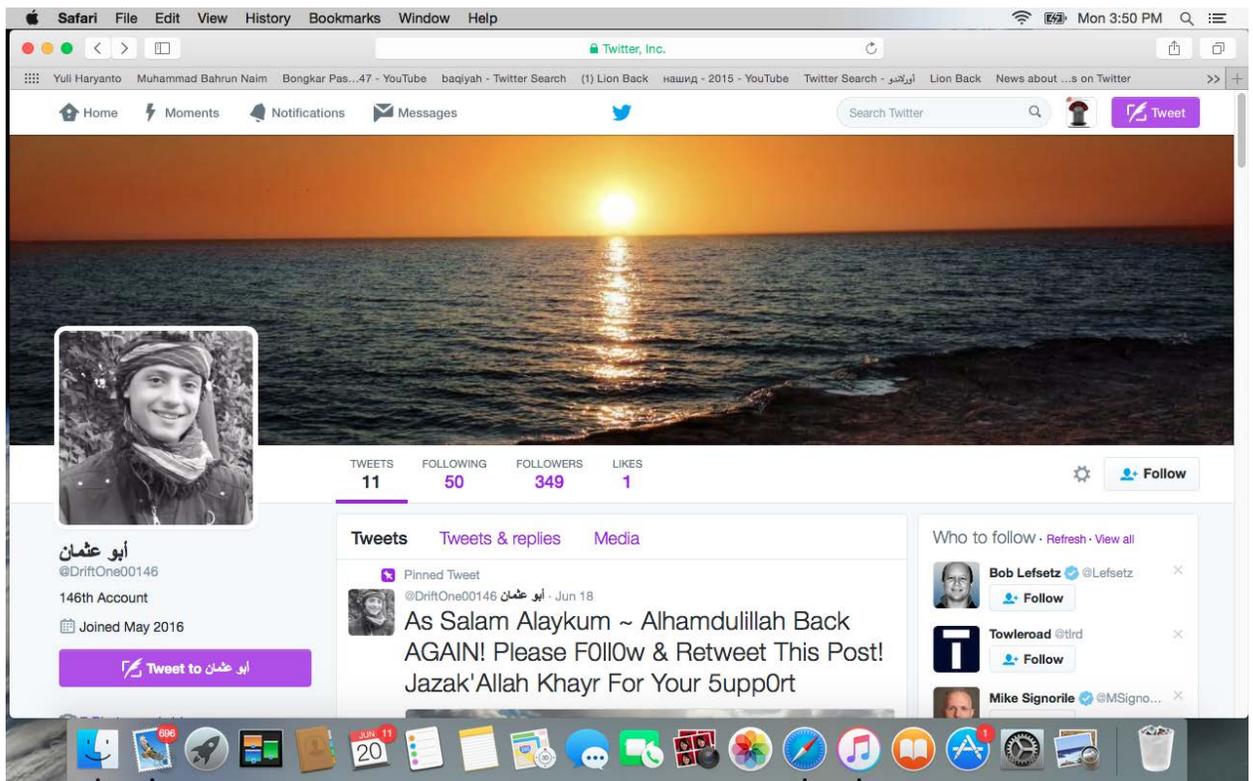
15 138. Because of the simplistic renaming scheme, Defendants could easily detect names  
16 that are likely to be replacement accounts and delete them almost as soon as they  
17 are created. Yet Defendants have failed to implement such a basic account  
18 detection methodology.  
19

20 139. Furthermore, ISIS keeps track of the followers of each account. Once an account  
21 is deleted by one of the Defendants and then regenerated, ISIS uses a bot to contact  
22 each of its followers asking them to connect. This allows ISIS to reconstitute the  
23 connections for each account very quickly. Defendants could easily detect such  
24 activity but chose not to.  
25  
26

27 140. Although Defendants proclaim that they do take accounts down including those  
28

1 of ISIS, Defendants do nothing to keep those accounts down. ISIS and other  
2 nefarious groups are dependent upon having a social media network from which  
3 to collect money and conduct terrorist operations including recruitment and  
4 radicalization.  
5

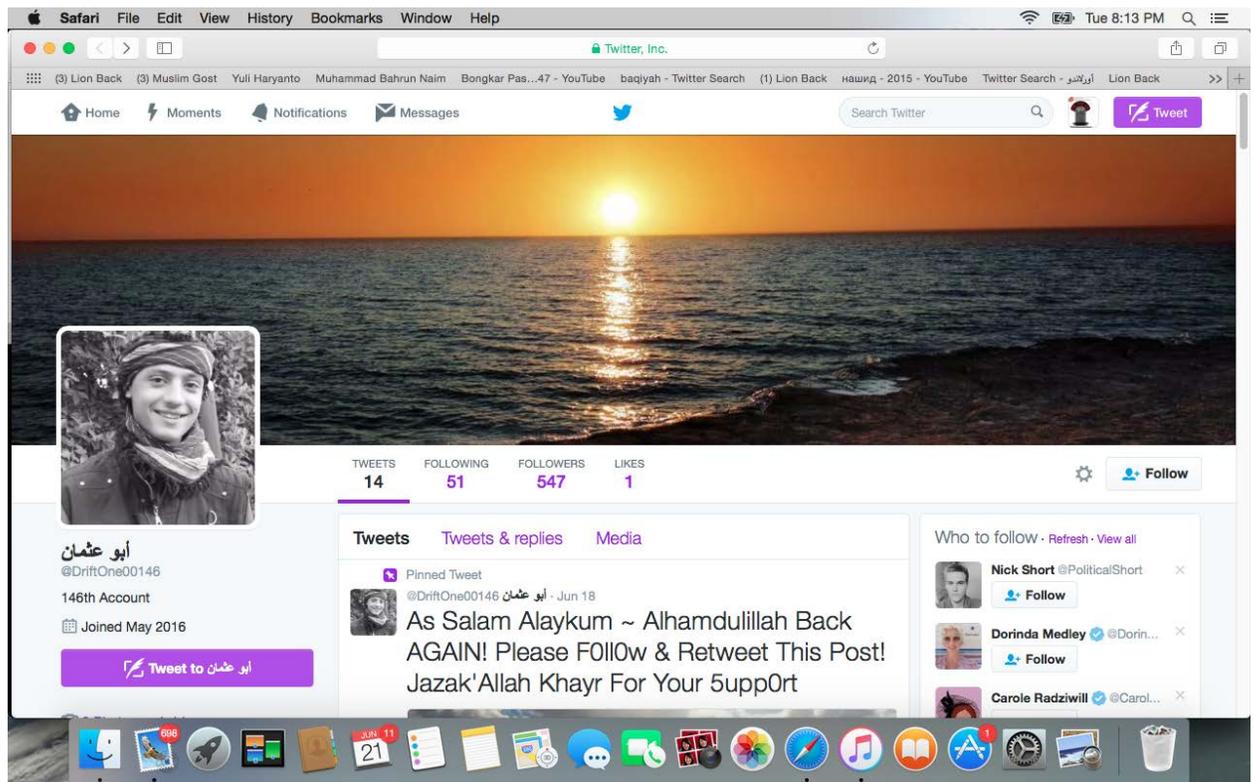
6 141. The following example illustrates how Defendants allow ISIS to quickly construct  
7 networks of followers. Below is a posting from Twitter captured on June 20,  
8 2016. The individual is named “DriftOne00146” and he proudly proclaims that  
9 this is the 146th version of his account. With only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



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26  
27 *Figure 6: DriftOne00146 posting 06/20/2016*

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

1 tweets.



16 *Figure 7: DriftOne00146 posting June 21, 2016*

17 143. The next morning, this individual's account was taken down by Twitter. That

18 afternoon, he was back up as DriftOne0147 with 80 followers.

19

20

21

22

23

24

25

26

27

28

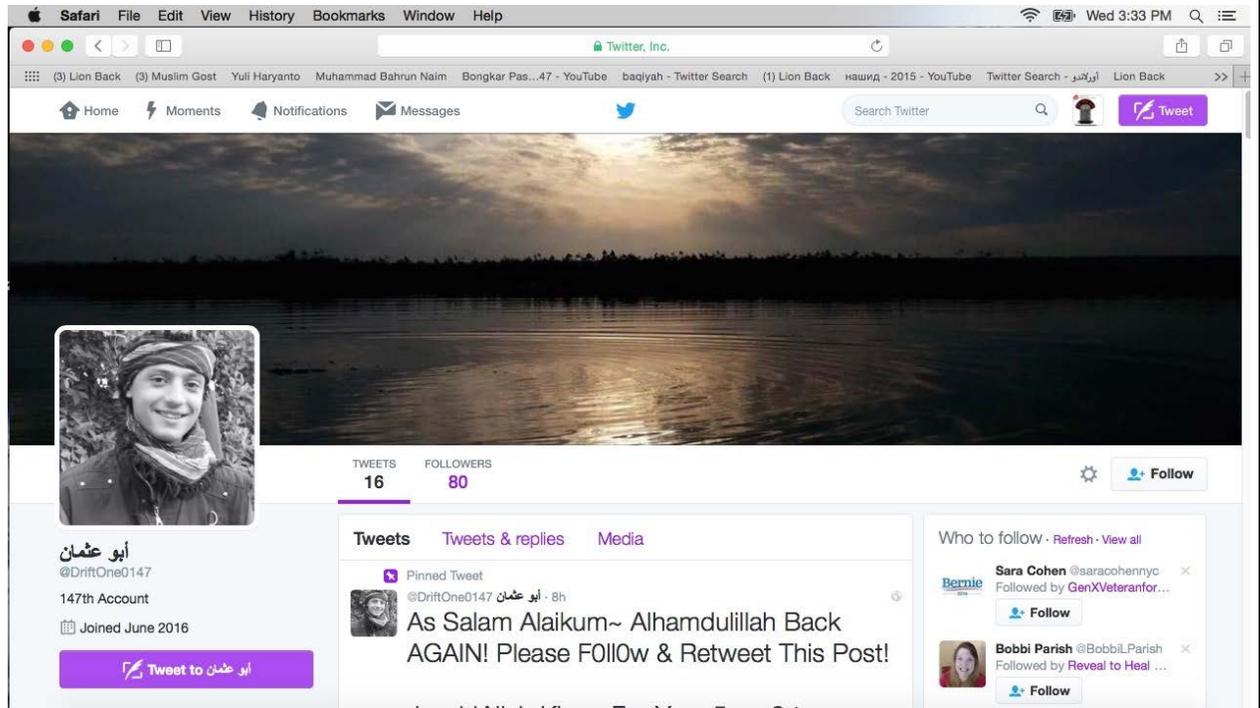


Figure 8: DriftOne0147 posting June 22, 2016

144. 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.

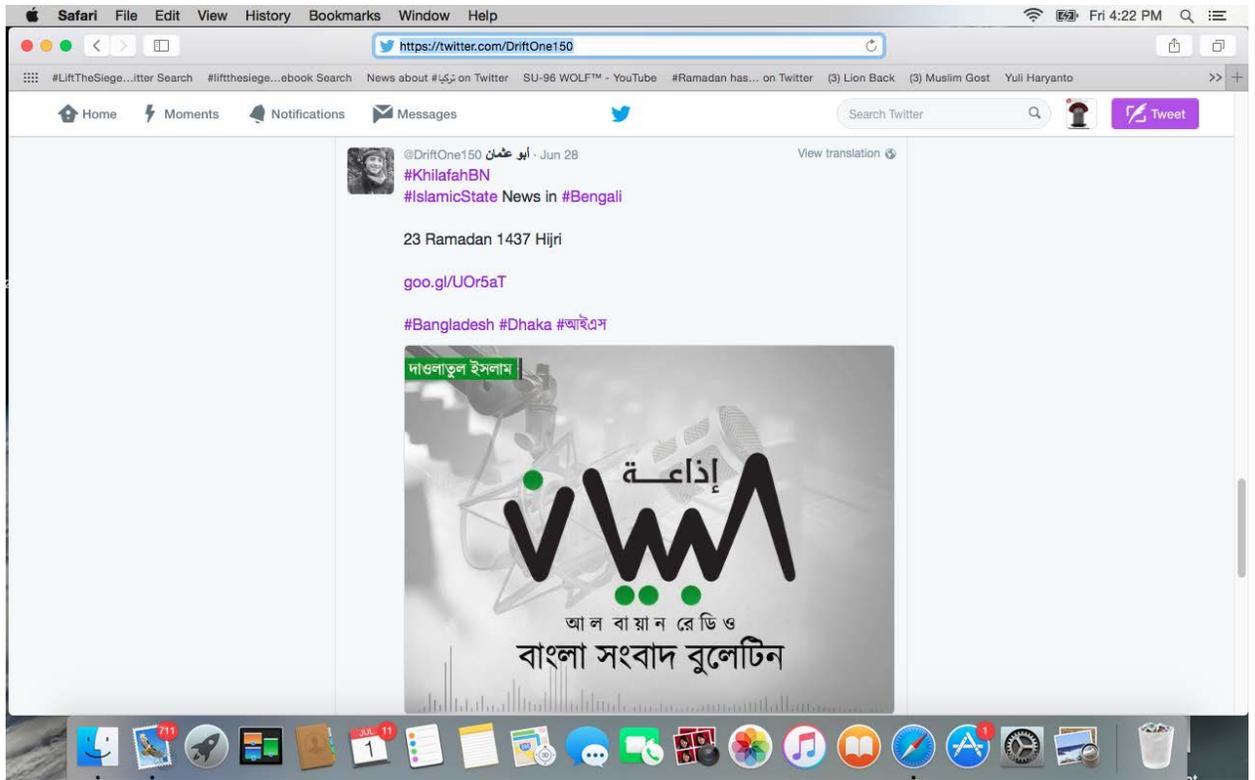


Figure 9: DriftOne150 posting June 28, 2016

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

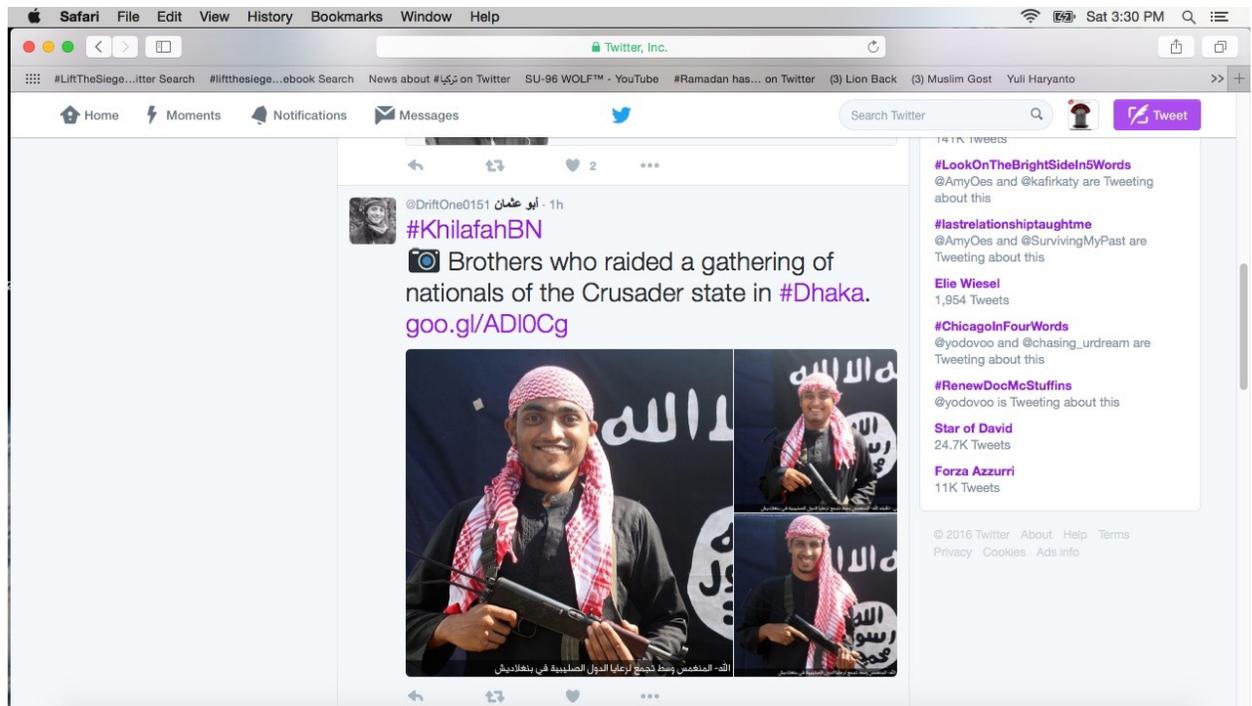


Figure 10: DriftOne0151 posting July 2, 2016

146. 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.

1 147. Prohibiting this conduct would be simple for Defendants to implement and not  
2 impinge upon the utility of Defendants sites. There is no legitimate purpose for  
3 allowing the use of fixed prefix/incremental numerical suffix names. Preventing  
4 the use of these names once a similarly named account would not place a  
5 significant burden on Defendants to implement nor would it place any “chilling”  
6 effect on the use of Defendants’ sites.  
7

9 148. Sending out large numbers of requests to connect with friends/followers from a  
10 newly created account is also suspicious activity. As shown in the “DriftOne”  
11 example above, it is clear that this individual must be keeping track of those  
12 previously connected. When an account is taken down and then re-established,  
13 the individual then uses an automated method to send out requests to all those  
14 members previously connected. Thus, accounts for ISIS and others can quickly  
15 reconstitute after being deleted. Such activity is suspicious on its face.  
16  
17  
18

19 149. Clearly, it is not normal activity for a newly created account to send out large  
20 numbers of requests for friends and followers immediately after creation. It is  
21 further unusual for those connections requests to be accepted in a very short period  
22 of time. As such, this activity would be easy to detect and could be prohibited by  
23 Defendants in a content-neutral manner as the content is never considered; only  
24 the conduct.  
25  
26

27 150. Furthermore, limiting the rapidity with which a newly created account can send  
28

1 requests to friends/followers would not place a significant burden on Defendants  
2 to implement. Once again, such activity is suspicious and suggestive of  
3 reconstitution of an account which was deleted by Defendants. In addition,  
4 Defendants could easily track that a newly created account similarly named to one  
5 previously taken down is sending out large numbers of requests in a very short  
6 period of time.  
7

8  
9 151. Because the suspicious activity used by ISIS and other nefarious organizations  
10 engaged in illegal activities is easily detectable and preventable and that  
11 Defendants are fully aware that these organizations are using their networks to  
12 engage in illegal activity demonstrates that Defendants are acting knowingly and  
13 recklessly allowing such illegal conduct. ISIS is dependent on using social media  
14 to conduct its terrorist operations. Limiting ISIS' ability to rapidly connect and  
15 reconnect to supports Thus, Defendants knowing and reckless conduct provides  
16 materials support to ISIS and other nefarious organizations.  
17  
18

19  
20 152. Notably, while Twitter has now put in place a rule that supposedly prohibits  
21 "threats of violence . . . including threatening or promoting terrorism," many ISIS-  
22 themed accounts are still easily found on Twitter.com. To this day, Twitter also  
23 permits groups designated by the U.S. government as Foreign Terrorist  
24 Organizations to maintain official accounts, including Hamas (@hamasinfo and  
25 @HamasInfoEn) and Hizbollah (@almanarnews).  
26  
27  
28

1 153. On November 17, 2015, the hacking group Anonymous took down several  
2 thousand ISIS Twitter accounts. That an external third party could identify and  
3 disrupt ISIS Twitter accounts confirms that Twitter itself could have prevented or  
4 substantially limited ISIS' use of Twitter.  
5

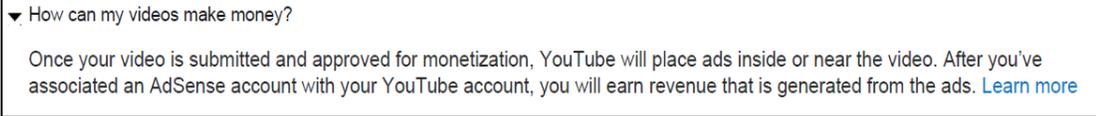
6 **Twitter, Facebook, and Google Profit from allowing ISIS to use their services**  
7

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

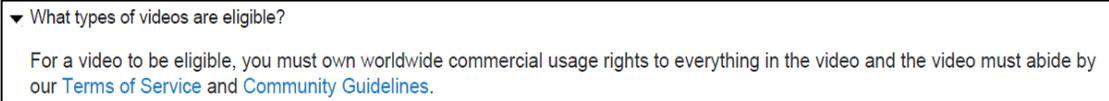
10 155. These ads are not placed randomly by Defendants. Instead, they are targeted to  
11 the viewer using knowledge about the viewer as well as information about the  
12 content being viewed. The following sites for each Defendant show how  
13 targeting works: <https://business.Twitter.com/en/targeting.html>,  
14 <https://www.facebook.com/business/a/online-sales/ad-targeting-details>,  
15 [https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/  
16 medias/pdfs/targeting-onesheet-en.pdf](https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pdfs/targeting-onesheet-en.pdf).  
17  
18  
19

20 156. By specifically targeting advertisements based on viewers and content,  
21 Defendants are no longer simply passing through the content of third parties.  
22 Defendants are themselves creating content because Defendants exercise control  
23 over what advertisement to match with an ISIS posting. Furthermore, Defendants'  
24 profits are enhanced by charging advertisers extra for targeting advertisements at  
25 viewers based upon knowledge of the viewer and the content being viewed.  
26  
27  
28

1 157. Not only does Defendant Google profit from ISIS, it shares some of those  
2 revenues with ISIS. In order for ads to appear associated with a posting on a  
3 YouTube video, the poster must create a Google AdSense account. The poster  
4 must register the account for monetization<sup>30</sup>.  
5

6 

9 158. According to Google, each video must be approved in order for ads to be placed.  
10 These videos must meet Google's terms of service.  
11

12 

14 159. Videos that are approved generate revenue for both the poster and for Google.  
15 Therefore, according to its terms, if there are ads associated with a YouTube  
16 video, the video has been approved by Google, Google is earning revenue from  
17 each view of that video, and Google is sharing revenue with the poster.  
18  
19

20 160. With respect to ISIS, Google has placed ads on ISIS postings.  
21  
22  
23  
24  
25  
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28 <sup>30</sup> [https://www.youtube.com/account\\_monetization](https://www.youtube.com/account_monetization) accessed on 5/24/2016.

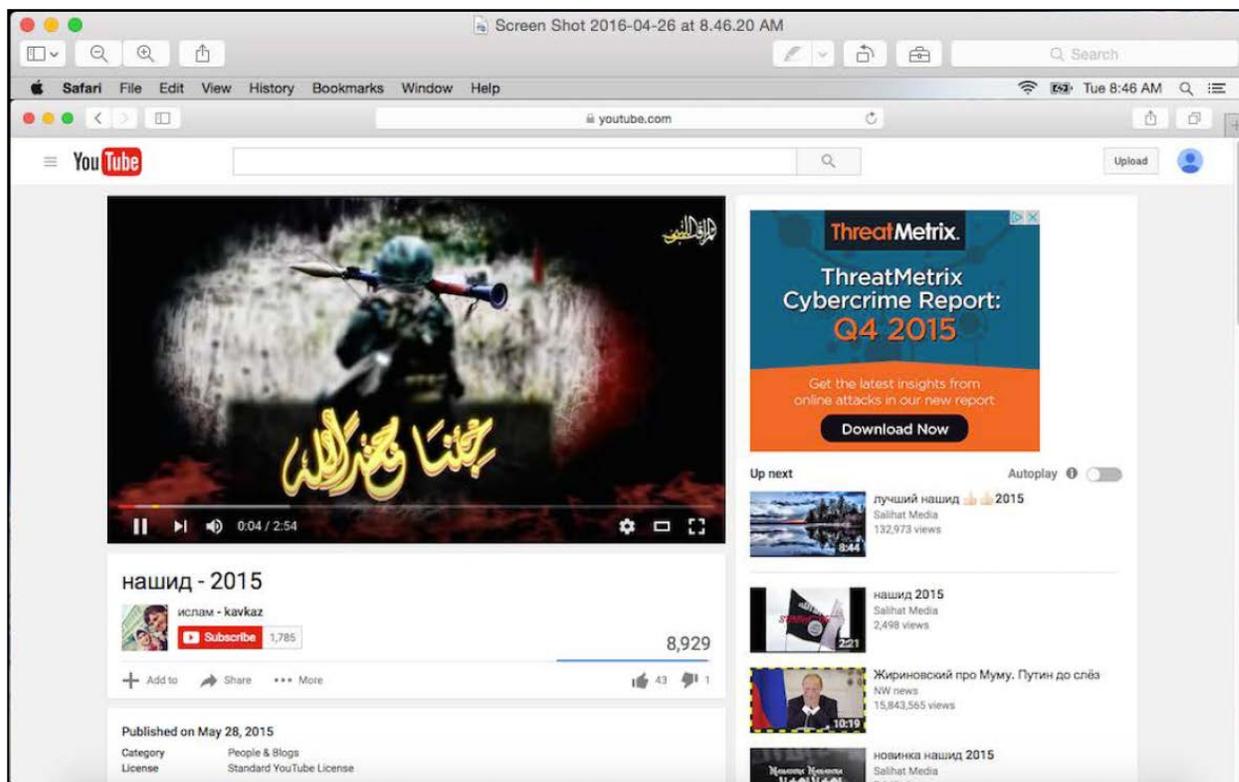


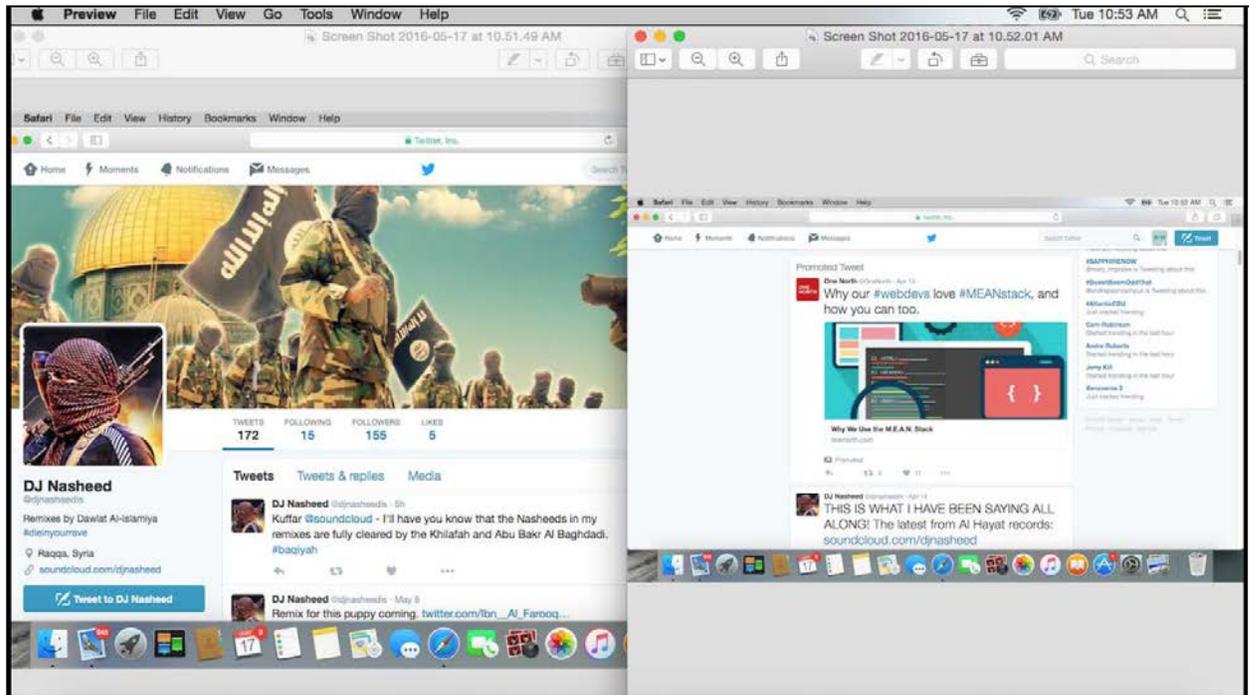
Figure 11 ISIS video on YouTube with ad place by Google

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

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

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

1 Twitter provides material support to ISIS and is compensated for the effort.



14 *Figure 12 ISIS post on Twitter with ad placed by Twitter*

15  
16 164. Facebook also profits from ISIS postings. On May 31, 2016, the following  
17 screenshot was collected:  
18  
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20  
21  
22  
23  
24  
25  
26  
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Figure 13 ISIS post on Facebook with add placed by Facebook

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

166. 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.

### **The December 2, 2015 San Bernadino Attack**

167. On December 2, 2015, Radicalized ISIS supporters Syed Rizwan Farook and Tashfeen Malik stormed the Inland Regional Center in San Bernadino, California firing more that 100 bullets into a staff meeting of the environmental health department. In all, 14 people were murdered and 22 were seriously

1 injured. Subsequent to the attack, Farook and Malik were killed in a shootout  
2 with police.

3  
4 168. Among the murdered were Decedents Sierra Clayborn, Tin Nguyen, and  
5 Nicholas Thalasinios.



16  
17 Figure 14: Sierra Clayborn

18 169. Sierra Clayborn, only 27, was killed in the mass terrorist shooting in San  
19 Bernardino on December 2, 2015. New to her career in Public and  
20 Environmental Health, Sierra was truly thankful for her opportunity to serve the  
21 people of San Bernardino as a health inspector. In fact, Sierra had  
22 communicated to friends that “she was thankful that God had given her this  
23 career.”  
24  
25

26 170. Family and friends acknowledge that Sierra was “such a bright star in the lives  
27 of others” that the terrorism committed by Rizwan Farook and Tasheen Malik,  
28

1 has resulted in the reality that “Sierra will never be forgotten, and will always be  
2 missed.” Following the massacre, her best friend and sister Tamishia, stated,  
3 “my heart is broken, I am forever devastated.”  
4



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Figure 15: Tin Nguyen

171. Tin Nguyen was an ambitious and goal oriented 31-year old, Public Health Inspector in San Bernardino, California. She and her family fled Vietnam when Tin was only 8 years of age, with hope that Tin would live a “happier, more successful life” in the United States. Tin was tragically killed in the terrorist attack in San Bernardino, on December 2<sup>nd</sup>, 2015 by terrorists Syed Rizwan Farook, and his spouse, Tashfeen Malik.

172. Tin’s family believes that her compassion for her community is best exemplified by the countless hours she volunteered researching a cure for Parkinson’s disease. Tin’s massacre is felt daily by her family, and especially the love of her

1 life, San Trinh, whom Tin planned to marry in 2017.



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14 Figure 16: Nicholas Thalasinios

15 173. Nicholas Thalasinios, age 52 was tragically gunned down and killed in the acts  
16 of Terrorism that took place in San Bernardino, on December 2, 2015. Nicholas,  
17 was remembered by his surviving spouse, Jennifer, as a “very devout believer.”  
18 A member of the Messianic Jewish faith, Nicholas was always known to wear  
19 tzitzit, Traditional fringe tassels, as well as a tie clip bearing the Star of David,  
20 and carried a very strong faith.  
21  
22

23 174. Nicholas, was long committed to serving compassionately as a Health Inspector  
24 in his community of San Bernardino. Following his death at the hands of  
25 terrorists, Farook and Malik, friends warmly memorialized Nicholas, as “the  
26 man in their lives who was willing to lend a hand to others.”  
27  
28

1 175. US Department of Justice analysts confirmed in their 141-page summary on the  
2 San Bernardino, massacre, that “two individuals opened fire  
3 indiscriminately...as part of a vicious and premeditated terrorist attack...  
4

5 176. On December 2, 2015, radicalized, ISIS supporters, Syed Rizwan Farook and  
6 his spouse Tashfeen Malik committed an act of international terrorism by  
7 spraying bullets into a crowd of employees at a holiday party for the  
8 environmental health department in San Bernardino.  
9

10 177. Investigators have confirmed that Farook and Malik started a dialogue on line  
11 via a dating web site, and married a short time after Farook travelled to Saudi  
12 Arabia in 2014. Malik travelled to California to live with her husband shortly  
13 after their wedding. At the time of their terrorist attack and ultimately their  
14 deaths, Malik and Farook had a 6-month-old daughter.  
15  
16

17 178. The acts of terrorism in the San Bernardino massacre were conducted against  
18 Farook’s former co-workers who assembled for the scheduled environmental  
19 health department training session, to be followed by a celebration of the holiday  
20 season.  
21  
22

23 179. Instead, Farook and Malik killed 14 people and severely injured 14 others during  
24 their terrorist massacre. The assassins, Farook and Malik were also killed the  
25 same day by resisting arrest and entering a shoot- out with law enforcement.  
26

27 180. Farook and Malik were dressed in black outfits and face coverings, and armed  
28

1 with .223 AR-15 type semi-automatic rifles, and a .9mm semi-automatic pistol,  
2 as well as assembled pipe bombs that failed to detonate.  
3

4 181. Just a couple of days later, ISIS embraced the acts of terrorism by declaring on  
5 their station, al-Bayan Radio, “Two followers of Islamic State attacked several  
6 days ago a center in San Bernardino in California, we pray to God to accept them  
7 as Martyrs.”  
8

9 182. Moreover, during the time of the shooting massacre, terrorist Tashfeen Malik,  
10 declared on Facebook her allegiance and pledge of loyalty to ISIS leader, Abu  
11 Bakr al-Baghdadi.  
12

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

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

22 185. The FBI according to the report of the New York Times, (December 5,2015) has  
23 confirmed that they had evidence that Farook had face to face meetings a few  
24 years ago with 5 people the Bureau investigated and labelled as having “links to  
25 terrorism”.  
26  
27  
28

1 186. 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  
4 guns.”  
5

6 187. Speaking of “home grown international terrorists, in the US, including Farook  
7 and Malik in San Bernardino, Brookings Institute Terrorism expert, Daniel  
8 Byman has stated the Islamic State has made their radicalization of US  
9 extremists in 2014 releases via the ISIS Online magazine Dabiq which urged in  
10 their October 2014 on line edition” At this point of our crusade. It is very  
11 important that attacks take place in every country that has entered into alliance  
12 against the Islamic State, especially the U.S., U.K., France, Australia and  
13 Germany.”  
14  
15  
16  
17

18 188. The DOJ, in their 2016 report entitled “Bringing Calm to Chaos: A critical  
19 incident review of the San Bernardino public safety response to the December  
20 2, 2015, terrorist shooting at the Island Regional Center”, confirms that the  
21 attack committed by Rizwan Farouk, and Tashfeen Malik was in fact an act of  
22 international terrorism. (page 48)  
23

24 189. A factor helping to confirm that the massacre in San Bernardino was an act of  
25 terrorism was the discovery in the aftermath by FBI SWAT agents, that Terrorist  
26 Farook had evidently assembled and left in a “suspicious package”, explosive  
27  
28

1 devices that miraculously failed to detonate and were later safely detonated by  
2 the bomb squad.

3  
4 190. The DOJ summary report confirms that “investigators believed the explosive  
5 devices left by Farook in the conference room where the carnage occurred, was  
6 likely intended to be detonated upon the arrival of the first responders who would  
7 be giving aid to the wounded—a frequent, well documented practice in  
8 international terror incidents.” (DOJ, San Bernardino Summary report, page 36).  
9

10  
11 191. FBI and DOJ investigators have indicated that they are of the belief that terrorists  
12 Farook and Malik, left at the massacre site a remote-controlled toy car strapped  
13 with the 3 rudimentary explosive devices. The deadly remote was found with  
14 Farook and Malik upon their deaths, and evidently did not work.  
15

16 192. FBI investigators have opined that the explosive devices along with the remote  
17 control was likely intended to be detonated against the first responders arriving  
18 to provide medical help to terrorism victims. Further they are potentially derived  
19 from Al Qaeda’s Inspire Magazine, plus the ISIS’ Dabiq Magazine, wherein the  
20 international terrorist organizations have provided “tips” and instructions to be  
21 utilized in preparation of such explosive devices as found at the scene of the San  
22 Bernardino carnage.  
23  
24  
25

26 193. The murders of Nguyen, Clayborn and Thalasinis has caused Plaintiff’s severe  
27 mental anguish, extreme emotional pain and suffering, and the loss of Nguyen’s,  
28

1 Clayborn's and Thalasin's society, companionship, comfort, advice and  
2 counsel.

3  
4 **Defendants' Material Support of ISIS has a Direct Connection to the December**  
5 **2, 2015 San Bernadino Attack and is a Proximate Cause**

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

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

12  
13 196. At all times relevant to this Complaint, Defendants have known that ISIS is an  
14 organization that has engaged in and continues to engage in terrorist activity.

15  
16 197. At all times relevant to this Complaint, Defendants have known that ISIS is  
17 designated as a Foreign Terrorist Organization.

18  
19 198. Despite this knowledge, Defendants have for years knowingly provided its  
20 Services to ISIS, its members, organizations owned or controlled by ISIS, and  
21 organizations and individuals that provide financing and material support to ISIS,  
22 including individuals and organizations that are designated as and SDGTs.

23  
24  
25 199. The identifiers for ISIS-associated Twitter, You-Tube, and Facebook accounts are  
26 often publicized on ISIS websites, social media sites, and platforms.

27  
28 200. ISIS's news and media organizations operate Twitter, YouTube, and Facebook

1 accounts, and equipment often including separate accounts for Arabic and  
2 English.

3  
4 201. ISIS, its members, and its related entities and affiliates have operated numerous  
5 Twitter accounts of the defendants' using their own names and displaying  
6 emblems and symbols associated with ISIS and its related terrorist entities.  
7

8  
9 202. The rise of ISIS has been substantial fueled through their use of Defendants' social  
10 media sites which have been used by ISIS for fundraising activities. Furthermore,  
11 as discussed above, Defendant Google shares advertising revenue with ISIS.  
12

13 203. Defendants' sites have been used by ISIS to conduct terrorist operations, including  
14 the San Bernadino attack and have also been used as a recruitment tool and  
15 fundraising tool.  
16

17  
18 204. The FBI believes that the San Bernadino shooters were self-radicalized on the  
19 Internet and social media.  
20

21 205. ISIS uses Defendants' sites to radicalize individuals to conduct terrorist activities.  
22 Farook and Malik were radicalized by ISIS's use of Defendants' tools to conduct  
23 terrorist operations.  
24

25 206. Even if Farook and Malik had never been directly in contact with ISIS, ISIS' use  
26 of social media directly influenced their actions on the day of the San Bernadino  
27 massacre:  
28

1 researchers, who identified and analyzed second-by-second online  
2 records of 196 pro-ISIS groups operating during the first eight months of  
3 2015, found that even though most of the 108,000-plus individual  
4 members of these self-organized groups probably never met, they had a  
5 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 attacks.<sup>31</sup>

6 207. Without the ability to use Defendants’ sites as tools to conduct terrorist operations,  
7  
8 ISIS would have substantially less funding, substantially less exposure, and would  
9 not be able to recruit as many operatives.

10  
11 208. Money raised through the use of Defendants sites was used by ISIS to conduct  
12 terrorist operations including radicalizing Farook and Malik.

13  
14 209. Individuals recruited by ISIS through the use of Defendants sites allowed ISIS to  
15 conduct terrorist operations, including radicalizing Farook and Malik contributing  
16 to their decision to launch the San Bernadino attack and murdering Plaintiffs’  
17 Decedents.

18  
19  
20 210. Subsequent to the San Bernadino attack and before their death, Malik pledged her  
21 allegiance to ISIS on Facebook. Facebook further confirmed that postings to an  
22 account established by Malic under an alias praised the Islamic state<sup>32</sup>.

23  
24 211. On December 5, 2015 ISIS claimed responsibility for the attack on its radio  
25

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26  
27 <sup>31</sup> [http://www.homelandsecuritynewswire.com/dr20160620-tracking-analyzing-how-isis-recruits-through-social-](http://www.homelandsecuritynewswire.com/dr20160620-tracking-analyzing-how-isis-recruits-through-social-media)  
28 [media](http://www.homelandsecuritynewswire.com/dr20160620-tracking-analyzing-how-isis-recruits-through-social-media)

<sup>32</sup> <http://www.cnn.com/2015/12/05/san-bernardino-killers-were-our-followers-isis-claims.html>

1 broadcast<sup>33</sup>.

2  
3 212. But for ISIS' use of Defendants sites to raise funds, recruit, and conduct terrorist  
4 operations, ISIS' ability to conduct terrorist operations would essentially  
5 evaporate. Here, had Defendants sites not been used by ISIS, ISIS would not have  
6 been able to radicalize Farook and Malik leading to the deadly attack in San  
7 Bernadino.  
8

9  
10 **Defendants Are Information Content Providers**

11  
12 213. When individuals look at a page on one of Defendants' sites that contains postings  
13 and advertisements, the page has been created by Defendants. In other words, a  
14 viewer does not simply see a posting. Nor does the viewer see just an  
15 advertisement. Defendants create a composite page of content from multiple  
16 sources.  
17

18  
19 214. Defendants create this page by selecting which advertisement to match with the  
20 content on the page. This selection is done by Defendants' proprietary algorithms  
21 that select the advertisement based on information about the viewer and the  
22 content being viewed. Thus there is a content triangle matching postings,  
23 advertisements, and viewers.  
24  
25

26  
27  
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<sup>33</sup> *Id.*

1 215. As discussed above, Defendants tout the ability to target advertisements as a  
2 benefit to advertising with the respective networks. Furthermore, Defendants  
3 extract a premium from advertisers for the use of targeted advertising.  
4

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

9  
10 217. Thus, Defendants have incorporated content from others into Defendant created  
11 content for revenue purposes. Defendants' choice to combine certain  
12 advertisements with certain postings for specific viewers means that Defendants  
13 are not simply passing along content created by third parties.  
14

15  
16 218. Specifically, as shown above, Defendants have incorporated ISIS postings along  
17 with advertisements matched to the viewer and ISIS postings to create new  
18 content for which Defendants have earned revenue. ISIS has received material  
19 support as described above allowing them to conduct terrorist operations.  
20

21  
22 **The San Bernadino Attack Was An Act of International Terrorism**

23  
24 219. 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.  
27

28 220. By radicalizing individuals through social media, this allowed ISIS to exert its

1 influence without the necessity of direct physical contact with these individuals.  
2 Furthermore, this allows ISIS to incite or participate in attacks without the  
3 necessity of sending its own operatives.  
4

5 221. 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  
10

11 222. Farook and Malik were radicalized by ISIS' use of social media. This was the  
12 stated goal of ISIS. Farook and Mateen then carried out the deadly attack in San  
13 Bernadino. Conducting terrorist acts via radicalized individuals is a stated goal  
14 of ISIS.  
15  
16

17 223. Farook and Malik's attack on the Inland Regional Center was a violent act causing  
18 death and injury and constitutes numerous criminal acts under the laws of the  
19 United States.  
20  
21

22 224. ISIS intended to intimidate and coerce western populations and governments  
23 through a pattern of intimidation and coercion as discussed throughout Plaintiff's  
24 Complaint.  
25

26 225. ISIS acts from outside the United States using Defendants' platforms in a manner  
27 and transcend national boundaries because of the international usage of  
28

1 Defendants' platforms.

2  
3 226. But for ISIS' postings using Defendants' social media platforms, Farook and  
4 Malik would not have engaged in their attack on the Inland Regional Center.

5  
6 227. Farook and Malik's terrorist actions were a direct result of ISIS' actions and  
7 given that ISIS is an international terrorist organization, Farook and Malik's  
8 actions were also an act of international terrorism.  
9

10 **CLAIMS FOR RELIEF**

11 **FIRST CLAIM FOR RELIEF**

12 **LIABILITY FOR AIDING AND ABETTING**  
13 **ACTS OF INTERNATIONAL TERRORISM**  
14 **PURSUANT TO 18 U.S.C. § 2333(a) and (d)**  
15

16 228. Plaintiffs repeat and reallege each and every allegation of the foregoing  
17 paragraphs as if fully set forth herein.  
18

19 229. Since October 31, 2001, ISIS has been international terrorist organization.  
20

21 230. ISIS has committed, planned, or authorized activities that involved violence or  
22 acts dangerous to human life that are a violation of the criminal laws of the United  
23 States, or that would be a criminal violation if committed within the jurisdiction  
24 of the United States, including *inter alia* the prohibition on killing, attempting to  
25 kill, causing serious bodily injury, or attempting to cause serious bodily injury to  
26 U.S. citizens as set forth in 18 U.S.C. § 2332.  
27  
28

1 231. These activities committed, planned, or authorized by ISIS appear to have been,  
2 and were intended to: (a) intimidate or coerce the civilian population of the United  
3 States and other countries; (b) influence the policy of the Governments of the  
4 United States and other countries by intimidation or coercion; or (c) affect the  
5 conduct of the Governments of the United States and other countries by mass  
6 destruction, assassination, or kidnapping.  
7  
8

9  
10 232. These activities committed, planned, or authorized by ISIS occurred entirely or  
11 primarily outside of the territorial jurisdiction of the United States and constituted  
12 acts of international terrorism as defined in 18 U.S.C. § 2331(1).  
13

14 233. Plaintiffs have been injured in their person by reason of the acts of international  
15 terrorism committed, planned, or authorized by ISIS. At all times relevant to this  
16 action, Defendants knew that ISIS was a Foreign Terrorist Organization, that it  
17 had engaged in and continued to engage in illegal acts of terrorism, including  
18 international terrorism.  
19  
20

21 234. Defendants knowingly provided substantial assistance and encouragement to  
22 ISIS, and thus aided and abetted ISIS in committing, planning, or authorizing acts  
23 of international terrorism, including the acts of international terrorism that injured  
24 Plaintiffs.  
25  
26

27 235. By aiding and abetting ISIS in committing, planning, or authorizing acts of  
28

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

6  
7 236. The services and support that Defendants purposefully, knowingly or with  
8 willful blindness provided to ISIS constitute material support to the preparation  
9 and carrying out of acts of international terrorism, including the attack in which  
10 Plaintiffs' Decedents were killed.  
11

12  
13 237. Defendants' provision of material support to ISIS was a proximate cause of  
14 the injury inflicted on Plaintiffs.  
15

16 238. By virtue of its violations of 18 U.S.C. § 2339A, Defendants are liable pursuant  
17 to 18 U.S.C. § 2333 for any and all damages that Plaintiffs have sustained.  
18

19 **SECOND CLAIM FOR RELIEF**

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

22  
23 239. Plaintiffs repeat and reallege each and every allegation of the foregoing  
24 paragraphs as if fully set forth herein.  
25

26  
27 240. Defendants knowingly agreed, licensed, and permitted ISIS, its affiliates, and  
28 other radical groups to register and use Defendants' sites to promote and carry out

1 ISIS's activities, including ISIS's illegal acts of international terrorism and injured  
2 Plaintiffs.

3  
4 241. Defendants were aware that U.S. federal law prohibited providing material  
5 support and resources to, or engaging in transactions with, designated foreign  
6 terrorist organizations and other specially designated terrorists.  
7

8  
9 242. Defendants thus conspired with ISIS in its illegal provision of Defendants' sites  
10 and equipment to promote and carry out ISIS's illegal acts of international  
11 terrorism, including the acts that injured Plaintiffs.  
12

13 243. By conspiring with ISIS in furtherance of ISIS's committing, planning, or  
14 authorizing acts of international terrorism, including acts that caused each of the  
15 Plaintiffs to be injured in his or her person and property, Defendants are liable  
16 pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that  
17 Plaintiffs have sustained as a result of such injuries, and the costs of this suit,  
18 including attorney's fees.  
19  
20  
21

22 **THIRD CLAIM FOR RELIEF**

23 **PROVISION OF MATERIAL SUPPORT TO TERRORISTS IN VIOLATION**  
24 **OF 18 U.S.C. § 2339a AND 18 U.S.C. § 2333**

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

28 245. The online social media platform and communication services which Defendants

1 knowingly provided to ISIS, including use of Defendants' services, computers,  
2 and communications equipment, substantially assisted ISIS in carrying out its  
3 terrorist activities, including recruiting, radicalizing, and instructing terrorists,  
4 raising funds, creating fear and carrying out attacks among other things.  
5

6  
7 246. These services and equipment constituted material support and resources pursuant  
8 to 18 U.S.C. § 2339A and they facilitated acts of terrorism in violation of 18  
9 U.S.C. § 2332 that caused the deaths and injury of more than 36 individuals at the  
10 Inland Regional Center in San Bernadino.  
11

12  
13 247. Defendants provided these services and equipment to ISIS, knowing that they  
14 were to be used in preparation for, or in carrying out, criminal acts including the  
15 acts that injured the Plaintiffs.  
16

17 248. As set forth more fully above, but for the material support and resources provided  
18 by ISIS, the attack that injured the Plaintiffs would have been substantially more  
19 difficult to implement.  
20

21  
22 249. By participating in the commission of violations of 18 U.S.C. § 2339A that have  
23 caused the Plaintiffs to be injured in his or her person, business or property,  
24 Defendants are liable pursuant to 18 U.S.C. § 2333 for any and all damages that  
25 Plaintiffs have sustained as a result of such injuries.  
26

27  
28 **FOURTH CLAIM FOR RELIEF**

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

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

6 251. By knowingly (or with willful blindness) providing their social media platforms  
7 and communications services, including use of computer and communications  
8 equipment, for the benefit of ISIS, Defendants have provided material support and  
9 resources to a designated Foreign Terrorist Organization under the Antiterrorism  
10 and Effective Death Penalty Act of 1996 in violation of 18 U.S.C § 2339B(a)(1).  
11

12 252. Defendants knew of (or was willfully blind to) ISIS' terrorist activities.  
13

14 253. Defendants knew (or was willfully blind to the fact) that ISIS had been designated  
15 a Foreign Terrorist Organization by the United States Government.  
16

17 254. The Services and support that Defendants purposefully, knowingly or with willful  
18 blindness provided to ISIS constitute material support to the preparation and  
19 carrying out of acts of international terrorism, including the attack in which the  
20 Plaintiffs were killed or injured.  
21

22 255. The Defendants' provision of material support to ISIS was a proximate cause of  
23 the injury inflicted on Plaintiffs.  
24

25 256. Defendants' violation of 18 U.S.C. § 2339B proximately caused the damages to  
26 Plaintiffs described herein.  
27  
28

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

5 **FIFTH CLAIM FOR RELIEF**

6  
7 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

8  
9 258. Plaintiffs repeat and reallege each of the foregoing allegations with the same force  
10 and effect as if more fully set forth herein.

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

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

16  
17 261. As a direct, foreseeable and proximate result of the conduct of Defendants as  
18 alleged hereinabove, Plaintiffs has suffered severe emotional distress, and  
19 therefore Defendants are liable to the Plaintiffs for Plaintiffs' severe emotional  
20 distress and related damages.  
21

22 **SIXTH CLAIM FOR RELIEF**

23  
24 **WRONGFUL DEATH**

25  
26 262. Plaintiffs repeat and re-allege each of the foregoing allegations with the same  
27 force and effect as if more fully set forth herein.  
28

1 263. Each of the Defendants' provides services to ISIS that, among other things,  
2 substantially assist and contribute to ISIS's ability to carry out its terrorist  
3 activities.  
4

5 264. As set forth more fully above, but for the assistance provided by the  
6 Defendants' the terrorist attack that killed each of Plaintiffs' Decedents  
7 herein, would have been substantially more difficult to implement.  
8

9 265. The conduct of each Defendant party was unreasonable and outrageous and  
10 exceeds the bounds usually tolerated by decent society, and was done  
11 willfully, maliciously and deliberately, or with reckless indifference to the  
12 life of the victims of ISIS's terrorist activity, Plaintiffs herein.  
13

14 266. The conduct of each Defendant was a direct, foreseeable and proximate cause  
15 of the wrongful deaths of each of Plaintiffs' Decedents and therefore the  
16 Defendants' are liable to Plaintiffs for their wrongful deaths.  
17

18 267. Each of the Defendants actions were undertaken willfully, wantonly,  
19 maliciously and in reckless disregard for plaintiff's rights, and as a direct,  
20 foreseeable and proximate result thereof plaintiffs suffered economic and  
21 emotional damage in a total amount to be proven at trial, therefore plaintiffs  
22 seek punitive damages in an amount sufficient to deter Defendants from  
23 similar future wrongful conduct.  
24  
25  
26

27 **PRAYER FOR RELIEF**  
28

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

2  
3 a) Accept jurisdiction over this action;

4  
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  
9 c) Enter judgment against Defendants and in favor of Plaintiffs for treble  
10 damages pursuant to 18 U.S.C. § 2333;  
11

12  
13 d) Enter judgment against Defendants and in favor of Plaintiffs for any and  
14 all costs sustained in connection with the prosecution of this action, including  
15 attorneys' fees, pursuant to 18 U.S.C. § 2333;  
16

17  
18 e) Order any equitable relief to which Plaintiffs might be entitled;

19  
20 f) Enter an Order declaring that Defendants have violated, and are  
21 continuing to violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 *et seq.*; and  
22

23  
24 g) Grant such other and further relief as justice requires.  
25  
26  
27  
28

1 **DEMAND FOR TRIAL BY JURY**

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

3  
4 Dated: December 1, 2017

Respectfully Submitted,

5  
6 **EXCOLO LAW, PLLC**

7 By: /s/ Keith L. Altman

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*Attorneys for Plaintiffs*

1  
2  
3 **VERIFICATION**

4 I, the undersigned, certify and declare that I have read the foregoing complaint,  
5  
6 and know its contents.

7 I am the attorney for Plaintiffs to this action. Such parties are absent from the  
8  
9 county where I have my office and is unable to verify the document described above.  
10 For that reason, I am making this verification for and on behalf of the Plaintiffs. I am  
11  
12 informed and believe on that ground allege the matters stated in said document are true.

13 I declare under penalty of perjury under the laws of the State of California that  
14  
15 the foregoing is true and correct.

16 Executed on December 1, 2017 at Southfield, MI.

17  
18 Respectfully Submitted,

19 **EXCOLO LAW, PLLC**

20  
21 By: /s/ Keith L. Altman

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