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UNITED STATES DISTRICT COURT
NORTHER DISTRICT OF CALIFORNIA

**REYNALDO GONZALEZ,
INDIVIDUALLY AND AS
SUCCESSOR-IN-INTEREST OF
THE ESTATE OF NOHEMI
GONZALEZ,**

PLAINTIFFS,

V.

**TWITTER, INC., GOOGLE INC.,
AND FACEBOOK, INC.**

DEFENDANTS.

**VERIFIED COMPLAINT
JURY TRIAL DEMANDED**

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

4 **NATURE OF ACTION**

- 5 1. For years, Defendants have knowingly permitted the terrorist group ISIS to use their
6 social networks as a tool for spreading extremist propaganda, raising funds and
7 attracting new recruits. This material support has been instrumental to the rise of
8 ISIS and has enabled it to carry out numerous terrorist attacks, including the
9 November 13, 2015 attacks in Paris where more than 125 were killed, including
10 Nohemi Gonzalez¹.
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12



26 *Figure 1 Nohemi Gonzalez*

27
28 ¹ <http://www.cnn.com/2015/11/14/world/paris-attacks/>

- 1 2. Without Defendants Twitter, Facebook, and Google (YouTube), the explosive
2 growth of ISIS over the last few years into the most-feared terrorist group in the
3 world would not have been possible. According to the Brookings Institution, ISIS
4 “has exploited social media, most notoriously Twitter, to send its propaganda and
5 messaging out to the world and to draw in people vulnerable to radicalization.”
6 Using Defendants’ sites, “ISIS has been able to exert an outsized impact on how
7 the world perceives it, by disseminating images of graphic violence (including the
8 beheading of Western journalists and aid workers) . . . while using social media to
9 attract new recruits and inspire lone actor attacks.” According to FBI Director James
10 Comey, ISIS has perfected its use of Defendants’ sites to inspire small-scale
11 individual attacks, “to crowdsource terrorism” and “to sell murder.”
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16 3. Since first appearing on Twitter in 2010, ISIS accounts on Twitter have grown at an
17 astonishing rate and, until recently, ISIS maintained official accounts on Twitter
18 unfettered. These official accounts included media outlets, regional hubs and well-
19 known ISIS members, some with tens of thousands of followers. For example, Al-
20 Furqan, ISIS’s official media wing responsible for producing ISIS’s multimedia
21 propaganda, maintained a dedicated Twitter page where it posted messages from ISIS
22 leadership as well as videos and images of beheadings and other brutal forms of
23 executions to 19,000 followers.
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4. Likewise, Al-Hayat Media Center, ISIS's official public relations group, maintained at least a half dozen accounts, emphasizing the recruitment of Westerners. As of June 2014, Al-Hayat had nearly 20,000 followers.



Figure 2 Tweet by Al-Hayat Media Center Account @alhayaten Promoting an ISIS Recruitment Video

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



Figure 3 ISIS Propaganda Posted on @ISIS_Media_Hub

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

- 1 7. As with Twitter, ISIS has used Google(YouTube) and Facebook in a similar manner.
- 2 8. Plaintiffs' claims are based not upon the content of ISIS' social media postings, but
- 3 upon Defendants provision of the infrastructure which provides material support to
- 4 ISIS. Furthermore, Defendants profit from ISIS by placing ads on ISIS' postings.
- 5 For at least one of the Defendants, Google, revenue earned from advertising is shared
- 6 with ISIS.
- 7
- 8

9 **PARTIES**

- 10
- 11 9. Plaintiff Reynaldo Gonzalez is a citizen of the United States domiciled in the State
- 12 of California. He brings this lawsuit on behalf of himself and as a successor-in-
- 13 interest of the estate of his daughter Nohemi Gonzalez, a U.S. citizen.
- 14
- 15 10. Defendant Twitter, Inc. ("Twitter") is a publicly traded U.S. company incorporated
- 16 in Delaware, with its principal place of business at 1355 Market Street, Suite 900,
- 17 San Francisco, California 94103.
- 18
- 19 11. Defendant Facebook, Inc. ("Facebook") is a publicly traded U.S. company
- 20 incorporated in Delaware, with its principal place of business at 1601 Willow Road,
- 21 Menlo Park, California, 94025.
- 22
- 23 12. Defendant Google Inc. ("Google") is a publicly traded U.S. company incorporated in
- 24 Delaware, with its principal place of business at 1600 Amphitheatre Parkway,
- 25
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Mountain View, California, 94043. Google owns the social media site YouTube. For the purposes of this complaint, Google and YouTube are used interchangeably.

JURISDICTION AND VENUE

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

14. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims in this action occurred in this district and Defendants are headquartered in this district.

ALLEGATIONS

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

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

- 1 17. Since its emergence in Iraq in the early 2000s when it was known as AQI, ISIS has
2 wielded increasing territorial power, applying brutal, terrifying violence to attain
3 its military and political goals, including summary executions, mass beheadings,
4 amputations, shootings and crucifixions, which it applies to anyone it considers an
5 “unbeliever,” a “combatant” or a “prisoner of war.”
6
7
8 18. The United Nations and international NGOs have condemned ISIS for war crimes
9 and ethnic cleansing, and more than 60 countries are currently fighting to defeat
10 ISIS and prevent its expansion.
11
12 19. On December 17, 2004, the United States designated ISIS as a Foreign Terrorist
13 Organization (“FTO”) under Section 219 of the Immigration and Nationality Act, as
14 amended.
15

16 **ISIS Relies on Twitter, YouTube, and Facebook to Terrorize**

17
18 **ISIS Uses Defendants to Recruit New Terrorists**

- 19 20. One of ISIS’s primary uses of Defendants’ sites is as a recruitment platform,
20 particularly to draw fighters from Western countries.
21
22 21. ISIS reaches potential recruits by maintaining accounts on Twitter, YouTube, and
23 Facebook so that individuals across the globe may reach out to them directly. After
24 first contact, potential recruits and ISIS recruiters often communicate via
25 Defendant’s Direct Messaging capabilities. According to FBI Director James
26 Comey, “[o]ne of the challenges in facing this hydra-headed monster is that if (ISIS)
27
28

1 finds someone online, someone who might be willing to travel or kill in place
2 they will begin a twitter direct messaging contact.” Indeed, according to the
3 Brookings Institution, some ISIS members “use Twitter purely for private messaging
4 or covert signaling.”

5
6 22. In addition to individual recruitment, ISIS members use Defendants to post
7 instructional guidelines and promotional videos, referred to as “mujatweets.”

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

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

14
15 25. ISIS also posted its notorious promotional training video, “Flames of War,” narrated
16 in English, in September 2014. The video was widely distributed on Twitter through
17 ISIS sympathizers. After joining ISIS, new recruits become propaganda tools
18 themselves, using Defendants to advertise their membership and terrorist activities.

19
20 26. For example, in May 2013, a British citizen who publicly identified himself as an
21 ISIS supporter tweeted about his touch-down in Turkey before crossing the border
22 into Syria to join ISIS in the fight against the Syrian regime. And in December
23 2013, the first Saudi Arabian female suicide bomber to join ISIS in Syria tweeted
24 her intent to become a martyr for the ISIS cause, as she embarked for Syria.
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1 27. As another example, two Tunisian girls, ages 19 and 21, were lured by ISIS's use of
2 Facebook to travel to Syria believing they would be providing humanitarian aid².
3 Instead, they were taken to an ISIS compound where there were forced to serve as
4 prostitutes and were repeatedly raped. The girls escaped during a bombing of the
5 compound and returned home.
6

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8 28. Recently, it was reported that the leader of ISIS in the United Kingdom, Omar
9 Hussain, was using Facebook to recruit terrorists to launch attacks in the U.K.³
10

11 29. After kidnapping and murdering Ruqia Hassan Mohammad, a female journalist and
12 activist, ISIS used her account to lure others into supporting ISIS⁴.
13

14 30. Through its use of Defendant's sites, ISIS has recruited more than 30,000 foreign
15 recruits since 2013, including some 4,500 Westerners and 250 Americans.
16

ISIS Uses Defendants to Fund Terrorism

17 31. ISIS also uses Defendants to raise funds for its terrorist activities.
18

19 32. According to David Cohen, the U.S. Treasury Department's Under Secretary for
20 Terrorism and Financial Intelligence, "[y]ou see these appeals on Twitter in
21 particular from, you know, well-know[n] terrorist financiers . . . and they're quite
22 explicit that these are to be made to ISIL for their military campaign."
23
24
25

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

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

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

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



Figure 4 Fundraising Images from ISIS Twitter Accounts

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

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



Figure 5 Donations to ISIS Publicized on Twitter

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

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



Figure 6 Screenshot from ISIS Video Posted on June 17, 2015

ISIS Uses Defendants' Sites to Spread Its Propaganda

38. ISIS also uses Defendants' sites to spread propaganda and incite fear by posting graphic photos and videos of its terrorist feats.
39. Through Defendants' sites, ISIS disseminates its official media publications as well as posts about real-time atrocities and threats to its perceived enemies.
40. 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.
41. 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."
42. In December 2013, an ISIS-affiliated user tweeted pictures of what it described as the killing of an Iraqi cameraman.

- 1 43. In June 2014, ISIS tweeted a picture of an Iraqi police chief, sitting with his severed
2 head perched on his legs. The accompanying tweet read: “This is our ball . . . it’s
3 made of skin.” ISIS then hashtagged the tweet with the handle #WorldCup so
4 that the image popped up on the feeds of millions following the soccer challenge in
5 Brazil.
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- 8 44. 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 45. In August 2014, an Australian member of ISIS tweeted a photo of his seven-year-
12 old son holding the decapitated head of a Syrian soldier.
13
- 14 46. Also in August 2014, ISIS member Abu Musaab Hafid al-Baghdadi posted photos
15 on his Twitter account showing an ISIS militant beheading a blindfolded captured
16 Lebanese Army Sergeant Ali al-Sayyed.
17
- 18 47. That same month, ISIS supporters tweeted over 14,000 tweets threatening Americans
19 under the hashtags #WaronWhites and #AMessagefromISISToUS, including posting
20 gruesome photos of dead and seriously injured Allied soldiers. Some of the photos
21 depicted U.S. marines hung from bridges in Fallujah, human heads on spikes and the
22 twin towers in flames following the 9/11 attacks. Other messages included direct
23 threats to attack U.S. embassies around the world, and to kill all Americans “wherever
24 you are.”
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1 48. Various ISIS accounts have also tweeted pictures and videos of the beheadings of
2 Americans James Foley, Steven Sotloff and Peter Kassig.

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

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

14 51. In 2014, propaganda operatives from ISIS posted videos of photojournalist John
15 Cantile and other captors on both Twitter and YouTube⁵. These operatives used
16 various techniques to insure that ISIS’ posting was spread using Defendants’ sites.

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

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

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⁵ <http://www.theguardian.com/world/2014/sep/24/isis-twitter-youtube-message-social-media-jihadi>

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

3 53. In December 2011, the New York Times reported that the terrorist group al- Shabaab,
4 "best known for chopping off hands and starving their own people, just opened a
5 Twitter account and have been writing up a storm, bragging about recent attacks and
6 taunting their enemies."
7

8
9 54. That same month, terrorism experts cautioned that "Twitter terrorism" was part of
10 "an emerging trend" and that several branches of al Qaeda were using Twitter to
11 recruit individuals, fundraise and distribute propaganda more efficiently.
12

13 55. On August 18, 2013, USA Today reported that "the Twitter feed of pro-Islamic State
14 of Iraq and the Levant (ISIS), a group of militant extremists linked to al-Qaeda,
15 showed posters, which said: 'We are avenging our Sunni brothers . . . leave now or
16 face death.'"
17

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

24 57. On October 31, 2013, Agence France-Presse reported on an ISIS video depicting a
25 prison break at Abu Ghraib and the execution of Iraqi army officers that was
26 "posted on jihadi forums and Twitter."
27
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1 58. On June 19, 2014, CNN reported on ISIS's use of Twitter to raise money for weapons,
2 food and operations. The next day, Seth Jones, Associate Director at International
3 Security and Defense Policy Center, stated in an interview on CNN that Twitter was
4 widely used by terrorist groups like ISIS to collect information, fundraise and recruit.
5 "Social media is where it's at for these groups," he added.
6

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

11 60. In September 2014, Time Magazine quoted terrorism expert Rita Katz, who
12 observed that, "[f]or several years, ISIS followers have been hijacking Twitter to
13 freely promote their jihad with very little to no interference at all. . . . Twitter's
14 lack of action has resulted in a strong, and massive pro-ISIS presence on their
15 social media platform, consisting of campaigns to mobilize, recruit and terrorize."
16

17 **The Use of Facebook by ISIS has been widely reported**
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19 61. On January 10, 2012, CBC News Released an article stating that Facebook is being
20 used by terrorist organizations for recruitment and to gather military and political
21 intelligence "Many users don't even bother finding out who they are confirming as
22 'friend' and to whom they are providing access to a large amount of information on
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1 their personal life. The terrorists themselves, in parallel, are able to create false
 2 profiles that enable them to get into highly visible groups," he said⁶.

3
 4 62. On January 10, 2014, the Washington post released an article titled *Why aren't*
 5 *YouTube, Facebook, and Twitter doing more to stop terrorists from inciting*
 6 *violence?*⁷

7
 8 63. In June 2014, the Washington times reported that Facebook is refusing to take down
 9 a known ISIS terror group fan page that "has nearly 6,000 members, and adoringly
 10 quotes Abu Musab al-Zarqawi, founder of al Qaeda in Iraq who was killed by U.S.
 11 forces in 2006."⁸

12
 13 64. On August 21st 2014, the anti-defamation league explained that ISIS supporters on
 14 Twitter have "not only promoted ISIS propaganda (primarily in English), but has also
 15 directed supporters to his English-language Facebook pages (continuously replacing
 16 pages as they are removed by Facebook for content violation) that do the same."⁹

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 19 65. On October 28, 2015, at the Radicalization: Social Media And The Rise Of Terrorism
 20 hearing it was reported that Zale Thompson who attacked four New York City Police
 21

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 23
 24
 25 6 <http://www.cbc.ca/news/technology/terrorist-groups-recruiting-through-social-media-1.1131053>

26 7 <https://www.washingtonpost.com/posteverything/wp/2014/07/10/farrow-why-arent-youtube-facebook-and-twitter-doing-more-to-stop-terrorists-from-inciting-violence/>

27 8 <http://www.washingtontimes.com/news/2014/jun/16/hasain-facebook-refuses-take-down-isis-terror-grou/>

28 9 <http://www.adl.org/combating-hate/international-extremism-terrorism/c/isis-islamic-state-social-media.html?referrer=https://www.google.com/#.Vzs0xfkrIdU>

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

3
4 66. At this same hearing it was also reported that in September 2014 “Alton Nolen, a
5 convert to Islam and ex-convict who had just been fired from his job at a food
6 processing plant, entered his former workplace and beheaded an employee with a
7 knife. This attack combines elements of workplace violence and terrorism. Nolen had
8 been a voracious consumer of IS propaganda, a fact reflected on his Facebook
9 page.¹¹”
10

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

19
20 68. On December 4, 2015, The Counter Extremism Project released a statement stating
21 that “Today’s news that one of the shooters in the San Bernardino attack that killed
22 14 innocent people pledged allegiance to ISIS in a Facebook posting demonstrates
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26 10 <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Purdy-TRC-Testimony.pdf>

27 11 <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Gartenstein-Ross-FDD-Testimony.pdf>

28 12 http://www.nytimes.com/2015/11/03/opinion/the-facebook-intifada.html?_r=1

once again that the threat of ISIS and violent Islamist extremist ideology knows no borders.¹³”

69. On April 8, 2016, the Mirror reported that “Jihadi fighters in the Middle East are using Facebook to buy and sell heavy duty weaponry” and that “Fighters in ISIS-linked regions in Libya are creating secret arms bazaars and hosting them on the massive social network. Because of Facebook's ability to create groups and to send secure payments through its Messenger application, it works as the perfect platform for illegal deals.¹⁴”

The Use of YouTube by ISIS has been widely reported

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

71. On July 7, 2014 CBS Local reported that “militants post beheading videos on sites like Google’s YouTube, giving an image the chance to go viral before being shut down.¹⁵”

72. On March 1, 2015, the New York Times reported that “some of the most sophisticated recruitment efforts by the Islamic State, particularly online, are geared

¹³ http://www.counterextremism.com/press/counter-extremism-project-releases-statement-news-san-bernardino-shooter-pledged-allegiance?utm_content=buffer38967&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer#sthash.iJhU3bF.dpuf

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

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

1 toward Westerners, featuring speakers who are fluent in English. For instance, in a
 2 video available on YouTube and Facebook, the Islamic State has manipulated the
 3 video game Grand Theft Auto, making the game's officers look like New York police
 4 officers and showing how a militant could attack them.¹⁶”

6 73. On March 3, 2015, CNN Money reported that YouTube was placing advertisements
 7 in front of ISIS videos¹⁷.

9 74. On March 10th 2015, Death and Taxes released an article titled *Beer ads keep*
 10 *showing up on ISIS YouTube videos*¹⁸.

12 75. On March 10th 2015, NBC News released an article titled *Ads Shown Before YouTube*
 13 *ISIS Videos Catch Companies Off-Guard*¹⁹.

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

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

24
 25 ¹⁶ http://www.nytimes.com/2015/03/01/nyregion/brooklyn-arrests-highlight-challenges-in-fighting-of-isis-and-known-wolves.html?_r=0

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

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

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

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

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

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

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

13 80. In March 2016 the digital citizens’ alliance found several examples of campaign ads
14 placed on ISIS videos²³.
15

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

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

20 82. In December 2011, an Israeli law group threatened to file suit against Twitter for
21 allowing terrorist groups like Hezbollah to use its social network in violation of U.S.
22 anti-terrorism laws.
23
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27 ²² <https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-isis/>
28 ²³ <https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc2cd.pdf>

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

7 **Defendants have failed to prevent ISIS from using its services**

8 87. Despite these appeals, Defendants have failed to take meaningful action.
 9

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

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

21 90. In September 2014, Twitter spokesperson Nu Wexler reiterated Twitter’s hands-off
 22 approach, telling the press, “Twitter users around the world send approximately 500
 23 million tweets each day, and we do not monitor them proactively.” “The Twitter
 24 Rules” reiterated that Twitter “do[es] not actively monitor and will not censor user
 25 content, except in exceptional circumstances.” In February 2015, Twitter confirmed
 26
 27
 28

1 that it does not proactively monitor content, and that it reviews only that content
2 which is reported by other users as violative of its rules.

3
4 91. Most technology experts agree that Defendants could and should be doing more to
5 stop ISIS from using its social network. “When Twitter says, ‘We can’t do this,’ I
6 don’t believe that,” said Hany Farid, chairman of the computer science department at
7 Dartmouth College. Mr. Farid, who co-developed a child pornography tracking
8 system with Microsoft, says that the same technology could be applied to terror
9 content, so long as companies were motivated to do so. “There’s no fundamental
10 technology or engineering limitation,” he said. “This is a business or policy decision.
11 Unless the companies have decided that they just can’t be bothered.”
12

13 92. According to Rita Katz, the director of SITE Intelligence Group, “Twitter is not doing
14 enough. With the technology Twitter has, they can immediately stop these accounts,
15 but they have done nothing to stop the dissemination and recruitment of lone wolf
16 terrorists.”
17

18 93. Even when Defendants shut down an ISIS-linked account, they do nothing to stop it
19 from springing right back up. According to the New York Times, the Twitter account
20 of the pro- ISIS group Asawitiri Media has had 335 accounts. When its account
21 @TurMedia333 was shut down, it started @TurMedia334. When that was shut down,
22 it started @TurMedia335. This “naming convention — adding one digit to a new
23 account after the last one is suspended — does not seem as if it would require artificial
24 intelligence to spot.” Each of these accounts also used the same user photograph of a
25 bearded man’s face over and over again. In the hours after the shooting attack in San
26
27
28

1 Bernardino, California on December 2, 2015, @TurMedia335 tweeted: “California,
2 we have already arrived with our soldiers. Decide how to be your end, with knife or
3 bomb.”

4 94. Using this simplistic naming schema is critical to ISIS’s use of social media. Without
5 a common prefix, it would be difficult for followers of ISIS accounts to know the
6 new name of the account.
7

8 95. Because of the simplistic renaming schema, Defendants could easily detect names
9 that are likely to be replacement accounts and delete them almost as soon as they are
10 created. Yet Defendants have failed to implement such a basic account detection
11 methodology.
12

13 96. Furthermore, ISIS keeps track of the followers of each account. Once an account is
14 deleted by one of Defendants and then regenerated, ISIS uses a bot to contact each of
15 its followers asking them to connect. This allows ISIS to reconstitute the connections
16 for each account very quickly. Defendants could easily detect such activity, but chose
17 not to.
18

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

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

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

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

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

▼ How can my videos make money?

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

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

²⁴ https://www.youtube.com/account_monetization accessed on 5/24/2016.

▼ What types of videos are eligible?

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

102. Videos that are approved generate revenue for both the poster and for Google.

Therefore, according to its terms, if there are ads associated with a YouTube video, the video has been approved by Google, Google is earning revenue from each view of that video, and Google is sharing revenue with the poster.

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

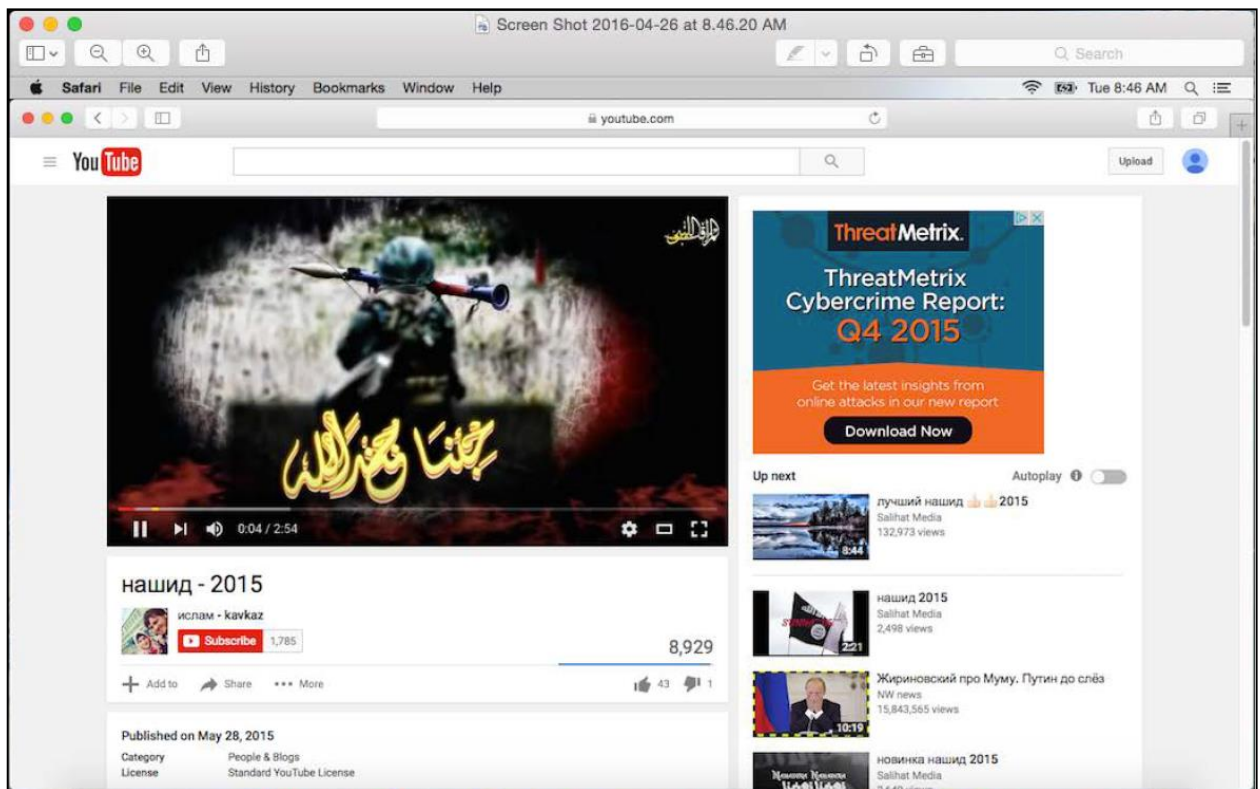


Figure 7 ISIS video on YouTube with ad place by Google

104. 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.

105. 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.

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

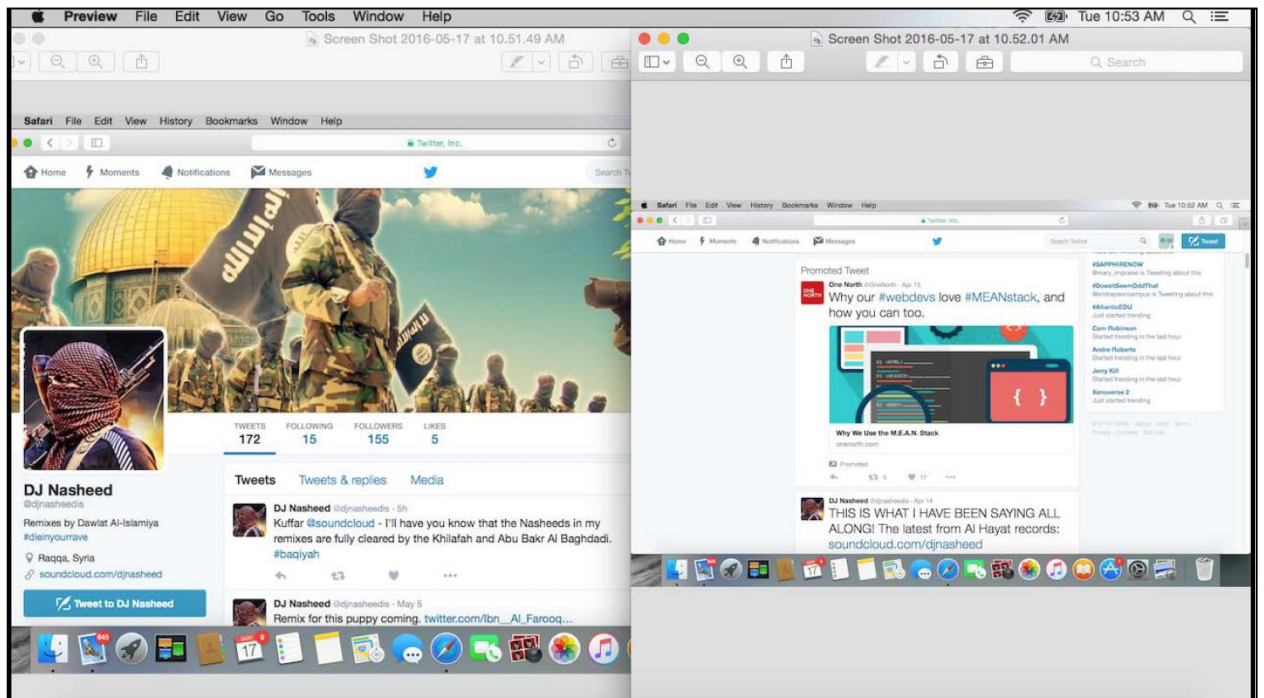


Figure 8 ISIS post on Twitter with ad placed by Twitter

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



Figure 9 ISIS post on Facebook with add placed by Facebook

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

109. 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 November 13, 2015 Attack

1 110. Nohemi Gonzalez was a student at California State University, Long Beach studying
2 industrial design. At the time of her death, Nohemi was spending a semester in Paris,
3 France at the Strade School of design.
4



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Figure 10 Nohemi in Paris

16 111. On Friday, November 13, 2015, Nohemi and some friends were enjoying a night in
17 Paris and were dining at a bistro La Belle Epoque located on Rue de Charrone.
18 Shortly after arriving, militants sprayed bullets into the bistro. Nohemi was struck
19 and killed.
20
21

22 112. In all, 130 people were killed and 368 people were injured in six coordinated attacks.

23 113. Shortly after the coordinated Paris attacks, ISIS claimed responsibility for the attacks:

24
25 So they were honest with Allah, we consider them thusly, and
26 Allah conquered through their hands and cast in the hearts of
27 the Crusaders horror in the middle of their land, where eight
28 brothers wrapped in explosive belts and armed with machine
rifles, targeted sites that were accurately chosen in the heart of

1 the capital of France, including the Stade de France during the
 2 match between the Crusader German and French teams, where
 3 the fool of France, Francois Hollande, was present.

4 114. The murder of Nohemi by an ISIS operative has caused Plaintiffs severe mental
 5 anguish, extreme emotional pain and suffering, and the loss of Nohemi's society,
 6 companionship, comfort, advice and counsel.

8 **COUNT I**

9 **CIVIL LIABILITY UNDER 18 U.S.C. § 2333(a) AGAINST ALL DEFENDANTS** 10 **FOR VIOLATIONS OF 18 U.S.C. § 2339A CONSTITUTING ACTS OF** 11 **INTERNATIONAL TERRORISM**

12 115. Plaintiff repeats and re-alleges each and every allegation of the foregoing
 13 paragraphs as if fully set forth herein.

14
 15 116. The services and support that Defendants purposefully, knowingly or with willful
 16 blindness provided to ISIS constitute material support to the preparation and carrying
 17 out of acts of international terrorism, including the attack in which Nohemi Gonzalez
 18 was killed.

19
 20
 21 117. Defendants' provision of material support to ISIS was a proximate cause of the
 22 injury inflicted on Plaintiff.

23
 24 118. By virtue of its violations of 18 U.S.C. § 2339A, Defendants are liable pursuant to
 25 18 U.S.C. § 2333 for any and all damages that Plaintiff has sustained.

26 **COUNT II**

**CIVIL LIABILITY UNDER 18 U.S.C. § 2333(a) AGAINST ALL DEFENDANTS
FOR VIOLATIONS OF 18 U.S.C. § 2339B CONSTITUTING ACTS OF
INTERNATIONAL TERRORISM**

119. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as if fully set forth herein.

120. The services and support that Defendants purposefully, knowingly or with willful blindness provided to ISIS constitute material support to a Foreign Terrorist Organization (“FTO”) in violation of 18 U.S.C. § 2339B.

121. Defendants’ provision of material support to ISIS was a proximate cause of the injury inflicted on Plaintiff.

122. By virtue of its violations of 18 U.S.C. § 2339B, Defendants are liable pursuant to 18 U.S.C. § 2333 for any and all damages that Plaintiff has sustained.

PRAYER FOR RELIEF

123. WHEREFORE, Plaintiff requests that the Court:

- a) Accept jurisdiction over this action;
- b) Enter judgment against Defendants and in favor of Plaintiff for compensatory damages in an amount to be determined at trial;
- c) Enter judgment against Defendants and in favor of Plaintiff for treble damages pursuant to 18 U.S.C. § 2333;

- 1 d) Enter judgment against Defendants and in favor of Plaintiff for any and all costs
2 sustained in connection with the prosecution of this action, including attorneys'
3 fees, pursuant to 18 U.S.C. § 2333;
4
5 e) Order any equitable relief to which Plaintiff might be entitled;
6
7 f) Enter an Order declaring that Defendants has violated, and is continuing to
8 violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 *et seq.*; and
9
10 g) Grant such other and further relief as justice requires.

11 **DEMAND FOR TRIAL BY JURY**

12 124. Plaintiff demands a trial by jury of all issues so triable.

13
14 Date: June 14, 2016

Respectfully Submitted,

EXCOLO LAW, PLLC

15
16 By: /s/ Keith Altman

17 Attorney for Plaintiffs

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Attorneys for Plaintiffs

VERIFICATION

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

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

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

Executed on June 13, 2016, over Lamar, CO.

Respectfully Submitted,

EXCOLO LAW, PLLC

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