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15 Attorneys for Plaintiffs

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**
18 **WESTERN DIVISION**

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

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

JACOB THALASINOS,
JAMES THALASINOS;

**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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Plaintiffs,

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. For years, Defendants have knowingly and recklessly provided the terrorist group
8 ISIS with accounts to use its social networks as a tool for spreading extremist
9 propaganda, raising funds, and attracting new recruits. This material support
10 has been instrumental to the rise of ISIS and has enabled it to carry out or
11 cause to be carried out, numerous terrorist attacks, including 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 Thalasinis. Defendants are
14 information content providers because they create unique content by combining
15 ISIS postings with advertisements in a way that is specifically targeted at the
16 viewer. Defendants share revenue with ISIS for its content and profit from ISIS
17 postings through advertising revenue.
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22 2. Without Defendants Twitter, Facebook, and Google (YouTube), the explosive
23 growth of ISIS over the last few years into the most feared terrorist group in the
24 world would not have been possible. According to the Brookings Institution,
25 ISIS “has exploited social media, most notoriously Twitter, to send its propaganda
26 and messaging out to the world and to draw in people vulnerable to
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1 radicalization.”¹ Using Defendants’ sites, “ISIS has been able to exert an
2 outsized impact on how the world perceives it, by disseminating images of
3 graphic violence (including the beheading of Western journalists and aid
4 workers) . . . while using social media to attract new recruits and inspire lone
5 actor attacks.” According to FBI Director James Comey, ISIS has perfected
6 its use of Defendants’ sites to inspire small-scale individual attacks, “to
7 crowdsource terrorism” and “to sell murder.”
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11 3. Since first appearing on Twitter in 2010, ISIS accounts on Twitter have grown at
12 an astonishing rate and, until recently, ISIS maintained official accounts on
13 Twitter unfettered. These official accounts included media outlets, regional hubs
14 and well-known ISIS members, some with tens of thousands of followers. For
15 example, Al-Furqan, ISIS’s official media wing responsible for producing ISIS’s
16 multimedia propaganda, maintained a dedicated Twitter page where it posted
17 messages from ISIS leadership as well as videos and images of beheadings and
18 other brutal forms of executions to 19,000 followers.
19
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22 4. Likewise, Al-Hayat Media Center, ISIS’s official public relations group,
23 maintained at least a half dozen accounts, emphasizing the recruitment of
24 Westerners. As of June 2014, Al-Hayat had nearly 20,000 followers.
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28 ¹ <https://www.brookings.edu/blog/markaz/2015/11/09/how-terrorists-recruit-online-and-how-to-stop-it/>



Figure 1 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 2 ISIS Propaganda Posted on @ISIS_Media_Hub

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

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

1 8. Plaintiffs' claims are based not upon the content of ISIS' social media postings,
2 but upon Defendants provision of the infrastructure which provides material
3 support to ISIS. Furthermore, Defendants profit from ISIS by placing ads on ISIS'
4 postings. For at least one of the Defendants, Google, revenue earned from
5 advertising is shared with ISIS. Lastly, Defendants incorporate ISIS' postings to
6 create unique content by combining the ISIS postings with advertisements
7 selected by Defendants based upon ISIS' postings and the viewer looking at the
8 postings and the advertisements.
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12 PARTIES

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14 9. Plaintiff Gregory Clayborn is a citizen of the United States domiciled in the State
15 of California and is the father of Sierra Clayborn. He brings this lawsuit on behalf
16 of himself and as a successor-in-interest of the estate of his daughter Sierra
17 Clayborn, a U.S. citizen and domiciliary of California at the time of her death.
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19 10. Plaintiff Kim Clayborn is a citizen of the United States domiciled in the State of
20 California and is the step-mother of Sierra Clayborn.
21

22 11. Plaintiff Tamishia Clayborn is a citizen of the United States domiciled in the State
23 of California and is the sister of Sierra Clayborn.
24

25 12. Plaintiff Vanessa Nguyen is a citizen of the United States domiciled in the State
26 of California and is the mother of Tin Nguyen. She brings this lawsuit on behalf
27 of herself and as a successor-in-interest of the estate of her daughter Tin Nguyen,
28

1 a U.S. citizen and domiciliary of California at the time of her death.

2 13. Plaintiff Trung Do is a citizen of the United States domiciled in the State of
3 California and is the brother of Tin Nguyen.
4

5 14. Plaintiff Jacob Thalasinis is a citizen of the United States domiciled in the State
6 of California and is the son of Nicholas Thalasinis.
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8 15. Plaintiff James Thalasinis is a citizen of the United States domiciled in the state
9 of California and is the son of Nicholas Thalasinis.
10

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

15 17. Defendant Facebook, Inc. (“Facebook”) is a publicly traded U.S. company
16 incorporated in Delaware, with its principal place of business at 1601 Willow
17 Road, Menlo Park, California, 94025.
18

19 18. Defendant Google Inc. (“Google”) is a publicly traded U.S. company incorporated
20 in Delaware, with its principal place of business at 1600 Amphitheatre Parkway,
21 Mountain View, California, 94043. Google owns the social media site YouTube.
22 For the purposes of this complaint, Google and YouTube are used
23 interchangeably.
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25

26 **JURISDICTION AND VENUE**
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28 19. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.

1 §1331 and 18 U.S.C. § 2333(a) as a civil action brought by a citizen of the United
2 States injured by reason of an act of international terrorism and the estate,
3 survivor, or heir of a United States citizen injured by reason of an act of
4 international terrorism.
5

6 20. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and 18 U.S.C. §
7 2334(a) because at least one of the Plaintiffs and/or decedents was a resident of
8 the Central District of California, Western District and Defendants conduct
9 significant business operations in the state of California and within the Central
10 District of California.
11
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13 ALLEGATIONS

14
15 21. ISIS, which stands for the Islamic State of Iraq and Syria, is also known as
16 the Islamic State of Iraq and the Levant (“ISIL”), the Islamic State (“IS”), ad-
17 Dawlah al-Islāmiyah fil-‘Irāq wash-Shām (“DAESH”) and al-Qaeda in Iraq
18 (“AQI”).
19

20
21 22. Originally affiliated with al Qaeda, ISIS’s stated goal is the establishment of
22 a transnational Islamic caliphate, *i.e.* an Islamic state run under strict Sharia law.
23 By February 2014, however, ISIS’s tactics had become too extreme for even
24 al Qaeda and the two organizations separated.
25

26
27 23. Since its emergence in Iraq in the early 2000’s when it was known as AQI, ISIS
28 has wielded increasing territorial power, applying brutal, terrifying violence to

1 attain its military and political goals, including summary executions, mass
2 beheadings, amputations, shootings and crucifixions, which it applies to anyone
3 it considers an “unbeliever,” a “combatant” or a “prisoner of war.”
4

5 24. The United Nations and International NGOs have condemned ISIS for war
6 crimes and ethnic cleansing, and more than 60 countries are currently fighting to
7 defeat ISIS and prevent its expansion.
8

9 25. On December 17, 2004, the United States designated ISIS as a Foreign Terrorist
10 Organization (“FTO”) under Section 219 of the Immigration and Nationality Act,
11 as amended.
12

13 **ISIS is Dependent on Twitter, YouTube, and Facebook to Terrorize**
14

15 **ISIS Uses Defendants to Recruit New Terrorists**
16

17 26. One of ISIS’s primary uses of Defendants’ sites is as a recruitment platform,
18 particularly to draw fighters from Western countries.

19 27. ISIS reaches potential recruits by maintaining accounts on Twitter, YouTube,
20 and Facebook so that individuals across the globe may reach out to them directly.
21 After the first contact, potential recruits and ISIS recruiters often communicate
22 via Defendants’ Direct Messaging capabilities. According to FBI Director James
23 Comey, “[o]ne of the challenges in facing this hydra-headed monster is that if
24 (ISIS) finds someone online, someone who might be willing to travel or kill
25 in place they will begin a Twitter direct messaging contact.” Indeed, according
26 to the Brookings Institution, some ISIS members “use Twitter purely for private
27
28

1 messaging or covert signaling.”

2 28. In addition to individual recruitment, ISIS members use Defendants to post
3 instructional guidelines and promotional videos referred to as “mujatweets.”

4 29. For example, in June 2014, ISIS fighters tweeted guidelines in English targeting
5 Westerners and instructing them on how to travel to the Middle East to join its
6 fight.

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

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

16 32. For example, in May 2013, a British citizen who publicly identified himself as
17 an ISIS supporter tweeted about his touchdown in Turkey before crossing the
18 border into Syria to join ISIS in the fight against the Syrian regime. And in
19 December 2013, the first Saudi Arabian female suicide bomber to join ISIS in
20 Syria tweeted her intent to become a martyr for the ISIS cause, as she embarked
21 for Syria.

22 33. As another example, two Tunisian girls, ages 19 and 21, were lured by ISIS’s use
23 of Facebook to travel to Syria believing they would be providing humanitarian
24 of Facebook to travel to Syria believing they would be providing humanitarian
25 of Facebook to travel to Syria believing they would be providing humanitarian
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27 of Facebook to travel to Syria believing they would be providing humanitarian
28 of Facebook to travel to Syria believing they would be providing humanitarian

1 aid². Instead, they were taken to an ISIS compound where there were forced to
2 serve as prostitutes and were repeatedly raped. The girls escaped during a
3 bombing of the compound and returned home.
4

5 34. Recently, it was reported that the leader of ISIS in the United Kingdom, Omar
6 Hussain, was using Facebook to recruit terrorists to launch attacks in the U.K.³
7

8 35. After kidnapping and murdering Ruqia Hassan Mohammad, a female journalist
9 and activist, ISIS used her account to lure others into supporting ISIS⁴.
10

11 36. Through its use of Defendants' sites, ISIS has recruited more than 30,000 foreign
12 recruits since 2013, including some 4,500 Westerners and 250 Americans.
13

ISIS Uses Defendants to Fund Terrorism

14 37. ISIS also uses Defendants to raise funds for its terrorist activities.
15

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

21 39. The Financial Action Task Force confirms that "individuals associated with ISIL
22 have called for donations via Twitter and have asked the donors to contact them."
23
24

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

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

27 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>
28

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



18 *Figure 3 Fundraising Images from ISIS Twitter Accounts*

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

23 In its other Twitter fundraising campaigns, ISIS has posted photographs of cash
 24 gold bars and luxury cars that it received from donors, as well as weapons
 25 purchased with the proceeds.
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 27
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Figure 4 Donations to ISIS Publicized on Twitter

41. 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.
42. 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 5 Screenshot from ISIS Video Posted on June 17, 2015

ISIS Uses Defendants' Sites to Spread Its Propaganda

- 1 43. ISIS also uses Defendants' sites to spread propaganda and incite fear by
2 posting graphic photos and videos of its terrorist feats.
3
- 4 44. Through Defendants' sites, ISIS disseminates its official media publications as
5 well as posts about real-time atrocities and threats to its perceived enemies.
6
- 7 45. In October 2013, ISIS posted a video of a prison break at the Abu Ghraib prison
8 in Iraq, and its subsequent execution of Iraqi army officers.
9
- 10 46. In November 2013, an ISIS-affiliated user reported on Twitter that ISIS had killed
11 a man it mistakenly believed to be Shiite. Another post by an ISIS account
12 purported to depict Abu Dahr, identified as the "suicide bomber that attacked the
13 Iranian embassy."
14
- 15 47. In December 2013, an ISIS-affiliated user tweeted pictures of what it described
16 as the killing of an Iraqi cameraman.
17
- 18 48. In June 2014, ISIS tweeted a picture of an Iraqi police chief, sitting with his
19 severed head perched on his legs. The accompanying tweet read: "This is our
20 ball . . . it has skin on it." ISIS then hashtagged the tweet with the handle
21 #WorldCup so that the image popped up on the feeds of millions following the
22 soccer challenge in Brazil.
23
- 24 49. On July 25, 2014, ISIS members tweeted photos of the beheading of around 75
25 Syrian soldiers who had been captured during the Syrian conflict.
26
- 27 50. In August 2014, an Australian member of ISIS tweeted a photo of his seven-
28

1 year- old son holding the decapitated head of a Syrian soldier.

2 51. Also in August 2014, ISIS member Abu Musaab Hafid al-Baghdadi posted
3 photos on his Twitter account showing an ISIS militant beheading a blindfolded
4 captured Lebanese Army Sergeant Ali al-Sayyed.
5

6 52. That same month, ISIS supporters tweeted over 14,000 tweets threatening
7 Americans under the hashtags #WaronWhites and #AMessagefromISISstoUS,
8 including posting gruesome photos of dead and seriously injured Allied soldiers.
9 Some of the photos depicted U.S. marines hung from bridges in Fallujah, human
10 heads on spikes and the twin towers in flames following the 9/11 attacks. Other
11 messages included direct threats to attack U.S. embassies around the world, and
12 to kill all Americans “wherever you are.”
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16 53. Various ISIS accounts have also tweeted pictures and videos of the beheadings
17 of Americans James Foley, Steven Sotloff, and Peter Kassig.
18

19 54. To keep its membership informed, in April 2014, ISIS created an Arabic-
20 language Twitter App called “The Dawn of Glad Tidings,” or “The Dawn,” which
21 posts tweets to thousands of users’ accounts, the content of which is controlled by
22 ISIS’s social media operation. The tweets include hashtags, links, and images
23 related to ISIS’s activities. By June 2014, the app reached a high of 40,000 tweets
24 in one day as ISIS captured Mosul, Iraq.
25
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27 55. ISIS has also used Twitter to coordinate hashtag campaigns, whereby it enlists
28

1 thousands of members to repetitively tweet hashtags at certain times of the day so
2 that they trend on Twitter, meaning a wider number of users are exposed to the
3 tweets. One such campaign dubbed a “Twitter storm,” took place on June 8, 2014,
4 and led to a surge in followers.
5

6
7 56. In 2014, propaganda operatives from ISIS posted videos of photojournalist John
8 Cantile and other captors on both Twitter and YouTube⁵. These operatives used
9 various techniques to ensure that ISIS’ posting was spread using Defendants’
10 sites. In her New York Times article, (Not “Lone Wolves” After All: How ISIS
11 Guides World’s Terror Plots From Afar-2/5/17), Rakmini Callimachi
12 acknowledges that because of Twitter and other social media, “In the most basic
13 enabled attacks Islamic State handlers acted as confidants and coaches, coaxing
14 recruits to embrace violence. ... Because the recruits are instructed to use
15 encrypted messaging applications, the guiding role played by the terrorist group
16 often remains obscured. As a result, remotely guided plots in Europe, Asia, and
17 the United States ... were initially labeled the work of “lone wolves”, ... and only
18 later discovered to have direct communications with the group discovered.”
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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**

25
26 57. For years, the media has reported on the ISIS’s use of Defendants’ social media
27

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

1 sites and their refusal to take any meaningful action to stop it.

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

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

27 60. On November 20, 2015, Business Insider reported that ISIS members have been
28

1 providing a 34-page guide to operational security and communications available
2 through multiple social medium platforms which delivers instructions to users
3 about communications methods including specifics in the use of Twitter, for
4 purposes of recruiting and radicalizing in the United States. Twitter
5

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

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

16 63. On June 19, 2014, CNN reported on ISIS’s use of Twitter to raise money for
17 weapons, food, and operations. The next day, Seth Jones, Associate Director of
18 International Security and Defense Policy Center, stated in an interview on CNN
19 that Twitter was widely used by terrorist groups like ISIS to collect information,
20 fundraise and recruit. “Social media is where it’s at for these groups,” he added.
21

22 64. On August 21, 2014, after ISIS tweeted out the graphic video showing the
23 beheading of American James Foley, the Wall Street Journal warned that Twitter
24 could no longer afford to be the “Wild West” of social media.
25

26 65. In September 2014, Time Magazine quoted terrorism expert Rita Katz, who
27 observed that “[f]or several years, ISIS followers have been hijacking Twitter
28

1 to freely promote their jihad with very little to no interference at all. . . .
2 Twitter’s lack of action has resulted in a strong, and massive pro-ISIS presence
3 on their social media platform, consisting of campaigns to mobilize, recruit and
4 terrorize.”

5
6 **The Use of Facebook by ISIS has been widely reported**

7 66. On January 10, 2012, CBC News Released an article stating that Facebook is
8 being used by terrorist organizations for recruitment and to gather military and
9 political intelligence "Many users don't even bother finding out who they are
10 confirming as 'friend' and to whom they are providing access to a large amount of
11 information on their personal life. The terrorists themselves, in parallel, are able
12 to create false profiles that enable them to get into highly visible groups," he said⁶.

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14
15 67. On January 10, 2014, the Washington post released an article titled *Why aren't*
16 *YouTube, Facebook, and Twitter doing more to stop terrorists from inciting*
17 *violence?*⁷

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19
20 68. In June 2014, the Washington times reported that Facebook is refusing to take
21 down a known ISIS terror group fan page that “has nearly 6,000 members and
22 adoringly quotes Abu Musab al-Zarqawi, founder of al-Qaeda in Iraq who was
23 killed by U.S. forces in 2006.”⁸

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

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

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

1 69. On August 21, 2014, the anti-defamation league explained that ISIS supporters on
2 Twitter have “not only promoted ISIS propaganda (primarily in English) but has
3 also directed supporters to his English-language Facebook pages (continuously
4 replacing pages as they are removed by Facebook for content violation) that do
5 the same.⁹”
6
7

8 70. On October 28, 2015, at the Radicalization: Social Media And The Rise Of
9 Terrorism hearing it was reported that Zale Thompson who attacked four New
10 York City Police Officers with an ax posted on Facebook “Which is better, to sit
11 around and do nothing or to wage jihad.¹⁰”
12

13 71. At this same hearing, it was also reported that in September 2014 “Alton Nolen,
14 a convert to Islam and ex-convict who had just been fired from his job at a food
15 processing plant, entered his former workplace and beheaded an employee with a
16 knife. This attack combines elements of workplace violence and terrorism. Nolen
17 had been a voracious consumer of IS propaganda, a fact reflected on his Facebook
18 page.¹¹”
19
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21

22 72. On November 11, 2015, it was reported that one of the attackers from a terrorist
23

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

25
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

1 bus attack two weeks prior “was a regular on Facebook, where he had already
2 posted a “will for any martyr.” Very likely, they made use of one of the thousands
3 of posts, manuals and instructional videos circulating in Palestinian society these
4 last few weeks, like the image, shared by thousands on Facebook, showing an
5 anatomical chart of the human body with advice on where to stab for maximal
6 damage.^{12”}
7

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

16 74. On April 8, 2016, the Mirror reported that “Jihadi fighters in the Middle East are
17 using Facebook to buy and sell heavy duty weaponry” and that “Fighters in ISIS-
18 linked regions in Libya are creating secret arms bazaars and hosting them on the
19 massive social network. Because of Facebook's ability to create groups and to send
20 secure payments through its Messenger application, it works as the perfect
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22
23
24

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

26 ¹³ http://www.counterextremism.com/press/counter-extremism-project-releases-statement-news-san-bernardino-shooter-pledged-allegiance?utm_content=buffer38967&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer#sthash.iJjhU3bF.dpuf
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1 platform for illegal deals.¹⁴”

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

3
4 75. The media has widely reported on terrorists’ use of YouTube and YouTube’s
5 refusal to take any meaningful action to stop it.

6
7 76. On July 7, 2014, CBS Local reported that “militants post beheading videos on
8 sites like Google’s YouTube, giving an image the chance to go viral before being
9 shut down.¹⁵”

10
11 77. On March 1, 2015, the New York Times reported that “some of the most
12 sophisticated recruitment efforts by the Islamic State, particularly online, are
13 geared toward Westerners, featuring speakers who are fluent in English. For
14 instance, in a video available on YouTube and Facebook, the Islamic State has
15 manipulated the video game Grand Theft Auto, making the game’s officers look
16 like New York police officers and showing how a militant could attack them.¹⁶”

17
18
19 78. On March 3, 2015, CNN Money reported that YouTube was placing
20 advertisements in front of ISIS videos¹⁷.

21
22 79. On March 10th 2015, Death and Taxes released an article titled *Beer ads keep*

23
24 _____
25 ¹⁴ <http://www.mirror.co.uk/tech/isis-terrorists-use-facebook-buy-7713893>

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

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

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

1 *showing up on ISIS YouTube videos*¹⁸.

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

4
5 81. On March 11, 2015, NewsMediaRockstars.com reported that “Major corporations
6 like Procter and Gamble, Anheuser-Busch, and Toyota have all been forced to
7 make apologies after ads for their products started rolling in front of ISIS
8 recruiting videos which have been cropping up ever more frequently on the site.”²⁰

9
10
11 82. On August 6, 2015, Journal-Neo.org reported that “The well-known online video
12 platform YouTube serves as the main media platform of these radical fighters.”²¹

13
14 83. On April 28, 2015, MusicTechPolicy.com reported that the Islamic State has
15 released a new YouTube video “showcasing recent battles in the Al Sufiyah area
16 of eastern Ramadi. Approximately 30 Iraqi police have been killed and around
17 100 more have been injured in recent days in the western provincial capital.”²²

18
19 84. In March 2016, the Morning Consult reported that “a video ad from a pro-Ted
20 Cruz Super PAC (Reigniting the Promise PAC) was the inadvertent prelude to a
21

22
23

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

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

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

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

27 ²² [https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-](https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-isis/)
28 [isis/](https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-isis/)

1 video produced by an official media outlet of the Islamic State terror group. The
2 outlet, Al-Hayat Media Center, produces propaganda for ISIS. Digital Citizens
3 Alliance says it's likely an ISIS supporter uploaded that video.”
4

5 85. In March 2016 the digital citizens' alliance found several examples of campaign
6 ads placed on ISIS videos²³.
7

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

9 86. Throughout this period, both the U.S. government and the public at large have
10 urged Defendants to stop providing its services to terrorists.
11

12 87. In December 2011, an Israeli law group threatened to file suit against Twitter for
13 allowing terrorist groups like Hezbollah to use its social network in violation of
14 U.S. anti-terrorism laws.
15

16 88. In December 2012, several members of Congress wrote to FBI Director Robert
17 Mueller asking the Bureau to demand that the Twitter block the accounts of
18 various terrorist groups.
19

20 89. In a committee hearing held on August 2, 2012, Rep. Ted Poe, chair of the House
21 Foreign Affairs Subcommittee on Terrorism, lamented that “when it comes to a
22 terrorist using Twitter, Twitter has not shut down or suspended a single account.”
23 “Terrorists are using Twitter,” Rep. Poe added, and “[i]t seems like it's a violation
24
25

26
27 ²³ [https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-](https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc2cd.pdf)
28 [a4d5-5d6453acc2cd.pdf](https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc2cd.pdf)

1 of the law.” In 2015, Rep. Poe again reported that Twitter had consistently failed
2 to respond sufficiently to pleas to shut down clear incitements to violence by
3 terrorists.
4

5 90. Recently, former Secretary of State Hillary Clinton has urged Defendants to
6 become more aggressive in preventing ISIS from using its network. “Resolve
7 means depriving jihadists of virtual territory, just as we work to deprive them of
8 actual territory,” she told one audience. Later, Secy. Clinton stated that Twitter
9 and other companies “cannot permit the recruitment and the actual direction of
10 attacks or the celebration of violence by this sophisticated Internet user. They’re
11 going to have to help us take down these announcements and these appeals.”
12
13
14

15 91. On January 7, 2016, White House officials announced that they would hold
16 high- level discussions with Defendants to encourage them “to do more to block
17 terrorists” from using their services. “The primary purpose is for government
18 officials to press the biggest Internet firms to take a more proactive approach to
19 countering terrorist messages and recruitment online. . . . That issue has long
20 vexed U.S. counterterrorism officials, as terror groups use Twitter . . . to spread
21 terrorist propaganda, cultivate followers and steer them toward committing
22 violence. But the companies have resisted some requests by law-enforcement
23 leaders to take action . . .”
24
25

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

27 92. Despite these appeals, Defendants have failed to take meaningful action.
28

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

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

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

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

5
6 97. According to Rita Katz, the director of SITE Intelligence Group, “Twitter is not
7 doing enough. With the technology Twitter has, they can immediately stop these
8 accounts, but they have done nothing to stop the dissemination and recruitment of
9 lone wolf terrorists.”

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

22
23
24 99. Using this simplistic naming scheme is critical to ISIS’s use of social media.
25 Without a common prefix, it would be difficult for followers of ISIS accounts to
26 know the new name of the account.

27
28 100. Because of the simplistic renaming scheme, Defendants could easily detect names

1 that are likely to be replacement accounts and delete them almost as soon as they
2 are created. Yet Defendants have failed to implement such a basic account
3 detection methodology.
4

5 101. Furthermore, ISIS keeps track of the followers of each account. Once an account
6 is deleted by one of the Defendants and then regenerated, ISIS uses a bot to contact
7 each of its followers asking them to connect. This allows ISIS to reconstitute the
8 connections for each account very quickly. Defendants could easily detect such
9 activity but chose not to.
10
11

12 102. Although Defendants proclaim that they do take accounts down including those
13 of ISIS, Defendants do nothing to keep those accounts down. ISIS and other
14 nefarious groups are dependent upon having a social media network from which
15 to collect money and conduct terrorist operations including recruitment and
16 radicalization.
17
18

19 103. The following example illustrates how Defendants allow ISIS to quickly construct
20 networks of followers. Below is a posting from Twitter captured on June 20,
21 2016. The individual is named “DriftOne00146” and he proudly proclaims that
22 this is the 146th version of his account. With only 11 tweets, this individual is
23 followed by 349 followers. This is very suspicious activity.
24
25
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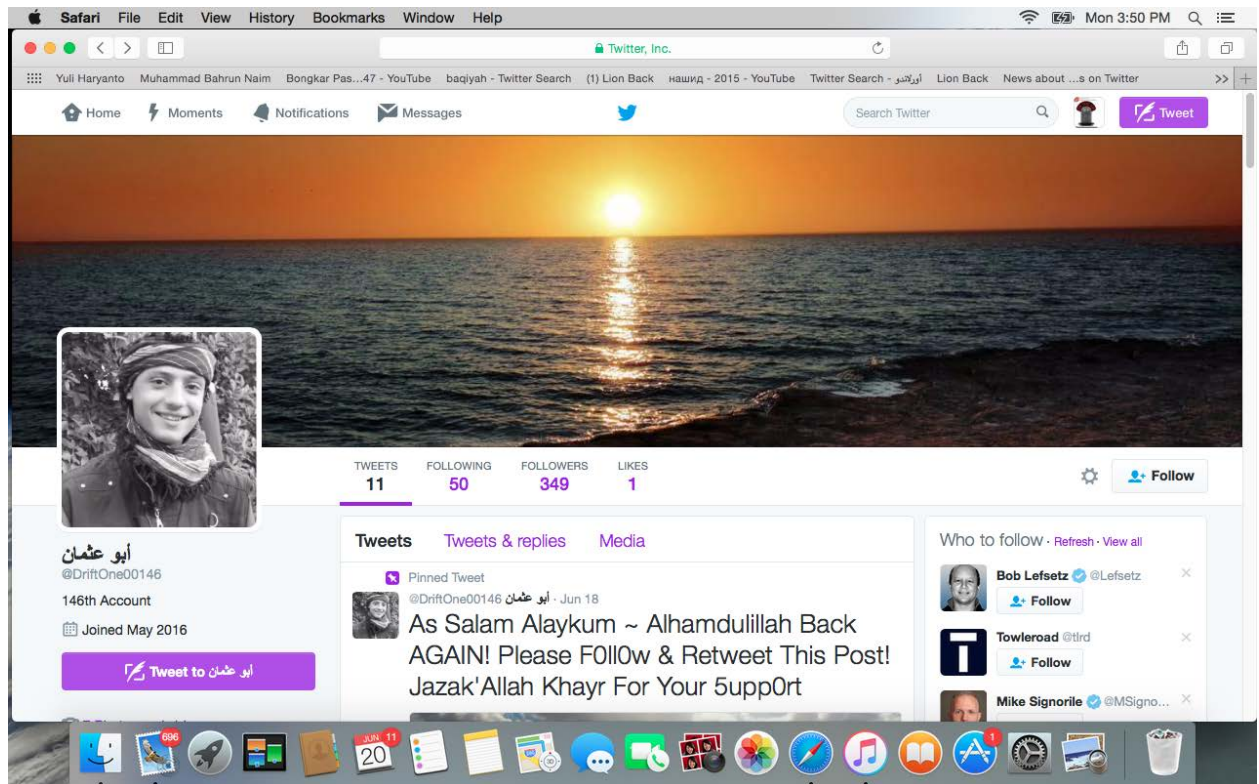


Figure 6: DriftOne00146 posting 06/20/2016

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

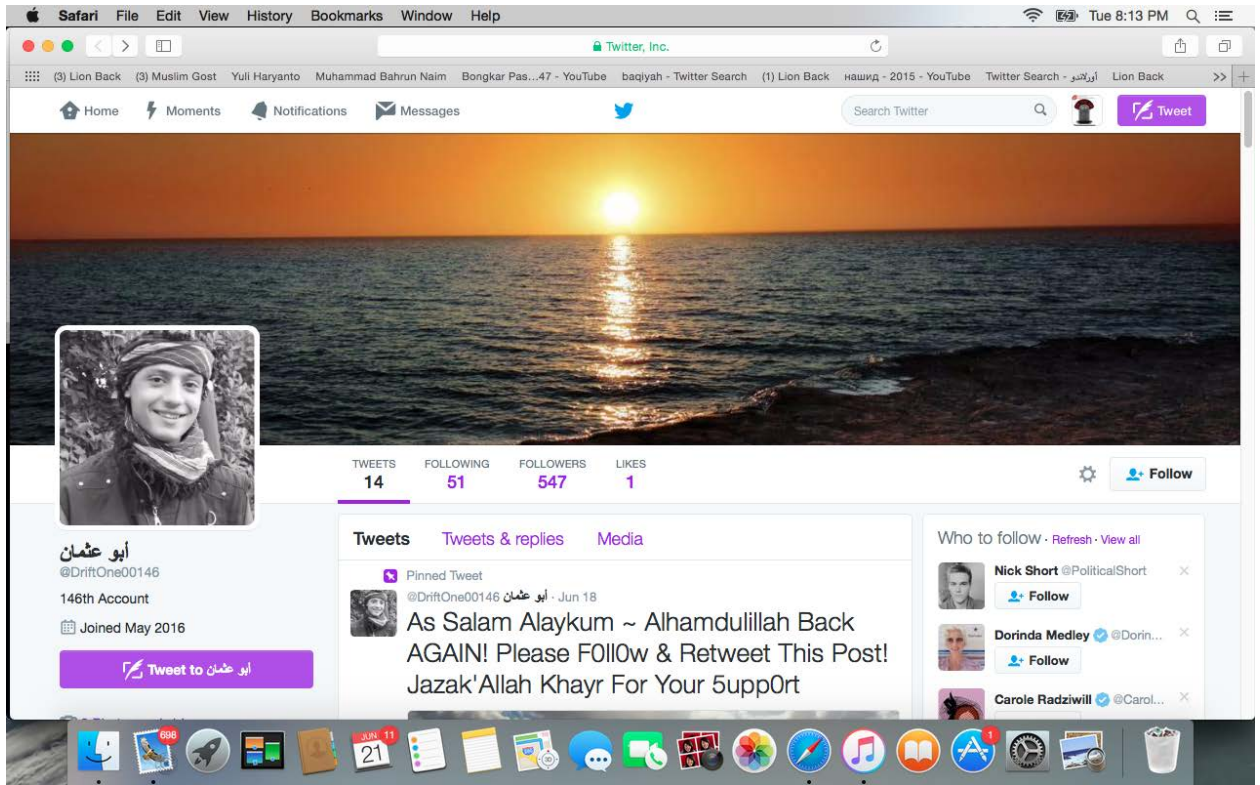


Figure 7: DriftOne00146 posting June 21, 2016

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

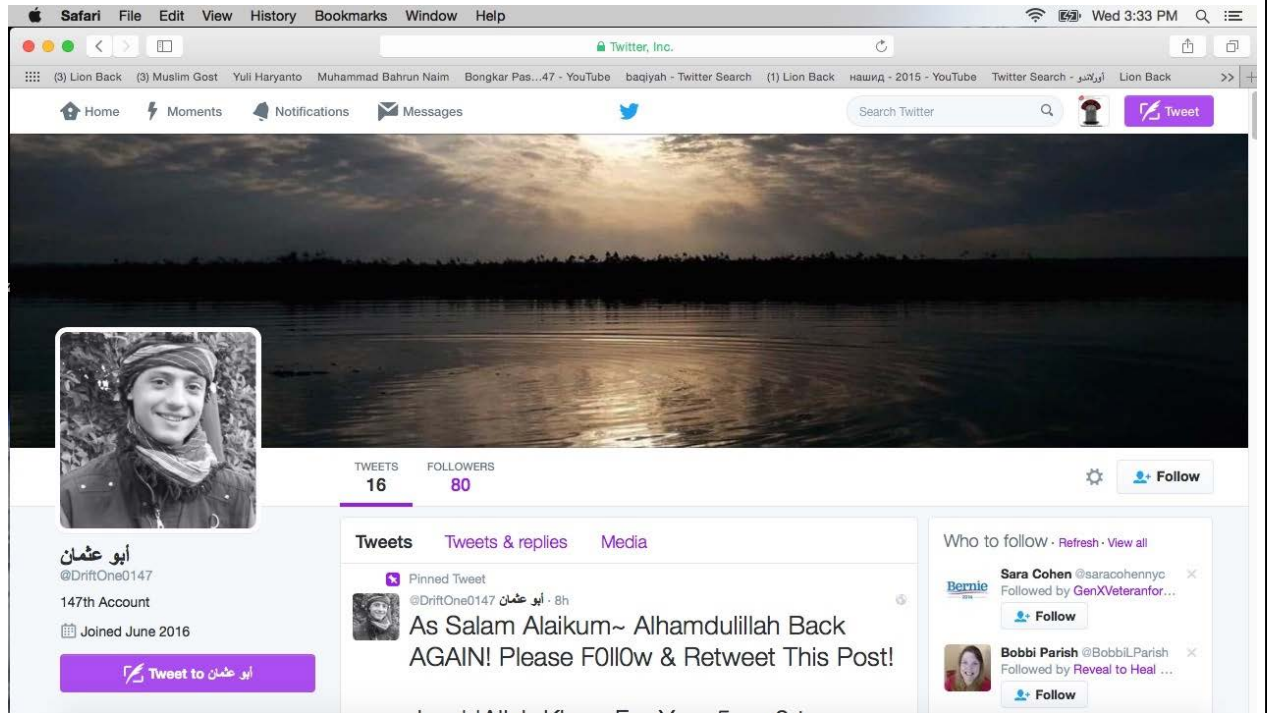


Figure 8: DriftOne0147 posting June 22, 2016

106. 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.

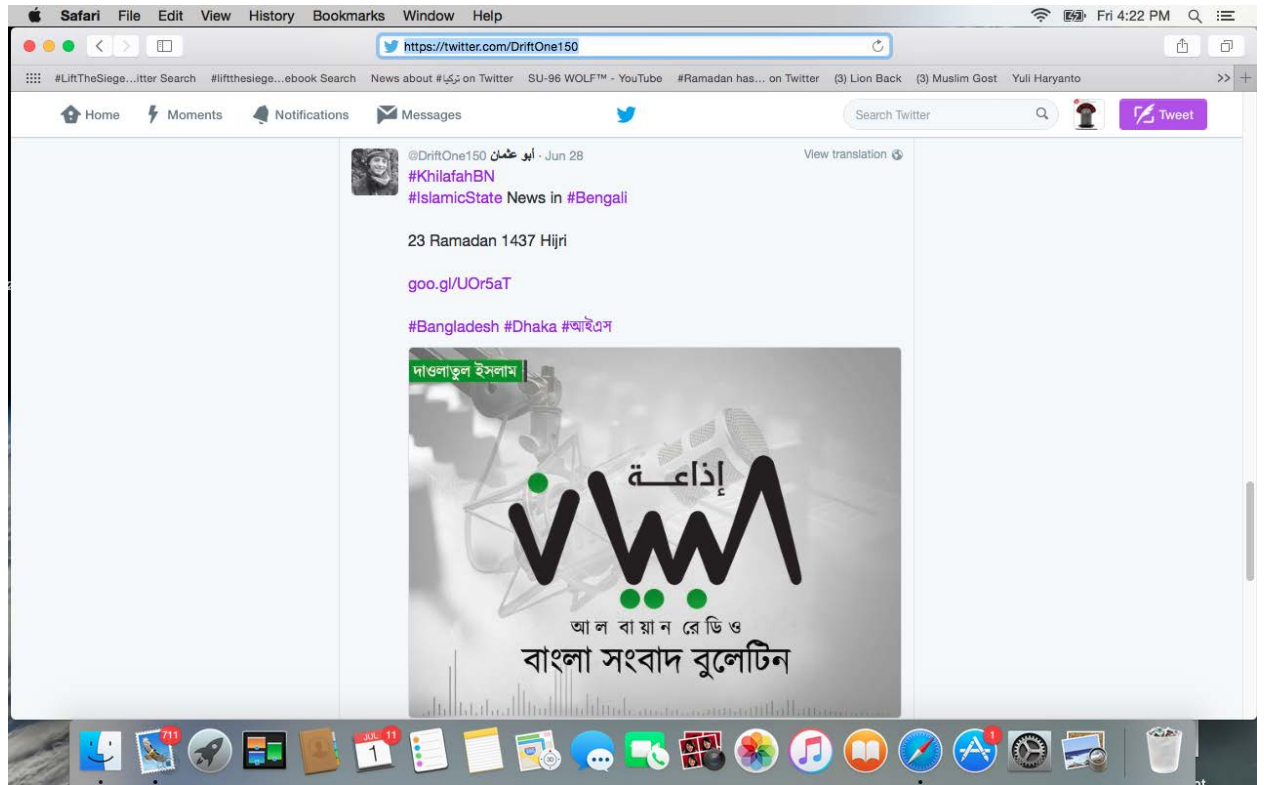


Figure 9: DriftOne150 posting June 28, 2016

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

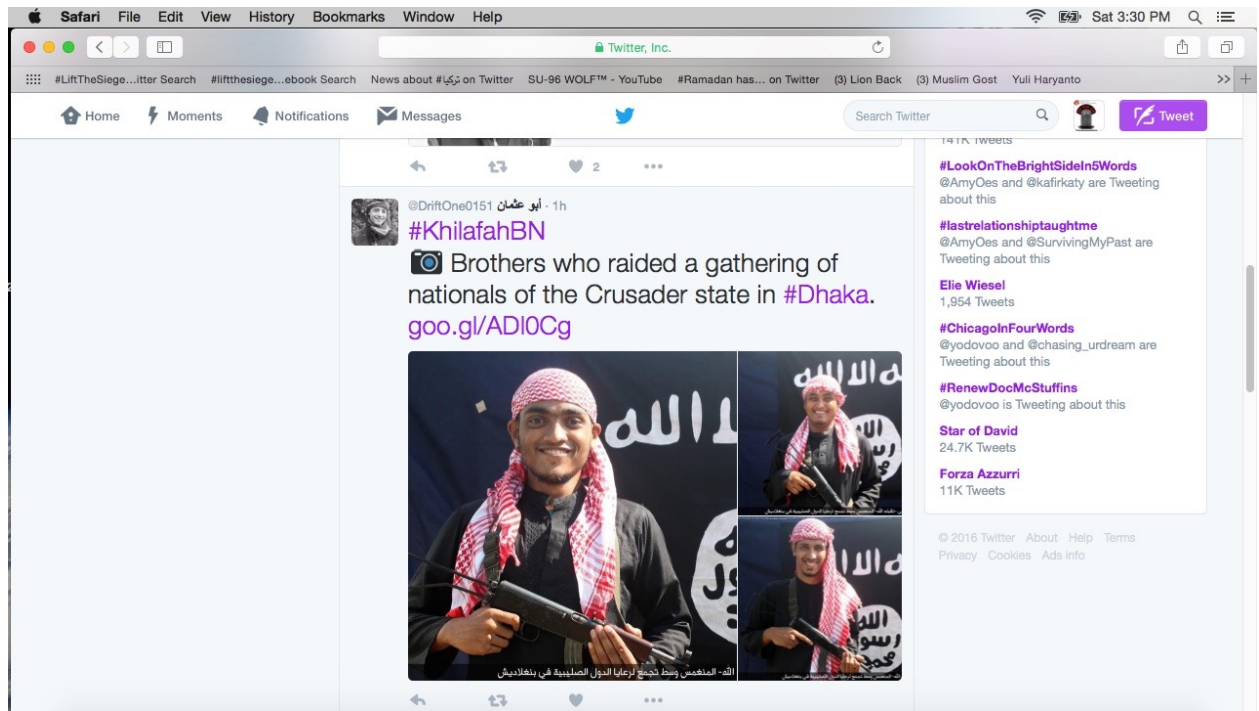


Figure 10: DriftOne0151 posting July 2, 2016

108. 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.

1 109. 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

9 110. 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

19 111. 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

27 112. 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
9 113. 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
20 114. 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
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1 115. 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

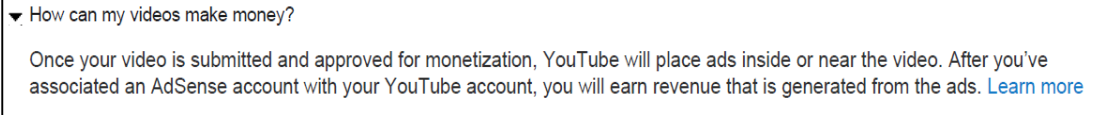
6 **Twitter, Facebook, and Google Profit from allowing ISIS to use their services**
7

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

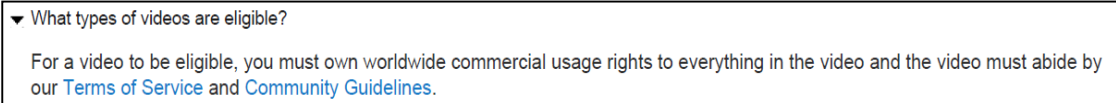
10 117. These ads are not placed randomly by Defendants. Instead, they are targeted to
11 the viewer using knowledge about the viewer as well as information about the
12 content being viewed. The following sites for each Defendant show how
13 targeting works: <https://business.Twitter.com/en/targeting.html>,
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
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19

20 118. 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
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1 119. 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 monetization²⁴.
5

6 

9 120. 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 

14 121. 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

20 122. With respect to ISIS, Google has placed ads on ISIS postings.
21
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23
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27

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

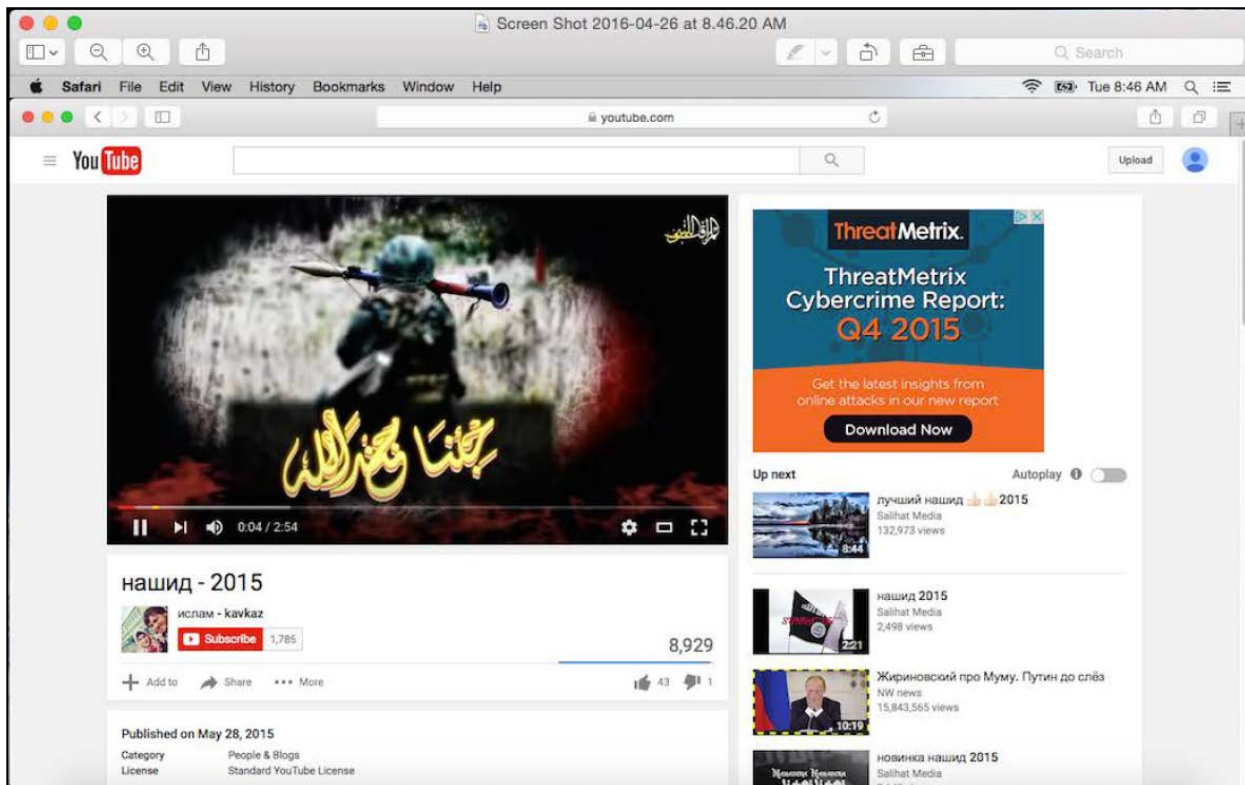


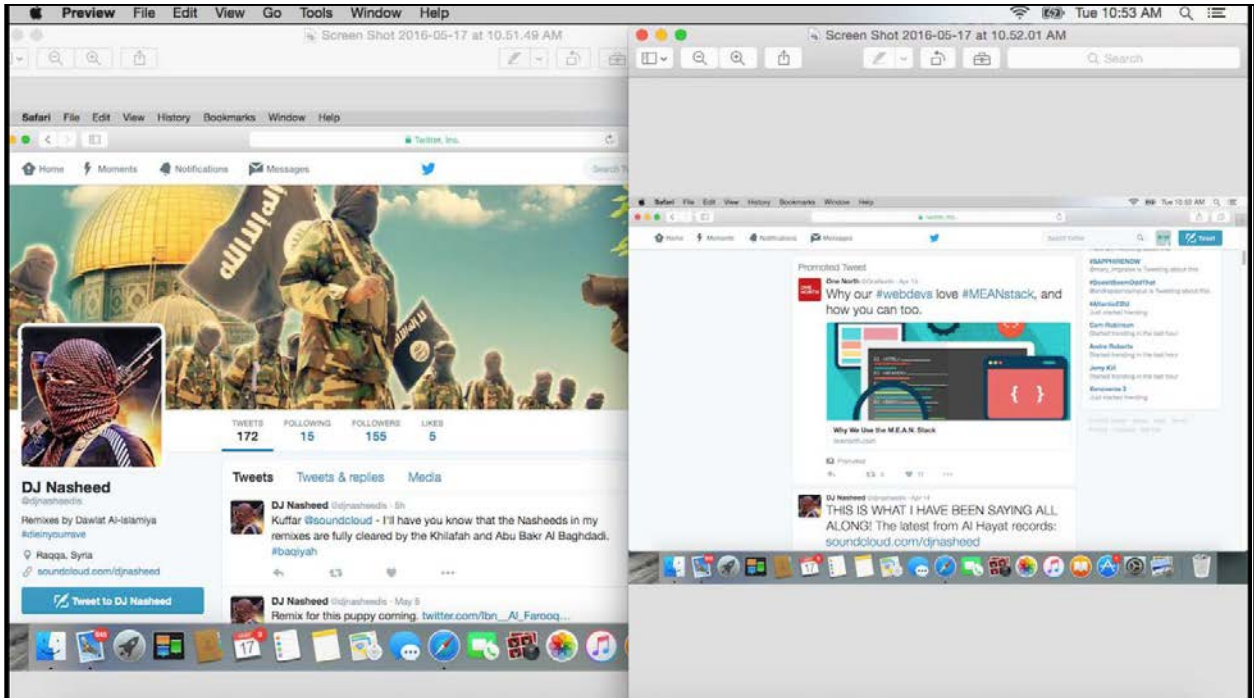
Figure 11 ISIS video on YouTube with ad place by Google

123. 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.

124. 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.

125. 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.



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

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16 126. Facebook also profits from ISIS postings. On May 31, 2016, the following
17 screenshot was collected:
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Figure 13 ISIS post on Facebook with add placed by Facebook

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

128. 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

129. 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
4 130. Among the murdered were Decedents Sierra Clayborn, Tin Nguyen, and
5 Nicholas Thalasinios.



16
17 Figure 14: Sierra Clayborn

18 131. 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

26 132. 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.”
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Figure 15: Tin Nguyen

133. 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 2nd, 2015 by terrorists Syed Rizwan Farook, and his spouse, Tashfeen Malik.

134. 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.



14 Figure 16: Nicholas Thalasinios

15 135. 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

23 136. 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

1 137. 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

5 138. 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

10 139. 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

17 140. 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

23 141. 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

27 142. 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

4 143. 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

9 144. 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

13 145. 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.
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20 146. During his testimony, Comey confirmed that Farook and Malik were
21 “homegrown violent extremists, inspired by foreign terrorist organizations.”
22

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

1 148. 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

6 149. 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
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18 150. 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

24 151. 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
4 152. 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
11 153. 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

16 154. 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

26 155. 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
7 156. 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
10 157. ISIS's designation as a Foreign Terrorist Organization is public knowledge that
11 has likewise been widely reported in the world news media.

12
13 158. 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
16 159. At all times relevant to this Complaint, Defendants have known that ISIS is
17 designated as a Foreign Terrorist Organization.

18
19 160. 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
25 161. The identifiers for ISIS-associated Twitter, You-Tube, and Facebook accounts are
26 often publicized on ISIS websites, social media sites, and platforms.

27
28 162. 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
4 163. 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
9 164. 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

13 165. 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
18 166. The FBI believes that the San Bernadino shooters were self-radicalized on the
19 Internet and social media.
20

21 167. 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

25 168. 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
6 size and number, reincarnate when shut down — and inspire “lone
7 wolves” with no history of extremism to carry out horrific attacks.²⁵

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

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

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

17 172. Subsequent to the San Bernadino attack and before their death, Malik pledged her
18 allegiance to ISIS on Facebook. Facebook further confirmed that postings to an
19 account established by Malic under an alias praised the Islamic state²⁶.

20 173. On December 5, 2015 ISIS claimed responsibility for the attack on its radio
21
22
23

24
25
26
27 ²⁵ [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)

²⁶ <http://www.cnn.com/2015/12/05/san-bernardino-killers-were-our-followers-isis-claims.html>

1 broadcast²⁷.

2
3 174. 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
12 175. 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
19 176. 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
28

²⁷ *Id.*

1 177. 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

5 178. 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

10 179. 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

16 180. 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**

23 181. One of the state goals of ISIS is to use social media including Defendants
24 platforms to radicalize individuals to conduct attacks throughout the world,
25 including the United States.
26
27

28 182. 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

5 183. 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

11 184. 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

17 185. 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

22 186. 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

26 187. 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
3 188. 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
6 189. 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

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

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

21 192. 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

1 193. 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
10 194. 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

14 195. 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

21 196. 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

27 197. 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
7 198. 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
13 199. Defendants' provision of material support to ISIS was a proximate cause of
14 the injury inflicted on Plaintiffs.
15

16 200. 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
23 201. Plaintiffs repeat and reallege each and every allegation of the foregoing
24 paragraphs as if fully set forth herein.
25

26
27 202. 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

4 203. 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

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

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

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

28 207. 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
7 208. 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
13 209. 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

17 210. 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
22 211. 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)**

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

6 213. 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

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

14 215. 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

17 216. 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

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

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

1 219. 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
9 220. Plaintiffs repeat and reallege each of the foregoing allegations with the same force
10 and effect as if more fully set forth herein.

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

13
14 222. 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
17 223. 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
26 224. 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

1 225. 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

5 226. 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

9 227. 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

15 228. The conduct of each Defendant was a direct, foreseeable and proximate cause
16 of the wrongful deaths of each of Plaintiffs' Decedents and therefore the
17 Defendants' are liable to Plaintiffs for their wrongful deaths.
18

19 229. Each of the Defendants actions were undertaken willfully, wantonly,
20 maliciously and in reckless disregard for plaintiff's rights, and as a direct,
21 foreseeable and proximate result thereof plaintiffs suffered economic and
22 emotional damage in a total amount to be proven at trial, therefore plaintiffs
23 seek punitive damages in an amount sufficient to deter Defendants from
24 similar future wrongful conduct.
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: May 1, 2017

Respectfully Submitted,

5
6 **EXCOLO LAW, PLLC**

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VERIFICATION

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

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

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

Executed on May 1, 2017 at Los Angeles, California.

Respectfully Submitted,

EXCOLO LAW, PLLC

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