

Excolo Law, PLLC

Keith L. Altman (SBN 257309)
Solomon Radner (*pro hac vice to be applied for*)
26700 Lahser Road, Suite 401
Southfield, MI 48033
516-456-5885
Email: kaltman@lawampmmt.com
sradner@1800lawfirm.com

1-800-LAWFIRM

Ari Kresch (*pro hac vice to be applied for*)
26700 Lahser Road, Suite 401
Southfield, MI 48033
516-456-5885
800-LawFirm
Email: akresch@1800lawfirm.com

Attorneys for Plaintiffs

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

**KIMBERLY COPELAND
INDIVIDUALLY AND ON
BEHALF OF THE ESTATE
OF SEAN COPELAND
AND ON BEHALF OF THE
ESTATE OF BRODIE
COPELAND**

Plaintiffs,

-against-

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

Defendants.

Case No:

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)**
- 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 INFLECTION OF EMOTIONAL DISTRESS**
- 6. WRONGFUL DEATH**

JURY TRIAL DEMANDED

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

3 **NATURE OF ACTION**

4 1. This is an action for damages against Twitter, Google, and Facebook pursuant to the
5 Antiterrorism Act, 18 U.S.C. § 2333 (“ATA”), as amended by the Justice Against Sponsors of
6 Terrorism Act (“JASTA”), Pub. L. No. 114-222 (2016), for aiding, abetting, and knowingly
7 providing support and resources to ISIS, the notorious designated foreign terrorist organization that
8 carried out the July 14, 2016 terrorist attack in Nice that murdered Sean Copeland, Brodie Copeland,
9 and 84 other individuals.

10
11 2. The ATA’s civil remedies have served as an important means for enforcing the
12 federal criminal anti-terrorism provisions since the early 1990s.

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

17
18 4. Following the bombing of the World Trade Center in New York by *al-Qaeda* in
19 1993, Congress targeted terrorist resources again by enacting 18 U.S.C. § 2339A in September 1994,
20 making it a crime to provide material support or resources knowing or intending that they will be
21 used in preparing or carrying out terrorist acts.

22
23 5. In April 1996, Congress further expanded the effort to cut off resources to terrorists
24 by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide material support or
25 resources to a designated foreign terrorist organization.

26
27 6. In the wake of the terror attacks on the United States by *al-Qaeda* of September 11,
28 2001 killing nearly 3,000 Americans, Congress amended the “material support” statutes, 18 U.S.C.

1 §§ 2339A-B, via the PATRIOT Act in October 2001 and the Intelligence Reform and Terrorism
2 Prevention Act of 2004, to impose greater criminal penalties for violating these statutes and to
3 expand the definition of “material support or resources” prohibited thereby.

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

8
9 Purpose.--The purpose of this Act is to provide civil litigants with the
10 broadest possible basis, consistent with the Constitution of the United
11 States, to seek relief against persons, entities, and foreign countries,
12 wherever acting and wherever they may be found, that have provided
13 material support, directly or indirectly, to foreign organizations or persons
14 that engage in terrorist activities against the United States.
15 (JASTA 2(b))

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

19 9. Known at various times as “The al-Zarqawi Network,” “*al-Qaida* in Iraq,” “The
20 Islamic State in Iraq,” “ISIL,” and other official and unofficial names, ISIS has been a designated
21 Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act,
22 8 U.S.C. § 1189 (“INI”), since October 2004.

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

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

1 12. For years, Defendants have knowingly and recklessly provided the terrorist group
2 ISIS with accounts to use its social networks as a tool for spreading extremist propaganda, raising
3 funds, and attracting new recruits. This material support has been instrumental to the rise of
4 ISIS and has enabled it to carry out or cause to be carried out, numerous terrorist attacks, including
5 the July 14, 2016 attack in Nice, France where 434 people were seriously injured and 86 were killed,
6 including Sean and Brodie Copeland.

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

18 14. Since first appearing on Twitter in 2010, ISIS accounts on Twitter have grown at an
19 astonishing rate and, until recently, ISIS maintained official accounts on Twitter unfettered. These
20 official accounts included media outlets, regional hubs and well-known ISIS members, some with
21 tens of thousands of followers. For example, Al-Furqan, ISIS's official media wing responsible for
22 producing ISIS's multimedia propaganda, maintained a dedicated Twitter page where it posted
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26
27 ¹ <https://www.brookings.edu/blog/markaz/2015/11/09/how-terrorists-recruit-online-and-how-to-stop-it/>
28

1 messages from ISIS leadership as well as videos and images of beheadings and other brutal forms
2 of executions to 19,000 followers.

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



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

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



25 *Figure 2 ISIS Propaganda Posted on @ISIS_Media_Hub*

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

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

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

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

9 21. Google’s services have played a uniquely essential role in the development of ISIS’s
10 image, its success in recruiting members from around the world, and its ability to carry out attacks
11 and intimidate its enemies.
12

13 22. For example, ISIS uses Google’s YouTube platform and services to distribute high-
14 production-quality videos, images, and recordings that make it appear more sophisticated,
15 established, and invincible.
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17 23. ISIS has used YouTube to cultivate and maintain an image of brutality, to instill
18 greater fear and intimidation, and to appear unstoppable, by disseminating videos and images of
19 numerous beheadings and other brutal killings, including setting captives on fire, blowing them up
20 with explosives, slowly lowering them in a cage underwater to drown, and more.

21 24. In this case, ISIS used Defendants’ platforms to specifically threaten France that it
22 would be attacked for participating in a coalition of nations against ISIS, to celebrate smaller attacks
23 leading up to these major attacks, and to transform the operational leader of the Nice attack into a
24 “celebrity” among jihadi terrorists in the year leading up to the Nice attack via videos featuring his
25 ISIS exploits in Syria, France and Belgium.
26

1 25. ISIS also used Defendants' platforms to celebrate the Nice attack, to intensify the
2 intimidation of the attacks, and to claim credit for the attacks.

3 26. For years, ISIS and its affiliated media production and distribution networks openly
4 maintained and used official Twitter, YouTube, and Facebook accounts with little or no interference.
5 Despite extensive media coverage, complaints, legal warnings, petitions, congressional hearings,
6 and other attention for providing its online social media platforms and communications services to
7 ISIS, prior to the Nice attack Defendants continued to provide these resources and services to ISIS
8 and its affiliates, refusing to actively identify ISIS Twitter, YouTube, and Facebook accounts, and
9 only reviewing accounts reported by other social media users.
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11 27. Defendants knowingly provided material support and resources to ISIS in the form
12 of Twitter, Facebook, and Google's YouTube platforms and other services, as well as by making
13 personnel available to ISIS.

14 28. ISIS used and relied on Twitter, Facebook, and YouTube as among its most
15 important tools to facilitate and carry out its terrorist activity, including the terrorist attacks in which
16 ISIS murdered Sean and Brodie Copeland.
17

18 29. By providing its social media platforms and other online services and personnel to
19 ISIS, Defendants: violated the federal prohibitions on providing material support or resources for
20 acts of international terrorism (18 U.S.C. § 2339A) and providing material support or resources to
21 designated foreign terrorist organizations (18 U.S.C. § 2339B); aided and abetted and conspired
22 with a designated FTO in the commission of acts of international terrorism as defined by 18 U.S.C.
23 § 2331; and committed acts of international terrorism as defined by 18 U.S.C. § 2331. Accordingly,
24 Defendants are liable pursuant to 18 U.S.C. § 2333 to the plaintiffs, who were injured by reason of
25 acts of international terrorism.
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1 California, 94043. Google owns and operates YouTube. For the purposes of this complaint, Google
2 and YouTube are used interchangeably.

3 **JURISDICTION AND VENUE**

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

7 40. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §
8 1331 and 18 U.S.C. §§ 2333 and 2334, as this is a civil action brought by nationals of the United
9 States who have been killed or injured by reason of acts of international terrorism, and/or their
10 estates, survivors, and heirs.

11 41. Venue is proper in this district pursuant to 18 U.S.C. § 2334(a).

12 **FACTUAL ALLEGATIONS**

13 **I. LEGAL BACKGROUND: ANTITERRORISM LEGISLATION**

14 **A. The Antiterrorism Act (“ATA”)**

15 42. In the 1980’s, terrorist groups carried out a number of major terror attacks around
16 the world, killing and injuring many Americans abroad.

17 43. Among these terror attacks were:

- 18 a. The April 1983 suicide bombing of the U.S. Embassy in Beirut, Lebanon, killing 63
19 people, including 17 Americans;
20 b. The October 1983 suicide bombing of U.S. Marine barracks in Beirut, Lebanon,
21 killing 241 U.S. Marines and injuring more than 100;
22 c. The December 1983 terrorist bombings of the U.S. Embassy and the residential
23 quarters of American company Raytheon in Kuwait;
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- 1 d. The September 1984 terrorist bombing of a U.S. Embassy annex northeast of Beirut,
- 2 Lebanon;
- 3 e. The June 1985 hijacking of TWA flight 847;
- 4 f. The October 1985 hijacking of the Achille Lauro cruise ship and murder of
- 5 wheelchair-bound American Leon Klinghoffer; and
- 6 g. The December 1985 terrorist bombings of the Rome and Vienna airports.

7
8 44. In response to these attacks, Congress in 1986 amended the U.S. Criminal Code,
9 Title 18, Part I, to add a new chapter titled, “Extraterritorial Jurisdiction Over Terrorist Acts Abroad
10 Against United States Nationals.”

11 45. This new chapter contained a new section titled, “Terrorist acts abroad against United
12 States nationals,” providing criminal penalties for killing, conspiring, or attempting to kill a national
13 of the United States, or engaging in physical violence with the intent to cause serious bodily injury
14 to a national of the United States or that results in serious bodily injury to a national of the United
15 States.

16
17 46. In addition, Congress later enacted the ATA, which established a private cause of
18 action for U.S. nationals injured by acts of international terrorism, as a legal complement to the
19 criminal penalties against terrorists that kill or injure Americans abroad.

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

23
24 48. As the ATA was being considered in Congress, the State Department’s Deputy Legal
25 Advisor, Alan J. Kreczko, testified before the Senate Judiciary Committee’s Subcommittee on
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27

1 Courts and Administrative Practice that this proposed bill “will add to the arsenal of legal tools that
2 can be used against those who commit acts of terrorism against United States citizens abroad.”²

3 49. The Deputy Legal Advisor also testified:

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

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

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

19 50. Likewise, Senator Grassley, one of the sponsors of the bill, explained a purpose of
20 ATA’s civil cause of action as follows:

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

25 . . .
26 Now is the time for action. Now is the time to strengthen our ability to both
27 deter and punish acts of terrorism.

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

³ *Id.*

1 We must make it clear that terrorists' assets are not welcome in our country.
2 And if they are found, terrorists will be held accountable where it hurts them
3 most: at their lifeline, their funds."⁴

4 51. In July 1992, a Senate Committee Report explained that the ATA's treble damages
5 provision "would interrupt, or at least imperil, the flow of money" to terrorist organizations.⁵

6 52. In October 1992, Congress enacted ATA's civil provisions, including 18 U.S.C. §
7 2333.

8 **B. The "Material Support" Statutes and Regulations**

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

12 54. Although the damage from the World Trade Center bombing was limited, it
13 nevertheless killed six people and injured more than one thousand.

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

17 56. In April 1996, Congress expanded the prohibition of providing material support or
18 resources to terrorists by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide
19 material support or resources to a designated foreign terrorist organization, without regard to how
20 such support or resources will be used.
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26 ⁴ 136 Cong. Rec. 26716-26717 (Oct. 1, 1990), <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1990-pt19/pdf/GPO-CRECB-1990-pt19-1.pdf>.

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

1 64. Under the IEEPA, violation of Executive Order No. 13224 is a federal criminal
2 offense. *See* 50 U.S.C. § 1705.

3 65. In the wake of the 9/11 Attacks, Congress passed the “PATRIOT Act” in October
4 2001 and the “Intelligence Reform and Terrorism Prevention Act of 2004,” which amended the
5 “material support” statutes, 18 U.S.C. §§ 2339A-B, to increase the criminal penalties for violating
6 these statutes and to expand the definition of “material support or resources” prohibited thereby.

7
8 **C. The Justice Against Sponsors of Terrorism Act (“JASTA”)**

9 66. In September 2016, Congress enacted JASTA, which amended the ATA’s civil
10 provisions to recognize causes of action for aiding and abetting and conspiring with foreign terrorist
11 organizations who plan, prepare, or carry out acts of international terrorism.

12 67. In enacting JASTA, Congress made a number of specific findings, including the
13 following:

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

19 68. Congress also specifically stated that the purpose of JASTA as follows:

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

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27 ⁶ JASTA § 2(a)(6).

28 ⁷ JASTA § 2(b).

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

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

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

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

8 71. In 1992, when a cache of guns and explosives were discovered in his home, al-
9 Zarqawi was arrested and imprisoned in Jordan.
10

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

14 73. Al-Zarqawi soon formed a new radical Islamist terrorist group called “*Jam’at al*
15 *Tawhid wa’al-Jihad*” (“The Monotheism and Jihad Group”), popularly known as “*al-Tawhid*” or
16 “The Zarqawi Network.”
17

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



23
24 *Figure 3 al-Zarqawi*



Figure 4 *al-Tawhid* flag

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

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

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

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

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

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

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

1 82. While al-Zarqawi was not the first to use the Internet to promote and engage in *jihād*,
2 he is known as a figure who embraced internet technology and communication to promote terrorism,
3 taking terror on the internet to a new level.

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

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

10 85. For example, on May 11, 2004, al-Zarqawi’s group posted a link on the *jihadi*
11 internet website forum “*Muntada al-Ansar al-Islami*” (“Forum of the Islamic Supporters”) (“*al-*
12 *Ansar*”) to a grainy five-and-a-half-minute video titled, “Sheikh Abu Musab Al-Zarqawi slaughters
13 an American infidel with his own hands” (the “Berg Video”).

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

18 87. The following is a screen clip from the Berg Video:
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27 ⁸ Scott Shane, “Web Used As Tool of Terror,” *Sun Sentinel* (June 9, 2006), http://articles.sun-sentinel.com/2006-06-09/news/0606081728_1_al-zarqawi-al-jazeera-rita-katz.



Figure 5 Clip From Video of Murder of Nicholas Berg

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

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

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

91. Despite the relatively low quality of the Berg Video and the technical difficulties involved in its distribution, The Atlantic magazine later reported: "With the slash of a knife, al-Zarqawi had pulled off the most successful online terrorist PR campaign ever . . . Al-Zarqawi's success was possible because he had anticipated the importance of the Internet—an increasingly important weapon in the global terrorist arsenal."⁹

92. Following the Berg Video, in June 2004 al-Zarqawi released the first part of a full hour-long propaganda video titled, "The Winds of Victory."

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

- 1 e. Eugene Armstrong, a U.S. construction contractor, beheaded in September 2004;
- 2 f. Jack Hensley, a U.S. construction contractor, beheaded in September 2004;
- 3 g. Kenneth Bigly, a British civil engineer, beheaded in October 2004; and
- 4 h. Shosei Koda, a Japanese tourist, beheaded in October 2004.

5 99. On October 15, 2004, the U.S. Government designated al-Zarqawi’s terrorist group
6 *al-Tawid* as a “specially designated global terrorist” (“SDGT”) pursuant to Executive Order 13224,
7 and as a designated “foreign terrorist organization” (“FTO”) pursuant to § 219 of the INA, 8 U.S.C.
8 § 1189.
9

10 100. These SDGT and FTO designations have been updated from time to time to include
11 ISIS’s various names and aliases including, among others, “*al-Qaeda* in Iraq,” “The Islamic State
12 of Iraq,” “The Islamic State of Iraq and Syria,” and “The Islamic State,” and remain in effect today.

13 101. Al-Zarqawi’s innovative—yet relatively low-tech—use of the internet to broadcast
14 his *jihadi* message together with graphic videos of beheadings and suicide bombings catapulted him
15 to a new prominence.
16

17 102. According to BBC Security Correspondent Gordon Corera, “[o]ver the summer of
18 2004 with Osama bin Laden yet to appear and Zarqawi carrying out increasingly bloody and high
19 profile attacks, some began to question whether Zarqawi was beginning to rival or even succeed bin
20 Laden.”¹⁰

21 103. Corera explained that, even though al-Zarqawi’s terrorist group was estimated to
22 have only between 50 to 500 members at this time, “they exercise[d] an exaggerated degree of
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24 _____
25 ¹⁰ Gordon Corera, “Unraveling Zarqawi’s al-Qaeda Connection,” *Terrorism Monitor*, Vol. 2,
26 Issue 24 (The Jamestown Foundation, Dec. 15, 2004), [http://www.jamestown.org/programs/
27 tm/single/?tx_ttnews%5Btt_news%5D=27306&tx_ttnews%5BbackPid%5D=179&no_cache=1#.V49QsjXdlrZ](http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=27306&tx_ttnews%5BbackPid%5D=179&no_cache=1#.V49QsjXdlrZ).

1 influence due to their coupling of extreme violence with an acute understanding of the power of the
2 media.”¹¹

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

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

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

15
16 107. Al-Zarqawi changed his group’s name to “*Tanzim Qa’idat al-Jihad fi Bilad al-*
17 *Rafidayn*” (“Organization of Jihad’s Base in the Land of Two Rivers [Iraq]”), and it became
18 commonly known as “*al-Qaeda* in Iraq” (“AQI”).

19 108. The following is a picture of the AQI flag:
20
21
22
23

24
25 ¹¹ *Id.*

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

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



Figure 6 AQI Flag

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

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

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

B. AQI Rebrands Itself as the Islamic State of Iraq

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

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

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

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

1 115. The following are screen clips from the video posted on YouTube with English
2 subtitles:



8 *Figure 7 Scene from ISIS Video*



14 *Figure 8 Scene from ISIS Video*

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

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

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



25 *Figure 9 ISIS Flag*

26 **C. ISI Expands into Syria to Become ISIS**

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

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

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

9 122. The Syrian leader of *al-Nusra* rejected Abu Bakr’s merger announcement, but many
10 *al-Nusra* members, particularly those who were foreign-born, shifted their allegiance to ISIS.
11

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

15 124. ISIS imposed its own strict *sharia* (Islamic law) on Raqqa’s 220,000 inhabitants and
16 declared members of other Muslim sects in the city to be infidels.
17

18 125. ISIS jailed, maimed, or killed its opponents in the city of Raqqa, or those whom ISIS
19 accused of engaging in activities ISIS considered anti-Islamic.

20 126. ISIS subjugated the city of Raqqa through terror and fear, with its members patrolling
21 the city wearing explosive suicide vests, killing, beheading, and crucifying some of its victims and
22 leaving their remains in the public square.
23

24
25
26 ¹⁵ The Arabic “*al-Sham*” can be understood as either Syria or the Levant, the latter being an
27 historically broader term. The English acronyms “ISIS” and “ISIL” have thus both been used to
28 identify the same terrorist organization depending upon translation. ISIS is also known (primarily
by its detractors) as “DAESH,” an acronym based upon its Arabic name.

1 127. Ultimately, ISIS’s extreme brutality and ruthlessness even led *al-Qaeda’s* leader
2 Ayman al-Zawahiri (who succeeded Osama bin-Laden) to disavow ISIS.

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

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

5 129. On June 29, 2014, ISIS used YouTube to post a video titled “The End of Sykes-
6 Picot,” in which ISIS announced that it would annul the Sykes-Picot Agreement that had served as
7 the basis for the nation-states of the Middle East, and shatter all the borders to form a single Islamic
8 state.
9

10 130. The following is a screen clip from the ISIS video “The End of Sykes-Picot”:



15
16 *Figure 10 Scene from ISIS Video "The End of Sykes-Picot"*

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

21 132. The following is an ISIS graphic promoting the video “This is the Promise of Allah”:
22
23
24
25

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



Figure 11 ISIS Graphic "This is the Promise of Allah"

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

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

E. Official Terrorist Designations of ISIS

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

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

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

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

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

1 **III. ISIS'S EXTENSIVE USE OF DEFENDANT'S SERVICES**

2 **A. ISIS is Dependent on Twitter, Facebook, and YouTube to Terrorize: ISIS Uses Defendants** 3 **to Recruit New Terrorists.**

4 140. One of ISIS's primary uses of Defendants' sites is a recruitment platform,
5 particularly to draw fighters from Western countries.

6 141. ISIS reaches potential recruits by maintaining accounts on Twitter, Facebook,
7 and YouTube so that individuals across the globe may reach out to them directly. After the first
8 contact, potential recruits and ISIS recruiters often communicate via Defendants' Direct
9 Messaging capabilities. According to former FBI Director James Comey, "[o]ne of the challenges
10 in facing this hydra-headed monster is that if (ISIS) finds someone online, someone who might
11 be willing to travel or kill in place they will begin a Twitter direct messaging contact." Indeed,
12 according to the Brookings Institution, some ISIS members "use Twitter purely for private
13 messaging or covert signaling."
14

15 142. In addition to individual recruitment, ISIS members use Defendants to post
16 instructional guidelines and promotional videos referred to as "mujatweets."

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

19 144. That same month, ISIS posted a recruitment video on various social media sites,
20 including Defendants. Although YouTube removed the video from its site, the link remained
21 available for download from Twitter. The video was further promoted through retweets by accounts
22 associated with ISIS.
23

24 145. ISIS also posted its notorious promotional training video, "Flames of War," narrated
25 in English, in September 2014. The video was widely distributed on Twitter through ISIS
26
27

1 sympathizers. After joining ISIS, new recruits become propaganda tools themselves, using
2 Defendants to advertise their membership and terrorist activities.

3 146. For example, in May 2013, a British citizen who publicly identified himself as an
4 ISIS supporter tweeted about his touchdown in Turkey before crossing the border into Syria to
5 join ISIS in the fight against the Syrian regime. And in December 2013, the first Saudi Arabian
6 female suicide bomber to join ISIS in Syria tweeted her intent to become a martyr for the ISIS
7 cause, as she embarked for Syria.
8

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

13 148. Recently, it was reported that the leader of ISIS in the United Kingdom, Omar
14 Hussain, was using Facebook to recruit terrorists to launch attacks in the U.K.¹⁸
15

16 149. After kidnapping and murdering Ruqia Hassan Mohammad, a female journalist and
17 activist, ISIS used her account to lure others into supporting ISIS¹⁹.

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

B. ISIS Uses Defendants to Fund Terrorism

21 151. ISIS also uses Defendants to raise funds for its terrorist activities.
22
23
24

25
26 ¹⁷ <http://www.teenvogue.com/story/isis-recruits-american-teens>

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

28 ¹⁹ <http://www.independent.co.uk/news/world/middle-east/ruqia-hassan-mohammed-the-activist-and-citizen-journalist-that-isis-murdered-and-then-posed-as-for-a6798111.html>

1 152. According to David Cohen, the U.S. Treasury Department’s Under Secretary for
 2 Terrorism and Financial Intelligence, “[y]ou see these appeals on Twitter in particular from, you
 3 know, well-know[n] terrorist financiers . . . and they’re quite explicit that these are to be made to
 4 ISIL for their military campaign.”

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



22 *Figure 12 Fundraising Images from ISIS Twitter Accounts*

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

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



Figure 13 Donations to ISIS Publicized on Twitter

156. 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.

157. 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 14 Screenshot from ISIS Video Posted on June 17, 2015

1
2 **C. ISIS Uses Defendant's Sites to Spread Its Terror Propaganda**

3 158. Defendants' platforms have played an essential role in the rise of ISIS to become the
4 most feared terrorist organization in the world.

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

7 160. ISIS's use of violence and threats of violence is part of its program of terrorism,
8 designed inter alia to gain attention, instill fear and "terror" in others, send a message, and obtain
9 results.
10

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

14 162. ISIS uses terrorism as a psychological weapon.

15 163. Thus, the messages communicated before, during, and after an ISIS terror attack, as
16 well as the attack itself, are essential components of generating the physical, emotional, and
17 psychological impact ISIS desire to achieve via the terrorist attack.
18

19 164. The impact and effectiveness of ISIS terrorism, and its motivation to carry out more
20 terrorist attacks, are dependent upon ISIS's ability to communicate its messages and reach its
21 intended audiences, without intermediaries and without interference.

22 165. Defendants provide ISIS with a unique and powerful tool of communication that
23 enables ISIS to achieve these goals, and it has become an essential and integral part of ISIS's
24 program of terrorism.
25
26
27
28

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

4 167. ISIS not only uses Defendants' platforms for recruiting, planning, inciting, and
5 giving instructions for terror attacks, ISIS also uses Defendants' platforms to issue terroristic threats,
6 attract attention to its terror attacks and atrocities, instill and intensify fear from terror attacks,
7 intimidate and coerce civilian populations, take credit for terror attacks, communicate its desired
8 messages about the terror attacks, reach its desired audiences, demand and attempt to obtain results
9 from the terror attacks, and influence and affect government policies and conduct.

11 168. ISIS thus uses Defendants' platforms to actually carry out essential communication
12 components of ISIS's terror attacks.

13 169. Simply put, ISIS uses Facebook, Twitter, and YouTube as tools and weapons of
14 terrorism.

15 170. Moreover, by allowing ISIS and its affiliates to register for Facebook, Twitter, and
16 YouTube accounts and use Defendants' Services, Defendants lend a sense of authenticity and
17 legitimacy to ISIS as an organization that can operate openly and with impunity, notwithstanding
18 the murderous crimes it commits and its status as an illegal terrorist organization.

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

23 172. Defendants' provision of support to ISIS is not simply a matter of whether ISIS
24 abuses its use of Defendants' Services, or whether Defendants abuse their editorial judgment
25
26
27

1 regarding the content of ISIS’s postings; under federal law, Defendants have no discretion about
2 whether to provide its Services to ISIS—it is prohibited by law from doing so.

3 173. ISIS also uses Defendants’ sites to spread propaganda and incite fear by posting
4 graphic photos and videos of its terrorist feats.

5 174. Through Defendants’ sites, ISIS disseminates its official media publications as well
6 as posts about real-time atrocities and threats to its perceived enemies.

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

9 176. In November 2013, an ISIS-affiliated user reported on Twitter that ISIS had killed a
10 man it mistakenly believed to be Shiite. Another post by an ISIS account purported to depict Abu
11 Dahr, identified as the “suicide bomber that attacked the Iranian embassy.”

12 177. In December 2013, an ISIS-affiliated user tweeted pictures of what it described as
13 the killing of an Iraqi cameraman.

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

18 179. On July 25, 2014, ISIS members tweeted photos of the beheading of around 75
19 Syrian soldiers who had been captured during the Syrian conflict.

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

22 181. Also in August 2014, ISIS member Abu Musaab Hafid al-Baghdadi posted photos
23 on his Twitter account showing an ISIS militant beheading a blindfolded captured Lebanese Army
24 Sergeant Ali al-Sayyed.
25
26
27

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

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

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

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

20 186. In 2014, propaganda operatives from ISIS posted videos of photojournalist John
21 Cantile and other captors on both Twitter and YouTube.²⁰ These operatives used various techniques
22 to ensure that ISIS’s posting was spread using Defendants’ sites. In her New York Times article,
23 (Not “Lone Wolves” After All: How ISIS Guides World’s Terror Plots From Afar-2/5/17), Rakmini
24

25
26
27 ²⁰ <http://www.theguardian.com/world/2014/sep/24/isis-Twitter-youtube-message-social-media-jihadi>
28

1 Callimachi acknowledges that because of Twitter and other social media, “In the most basic enabled
2 attacks Islamic State handlers acted as confidants and coaches, coaxing recruits to embrace violence.
3 ... Because the recruits are instructed to use encrypted messaging applications, the guiding role
4 played by the terrorist group often remains obscured. As a result, remotely guided plots in Europe,
5 Asia, and the United States ... were initially labeled the work of “lone wolves”, ... and only later
6 discovered to have direct communications with the group discovered.”

7 **D. Twitter’s Services**

8
9 187. Twitter is an online news and social networking service that provides sophisticated
10 yet easy-to-use online products and services (collectively, “Services”). Twitter’s network allows
11 users to publicly connect with its more than 100 million users through “following” other accounts,
12 as well as through “tweets,” or 140 character posts.

13 188. Twitter’s Services include the use of Twitter’s computer infrastructure, network,
14 applications, tools and features, communications services, and more.

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

18 190. For example, only registered users may establish a Twitter “account,” “follow” and
19 “Direct Message” other Twitter accounts, post tweets and videos on Twitter’s platform, or post
20 comments on a Twitter user’s posted tweets.

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

23 192. Twitter’s platform can be used to post and distribute content or videos publicly, or
24 privacy settings are available to enable users to communicate, share, or distribute videos or messages
25 privately.
26
27

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

3 194. Twitter generally provides its platform and services to registered users free of charge.

4 **E. ISIS and Twitter**

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

7
8 196. In December 2011, the New York Times reported that the terrorist group al-
9 Shabaab, “best known for chopping off hands and starving their own people, just opened a
10 Twitter account and have been writing up a storm, bragging about recent attacks and taunting
11 their enemies.”

12 197. That same month, terrorism experts cautioned that “Twitter terrorism” was part
13 of “an emerging trend” and that several branches of *al-Qaeda* were using Twitter to recruit
14 individuals, fundraise and distribute propaganda more efficiently. New York Times
15 correspondent, Rukmini Callimachi, probably the most significant reporter covering terrorism,
16 acknowledges that social media and specifically Twitter, allows her to “get inside the minds of
17 ISIS”. Moreover, Callimachi acknowledges, “Twitter is the main engine” in ISIS
18 communication, messaging and recruiting. “Al Qaeda (and now ISIS) have created a structure
19 that was meant to regenerate itself and no longer be dependent on just one person (bin Laden).
20 The Ideology is now a living, breathing thing, because of Twitter. You no longer have to go to
21 some closed dark-web forum to see their stuff.” Using Twitter, you don’t need to even know the
22 exact address to gain access to messages. “With Twitter, you can guess; you look for certain
23 words and you end up finding these accounts. And then it’s kind of organic; You go to one
24 account, then you go to their followers and you follow all those people, and suddenly you’re in
25 the know.” (Rukmini Callimachi, Wired.com, 8/3/16.)
26
27
28

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

6 199. 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 contact
8 website Twitter” who famously tweeted: “I swear by God that with us there are mujahideen who
9 are not more than 15 years old!! Where are the men of the [Arabian] Peninsula? By God, shame
10 on you.”

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

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

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

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

1 to mobilize, recruit and terrorize.”

2 204. Throughout this period, both the U.S. government and the public at large have
3 urged Defendants to stop providing its services to terrorists.

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

7 206. In December 2012, several members of Congress wrote to FBI Director Robert
8 Mueller asking the Bureau to demand that the Twitter block the accounts of various terrorist
9 groups.
10

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

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

25 209. On January 7, 2016, White House officials announced that they would hold
26 high-level discussions with Defendants to encourage them “to do more to block terrorists” from
27 using their services. “The primary purpose is for government officials to press the biggest
28

1 Internet firms to take a more proactive approach to countering terrorist messages and recruitment
2 online. . . . That issue has long vexed U.S. counterterrorism officials, as terror groups use
3 Twitter . . . to spread terrorist propaganda, cultivate followers and steer them toward committing
4 violence. But the companies have resisted some requests by law-enforcement leaders to take
5 action . . .”

6 **F. Facebook’s Services**

7
8 210. Facebook is an online social media and social networking service that provides
9 sophisticated yet easy-to-use online products and services (collectively, “Services”). Facebook
10 allows users to connect with “friends,” a connection that allows for the exchange of messages,
11 posting of status updates and digital photos, sharing of digital videos and links to online content, as
12 well as the use of various software applications.

13 211. Facebook’s Services include the use of Facebook’s computer infrastructure, network,
14 applications, tools and features, communications services, and more.

15
16 212. Certain uses or features of Facebook’s Services are only available to its registered
17 users, who register and establish an account with Facebook by inputting identifying information and
18 clicking on a “sign up” button.

19 213. For example, only registered users may establish a Facebook “account,” add or
20 communicate with “friends” on Facebook’s platform, privately message friends or businesses
21 through Facebook’s “Messenger” application, or post status and video updates or comments on the
22 page of a Facebook account or video.

23
24 214. Is it not necessary to view the “Terms of Service” or other policies or conditions of
25 Facebook’s Services to proceed with registration.

1 215. Facebook's platform can be used to post and distribute content and videos publicly,
2 or privacy settings are available to enable users to communicate, share, or distribute videos or
3 messages privately.

4 216. Facebook enables registered users to "friend request," "like," or "follow," other
5 Facebook accounts in order to receive notifications of new content, videos or messages posted by
6 those accounts.

7 217. Facebook generally provides its platform and services to registered users free of
8 charge.
9

10 **G. ISIS and Facebook**

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

17
18 219. On January 10, 2014, the Washington Post released an article titled *Why aren't*
19 *YouTube, Facebook, and Twitter doing more to stop terrorists from inciting violence?*²²

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

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

1 Abu Musab al-Zarqawi, founder of al-Qaeda in Iraq who was killed by U.S. forces in 2006.”²³

2 221. On August 21, 2014, the anti-defamation league explained that ISIS supporters on
3 Twitter have “not only promoted ISIS propaganda (primarily in English) but has also directed
4 supporters to his English-language Facebook pages (continuously replacing pages as they are
5 removed by Facebook for content violation) that do the same.”²⁴”

6 222. On October 28, 2015, at the Radicalization: Social Media And The Rise Of
7 Terrorism hearing, it was reported that Zale Thompson, who attacked four New York City Police
8 Officers with an axe, posted on Facebook “Which is better, to sit around and do nothing or to wage
9 jihad.”²⁵”

10 223. At this same hearing, it was also reported that in September 2014 “Alton Nolen, a
11 convert to Islam and ex-convict who had just been fired from his job at a food processing plant,
12 entered his former workplace and beheaded an employee with a knife. This attack combines
13 elements of workplace violence and terrorism. Nolen had been a voracious consumer of IS
14 propaganda, a fact reflected on his Facebook page.”²⁶

15 224. On November 11, 2015, it was reported that one of the attackers from a terrorist
16 bus attack two weeks prior “was a regular on Facebook, where he had already posted a “will for
17 any martyr.” Very likely, they made use of one of the thousands of posts, manuals and instructional
18 videos circulating in Palestinian society these last few weeks, like the image, shared by thousands
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23 ²³ <http://www.washingtontimes.com/news/2014/jun/16/husain-facebook-refuses-take-down-isis-terror-grou/>

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

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

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

1 on Facebook, showing an anatomical chart of the human body with advice on where to stab for
2 maximal damage.”²⁷

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

7
8 226. On April 8, 2016, the Mirror reported that “Jihadi fighters in the Middle East are
9 using Facebook to buy and sell heavy duty weaponry” and that “Fighters in ISIS-linked regions in
10 Libya are creating secret arms bazaars and hosting them on the massive social network. Because
11 of Facebook’s ability to create groups and to send secure payments through its Messenger
12 application, it works as the perfect platform for illegal deals.”²⁹

13 **H. Google’s Services**

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

16 228. Google’s Services include the use of Google’s computer infrastructure, network,
17 applications, tools and features, communications services, and more.

18 229. Certain uses or features of Google’s Services are only available to its registered users,
19 who register and establish an account with Google by inputting identifying information and clicking
20 on a “sign up” button.
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25 ²⁷ http://www.nytimes.com/2015/11/03/opinion/the-facebook-intifada.html?_r=1

26 ²⁸ http://www.counterextremism.com/press/counter-extremism-project-releases-statement-news-san-bernardino-shooter-pledged-allegiance?utm_content=buffer38967&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer#sthash.iJjhU3bF.dpuf

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



Figure 15 Al-Furqam Logo

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

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

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

...

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

...

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

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

³¹ *Id.*

1 240. ISIS's *al-Furqan* Media has used YouTube extensively to distribute its video
2 propaganda online.

3 241. In 2013, ISIS began a dramatic new expansion of its media production capabilities
4 and exploitation of YouTube and other social media.

5 242. In March 2013, ISI announced the formation of a second ISI media production arm
6 known as "*al-I'tisam* Media Foundation" ("*al-I'tisam* Media"), in addition to its already well-
7 established *al-Furqan* Media.

8 243. *Al-I'tisam* Media's logo appears as follows:



14 *Figure 16 Al-I'tisam Media's logo*

15 244. In August 2013, ISIS announced the formation of a third media production arm, the
16 "*Ajnad* Foundation for Media Production" (the "*Ajnad* Foundation"), specializing in audio content
17 that would also be distributed via YouTube as music videos, Islamic inspirational songs ("*nashids*")
18 that accompany ISIS videos, as well as sermons, Quran readings, and other indoctrination to be
19 posted on YouTube.
20

21 245. The ISIS *nashids* are emotionally powerful musical chants, and ISIS terrorists have
22 reportedly used recordings of these *nashids* that are posted on YouTube to pump up their emotions
23 and excitement prior to carrying out an attack.

24 246. The *Ajnad* Foundation's logo appears as follows:



Figure 17 Ajnad Foundation's Logo

247. In May 2014, ISIS launched a fourth media production department named “*al-Hayat Media Center*” (“*al-Hayat Media*”) specifically to target Western and non-Arabic-speaking audiences, producing and distributing material in many languages, including English, French, Dutch, German, Turkish, Russian, and more, to be distributed via YouTube in conjunction with other internet platforms.

248. *Al-Hayat Media*'s logo appears as follows:



Figure 18 Al-Hayat Media's Logo

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

250. Amb. Alberto Fernandez, Vice-President of the Middle East Media Research Institute (“MEMRI”) and former Coordinator for Strategic Counter-Terrorism Communications at

1 the U.S. Department of State, has called ISIS’s media materials, “the gold standard for propaganda
2 in terms of its quality and quantity.”³²

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

7 252. ISIS has used YouTube to disseminate videos of its brutality and conquests as a
8 psychological weapon to strike fear in its enemies.
9

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

13 254. The following is an ISIS graphic promoting ISIS’s October 2013 Abu Ghraib video:



21 *Figure 19 ISIS Graphic Promoting Abu Gharib Video*

22 255. In contrast to the days before the development of YouTube, when al-Zarqawi was
23 limited to releasing short, low-quality videos, on websites that could only handle limited traffic,
24

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26
27 ³² Dr. Erin Marie Saltman & Charlie Winter, “Islamic State: The Changing Face of Modern
28 Jihadism,” Quilliam (Nov. 2014), <https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/islamic-state-the-changing-face-of-modern-jihadism.pdf>.

1 Google’s YouTube platform and services provide ISIS with the ability to produce and disseminate
2 professional-quality feature films of any length to an unlimited audience.

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

6 257. The terrorism analysis website Jihadica.com reported that within 24 hours of the
7 video’s publication on YouTube, “The Clanging of the Swords 4” had been viewed 56,998 times.³³
8

9 258. ISIS has used YouTube to raise its profile among terror groups and even overtake
10 older jihadist competitors like *al-Qaeda*.

11 259. ISIS uses YouTube to disseminate its propaganda in video to both Muslims and non-
12 Muslims, with the effect of instilling fear and terror in the “non-believers” while encouraging others
13 to join in ISIS’s cause.

14 260. ISIS also uses YouTube to communicate with ISIS “sympathizers” and to provide
15 them with directions as well.
16

17 261. ISIS has engaged and continues to engage, in horrific terrorist atrocities against
18 civilians/non-combatants in every area it has operated, and has posted videos of such activity on
19 YouTube to spread even more fear.

20 262. ISIS has kidnapped innocent civilians and made various demands for their release,
21 and it has carried out numerous beheadings, crucifixions, public executions, and mass-murders of
22 its enemies and people it considers “apostates” or “infidels,” all in front of the cameras for the
23 purpose of posting videos of these atrocities on YouTube.
24

25
26 ³³ Nica Prucha, “*Is this the most successful release of a jihadist video ever?*” Jihadica.com
27 (May 19, 2014), [http://www.jihadica.com/is-this-the-most-successful-release-of-a-jihadist-video-](http://www.jihadica.com/is-this-the-most-successful-release-of-a-jihadist-video-ever/)
28 [ever/](http://www.jihadica.com/is-this-the-most-successful-release-of-a-jihadist-video-ever/).

1 263. ISIS has directed and overseen the systematic rape and enslavement of captive
2 women and girls and has conducted a program of genocide against religious and ethnic groups, even
3 promoting the sale of women as slaves on YouTube.

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

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

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

13 267. Tens of thousands of people from around the world have viewed ISIS’s propaganda
14 on YouTube and have been persuaded to travel to Syria and Iraq to join ISIS and engage in its jihad.
15

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

18 269. For example, in June 2014, ISIS’s *al-Hayat* Media used YouTube to launch and
19 propagate a series of videos called the “MujaTweets,” claiming to show “snippets of day-to-day life
20 in the ‘Islamic State’” to portray life under ISIS as peaceful and normal.
21

22 270. The Huffington Post described the quality of ISIS’s propaganda videos as follows:³⁴
23

24 When it comes to producing recruitment and propaganda
25 videos...unaffiliated supporters leave room to a much smaller group of

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

1 official ISIS members. This mainly consists of professional filmmakers
 2 working directly for the Islamic State. Their use of high definition video
 3 cameras, slick graphics and refined editing techniques has elevated the
 4 quality of the videos produced to Hollywood standards. One series of video
 5 clips called Mujatweets, released by ISIS’ media arm on YouTube, portrays
 6 a number of ISIS militants as they engage in noble activities such as visiting
 an injured fighter at the hospital or distributing candies to some children.

7 271. In September 2014, ISIS used YouTube to release an animated recruitment video set
 8 to the entrancing sounds of ISIS’s militant Islamist *nasheed* chant and titled “Grand Theft Auto:
 9 *Salil al-Sawarem* [‘Clanging of the Swords’],” ostensibly announcing the release of an ISIS video
 10 game modeled after a famous PlayStation interactive video game titled “Grand Theft Auto” that
 11 sold 27.5 million copies.

12 272. The following are screen clips from the ISIS YouTube video “Grand Theft Auto:
 13 *Salil al-Sawarem*:
 14



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



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

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

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

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

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

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

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

17 285. ISIS also used YouTube to post a series of videos of beheadings together with
18 political messages and warnings to the West.

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

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



Figure 23 Clip from “A Message to America”

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

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

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



Figure 24 Clip from “A Second Message to America”

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Figure 25 Clip from “A Second Message to America”

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

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



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

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

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

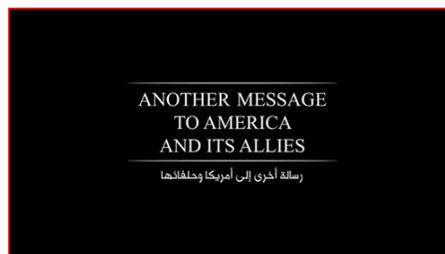
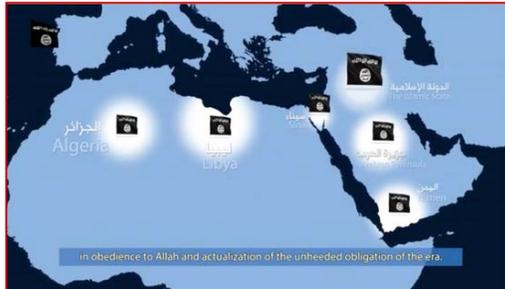


Figure 27 Clip from “Another Message to America and its Allies”

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

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



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



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

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

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

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

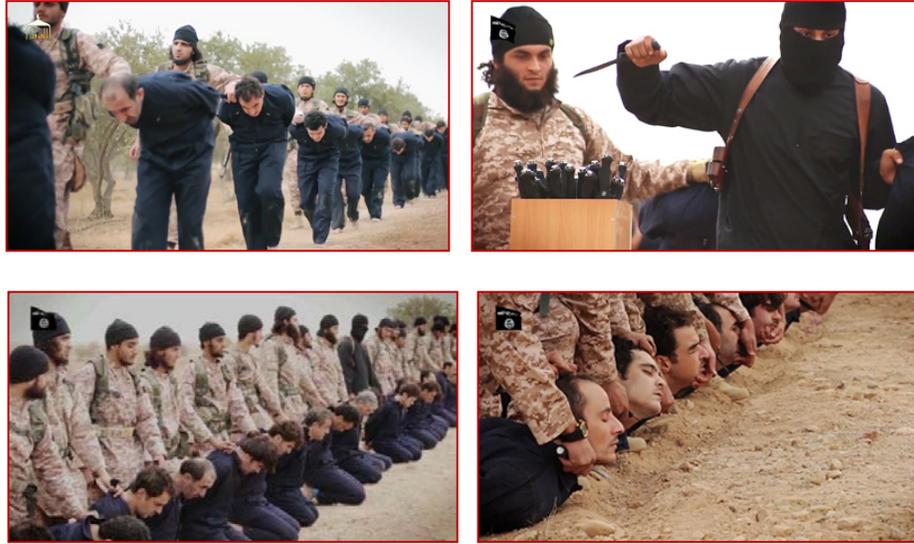


Figure 30 Clips from “Although the Disbelievers Will Not Like It”

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

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

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

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

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

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



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

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

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



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

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

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

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

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

1 320. The sophisticated technological capabilities that Google’s Services give to ISIS have
2 had an enormous impact on ISIS’s methods and success in recruiting, indoctrination, training,
3 conducting terrorist operations, and engaging in psychological warfare.

4 **IV. ISIS’S JULY 14, 2016 NICE ATTACK**

5 **A. Introduction**

6 321. On July 14, 2016, ISIS carried out a horrific terror attack in Nice, France, murdering
7 86 people, including Sean and Brodie Copeland, and injuring 434 more (the “Nice Attack”).³⁶
8

9 322. The Nice Attack was intended: a) to intimidate and coerce the civilian populations
10 of France, the United States, and other countries engaged in activities against ISIS; b) to influence
11 the policies of these governments by intimidation and coercion; and c) to affect the conduct of these
12 governments by mass destruction, assassination, and kidnapping.

13 323. Indeed, a major component of the Nice Attack was the messaging disseminated by
14 ISIS prior to, during, and after the events, in which ISIS stated its reasons for committing the terrorist
15 attack against these countries’ civilians.
16

17 324. The Nice Attack involved extensive planning, recruiting, organization, training,
18 preparation, coordination, and funding.

19 325. It also involved the use of Defendants’ platforms, before and after the attack, to
20 intensify the fear and intimidation that ISIS intended to inflict by this mass casualty attack.

21 326. ISIS used Defendants’ platforms and services to facilitate and accomplish all of these
22 things.
23

24 **B. Recruiting and Planning**

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26 _____
27 ³⁶<http://www.telegraph.co.uk/news/2016/10/06/nice-killer-visited-italys-little-calais-as-he-was-radicalised-o/>
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1 327. The stated goal of ISIS is to use social media, including Defendants' platforms,
2 services, computers, and communications equipment, to assist in carrying out their terrorist attacks
3 throughout the world.

4 328. France has become a "central target" of ISIS's campaign of terror attacks.

5 329. ISIS's terror attacks are primarily organized through online social media platforms
6 and communication services, like Defendants' websites. Defendants' services allow ISIS to carry
7 out its terrorist activities, including recruiting, radicalizing, and instructing terrorists, raising funds,
8 and creating fear.
9

10 330. Since 2014, the Islamic State's spokesman, Abu Muhammad al-Adnani, has called
11 for ISIS followers to attack Westerners in retaliation for strikes by the United States-led coalition
12 fighting ISIS in Iraq and Syria.³⁷

13 331. al-Adnani has repeatedly singled out France, which is part of the coalition, as a main
14 enemy.³⁸

15 332. France's Minister of Defense, Jean-Yves Le Drian, has stated that ISIS has targeted
16 "Frenchmen, in particular, or Americans, wherever they are, by any means necessary."³⁹

17 333. ISIS provides its followers and those radicalized with detailed descriptions of how
18 to carry out terrorist attacks by "any means necessary" by disseminating its terrorist propaganda
19 through the use of Defendants' websites.
20

21 334. A month before the Nice Attack, The International Center for the Study of Violent
22 Extremism (ICSVE), obtained a "sophisticated and disturbing" video, produced by Isil' al-Hayat
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26 ³⁷ <https://www.nytimes.com/2016/07/17/world/europe/isis-nice-france-attack.html>

27 ³⁸ *Id.*

28 ³⁹ *Id.*

1 Media Center urging followers to use a truck loaded with explosives to attack crowds. The video
2 warns that ISIS can no longer wait for western soldiers to attack them, with one scene depicting an
3 ISIS "soldier" preparing to run over civilians with an SUV.⁴⁰

4 335. Other examples of ISIS propaganda encouraging the use of vehicles as weapons can
5 be found in the ISIS-produced "Rumiyah" magazine, which is released in multiple languages and
6 promoted and distributed across all of ISIS's social media channels, including Defendants' websites.
7 One particular edition of "Rumiyah" magazine encouraged followers to conduct a new method of
8 terror attack, utilizing large vehicles as weapons.⁴¹

9
10 336. In an article entitled "Just Terror Tactics," ISIS encourages and outlines detailed
11 methods for carrying out vehicle-based terror attacks, instructing followers that "though being an
12 essential part of modern life, very few actually comprehend the deadly and destructive capability of
13 the motor vehicle and its capacity of reaping large numbers of casualties if used in a premeditated
14 manner."⁴²

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25 ⁴⁰ <http://www.smh.com.au/world/nice-killer-mohamed-lahouaiej-bouhlel-only-started-going-to-mosque-this-april-20160717-gq7esi.html>

26 ⁴¹<http://qb5cc3pam3y2ad0tm1zxuhho-wpengine.netdna-ssl.com/wp-content/uploads/2014/09/Rumiyah-ISIS-Magazine-3rd-issue.pdf>

27 ⁴² *Id.*



Figure 33 Rumiyah article titled “Just Terror Tactics”

337. In the article, ISIS instructs readers that “vehicles are like knives, as they are extremely easy to acquire. But unlike knives, which if found in one’s possession can be a cause for suspicion, vehicles arouse absolutely no doubts due to their widespread use throughout the world. It is for this obvious reason that using a vehicle is one of the most comprehensive methods of attack, as it presents the opportunity for just terror for anyone possessing the ability to drive a vehicle.”

338. ISIS trains its readers to follow this new method of attack that utilizes “a vehicle plunged at a high speed into a large congregation of kuffar, smashing their bodies with the vehicle’s strong outer frame, while advancing forward – crushing their heads, torsos, and limbs under the vehicle’s wheels and chassis – and leaving behind a trail of carnage.”

339. In a form of tactical training promoted and dispersed through Defendants’ websites, the article descriptively explains “the ideal vehicle” to use in such an attack, calling for a “load bearing truck,” “large in size,” and “double-wheeled, giving victims less of a chance to escape being crushed by the vehicle’s tires.”



14 *Figure 34 Page 2 of Rumiya article "Just Terror Tactics"*

15 340. Furthermore, the article calls on followers to "consider any outdoor attraction that
16 draws large crowds," such as "parades," "outdoor markets," and "festivals."

17 341. The "Just Terror Tactics" article is just one example of ISIS' use of propaganda
18 dispersed through Defendants' websites used to train operatives, plan, and execute acts of
19 international terrorism.

20 342. The Nice Attack involved communication and coordination between attacker
21 Mohamed Lahouaiej Bouhleh and ISIS, as ISIS "radicalized (Bouhleh) very quickly."⁴³
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26
27 ⁴³ <http://www.cnn.com/2016/07/16/europe/france-attack-on-nice-isis/index.html>

1 343. Authorities believe Bouhlel carefully plotted and planned his attack for up to a year
2 with accomplices and ISIS operatives.⁴⁴

3 344. Bouhlel, 31, was born in Tunisia and had a permit to live and work in France.⁴⁵

4 345. Nice has previously been described as one of southern France's "hotbeds" for
5 extremism linked to Tunisia. More than 100 Muslims from Nice are known to have gone to Syria to
6 join ISIS.⁴⁶

7 346. Prior to the events leading up to the Nice attack, Bouhlel lived a life "with little proof
8 of religiosity" his wife and three children in Bateco housing project, north of Nice.⁴⁷

9 347. Following what residents of Bateco described as a "violent" divorce, Bouhlel
10 relocated to Nice, where he lived a solitary life, working as a delivery driver.⁴⁸

11 348. Investigations in Bouhlel's life revealed a history of ISIS-related internet searches
12 and communications with accomplices via cell phones and Defendants' services.

13 349. In January 2015, following the Charlie Hedbo terrorist attacks in which 12 people
14 died, Bouhlel sent a text message to an accomplice that read, "I am not Charlie. I'm happy they have
15 brought some of Allah's soldiers to finish the job."⁴⁹

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23 ⁴⁴[https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-](https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-accomplices-prosecutor)
24 [accomplices-prosecutor](https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-accomplices-prosecutor)

25 ⁴⁵ <http://www.cnn.com/2016/07/15/europe/nice-france-terrorist-driver/index.html>

26 ⁴⁶ [http://www.smh.com.au/world/nice-killer-mohamed-lahouaiej-bouhlel-only-started-going-to-](http://www.smh.com.au/world/nice-killer-mohamed-lahouaiej-bouhlel-only-started-going-to-mosque-this-april-20160717-gq7esi.html)
27 [mosque-this-april-20160717-gq7esi.html](http://www.smh.com.au/world/nice-killer-mohamed-lahouaiej-bouhlel-only-started-going-to-mosque-this-april-20160717-gq7esi.html)

28 ⁴⁷ <http://www.france24.com/en/20160718-nice-attackers-road-terror-Mohamed-Lahouaiej-Bouhlel>

⁴⁸ *Id.*

⁴⁹ [https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-](https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-accomplices-prosecutor)
accomplices-prosecutor

1 350. This message is an eerie opposition to the famous twitter hashtag, “#IAmCharlie,”
2 popularly used across all of Defendants’ platforms following the Hedbo terrorist attack as support
3 for those killed.

4 351. Investigations also revealed that on April 4, 2016, another Tunisian, Choukri C., sent
5 Bouhlel a Facebook message that read, "Load the truck with 2,000 tonnes of iron... release the
6 brakes my friend and I will watch."⁵⁰

7 352. In April 2016, Bouhlel, who was not previously religious, began visiting a mosque
8 in France.⁵¹

9 353. In the weeks leading up to the attack, Bouhlel made several internet searches for
10 "horrible fatal accident" and had on his computer violent images "linked to radical Islam."⁵²

11 354. French prosecutor François Molins stated that an investigation revealed Bouhlel
12 made daily internet searches for verses of the Koran and “nasheed” or jihadist propaganda chants.
13

14 355. Additionally, Bouhlel saved images of dead bodies and images linked to radical
15 Islamism on his computer, including the flag of so-called Islamic State, the cover of an issue of
16 French satirical magazine Charlie Hebdo, which was attacked by Islamic militants in January 2015,
17 and photos of Osama bin Laden and Algerian jihadist Mokhtar Belmokhtar.⁵³

18 356. Bouhlel also researched articles on fatal accidents including a report from Nice-
19 Matin newspaper headlined: “Man drives his car into a restaurant terrace.”⁵⁴
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23 ⁵⁰[http://www.france24.com/en/20160721-nice-truck-attack-killer-support-accomplices-
premeditated-attack](http://www.france24.com/en/20160721-nice-truck-attack-killer-support-accomplices-premeditated-attack)

24 ⁵¹[http://www.telegraph.co.uk/news/2016/07/16/bastille-day-terrorist-was-radicalised-within-
months-and-sent-84/](http://www.telegraph.co.uk/news/2016/07/16/bastille-day-terrorist-was-radicalised-within-months-and-sent-84/)

25 ⁵² <https://www.thelocal.fr/20160717/nice-attacker-body-building-drug-taking-womanising>

26 ⁵³ <http://www.bbc.com/news/world-europe-36801763>

27 ⁵⁴[https://www.theguardian.com/world/2016/jul/18/nice-attack-premeditated-mohamed-lahouaiej-
bouhlel-beard-prosecutor](https://www.theguardian.com/world/2016/jul/18/nice-attack-premeditated-mohamed-lahouaiej-bouhlel-beard-prosecutor)

1 357. On July 1, 2016, Bouhlel searched for details of Bastille Day celebrations in Nice as
2 well as videos showing "terrible" fatal traffic accidents.⁵⁵

3 358. Bouhlel also read about recent ISIS terror attacks in Orlando, where a man
4 radicalized by ISIS killed 49 people at the Pulse nightclub, in Dallas, where a black army
5 veteran shot five police officers, and Magnanville, near Paris, where a French ISIS operative
6 stabbed two police officials to death before taking hostages and declaring his allegiance to ISIS
7 spokesman al-Adnani during a Facebook live broadcast.⁵⁶
8

9 359. On July 4, 2016, Bouhlel reserved a 19-ton refrigerated truck for use during the week
10 of France's Bastille Day celebrations.⁵⁷

11 360. An assistant at the rental company confirmed that Bouhlel had asked to rent "the
12 heaviest truck."⁵⁸

13 361. Investigations also showed he had grown a beard eight days before the attack, telling
14 people "the meaning of this beard is religious."⁵⁹
15

16 362. Days before the attack, Bouhlel showed friends a video of an ISIS fighter beheading
17 an individual. His response to their shock was that he was "used to it."⁶⁰

18 363. Prior to the attack, Bouhlel would send his family "small sums of money regularly
19 like most Tunisians working abroad." However, just days before the attack, Bouhlel, who was
20
21
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23 ⁵⁵ <http://www.bbc.com/news/world-europe-36801763>

24 ⁵⁶ *Id.*

25 ⁵⁷ <https://www.thelocal.fr/20160718/nice-attacker-had-clear-interest-in-radical-islam>

26 ⁵⁸ <http://www.smh.com.au/world/nice-killer-mohamed-lahouaiej-bouhlel-only-started-going-to-mosque-this-april-20160717-gq7esi.html>

27 ⁵⁹ *Id.*

28 ⁶⁰ <http://www.bbc.com/news/world-europe-36801763>

1 regularly “out of work,” sent his family “240,000 Tunisian Dinars (£84,000).” Bouhlel's brother said
2 the unexpected gift “was a fortune.”⁶¹

3 364. On July 11, 2016, Bouhlel went to Saint-Laurent-du-Var to rent, in his own name,
4 the 19-tonne refrigerated truck, which he was able to do with his commercial driver’s license.⁶²

5 365. Bouhlel photographed two of his accomplices, Mohamed Walid G. and Choukri C.,
6 both in front of and inside the cabin of the truck used for the attack - in Choukri C.'s case just three
7 hours beforehand.⁶³



17 *Figure 35 Bouhlel posing outside of the truck used in the attack with an accomplice*

18 366. On July 12 and 13, 2016, Bouhlel visited the Promenade des Anglais, appearing on
19 surveillance video driving the truck and carefully observing what was going on around him.

20 367. During his reconnaissance trips, Bouhlel sent a selfie photo from the driver's cabin.⁶⁴

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25 ⁶¹<http://www.telegraph.co.uk/news/2016/07/16/bastille-day-terrorist-was-radicalised-within-months-and-sent-84/>

26 ⁶²<http://www.france24.com/en/20160718-nice-attackers-road-terror-Mohamed-Lahouaiej-Bouhlel>

27 ⁶³<http://www.telegraph.co.uk/news/2016/07/21/nice-attacker-had-planned-truck-rampage-for-nearly-a-year/>

28 ⁶⁴ <http://www.bbc.com/news/world-europe-36801763>



Figure 36 Bouhleb and an accomplice in the 19-ton truck the day before the attack

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

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

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

“[To the U.S. and its allies:] We promise you that this campaign will be your last and it will collapse and fail, just as all your other campaigns collapsed. But this time, when the war ends we will be the ones to invade your countries, whereas you will no longer invade [ours]. We will invade your Rome, break your Cross and enslave your women, with Allah’s help. This is His promise and he will not break it until it is realized. And if we do not achieve this, our sons or grandsons will, and they will sell your sons and grandsons as slaves.

...

[To American and Europeans:] The Islamic State did not launch a war against you, as your lying governments and your media claim. You are the ones who initiated hostilities against us, and the [side] that initiates hostilities is the evil one. You will pay [for it] dearly when your economies collapse. You will pay dearly when your sons are sent to fight us and return crippled and damaged, in coffins or as lunatics. You will pay when each of

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

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



Figure 37 Clips from “Message of the Mujahid 3”

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

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

...

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

...

This is a message to all Muslims of France. Enjoy and see what happens in the world. They gathered against us. Why, because we are defending Islam and because we want to apply the law of Allah. . . . You say that we’re the criminals. But they’re the cowards who drop bombs in their sky. We will take revenge for all the brothers and all the civilians who were killed.

...

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

374. Prior to the Nice Attack, ISIS carried out and attempted several other terror attacks in Paris, Nice, and Belgium.

1 375. For example, on January 15, 2015, Belgian commandos thwarted an ISIS terrorist
2 plot (the “Verviers Plot”) when they raided a safe house in Verviers, Belgium, killing ISIS terrorists
3 Sofiane Amghar (“Amghar”) and Khalid Ben Larbi (“Larbi”), and arresting a third conspirator.

4 376. In the safe house, police found AK-47 assault rifles, components of the explosive
5 TATP, GoPro cameras, and police uniforms.

6 377. Officials reported that the Verviers Plot had included a planned beheading of a police
7 officer that was to be filmed.

8 378. ISIS’s *Dar al-Islam* online French-language magazine is dedicated to recruiting
9 French-speaking members for ISIS and promoting attacks against France and other western
10 countries.

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

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

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

22 The disbeliever states have understood the consequences of the return of the
23 Caliphate: the end of the domination by the Jews, the Crusaders and their
24 allies. Every sincere Muslim must migrate to one of the regions of the
25 Islamic State, the land of Islam, and leave the land of disbelief led by the
26

1 worst *tawaghit* [tyrants] of this world, who constantly war against our
2 community. The time has come for the believers to go forth, to recover the
3 land, and not to let these tyrants rest for one second. . . . France needs to
4 mourn its dead as we mourn our own; may they see the blood of their own
5 people flow like we see that of our own.

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

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

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

13 385. Hame told police that he was directed to choose “an easy target, like a group of
14 people, a concert for example, where there is a crowd,” and instructed Hame that after carrying out
15 the attack, he should wait for police to arrive and “die while killing the hostages.”

16 386. Hame said he was told that “if lots of civilians were hit, the foreign policy of France
17 would change.”

18 387. Asked by police whether he was aware of any pending attacks, Hame replied: “All I
19 can tell you is that it’s going to happen soon. It’s a veritable factory over there – they are really
20 looking to hit France or Europe.”⁶⁶

21
22 **D. The Nice Attack**

23 388. On July 14, 2016, Bouhleb arrived at the Promenade des Anglais in Nice, France,
24 with the intention of committing an act of international terrorism. In addition to his 19-ton
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26
27 ⁶⁶ *Id.*

1 refrigeration truck, in the cabin alongside him, Bouhlel was in possession of an automatic pistol,
2 bullets, a fake automatic pistol, and two replica assault rifles (a M16 machine gun and a
3 Kalashnikov), as well as an empty grenade.⁶⁷

4 389. An estimated 30,000 people were gathered in celebration of France’s Bastille Day
5 holiday on the Promenade des Anglais, a promenade in Nice which runs alongside the
6 Mediterranean Sea.⁶⁸

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8 390. The promenade had been closed to traffic and considered a “pedestrian zone” as the
9 crowd of thousands of gathered for a celebratory shopping, food carts, music, and a fireworks
10 display on the seafront.

11 391. Just before his murderous attack, Bouhlel sent two “odious messages” that had been
12 pre-recorded on his mobile phone.⁶⁹ These messages are frequently used by ISIS, both for the
13 operative to declare allegiance to ISIS, as well as for ISIS to use as propaganda and glorify the
14 attacker.

15
16 392. At around 10:30PM, shortly after the fireworks display, Bouhlel slowly drove the
17 19-ton refrigeration truck through police barriers at the west end of the promenade, mounted a
18 sidewalk, entered the “pedestrian zone” and violently began running over increasingly dense crowds
19 of people celebrating the holiday.⁷⁰

20 393. Witnesses described Bouhlel as initially slowly running over people, until two police
21 officers opened fire, at which point he accelerated at full speed towards the crowd.
22

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24 ⁶⁷ <http://www.bbc.com/news/world-europe-36801671>

25 ⁶⁸ <https://www.theguardian.com/world/2016/jul/15/nice-truck-attack-victims-survivors-bastille-day-crowds>

26 ⁶⁹ <https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-accomplices-prosecutor>

27 ⁷⁰ <https://www.nytimes.com/2016/07/17/world/europe/isis-nice-france-attack.html>

1 394. Witnesses described the sounds of the truck hitting people “like empty thuds,” as
2 Bouhlel reached an estimated 56mph, surging through crowds of people.⁷¹

3 395. Bouhlel maneuvered the truck through the promenade, mounting several curbs
4 before heading back on the road, zigzagging for up to 1.25 miles, deliberately aiming for as many
5 people as possible.⁷²

6 396. An individual on a motorcycle attempted to overtake Bouhlel’s truck and even tried
7 to open the driver’s door, but was unsuccessful. As the motorcyclist latched on to the door, he
8 described how he “hit and hit (Bouhlel) and hit him again. With all my strength, with my left hand
9 in the face. (Bouhlel) said nothing. He didn’t even flinch.”⁷³

10 397. Bouhlel began shooting through the cab window at police officers, firing several
11 times on three police officers close to the Hotel Negresco.⁷⁴

12 398. Witnesses recounted hearing Bouhlel scream “Allahu Akbar” throughout the
13 attack.⁷⁵

14 399. The truck came to a halt near Nice’s Palais de la Mediterranée, a hotel adjacent to
15 the beach, when Bouhlel continued to fire at police with his handgun.

16 400. Footage filmed by those at the scene showed two police officers firing repeatedly at
17 the cabin of the truck. Bouhlel was killed by police.⁷⁶

18 401. Bouhlel’s 1.5 mile terrorist attack killed 86 people, injuring an additional 434.
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23 ⁷¹<https://www.theguardian.com/world/2016/jul/15/nice-truck-attack-victims-survivors-bastille-day-crowds>

24 ⁷² <http://www.bbc.com/news/world-europe-36801671>

25 ⁷³<https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-accomplices-prosecutor>

26 ⁷⁴ <http://www.cnn.com/2016/07/16/europe/france-attack-on-nice-isis/index.html>

27 ⁷⁵ <http://www.telegraph.co.uk/news/2016/07/14/84-killed-in-nice-by-lorry-during-bastille-day-celebrations---ho/>

28 ⁷⁶ <http://www.bbc.com/news/world-europe-36801671>



Figure 37 Map of Nice Attack

E. The Aftermath of the Nice Attack

402. Two days after the Nice Attack, on July 16, 2016, ISIS issued a statement claiming responsibility, describing Bouhleb as a “soldier of the Islamic State.”⁷⁷

403. The statement was published by the news agency AMAQ, which is frequently used and supported by ISIS. The statement read, “Executor of the deadly operation in Nice, France was a soldier of the Islamic State. He executed the operation in response to calls to target citizens of coalition nations, which fight the Islamic State.”⁷⁸

404. Below are screenshots of ISIS’s statement as released by AMAQ:

⁷⁷ <https://www.nytimes.com/2016/07/17/world/europe/isis-nice-france-attack.html>

⁷⁸ <https://www.nytimes.com/2016/07/17/world/europe/isis-nice-france-attack.html>

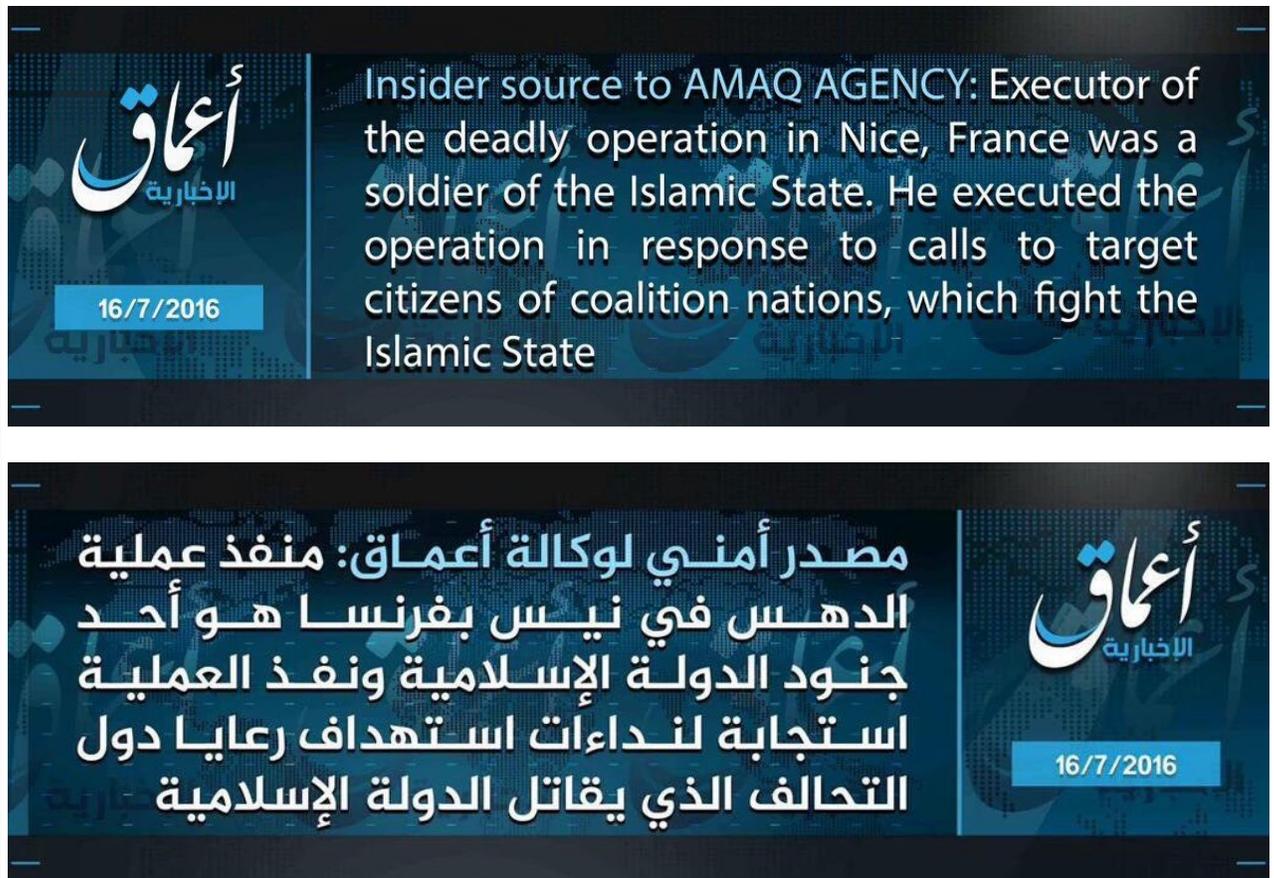


Figure 38 ISIS Statement Released by AMAQ

405. The Islamic State’s al-Bayan radio station said Bouhlel used “a new tactic” of vehicle attacks to wreak havoc, contending, “the crusader countries know that no matter how much they enforce their security measures and procedures, it will not stop the mujahideen from striking.”⁷⁹

406. In the fifteenth issue of ISIS’s propaganda magazine, *Dabiq*, ISIS boasted about the Nice Attack, listing Bouhlel among the “soldiers of the Caliphate” who has “succeeded in expanding the territory of the Caliphate, or terrorizing, massacring, and humiliating the enemies of Allah.”⁸⁰

⁷⁹ https://www.washingtonpost.com/world/islamic-state-claims-responsibility-for-france-attack-in-nice/2016/07/16/4327456e-4ab9-11e6-8dac-0c6e4accc5b1_story.html?utm_term=.9479a13f6afb

⁸⁰ <http://clarionproject.org/wp-content/uploads/islamic-state-magazine-dabiq-fifteen-breaking-the-cross.pdf>

1 407. The propaganda magazine contained numerous graphic images of the Nice Attack's
2 victim's bodies on the promenade following the attack.

3 408. Citing Bouhlel's attack as an operation that "the Islamic State has conducted," the
4 propaganda magazine praises the Nice Attack as an action "in response to the Islamic State's calls
5 to target nations participating in the Crusader coalition fighting the Caliphate."⁸¹

6 409. French Interior Minister Bernard Cazeneuve explained, "This is a new type of attack.
7 We are now confronted with individuals that are sensitive to the message of ISIS and are committed
8 to extremely violent actions without necessarily being trained by them."⁸²

9 410. Cazeneuve went on to explain, "We are now facing individuals who are responding
10 positively to the messages issued by the Islamic State without having had any special training and
11 without having access to weapons that allow them to commit mass murder."⁸³

12 411. Paris prosecutor Francois Molins' subsequent investigations into Bouhlel's life
13 revealed that Bouhlel had a "clear, recent interest in the radical jihadist movement."⁸⁴

14 412. "A search of his computer illustrates a clear ... and recent interest in radical
15 jihadism,"⁸⁵ Molins said, additionally confirming "the murderous premeditated nature of Mohamed
16 Lahouaiej-Bouhlel's act, but has also established that he benefitted from support and
17 accomplices."⁸⁶

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22 ⁸¹ *Id.*

23 ⁸² <http://www.cnn.com/2016/07/16/europe/france-attack-on-nice-isis/index.html>

24 ⁸³ https://www.washingtonpost.com/world/islamic-state-claims-responsibility-for-france-attack-in-nice/2016/07/16/4327456e-4ab9-11e6-8dac-0c6e4acc5b1_story.html?utm_term=.9479a13f6afb

25 ⁸⁴ <https://www.thelocal.fr/20160717/nice-attacker-body-building-drug-taking-womanising>
26 ⁸⁵ <http://www.chicagotribune.com/news/nationworld/ct-france-nice-truck-attack-20160718-story.html>

27 ⁸⁶ <http://www.france24.com/en/20160721-nice-truck-attack-killer-support-accomplices-premeditated-attack>

1 413. Subsequent investigations revealed months of planning, as photographs and searches
2 on the attacker’s mobile phone included pictures of the Bastille Day fireworks in July 2015, and an
3 article referring to the “magic potion called Captagon,”⁸⁷ a drug frequently used by ISIS operatives,
4 dubbed ‘chemical courage.’⁸⁸

5 414. ISIS continues to promote and glorify Bouhlel’s actions through Defendants’
6 platforms. This is evidenced by the ISIS-produced Rumiya magazine article “Just Terror Tactics,”
7 where the article characterizes “brother” Bouhlel’s actions as “superb.”⁸⁹

8 415. In a subsequent press conference, French Defense Minister Jean-Yves Le Drian
9 addressed ISIS operations, explaining “Abu Muhammad al-Adnani has for several weeks been
10 repeating that it was necessary to attack directly, even individually, French people and Americans
11 wherever they are and by whatever means. Clearly, certain individuals, such as the driver of that
12 truck, individually responded to this call for committing murder. Even if Daesh doesn’t do the
13 organizing, Daesh inspires a terrorist spirit.”⁹⁰

14
15
16 **V. THE COPELAND FAMILY**

17 416. On July 14, 2016, the Copeland family was enjoying part of their dream European
18 vacation in Nice, France, taking in the city’s Bastille Day celebrations. The family of five, including
19 Plaintiffs Kim, Sean, 51, and Brodie Copeland, 11, traveled to France in part to celebrate Kim’s 40th
20 birthday, as well as Sean’s son, Austin, who had recently turned 22. Sean’s daughter, Maegan, also
21 joined them on the vacation.

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24 ⁸⁷<https://www.theguardian.com/world/2016/jul/21/nice-attacker-plotted-for-months-and-had-accomplices-prosecutor>

25 ⁸⁸<https://www.thesun.co.uk/living/3688057/captagon-isis-drug-chemical-courage-sleep-disorders/>

26 ⁸⁹<http://qb5cc3pam3y2ad0tm1zxuhho-wpengine.netdna-ssl.com/wp-content/uploads/2014/09/Rumiya-ISIS-Magazine-3rd-issue.pdf>

27 ⁹⁰ https://www.washingtonpost.com/world/islamic-state-claims-responsibility-for-france-attack-in-nice/2016/07/16/4327456e-4ab9-11e6-8dac-0c6e4accc5b1_story.html?utm_term=.9479a13f6afb

1 417. Sean and Brodie Copeland lived with their family in Lakeway, Texas. Sean was a
2 devoted father of three who prided himself on being a dance dad, a football dad, and a baseball dad.
3 Brodie, 11, was a bright, fun-loving, “one-of-a-kind kid,” with aspirations of becoming a
4 professional baseball player, a Hollywood actor and U.S. president.



15
16
Figure 39 Brodie and Sean Copeland

17 418. Just days before the attack, the family spent their vacation together in Pamplona,
18 Spain, where Sean and his son, Austin, ran with the bulls. After running 200 yards with the
19 bulls, Austin said his dad was the happiest he’d ever seen. “This was his moment. I would never
20 forget the joy on his face that day.”

21 419. After leaving Spain, the Copeland family traveled together to France. Missing home,
22 they spent their last hours in France together at a Hard Rock Café. After a family dinner of burgers
23 and beers, the family headed to the Promenade des Anglais for music and fireworks.

24 420. Described by his friends and family as a “wonderful husband and father”, Sean
25 Copeland was struck by Bouhleh’s truck in the Nice Attack on July 14, 2016, passing away in the
26 hospital shortly after. Brodie, who was described as a “superstar” who stood out in class and on the
27

1 baseball field, was also murdered when he was struck by Bouhlel's truck. Sean's wife, Kim, and his
2 children, Austin and Maegan, survived the horrific attack only due to Sean's heroic and lifesaving
3 warning as the truck careened towards the family.

4 421. Plaintiff and Sean's children, Austin and Maegan, were devastated by the loss of
5 their beloved husband, father, and brother. They suffered and will continue to suffer severe
6 psychological and emotional harm, as well as loss of consortium as a result of the terrorist attack
7 that killed Sean and Brodie Copeland. Furthermore, Sean provided substantial financial support to
8 Plaintiff.
9

10 422. The following is a picture Kim Copeland took of Brodie Copeland moments before
11 the attack at a candy stand on the Promenade des Anglais in Nice, France:



25 *Figure 40 Brodie Copeland at a candy stand in Nice, France*

26 **VI. DEFENDANT'S CONDUCT**

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

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

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

8 <https://business.Twitter.com/en/targeting.html>,

9 <https://www.facebook.com/business/a/online-sales/ad-targeting-details>,

10 <https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pd>
11 <fs/targeting-onesheet-en.pdf>.

12 425. By specifically targeting advertisements based on viewers and content,
13 Defendants are no longer simply passing through the content of third parties. Defendants are
14 themselves creating content because Defendants exercise control over what advertisement to
15 match with an ISIS posting. Furthermore, Defendants' profits are enhanced by charging
16 advertisers extra for targeting advertisements at viewers based upon knowledge of the viewer and
17 the content being viewed.
18

19
20 **B. Defendants Knowingly Provided Material Support and Resources to**
21 **Terrorists, Including ISIS and its Supporters**

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

24 427. ISIS's designation as a Foreign Terrorist Organization is public knowledge that has
25 likewise been widely reported in the world news media.
26
27

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

3 429. At all times relevant to this Complaint, Defendants have known that ISIS is
4 designated as a Foreign Terrorist Organization.

5 430. Despite this knowledge, Defendants have for years knowingly provided its Services
6 to ISIS, its members, organizations owned or controlled by ISIS, and organizations and individuals
7 that provide financing and material support to ISIS, including individuals and organizations that are
8 designated as and SDGTs.
9

10 431. ISIS, its members, and its related entities and affiliates have operated numerous
11 accounts on Defendants' platforms, often using their own names and displaying emblems and
12 symbols associated with ISIS and its related terrorist entities.

13 432. ISIS's news and media organizations have operated accounts across each of
14 Defendants' platforms, often including separate accounts for Arabic, French, English and other
15 languages.
16

17 433. Through Defendants' services, Defendants make potential ISIS recruits, ISIS
18 members, and ISIS leaders, available to other ISIS operatives, thus providing personnel to ISIS
19 itself.

20 434. Prior to the Nice Attack, Defendants refused to actively monitor its online social
21 media networks, including Facebook, Twitter, and YouTube, to block ISIS's use of Defendants'
22 Services. Instead, Defendants knowingly permitted ISIS and ISIS's members and affiliates to use
23 Defendants' platforms and other services, and generally only reviewed ISIS's use of its Services in
24 response to third party complaints.
25

26 435. Even when Defendants have received complaints about ISIS's use of their platforms
27 and other services, despite knowing that ISIS is a designated FTO and that ISIS has engaged in
28

1 terrorist activity, Defendants have at various times determined that ISIS’s use of its Services did not
2 violate Defendants’ policies and permitted ISIS-affiliated accounts to remain active, or removed
3 only a portion of the content posted on an ISIS-related account and permitted the account to remain
4 active.

5 436. While Defendants suspended or blocked selected ISIS-related accounts at various
6 times, prior to the Nice Attack, Defendants did not make substantial or sustained efforts to ensure
7 that ISIS would not reestablish the accounts using new identifiers.

8 437. Terrorists have used YouTube to promote and support their activities for years.

9 438. In 2008, a member of a prominent *jihadi* website forum began to call on Islamist
10 terrorists to begin using Facebook as a tool for terrorism; in making the case for Facebook, the
11 member argued: “We have already had great success in raiding YouTube.”⁹¹

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

16 440. On February 26, 2013, members of the Home Affairs Committee of the U.K. House
17 of Commons questioned Google/YouTube executive Sarah Hunter about *jihadi* terrorists’ use of
18 YouTube to promote terrorism, and particularly focused on *al-Qaeda* leader Anwar Al-Awlaki,
19 whose video speeches (known to have inspired multiple terrorist attacks in the West) proliferate on
20 YouTube.
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27 ⁹¹ Will McCants, “Invading Facebook: Theory and Practice,” Jihadica.com (Dec. 17, 2008),
28 <http://www.jihadica.com/invading-facebook-theory-and-practice/>.

1 447. In some cases, rather than block or remove terrorist videos, Google will place an age
2 restriction on a YouTube video, requiring a viewer to log-in to YouTube and claim to be at least 18
3 years-of-age before viewing it.

4 448. On March 3, 2015, CNN Money reported that Google was placing advertisements in
5 front of ISIS videos posted on YouTube.⁹³

6 449. On March 10th 2015, DeathandTaxes.com released an article titled, “Beer ads keep
7 showing up on ISIS YouTube videos.”⁹⁴

8 450. On March 10th 2015, NBC News released an article titled, “Ads Shown Before
9 YouTube ISIS Videos Catch Companies Off-Guard.”⁹⁵

10 451. On March 11, 2015, NewsMediaRockstars reported that: “Major corporations like
11 Procter and Gamble, Anheuser-Busch, and Toyota have all been forced to make apologies after ads
12 for their products started rolling in front of ISIS recruiting videos which have been cropping up ever
13 more frequently on the [YouTube] site.”⁹⁶

14 452. On April 28, 2015, MusicTechPolicy.com reported that the Islamic State has released
15 a new YouTube video “showcasing recent battles in the Al Sufiyah area of eastern Ramadi.
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22 ⁹³ Laurie Segall, “These ads ran before ISIS videos,” CNN Money (Mar. 3, 2015),
<http://money.cnn.com/2015/03/03/technology/isis-ads-youtube/>.

23 ⁹⁴ Joe Veix, “Beer ads keep showing up on ISIS YouTube videos,” Deathandtaxes.com (Mar. 10,
24 2015), [http://www.deathandtaxesmag.com/239510/beer-ads-keep-showing-up-on-isis-youtube-](http://www.deathandtaxesmag.com/239510/beer-ads-keep-showing-up-on-isis-youtube-videos/)
[videos/](http://www.deathandtaxesmag.com/239510/beer-ads-keep-showing-up-on-isis-youtube-videos/).

25 ⁹⁵ See [http://www.nbcnews.com/storyline/isis-terror/ads-shown-isis-videos-youtube-catch-](http://www.nbcnews.com/storyline/isis-terror/ads-shown-isis-videos-youtube-catch-companies-guard-n320946)
[companies-guard-n320946](http://www.nbcnews.com/storyline/isis-terror/ads-shown-isis-videos-youtube-catch-companies-guard-n320946).

26 ⁹⁶ Evan DiSimone, “Advertisers Apologize For Ads Shown On ISIS YouTube Videos,”
27 NewMediaRockstars (Mar. 11, 2015), [http://newmediarockstars.com/2015/03/advertisers-](http://newmediarockstars.com/2015/03/advertisers-apologize-for-ads-shown-on-isis-youtube-videos/)
[apologize-for-ads-shown-on-isis-youtube-videos/](http://newmediarockstars.com/2015/03/advertisers-apologize-for-ads-shown-on-isis-youtube-videos/).

1 Approximately 30 Iraqi police have been killed and around 100 more have been injured in recent
2 days in the western provincial capital.”⁹⁷

3 453. On August 6, 2015, Vladimir Platov of New Eastern Outlook reported: “The well-
4 known online video platform YouTube serves as the main media platform of these radical
5 fighters.”⁹⁸

6 454. In March 2016 the Digital Citizens’ Alliance issued a report documenting a number
7 of examples of presidential election campaign ads placed on ISIS videos, including a Ted Cruz ad
8 appearing before a video produced by ISIS’s *al-Hayat* Media.⁹⁹

9 455. Google derives revenue from ads placed on YouTube, including the ads placed
10 before ISIS videos posted on YouTube.

11 456. Google does not place ads on YouTube randomly; rather, they are targeted to the
12 viewer using based upon algorithms that analyze and use data about the ads, the user, and the video
13 posted.¹⁰⁰

14 457. By specifically targeting advertisements based on viewers and content, Google is no
15 longer simply passing through the content of third parties; rather, Google is itself creating content
16 because it exercises control over what advertisement to match with an ISIS video posting on
17 YouTube.
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22 ⁹⁷ Chris Castle, “Live From YouTubeistan: Google Still Providing Material Support for ISIS,”
23 MusicTechnologyPolicy.com (Apr. 28, 2015), <https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-isis/>.

24 ⁹⁸ Vladimir Platov, “Hi-Tech Tools of ISIL Propaganda,” New Eastern Outlook (Aug. 6, 2015),
<http://journal-neo.org/2015/06/08/hi-tech-tools-of-isil-propaganda/>.

25 ⁹⁹ “Fear, Loathing, and Jihad: How YouTube is pairing the 2016 candidates with the creepy, the
26 corrupt, and the criminal,” Digital Citizens’ Alliance (Mar. 2016), <https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc2cd.pdf>.

27 ¹⁰⁰ See Google’s description of targeted ads on YouTube at: <https://static.googleusercontent.com/media/www.youtube.com/en/yt/advertise/medias/pdfs/targeting-onesheet-en.pdf>.

1 458. Moreover, Google’s revenue is enhanced by charging advertisers extra for placing
2 targeted advertisements.

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

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

7 461. According to Google, each video must be reviewed and approved by Google before
8 Google will permit ads to be placed with that video.

9 462. Google represents that videos must meet Google’s policies and terms before they
10 will be approved for ads.

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

14 464. Upon information and belief, by thus approving ISIS videos, including videos by
15 posted by ISIS-affiliated users, Google has agreed to share with ISIS and ISIS-affiliated users a
16 percentage of revenues generated by these ads.

17 465. The following is a screen shot example of Google placing targeted ads in conjunction
18 with an ISIS video on YouTube:
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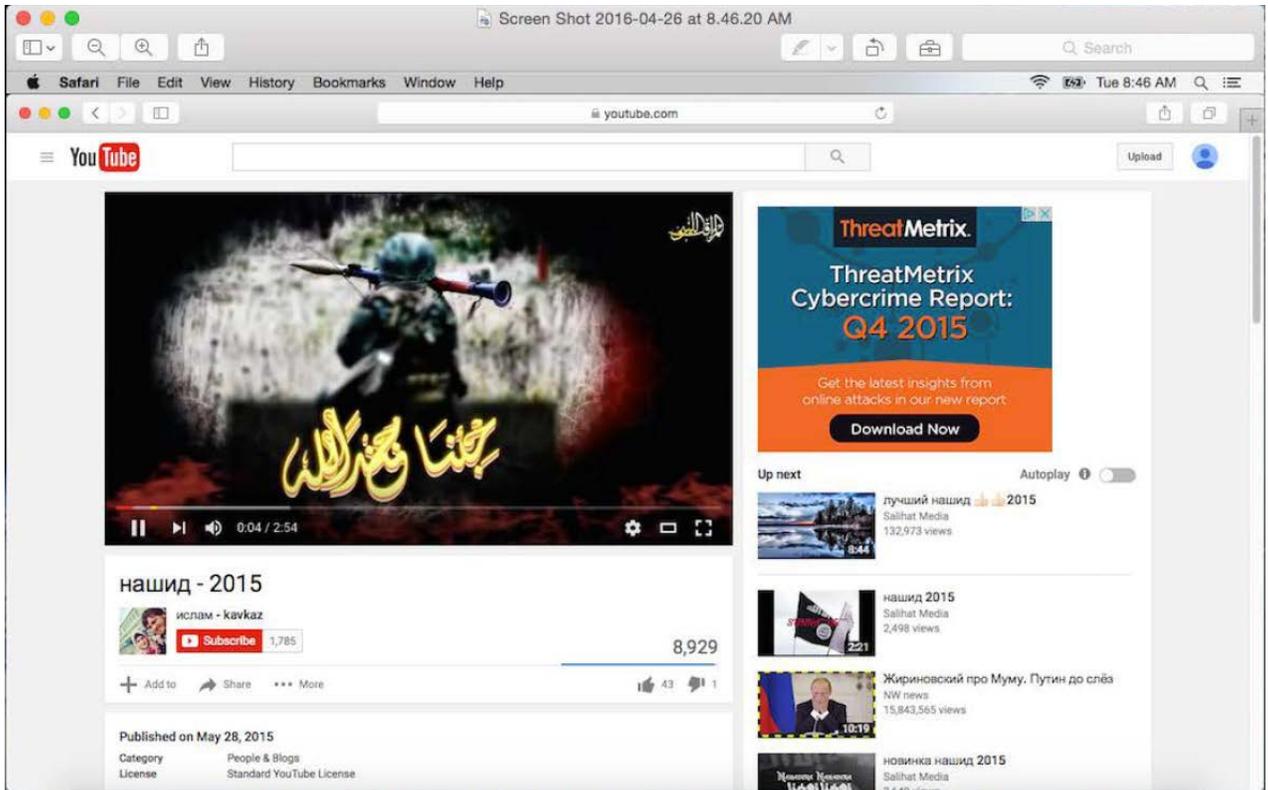


Figure 41 Screenshot Example of Ads on YouTube

466. 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.

467. 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.

468. 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.

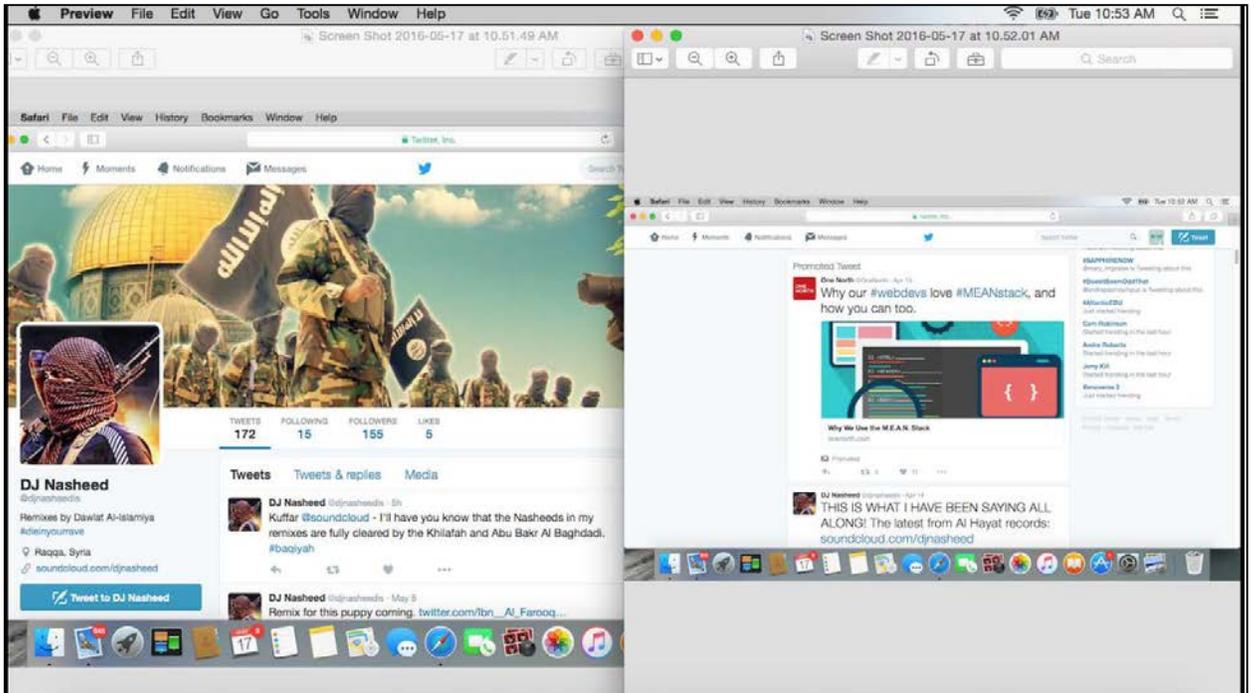


Figure 42 ISIS post on Twitter with ad placed by Twitter

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



Figure 43 ISIS post on Facebook with add placed by Facebook

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

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

C. Defendants Are Information Content Providers

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

473. Defendants create this page by selecting which advertisement to match with the content on the page. This selection is done by Defendants' proprietary algorithms that select the

1 advertisement based on information about the viewer and the content being. Thus there is a content
2 triangle matching the postings, advertisements, and viewers.

3 474. Although Defendants have not created the posting, nor have they created the
4 advertisement, Defendants have created new unique content by choosing which advertisement to
5 combine with the posting with knowledge about the viewer.

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

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

13 476. Defendants' platforms and other services are provided to users via Defendants'
14 unique computer architecture.

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

20 478. The posted content also appears on Twitter's "Timeline," Facebook's "Newsfeed,"
21 or the YouTube user's YouTube channel page, and is available via Twitter, Facebook, or YouTube's
22 platforms and search engines on the Internet, depending upon the user's privacy settings.
23

24 479. The video and other information that is input by a Twitter, Facebook, or YouTube
25 user into Twitter, Facebook, or YouTube is also stored on Defendants' computer equipment as well
26 as on Defendants' backup storage equipment.
27

1 480. Twitter, Facebook, and YouTube users' content, videos, and other information are
2 hosted on Defendants' computer equipment.

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

7 482. Defendants' platforms' users also "like," "retweet," and "share" others' videos,
8 thereby exposing these videos to new networks of viewers.

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

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

22 485. By providing Twitter, Facebook, and Google's YouTube platforms and other
23 services to ISIS, Defendants are providing to ISIS use of unique computer architecture, computer
24 servers, storage and communication equipment, highly-developed and sophisticated algorithms, and
25 services that facilitate ISIS's ability to reach and engage audiences it could not otherwise reach as
26 effectively.
27

1 486. As discussed above, Twitter, Facebook, and YouTube’s usefulness to ISIS is not
2 merely about content; ISIS uses Twitter, Facebook, and YouTube as tools to connect with others
3 and promote its terrorist activity.

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

5 487. Defendants have tools by which it can identify, flag, review, and remove ISIS
6 accounts.

7
8 488. In a January 2011 blog post entitled “The tweets Must Flow,” Twitter co-founder
9 Biz Stone and Twitter General Counsel Alex Macgillivray wrote: “We don’t always agree with the
10 things people choose to tweet, but we keep the information flowing irrespective of any view we
11 may have about the content.”

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

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

23
24 491. Most technology experts agree that Defendants could and should be doing more to
25 stop ISIS from using its social network. “When Twitter says, ‘We can’t do this,’ I don’t believe
26 that,” said Hany Farid, chairman of the computer science department at Dartmouth College. Mr.
27 Farid, who co-developed a child pornography tracking system with Microsoft, says that the same
28

1 technology could 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 a business or policy
3 decision. Unless the companies have decided that they just can’t be bothered.”

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

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

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

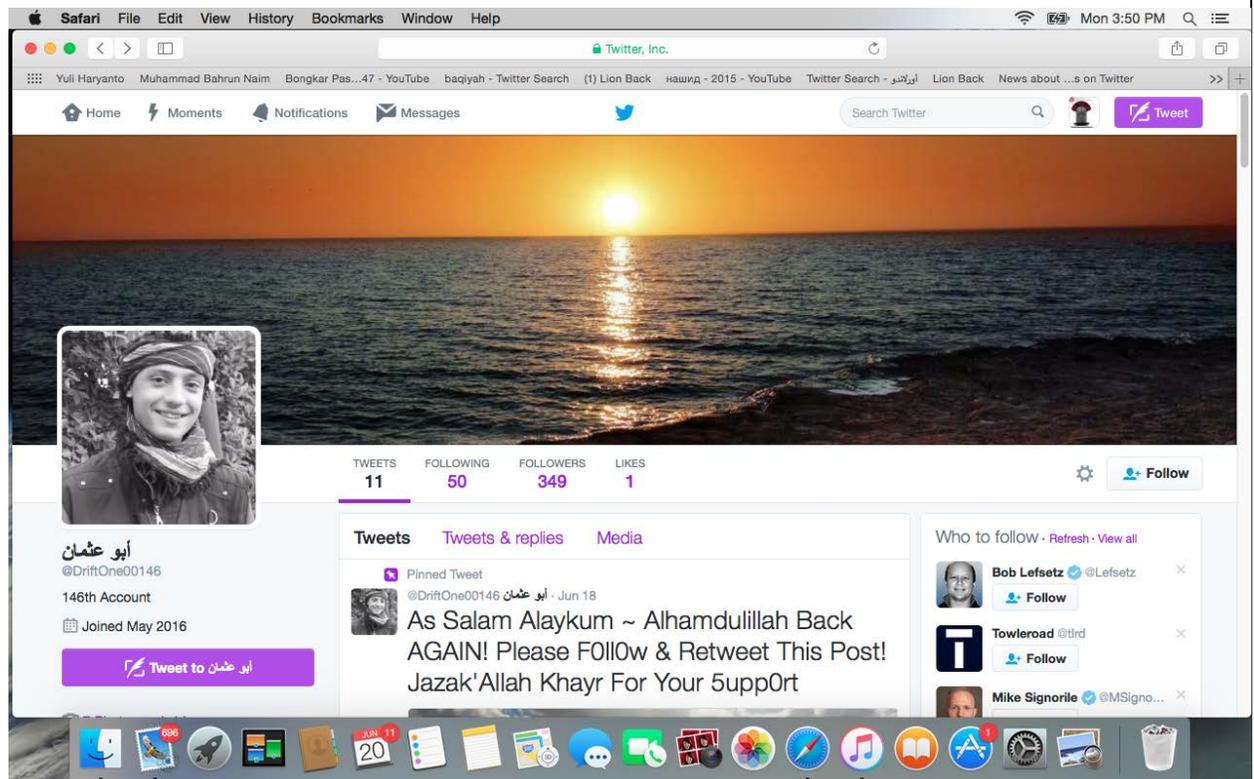
19 495. Because of the simplistic renaming scheme, Defendants could easily detect names
20 that are likely to be replacement accounts and delete them almost as soon as they are created. Yet
21 Defendants have failed to implement such a basic account detection methodology.

22 496. Furthermore, ISIS keeps track of the followers of each account. Once an account is
23 deleted by one of the Defendants and then regenerated, ISIS uses a bot to contact each of its
24
25
26
27

1 followers asking them to connect. This allows ISIS to reconstitute the connections for each account
 2 very quickly. Defendants could easily detect such activity but chose not to.

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

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



25 *Figure 44: DriftOne00146 posting 06/20/2016*

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



Figure 45: DriftOne00146 posting June 21, 2016

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

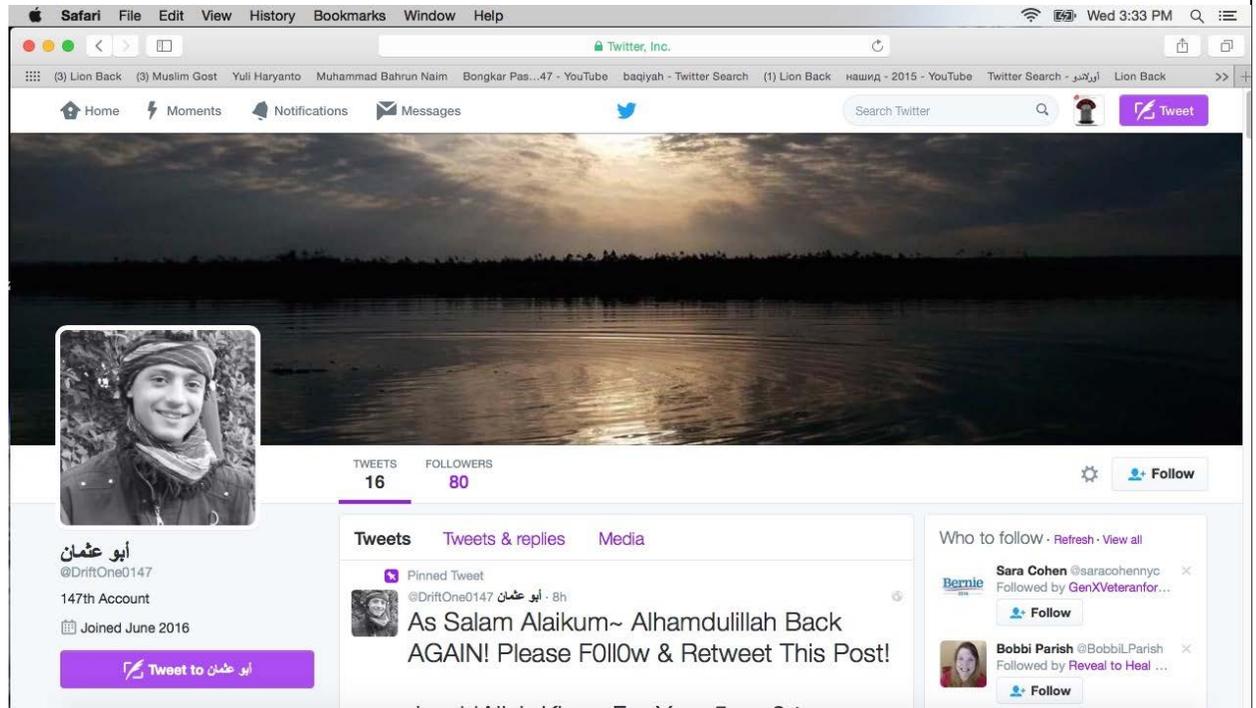


Figure 46: DriftOne0147 posting June 22, 2016

501. 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.

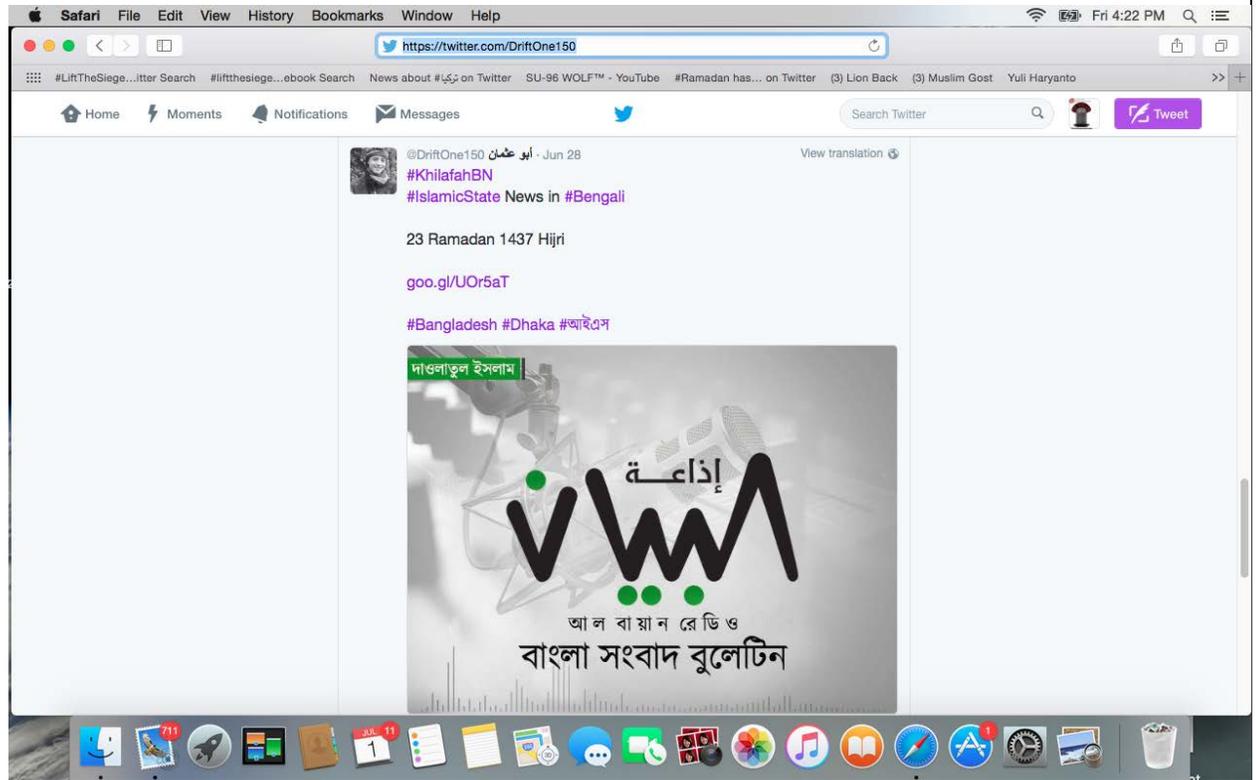


Figure 47: DriftOne150 posting June 28, 2016

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

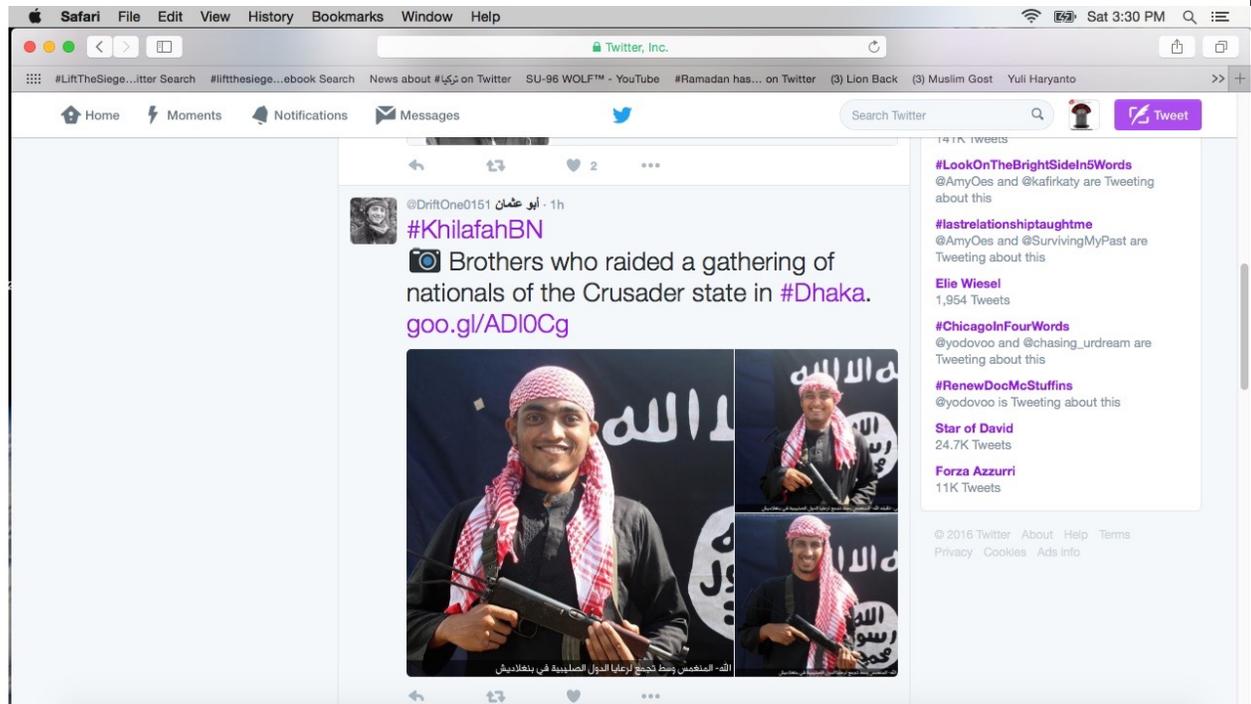


Figure 48: DriftOne0151 posting July 2, 2016

503. 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.

504. Prohibiting this conduct would be simple for Defendants to implement and not impinge upon the utility of Defendants sites. There is no legitimate purpose for allowing the use of fixed prefix/incremental numerical suffix names. Preventing the use of these names once a similarly named account would not place a significant burden on Defendants to implement nor

1 would it place any “chilling” effect on the use of Defendants’ sites.

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

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

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

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

1 provides materials support to ISIS and other nefarious organizations.

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

7
8 510. On November 17, 2015, the hacking group Anonymous took down several
9 thousand ISIS Twitter accounts. That an external third party could identify and disrupt ISIS
10 Twitter accounts confirms that Twitter itself could have prevented or substantially limited ISIS’s
11 use of Twitter.

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

18
19 512. In August 2016, after a 12-month inquiry on countering extremism that included
20 testimony from Google and other social media company executives, the U.K. House of Commons’
21 Home Affairs Committee issued a report titled “Radicalisation: the counter-narrative and identifying
22 the tipping point.” (“U.K. Report”).¹⁰¹

23
24 513. In the 2016 U.K. Report, the Home Affairs Committee found that:

25
26
27 ¹⁰¹ Home Affairs Committee, “Radicalisation: the counter-narrative and identifying the tipping
28 point,” House of Commons (Aug. 25, 2016), <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/135/135.pdf>.

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

3 ...
4 Social media companies are consciously failing to combat the use of their
5 sites to promote terrorism and killings. Networks like Facebook, Twitter
6 and YouTube are the vehicle of choice in spreading propaganda and they
7 have become the recruiting platforms for terrorism. They must accept that
8 the hundreds of millions in revenues generated from billions of people using
9 their products needs to be accompanied by a greater sense of responsibility
and ownership for the impact that extremist material on their sites is having.
There must be a zero tolerance approach to online extremism, including
enticement to join extremist groups or commit attacks of terror and any
glorification of such activities... These companies are hiding behind their
supranational legal status to pass the parcel of responsibility and refusing to
act responsibly in case they damage their brands.”¹⁰²

10 **VII. The Nice Attack Was An Act of International Terrorism**

11 514. One of the stated goals of ISIS is to use social media including Defendants
12 platforms to radicalize individuals to conduct attacks throughout the world, including the United
13 States.

14 515. By radicalizing individuals through social media, this allowed ISIS to exert its
15 influence without the necessity of direct physical contact with these individuals. Furthermore, this
16 allows ISIS to incite or participate in attacks without the necessity of sending its own operatives.

17 516. Thus, an attack in Nice to which ISIS’s use of social media caused or contributed
18 is an action by ISIS. Given that ISIS has been declared an international terrorist organization,
19 such an action is an act of international terrorism.

20 517. Mohamed Lahouaiej-Bouhlel was radicalized by ISIS’s use of social media. This
21 was the stated goal of ISIS. Bouhlel then carried out the deadly attack in Nice. Conducting
22 terrorist acts via radicalized individuals is a stated goal of ISIS.

23 518. Bouhlel’s attack in Nice was a violent act causing death and injury and constitutes
24

25
26
27 ¹⁰² *Id.* at 11, 13-14 (original in bold).

1 numerous criminal acts under the laws of the United States.

2 519. ISIS intended to intimidate and coerce France's populations and governments
3 through a pattern of intimidation and coercion as discussed throughout Plaintiff's Complaint.

4 520. ISIS acts from outside the France using Defendants' platforms in a manner that
5 transcends national boundaries because of the international usage of Defendants' platforms.

6 521. But for ISIS's postings using Defendants' social media platforms, Bouhlel would
7 not have engaged in the attack on Nice.

8 522. Bouhlel's terrorist actions were a direct result of ISIS's actions and given that ISIS
9 is an international terrorist organization, Bouhlel's actions were also an act of international
10 terrorism.
11

12 **CLAIMS FOR RELIEF**

13 **FIRST CLAIM FOR RELIEF**

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

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

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

21 525. ISIS has committed, planned, or authorized activities that involved violence or acts
22 dangerous to human life that are a violation of the criminal laws of the United States, or that
23 would be a criminal violation if committed within the jurisdiction of the United States,
24 including *inter alia* the prohibition on killing, attempting to kill, causing serious bodily
25 injury, or attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C.
26 § 2332.
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1 526. These activities committed, planned, or authorized by ISIS appear to have been, and
2 were intended to: (a) intimidate or coerce the civilian populations of France, the United
3 States, and other countries; (b) influence the policy of the Governments of France, the United
4 States and other countries by intimidation or coercion; or (c) affect the conduct of the
5 Governments of France, the United States and other countries by mass destruction,
6 assassination, or kidnapping.

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

11 528. Plaintiffs have been injured in their person by reason of the acts of international
12 terrorism committed, planned, or authorized by ISIS.

13 529. At all times relevant to this action, Defendants knew that ISIS was a Foreign Terrorist
14 Organization, that it had engaged in and continued to engage in illegal acts of terrorism,
15 including international terrorism.

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17 530. Defendants knowingly provided substantial assistance and encouragement to ISIS,
18 and thus aided and abetted ISIS in committing, planning, or authorizing acts of international
19 terrorism, including the acts of international terrorism that injured Plaintiffs.

20 531. By aiding and abetting ISIS in committing, planning, or authorizing acts of
21 international terrorism, including acts that caused each of the Plaintiffs to be injured in his
22 or her person and property, Defendants are liable pursuant to 18 U.S.C. § 2333(a) and (d)
23 for threefold any and all damages that Plaintiffs have sustained as a result of such injuries,
24 and the costs of this suit, including attorney's fees.
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27 **SECOND CLAIM FOR RELIEF**

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

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

5 533. Defendants knowingly agreed, licensed, and permitted ISIS and its affiliates to
6 register and use Defendants' sites and other services to promote and carry out ISIS's
7 activities, including ISIS's illegal acts of international terrorism that injured Plaintiffs.
8

9 534. Defendants were aware that U.S. federal law prohibited providing material support
10 and resources to, or engaging in transactions with, designated foreign terrorist organizations
11 and other specially designated terrorists.

12 535. Defendants thus conspired with ISIS in its illegal provision of Defendants' sites and
13 equipment to promote and carry out ISIS's illegal acts of international terrorism, including
14 the acts that injured Plaintiffs.
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16 536. By conspiring with ISIS in furtherance of ISIS's committing, planning, or
17 authorizing acts of international terrorism, including acts that caused each of the Plaintiffs
18 to be injured in his or her person and property, Defendants are liable pursuant to 18 U.S.C.
19 § 2333(a) and (d) for threefold any and all damages that Plaintiffs have sustained as a result
20 of such injuries, and the costs of this suit, including attorney's fees.
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THIRD CLAIM FOR RELIEF

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

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25 537. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs
26 as if fully set forth herein.
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1 538. The online social media platform and communication services which Defendants
2 knowingly provided to ISIS, including the use of Defendants' services, computers, and
3 communications equipment, substantially assisted ISIS in carrying out its terrorist activities,
4 including recruiting, radicalizing, and instructing terrorists, raising funds, creating fear and
5 carrying out attacks, among other things.

6 539. Through their actions, Defendants have also provided personnel to ISIS by making
7 ISIS leaders, members, and potential new recruits available to each other and to ISIS.
8

9 540. These services, equipment, and personnel constituted material support and resources
10 pursuant to 18 U.S.C. § 2339A, and they facilitated acts of terrorism in violation of 18 U.S.C.
11 § 2332 that caused the death of Sean and Brodie Copeland and injuries to Plaintiffs.

12 541. Defendants provided these services, equipment, and personnel to ISIS, knowing that
13 they were to be used in preparation for, or in carrying out, criminal acts including the acts
14 that injured the Plaintiffs.
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16 542. As set forth more fully above, but for the material support and resources provided by
17 Defendants, the attack that injured the Plaintiffs would have been substantially more difficult
18 to implement.

19 543. By committing violations of 18 U.S.C. § 2339A that have caused the Plaintiffs to be
20 injured in his or her person, business or property, Defendants are liable pursuant to 18 U.S.C.
21 § 2333 for any and all damages that Plaintiffs have sustained as a result of such injuries.
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23 **FOURTH CLAIM FOR RELIEF**

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

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

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

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

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

9 548. The Services and support that Defendants purposefully, knowingly or with willful
10 blindness provided to ISIS constitute material support to the preparation and carrying out of
11 acts of international terrorism, including the attack in which the Plaintiffs were killed or
12 injured.

13 549. Defendants' violation of 18 U.S.C. § 2339B proximately caused the damages to
14 Plaintiffs described herein.

15 550. By knowingly (or with willful blindness) providing material support to a designated
16 Foreign Terrorist Organization, Defendants are therefore civilly liable for damages to
17 Plaintiffs for their injuries pursuant to 18 U.S.C. § 2333(a).

18 **FIFTH CLAIM FOR RELIEF**

19 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

20 551. Plaintiffs repeat and reallege each of the foregoing allegations with the same force
21 and effect as if more fully set forth herein.

22 552. Defendants engaged in negligent behavior by providing services to ISIS.

23 553. Defendants' acts of providing services to ISIS constituted a willful violation of
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1 federal statutes, and thus amounted to a willful violation of a statutory standard.

2 554. As a direct, foreseeable and proximate result of the conduct of Defendants as
3 alleged hereinabove, Plaintiffs has suffered severe emotional distress, and therefore
4 Defendants are liable to the Plaintiffs for Plaintiffs' severe emotional distress and related
5 damages.

6
7 **SIXTH CLAIM FOR RELIEF**
8 **WRONGFUL DEATH**

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

11 556. Each of the Defendants' provides services to ISIS that, among other things,
12 substantially assist and contribute to ISIS's ability to carry out its terrorist activities.

13 557. As set forth more fully above, but for the assistance provided by the Defendants' the
14 terrorist attack that killed each of Plaintiffs' Decedents herein, would have been
15 substantially more difficult to implement.

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

20 559. The conduct of each Defendant was a direct, foreseeable and proximate cause of the
21 wrongful deaths of each of Plaintiffs' Decedents and therefore the Defendants' are
22 liable to Plaintiffs for their wrongful deaths.

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

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7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiffs pray that this Court:

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

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

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

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

18 (e) Grant such other and further relief as justice requires.
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21 **JURY DEMAND**

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

1 Dated: October 12, 2017.

2
3 **Excolo Law, PLLC**

4 by: /s/ Keith L. Altman
5 Keith L. Altman

6 Keith L. Altman (SBN 257309)
7 Solomon Radner (*pro hac vice to be applied for*)
8 26700 Lahser Road, Suite 401
9 Southfield, MI 48033
516-456-5885
Email: kaltman@lawampmmt.com
sradner@1800lawfirm.com

10 **1-800-LAWFIRM**

11 Ari Kresch (*pro hac vice to be applied for*)
12 26700 Lahser Road, Suite 401
13 Southfield, MI 48033
516-456-5885
800-LawFirm
Email: akresch@1800lawfirm.com

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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 October 12, 2017 at Southfield, MI.

Respectfully Submitted,

EXCOLO LAW, PLLC

By: /s/ Keith L. Altman
Attorney for Plaintiffs

Keith L. Altman, SBN 257309
26700 Lahser Road., Suite 401
Southfield, MI. 48033
kaltman@lawampmmt.com
(516) 456-5885

