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

**DANELLE SINCLAIR AS  
GUARDIAN AD LITEM  
FOR A. TUCKER AND O.  
TUCKER, AND ISABELLA  
TUCKER**

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

4 **NATURE OF ACTION**

5 1. This is an action for damages against Google pursuant to the Antiterrorism Act, 18  
6 U.S.C. § 2333 (“ATA”), as amended by the Justice Against Sponsors of Terrorism Act (“JASTA”),  
7 Pub. L. No. 114-222 (2016), for aiding, abetting, and knowingly providing support and resources to  
8 ISIS, the notorious designated foreign terrorist organization that carried out the August 17, 2017  
9 terrorist attacks in Barcelona, Spain, that murdered Jared Tucker and 13 other innocent civilians and  
10 wounded some 130 others.

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

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

18 4. Following the bombing of the World Trade Center in New York by *al-Qaeda* in 1993,  
19 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 resources  
25 to a designated foreign terrorist organization.  
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1           12. For years, Defendants have knowingly and recklessly provided the terrorist group ISIS  
2 with accounts to use its social networks as a tool for spreading extremist propaganda, raising funds,  
3 and attracting new recruits. This material support has been instrumental to the rise of ISIS and  
4 has enabled it to carry out or cause to be carried out, numerous terrorist attacks, including the  
5 August 17, 2017 terrorist attacks in Barcelona, Spain, where 130 people were seriously injured and  
6 14 were killed, including Jared Tucker.

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

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

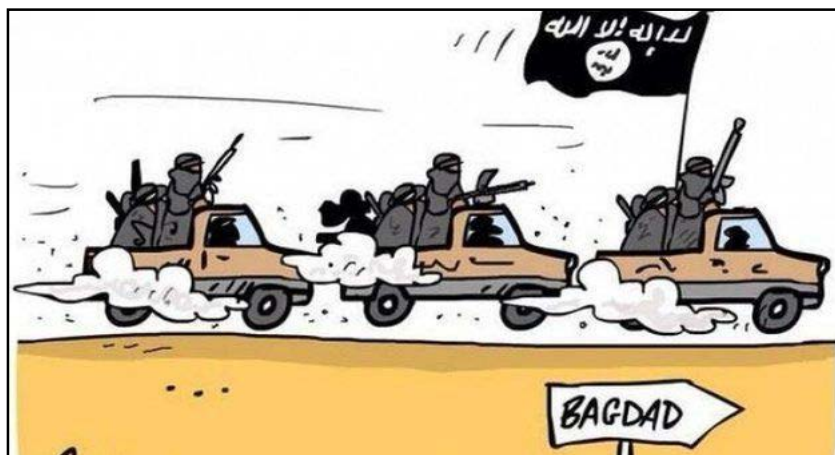
1 messages from ISIS leadership as well as videos and images of beheadings and other brutal forms of  
2 executions to 19,000 followers.

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-Hayat  
5 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*

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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 a  
5 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           22.     For example, ISIS uses Google’s YouTube platform and services to distribute high-  
13 production-quality videos, images, and recordings that make it appear more sophisticated,  
14 established, and invincible.

15           23.     ISIS has used YouTube to cultivate and maintain an image of brutality, to instill  
16 greater fear and intimidation, and to appear unstoppable, by disseminating videos and images of  
17 numerous beheadings and other brutal killings, including setting captives on fire, blowing them up  
18 with explosives, slowly lowering them in a cage underwater to drown, and more.

19           24.     In this case, ISIS used Defendants’ platforms to specifically threaten Spain that it  
20 would be attacked for participating in a coalition of nations against ISIS, to celebrate smaller attacks  
21 leading up to these major attacks, and to transform the operational leaders of the Barcelona attacks  
22 into “celebrity” among jihadi terrorists in the year leading up to the Barcelona attacks via videos  
23 featuring ISIS exploits in Spain, Syria, France and Belgium.  
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1           25.     ISIS also used Defendants' platforms to celebrate the Barcelona attacks, to intensify  
2 the 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, Facebook, and YouTube accounts with little or no interference.  
5 Despite extensive media coverage, complaints, legal warnings, petitions, congressional hearings, and  
6 other attention for providing its online social media platforms and communications services to ISIS,  
7 prior to the Barcelona attacks Defendants continued to provide these resources and services to ISIS  
8 and its affiliates, refusing to actively identify ISIS Twitter, Facebook, and YouTube accounts, and  
9 only reviewing accounts reported by other social media users.  
10

11           27.     Defendants knowingly provided material support and resources to ISIS in the form of  
12 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 important  
15 tools to facilitate and carry out its terrorist activity, including the terrorist attacks in which ISIS  
16 murdered Jared Tucker.  
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 acts  
20 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 with  
22 a designated FTO in the commission of acts of international terrorism as defined by 18 U.S.C. § 2331;  
23 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 37. Defendant Twitter, Inc. (“Twitter”) is a publicly traded U.S. company incorporated in  
2 Delaware, with its principal place of business at 1355 Market Street, Suite 900, San Francisco,  
3 California 94103.

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

7 39. Defendant Google, Inc. (“Google”) is a corporation organized under the laws of  
8 Delaware, with its principal place of business at 1600 Amphitheatre Parkway, Mountain View,  
9 California, 94043. Google owns and operates YouTube. For the purposes of this complaint, Google  
10 and YouTube are used interchangeably.  
11

12 **JURISDICTION AND VENUE**

13 40. Defendants are subject to the jurisdiction of this Court. Defendants are at home in the  
14 United States because they are Delaware corporations with principal places of business in California.  
15 Defendants may be found in this District and have an agent in this District.  
16

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

21 42. Venue is proper in this district pursuant to 18 U.S.C. § 2334(a).  
22

23 **FACTUAL ALLEGATIONS**

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

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

26 43. In the 1980’s, terrorist groups carried out a number of major terror attacks around the  
27 world, killing and injuring many Americans abroad.  
28

1 44. Among these terror attacks were:

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

14 45. In response to these attacks, Congress in 1986 amended the U.S. Criminal Code, Title  
15 18, Part I, to add a new chapter titled, “Extraterritorial Jurisdiction Over Terrorist Acts Abroad  
16 Against United States Nationals.”

17 46. This new chapter contained a new section titled, “Terrorist acts abroad against United  
18 States nationals,” providing criminal penalties for killing, conspiring, or attempting to kill a national  
19 of the United States, or engaging in physical violence with the intent to cause serious bodily injury  
20 to a national of the United States or that results in serious bodily injury to a national of the United  
21 States.  
22 States.

23 47. In addition, Congress later enacted the ATA, which established a private cause of  
24 action for U.S. nationals injured by acts of international terrorism, as a legal complement to the  
25 criminal penalties against terrorists that kill or injure Americans abroad.  
26  
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1           48.     In enacting the ATA, Congress specifically intended that the civil cause of action  
2 would not only provide a mechanism for compensating victims of terror, but also serve as an  
3 important means of depriving terrorists of financial resources to carry out attacks.

4           49.     As the ATA was being considered in Congress, the State Department’s Deputy Legal  
5 Advisor, Alan J. Kreczko, testified before the Senate Judiciary Committee’s Subcommittee on Courts  
6 and Administrative Practice that this proposed bill “will add to the arsenal of legal tools that can be  
7 used against those who commit acts of terrorism against United States citizens abroad.”<sup>2</sup>  
8

9           50.     The Deputy Legal Advisor also testified:

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

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

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

23           51.     Likewise, Senator Grassley, one of the sponsors of the bill, explained a purpose of  
24 ATA’s civil cause of action as follows:  
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27           <sup>2</sup> “Statement of Alan J. Kreczko, Deputy Legal Adviser, On S. 2465: A bill to provide a new  
28 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>.

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

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

4 . . .

5 Now is the time for action. Now is the time to strengthen our ability to both deter and  
6 punish acts of terrorism.

7 We must make it clear that terrorists’ assets are not welcome in our country. And if  
8 they are found, terrorists will be held accountable where it hurts them most: at their  
9 lifeline, their funds.”<sup>4</sup>

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

12 53. In October 1992, Congress enacted ATA’s civil provisions, including 18 U.S.C. §  
13 2333.

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

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

18 55. Although the damage from the World Trade Center bombing was limited, it  
19 nevertheless killed six people and injured more than one thousand.

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

23 57. In April 1996, Congress expanded the prohibition of providing material support or  
24 resources to terrorists by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide

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26 <sup>4</sup> 136 Cong. Rec. 26716-26717 (Oct. 1, 1990), <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1990-pt19/pdf/GPO-CRECB-1990-pt19-1.pdf>.

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

1 material support or resources to a designated foreign terrorist organization, without regard to how  
2 such support or resources will be used.

3 58. On the morning of September 11, 2001, several teams of *al-Qaeda* operatives carried  
4 out terrorist hijackings of civilian aircraft in the United States with the purpose of crashing them into  
5 various targets, causing enormous damage and mass murder (the “9/11 Attacks”).

6 59. In the course of the 9/11 Attacks, *al-Qaeda* terrorists crashed two aircraft into the  
7 World Trade Center towers, causing the fiery collapse of both towers, a third aircraft was crashed  
8 into the U.S. military headquarters known as the Pentagon, and a fourth aircraft was crashed into a  
9 field.  
10

11 60. The 9/11 Attacks killed nearly 3,000 people and injured more than 6,000 others, and  
12 caused more than \$10 billion in damage to property.

13 61. On September 23, 2001, in response to the 9/11 Attacks, President George W. Bush  
14 issued Executive Order No. 13224 pursuant to the International Emergency Economic Powers Act,  
15 50 U.S.C. §§ 1701 *et seq.* (“IEEPA”).  
16

17 62. In Executive Order No. 13224, President Bush found that “grave acts of terrorism and  
18 threats of terrorism committed by foreign terrorists . . . and the continuing and immediate threat of  
19 further attacks on United States nationals or the United States constitute an unusual and extraordinary  
20 threat to the national security, foreign policy, and economy of the United States,” and he declared a  
21 national emergency to deal with such threats.  
22

23 63. Executive Order No. 13224 legally blocked all property and interests in property of  
24 “Specially Designated Global Terrorists” (“SDGTs”), prohibited the provision of funds, goods, or  
25 services for the benefit of SDGTs, and authorized the U.S. Treasury to block the assets of individuals  
26 and entities that provide support, services, or assistance to, or otherwise associate with, SDGTs, as  
27 well as their subsidiaries, front organizations, agents, and associates.  
28



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

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

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

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

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



23  
24 *Figure 3 al-Zarqawi*



Figure 4 al-Tawhid flag

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

77. 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.

78. 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.

79. 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.

80. 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.

81. 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.

82. 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           83. 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           84. 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           85. 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.”<sup>8</sup>

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

14           87. 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           88. The following is a screen clip from the Berg Video:  
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26           <sup>8</sup> 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](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

89. 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.

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

91. 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.

92. 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."<sup>9</sup>

93. 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."

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



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

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

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

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

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

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<sup>10</sup> Gordon Corera, “Unraveling Zarqawi’s al-Qaeda Connection,” *Terrorism Monitor*, Vol. 2, Issue 24 (The Jamestown Foundation, Dec. 15, 2004), [http://www.jamestown.org/programs/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).





Figure 6 AQI Flag

110. 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.

111. 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.”<sup>14</sup>

112. 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**

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

114. 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”).

115. 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.

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<sup>14</sup> 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>.

1 116. 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*

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

17 118. 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.

19 119. 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           20. On May 16, 2010, ISI announced Abu Bakr al-Baghdadi (“Abu Bakr”) as its new  
2 leader.

3           21. 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           22. 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”<sup>15</sup>).

9           23. 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           24. 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           25. 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           26. 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           27. 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           <sup>15</sup> The Arabic “*al-Sham*” can be understood as either Syria or the Levant, the latter being an  
26 historically broader term. The English acronyms “ISIS” and “ISIL” have thus both been used to  
27 identify the same terrorist organization depending upon translation. ISIS is also known (primarily  
28 by its detractors) as “DAESH,” an acronym based upon its Arabic name.



1 128. 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.

3 129. 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**

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

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



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

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

20 133. The following is an ISIS graphic promoting the video “This is the Promise of Allah”:



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

26  
27 <sup>16</sup> At this time, ISIS shortened its named 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.

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

2 135. Several smaller Islamist terrorist groups have taken control of territory within other  
3 countries and areas, including Libya, Yemen, and the Sinai Peninsula, and have claimed such  
4 territories to be “provinces” of the ISIS Caliphate.  
5

6 **E. Official Terrorist Designations of ISIS**

7 136. Not only have ISIS’s claims of statehood and sovereignty been rejected by countries  
8 worldwide, ISIS has been officially designated as a terrorist organization by the United Nations, the  
9 European Union, and numerous governments around the world, including the United States, Britain,  
10 Australia, Canada, Turkey, Saudi Arabia, Indonesia, the United Arab Emirates, Malaysia, Egypt,  
11 India, Russia, Kyrgyzstan, Syria, Jordan, and Pakistan.  
12

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

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

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

19 140. Federal law prohibits “making of any contribution or provision of funds, goods, or  
20 services by, to, or for the benefit of any [SDGT],” including ISIS, and a violation of these prohibitions  
21 is a federal criminal offense. 31 C.F.R. § 594.204; 50 U.S.C. § 1705.  
22

23 **III. ISIS’S EXTENSIVE USE OF DEFENDANT’S SERVICES**

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

26 141. One of ISIS’s primary uses of Defendants’ sites is a recruitment platform,  
27 particularly to draw fighters from Western countries.  
28

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

10           143.    In addition to individual recruitment, ISIS members use Defendants to post  
11 instructional guidelines and promotional videos referred to as “mujatweets.”

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

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

19           146.    ISIS also posted its notorious promotional training video, “Flames of War,” narrated  
20 in English, in September 2014. The video was widely distributed on Twitter through ISIS  
21 sympathizers. After joining ISIS, new recruits become propaganda tools themselves, using  
22 Defendants to advertise their membership and terrorist activities.  
23

24           147.    For example, in May 2013, a British citizen who publicly identified himself as an  
25 ISIS supporter tweeted about his touchdown in Turkey before crossing the border into Syria to  
26 join ISIS in the fight against the Syrian regime. And in December 2013, the first Saudi Arabian  
27

1 female suicide bomber to join ISIS in Syria tweeted her intent to become a martyr for the ISIS  
2 cause, as she embarked for Syria.

3 148. As another example, two Tunisian girls, ages 19 and 21, were lured by ISIS's use of  
4 Facebook to travel to Syria believing they would be providing humanitarian aid<sup>17</sup>. Instead, they were  
5 taken to an ISIS compound where they were forced to serve as prostitutes and were repeatedly raped.  
6 The girls escaped during a bombing of the compound and returned home.

7 149. Recently, it was reported that the leader of ISIS in the United Kingdom, Omar  
8 Hussain, was using Facebook to recruit terrorists to launch attacks in the U.K.<sup>18</sup>

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

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

13  
14 **B. ISIS Uses Defendants to Fund Terrorism**

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

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

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

24  
25 <sup>17</sup> <http://www.teenvogue.com/story/isis-recruits-american-teens>

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

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

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



15 *Figure 12 Fundraising Images from ISIS Twitter Accounts*

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

19 156. In its other Twitter fundraising campaigns, ISIS has posted photographs of cash  
 20 gold bars and luxury cars that it received from donors, as well as weapons purchased with the  
 21 proceeds.  
 22  
 23  
 24  
 25  
 26  
 27  
 28



Figure 13 Donations to ISIS Publicized on Twitter

157. 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.

158. 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

**C. ISIS Uses Defendant’s Sites to Spread Its Terror Propaganda**

159. Defendants’ platforms have played an essential role in the rise of ISIS to become the most feared terrorist organization in the world.

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

3 161. ISIS's use of violence and threats of violence is part of its program of terrorism,  
4 designed inter alia to gain attention, instill fear and "terror" in others, send a message, and obtain  
5 results.

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

9 163. ISIS uses terrorism as a psychological weapon.

10 164. Thus, the messages communicated before, during, and after an ISIS terror attack, as  
11 well as the attack itself, are essential components of generating the physical, emotional, and  
12 psychological impact ISIS desire to achieve via the terrorist attack.

13 165. The impact and effectiveness of ISIS terrorism, and its motivation to carry out more  
14 terrorist attacks, are dependent upon ISIS's ability to communicate its messages and reach its intended  
15 audiences, without intermediaries and without interference.

16 166. Defendants provide ISIS with a unique and powerful tool of communication that  
17 enables ISIS to achieve these goals, and it has become an essential and integral part of ISIS's program  
18 of terrorism.

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

22 168. ISIS not only uses Defendants' platforms for recruiting, planning, inciting, and giving  
23 instructions for terror attacks, ISIS also uses Defendants' platforms to issue terroristic threats, attract  
24 attention to its terror attacks and atrocities, instill and intensify fear from terror attacks, intimidate  
25

1 and coerce civilian populations, take credit for terror attacks, communicate its desired messages about  
2 the terror attacks, reach its desired audiences, demand and attempt to obtain results from the terror  
3 attacks, and influence and affect government policies and conduct.

4 169. ISIS thus uses Defendants' platforms to actually carry out essential communication  
5 components of ISIS's terror attacks.

6 170. Simply put, ISIS uses Facebook, Twitter, and YouTube as tools and weapons of  
7 terrorism.

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

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

16 173. Defendants' provision of support to ISIS is not simply a matter of whether ISIS abuses  
17 its use of Defendants' Services, or whether Defendants abuse their editorial judgment regarding the  
18 content of ISIS's postings; under federal law, Defendants have no discretion about whether to provide  
19 its Services to ISIS—it is prohibited by law from doing so.

20 174. ISIS also uses Defendants' sites to spread propaganda and incite fear by posting  
21 graphic photos and videos of its terrorist feats.

22 175. Through Defendants' sites, ISIS disseminates its official media publications as well  
23 as posts about real-time atrocities and threats to its perceived enemies.



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

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

6           178. In December 2013, an ISIS-affiliated user tweeted pictures of what it described as  
7 the killing of an Iraqi cameraman.

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

12           180. On July 25, 2014, ISIS members tweeted photos of the beheading of around 75 Syrian  
13 soldiers who had been captured during the Syrian conflict.

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

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

19           183. That same month, ISIS supporters tweeted over 14,000 tweets threatening Americans  
20 under the hashtags #WaronWhites and #AMessagefromISIS to US, including posting gruesome  
21 photos of dead and seriously injured Allied soldiers. Some of the photos depicted U.S. marines hung  
22 from bridges in Fallujah, human heads on spikes and the twin towers in flames following the 9/11  
23 attacks. Other messages included direct threats to attack U.S. embassies around the world, and to kill  
24 all Americans “wherever you are.”  
25  
26  
27  
28

1 184. Various ISIS accounts have also tweeted pictures and videos of the beheadings of  
2 Americans James Foley, Steven Sotloff, and Peter Kassig.

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

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

12 187. In 2014, propaganda operatives from ISIS posted videos of photojournalist John  
13 Cantile and other captors on both Twitter and YouTube.<sup>20</sup> These operatives used various techniques  
14 to ensure that ISIS’s posting was spread using Defendants’ sites. In her New York Times article, (Not  
15 “Lone Wolves” After All: How ISIS Guides World’s Terror Plots From Afar-2/5/17), Rakmini  
16 Callimachi acknowledges that because of Twitter and other social media, “In the most basic enabled  
17 attacks Islamic State handlers acted as confidants and coaches, coaxing recruits to embrace violence.  
18 ... Because the recruits are instructed to use encrypted messaging applications, the guiding role  
19 played by the terrorist group often remains obscured. As a result, remotely guided plots in Europe,  
20 Asia, and the United States ... were initially labeled the work of “lone wolves”, ... and only later  
21 discovered to have direct communications with the group discovered.”  
22  
23  
24

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

1 **D. Twitter's Services**

2 188. Twitter is an online news and social networking service that provides sophisticated  
3 yet easy-to-use online products and services (collectively, "Services"). Twitter's network allows  
4 users to publicly connect with its more than 100 million users through "following" other accounts, as  
5 well as through "tweets," or 140 character posts.

6 189. Twitter's Services include the use of Twitter's computer infrastructure, network,  
7 applications, tools and features, communications services, and more.

8 190. Certain uses or features of Twitter's Services are only available to its registered users,  
9 who register and establish an account with Twitter by inputting identifying information and clicking  
10 on a "sign up" button.

11 191. For example, only registered users may establish a Twitter "account," "follow" and  
12 "Direct Message" other Twitter accounts, post tweets and videos on Twitter's platform, or post  
13 comments on a Twitter user's posted tweets.

14 192. Is it not necessary to view the "Terms of Service" or other policies or conditions of  
15 Twitter's Services to proceed with registration.

16 193. Twitter's platform can be used to post and distribute content or videos publicly, or  
17 privacy settings are available to enable users to communicate, share, or distribute videos or messages  
18 privately.

19 194. Twitter enables registered users to "follow" other Twitter accounts and receive  
20 notifications of new content, videos, or messages posted by those accounts.

21 195. Twitter generally provides its platform and services to registered users free of charge.

22 **E. ISIS and Twitter**

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

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

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

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

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



1 Twitter, Twitter has not shut down or suspended a single account.” “Terrorists are using Twitter,”  
2 Rep. Poe added, and “[i]t seems like it’s a violation of the law.” In 2015, Rep. Poe again reported that  
3 Twitter had consistently failed to respond sufficiently to pleas to shut down clear incitements to  
4 violence by terrorists.

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

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

20 **F. Facebook’s Services**

21         211. Facebook is an online social media and social networking service that provides  
22 sophisticated yet easy-to-use online products and services (collectively, “Services”). Facebook allows  
23 users to connect with “friends,” a connection that allows for the exchange of messages, posting of  
24 status updates and digital photos, sharing of digital videos and links to online content, as well as the  
25 use of various software applications.  
26

1           212. Facebook’s Services include the use of Facebook’s computer infrastructure, network,  
2 applications, tools and features, communications services, and more.

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

6           214. For example, only registered users may establish a Facebook “account,” add or  
7 communicate with “friends” on Facebook’s platform, privately message friends or businesses through  
8 Facebook’s “Messenger” application, or post status and video updates or comments on the page of a  
9 Facebook account or video.  
10

11           215. Is it not necessary to view the “Terms of Service” or other policies or conditions of  
12 Facebook’s Services to proceed with registration.

13           216. Facebook’s platform can be used to post and distribute content and videos publicly, or  
14 privacy settings are available to enable users to communicate, share, or distribute videos or messages  
15 privately.  
16

17           217. Facebook enables registered users to “friend request,” “like,” or “follow,” other  
18 Facebook accounts in order to receive notifications of new content, videos or messages posted by  
19 those accounts.

20           218. Facebook generally provides its platform and services to registered users free of  
21 charge.  
22

23 **G. ISIS and Facebook**

24           219. On January 10, 2012, CBC News Released an article stating that Facebook is being  
25 used by terrorist organizations for recruitment and to gather military and political intelligence.  
26 "Many users don't even bother finding out who they are confirming as 'friend' and to whom they are  
27 providing access to a large amount of information on their personal life. The terrorists themselves,  
28

1 in parallel, are able to create false profiles that enable them to get into highly visible groups," he  
2 said.<sup>21</sup>

3 220. On January 10, 2014, the Washington Post released an article titled *Why aren't*  
4 *YouTube, Facebook, and Twitter doing more to stop terrorists from inciting violence?*<sup>22</sup>

5 221. In June 2014, the Washington Times reported that Facebook is refusing to take down  
6 a known ISIS terror group fan page that "has nearly 6,000 members and adoringly quotes Abu Musab  
7 al-Zarqawi, founder of al-Qaeda in Iraq who was killed by U.S. forces in 2006."<sup>23</sup>

8 222. On August 21, 2014, the anti-defamation league explained that ISIS supporters on  
9 Twitter have "not only promoted ISIS propaganda (primarily in English) but has also directed  
10 supporters to his English-language Facebook pages (continuously replacing pages as they are  
11 removed by Facebook for content violation) that do the same."<sup>24</sup>

12 223. On October 28, 2015, at the Radicalization: Social Media And The Rise Of Terrorism  
13 hearing, it was reported that Zale Thompson, who attacked four New York City Police Officers with  
14 an axe, posted on Facebook "Which is better, to sit around and do nothing or to wage jihad."<sup>25</sup>

15 224. At this same hearing, it was also reported that in September 2014 "Alton Nolen, a  
16 convert to Islam and ex-convict who had just been fired from his job at a food processing plant,  
17  
18  
19

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

22 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/>

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>



1 entered his former workplace and beheaded an employee with a knife. This attack combines elements  
2 of workplace violence and terrorism. Nolen had been a voracious consumer of IS propaganda, a fact  
3 reflected on his Facebook page.”<sup>26</sup>

4 225. On November 11, 2015, it was reported that one of the attackers from a terrorist bus  
5 attack two weeks prior “was a regular on Facebook, where he had already posted a “will for any  
6 martyr.” Very likely, they made use of one of the thousands of posts, manuals and instructional videos  
7 circulating in Palestinian society these last few weeks, like the image, shared by thousands on  
8 Facebook, showing an anatomical chart of the human body with advice on where to stab for maximal  
9 damage.”<sup>27</sup>

10 226. On December 4, 2015, The Counter Extremism Project released a statement that  
11 “Today’s news that one of the shooters in the San Bernardino attack that killed 14 innocent people  
12 pledged allegiance to ISIS in a Facebook posting demonstrates once again that the threat of ISIS and  
13 violent Islamist extremist ideology knows no borders.”<sup>28</sup>

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

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

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

24 <sup>28</sup> [http://www.counterextremism.com/press/counter-extremism-project-releases-statement-news-san-bernardino-shooter-pledged-allegiance?utm\\_content=buffer38967&utm\\_medium=social&utm\\_source=facebook.com&utm\\_campaign=buffer#sthash.iJhU3bF.dpuf](http://www.counterextremism.com/press/counter-extremism-project-releases-statement-news-san-bernardino-shooter-pledged-allegiance?utm_content=buffer38967&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer#sthash.iJhU3bF.dpuf)

1 it works as the perfect platform for illegal deals.”<sup>29</sup>

2 **H. Google’s Services**

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

5 229. Google’s Services include the use of Google’s computer infrastructure, network,  
6 applications, tools and features, communications services, and more.

7 230. Certain uses or features of Google’s Services are only available to its registered users,  
8 who register and establish an account with Google by inputting identifying information and clicking  
9 on a “sign up” button.  
10

11 231. For example, only registered users may establish a YouTube “channel,” post videos  
12 on Google’s YouTube platform, or post comments on the page of a YouTube channel or video.

13 232. Is it not necessary to view the “Terms of Service” or other policies or conditions of  
14 Google’s Services to proceed with registration.  
15

16 233. Google’s YouTube platform can be used to post and distribute videos publicly, or  
17 privacy settings are available to enable users to communicate, share, or distribute videos or messages  
18 privately.

19 234. Google enables registered users to “subscribe” to YouTube “channels” in order to  
20 receive notifications of new videos or messages posted on those channels.

21 235. Google generally provides its YouTube platform and services to registered users free  
22 of charge.  
23

24 **I. ISIS and YouTube**

25  
26  
27 <sup>29</sup> <http://www.mirror.co.uk/tech/isis-terrorists-use-facebook-buy-7713893>

1 236. ISIS has used YouTube as an extremely effective means of announcing and releasing  
 2 its propaganda materials, which include music, speeches, graphic acts of violence, full-length videos  
 3 and more, presenting an image of technical sophistication and advanced media capabilities.

4 237. In November 2006, following the development of YouTube, ISIS (then known as  
 5 AQI/ISI) announced the establishment of its “*al-Furqan* Institute for Media Production” (“*al-Furqan*  
 6 *Media*”), which was to produce more professional and stylized video and other materials to be  
 7 disseminated through online platforms.

8 238. *Al-Furqan* Media’s logo appears as follows:



15 *Figure 15 Al-Furqam Logo*

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

20 240. Following a raid on one of ISIS’s *al-Furqan* Media offices in Samarra, Iraq in June  
 21 2007, Brigadier General Kevin Bergner, a spokesman for the Multinational Forces Iraq, described  
 22 the extensive scope of the office’s operations as follows:

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

26  
27 <sup>30</sup> 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](http://www.longwarjournal.org/archives/2007/10/us_targets_al_qaedas.php).

1 . . .

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

5 . . .

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

12 241. ISIS’s *al-Furqan* Media has used YouTube extensively to distribute its video  
 13 propaganda online.

14 242. In 2013, ISIS began a dramatic new expansion of its media production capabilities and  
 15 exploitation of YouTube and other social media.

16 243. In March 2013, ISI announced the formation of a second ISI media production arm  
 17 known as “*al-I’tisam* Media Foundation” (“*al-I’tisam* Media”), in addition to its already well-  
 18 established *al-Furqan* Media.

19 244. *Al-I’tisam* Media’s logo appears as follows:



21 *Figure 16 Al-I’tisam Media’s logo*

22 245. In August 2013, ISIS announced the formation of a third media production arm, the  
 23 “*Ajnad* Foundation for Media Production” (the “*Ajnad* Foundation”), specializing in audio content  
 24 that would also be distributed via YouTube as music videos, Islamic inspirational songs (“*nashids*”)  
 25

26

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27 <sup>31</sup> *Id.*

1 that accompany ISIS videos, as well as sermons, Quran readings, and other indoctrination to be posted  
2 on YouTube.

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

6 247. The *Ajnad* Foundation’s logo appears as follows:



12 *Figure 17 Ajnad Foundation’s Logo*

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

18 249. *Al-Hayat* Media’s logo appears as follows:



24 *Figure 18 Al-Hayat Media’s Logo*

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

4           251. Amb. Alberto Fernandez, Vice-President of the Middle East Media Research Institute  
5 (“MEMRI”) and former Coordinator for Strategic Counter-Terrorism Communications at the U.S.  
6 Department of State, has called ISIS’s media materials, “the gold standard for propaganda in terms  
7 of its quality and quantity.”<sup>32</sup>

8           252. Essential to the success of its media and terror campaigns—and to the success of  
9 ISIS—has been ISIS’s use of YouTube to disseminate its videos and messages and execute its  
10 propaganda, recruitment, and operational campaigns; indeed, all of ISIS’s media production  
11 departments described above have used YouTube for this purpose.

12           253. ISIS has used YouTube to disseminate videos of its brutality and conquests as a  
13 psychological weapon to strike fear in its enemies.

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

17           255. The following is an ISIS graphic promoting ISIS’s October 2013 Abu Ghraib video:  
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21  
22  
23  
24

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25  
26           <sup>32</sup> Dr. Erin Marie Saltman & Charlie Winter, “Islamic State: The Changing Face of Modern  
27 Jihadism,” Quilliam (Nov. 2014), [https://www.quilliamfoundation.org/wp/wp-content/  
28 uploads/publications/free/islamic-state-the-changing-face-of-modern-jihadism.pdf](https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/islamic-state-the-changing-face-of-modern-jihadism.pdf).



Figure 19 ISIS Graphic Promoting Abu Gharib Video

256. In contrast to the days before the development of YouTube, when al-Zarqawi was limited to releasing short, low-quality videos, on websites that could only handle limited traffic, Google’s YouTube platform and services provide ISIS with the ability to produce and disseminate professional-quality feature films of any length to an unlimited audience.

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

258. The terrorism analysis website Jihadica.com reported that within 24 hours of the video’s publication on YouTube, “The Clanging of the Swords 4” had been viewed 56,998 times.<sup>33</sup>

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

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

<sup>33</sup> Nica Prucha, “*Is this the most successful release of a jihadist video ever?*” Jihadica.com (May 19, 2014), <http://www.jihadica.com/is-this-the-most-successful-release-of-a-jihadist-video-ever/>.

1           261.    ISIS also uses YouTube to communicate with ISIS “sympathizers” and to provide  
2 them with directions as well.

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

6           263.    ISIS has kidnapped innocent civilians and made various demands for their release, and  
7 it has carried out numerous beheadings, crucifixions, public executions, and mass-murders of its  
8 enemies and people it considers “apostates” or “infidels,” all in front of the cameras for the purpose  
9 of posting videos of these atrocities on YouTube.  
10

11          264.    ISIS has directed and overseen the systematic rape and enslavement of captive women  
12 and girls and has conducted a program of genocide against religious and ethnic groups, even  
13 promoting the sale of women as slaves on YouTube.

14          265.    ISIS has enforced its own strict interpretations of Islamic law in the areas it has  
15 captured, meting out punishments including whipping, amputation, and death to those who fail or  
16 refuse to comply, again using YouTube to post videos praising these punishments.  
17

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

21          267.    Using YouTube and other social media, ISIS has recruited, and continues to recruit,  
22 individuals from all over the world to travel to Syria and Iraq for the purpose of joining its ranks and  
23 participating in its terrorist activities and atrocities.  
24

25          268.    Tens of thousands of people from around the world have viewed ISIS’s propaganda  
26 on YouTube and have been persuaded to travel to Syria and Iraq to join ISIS and engage in its jihad.  
27  
28



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

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

6 271. The Huffington Post described the quality of ISIS’s propaganda videos as follows:<sup>34</sup>

7  
8 When it comes to producing recruitment and propaganda videos...unaffiliated  
9 supporters leave room to a much smaller group of official ISIS members. This mainly  
10 consists of professional filmmakers working directly for the Islamic State. Their use  
11 of high definition video cameras, slick graphics and refined editing techniques has  
12 elevated the quality of the videos produced to Hollywood standards. One series of  
13 video clips called Mujatweets, released by ISIS’ media arm on YouTube, portrays a  
14 number of ISIS militants as they engage in noble activities such as visiting an injured  
15 fighter at the hospital or distributing candies to some children. Episodes are filmed in  
16 HD, contain sophisticated graphics and logos, and include English subtitles—a sign  
17 of how the message is explicitly intended for second generation immigrants, especially  
18 the young.

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

24 273. The following are screen clips from the ISIS YouTube video “Grand Theft Auto: *Salil*  
25 *al-Sawarem*:

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26 <sup>34</sup> 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\\_bonzio/isisuseofsocialmedia\\_b\\_5818720.html](http://www.huffingtonpost.co.uk/alessandro_bonzio/isisuseofsocialmedia_b_5818720.html).



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



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

274. In releasing its video-version of “Grand Theft Auto” on YouTube, which depicted an ISIS terrorist shooting a policeman and attacking a convoy of army trucks and jeeps, ISIS announced that its purpose was to “raise the morale of the mujahedin [“holy warriors”] and to train children and youth how to battle the West and to strike terror into the hearts of those who oppose the Islamic State.”<sup>35</sup>

275. Through its use of YouTube and other social media, ISIS has recruited more than 30,000 foreign recruits since 2014, including some 4,500 Westerners and 250 Americans.

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

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<sup>35</sup> Paul Crompton, “Grand Theft Auto: ISIS? Militants reveal video game,” Al Arabiya News (Sept. 20, 2014), <http://english.alarabiya.net/en/variety/2014/09/20/Grand-Theft-Auto-ISIS-Militants-reveal-video-game.html>.

1 277. ISIS has used YouTube to indoctrinate and provided training to these recruits, and has  
2 sent many of them to return to their home countries to carry out terrorist attacks there.

3 278. ISIS has also used and continues to use, YouTube to solicit and recruit individuals to  
4 remain in their home countries to carry out terrorist attacks there.

5 279. These efforts have been particularly directed at citizens of countries participating in  
6 efforts to suppress and defeat ISIS in Syria and Iraq, including the United States, England, France,  
7 Belgium, Turkey, and Russia, and ISIS has also used YouTube to provide indoctrination, training,  
8 and inspiration to these recruits to carry out terrorist attacks.

9 280. ISIS's use of violence against civilians is politically motivated and intended to  
10 intimidate and coerce the civilian populations where it carries out such violence, to influence the  
11 policies of governments, and to affect the policy of governments through kidnapping, assassination,  
12 and mass destruction.

13 281. ISIS has used YouTube to indoctrinate and radicalize potential recruits and followers,  
14 providing a constant stream of religious teachings, mantras, music videos, and other images showing  
15 the "truth" of ISIS's doctrines and the "heresy" of other groups, particularly Christians, Jews, and  
16 non-Sunni Muslims.

17 282. ISIS has used YouTube to exaggerate its expansion territorially by disseminating  
18 videos with maps showing areas ISIS claims to control as well as other regions where other groups  
19 have allegedly pledged allegiance to ISIS.

20 283. ISIS has used YouTube to generate sympathy by showing images of women and  
21 children allegedly injured or killed by the enemies of ISIS.

22 284. ISIS uses YouTube as a psychological weapon to project strength, brutality,  
23 superiority, and invincibility, and to instill fear, awe, and terror.

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

4 286. ISIS also used YouTube to post a series of videos of beheadings together with political  
5 messages and warnings to the West.

6 287. On August 19, 2014, ISIS used YouTube to post a video in English titled “A Message  
7 to America,” showing the beheading of American journalist James Foley by a hooded man with a  
8 British accent, later known as “Jihadi John.”  
9

10 288. The following are screen clips from the August 19, 2014 video:



15  
16 *Figure 22 Clip from “A Message to America”*



21 *Figure 23 Clip from “A Message to America”*

22 289. In the YouTube video of Foley’s murder, ISIS also showed another captive American,  
23 Steven Sotloff, and threatened that his fate would be the same if the U.S. did not cease all attacks  
24 against ISIS.  
25  
26  
27  
28

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

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



10 *Figure 24 Clip from “A Second Message to America”*



15 *Figure 25 Clip from “A Second Message to America”*

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

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



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

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

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



5  
6  
7  
8  
9  
10           *Figure 27 Clip from “Another Message to America and its Allies”*

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

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



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18  
19  
20  
21  
22           *Figure 28 Clip from “Although the Disbelievers Will Not Like It”*



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

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

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

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



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

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

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

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

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

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

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



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

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

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

25  
26  
27  
28





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

308. 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.

309. 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.

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

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

312. ISIS has used YouTube to direct viewers to other online sites, postings, media, and other social network media.

313. Thus, ISIS has used YouTube as a platform from which followers can access not only YouTube videos and comments, but also other websites, Facebook pages, Twitter accounts, and other online social network media.

314. ISIS has used YouTube as a means to communicate its messages to the broader news media.

315. ISIS has used YouTube accounts, channels, subscriptions, and messages to build and maintain networks.

1           316. In June 2015, it was reported that ISIS had released at least 830 videos just since 2013,  
2 an average of 21 videos each month.

3           317. YouTube is especially useful to ISIS because, among other things, it is provided free  
4 of charge, allows unlimited usage, offers the ability to reach an enormous number of users  
5 instantaneously, provides the ability to distribute videos without disclosing location, enables like-  
6 minded users to connect and communicate, affords both public and private communications, and  
7 integrates other social media platforms and services.

8           318. YouTube is also readily available, easy-to-use, and enables registered users to share  
9 videos, large and small, using Google’s computer servers via the Internet.

10           319. Moreover, the money ISIS saves by using YouTube frees up funds for ISIS to devote  
11 to even more terrorist attacks.

12           320. In all of these ways and more, Google’s Services have played an essential role in  
13 enabling ISIS to grow, develop, and project itself as the most feared terrorist organization in the  
14 world.  
15

16           321. The sophisticated technological capabilities that Google’s Services give to ISIS have  
17 had an enormous impact on ISIS’s methods and success in recruiting, indoctrination, training,  
18 conducting terrorist operations, and engaging in psychological warfare.  
19

20 **IV. ISIS’S AUGUST 17, 2017 BARCELONA ATTACK**

21 **A. Introduction**

22           322. On August 17, 2017, ISIS carried out numerous horrific terrorist attacks across Spain,  
23 including an attack on La Rambla in Barcelona, Spain, murdering 14 people, including Jared Tucker,  
24 and injuring 130 more (the “Barcelona Attack”).  
25

26           323. The Barcelona Attack was intended: a) to intimidate and coerce the civilian  
27 populations of Spain, the United States, and other countries engaged in activities against ISIS; b) to  
28

1 influence the policies of these governments by intimidation and coercion; and c) to affect the conduct  
2 of these governments by mass destruction, assassination, and kidnapping.

3 324. Indeed, a major component of the Barcelona Attack was the messaging disseminated  
4 by ISIS prior to, during, and after the events, in which ISIS stated its reasons for committing the  
5 terrorist attack against these countries' civilians.

6 325. The Barcelona Attack involved extensive planning, recruiting, organization, training,  
7 preparation, coordination, and funding.

8 326. It also involved the use of Defendants' platforms, before and after the attack, to  
9 intensify the fear and intimidation that ISIS intended to inflict by this mass casualty attack.  
10

11 327. ISIS used Defendants' platforms and services to facilitate and accomplish all of these  
12 things.

13 **B. Recruiting and Planning**

14 328. The stated goal of ISIS is to use social media, including Defendants' platforms,  
15 services, computers, and communications equipment, to assist in carrying out their terrorist attacks  
16 throughout the world.  
17

18 329. Spain has become a central target of ISIS's campaign of terror attacks.

19 330. ISIS's terror attacks are primarily organized through online social media platforms  
20 and communication services, like Defendants' websites. Defendants' services allow ISIS to carry out  
21 its terrorist activities, including recruiting, radicalizing, and instructing terrorists, raising funds, and  
22 creating fear.  
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1           331. Since 2014, the Islamic State’s spokesman, Abu Muhammad al-Adnani, has called for  
2 ISIS followers to attack Westerners in retaliation for strikes by the United States-led coalition fighting  
3 ISIS in Iraq and Syria.<sup>36</sup>

4           332. al-Adnani has repeatedly singled out Spain, which is part of the coalition, as a main  
5 target.<sup>37</sup>

6           333. In March 2015, al-Adnani said, “know that we want Paris – by Allah’s permission –  
7 before Rome and before Spain, after we blacken your lives and destroy the White House, the Big  
8 Ben, and the Eifel Tower.”<sup>38</sup>

9           334. Prior to the Barcelona Attack, The International Center for the Study of Violent  
10 Extremism (ICSVE), obtained a "sophisticated and disturbing" video, produced by ISIS al-Hayat  
11 Media Center urging followers to use a truck loaded with explosives to attack crowds. The video  
12 warns that ISIS can no longer wait for western soldiers to attack them, with one scene depicting an  
13 ISIS "soldier" preparing to run over civilians with an SUV.<sup>39</sup>

14           335. Other examples of ISIS propaganda encouraging the use of vehicles as weapons can  
15 be found in the ISIS-produced *Rumiyah* magazine, which is released in multiple languages and  
16 promoted and distributed across all of ISIS’s social media channels, including Defendants’ websites.  
17 One particular edition of *Rumiyah* magazine encouraged followers to conduct a new method of terror  
18 attack, utilizing large vehicles as weapons.<sup>40</sup>

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22  
23 <sup>36</sup> <https://www.nytimes.com/2016/07/17/world/europe/isis-nice-france-attack.html>

24 <sup>37</sup> <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/440/html>

25 <sup>38</sup> *Id.*

26 <sup>39</sup> <http://www.smh.com.au/world/nice-killer-mohamed-lahouaiej-bouhlel-only-started-going-to-mosque-this-april-20160717-gq7esi.html>

27 <sup>40</sup> <http://qb5cc3pam3y2ad0tm1zxuhho-wpengine.netdna-ssl.com/wp-content/uploads/2014/09/Rumiyah-ISIS-Magazine-3rd-issue.pdf>

336. In an article entitled “Just Terror Tactics,” ISIS encourages and outlines detailed methods for carrying out vehicle-based terror attacks, instructing followers that “though being an essential part of modern life, very few actually comprehend the deadly and destructive capability of the motor vehicle and its capacity of reaping large numbers of casualties if used in a premeditated manner.”<sup>41</sup>



Figure 33 Rumiya article titled “Just Terror Tactics”

337. In the article, ISIS instructs readers “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.”<sup>42</sup>

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

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.”<sup>43</sup>

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.”<sup>44</sup>



Figure 34 Page 2 of Rumiya article “Just Terror Tactics”

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

1 340. Furthermore, the article calls on followers to “consider any outdoor attraction that  
2 draws large crowds,” such as “parades,” “outdoor markets,” and “festivals.”<sup>45</sup>

3 341. The “Just Terror Tactics” article is just one example of ISIS’ use of propaganda  
4 dispersed through Defendants’ websites used to train operatives, plan, and execute acts of  
5 international terrorism.

6 342. ISIS terrorist Younes Abouyaaqoub was born in M’rirt, Morocco in 1995, and lived  
7 in Ripoll, Spain since he was four years old.

8 343. The Barcelona Attack involved year-long communication and coordination between  
9 attacker Younes Abouyaaqoub and imam Abdelbaki Es Satty, a key figure in the recruitment  
10 of other ISIS terror cell members and the planning of the deadly attacks.<sup>46</sup>

11 344. Investigations into the Barcelona Attack revealed an ISIS terror cell believed to be  
12 organized by Abdelbaki Es Satty, where members Younes Abouyaaqoub, Houssaine  
13 Abouyaaqoub, Omar Hichamy, Mohamed Hichamy, Moussa Oukabir, Said Aalla, Mohamed  
14 Houli Chemlal, and Driss Oukabir planned attacks in a vacant home in the nearby town of  
15 Alcanar, Spain. The home has since been labeled as a “bomb factory.”<sup>47</sup>

16 345. The day before the Barcelona Attack, on August 16, 2017, this “bomb factory” was  
17 unexpectedly destroyed in what authorities believe was an accidental explosion.<sup>48</sup>

18 346. Abdelbaki Es Satty was killed in the explosion.  
19  
20  
21

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22 <sup>45</sup> *Id.*

23 <sup>46</sup> <http://nypost.com/2017/09/22/suspect-arrested-in-connection-to-barcelona-terror-attack/>,  
24 [https://www.nytimes.com/2017/08/20/world/europe/spain-barcelona-attack-  
25 suspects.html?mcubz=3](https://www.nytimes.com/2017/08/20/world/europe/spain-barcelona-attack-suspects.html?mcubz=3)

26 <sup>47</sup> <http://edition.cnn.com/2017/08/20/europe/alcanar-spain-terror-attacks-plot/index.html>

27 <sup>48</sup> <http://www.cnn.com/2017/08/18/asia/barcelona-cambriels-terror-attacks/index.html>

1 347. Investigation of the scene of the explosion revealed the powerful explosive TATP was  
2 found in the rubble.<sup>49</sup>

3 348. TATP has been used in numerous ISIS attacks carried out in Europe, including the  
4 November 2015 Paris attacks, the March 2016 Brussels bombings, the May Manchester  
5 bombing and a failed bomb attempt by an ISIS operative at the Gare Centrale in Brussels in  
6 June.<sup>50</sup>

7  
8 349. Investigations revealed that the ISIS terror cell intended to “make a powerful bomb,  
9 place it in a van and detonate it in the crowded center of Barcelona.”<sup>51</sup>

10 350. Authorities believe this accidental explosion forced ISIS operatives to move forward  
11 with more “rudimentary attacks,” fearing the explosion would draw attention to the ISIS terror  
12 cell.<sup>52</sup>

13  
14 351. As the ISIS terror cell’s plans were thwarted by the accidental explosion, the terror  
15 cell formed an alternative plan for immediate attacks across Spain.<sup>53</sup>

16 352. Investigations revealed that the new plan was to “rent a larger truck, but they didn’t  
17 have the right permit,” so they ended up pursuing renting a van for an attack.<sup>54</sup>

18 353. The next day, on August 17, 2017, one of the attackers arrived at a branch of  
19 Telefurgo, a car rental firm, some 15 miles north of Barcelona. Using the identity documents  
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22 \_\_\_\_\_  
23 <sup>49</sup> <http://www.cnn.com/2017/08/21/europe/barcelona-attack/index.html>

24 <sup>50</sup> *Id.*

25 <sup>51</sup> <https://www.nytimes.com/2017/08/18/world/europe/barcelona-cambrils-attack.html>

26 <sup>52</sup> <http://www.cnn.com/2017/08/18/asia/barcelona-cambrils-terror-attacks/index.html>

27 <sup>53</sup> <http://www.cnn.com/2017/08/18/asia/barcelona-cambrils-terror-attacks/index.html>

28 <sup>54</sup> <https://www.nytimes.com/2017/08/17/world/europe/barcelona-catalunya-van.html?mcubz=3>



1 of Driss Oukabir, he paid 59.90 euros (about \$70), on top of a 150-euro deposit, to rent a  
2 white Fiat Talento.<sup>55</sup>



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12 *Figure 35 Fiat Talento*

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

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

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

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

26  
27 <sup>55</sup> <https://www.nytimes.com/2017/08/18/world/europe/barcelona-cambrils-attack.html>

1 if we do not achieve this, our sons or grandsons will, and they will sell your sons and  
2 grandsons as slaves.

3 . . .

4 [To American and Europeans:] The Islamic State did not launch a war against you, as  
5 your lying governments and your media claim. You are the ones who initiated  
6 hostilities against us, and the [side] that initiates hostilities is the evil one. You will  
7 pay [for it] dearly when your economies collapse. You will pay dearly when your sons  
8 are sent to fight us and return crippled and damaged, in coffins or as lunatics. You will  
9 pay when each of you feels afraid to travel abroad. You will pay when you walk the  
10 streets in trepidation, for fear of Muslims. You will not be safe in your own beds. You  
11 will pay the price when your Crusader war fails, and then we invade the very heart of  
12 your countries.

13 . . .

14 [To Muslims:] O monotheist, don't sit out this war, wherever you may be. [Attack]  
15 the tyrants' soldiers, their police and security forces, their intelligence [forces] and  
16 collaborators. Cause them to lose sleep, make their lives miserable, and cause them to  
17 be preoccupied with their own [problems]. If you are able to kill an American or  
18 European infidel – particularly any of the hostile, impure Frenchmen – or an  
19 Australian or a Canadian, or any [other] infidel enemy from the countries that have  
20 banded against the Islamic State, then put your trust in Allah and kill him, by any way  
21 or means. Do not consult anyone and do not seek a *fatwa* [religious ruling] from  
22 anyone. It is immaterial if the infidel is a combatant or a civilian. Their sentence is  
23 one; they are both infidels, both enemies. The blood of both is permitted . . . The best  
24 thing to do would be to kill any French or American infidel or any of their allies . . .  
25 If you cannot [detonate] a bomb or [fire] a bullet, arrange to meet alone with a French  
26 or an American infidel and bash his skull in with a rock, slaughter him with a knife,  
27 run him over with your car, throw him off a cliff, strangle him, or inject him with  
28 poison. Don't stand by, helpless and abject . . . If you are incapable even of this – then  
spit in his face. And if you refuse [to do] this while your brothers are being bombed  
and killed and their lives and property are under attack everywhere, then examine your  
faith. This is a serious matter you face, for the Islamic faith is predicated upon the  
principle of loyalty to Muslims and hostility toward infidels.”<sup>56</sup>

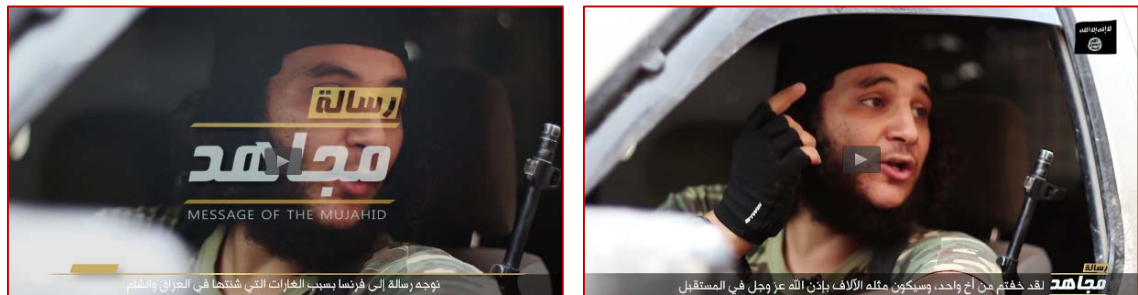
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<sup>56</sup> See “Responding To U.S.-Led Campaign, IS Spokesman Calls To Kill Westerners, Including Civilians, By Any Means Possible,” The Middle East Research Institute (MEMRI) (Sept. 22, 2014), [http://www.memrijtm.org/content/view\\_print/blog/7825](http://www.memrijtm.org/content/view_print/blog/7825).

1 356. On October 14, 2014, ISIS used YouTube to release a video message directed to the  
2 people of France, titled “Message of the Mujahid 3.”

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

6 358. The following are screen clips from ISIS’s “Message of the Mujahid 3” video:  
7



13 *Figure 36 Clips from “Message of the Mujahid 3”*

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

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

18 ...

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

20 ...

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

23 ...

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

27 360. Prior to the Barcelona Attacks, ISIS carried out and attempted several other terror  
28 attacks in Paris, Nice, and Belgium.

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

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

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

9 364. ISIS’s *Dar al-Islam* online French-language magazine is dedicated to recruiting  
10 French-speaking members for ISIS and promoting attacks against France and other western  
11 countries.  
12

13 365. *Dar al-Islam* Issue 2 was released shortly after a series of Islamist terrorist attacks in  
14 Paris had taken place from January 7-9, 2015: in one attack, two “*al-Qaeda* in the Arabian  
15 Peninsula” (“AQAP”) terrorists shot and killed 11 civilians and a police officer and wounded  
16 11 others in a shooting attack at the office of the *Charlie Hebdo* satire magazine; immediately  
17 afterward, ISIS terrorist Amedy Coulibaly (“Coulibaly”) shot and killed a police officer and  
18 a jogger, and then killed four Jewish shoppers and took others hostage at a Hypercacher kosher  
19 supermarket.  
20

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

23 367. The issue also called for more terrorist attacks against France and other western  
24 countries; for example, one article in this issue included the following statement:  
25

26 The disbeliever states have understood the consequences of the return of the Caliphate:  
27 the end of the domination by the Jews, the Crusaders and their allies. Every sincere  
28 Muslim must migrate to one of the regions of the Islamic State, the land of Islam, and

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

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

8 369. 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.

10 370. 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  
12 rifles and grenades.

13 371. Asked by police whether he was aware of any pending attacks, Hame replied: “All I  
14 can tell you is that it’s going to happen soon. It’s a veritable factory over there – they are  
15 really looking to hit France or Europe.”<sup>57</sup>

16 **D. The Barcelona Attack**

17 372. On August 17, 2017, Younes Abouyaaqoub arrived at La Rambla in Barcelona, Spain,  
18 with the intention of committing an act of international terrorism. In addition to his 3-ton van,  
19 Abouyaaqoub was wearing a fake explosive belt and carrying numerous knives.<sup>58</sup>

20 373. La Rambla is one of Barcelona’s top tourists destinations. La Rambla features a large  
21 pedestrian path in the center of the road, with traffic moving on both sides of the path. The  
22  
23  
24

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25  
26 <sup>57</sup> *Id.*

27 <sup>58</sup> <http://www.bbc.com/news/world-europe-41004603>

1 wide pedestrian promenade is home to many markets, bars, and restaurants. La Rambla is  
2 considered the “heart of the city.”<sup>59</sup>

3 374. At around 5:20PM, Abouyaaqoub slowly mounted a curb and began driving the 3-ton  
4 van down the pedestrian lane of the promenade, increasing his speed and violently running  
5 over dense crowds of people.

6 375. Reaching speeds of up to 50 miles per hour, Abouyaaqoub maneuvered the van  
7 through the promenade, zigzagging and deliberately aiming to run over and kill as many  
8 people as possible.<sup>60</sup>

9  
10 376. 500 meters later, the van finally came to a halt after hitting a newspaper kiosk,  
11 stopping on the famous Joan Míro mosaic.

12 377. In just 18 seconds, Abouyaaqoub’s terrorist attack killed 13 people, injuring more than  
13 100 others.<sup>61</sup>

14 378. Following his terrorist attack, Abouyaaqoub exited the van and blended in with the  
15 crowd, escaping.

16  
17 379. Abouyaaqoub walked through Barcelona for about 90 minutes, arriving at Barcelona  
18 University. In a parking lot often used by university students, Abouyaaqoub hijacked a Ford  
19 Focus belonging to Pau Perez, stabbing Perez to death and taking the wheel with his final  
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<sup>59</sup> <https://www.thesun.co.uk/news/4265723/las-ramblas-barcelona-terror-attack-death-toll/>

25 <sup>60</sup> <https://www.nytimes.com/2017/08/18/world/europe/barcelona-cambrils-attack.html>

26 <sup>61</sup> [https://www.theguardian.com/world/2017/aug/17/what-happened-in-barcelona-las-ramblas-  
27 attack](https://www.theguardian.com/world/2017/aug/17/what-happened-in-barcelona-las-ramblas-attack)

1 victim's body in the backseat. Minutes later, Abouyaaqoub plowed through a police  
2 checkpoint with the stolen car and abandoned the vehicle, disappearing into the night.<sup>62</sup>

### 3 **E. The Aftermath of the Barcelona Attack**

4 380. The day after the Barcelona terror attack, on August 18, 2017, ISIS issued a statement  
5 claiming direct responsibility for the attacks, describing Abouyaaqoub and other “executors”  
6 of the attacks as “soldiers of the Islamic State.”<sup>63</sup>

7 381. The statement was published by the news agency AMAQ, which is frequently used  
8 and supported by ISIS. The statement read, “the perpetrators of the attack in Barcelona are  
9 Islamic State soldiers and carried out the operation on command of Khilafah of targeting  
10 coalition countries.”<sup>64</sup>

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



18 Security source to Amaq Agency: The perpetrators of the attack in  
19 #Barcelona are Islamic state soldiers and carried out the operation  
20 on command of Khilafah of targeting coalition countries 20:35

21 *Figure 37 Screenshot of Official ISIS Statement*

22  
23  
24 <sup>62</sup> <http://www.chicagotribune.com/news/nationworld/ct-spain-barcelona-attack-suspect-20170821-story.html>

25 <sup>63</sup> <http://www.aljazeera.com/news/2017/08/isil-claims-responsibility-van-attack-barcelona-170817193535815.html>

26 <sup>64</sup> <https://www.uksecurityexpo.com/security-news/barcelona-a-sea-change-in-tactics>

383. In the thirteenth issue of ISIS’s propaganda magazine, *Rumiyah*, ISIS boasted about the Barcelona Attack, praising the perpetrators as “soldiers of the Caliphate” who carried out a “blessed raid.” Below are screenshots from the ISIS propaganda magazine praising the attacks:



**Spain**

On the 25th of Dhul-Qa’dah, two covert units comprised of several mujahidin set out in a coordinated manner and targeted the gatherings of the Crusaders in Spain. The first unit of mujahidin targeted a gathering of the Crusaders using a van on Las Ramblas Street in Barcelona. They also ran over two police officers at a police checkpoint, and then stormed a bar with light weapons near the Las Ramblas square, massacring the Crusaders who were present. Meanwhile, the second unit set out to run over several Crusaders using a truck in the coastal town of Cambrils. The blessed raid resulted in the killing and wounding of at least 146 citizens of the Crusader coalition.

*Figures 38 and 39 Images from ISIS’s Rumiyah magazine*

384. The propaganda magazine also contained numerous graphic images of the Barcelona Attack’s victim’s bodies on the promenade following the attack.

385. ISIS continues to promote Abouyaaqoub’s actions through Defendants’ platforms today. ISIS uses Defendants’ platforms to disseminate their propaganda, including their praise of Abouyaaqoub, through online magazines like *Rumiyah* and propaganda videos.



386. After the Barcelona Attacks, ISIS released one such propaganda video, taunting the victims of the attacks, praising the perpetrators, and threatening future attacks on Spain, urging “Spanish Christians” not to forget the “Muslim Blood spilt during the Spanish Inquisition.”<sup>65</sup>

387. Below are screenshots from the propaganda video featuring Abouyaaqoub and ISIS operatives praising his attack:

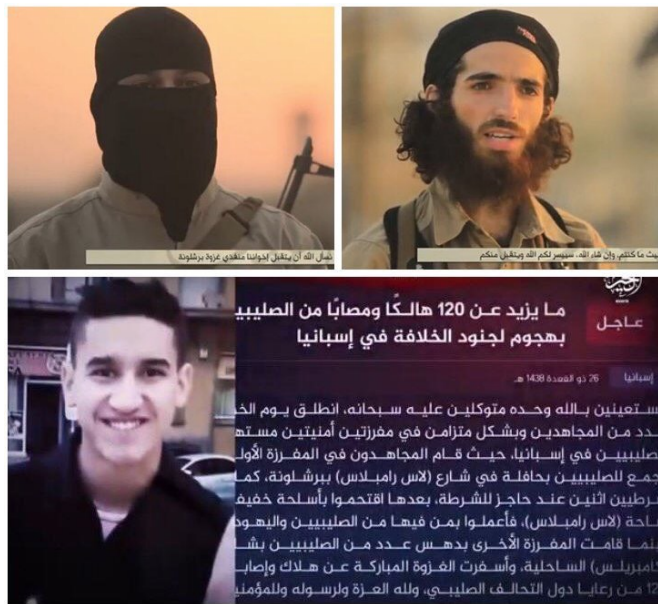
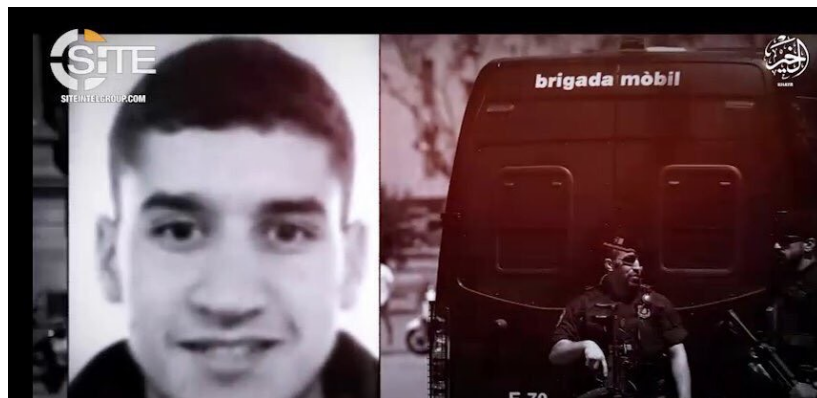


Figure 40 Screenshot from ISIS video featuring Abouyaaqoub



<sup>65</sup> <http://metro.co.uk/2017/08/25/new-isis-video-warns-theyre-coming-to-take-back-spain-6877509/>

*Figure 41 Screenshot from ISIS video featuring Abouyaaqoub*

388. For four days, Abouyaaqoub evaded arrest, utilizing ISIS connections and safe houses.

389. On August 21, 2017, Abouyaaqoub was spotted outside of a train station about 33 miles west of Barcelona. A witness who recognized his face in the media contacted authorities.<sup>66</sup>

390. According to Catalan police, two officers found Abouyaaqoub hiding in a nearby vineyard and asked for his identification. Abouyaaqoub opened his shirt to reveal an explosive vest, which turned out to be fake, and cried out "Allah akbar," at which point he was shot to death.<sup>67</sup>

**V. JARED TUCKER**

391. On August 17, 2017, Jared Tucker ("Tucker") was in Barcelona on vacation. Tucker lived in California where he was the devoted father of three girls.



*Figure 42: Jared Tucker*

392. On his way to a local beach on August 17, 2017, Tucker stopped for sangria at a café on La Rambla. Within minutes of stopping, Tucker was murdered during Abouyaaqoub's terrorist action when the van Abouyaaqoub was driving van struck Tucker on La Rambla.

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<sup>66</sup><http://www.chicagotribune.com/news/nationworld/ct-spain-barcelona-attack-suspect-20170821-story.html>

<sup>67</sup> *Id.*

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393. Plaintiffs A. Tucker, O. Tucker, and Isabella Tucker, Jared Tucker’s daughters, were devastated by the loss of their beloved father. They suffered and will continue to suffer severe psychological and emotional harm, as well as loss of consortium as a result of the terrorist attack that killed Jared Tucker. Furthermore, Tucker provided substantial financial support to Plaintiffs.



*Figure 43 Jared Tucker and his daughters*

## VI. DEFENDANT’S CONDUCT

### A. Twitter, Facebook, and Google Profit From Allowing ISIS to Use Their Services

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

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

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

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

2 [https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pdfs/](https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pdfs/targeting-onesheet-en.pdf)  
3 [targeting-onesheet-en.pdf](https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pdfs/targeting-onesheet-en.pdf).

4 396. By specifically targeting advertisements based on viewers and content, Defendants  
5 are no longer simply passing through the content of third parties. Defendants are themselves  
6 creating content because Defendants exercise control over what advertisement to match with  
7 an ISIS posting. Furthermore, Defendants' profits are enhanced by charging advertisers extra  
8 for targeting advertisements at viewers based upon knowledge of the viewer and the content  
9 being viewed.  
10

11 **B. Defendants Knowingly Provided Material Support and Resources to Terrorists,**  
12 **Including ISIS and its Supporters**

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

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

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

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

23 401. Despite this knowledge, Defendants have for years knowingly provided its Services  
24 to ISIS, its members, organizations owned or controlled by ISIS, and organizations and  
25 individuals that provide financing and material support to ISIS, including individuals and  
26 organizations that are designated as and SDGTs.  
27

1 402. ISIS, its members, and its related entities and affiliates have operated numerous  
2 accounts on Defendants' platforms, often using their own names and displaying emblems and  
3 symbols associated with ISIS and its related terrorist entities.

4 403. ISIS's news and media organizations have operated accounts across each of  
5 Defendants' platforms, often including separate accounts for Arabic, French, English and  
6 other languages.

7 404. Through Defendants' services, Defendants make potential ISIS recruits, ISIS  
8 members, and ISIS leaders, available to other ISIS operatives, thus providing personnel to  
9 ISIS itself.

10 405. Prior to the Barcelona Attack, Defendants refused to actively monitor its online social  
11 media networks, including Facebook, Twitter, and YouTube, to block ISIS's use of  
12 Defendants' Services. Instead, Defendants knowingly permitted ISIS and ISIS's members and  
13 affiliates to use Defendants' platforms and other services, and generally only reviewed ISIS's  
14 use of its Services in response to third party complaints.  
15

16 406. Even when Defendants have received complaints about ISIS's use of their platforms  
17 and other services, despite knowing that ISIS is a designated FTO and that ISIS has engaged  
18 in terrorist activity, Defendants have at various times determined that ISIS's use of its Services  
19 did not violate Defendants' policies and permitted ISIS-affiliated accounts to remain active,  
20 or removed only a portion of the content posted on an ISIS-related account and permitted the  
21 account to remain active.  
22

23 407. While Defendants suspended or blocked selected ISIS-related accounts at various  
24 times, prior to the Barcelona attack, Defendants did not make substantial or sustained efforts  
25 to ensure that ISIS would not reestablish the accounts using new identifiers.  
26

27 408. Terrorists have used YouTube to promote and support their activities for years.  
28

1 409. In 2008, a member of a prominent *jihadi* website forum began to call on Islamist  
2 terrorists to begin using Facebook as a tool for terrorism; in making the case for Facebook,  
3 the member argued: “We have already had great success in raiding YouTube.”<sup>68</sup>

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

8  
9 411. On February 26, 2013, members of the Home Affairs Committee of the U.K. House  
10 of Commons questioned Google/YouTube executive Sarah Hunter about *jihadi* terrorists’ use  
11 of YouTube to promote terrorism, and particularly focused on *al-Qaeda* leader Anwar Al-  
12 Awlaki, whose video speeches (known to have inspired multiple terrorist attacks in the West)  
13 proliferate on YouTube.

14 412. The Google representative admitted that she had seen some of al-Awlaki’s videos on  
15 YouTube, but acknowledged that Google did not actively guard against terrorists’ use of the  
16 YouTube platform and services.

17  
18 413. Rather, the Google representative testified that Google only reviews a video posted on  
19 YouTube if it receives a complaint from a YouTube user, and then Google will decide whether  
20 to block or remove the video if a Google reviewer determines that it violates Google’s own  
21 content policies.

22 414. The media has widely reported on terrorists’ use of YouTube and Google’s refusal to  
23 take any meaningful action to stop it.  
24

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25  
26 <sup>68</sup> Will McCants, “Invading Facebook: Theory and Practice,” Jihadica.com (Dec. 17, 2008),  
27 <http://www.jihadica.com/invading-facebook-theory-and-practice/>.

1 415. For example, on July 7, 2014, CBS Local reported that “militants post beheading  
2 videos on sites like Google’s YouTube, giving an image the chance to go viral before being  
3 shut down.”<sup>69</sup>

4 416. In February 2015, Google announced that it had begun hiring Arabic speakers to serve  
5 as “moderators” to review videos posted to YouTube in the event complaints are received  
6 about particular posts.

7 417. However, Google reiterated that it would only review a video after a complaint is  
8 received, and it would then make a determination to block or delete the video based upon its  
9 own content policies.

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

13 419. On March 3, 2015, CNN Money reported that Google was placing advertisements in  
14 front of ISIS videos posted on YouTube.<sup>70</sup>

15 420. On March 10th 2015, DeathandTaxes.com released an article titled, “Beer ads keep  
16 showing up on ISIS YouTube videos.”<sup>71</sup>

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22 <sup>69</sup> “Should Twitter, Facebook Be Held Liable For A Terrorist Attack? (Jul. 24, 2015),  
23 <http://sanfrancisco.cbslocal.com/2015/07/24/should-twitter-facebook-be-held-liable-for-a-terrorist-attack/>.

24 <sup>70</sup> Laurie Segall, “These ads ran before ISIS videos,” CNN Money (Mar. 3, 2015),  
25 <http://money.cnn.com/2015/03/03/technology/isis-ads-youtube/>.

26 <sup>71</sup> Joe Veix, “Beer ads keep showing up on ISIS YouTube videos,” Deathandtaxes.com (Mar.  
27 10, 2015), <http://www.deathandtaxesmag.com/239510/beer-ads-keep-showing-up-on-isis-youtube-videos/>.

1 421. On March 10th 2015, NBC News released an article titled, “Ads Shown Before  
2 YouTube ISIS Videos Catch Companies Off-Guard.”<sup>72</sup>

3 422. On March 11, 2015, NewsMediaRockstars reported that: “Major corporations like  
4 Procter and Gamble, Anheuser-Busch, and Toyota have all been forced to make apologies  
5 after ads for their products started rolling in front of ISIS recruiting videos which have been  
6 cropping up ever more frequently on the [YouTube] site.”<sup>73</sup>

7 423. On April 28, 2015, MusicTechPolicy.com reported that the Islamic State has released  
8 a new YouTube video “showcasing recent battles in the Al Sufiyah area of eastern Ramadi.  
9 Approximately 30 Iraqi police have been killed and around 100 more have been injured in  
10 recent days in the western provincial capital.”<sup>74</sup>

11 424. On August 6, 2015, Vladimir Platov of New Eastern Outlook reported: “The well-  
12 known online video platform YouTube serves as the main media platform of these radical  
13 fighters.”<sup>75</sup>  
14  
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20  
21 <sup>72</sup> See <http://www.nbcnews.com/storyline/isis-terror/ads-shown-isis-videos-youtube-catch-companies-guard-n320946>.

22 <sup>73</sup> Evan DiSimone, “Advertisers Apologize For Ads Shown On ISIS YouTube Videos,”  
23 NewsMediaRockstars (Mar. 11, 2015), <http://newmediarockstars.com/2015/03/advertisers-apologize-for-ads-shown-on-isis-youtube-videos/>.

24 <sup>74</sup> Chris Castle, “Live From YouTubeistan: Google Still Providing Material Support for ISIS,”  
25 MusicTechnologyPolicy.com (Apr. 28, 2015), <https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-isis/>.

26 <sup>75</sup> Vladimir Platov, “Hi-Tech Tools of ISIL Propaganda,” New Eastern Outlook (Aug. 6, 2015),  
27 <http://journal-neo.org/2015/06/08/hi-tech-tools-of-isil-propaganda/>.



1 425. In March 2016 the Digital Citizens' Alliance issued a report documenting a number  
2 of examples of presidential election campaign ads placed on ISIS videos, including a Ted  
3 Cruz ad appearing before a video produced by ISIS's *al-Hayat Media*.<sup>76</sup>

4 426. Google derives revenue from ads placed on YouTube, including the ads placed before  
5 ISIS videos posted on YouTube.

6 427. Google does not place ads on YouTube randomly; rather, they are targeted to the  
7 viewer using based upon algorithms that analyze and use data about the ads, the user, and the  
8 video posted.<sup>77</sup>

9  
10 428. By specifically targeting advertisements based on viewers and content, Google is no  
11 longer simply passing through the content of third parties; rather, Google is itself creating  
12 content because it exercises control over what advertisement to match with an ISIS video  
13 posting on YouTube.

14 429. Moreover, Google's revenue is enhanced by charging advertisers extra for placing  
15 targeted advertisements.

16  
17 430. In addition, Google agrees to shares a percentage of the revenue it generates from ads  
18 placed before YouTube videos with the user who posts the video.

19 431. In order for ads to appear associated with a YouTube video, the poster must create a  
20 Google "AdSense" account and register the account for "monetization."

21  
22  
23  
24 <sup>76</sup> "Fear, Loathing, and Jihad: How YouTube is pairing the 2016 candidates with the creepy, the  
25 corrupt, and the criminal," Digital Citizens' Alliance (Mar. 2016), [https://media.gractions.com/  
26 314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc  
27 2cd.pdf](https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc2cd.pdf).

27 <sup>77</sup> See Google's description of targeted ads on YouTube at: [https://static.googleusercontent.com/  
28 media/www.youtube.com/en/yt/advertise/medias/pdfs/targeting-onesheet-en.pdf](https://static.googleusercontent.com/media/www.youtube.com/en/yt/advertise/medias/pdfs/targeting-onesheet-en.pdf).

1 432. According to Google, each video must be reviewed and approved by Google before  
2 Google will permit ads to be placed with that video.

3 433. Google represents that videos must meet Google's policies and terms before they will  
4 be approved for ads.

5 434. Upon information and belief, Google has reviewed and approved ISIS videos,  
6 including videos posted by ISIS-affiliated users, for "monetization" through Google's  
7 placement of ads in connection with those videos.

8 435. Upon information and belief, by thus approving ISIS videos, including videos by  
9 posted by ISIS-affiliated users, Google has agreed to share with ISIS and ISIS-affiliated users  
10 a percentage of revenues generated by these ads.

11 436. The following is a screen shot example of Google placing targeted ads in conjunction  
12 with an ISIS video on YouTube:  
13

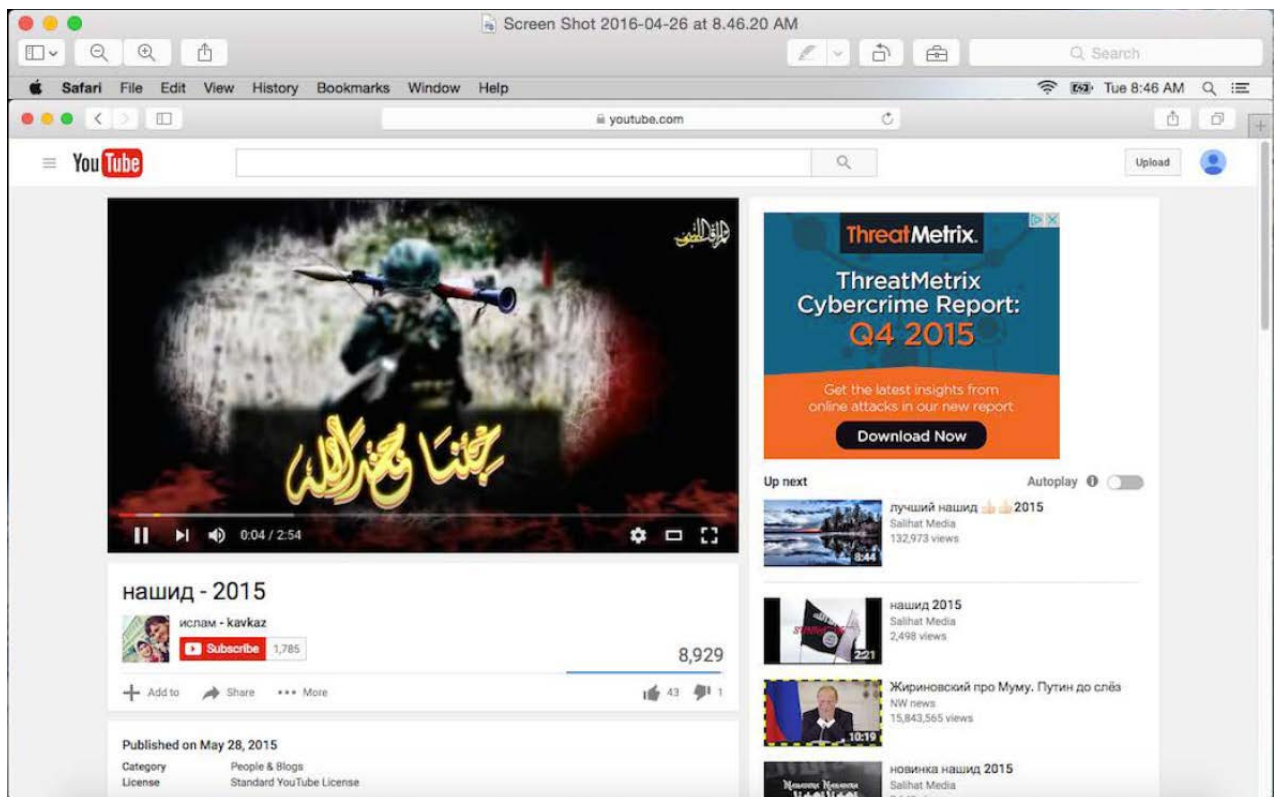
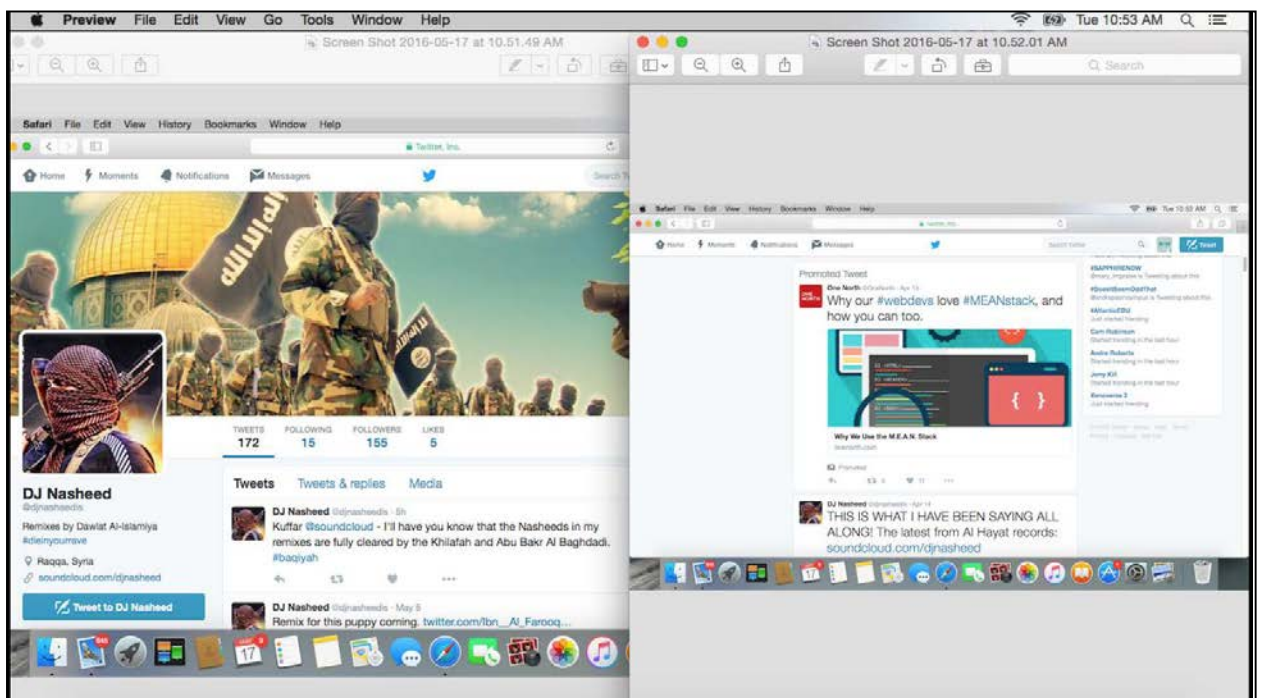


Figure 44 Screenshot Example of Ads on YouTube

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

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

9 439. Twitter also profits from material posted by ISIS by routinely placing ads. For  
 10 example, a view of the account of “DJ Nasheed” on May 17, 2016, shows that Twitter placed  
 11 an ad for OneNorth for their “M.E.A.N. Stack” offering. As such, Twitter provides material  
 12 support to ISIS and is compensated for the effort.  
 13



25  
26  
27  
28

Figure 45 ISIS post on Twitter with ad placed by Twitter

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



*Figure 46 ISIS post on Facebook with add placed by Facebook*

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

442. 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**

443. 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

1 does not simply see a posting; nor does the viewer see just an advertisement. Defendants  
2 create a composite page of content from multiple sources.

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

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

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

16  
17 **D. Defendants' Platforms and Other Services are Unique**

18 447. Defendants' platforms and other services are provided to users via Defendants' unique  
19 computer architecture.

20 448. Whenever a Twitter, Facebook, or YouTube user posts content on Twitter, Facebook,  
21 or YouTube, Defendants' computer servers receive the information and distribute it to the  
22 Twitter, Facebook, or YouTube user's network of Twitter "followers," Facebook "friends,"  
23 or YouTube channel "subscribers."

24  
25 449. The posted content also appears on Twitter's "Timeline," Facebook's "Newsfeed," or  
26 the YouTube user's YouTube channel page, and is available via Twitter, Facebook, or  
27

1 YouTube's platforms and search engines on the Internet, depending upon the user's privacy  
2 settings.

3 450. The video and other information that is input by a Twitter, Facebook, or YouTube user  
4 into Twitter, Facebook, or YouTube is also stored on Defendants' computer equipment as  
5 well as on Defendants' backup storage equipment.

6 451. Twitter, Facebook, and YouTube users' content, videos, and other information are  
7 hosted on Defendants' computer equipment.

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

12 453. Defendants' platforms' users also "like" and "share" others' videos, thereby exposing  
13 these videos to new networks of viewers.

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

20 455. Effectively, Defendants serve as a broker or matchmaker between like-minded people,  
21 introducing users to other users and videos that they will be interested in based on the video  
22 and account information and characteristics; these types of suggestions appear on the side  
23 margin of the user's Twitter, Facebook, or YouTube page, and in the case of YouTube, even  
24 automatically load and play when a selected video ends.  
25  
26  
27

1 456. By providing Twitter, Facebook, and Google’s YouTube platforms and other services  
2 to ISIS, Defendants are providing to ISIS use of unique computer architecture, computer  
3 servers, storage and communication equipment, highly-developed and sophisticated  
4 algorithms, and services that facilitate ISIS’s ability to reach and engage audiences it could  
5 not otherwise reach as effectively.

6 457. As discussed above, Twitter, Facebook, and YouTube’s usefulness to ISIS is not  
7 merely about content; ISIS uses Twitter, Facebook, and YouTube as tools to connect with  
8 others and promote its terrorist activity.  
9

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

11 458. Defendants have tools by which it can identify, flag, review, and remove ISIS  
12 accounts.

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

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

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

1 monitor content and that it reviews only that content which is reported by other users as  
2 violating its rules.

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

11  
12 463. According to Rita Katz, the director of SITE Intelligence Group, “Twitter is not doing  
13 enough. With the technology Twitter has, they can immediately stop these accounts, but they  
14 have done nothing to stop the dissemination and recruitment of lone wolf terrorists.”

15  
16 464. Even when Defendants shut down an ISIS-linked account, they do nothing to stop it  
17 from springing right back up. According to the New York Times, the Twitter account of the  
18 pro- ISIS group Asawitiri Media has had 335 accounts. When its account @TurMedia333 was  
19 shut down, it started @TurMedia334. When that was shut down, it started @TurMedia335.  
20 This “naming convention — adding one digit to a new account after the last one is suspended  
21 — does not seem as if it would require artificial intelligence to spot.” Each of these accounts  
22 also used the same user photograph of a bearded man’s face over and over again. In the hours  
23 after the shooting attack in San Bernardino, California on December 2, 2015, @TurMedia335  
24 tweeted: “California, we have already arrived with our soldiers. Decide how to be your end,  
25 with knife or bomb.”  
26



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

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

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

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

16 469. The following example illustrates how Defendants allow ISIS to quickly construct  
17 networks of followers. Below is a posting from Twitter captured on June 20, 2016. The  
18 individual is named “DriftOne00146” and he proudly proclaims that this is the 146th version  
19 of his account. With only 11 tweets, this individual is followed by 349 followers. This is  
20 very suspicious activity.  
21  
22  
23  
24  
25  
26  
27  
28

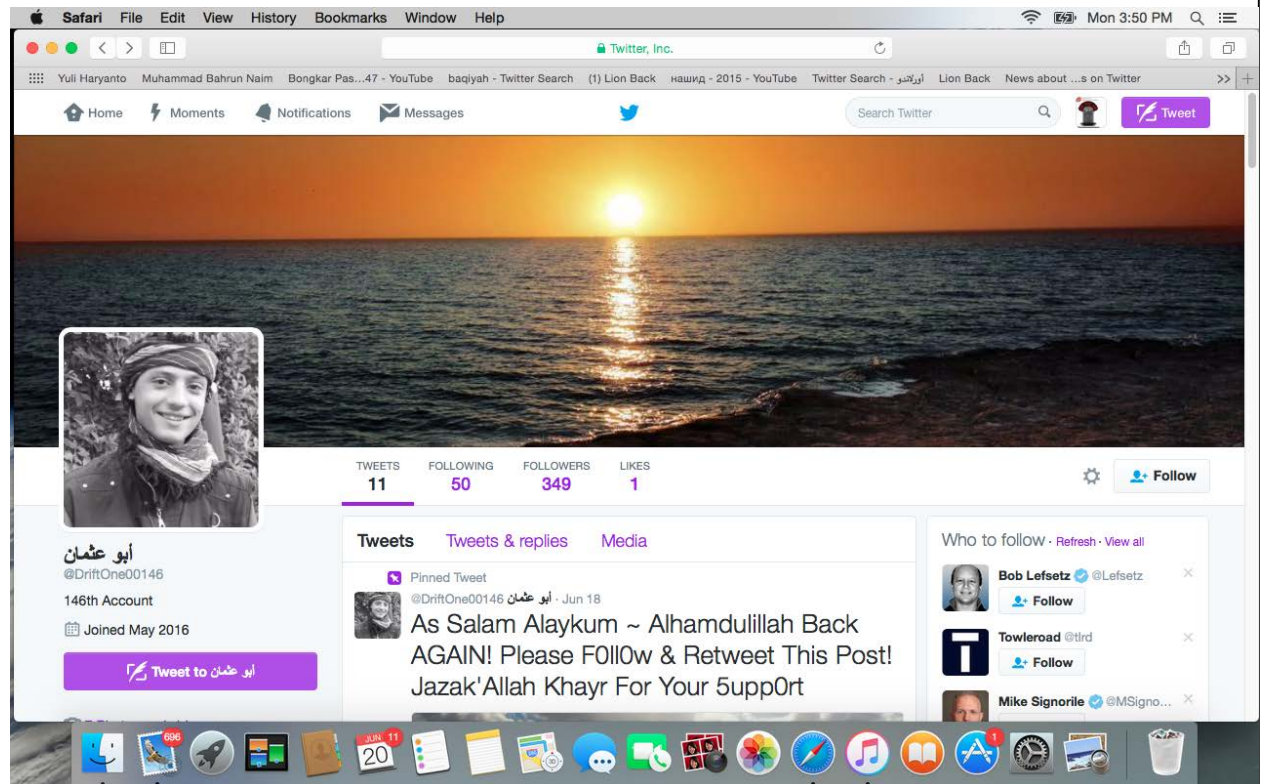


Figure 47 DriftOne00146 posting 06/20/2016

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

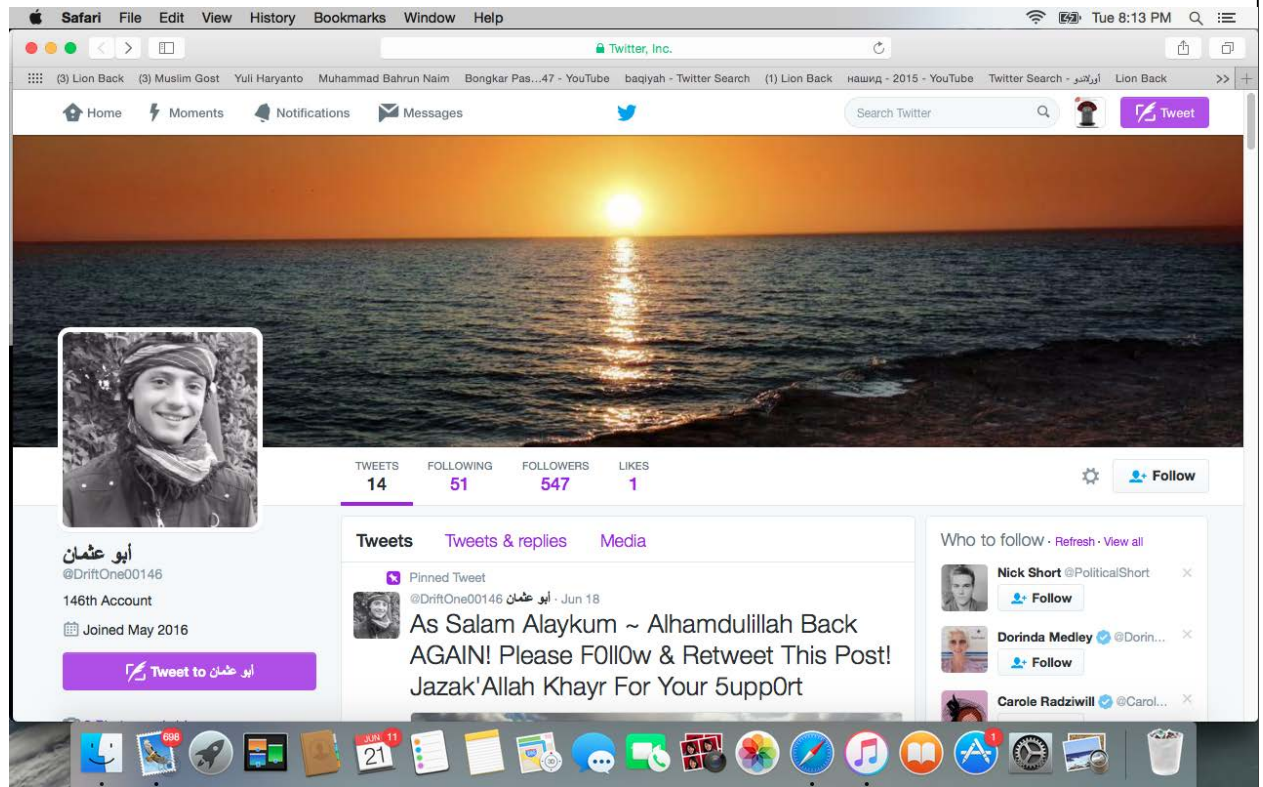


Figure 48 DriftOne00146 posting June 21, 2016

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

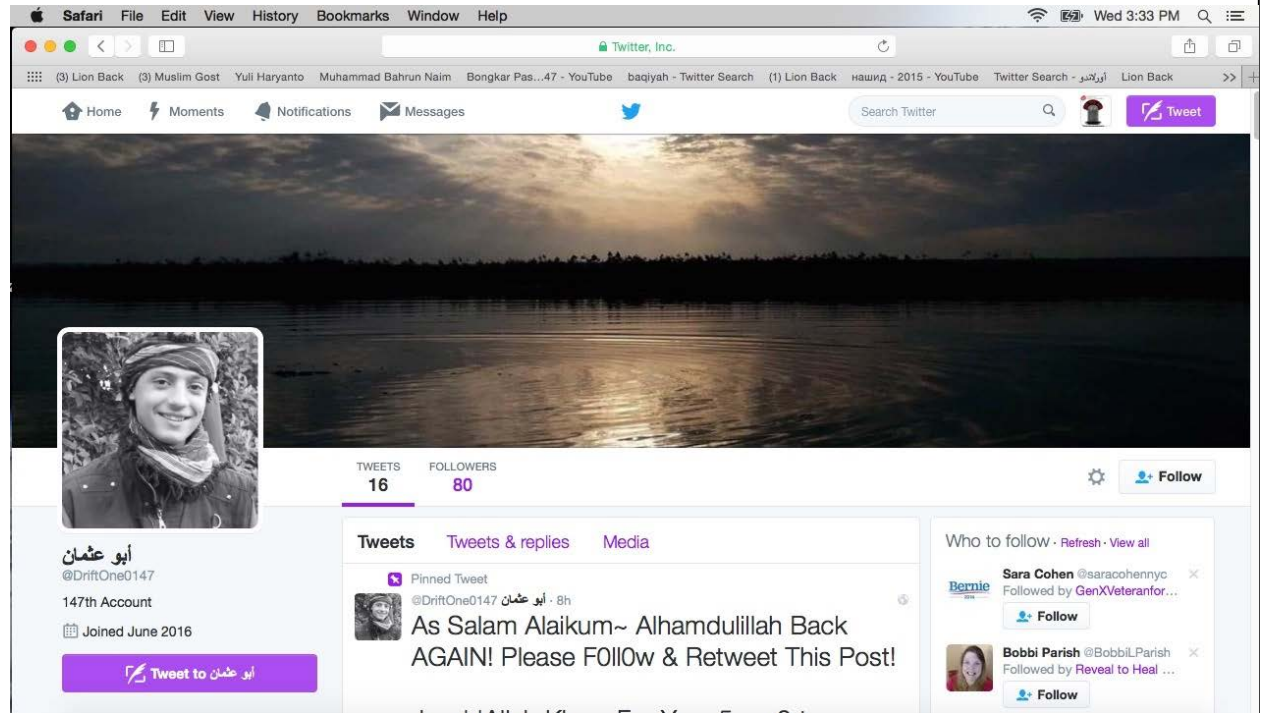


Figure 49 DriftOne0147 posting June 22, 2016

472. 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.

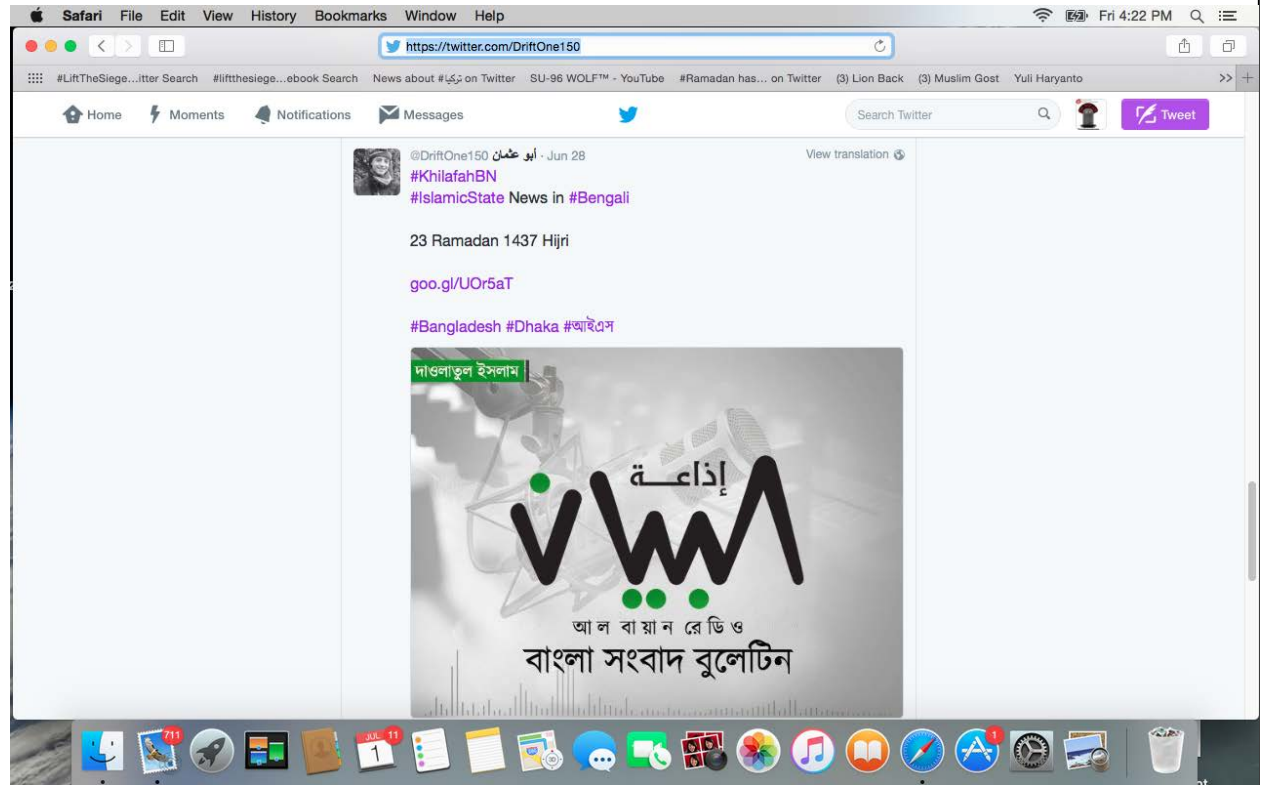


Figure 50 DriftOne150 posting June 28, 2016

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



Figure 51 DriftOne0151 posting July 2, 2016

474. 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.

475. 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

1 once a similarly named account would not place a significant burden on Defendants to  
2 implement nor would it place any “chilling” effect on the use of Defendants’ sites.

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

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

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

22  
23 479. Because the suspicious activity used by ISIS and other nefarious organizations  
24 engaged in illegal activities is easily detectable and preventable and that Defendants are fully  
25 aware that these organizations are using their networks to engage in illegal activity  
26 demonstrates that Defendants are acting knowingly and recklessly allowing such illegal  
27 conduct. ISIS is dependent on using social media to conduct its terrorist operations. Limiting  
28

1 ISIS's ability to rapidly connect and reconnect to supports Thus, Defendants knowing and  
2 reckless conduct provides materials support to ISIS and other nefarious organizations.

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

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

13 482. Although YouTube proclaims that it deletes accounts of those who run afoul of its  
14 policies, YouTube allows these accounts to be quickly regenerated. This account  
15 regeneration leaves signatures which could be easily detected by YouTube in a content  
16 independent manner. That YouTube allows ISIS to quickly regenerate deleted accounts when  
17 this practice could be eliminated or severely limited provides further evidence that YouTube  
18 provides material support to ISIS.  
19

20 483. In August 2016, after a 12-month inquiry on countering extremism that included  
21 testimony from Google and other social media company executives, the U.K. House of  
22 Commons' Home Affairs Committee issued a report titled "Radicalisation: the counter-  
23 narrative and identifying the tipping point." ("U.K. Report").<sup>78</sup>  
24

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25  
26 <sup>78</sup> Home Affairs Committee, "Radicalisation: the counter-narrative and identifying the tipping  
27 point," House of Commons (Aug. 25, 2016), [http://www.publications.parliament.uk/pa/  
28 cm201617/cmselect/cmhaff/135/135.pdf](http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/135/135.pdf).



1 484. In the 2016 U.K. Report, the Home Affairs Committee found that:

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

4 ...

5 Social media companies are consciously failing to combat the use of their sites to  
6 promote terrorism and killings. Networks like Facebook, Twitter and YouTube are the  
7 vehicle of choice in spreading propaganda and they have become the recruiting  
8 platforms for terrorism. They must accept that the hundreds of millions in revenues  
9 generated from billions of people using their products needs to be accompanied by a  
10 greater sense of responsibility and ownership for the impact that extremist material on  
11 their sites is having. There must be a zero tolerance approach to online extremism,  
12 including enticement to join extremist groups or commit attacks of terror and any  
13 glorification of such activities... These companies are hiding behind their  
14 supranational legal status to pass the parcel of responsibility and refusing to act  
15 responsibly in case they damage their brands.”<sup>79</sup>

## 16 **VII. The Barcelona Attack Was An Act of International Terrorism**

17 485. One of the stated goals of ISIS is to use social media, including Defendants platforms,  
18 to radicalize individuals to conduct attacks throughout the world, including the United States.

19 486. By radicalizing individuals through social media, this allowed ISIS to exert its  
20 influence without the necessity of direct physical contact with these individuals. Furthermore,  
21 this allows ISIS to incite or participate in attacks without the necessity of sending its own  
22 operatives.

23 487. Thus, an attack in Spain to which ISIS’s use of social media caused or contributed is  
24 an action by ISIS. Given that ISIS has been declared an international terrorist organization,  
25 such an action is an act of international terrorism.

26 488. Younes Abouyaaqoub was radicalized by ISIS’s use of social media. This was the  
27 stated goal of ISIS. Younes Abouyaaqoub then carried out the deadly attack in Spain.  
28 Conducting terrorist acts via radicalized individuals is a stated goal of ISIS.

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<sup>79</sup> *Id.* at 11, 13-14 (original in bold).

1 489. Younes Abouyaaqoub was an ISIS operative. Younes Abouyaaqoub's Barcelona  
2 Attack was an act of international terrorism as it was direct action by ISIS, a Foreign Terrorist  
3 Organization based in Iraq and Syria, in a foreign country, Spain, the victims of which were  
4 from numerous countries, including the United States.

5 490. Younes Abouyaaqoub's attack in Barcelona was a violent act causing death and injury  
6 and constitutes numerous criminal acts under the laws of the United States.

7 491. ISIS intended to intimidate and coerce United States' and Spain's populations and  
8 governments through a pattern of intimidation and coercion as discussed throughout  
9 Plaintiffs' Complaint.  
10

11 492. ISIS acts from outside Spain using Defendants' platforms in a manner that transcends  
12 national boundaries because of the international usage of Defendants' platforms.

13 493. But for ISIS's postings using Defendants' social media platforms, Younes  
14 Abouyaaqoub would not have engaged in ISIS's Barcelona Attacks.  
15

16 494. Younes Abouyaaqoub's terrorist actions were a direct result of ISIS's actions and  
17 given that ISIS is an international terrorist organization, Younes Abouyaaqoub's actions were  
18 also an act of international terrorism.

19 **CLAIMS FOR RELIEF**

20 **FIRST CLAIM FOR RELIEF**

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

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

26 496. Since 2004, ISIS has been and continues to be, a designated foreign terrorist  
27 organization under section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.  
28

1 497. ISIS has committed, planned, or authorized activities that involved violence or acts  
2 dangerous to human life that are a violation of the criminal laws of the United States, or that  
3 would be a criminal violation if committed within the jurisdiction of the United States,  
4 including *inter alia* the prohibition on killing, attempting to kill, causing serious bodily injury,  
5 or attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C. § 2332.

6 498. These activities committed, planned, or authorized by ISIS appear to have been, and  
7 were intended to: (a) intimidate or coerce the civilian populations of Spain, the United States,  
8 and other countries; (b) influence the policy of the Governments of Spain, the United States  
9 and other countries by intimidation or coercion; or (c) affect the conduct of the Governments  
10 of Spain, the United States and other countries by mass destruction, assassination, or  
11 kidnapping.

12 499. These activities committed, planned, or authorized by ISIS occurred entirely or  
13 primarily outside of the territorial jurisdiction of the United States and constituted acts of  
14 international terrorism as defined in 18 U.S.C. § 2331(1).  
15

16 500. Plaintiffs have been injured in their person by reason of the acts of international  
17 terrorism committed, planned, or authorized by ISIS.  
18

19 501. At all times relevant to this action, Defendants knew that ISIS was a Foreign Terrorist  
20 Organization, that it had engaged in and continued to engage in illegal acts of terrorism,  
21 including international terrorism.  
22

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

26 503. By aiding and abetting ISIS in committing, planning, or authorizing acts of  
27 international terrorism, including acts that caused each of the Plaintiffs to be injured in his or  
28

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

4  
5 **SECOND CLAIM FOR RELIEF**

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

9 504. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as  
10 if fully set forth herein.

11 505. Defendants knowingly agreed, licensed, and permitted ISIS and its affiliates to register  
12 and use Defendants' sites and other services to promote and carry out ISIS's activities,  
13 including ISIS's illegal acts of international terrorism that injured Plaintiffs.

14 506. Defendants were aware that U.S. federal law prohibited providing material support  
15 and resources to, or engaging in transactions with, designated foreign terrorist organizations  
16 and other specially designated terrorists.

17 507. Defendants thus conspired with ISIS in its illegal provision of Defendants' sites and  
18 equipment to promote and carry out ISIS's illegal acts of international terrorism, including  
19 the acts that injured Plaintiffs.

20 508. By conspiring with ISIS in furtherance of ISIS's committing, planning, or authorizing  
21 acts of international terrorism, including acts that caused each of the Plaintiffs to be injured  
22 in his or her person and property, Defendants are liable pursuant to 18 U.S.C. § 2333(a) and  
23 (d) 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.  
25  
26  
27

**THIRD CLAIM FOR RELIEF**

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

1  
2  
3  
4 509. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as  
5 if fully set forth herein.

6 510. The online social media platform and communication services which Defendants  
7 knowingly provided to ISIS, including the use of Defendants' services, computers, and  
8 communications equipment, substantially assisted ISIS in carrying out its terrorist activities,  
9 including recruiting, radicalizing, and instructing terrorists, raising funds, creating fear and  
10 carrying out attacks, among other things.

11 511. Through their actions, Defendants have also provided personnel to ISIS by making  
12 ISIS leaders, members, and potential new recruits available to each other and to ISIS.

13 512. These services, equipment, and personnel constituted material support and resources  
14 pursuant to 18 U.S.C. § 2339A, and they facilitated acts of terrorism in violation of 18 U.S.C.  
15 § 2332 that caused the death of Jared Tucker and injuries to Plaintiffs.

16 513. Defendants provided these services, equipment, and personnel to ISIS, knowing that  
17 they were to be used in preparation for, or in carrying out, criminal acts including the acts that  
18 injured the Plaintiffs.  
19

20 514. As set forth more fully above, but for the material support and resources provided by  
21 Defendants, the attack that injured the Plaintiffs would have been substantially more difficult  
22 to implement.  
23

24 515. By committing violations of 18 U.S.C. § 2339A that have caused the Plaintiffs to be  
25 injured in his or her person, business or property, Defendants are liable pursuant to 18 U.S.C.  
26 § 2333 for any and all damages that Plaintiffs have sustained as a result of such injuries.  
27

**FOURTH CLAIM FOR RELIEF**

**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)**

1  
2  
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4 516. Plaintiffs repeat and reallege each and every allegation of the foregoing paragraphs as  
5 if fully set forth herein.

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

11  
12 518. Defendants knew of (or were willfully blind to) ISIS's terrorist activities.

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

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

20 521. Defendants' violation of 18 U.S.C. § 2339B proximately caused the damages to  
21 Plaintiffs described herein.

22 522. By knowingly (or with willful blindness) providing material support to a designated  
23 Foreign Terrorist Organization, Defendants are therefore civilly liable for damages to  
24 Plaintiffs for their injuries pursuant to 18 U.S.C. § 2333(a).  
25

26 **FIFTH CLAIM FOR RELIEF**

27 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

1 523. Plaintiffs repeat and reallege each of the foregoing allegations with the same force and  
2 effect as if more fully set forth herein.

3 524. Defendants engaged in negligent behavior by providing services to ISIS.

4 525. Defendants' acts of providing services to ISIS constituted a willful violation of federal  
5 statutes, and thus amounted to a willful violation of a statutory standard.

6 526. As a direct, foreseeable and proximate result of the conduct of Defendants as alleged  
7 hereinabove, Plaintiffs have suffered severe emotional distress, and therefore Defendants are  
8 liable to the Plaintiffs for Plaintiffs' severe emotional distress and related damages.  
9

10 **SIXTH CLAIM FOR RELIEF**

11 **WRONGFUL DEATH**

12  
13 527. Plaintiffs repeat and reallege each of the foregoing allegations with the same force and  
14 effect as if more fully set forth herein.

15 528. Each of the Defendants' provides services to ISIS that, among other things,  
16 substantially assist and contribute to ISIS's ability to carry out its terrorist activities.  
17

18 529. As set forth more fully above, but for the assistance provided by the Defendants' the  
19 terrorist attack that killed Plaintiffs' Decedent herein, would have been substantially more  
20 difficult to implement.

21 530. The conduct of each Defendant party was unreasonable and outrageous and exceeds  
22 the bounds usually tolerated by decent society, and was done willfully, maliciously and  
23 deliberately, or with reckless indifference to the life of the victims of ISIS's terrorist activity,  
24 Plaintiffs herein.  
25

26 531. The conduct of each Defendant was a direct, foreseeable and proximate cause of the  
27 wrongful deaths of Plaintiffs' Decedent and therefore the Defendants' are liable to Plaintiffs  
28

1 for their wrongful deaths.

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

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiffs pray that this Court:

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

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

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

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

20 (e) Grant such other and further relief as justice requires.

21 **JURY DEMAND**

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



1 Dated: October 4, 2017.

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**Excolo Law, PLLC**

By: /s/ Keith Altman  
Keith Altman

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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 3, 2017, at Southfield, MI.

Respectfully Submitted,

**EXCOLO LAW, PLLC**

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