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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

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Nicholas C. Georgalis  
6981 Ivandale Road  
Independence, Ohio 44131

Plaintiff,

vs.

Facebook, Inc.  
1 Hacker Way  
Menlo Park, CA 94025  
Attn: Mark Zuckerberg  
Chief Executive Officer

Defendant

) Case No.:

1:18 CV 256

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Violation of First and Fifth Amendments

U.S. Code, Title 47, Chapter 5, Subchapter  
II, Part I, §230(c)(2)(A) Unconstitutional  
Claim of Unconstitutionality

Judge:

JUDGE OLIVER

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Complaint

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Now comes Plaintiff in suit in a court of law holding Facebook, Inc, Defendant, liable for

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willfully and with malice aforethought abrogating the priceless, God given, and thus inalienable

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right to free speech, freedom of the press, freedom of religion, and the inalienable right to due

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process as guaranteed under the First and Fifth Amendment of the US Constitution respectively;

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And

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To seek redress in common law from Defendant as a means to dissuade Defendant and others of

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Defendant's legal status from engaging in the abrogation of free speech, freedom of the press,

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freedom of religion and due process as secured under the First and Fifth Amendment of the US

11

Constitution respectively;

12 And

13 To ask this court to declare U.S. Code, Title 47, Chapter 5, Subchapter II, Part I, §230(c)(2)(A)  
14 unconstitutional as it is a violation of the separation of government powers inherent in the  
15 Constitutional enumeration of powers granted by the sovereign individuals of this nation to their  
16 government for the purpose of their protection and security in their private property.

17 **Standing and Jurisdiction**

18 Plaintiff has standing through Defendant's repeated, prolonged, and unconstitutional  
19 blocking, and otherwise restricting with great aplomb, Plaintiff's ability to post his public  
20 comments which include, but are not limited to political opinions, philosophical observations,  
21 cultural observations, religious and scientific observations, and ideas on Defendant's publicly  
22 offered and universally available electronic platform. Such ideas and opinions are the private  
23 property of Plaintiff and not to be taken without due process by anyone including Defendant.  
24 The unconstitutional restrictions and thus takings were pervasive and nefarious so as to prevent  
25 Plaintiff from even "liking" the postings of others on Facebook or the postings of others or  
26 Plaintiff posting on other ICSP's linked by Plaintiff to his Facebook page under his name. Such  
27 "liking" is also an expression of speech.

28 Defendant is a ubiquitous publicly held corporation who does business and claims to  
29 have billions of users and clients in every US state as well as nations throughout the developed  
30 world, and thus Defendant is subject to the jurisdiction of every nation and state, including the  
31 State of Ohio and the United States, where Defendant does business. Furthermore this suit is  
32 undertaken in a court of law and not a court of equity although cloaked as such as a result of  
33 inherent deficiencies in the judicial system. Plaintiff as sovereign precursor, as all individual  
34 citizens are, to the Constitution is prosecutor/plaintiff hereinafter Plaintiff in this case. While

35 government takes on the mantel of sovereignty it does so to the extent that it is engaged in its  
36 Constitutional duty to protect private property and enforce contracts, the individual citizen is  
37 sovereign in the absolute when engaged in the defense of inalienable rights, which are private  
38 property rights, as is the instant case. Such defense can only be undertaken in a court of law and  
39 not a court of equity. Accordingly, Defendant who is guilty of violating the inalienable  
40 sovereignty and property rights of Plaintiff is subject to punishment under the law. Such  
41 punishment not established under codified law now herein established under common law by this  
42 court and superior courts with the successful prosecution of the instant case against Defendant  
43 and in favor of Plaintiff.

#### 44 **Background and Law**

45 Defendant (defined through statute as Interactive Computer Service Provider hereinafter  
46 also ICSP) has repeatedly denied and thus silenced Plaintiff's (hereinafter also User or "other  
47 information content provider") ability to express his opinion on Defendant's publicly and  
48 universally available electronic forums which said opinions or comments Defendant disagrees or  
49 finds otherwise objectionable. Indeed Defendant has had the audacity to remove content posted  
50 by Plaintiff that Defendant did not like and thus erasing his written words, which are his  
51 property, from the sight and memory of man and the eyes of posterity. In so doing Defendant  
52 promotes his political, cultural, religious, philosophical, and economic opinions and ideas above  
53 all others and at the expense of Plaintiff's before the voting public through omission of  
54 Plaintiff's opinions, as well as the opinions of untold millions of others who hold similar political  
55 views as Plaintiff while leaving intact those postings and comments Defendant approves.

56 Defendant is shielded under statute from any civil liability regarding any consequences  
57 arising from one of his Users', including Plaintiff's, comments causing libelous harm to others  
58 under U.S. Code, Title 47, Chapter 5, Subchapter II, Part I, §230(c)(1) which states:

59 *(c) Protection for "Good Samaritan" blocking and screening of offensive material*  
60 *(1) Treatment of publisher or speaker*  
61 *No provider or user of an interactive computer service shall be treated as the*  
62 *publisher or speaker of any information provided by another information content*  
63 *provider.*

64 Defendant is also held harmless for copyright infringement under *17 USC 512: Limitations on*  
65 *liability relating to material online*. In other words, only the originating User is liable for any  
66 harm caused to others and not the ICSP or other Users under 47 USC §230(c)(1). In this regard  
67 the ICSPs are unlike federally regulated television, cable or radio broadcasters who do bear  
68 responsibility for content they provide and to the extent that they are also carriers they are  
69 licensed by the Federal Government under USC Title 47. The ICSPs are also unlike the news or  
70 entertainment media who are content providers except to the extent the news or entertainment  
71 media offer a public electronic forum for discussion or comment as in the case of ABC, CNN,  
72 FOX and most others. Where such electronic forums for Users are offered then these entities are  
73 statutorily ICSPs and thus subject to the same consideration under the law including the outcome  
74 of the instant case. Thus this case has broad implications and its outcome affects the legal status  
75 and thus the constitutional liability of all ICSPs. Besides Defendant, other ICSPs include  
76 Google, YouTube, Twitter, Yahoo and others that present a public forum to users. These ICSPs  
77 all have explicit or implicit user policies to censure the speech of users they find objectionable.

78 The fact that ICSPs are shielded by statute from any liability associated with publishing  
79 or originating libelous content not their own, as they are not by legal definition engaged in these  
80 activities, clearly obviates the need for 47 USC §230(c)(2)(A). 47 USC §230(c)(2) states:

81 *(2) Civil liability*

82 *No provider or user of an interactive computer service shall be held liable on*  
83 *account of—*

84 *(A) any action voluntarily taken in good faith to restrict access to or*  
85 *availability of material that the provider or user considers to be obscene,*  
86 *lewd, lascivious, filthy, excessively violent, harassing, or otherwise*  
87 *objectionable, whether or not such material is constitutionally protected;*

88 *or*

89 *(B) any action taken to enable or make available to information content*  
90 *providers or others the technical means to restrict access to material*  
91 *described in paragraph (1).*

92 *(1)[So in original. Probably should be Subparagraph A]*

93 Since the ICSP cannot be held liable for any comment not its own and of third parties, i.e. Users  
94 such as Plaintiff, and made on the ICSP's network under 47 USC §230(c)(1), then 47 USC  
95 §230(c)(2)(A) is not necessary to shield the ICSP from civil liability which may be inherent in  
96 any content transmitted on their network and originated by Users in order to fulfill the stated  
97 policy that Congress enunciated and codified under 47 USC §230(b) to wit:

98 *(b) Policy*

99 *It is the policy of the United States—*

100 *(1) to promote the continued development of the Internet and other interactive*  
101 *computer services and other interactive media;*

102 *(2) to preserve the vibrant and competitive free market that presently exists for*  
103 *the Internet and other interactive computer services, unfettered by Federal or*  
104 *State regulation;*

105 *(3) to encourage the development of technologies which maximize user control*  
106 *over what information is received by individuals, families, and schools who use*  
107 *the Internet and other interactive computer services;*

108 *(4) to remove disincentives for the development and utilization of blocking and*  
109 *filtering technologies that empower parents to restrict their children's access to*  
110 *objectionable or inappropriate online material; and*

111 *(5) to ensure vigorous enforcement of Federal criminal laws to deter and punish*  
112 *trafficking in obscenity, stalking, and harassment by means of computer.*

113 These codified policy goals can all be met without the need for 47 USC §230(c)(2)(A) and  
114 through technology available at the end user terminal or ICSP server as in 47 USC  
115 §230(c)(2)(B). These policy goals do not require the broad and absolute censoring of an

116 individual or individuals by a quasi-public entity such as Defendant ICSP. Thus 47 USC  
117 §230(c)(2)(A) is extraneous and unnecessary for this purpose. Indeed 47 USC §230(c)(2)(A)  
118 defeats the purpose of 47 USC §230(b) by effectively sanctioning the ICSP as an editor to the  
119 content published by others and instead of shielding the ICSP from liability for content makes  
120 the ICSP responsible for content. Thus in those instances in which the ICSP fails to edit content  
121 that results in harm to others it can be held liable under 47 USC §230(c)(2)(A) for such harm.  
122 Yet clearly this was not the intent of 47 USC §230(b).

123           However 47 USC §230(c)(2)(A) does serve another more sinister, nefarious and  
124 unconstitutional purpose which is the silencing of political speech that the ICSP, as a statutory  
125 proxy of the government, and thus the government, does not like. The regulation and shielding  
126 of ICSP's by the government under 47 USC §230(c)(2)(A) confers on the ICSPs the legal status  
127 of quasi-public entities, i.e. private entities with a public duty. In this sense the ICSPs become  
128 proxies of the government. In other words the ICSPs have a duty to the public akin to the duty  
129 of the government, i.e. the equal treatment of all under the law, and thus include the enumerated  
130 protections of the Constitution against government oppression of individuals. By shielding the  
131 ICSP from liability vis-à-vis Users harmed by other Users under 47 USC §230(c)(1), the  
132 government enables the ICSP to offer an expansive platform encouraging Users to subscribe to  
133 the ICSP's network thus increasing the exposure to its advertisers who are the source of revenue  
134 for ICSPs. This promotes the ICSP's economic interests by dint of statutory foreclosure of civil  
135 liability under 47 USC §230(c)(1). Thus the ICSP's economic interests are directly dependent  
136 on the protection of the government through specific statutes and thus the taxpayer. 47 USC  
137 §230(c)(1) also confers in part Defendant's quasi-public status and thus its public and  
138 constitutional duty.

139           **Legislature constitutionally barred from granting sovereignty to any entity**

140           As 47 USC §230(c)(2)(A) is on its face extraneous and unnecessary to shield the ICSP  
141 from civil liability then there can only be one other possible purpose for its enactment by the  
142 legislature and that is as an instrument of the legislature to serve as a de facto restriction on  
143 speech and thus abrogate the First Amendment rights of the Users at the whim of the ICSP.  
144 Defendant owes allegiance to the favored political ideology permeating the government and its  
145 incumbent and imbedded bureaucracy and is in fact, and under law, a proxy of the legislature.  
146 This political ideology is statist and atheistic manifested in greater government control over the  
147 individual and it can be no other, as any bureaucracy has as its sole goal its survival and  
148 perpetuation. This purpose also manifests in the 47 USC §230(c)(2)(A) clause to wit “...*whether*  
149 *or not such material is constitutionally protected...*”. Thus the legislature accomplishes through  
150 a government dependent quasi-public entity, i.e. the ICSPs or Defendant, what it cannot  
151 accomplish by public law, i.e. the silencing or muting of political speech it finds objectionable.

152           47 USC §230(c)(2)(A) goes beyond the above legislative stated policy as codified under  
153 47 USC §230(b). 47 USC §230(c)(2)(A) in fact and in law grants to the ICSP, a quasi-public  
154 entity, governmental injunctive powers without due process to restrict speech the ICSPs as shells  
155 or proxies for the government, do not like or approve. In this manner the incumbent  
156 government bureaucracy or any political arm of the government through the action of 47 USC  
157 §230(c)(2)(A) attempts to secure its position and its control over the populace by openly granting  
158 unconstitutional sovereign powers, i.e. the power of broad censorship, to a government  
159 dependent quasi-public entity, to wit the ICSPs who are of one mind, thus creating an  
160 unconstitutional instrument of the state. The legislature cannot constitutionally grant executive,  
161 legislative and judicial powers, i.e. sovereign powers, to any private or quasi-public entity as it



162 has done under 47 USC §230(c)(2)(A) as it flies in the face of the enumerated powers of the  
163 Constitution. If it can do it in this instance, then the legislature can do it in other instances as  
164 well even going so far as creating its own private police force or army through legislative fiat.  
165 For instance, if the court finds that the legislature can act as it has done in the instant case then  
166 what would prevent Congress from passing a law with a willing Executive allowing Blackwater,  
167 a provider of foreign mercenaries, to take and to hold US citizens based on Blackwater's rules or  
168 policies, i.e. laws, while granting Blackwater sovereign immunity from civil lawsuits or even  
169 criminal prosecution? To bring the analogy closer to the instant case assume Blackwater was a  
170 private security firm providing protection to individuals and as part of its contract it included  
171 provisions that forbade its clients from owning or possessing firearms, an inalienable right. The  
172 enforcement of such a contract by the courts through a civil suit or criminal suit is the  
173 government through judicial action, i.e. dismissal of the law suit, abrogating the Second  
174 Amendment. In other words an individual who freely contracts with Blackwater knowing the  
175 terms and conditions can, under the Constitution, still possess a firearm and Blackwater cannot  
176 sue to force its terms yet Blackwater must still perform on the contract.

177 Thus 47 USC §230(c)(2)(A) is unconstitutional because it is a violation of the separation  
178 of powers as enshrined in the enumerated powers of the US Constitution. The statute has made  
179 Defendant into a willing arm or instrument of the legislature and the bureaucracy of the state. In  
180 other words the legislature has created a willingly dependent and sovereign entity, i.e. Defendant  
181 or ICSP, who is subject to the will of its benefactor, creator, and protector, i.e. the legislature  
182 through statute, and the incumbent government bureaucracy through regulation. In so doing, the  
183 legislature willfully bypasses the executive and judicial branch and due process in suppressing  
184 the speech and other rights under the First and Fifth Amendment of citizens with whom it and its



185 proxy ICSP stand in ideological opposition. This is exactly what Congress has done under 47  
186 USC §230(c)(2)(A). Thus 47 USC §230(c)(2)(A) is unconstitutional.

187 **47 USC §230(c)(2)(A) inherently unenforceable**

188 47 USC §230(c)(2) speaks only to civil liability and not criminal liability yet abridgement  
189 of speech as a Constitutional issue is a matter for a court of law not a court of equity. This alone  
190 renders 47 USC §230(c)(2)(A)(2) moot and thus inherently unenforceable and unconstitutional.  
191 The instant case is a matter of law and not a matter of equity because Plaintiff is neither an  
192 employee of Defendant nor an owner of Defendant's stock. Neither is Plaintiff a client or  
193 customer of Defendant since Plaintiff does not have a contract with Defendant where there is  
194 valuable consideration or ascent. Although the exchange of one's freedom to speak for access to  
195 Defendant's platform may be regarded by Defendant as a form of contract, an inalienable right  
196 cannot be relinquished in law or in equity under contract without due process and with no other  
197 consideration such as compensation for services. Thus there can never be a contract or the  
198 enforcement of such a contract when the contract demands solely the abrogation of an  
199 inalienable right absent any other consideration whether or not the contract is exercised in  
200 accordance with free will. With no lawful contract there is neither basis in equity nor in law for  
201 Defendant's arbitrary and capricious censoring of Plaintiff's speech and the taking and  
202 destroying of his property – to wit his ideas.

203 **Violation of First Amendment through Judicial Action**

204 Furthermore 47 USC §230(c)(2)(A) law is prima facie unconstitutional as it explicitly  
205 violates the First Amendment prohibition against laws abridging the freedom of speech, freedom  
206 of the press and freedom of religion. Indeed 47 USC §230(c)(2)(A) refers to  
207 *“any action ... to restrict access to or availability of material that the provider (ICSP) or user*  
208 *considers to be ... objectionable, whether or not such material is constitutionally protected...”.*

209 While the ICSP, i.e. Defendant, is not the government the said statute rests ultimately on its  
210 adjudication and enforcement by the government, i.e. through the judicial branch. Thus any civil  
211 suit brought against the ICSP on First Amendment grounds restricting the freedom of speech  
212 could not be dismissed under 47 USC §230(c)(2)(A) without violating the First Amendment.  
213 This is apart from the fact that the abrogation of the freedom of speech is a criminal and not a  
214 civil matter. The dismissal of such a civil suit under 47 USC §230(c)(2)(A) or criminal  
215 prosecution under the Constitution is the government through judicial action, i.e. its dismissal,  
216 abrogating the freedom of speech, and it is the de jure sanctioning of the speech of one party, i.e.  
217 the ICSP or Defendant, and the de jure censoring of the speech of another party, the User, who is  
218 neither an employee, client nor owner of the ICSP. The enforcement of such a policy or  
219 “contract” is the de jure sanctioning of the legislature’s de facto abridgement of political speech  
220 under 47 USC §230(c)(2)(A). In other words 47 USC §230(c)(2)(A) is a law that acts to abridge  
221 free speech through its enforcement by the judiciary and it is therefore unconstitutional.

222 Even if 47 USC §230(c)(2)(A) did not exist the government could not dismiss a civil  
223 lawsuit or criminal prosecution, such as the instant case, brought on grounds that the ICSP or  
224 Defendant restricted, prohibited or blocked the user’s speech because in dismissing such a case  
225 the government would nevertheless be abridging de jure the freedom of speech and thus the  
226 taking of private property. The only constitutional path for the ICSP, i.e. Defendant, to censor  
227 any speech on its network without de facto abridgement of free speech is to obtain a court order  
228 showing that the speech it wants to restrict violates criminal codes section 223 or 231 of Title 47,  
229 chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18,  
230 or any other Federal criminal statute. In which case the User whose comments the ICSP wants  
231 to prohibit or restrict has an opportunity to defend himself in a court of law. Thus it is the court

232 enforcing the law through the exercise of due process and not a private or quasi-public entity, i.e.  
233 the ICSP or Defendant, and therein is the constitutional proscription of the ICSP censoring  
234 Plaintiff's written speech which is the taking of private property without due process.

235 Nor can an ICSP include in its user agreements, user contracts or user policies, which are  
236 effectively laws under USC§230(c)(2)(A) as they restrict free will, any terms or conditions  
237 restricting the speech of any User in any manner other than already specifically prohibited under  
238 current law as above and subject to court review prior to restriction by the ICSP. Any existing  
239 user service agreement or user contract or user policy containing such terms or conditions is  
240 unenforceable in a court of equity or a court of law since any unsuccessful First Amendment or  
241 Fifth Amendment suit brought by the user arising from its enforcement by the ICSP is the  
242 government abridging the freedom of speech through judicial action, i.e. the dismissal of such a  
243 suit.

244 Note that civil suit arising from harm done to another by the speech of a User is not at  
245 issue in this case. The ICSP under 47 USC §230(c)(1) cannot be held liable for any harm done  
246 to another by words originating by a User on its network. Accordingly there is no legal or  
247 economic reason for the ICSP to restrict the speech of any User. Indeed the economic incentive  
248 is just the opposite, i.e. to allow freedom of speech and thus promote the number of users on its  
249 network. Users are not clients, employees or owners of Defendant they are instead assets of  
250 Defendant. The greater the number of Users an ICSP claims the greater the value of the ICSP to  
251 advertisers, and others seeking to reach customers, and thus the greater the revenue to a company  
252 such as the Defendant. Restricting the speech of users tends to reduce the number of users and  
253 thus the value of the company. Thus Defendant acts against his economic interests and those of  
254 his shareholders by restricting the speech of Users. This is more evidence that Defendant has no

255 legal or economic reason to censor Users as he has done in the instant case. Accordingly the  
256 censorship is a political and not an economic act. This forecloses any defense on the grounds  
257 that the Defendant is acting as a private entity because it is not. And as the censorship serves the  
258 purposes of entrenched government elements seeking to silence criticism it is subject to  
259 Constitutional prohibitions. Thus the only reason for the censorship is strictly political which  
260 means that the harm is to a political party or the entrenched government ideology. This sort of  
261 harm, short of rebellion, is protected under the Constitution and cannot be redressed or punished  
262 by the government or an agent or instrument of the government as in the instant case in any  
263 shape, manner, or form other than through due process.

264 **Private Entity is not the Government is not an argument for dismissal**

265 Nor can the argument for dismissal be based on the freedom of a private company to  
266 manage its own affairs and thus restrict access to its network to whomever it wants, and under  
267 any conditions it sets forth. Such an argument necessarily presupposes the existence of a user  
268 agreement, user contract or user policy whether explicit or implicit which is subject to  
269 enforcement in a court of law or in a court of equity and presupposes the successful dismissal of  
270 a lawsuit restricting speech thus leading to the de jure violation the First Amendment Rights of  
271 the User by dismissal action of the judicial branch of the government. Any ruling of the  
272 judiciary has the force of law whether or not codified as such and thus equivalent to an act of the  
273 Legislature insofar as Constitutional restrictions on Acts of Congress is concerned. As long as  
274 the Defendant censors speech, i.e. takes private property, it remains liable for violation of the  
275 First Amendment because a User can always bring suit in a court of law to force Defendant to lift  
276 its censoring practices 47 USC §230(c)(2)(A) notwithstanding. Judicial enforcement in a court

277 of equity or a court of law of Defendant's censoring practices is de jure abridgement of speech as  
278 well as theft of private property and thus Unconstitutional.

279 Plaintiff acknowledges that an individual User has the freedom to block or filter any  
280 content generated by another individual User or to block the User for any reason or for no reason  
281 and to use technology embedded either in the client computer or in Defendant's server for this  
282 purpose and provided or not provided by the ICSP. Indeed 47 USC(d) titled "*Obligations of*  
283 *interactive computer service*", provides a legal mandate to the ICSP to notify users of measures  
284 to filter content objectionable to one class of users without the broad censoring of Users. 47  
285 USC(d) states,

286 "*A provider of interactive computer service shall, at the time of entering an agreement with a*  
287 *customer for the provision of interactive computer service and in a manner deemed appropriate*  
288 *by the provider, notify such customer that parental control protections (such as computer*  
289 *hardware, software, or filtering services) are commercially available that may assist the*  
290 *customer in limiting access to material that is harmful to minors. Such notice shall identify, or*  
291 *provide the customer with access to information identifying, current providers of such*  
292 *protections.*"

293 However the ICSP under 47 USC §230(c)(2)(A) or even absent 47 USC §230(c)(2)(A), blocks  
294 access to all Users or classes of Users based on an arbitrary policy that when unsuccessfully  
295 challenged in a court of law or a court of equity violates the First Amendment prohibition of  
296 laws abridging the freedom of speech through judicial action, i.e. dismissal. Indeed the statutory  
297 bar challenging an ICSP's user policies, user agreements or user contracts grants such policies,  
298 agreements and contracts the status of laws. Said laws being enforced by the ICSP on behalf of  
299 the government, and at the implicit or explicit behest of the government, to whom the ICSP owes  
300 its continued existence in large part through regulations, and independent of any Constitutional  
301 restrictions to the actions of the government.

302 Speech no matter how expressed and originated by a User is not intended for the ICSP  
303 but for other users. Thus the speech is not the property of the ICSP to do with as he wills  
304 regardless that it resides on his servers. Speech is intangible property and thus has no physical  
305 qualities. Speech becomes the property of those to whom it was intended absent copyright,  
306 trademark or patent protection. Thus the taking of that speech by the ICSP is theft and a criminal  
307 matter not a civil matter. This alone renders 47 USC §230(c)(2)(A) moot and unenforceable.

308 Moreover any user content posted on an ICSP's network is analogous to the content  
309 offered by the press and content media, as much of what is offered by the press and content  
310 media is opinions and falsehoods, although less so by the User, as has become manifest in recent  
311 years. Nevertheless the First Amendment also secures the freedom of the press and as such any  
312 restriction placed on the content provider, i.e. User and including Plaintiff, must follow due  
313 process or else it is a violation of the First Amendment. Accordingly this court cannot dismiss  
314 this suit without violating the First Amendment rights of the plaintiff, i.e. without stepping on the  
315 freedom of speech and of the press, and without sanctioning the unconstitutional delegation of  
316 sovereign powers to a quasi-public entity.

317 **Defendant not wholly a private entity and thus has a duty to the public**

318 Regarding dismissal on the bases that Defendant is a private entity and as such enjoys the  
319 freedom to serve or not to serve customers, clients, or Users, Plaintiff asserts that Defendant  
320 ultimately relies on resources such as private property easements and right-of-ways, which are  
321 uncompensated constitutional takings, and government regulated air waves, which is an  
322 easement, to exist and conduct its business. As such it has a connection both to the public and to  
323 the government that is akin to a public utility and unique to its business, and essential to its  
324 business as all other businesses rely only on the sovereign's protection of private property and



325 enforcement of contracts and not on any private property easements or takings (highways and  
326 ports are owned by the government and built on land taken with compensation – these are not  
327 easements. Further such takings are for national security and not commercial purposes). Thus  
328 Defendant’s quasi-public nature and his position to influence public opinion through omission or  
329 commission regarding the posting of User’s comments, subjects Defendant to constitutional  
330 restrictions on its acts which said acts have the force of law and are in effect unconstitutional  
331 laws. This includes the constitutional restriction on laws, i.e. broad policies, agreements, or  
332 contracts that abridge the freedom of speech, freedom of religion, and freedom of the press.

333         The censorship of Plaintiff’s speech by Defendant is akin to the telephone company tape  
334 recording one party’s words, reviewing what is said and then deciding not to forward it to the  
335 other party based on policies it has set forth. It is also akin to the USPS reading the letter of a  
336 patron and deciding not to forward the letter to the recipient based on policies it has set forth. Or  
337 more to the instant case it is akin to reviewing what is said or mailed and then foreclosing any  
338 future words or mailings by the patron regardless of content. These acts are illegal and  
339 unconstitutional yet this is exactly what is de jure sanctioned by 47 USC §230(c)(2)(A) and/or  
340 any dismissal of a civil suit on First Amendment grounds even absent 47 USC §230(c)(2)(A).

341         Thus the instant case cannot be dismissed on the basis that Defendant is a private entity  
342 as clearly he is not in the instance where Defendant abridges the freedom of speech and relies on  
343 the judiciary to enforce his abridgment of free speech; and further relies on the government’s  
344 power of eminent domain to conduct his business as in the case of utilities and the USPS. In  
345 other word, the Congress has deemed Defendant to be a quasi-public entity and held harmless in  
346 civil suit thus foreclosing any defense on the grounds that it is a private entity.



347 **User not employee or contractor of Defendant**

348 Plaintiff acknowledges that Defendant, insofar as he is a private corporation, has the right  
349 to restrict employees' or contractors' speech insofar as such speech affects the commercial  
350 enterprise or interests of Defendant. This right stems from the basic legal and moral principle  
351 that a man cannot sue or harm himself. Employees and contractors are under contract to the  
352 Defendant whether implicit or explicit and thereby are legally and morally one and the same with  
353 Defendant by virtue of their compensation for services rendered. This right to restrict speech  
354 does not extent to Users on a public forum provided by the Defendant, just as it did not apply to  
355 telephone company customers or United States Postal Service patrons. In the latter cases any  
356 communication between users of these services could not be restricted without due process.  
357 There is no conceptual operational difference between these latter services and the service  
358 provided by ICSPs, i.e. Defendant, yet the ICSP is legally set apart from these services under 47  
359 USC §230(c)(2)(A), and even in the absence of 47 USC §230(c)(2)(A) through judicial  
360 enforcement of user policies. This discrimination under the law flies in the face of equal  
361 protection and thus any legislative, judicial or executive action manifesting such legally disparate  
362 protections is prima facie unconstitutional.

363 **No contractual obligation – User not client of ICSP**

364 The policies which ICSP's including Defendant employ to restrict users' speech cannot  
365 be regarded as contracts or agreements because there is no valuable consideration by either the  
366 User or the ICSP. There is no material breach of contract or agreement which can arise and  
367 result in any suit in a court of equity thus there can be no performance which can be demanded in  
368 a court of equity. Rather the policies operate not in the realm of equity but in the realm of  
369 constitutional law, to wit the abridgement of the lawful exercise of those inalienable rights

370 secured by the First Amendment. This alone renders 47 USC §230(c)(2)(A) moot as it explicitly  
371 refers only to civil and not criminal matters. However the restriction of speech by the  
372 government or any agent or any instrument of the government is a criminal matter. Indeed if  
373 there is any consideration or ascension inherent in the user policy of ICSPs it is the abridgement  
374 of the freedom of speech in exchange for the ability to post on their platforms. Even if  
375 Defendant argues that ascending to its policies as a condition for access to its platform is a  
376 contract, then such a contract is inherently unenforceable as it has as its only performance  
377 abridging the exercise of free speech. A contract that demands an unlawful performance is  
378 inherently unenforceable and no one can be made to ascend to such a contract as a condition for  
379 the performance of the other party. In other words Defendant offers a platform for individuals to  
380 express their views but as a condition for access to this platform they must relinquish the  
381 freedom to express those views. This renders any perceived contract moot and thus Plaintiff's  
382 ascension to Defendant's policies cannot be a defense in the instant case. Either the Defendant  
383 must permit all lawful speech or no speech. There can be no middle ground without violating the  
384 inalienable rights and thus private property rights of the individual User.

385 **Alternative Platforms**

386 In a truly free enterprise economy there are always alternative sources of services or even  
387 the ability of an individual to create a service and become an ICSP. This is true in the instant  
388 case. If a User is denied his constitutional rights by a single ICSP then he can simply express  
389 them at another ICSP or even undertake the creation of an ICSP assuming he has sufficient  
390 resources or access to sufficient resources. This however does not solve the constitutional  
391 problem of the government sanctioning restriction to the free speech of others through the  
392 Defendant. Indeed the Defendant claims he has billions of users on his platform and thus the

393 audience for any timely public postings is much larger than it is for any other platform currently  
394 in existence. Forcing a User to express his opinion on a smaller platform by blocking his views  
395 is restricting speech by restricting the audience to his speech and a violation of his First  
396 Amendment rights by a government proxy. It is analogous to forcing an individual from a stage  
397 in a large stadium to a dais in a small conference room to prevent his objectionable words from  
398 being widely heard or known. This is an abridgement of the freedom to speak by an instrument  
399 of the government. Thus Plaintiff's access to alternative platforms is not a defense available to  
400 Defendant as it does not resolve the issue, to wit government abridging the Freedom of Speech  
401 through the action of the Defendant. Apart from this almost all other ICSP's have policies  
402 similar to Defendant's so the restriction to free speech as a result of 47 USC §230(c)(2)(A) is  
403 universally insidious, and pervades the Internet.

404 Similarly any act by Defendant to restrict speech either by using such methods as  
405 "shadow banning" and eliminating the pages of corporate entities which include the press, radio  
406 and television stations are illegal acts under the First Amendment and must be proscribed by this  
407 court and made common law. "Shadow banning" is censoring speech while making the User  
408 believe that the speech was allowed. In other words a posting by the User appears on his page  
409 but not on the page of all others or the public to whom the posting was intended. This is another  
410 subtle way of discouraging and thus abrogating speech that the Defendant does not like by  
411 deceiving the User to believe that no one is interested in his ideas since he sees no response to  
412 his posting. This too is the criminal taking of private property by the ICSP to whom the  
413 property, i.e. speech was not intended to be given. Thus the user will stop posting and succumb  
414 to the Defendant's ideology which appears to be more popular when in fact it is and remains a  
415 minor ideology.

416 Eliminating the pages of corporate entities particularly the press and radio and television  
417 companies, while seemingly innocuous is actually a bowing to elements within those entities that  
418 do not want to be criticized or challenged on their statist views. The Defendant provides a  
419 platform for such criticisms and this cannot be abridged as long as Defendant is a quasi-public  
420 entity. Thus this court must proscribe as a matter of common law any act by Defendant which  
421 restricts any user whether an individual or corporate entity from freely posting on his public  
422 forum.

423 Further let us assume there are no telephones of any type, or no postal services, or email,  
424 and no other ICSPs, and assume Defendant ICSP is the only means to communicate with others.  
425 In such a scenario the restriction to speech by Defendant ICSP would be absolute under current  
426 law. Under this scenario tyranny ripens and overtakes all freedoms. The more that this scenario  
427 unfolds driven by such concepts such as “cloud” computing and secured by laws such as 47 USC  
428 §230(c)(2)(A) and/or judicial enforcement of ICSP policies abridging the freedom of speech,  
429 then the closer to tyranny we come. Indeed when ruling on the merits of this case an error in  
430 favor of Plaintiff (which would not be an error) serves to increase freedoms while an error in  
431 favor of Defendant serves to restrict freedoms. Thus the court is the last bastion of defense  
432 between the forces of tyranny and the forces of freedom and as such it is always wiser to err on  
433 the side of freedom and thus grant Plaintiff’s plea.

434 **Defendant not Publisher**

435 The court cannot dismiss this case on the basis that the ICSP is a publisher of the works  
436 of others and, as such, has the discretion to utilize its scarce resources in any manner that  
437 operates to its benefit, i.e. to its profit. 47 USC §230(c)(1) states unequivocally  
438 “...*No provider ... interactive computer service shall be treated as the publisher or speaker of*  
439 *any information provided by another information content provider*”.

440 But even apart from this statute, the ICSP is a carrier of the content published by others and not  
441 the publisher of content. Thus the resources it deploys are not for the purpose of publishing but  
442 for the purpose of transmitting published content much akin to the USPS. As the number of  
443 Users claimed by Defendant is in the billions then the resources at its disposal are plentiful if not  
444 infinite and not scarce. Thus efficiency or scarcity cannot be factors in the utilization of  
445 resources. This renders moot any argument to restrict access to Users based on any criteria,  
446 including conditions restricting speech set forth in policies, for the sake of efficiency or scarcity  
447 of resources and this case cannot be properly dismissed on this basis.

448 **User's welfare and altruism not a defense**

449 Neither can Defendant argue that by removing Plaintiff's comments and suppressing his  
450 freedom to speak Defendant is acting altruistically and thus in the best interest of User, by  
451 shielding User from harm by others who User may offend. This argument is specious at worse  
452 and disingenuous at best as it flies in the face of multiple incidences where Defendant has  
453 repeatedly allowed and did not censure content that had a high probability of leading to harm and  
454 did in fact lead to harm or to threats of harm. Thus the argument that Defendant is acting in the  
455 best interest of Plaintiff cannot be used in this instance when it is inconsistently applied. Indeed  
456 the pattern of application is such that it promotes the harm to one ideological class of users by  
457 not blocking users whose intent is to harm those users. And even if the Defendant denies such a  
458 pattern nevertheless the fact that Defendant even engages in blocking any user or has the legally  
459 sanctioned ability to block users gives rise to a pattern of application that promotes one ideology  
460 over another whether consciously intended or not and thus does harm to the freedom of speech  
461 and the constitution which is the greater harm.

462

**Plaintiff's Prayer**

463

As the Defendant has knowingly or unknowingly conspired and with malice aforethought

464

to willfully suppress and deny Plaintiff's most precious, priceless, inalienable, and God given

465

right to political speech; his freedom of the press, and his religious freedom, and as Defendant

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has in fact and in law knowingly or unknowingly and willfully suppressed and denied Plaintiff's

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most precious, priceless, and inalienable right to political speech as well as similarly denying the

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speech of thousands or even millions of others who are similarly politically predisposed and

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whose political disposition and philosophy goes against those of the ICSP and by dint of agency

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or instrument, the government, and who have denied these rights without due process , Plaintiff

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therefore prays this court award to Plaintiff punitive damages of **\$1 billion**. Given the values of

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the inalienable right of speech, the inalienable right of religion, the inalienable right of the press

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and the inalienable right of due process the aforementioned damages are indeed boundless and

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priceless, thus the punitive damages demanded of Defendant are modest and reasonable as well

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as a tribute to the profound forbearance of Plaintiff as he and millions of others have tolerated

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the unlawful, arrogant, hypocritical, and spiteful behavior of Defendant for far too long, said

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behavior growing increasingly and more boldly intolerant with time. The punitive damages are

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also supported by the fact that the statist and stoic philosophy and ideology and Keynesian

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economics promulgated by Defendant as earnestly implemented in US governance, education

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and other institutions since 1930 has led to tremendous economic losses. Exhibit 1 presents an

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analysis of the extent of the damage done to the US economy by the statist and stoic ideology

482

espoused by Defendant wherein the 2016 GDP would have been almost 80 times larger in

483

constant dollars. The destruction of wealth by these ideologies continues unabated as the

484 freedom of speech, freedom of the press and freedom of religion are suppressed and abridged by  
485 the government and its proxies such is Defendant.

486 Moreover Plaintiff prays this court to declare U.S. Code, Title 47, Chapter 5, Subchapter  
487 II, Part I, §230(c)(2)(A) unconstitutional on the grounds that its enforcement by judicial action,  
488 i.e. the dismissal of a suit challenging the ICSP on First Amendment grounds, violates the First  
489 Amendment's prohibition of laws restricting the freedom of speech; freedom of the press; and  
490 freedom of religion;

491 And further;

492 That this court declare U.S. Code, Title 47, Chapter 5, Subchapter II, Part I,  
493 §230(c)(2)(A) vis-à-vis the ICSP, unconstitutional as it unconstitutionally delegates government  
494 injunctive powers to a non-government entity, to wit the ICSP, also Defendant, thus violating the  
495 separation of powers inherent in the enumerated powers of the US Constitution,

496 And further,

497 That this court order Defendant to cease and to desist it's restrictions on any and all  
498 speech, and thus the taking of private property, not otherwise declared unlawful under statute and  
499 prosecutable in a court of law in accordance with due process, Such restrictions including  
500 "shadow banning" and eliminating corporate entities from its platform.


501 And further,

502 That this court order Defendant to restore immediately all deleted comments made by  
503 Plaintiff and all other Users, and not otherwise declared unlawful under statute and prosecutable  
504 in a court of law in accordance with due process and issue a public apology to same, thus  
505 restoring his private property.

506 And further,



507 Establish common law punishment from this day forward of violators of free speech by  
508 any and all ICSPs, such as Defendant, as a fine of one day total revenue for each day that the  
509 ICSP restricted the speech of any user and said fine awarded to any user who can show in a court  
510 of law that such restriction occurred. The award allocated in equal proportion to the number of  
511 users affected on any given day. Or any common law punishment this court deems just.  
512 Respectfully submitted,

513   
514 Nicholas C. Georgalis  
515 Plaintiff proceeding pro se  
516 6981 Ivandale Rd.  
517 Independence, Ohio 44131  
518 [ngeorgalis@wowway.com](mailto:ngeorgalis@wowway.com)  
519 216-401-5326  
520 February 1, 2018

521 *If all men feared God there would be no need for government and great wealth would be created.*  
522

523

**EXHIBIT 1**

524

Method for determining the effect of the statist, and stoic ideologies on the US economy

525

A statist ideology manifests in flawed Keynesian economics. The governing principle of

526

Keynesian economics is that government borrowing and spending serves to create wealth. Since

527

1930 Keynesian economics has been de rigor in political, academic and governing circles it has

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resulted in an exponential increase in government spending. This spending has been funded

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through taxes, borrowing and printing of money. Taxes and borrowing take money out of the

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productive economy and thus reduce economic activity and the creation of wealth. The printing

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of money depreciates the value of money through inflation which offsets productivity gains and

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also reduces the creation of wealth.

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The method used to determine the effect of all this interference in the US economy since

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1930 is to assume that the interference did not happen by holding government spending constant

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and then calculate the minimum gains to the economy as a result of reinvesting the annual

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increases in spending. The investment was made in 10 year AAA Corporate bonds at the

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average rate in the year the increase in spending occurred. The increase in spending was taken

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by converting all dollars to 1929 dollars and then subtracting the spending in every year since

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1930 from the spending in 1930. After 10 years each year's investment and interest was

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reinvested in the same bonds at the rate in the year the reinvestment occurred. So every 10 years

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the investment plus interest was reinvested at the new interest rate. This process was interrupted

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by the war years 1941-1945 where all the government spending went to the war effort. No

543

investment was made during these years. The result of this process was that the 2016 GDP was

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almost 80 times larger in constant dollars. This result would have been even higher had the

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investment been made in equities over the same period particularly considering the low level of

546 government interference in the economy with the constant level of spending. In other words we  
547 would all be at least 80 times wealthier now in real dollar terms if it were not for the statist and  
548 stoic ideologies that gained traction in the early part of the 20<sup>th</sup> Century. Put another way the  
549 government has consumed the equivalent of 80 US economies since 1930 and in process made  
550 us all much poorer than we might otherwise have been.

551 Stopping or at least slowing the march of the statist and the stoic who has otherwise  
552 monopolized the public stage and infected many of our institutions is the goal of the Plaintiff and  
553 the millions like Plaintiff who ironically now have a public stage through the ISCPs platforms.  
554 Given the harm to the economy that has already taken place then the \$1 billion penalty is small  
555 indeed for it will open up the public stage to those voices that oppose the monumental  
556 destruction that the statist and stoic have undertaken and are currently attempting to undertake.