

Aaron Greenspan (*Pro Se*)  
956 Carolina Street  
San Francisco, CA 94107-3337  
Phone: +1 415 670 9350  
Fax: +1 415 373 3959  
E-Mail: aaron.greenspan@plainsite.org

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**AARON GREENSPAN,**

Plaintiff,

v.

**OMAR QAZI, SMICK ENTERPRISES,  
INC., ELON MUSK, and TESLA, INC.,**

Defendants.

Case No. \_\_\_\_\_

**COMPLAINT FOR:**

1. Libel Per Se
2. Intentional Infliction of Emotional Distress
3. Declaratory Judgment
4. Copyright Infringement
5. Violation of the UCL, Business & Professions Code § 17200
6. Violation of Federal Securities Laws
7. Injunctive Relief

**JURY TRIAL DEMANDED**

Plaintiff, Aaron Greenspan, alleges the following causes of action and requests for relief:

**INTRODUCTION**

1. This is a case about whether or not the wealthiest members of society should be permitted to lie with impunity, and the means they sometimes use to silence those who justifiably question them.

2. Defendant Elon Musk is the billionaire CEO of Defendant Tesla, Inc. ("Tesla"), which manufactures electric vehicles and sells solar energy products. He has attracted a cult

1 following, both among his customer base and on the Twitter social network, where Defendant  
2 Musk has in excess of 30 million followers.

3 3. On September 28, 2018, Defendant Musk signed a binding Consent Decree in  
4 *United States Securities and Exchange Commission v. Elon Musk*, Southern District of New  
5 York Case No. 1:18-cv-08865-AJN. On April 26, 2019, Defendant Musk signed an Amended  
6 Consent Decree in the same case. Both Consent Decrees regulate his use of social media and all  
7 corporate communications. Defendant Musk also paid a \$20 million fine to the United States  
8 Securities and Exchange Commission (“SEC”), separate and apart from a \$20 million fine paid  
9 by Defendant Tesla.

10 4. Defendant Omar Qazi, individually and through his corporation, Defendant Smick  
11 Enterprises, Inc. (“Smick”), has served as an attack dog and ferocious on-line propagandist for  
12 Defendants Tesla and Musk. Defendant Qazi is a Tesla shareholder and customer. Defendant  
13 Qazi also has a criminal record, having been arrested at least twice. His antics over a period of  
14 years have been so overly aggressive that Qazi himself attracted a following of tens of thousands  
15 of Musk’s supporters, and a considerable following of detractors, before he was banned from and  
16 by Twitter for life.

17 5. According to the SEC Office of Investor Education and Advocacy Investor Alert  
18 on Social Media and Investing, “false claims could be made on social media such as Facebook  
19 and Twitter” to effect “pump-and-dump” schemes through “false and misleading statements to  
20 the marketplace.” Indeed, social media has been instrumental to the unprecedented artificial  
21 elevation of Tesla’s stock price, which has yielded a market capitalization for the company,  
22 which has never turned an annual profit, of \$150 billion: about 2.5 times the worth of Lehman  
23 Brothers at its peak.  
24

8. Defendants Qazi's and Smick Enterprises, Inc.'s actions on behalf of Defendants Musk and Tesla are part of a overt pattern of Elon Musk smearing, harassing, and willfully defaming his critics based on any information at all, however obviously false or unreliable. Each Defendant has routinely displayed a reckless and often proud disregard for the truth, in service of one of the largest securities frauds in American history.

9. Plaintiff Aaron Greenspan is an individual residing in San Francisco County in the State of California. Plaintiff presently holds Tesla put options. Plaintiff is not a public figure.

10. Defendant Omar Qazi is an individual residing in Los Angeles County in the State of California and doing business in Santa Clara and San Francisco Counties in the State of California, in this district. Defendant Qazi purports to have an office on Market Street in San Francisco, California, in this district.

1           11. Defendant Smick Enterprises, Inc. is a Delaware corporation unregistered with the  
2 California Secretary of State or Franchise Tax Board, but nevertheless operating in Santa Clara  
3 and San Francisco Counties in the State of California, in this district.

4           12. Defendant Elon Musk is an individual residing in Los Angeles County in the State  
5 of California. Defendant Musk is a public figure whose activities, however minor, make national  
6 news on a near-daily basis. Defendant Musk works in Santa Clara and Alameda Counties, in this  
7 district.

8           13. Defendant Tesla, Inc. is a corporation based in Santa Clara County in the State of  
9 California, in this district. Its common stock trades on the NASDAQ Global Select Market  
10 under the ticker symbol "TSLA."

11                                   **JURISDICTION AND VENUE**

12           14. This Court has jurisdiction over the subject matter of this action pursuant to 28  
13 U.S.C. § 1331 and 1337, and Section 27 of the Exchange Act, 15 U.S.C. § 78aa.

14           15. Supplemental jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1367  
15 over the state law claims that are so related to the federal claims in this action that they form part  
16 of the same case or controversy under Article III of the United States Constitution.

17           16. The securities claims asserted herein arise under Sections 10(b) and 20(a) of the  
18 Exchange Act (15 U.S.C. §§ 78j(b) and 78t(a)) and Rule 10b-5 promulgated thereunder by the  
19 SEC, 17 C.F.R. § 240.10b-5.

20           17. Personal jurisdiction and venue are proper because at least one defendant is a  
21 corporation headquartered in this district and/or because the improper conduct alleged herein  
22 occurred in, was directed from, and/or emanated or exported from California. In addition,  
23  
24

substantial acts in furtherance of the alleged fraud or the effects of the fraud have occurred in this judicial district.

### **FACTUAL BACKGROUND**

#### **Tesla Stock Promoter Omar Qazi Inserts Himself Into A Dangerous Situation**

18. Plaintiff is an investor who has held short positions in Tesla, Inc. common stock via put options, among other investments.

19. Plaintiff is also a data journalist who runs a legal information service called PlainSite (<https://www.plainsite.org>). PlainSite hosts over 16 million court dockets and other government documents and contains profiles for over 6 million legal entities, one of which happens to be Defendant Tesla. PlainSite handles privacy requests on a case-by-case basis. Consequently, Plaintiff has come into contact with a wide variety of individuals who are occasionally upset that their information is in the public domain.

20. One such individual, Diego MasMarques, Jr., who was convicted of murder and attempted murder in Spain and charged with a number of other crimes in the United States, escalated his displeasure over the fact that his criminal convictions were public to the point where Plaintiff applied for, and was later granted, a “permanent” two-year restraining order against him. *See* Santa Clara County Superior Court Case No. 18CH008067, *Greenspan v. MasMarques*.

21. Plaintiff is Jewish and comes from a Jewish family.

22. On October 27, 2018, a shooter at the Tree of Life synagogue in Pittsburgh, Pennsylvania killed eleven Jewish congregants and wounded six.

23. On various websites, Mr. MasMarques, who has a documented history of mental illness, posted thousands of libelous diatribes falsely alleging that Plaintiff and his family

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.