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MAFFICK LLC

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10

11 MAFFICK LLC, a Delaware limited liability
company,

12 Plaintiff,

13 v.

14 FACEBOOK, INC., a Delaware corporation,
15 and Does 1-10, inclusive,

16 Defendants.

Case No.

COMPLAINT FOR:

- (1) DEFAMATION;
- (2) INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS;
- (3) INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC RELATIONS;
- (4) NEGLIGENCE INTERFERENCE WITH PROSPECTIVE ECONOMIC RELATIONS;
- (5) VIOLATION OF § 43(a) OF THE LANHAM ACT; AND
- (6) VIOLATION OF CAL. BUS. & PROF. CODE § 17200, ET. SEQ.

DEMAND FOR JURY TRIAL

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Plaintiff MAFFICK LLC, a Delaware limited liability company (“Maffick”), for its Complaint against Defendant FACEBOOK, INC., a Delaware corporation (“Facebook”), and Does 1-10, inclusive, hereby alleges as follows:

THE PARTIES

1. Maffick is a limited liability company organized under the laws of the State of Delaware, with its principal place of business in Los Angeles, California.

2. At all relevant times, Maffick has been a single member LLC. Its sole

1 member is Anissa Naouai (“Naouai”), a United States citizen living in Los Angeles.

2 3. Maffick is a social media and e-commerce company that focuses on social media
3 optimization and brand development. It operates three social media channels on Facebook and
4 Instagram: “In the Now,” “Soapbox,” and “Waste-Ed” and engages in e-commerce through one of
5 its social media channels, which allows for direct purchases of products within Facebook and
6 Instagram.

7 4. Facebook is a corporation organized under the laws of the State of Delaware, with
8 its principal place of business in Menlo Park, California.

9 5. At all relevant times, Facebook has operated social media platforms through its
10 Facebook and Instagram websites and applications, on which millions of users publish content and
11 engage in commercial activities, including Maffick.

12 6. The true names and capacities, whether individual, corporate, associate or otherwise,
13 of the defendants sued as Does 1 through 10, inclusive, are unknown to Plaintiff, who therefore
14 sues those defendants by fictitious names. Plaintiff will amend this Complaint to state their true
15 names and capacities when they have been ascertained. Plaintiff is informed and believes, and
16 based thereon alleges, that the fictitiously named defendants were responsible in some manner for
17 the acts and transactions alleged in this Complaint and are liable to Plaintiff therefor.

18 7. Plaintiff is informed and believes, and based thereon alleges, that each defendant is,
19 and at all relevant times herein mentioned was, the agent, servant, employee, alter-ego,
20 instrumentality, representative, co-venturer and/or partner of one or more of the other defendants,
21 and in doing the actions herein alleged, acted within their scope and authority and with the
22 knowledge, consent, approval and ratification of each of the other defendants.

23 JURISDICTION

24 8. Jurisdiction is proper under 28 U.S.C. §§ 1331 and 1337.

25 INTRADISTRICT ASSIGNMENT

26 9. Venue is proper in the Northern District Court of California because Facebook’s
27 terms and conditions require that suit be brought there. Defendant Facebook’s headquarters are in
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1 San Mateo County, California and assignment is appropriate to the San Francisco / Oakland
2 division pursuant to Civil Local Rule 3-2(c).

3 **FACTUAL BACKGROUND**

4 10. Maffick is a social media company that focuses on social media optimization and
5 brand development. It operates three social media channels on Facebook and Instagram. Maffick
6 also offers e-commerce merchandise for sale over its social media pages. Its revenue is derived
7 from monetization of media content, advertising for branded content that is promoted on its social
8 media channels, and the re-sale of original content that is created for its channels.

9 11. Maffick's channel "In the Now" is directed toward a community of mindful media
10 consumers and is centered around important, curious and purpose-driven content. It tells stories
11 about social justice, everyday heroism, acts of kindness and doing good where it matters most.
12 Examples of recent stories include a delivery man who received a surprise gift from a customer, a
13 man whose family was killed in a plane crash, and lessons we can learn from indigenous people
14 about connectedness.

15 12. Maffick's channel "Waste-Ed" focuses on environmental issues and sustainability,
16 both in the content it delivers, and the companies and brands promoted on the channel. Examples
17 of recent stories include an eleven-year-old who recycled nearly one million cans, a trash picking
18 action figure, and the relocation of a one-hundred-year-old tree. Maffick also promotes the sale of
19 environmentally conscious products.

20 13. Maffick's channel "Soapbox" delivers political opinion and seeks to expose
21 hypocrisy across the political spectrum. Examples of recent stories include an Iraq War veteran
22 relating his experiences, a video of Nelson Mandela responding to a reporter who was critical of
23 him, and a finding that prison sentences are 20% longer for black men than for white men for
24 similar crimes.

25 14. Maffick's channels are intentionally non-partisan and Maffick does not seek to
26 represent any one point of view. Its mission statement makes clear that there are more than two
27 sides to every story and it actively seeks to produce content that rises above any one perspective to
28 tell stories in a neutral manner that encourages its audience to form their own opinions. Maffick

1 determines what content to post based on analytical data from CrownTangle and Tubular Labs
2 concerning audience preferences.

3 15. On May 18, 2020, Facebook contacted Maffick and threatened to shut down all of
4 its social media pages by May 22, 2020, unless Maffick posted a disclosure on all of its accounts
5 stating that Maffick was “a brand of Maffick Media, which is owned and operated by Ruptly
6 GmbH, a subsidiary of RT news.”

7 16. Maffick is not owned or operated by Ruptly GmbH (“Ruptly”) and is not a brand
8 of Maffick Media GmbH (“Maffick Media”). Maffick is owned and operated by Anissa Naouai.

9 17. Ruptly is a part-owner of the inactive German entity, Maffick Media, in which Ms.
10 Naouai owned a 49% interest. Maffick Media no longer does business of any kind.

11 18. In July 2019, Ms. Naouai formed an entirely new entity known as Maffick LLC, a
12 Delaware company in which neither Maffick Media nor Ruptly has any involvement. While Ms.
13 Naouai chose to continuing using the “Maffick” name for the new LLC, the company is not related
14 to or associated with Maffick Media (or Ruptly). The social media pages at issue were created by
15 Ms. Naouai, are owned by Maffick LLC, and have been continually operated and controlled by her.
16 She has and always has had final editorial control over what she and the staff at Maffick post on
17 those pages.

18 19. On May 19, 2020, Maffick responded to Facebook, indicating that its pages were
19 actually owned by Maffick LLC, an independent company owned and operated by a United States
20 citizen, and that complying with Facebook’s demand that it disclose publicly that it was “owned
21 and operated by Ruptly GmbH, a subsidiary of RT news” would require Maffick to post inaccurate
22 information. Facebook did not respond.

23 20. Maffick reached out to Facebook again on May 20, 21 and 22 seeking to resolve
24 the situation without being required to post misinformation, but Facebook did not respond to any of
25 those communications either.

26 21. On May 22, 2020, Maffick was concerned that Facebook would follow through on
27 its threat to shut down its pages completely, so as a temporary, stop-gap measure, Maffick posted
28 the phrase “Affiliated with RT” in the “About section of Soapbox’s Facebook and Instagram

1 accounts, because Soapbox is a channel that posts what can be considered political content.
2 Maffick's intention was to compromise, keep its Facebook pages operating, and engage in further
3 dialogue with Facebook, so that it would not be required to post further inaccurate information on
4 any of its pages. Maffick reached out again to Facebook and again received no response.

5 22. On June 4, 2020, Facebook publicly announced its plan "to label media outlets
6 that are wholly or partially under the editorial control of their government," and indicated that,
7 "today we're starting to apply labels to those state-controlled media outlets." Facebook explained
8 that it would label state-controlled media entities in order "to provide an extra layer of protection
9 against various types of foreign influence in the public debate ahead of the November 2020
10 election in the US."

11 23. According to Facebook, its "definition of state-controlled media extends beyond
12 just assessing financial control or ownership and includes an assessment of editorial control exerted
13 by a government."

14 24. In determining whether social media pages are under "editorial control by a
15 foreign government," Facebook indicated it considers the following criteria:

16 Mission statement, mandate, and/or public reporting on how the
17 organization defines and accomplishes its journalistic mission

18 Ownership structure such as information on owners, stakeholders, board
19 members, management, government appointees in leadership positions, and
20 disclosure of direct or indirect ownership by entities or individuals holding
elected office

21 Editorial guidelines such as transparency around sources of content and
independence and diversity of sources

22 Information about newsroom leadership and staff

23 Sources of funding and revenue

24 Governance and accountability mechanisms such as correctional policies,
25 procedure for complaints, external assessments and oversight boards

26 25. On June 5, 2020, without reaching out to Maffick beforehand, Facebook published
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