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THE PROCTOR & GAMBLE COMPANY

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 LAURA LOOMER, as an individual and in
her capacity as a Candidate for United
16 States Congress, and LAURA LOOMER
FOR CONGRESS, INC.,

17 Plaintiffs,

18 v.

19 META PLATFORMS, INC., MARK
20 ZUCKERBERG, in his capacity as CEO of
Meta Platforms, Inc. and as an individual,
21 TWITTER, INC., and JACK DORSEY, in
his capacity as former CEO of Twitter, Inc.
22 and as an individual, THE PROCTOR &
GAMBLE CO., and DOES 1-100,
23 Individuals,

24 Defendants.
25
26
27
28

Case No. 3:22-cv-02646-LB

**THE PROCTOR & GAMBLE
COMPANY'S MOTION TO DISMISS
AND JOINDER IN CO-DEFENDANTS'
MOTIONS TO DISMISS**

Judge: Honorable Laurel Beeler

Date: January 26, 2023

Time: 9:30 a.m.

Courtroom: B, 15th Floor

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NOTICE OF MOTION AND MOTION

1
2 Please take notice that on January 26, 2023, at 9:30 a.m., or as soon thereafter as the
3 matter may be heard, in the Courtroom of the Honorable Laurel Beeler of the United States
4 District Court for the Northern District of California, defendant The Procter & Gamble Company
5 (“P&G”) will and hereby moves to dismiss the First Amended Complaint (ECF 69). Please take
6 further notice that P&G joins in the motions to dismiss of co-defendants Meta Platforms, Inc. and
7 Mark Zuckerberg (together, “Meta”) and Twitter, Inc. and Jack Dorsey (together, “Twitter”) to be
8 heard on that same date.

RELIEF SOUGHT

9
10 P&G requests dismissal of all causes of action with prejudice under Federal Rule of Civil
11 Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

MEMORANDUM OF POINTS AND AUTHORITIES**INTRODUCTION**

12
13
14 This latest installment in plaintiff Laura Loomer’s serial lawsuits over her ban from
15 Facebook and Twitter adds P&G as a defendant. But Loomer has not stated a valid claim against
16 P&G. To the contrary, her complaint demonstrates that P&G’s conduct was lawful and not
17 actionable. P&G is alleged only to have asserted its own legitimate business interest in not
18 having its advertisements appear next to hateful, denigrating, discriminatory, or other similarly
19 offensive content. Loomer alleges no possible basis for concluding that doing so was unlawful
20 under any cognizable legal theory, let alone that P&G formed a RICO enterprise with Meta and
21 Twitter to engage in a purported pattern of racketeering activity. The Court should dismiss her
22 complaint with prejudice.

BACKGROUND

23
24 The complaint says very little about P&G, and nothing that states a valid claim. The 118-
25 page, 387-paragraph complaint contains only a small handful of paragraphs that mention P&G.
26 ECF 69, ¶¶ 37–8, 233–39, 291, 292. Loomer alleges that a P&G employee announced at an April
27 11, 2019 meeting of the Association of National Advertisers that P&G “would require advertising
28 platforms to ‘prove’ that their content was ‘under their complete control.’” *Id.* ¶ 233. The next

1 month, P&G allegedly provided a list of persons who were to be banned from Facebook unless
2 those persons disavowed the Proud Boys. *Id.* ¶ 234. The complaint offers no facts to support this
3 implausible allegation, citing only an unidentified “knowledgeable and reliable source.” *Id.*
4 Loomer does not allege who at P&G supposedly provided this list or to whom it was provided.
5 *Id.* Nor does she allege that this purported list said anything about Loomer. In the complaint’s
6 only allegation attempting to tie P&G specifically to Loomer, Loomer alleges that, “[o]n or about
7 May 2019,” P&G demanded that Facebook label Loomer a “‘Dangerous Individual’ and ban her
8 from using Facebook’s platform.” *Id.* ¶ 235. Again, Loomer offers no supporting facts and
9 attributes the allegation only to an unidentified “knowledgeable and reliable source.” *Id.*

10 That is the entirety of the allegations that attempt to connect P&G to Loomer. The
11 remaining allegations about P&G describe alleged P&G statements or meetings as reported in
12 news articles from June 24, 2020, more than a year after Loomer alleges she was permanently
13 removed from Facebook and Twitter. *Id.* ¶¶ 236–39; *see id.* ¶ 217 (alleging permanent removal
14 from Twitter on November 21, 2018); *id.* ¶ 218 (alleging permanent removal from Facebook on
15 May 2, 2019). In those articles, a P&G employee is quoted as saying that P&G would not
16 advertise near certain types of content and that it stopped spending on websites that do not meet
17 its standards. *Id.* ¶¶ 237, 239. P&G is also reported to have met with a civil rights group to
18 discuss Facebook’s removal of content. *Id.* ¶ 238.

19 The complaint says nothing at all about any connection between P&G and Twitter, let
20 alone any connection that involves Loomer. It does not allege anything about any P&G
21 advertising on Twitter, any purported contacts between P&G and Twitter regarding offensive
22 content on Twitter, or that Twitter took any action regarding Loomer or anyone else in response
23 to anything P&G said or did. All of the statements or conduct attributed to P&G occurred long
24 after Loomer alleges Twitter banned her in November 2018. *Id.* ¶ 217.

25 ARGUMENT

26 P&G joins in and adopts the arguments in Meta’s and Twitter’s motions to dismiss
27 regarding Loomer’s failure to allege valid RICO claims. As those motions demonstrate, Loomer
28 has failed to validly allege any of the required elements of a RICO claim, including a RICO

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