

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Cameron L. Atkinson

(b) County of Residence of First Listed Plaintiff Litchfield (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Norman A. Pattis, Pattis & Smith, LLC 383 Orange Street, New Haven, Ct 06511 203-393-3017

DEFENDANTS

FACEBOOK, INC. and MARK ZUCKERBERG

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and incorporation status: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, FEDERAL TAX SUITS, OTHER STATES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. Section 1983 and 47 U.S.C. Section 230

Brief description of cause: Plaintiff claims violation of his Frist Amendemnt right, violation of Communications Decency Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 11/12/2019 SIGNATURE OF ATTORNEY OF RECORD



Jurisdiction

2. The Court properly possesses jurisdiction on both federal question and diversity of citizenship grounds. Venue is appropriate as a substantial part of the events that give rise to the claim occurred in the judicial district of Connecticut. The Claim arises under 42 Section 1983 and 47 U.S.C Section 230.

Parties

3. The Plaintiff, Cameron L. Atkinson, is an adult resident of New Haven County, Connecticut. At the time of this action being brought, he is a third-year law student at Quinnipiac University School of Law, located in North Haven, Connecticut.

4. Facebook, Inc., is a social media company headquartered in Menlo Park, California. It operates a social media company serving more than 2.3 billion users worldwide.

5. Mark Zuckerberg is the Chairman and Chief Executive Officer of Facebook, Inc., owning a controlling interest in the company's stock. He resides in Palo Alto, California.

Facebook's Profitable Control of A Quintessential Public Forum

6. As the United States Supreme Court noted in *Packingham v. North Carolina*, 137 U.S. 1735, 1735-36 (2017), Facebook is part of the "vast democratic forum of the Internet." *Packingham* extended the concept of a quintessential public forum from parks and physical spaces to cyberspace.

7. Facebook has a worldwide base of more than 2.3 billion users.

8. More than 7 in 10 Americans have accounts on Facebook. They are not charged for their accounts.

9. Facebook occupies a dominant, quasi-monopolistic position in the global public forum of the Internet, and is one of four American companies dominating Internet traffic together with Google, Apple, and Amazon.

10. Many billions of messages are sent between and among Facebook users each day, taking various forms such as instant messages, timeline posts, and visual stories. Facebook surreptitiously harvests so-called meta-data from each message, building an enormous, and valuable, databank about each user. These databanks are combined, and, with the benefit of massive computing power, Facebook builds predictive models about how Facebook users will respond to various stimuli. Facebook markets this data to third-parties for a profit.

11. Facebook reported gross revenue of \$55.8 billion in 2018.

Facebook Faces Questions About Use of Its Data In The 2016 Presidential Election

12. During the course of the 2016 presidential election, Facebook sold data surreptitiously gathered from users to an entity known as Cambridge Analytica. Upon information and belief, that data was then used by Russian intelligence operatives to attempt to influence American voters.

13. When Facebook's role in gathering and supplying this secretly obtained data became known to the public at large, Facebook faced enormous public pressure to take greater steps to assure privacy and to take a more socially responsible approach to managing content published on its platform and in using the data it harvests.

Facebook Attempts To Placate Critics By Censoring Speech

14. To assuage an angry public and ultimately to protect its own financial interests, Facebook announced plans to create and enforce so-called "community

standards” for content published on its site. These standards are directed toward speech that Facebook regards as inimical to a “safe environment.”

15. Among the content that Facebook finds “objectionable” is bullying and harassment. Facebook does not provide a definition for what bullying or harassment is. However, it does provide a broad definition that may cover almost anything: “Bullying and harassment happen in many places and come in many different forms, from making threats to releasing personally identifiable information, to sending threatening messages, and making unwanted malicious contact.”

16. Facebook further elaborates this so-called standard as follows: “We distinguish between public and private individuals because we want to allow discussion, which often includes critical commentary of people who are featured in the news or who have a large public audience. For public figures, we remove attacks that are severe as well as certain attacks where the public figure is directly tagged in the post or comment.”

17. The standard is hopelessly vague. As Facebook itself notes, “[c]ontext and intent matter, and we allow people to share and reshare posts if it’s clear that something was shared in order to condemn or draw attention to bullying and harassment.”

18. Facebook reserves the right to remove the “offensive” posts without notifying the user or giving the user an opportunity to clarify or edit his post. Moreover, Facebook reserves the right either temporarily or permanently to disable an account for violation of its “community standards” policy.

19. The process of removing user posts is totally opaque. The manner in which postings are flagged as community standards violations is unknown, and the extent to

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