# Case 3:19-cv-01785 (LPL Document SHEET 11/12/19 Page 1 of 19

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purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF I. (a) PLAINTIFFS				DEFENDANTS						
Cameron L. Atkinson				FACEBOOK, INC. and MARK ZUCKERBERG						
(b) County of Residence of First Listed Plaintiff Litchfield  (EXCEPT IN U.S. PLAINTIFF CASES)				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.						
(c) Attorneys (Firm Name, Address, and Telephone Number) Norman A. Pattis, Pattis & Smith, LLC 383 Orange Street, New Haven, Ct 06511 203-393-3017				Attorneys (If Known)						
II. BASIS OF JURISDI	CTION (Place an "X" in C	ne Box Only)		TIZENSHIP OF		CIPA	L PARTIES			
☐ 1 U.S. Government Plaintiff	■ 3 Federal Question (U.S. Government Not a Party)			(For Diversity Cases Only)  PTF DEF  Citizen of This State   Citizen of This State  Citizen of This State  Citizen of This State  Citizen of This State  Citizen of This State  Citizen of This State  Citizen of This State  Citizen of This State  Citizen of This State  Citizen of This State						
☐ 2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizensh	ip of Parties in Item III)	Citize	n of Another State	□ 2	<b>5</b> 2	Incorporated and I of Business In		□ 5	<b>5</b>
				n or Subject of a eign Country	<b>1</b> 3	<b>3</b>	Foreign Nation		□ 6	<b>6</b>
IV. NATURE OF SUIT		aly) ORTS	FO	RFEITURE/PENALTY	Y		here for: Nature	AND DESCRIPTION OF THE PARTY OF	STATUT	
□ 110 Insurance □ 120 Marine □ 130 Miller Act □ 140 Negotiable Instrument □ 150 Recovery of Overpayment & Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loans (Excludes Veterans) □ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise    REAL PROPERTY □ 210 Land Condemnation □ 220 Foreclosure □ 230 Rent Lease & Ejectment □ 245 Tort Product Liability □ 290 All Other Real Property	PERSONAL INJURY    310 Airplane   315 Airplane Product   Liability   320 Assault, Libel & Slander   330 Federal Employers'   Liability   340 Marine   345 Marine Product   Liability   350 Motor Vehicle   Product Liability   360 Other Personal   Injury   362 Personal Injury-   Medical Malpractice   CIVIL RIGHTS	PERSONAL INJURY  365 Personal Injury - Product Liability  367 Health Care/ Pharmaceutical Personal Injury Product Liability  368 Asbestos Personal Injury Product Liability  368 Asbestos Personal Injury Product Liability  PERSONAL PROPER  370 Other Fraud  371 Truth in Lending  380 Other Personal Property Damage  Property Damage  385 Property Damage Product Liability  PRISONER PETITION  Habeas Corpus:  463 Alien Detainee  510 Motions to Vacate Sentence  530 General  535 Death Penalty  Other:  540 Mandamus & Other  550 Civil Rights  555 Prison Condition  560 Civil Detainee - Conditions of Confinement	TY	LABOR Other  LABOR Fair Labor Standards Act Dabor/Management Relations Railway Labor Act Family and Medical Leave Act Other Labor Litigation Employee Retirement Income Security Act  IMMIGRATION Naturalization Application Other Immigration Actions	42	2 Appe 3 Without 28 U ROPER 0 Copy: 0 Paten 5 Paten New 10 0 Trade DCIAL 1 HIA (2 Black 3 DIWG 4 SSID 5 RSI (6	al 28 USC 158 trawal SC 157  TY RIGHTS rights t t - Abbreviated Drug Application mark SECURITY (1395ff) Lung (923) C/DIWW (405(g)) Title XVI	375 False Cl   376 Qui Tan   3729(a)   400 State Re   410 Antitrus   430 Banks a   450 Comme   460 Deporta   470 Rackete   Corrupt   480 Consum (15 USt   485 Telepho   Protecti   490 Cable/S.   850 Securitic   Exchan   890 Other St   891 Agricult   893 Environ   895 Freedon   895 Freedon   896 Arbitrati   899 Adminis   Act/Rev.	laims Act in (31 USC i) capportions in d Bankin ree tion er Influenc Organizati er Credit C 1681 or ne Consun on Act at TV es/Commo ge aturory Act ural Acts mental Ma in of Inform ion tirative Pro- iciew or Api Decision tionality o	ment g sed and ons 1692) ner dities/ tions tters tation
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VI. CAUSE OF ACTION  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.				MAND \$ CHECK YES only if demanded in complaint:  JURY DEMAND:   Yes □No			nt:			
VIII. RELATED CASE IF ANY	(See instructions):	JUDGE			DO	OCKE	Γ NUMBER			
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# UNITED STATED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

CAMERON L. ATKINSON,	:	
Plaintiff,	cv	×
v.	; ;	
FACEBOOK, INC.,	:	

Defendants.

## **COMPLAINT**

November 12, 2019

1. This is an action for money damages and injunctive relief against Facebook, a social media company and personal data harvester, and its founder and current chief executive officer, Mark Zuckerberg. The defendants seek to, and do, have quasimonopolistic control of a quintessential public communications forum, offering users access to their service free of charge while surreptitiously selling data gathered from the users to third parties for a profit. The defendants enter into adhesion contracts with users, arrogating unto the defendants an opaque right to ban any user for violating the defendants' so-called "community standards." The Plaintiff has been denied the ability to speak publicly on a matter of grave public importance based on the perceived content of the ideas he sought to express. The Plaintiff claims a violation of his rights under the First Amendment to the United States Constitution, violations of the Communications Decency Act, statutory fraud, theft, a breach of the implied warranty of fair dealing, and violations of the Connecticut Unfair Trade Practices Act (CUPTA).



### <u>Jurisdiction</u>

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.

### <u>Parties</u>

- 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.
- and among Facebook users each day, taking various forms such as instant messages, timeline posts, and visual stories. Facebook surreptitiously harvest 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.

# <u>Facebook Faces Questions About Use of Its Data In The 2016 Presidential</u> <u>Election</u>

- 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 may 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 of 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 its 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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