

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALI AL-AHMED,

Plaintiff,

v.

TWITTER, INC.,

Defendant.

**COMPLAINT**  
**JURY TRIAL DEMANDED**

Index No.: \_\_\_\_\_

Plaintiff Ali Al-Ahmed (hereinafter, “Plaintiff” or “Mr. Al-Ahmed”) by and through his attorneys, Gerstman Schwartz LLP, as and for its Complaint against Defendant Twitter (hereinafter, “Defendant” or “Twitter”), hereby alleges as follows:

**JURISDICTION & VENUE**

1. Jurisdiction is proper in this court because this litigation arises under federal law, namely 18 U.S.C. §2701 et seq. (Violation of the Stored Communications Act). The Court has jurisdiction over this action under 28 U.S.C. § 1331.

2. The Court has supplemental jurisdiction over the state law claims asserted in this case under 28 U.S.C. § 1367, and 28 U.S.C. § 1362 because there is diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.

3. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1391(c) because Defendant resides in this district insofar as it maintains a sprawling, 12-floor corporate headquarters (its second largest office) located at 245 West 17<sup>th</sup> Street in Manhattan—a news and media mecca—in deference to New York City as a global media market.

4. While venue is proper in New York, California law is applicable under New York’s “interests analysis” approach insofar as a substantial part of the acts and omissions giving rise to the claims asserted herein occurred in California. See *Belmac Hygiene, Inc. v. Medstar, Inc.*, 121 F.3d 835, 838 (2d. Cir. 1997); *Istim, Inc. v. Chemical Bank*, 78 N.Y.2d 342 (1991).

### **PARTIES**

5. Plaintiff Ali Al-Ahmed is one of the leading political dissidents to the Kingdom of Saudi Arabia (hereinafter “KSA”) who resides, and has been granted asylum in, the United States because he faced imminent persecution were he to return to his native country, Saudi Arabia.

6. Defendant Twitter is a Delaware corporation with its principal place of business located in San Francisco, California and its second largest corporate headquarters located at 245 West 17<sup>th</sup> Street, New York, New York. Twitter conducts business throughout the United States, including New York.

7. In 2011, Saudi Prince Alwaleed Bin Talal (hereinafter, “Bin Talal”) purchased \$300 million worth of stock in Twitter. In 2015, Bin Talal made an additional investment, owning 5.2% of the company, more than Twitter’s founder and CEO. A January 29, 2018 article in the British newspaper, *The Daily Mail*, reported that after being imprisoned and perhaps tortured by KSA, Bin Talal signed over many of his assets to Crown Prince Mohammed Bin Salman (hereinafter, “MBS”). According to *The Daily Mail*, a deal was allegedly made with MBS allowing MBS to seize control of these assets and those of other princes, so long as the assets remained in the United States.

8. Plaintiff is informed and believes, and based thereon alleges, that since late 2017 or January of 2018, MBS has exercised control over more Twitter stock than is owned by Twitter’s founder, Jack Dorsey. Twitter also failed to properly safeguard Plaintiff’s account, and as a result,

personal and highly sensitive information was disclosed to third parties including, but not limited to, the KSA and its agents.

### **PRELIMINARY STATEMENT**

9. This is an action to vindicate the rights of Ali Al-Ahmed, a political refugee who has been granted political asylum in the United States from the despotic regime in the Kingdom of Saudi Arabia. Because of the tremendous wealth of key figures in KSA, major corporations, including Twitter, Inc., have enabled, collaborated with, aided and abetted, and turned a blind eye to KSA's efforts to suppress, torture, falsely imprison, terrorize, and murder dissenters both within Saudi Arabia and around the world.

### **FACTS**

#### **Facts In Common to All Causes of Action**

10. Mr. Al-Ahmed is a leading voice of dissent casting an evidently unwanted magnifying glass upon the acts and omissions, policies and, at times, alleged crimes conducted on behalf of, or with the knowledge and consent of, the Kingdom of Saudi Arabia ("KSA") or elements within the KSA. Mr. Al-Ahmed is also one of the most active and courageous journalists within the United States covering the KSA. Through his prominent social media presence, and persistent critique of the KSA, Mr. Al-Ahmed has brought broad awareness to issues of social and political concern including allegations of KSA human rights violations, KSA links to international terrorism, and KSA corruption within the Kingdom.

11. It would not be an overstatement to suggest that Mr. Al-Ahmed has become a thorn in the side of the KSA. Indeed, he would not dispute that he has made it his life's work to counter KSA propaganda and expose systemic corruption, violence, and police state tactics within the KSA, and to counter KSA efforts to miscast itself as a modern nation. As a result, Mr. Al-Ahmed attests that the KSA has consistently attempted to—quite literally—silence his voice, even going

so far as to attempt to kidnap and kill him on multiple occasions. The KSA has also formally stripped Mr. Al-Ahmed of his Saudi nationality and has kept him under vigilant surveillance.

12. He has been invited to speak by institutions including Princeton University, Amnesty International, the Hudson Institute, American Enterprise Institute, and Meridian International Center and has testified before Congress on several occasions on the issue of civil rights and religious freedom in the Middle East. He has authored reports on Saudi Arabia regarding religious freedom, torture, press freedom, and religious curriculum.

13. Although Mr. Al-Ahmed usually disseminates information via social media, Al-Ahmed is a frequent consultant to major international broadcast media on issues including Saudi political affairs, terrorism, Sunni-Shi'a relations, Wahhabi Islam, political and religious oppression, human and women's rights in Saudi Arabia, and the Saudi-U.S. relationship. He has been a regular guest on CBS News, CNN, PBS, Fox News, and Al-Jazeera. He has written for, and has been quoted in, the Washington Post, Associated Press, The Times, Reuters, the Wall Street Journal, USA Today and the Boston Globe. In short, he is a leading Saudi voice for KSA reform and democratization.

14. With the passage of time, Mr. Al-Ahmed has become such an influential voice that multiple prominent Saudi officials have followed his Arabic Twitter, his largest verifiable social media account, which has over 36,000 followers worldwide (although, as will be described in further detail herein, it has since been suspended).

**Alzabarah's and Abouammo's Unauthorized and Unlawful Access of Mr. Al-Ahmed's Private Information**

15. In or around August 2013, until in or around December 2015, Ali Hamad Alzabarah (hereinafter, "Alzabarah") and Ahmad Abouammo (hereinafter, "Abouammo"), Twitter

employees charged by the United States government with being KSA spies,<sup>1</sup> accessed the company's information on an array of Saudi dissidents including Mr. Al-Ahmed.

16. Through use of both Alzabarah and Abouammo, the KSA was successful in using Twitter's internal resources to identify Mr. Al-Ahmed as a critic of the government and ultimately silence him.

17. On numerous occasions, Alzabarah and Abouammo mined Twitter's internal systems for, *inter alia*, personal information regarding Mr. Al-Ahmed, email addresses, contacts, phone numbers, birth dates, and internet protocol ("IP") addresses.

18. According to the Twitter "Playbook," which outlines the policies Twitter employees must abide by, Alzabarah and Abouammo were prohibited from engaging in outside employment or consulting "or other business activity that would create a conflict of interest with the company."<sup>2</sup> Certainly, acting as spies, foreign agents and purveyors of assignment would be prohibited. Twitter's Employee Invention Assignment and Confidentiality Agreements with both Alzabarah and Abouammo reinforced "a relationship of confidence and trust" between Twitter and each of them with respect to any information of a confidential nature or secret nature that may be disclosed over the course of their employment with the company.<sup>3</sup>

19. Neither Alzabarah nor Abouammo's job duties included a need to access Mr. Al-Ahmed's private information. The fact that they did so was a serious and reportable violation of the Twitter Playbook policies regarding safeguarding user data. Although Twitter belatedly attempted to remedy their indefensible security practices, the damage to Mr. Al-Ahmed and his

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<sup>1</sup> <https://www.justice.gov/usao-ndca/press-release/file/1215976/download>  
*UNITED STATES v. AHMED ALMUTAIRI*, a/k/a AHMED ALJBREEN; and ALI ALZABARAH, November 2019.

<sup>2</sup> [https://www.sec.gov/Archives/edgar/data/1418091/000156459017013336/twtr-ex101\\_6.htm](https://www.sec.gov/Archives/edgar/data/1418091/000156459017013336/twtr-ex101_6.htm)

<sup>3</sup> *Id.*

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