

David J. Groesbeck
WSBA No. 24749
David J. Groesbeck, P.S.
1716 Sylvester St. SW
Olympia, Washington 98501
Tel.: 509-747-2800
Fax: 509-747-2828
Email: david@groesbecklaw.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

PARLER LLC,

Plaintiff,

v.

AMAZON WEB SERVICES, INC.,

Defendant

No. _____

VERIFIED COMPLAINT

(JURY DEMAND REQUESTED)

VERIFIED COMPLAINT - 1



David J. Groesbeck, P.S.
Attorney and Counselor
1716 Sylvester St. SW
Olympia, Washington 98501
(509) 747-2800

1 Plaintiff Parler LLC (“Parler”), by its undersigned counsel, alleges, and by
2 its Chief Operating Officer, verifies, as follows:

3
4 **NATURE OF THE ACTION**

5 1. This is a civil action for injunctive relief, including a temporary
6 restraining order and preliminary injunctive relief, and damages. Last Month,
7 Defendant Amazon Web Services, Inc. (“AWS”) and the popular social media
8 platform Twitter signed a multi-year deal so that AWS could support the daily
9 delivery of millions of tweets. AWS currently provides that same service to Parler,
10 a conservative microblogging alternative and competitor to Twitter.
11

12
13 2. When Twitter announced two evenings ago that it was permanently
14 banning President Trump from its platform, conservative users began to flee
15 Twitter en masse for Parler. The exodus was so large that the next day, yesterday,
16 Parler became the number one free app downloaded from Apple’s App Store.
17

18
19 3. Yet last evening, AWS announced that it would suspend Parler’s
20 account effective Sunday, January 10th, at 11:59 PM PST. And it stated the reason
21 for the suspension was that AWS was not confident Parler could properly police its
22 platform regarding content that encourages or incites violence against others.
23 However, Friday night one of the top trending tweets on Twitter was “Hang Mike
24 Pence.” But AWS has no plans nor has it made any threats to suspend Twitter’s
25 account.
26
27
28
29
30

31 VERIFIED COMPLAINT - 2
32



David J. Groesbeck, P.S.
Attorney and Counselor
1716 Sylvester St. SW
Olympia, Washington 98501
(509) 747-2800

1 4. AWS's decision to effectively terminate Parler's account is apparently
2 motivated by political animus. It is also apparently designed to reduce competition
3 in the microblogging services market to the benefit of Twitter.
4

5 5. Thus, AWS is violating Section 1 of the Sherman Antitrust Act in
6 combination with Defendant Twitter. AWS is also breaching its contract with
7 Parler, which requires AWS to provide Parler with a thirty-day notice before
8 terminating service, rather than the less than thirty-hour notice AWS actually
9 provided. Finally, AWS is committing intentional interference with prospective
10 economic advantage given the millions of users expected to sign up in the near
11 future.
12
13
14

15 6. This emergency suit seeks a Temporary Restraining Order against
16 Defendant Amazon Web Services to prevent it from shutting down Parler's account
17 at the end of today. Doing so is the equivalent of pulling the plug on a hospital
18 patient on life support. It will kill Parler's business—at the very time it is set to
19 skyrocket.
20
21

22 JURISDICTION AND VENUE

23

24 7. This Court has subject matter jurisdiction over Parler's federal
25 antitrust claims under 28 U.S.C. §§ 1331 and 1337, as well as under 15 U.S.C. §
26 26. The Court has supplemental jurisdiction over Parler's state law claims under
27 28 U.S.C. § 1367.
28
29
30

31 VERIFIED COMPLAINT - 3
32



David J. Groesbeck, P.S.
Attorney and Counselor
1716 Sylvester St. SW
Olympia, Washington 98501
(509) 747-2800

8. This Court has personal jurisdiction over AWS as it is headquartered in the District. Also, AWS has engaged in sufficient minimum contacts with the United States and has purposefully availed itself of the benefits and protections of both United States and Washington law such that exercise of jurisdiction over AWS would comport with due process requirements.

9. Venue lies in this District under 28 U.S.C. § 1391(b) because AWS maintains its principal place of business in the State of Washington and in this District, and because a substantial part of the events giving rise to Parler's claims occurred in this District. Personal jurisdiction and venue may also be deemed proper under 15 U.S.C. § 22, because AWS may be found in or transacts business in this District.

PARTIES

10. Plaintiff Parler LLC is a Nevada limited liability corporation with its principal place of business in Henderson, Nevada. Parler is “the solution to problems that have surfaced in recent years due to changes in Big Tech policy influenced by various special-interest groups.” *Our Company*, <https://company.parler.com>. Thus, “Parler is built upon a foundation of respect for privacy and personal data, free speech, free markets, and ethical, transparent corporate policy.” *Id.*

VERIFIED COMPLAINT - 4



David J. Groesbeck, P.S.
Attorney and Counselor
1716 Sylvester St. SW
Olympia, Washington 98501
(509) 747-2800

11. Defendant Amazon Web Services, Inc., an Amazon.com, Inc. company, is a Delaware corporation with its principal place of business in Seattle, Washington. AWS is the world's leading cloud service providers, capturing a third of the global market. See Global Cloud Infrastructure Market Q3 2020, <https://www.canalys.com/newsroom/worldwide-cloud-market-q320>. This is almost double the next largest competitor, and equal to the next three largest competitors combined. *Id.* AWS generates tens of billions of dollars in revenue annually. *Id.*

12. According to its own press release, “[f]or 14 years, [AWS] has been the world’s most comprehensive and broadly adopted cloud platform.” *Twitter Selects AWS as Strategic Provider to Serve Timelines*, Press Center, Amazon, (Dec. 15, 2020), <https://press.aboutamazon.com/news-releases/news-release-details/twitter-selects-aws-strategic-provider-serve-timelines>. That is why “[m]illions of customers—including the fastest-growing startups, largest enterprises, and leading government agencies—trust AWS to power their infrastructure, become more agile, and lower costs.” *Id.* In short, AWS is the Rolls Royce of cloud platform providers.

FACTS

13. Parler contracts with AWS to provide the cloud computing services Parler needs for its apps and website to function on the internet. Further, that both the apps and the website are written to work with AWS’s technology. To have to switch to a different service provider would require rewriting that code, meaning

VERIFIED COMPLAINT - 5



David J. Groesbeck, P.S.
Attorney and Counselor
1716 Sylvester St. SW
Olympia, Washington 98501
(509) 747-2800

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.