

# EXHIBIT 5

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

PARLER LLC,

Plaintiff,

VS.

AMAZON WEB SERVICES, INC., and  
AMAZON.COM, INC.,

Defendants.

Case No.

## COMPLAINT

(JURY TRIAL REQUESTED)

## NATURE OF ACTION

1. Defendants Amazon.com, Inc. (Amazon) and its subsidiary Amazon Web Services, Inc. (AWS) are commercial Goliaths. Amazon is the fourth most valuable company in the world with a worth of nearly \$1.7 trillion, about the annual GDP of Russia. Amazon is also the largest of the Big Five “Big Tech” companies in the United States and has the fourth largest share of the global internet advertising market. And Amazon Web Services, Inc. (AWS) is the world’s leading cloud service provider, capturing nearly a third of the global market. *See Felix Richter, Amazon Leads \$130-Billion Cloud Market*, STATISTA (Feb. 4, 2021), <https://www.statista.com/chart/18819/worldwide-market-share-of-leading-cloud-infrastructure-service-providers/>. AWS generates tens of billions of dollars in revenue annually for Amazon. *Id.*

1 And, when companies are this big, it's easy to be a bully. Many start-up companies that have  
2 appeared to be a threat to Amazon and AWS have felt their wrath. Plaintiff Parler LLC is merely  
3 the latest casualty—a victim of Amazon's efforts to destroy an up-and-coming technology  
4 company through deceptive, defamatory, anticompetitive, and bad faith conduct.

5 2. Before the actions complained of here, Plaintiff Parler LLC had one of the hottest  
6 rising apps on the internet. A young start-up company that sought to disrupt the digital advertising  
7 and microblogging markets with a unique approach, Parler positioned itself as an alternative to the  
8 likes of Twitter or Facebook. To do so, Parler did *not* employ what some have called “surveillance  
9 capitalism”: Unlike its social-media competitors, Parler refused to track and sell its users' private  
10 data and target advertising based on that data. This made Parler a beacon to those who sought a  
11 free and safe place to espouse political and other views that other microblogging and social media  
12 platforms sought to censor. And it allowed Parler to offer lower rates to digital advertisers.

13 3. But this rising popularity and alternative business model also made Parler a  
14 competitive threat to the likes of Amazon, Twitter, Facebook, and Google—four giants of the  
15 internet who derive enormous revenue from digital advertising. And that threat grew very real in  
16 late 2020 and early 2021 when Parler was poised to explode in growth. So together, Amazon,  
17 AWS, and others attempted to kill Parler. See Glenn Greenwald, *How Silicon Valley, in a Show of*  
18 *Monopolistic Force, Destroyed Parler*, SUBSTACK (Jan. 12, 2021),  
19 <https://greenwald.substack.com/p/how-silicon-valley-in-a-show-of-monopolistic>.

20 4. On January 9, 2021, AWS repudiated and breached its contract to host Parler's  
21 website and app on AWS's cloud services, in bad faith. AWS tried to justify the repudiation based  
22 on allegations against Parler that AWS knew were false. AWS then leaked the same false  
23 allegations to the media, in a successful effort to tarnish and defame Parler's business.

24 5. These strongarm tactics were unlawful and tortious. They were also surprising to  
25 Parler: It had a good relationship with AWS with no signs of trouble until about a day before AWS

1 terminated Parler's services. The reason AWS gave for terminating Parler's services—that Parler  
2 ostensibly was not pursuing appropriate methods to control the content espousing violence on its  
3 platform—was untrue. Indeed, Parler stood in sharp contrast to the likes of Twitter, Facebook,  
4 and even Amazon itself, all of whom host substantial amounts of violence-inciting content.

5         6. Further, there was nothing new about the operation and content of Parler's platform  
6 the day AWS announced it would be terminating Parler's services (in roughly 24 hours) compared  
7 to anytime in the two years AWS had been hosting Parler. Then, as before, Parler quickly removed  
8 any arguably inappropriate content brought to its attention. And never during those two years  
9 before that fateful day had AWS expressed any major concerns with Parler regarding the matter.  
10 In fact, just two days before the termination announcement, AWS had assured Parler that it was  
11 "okay" as to problematic content. Parler relied on this representation and similar representations  
12 from AWS, to the detriment of its own business.

13         7. Finally, from the beginning of their contractual relationship, AWS had known that  
14 Parler used a reactive system to deal with problematic content—and not once had AWS said that  
15 such a system was insufficient or in violation of the parties' contract. What is more, AWS knew  
16 that Parler was testing out a new *proactive* system that would catch problematic content before it  
17 was even posted.

18         8. But two things had changed for AWS. First, a few weeks before terminating  
19 Parler's services, AWS had signed a major new contract with Parler's principal competitor,  
20 Twitter. Second, when Facebook and Twitter moved to ban former President Trump from their  
21 platforms in early January, it was expected that Trump would move to Parler, bringing many of  
22 his 90 million followers with him. And AWS knew that Trump and Parler had been in negotiations  
23 over such a move. If this were to materialize, Parler would suddenly be a huge threat to Twitter in  
24 the microblogging market, and to Amazon itself in the digital advertising market.

1           9.       Thus, AWS pulled Parler’s plug. And to further kick Parler while it was down, *after*  
2 it had terminated the contract, AWS directed hackers to Parler’s back-up databases and has been  
3 secretly selling Parler user data to anyone with a certain type of Amazon account.

4           10.      Because of these actions, Parler was unable to be online for over a month. And even  
5 as of the date of this complaint, Parler has been unable to regain the reputation and success it  
6 enjoyed before AWS terminated its services. Not surprisingly, when an internet-based company  
7 cannot get on the internet, the damage is extraordinary. And when confidential user data is hacked  
8 or sold to others, the company suffers enormous reputational damage.

9           11.      Just before all this occurred, Parler was about to seek funding and was valued at  
10 one billion dollars—something AWS also knew. As a result of the unlawful actions of Amazon  
11 and AWS, Parler has permanently lost tens of millions of current and prospective future users—  
12 many of whom have migrated to other platforms—and hundreds of millions of dollars in annual  
13 advertising revenue. Parler therefore brings this suit for multiple violations of Washington’s  
14 contract, tort, unfair-competition, and consumer protection laws.

## 15                               II.       PARTIES, JURISDICTION, AND VENUE

### 16   A.   Parties

17           12.      Parler is “the solution to problems that have surfaced in recent years due to changes  
18 in Big Tech policy influenced by various special-interest groups.” *Our Company*, PARLER.COM  
19 (Feb. 15, 2021, 5:45 AM), <https://company.parler.com>. Thus, “Parler is built upon a foundation of  
20 respect for privacy and personal data, free speech, free markets, and ethical, transparent corporate  
21 policy.” *Id.*

22           13.      On information and belief, Amazon.com, Inc., is a corporation incorporated in  
23 Delaware and has a principal place of business in Seattle, Washington. On information and belief,  
24 Amazon.com, Inc., is the ultimate parent company of the other companies that make up “Amazon,”  
25 including AWS. Amazon is considered to be the world’s most valuable brand. *See Accelerated*



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