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COMPANY 2
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Phone:

DEVELOPMENT COMPLAINT WORKING DRAFT- Version 2017 D

The Plaintiffs

SUPERIOR COURT OF THE STATE OF XXXXXX

COUNTY OF XXXXX

COMPANY 1, a California business, **COMPANY 2**, a California Business, **COMPANY 3**, A California Business, **INDIVIDUAL A**, A Californians Shareholder Plaintiffs, vs. **Google, Inc.** A California Corporation, **Larry Page** an owner and **Eric Schmidt**, an owner **YouTube, Inc.** A California Corporation, and DOES 1 through 50, Inclusive Defendants	Court Case No. COMPLAINT FOR INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS; INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE; CYBER-STALKING; FRAUD; INVASION OF PRIVACY; UNFAIR COMPETITION; THEFT OF INTELLECTUAL PROPERTY; RICO RACKETEERING VIOLATIONS **JURY TRIAL DEMANDED** Date: Time:

_____) Dept.:
) Trial Date:

FACTS OF THE CASE:

1. Plaintiffs are a technology atelier located in San Francisco, California. Plaintiffs have no political party affiliation and are, in fact, bi-partisan.

2. Defendants have offices nationwide and are, at least, known to have offices in California at numerous locations. Defendants attempted to ***"kill, decimate, punish, damage, character assassinate and delay Plaintiffs civil rights as part of Defendants political reprisal, retribution, payback news and media information-manipulation program, in which Defendants sought to own and control government policy for personal financial and ideological insider goals."*** Defendants engaged in a legally defined RICO-violating criminal conspiracy in order to defraud the public, government officials and others.

4. The true names and capacities of the Defendants, DOES 1 through 50, inclusive, are presently unknown to the Plaintiffs at this time and the Plaintiffs sue those Defendants and each of them, by such fictitious names pursuant to the pertinent provisions of the California Code of Civil Procedure. The facts and veracity of the charges and claims herein are duplicate-evidenced in multi-terrabyte hard drives and existing online cloud-based evidence repositories containing millions of pages of validating evidence compiled by Plaintiffs, FBI, GAO, SEC, EU, private, national journalists, Congressional, news industry, forensic specialist and leaked archive investigators.

5. Plaintiffs have had a multi-decade relationship with White House, Congressional, campaign finance, law enforcement and business parties discussed in this matter and had eye-witness knowledge of the crimes and misdeeds of Defendants and their associates and, as such, have received additional evidence from other eye-witness parties and have been provided with verified evidence notification of further validated evidence held by law enforcement agencies which confirm the veracity of Plaintiffs statements. White House and Congressional staff have certified the veracity of the evidence herein. Former employees of Google are prepared to testify to the veracity of the facts herein. Multiple other parties have sue and won, or settled, with Defendants for the same issue and Defendants have thus demonstrated a proven history of the charged illicit actions against Plaintiffs and all parties who displease Defendants or who Defendants are hired to destroy.

6. Plaintiffs were solicited to participate in Defendants crimes and schemes and refused to participate on the grounds that Defendants plans and schemes were illegal illicit and immoral. Because Plaintiffs refused to participate in Defendants crimes, assisted investigators with law enforcement actions and continued Plaintiffs business in competition to Defendants; Defendants took the further illicit actions described herein, against Plaintiffs.

7. The Plaintiffs are informed and believe and, based on that information and belief, allege that the named Defendants herein and each of the parties designated as a "DOE" and every one of them, are legally responsible jointly and severally for the Federal RICO Statute violating events and happenings referred to in the within Complaint for Intentional Interference with Contractual Relations, Intentional Interference with Prospective Economic Advantage, Cyberstalking, Fraud, Invasion of Privacy, Unfair Competition and Theft of Intellectual Property and RICO statute violations. **In particular, Defendants took compensation for, and engaged in, malicious and coordinated tactics to seek to destroy, damage, harm and ruin Plaintiffs via an illicit media "hit-job" service which Defendants regularly offered in covert commerce and engaged in regularly against targets that Defendants were hired to seek to ruin as part of reprisal, vendetta, retribution programs operated for business and political competitors of the targets. Historical facts and other history-making lawsuits by third parties, has proven Defendants to be the single largest core violator of human rights, in this manner, in the world. Defendants offer the service of creating and publishing contrived "hatchet job" movies, fake news articles, faked comments and repercussion backlinks describing the Plaintiffs in horrific descriptors. The attack material is reposted, "impression accelerated", "click-farm fertilized" and Streisand array reposted by Defendants massive character assassination technology via servers algorithms and technical internet manipulation daily as recently as yesterday. Defendants also embed the article in job hiring databases on Axciom, Palantir, Taleo and other databases used by all hiring and recruiting services in order to prevent Plaintiffs from ever receiving income for W2 or 1099 work ever again. Defendants own staff then post thousands of fake comments, below each attack item, under fake names, designed to make it appear as if a broad consensus of the public agreed with the defamation messages by Defendants. Almost all of the fake comments were created by a handful of Defendants own staff pretending to be a variety of outside voices. Defendants provide the service of delivering "weaponized text and media to corporate clients". Defendants replicated various versions of these attack items across all of their different brands and facade front publications and added additional fake comments to each on a regular basis.**

Defendants are widely documented in tens of thousands of reports in law enforcement investigations, regulatory investigations, journalistic news reports, university research and other credible documents as having engaged in the felony-level manipulation of elections and public media and did use those same manipulation technologies to attack Plaintiffs, a small set of hundreds of thousands of examples of such verification include:

How Google Could Rig the 2016 Election - POLITICO Magazine

2016. How **Google** Could **Rig** the 2016 **Election**. **Google** has the ability to drive millions of votes to a candidate with no one the wiser. By Robert Epstein

politico.com/magazine/story/2015/08/how-google-could-r...

More results

Google could 'rig the 2016 election,' researcher says - Aug ...

Google's influence on the 2016 **election** could tip the scales in favor of its own chosen candidate, says behavioral psychologist Robert Epstein.
money.cnn.com/2015/08/20/technology/google-2016-electio...

Could Google Rig the 2016 Election? Don't Believe the Hype ...

Could **Google Rig** the 2016 ... "How **Google** Could **Rig** the 2016 **Election**, ... **Google's** search algorithm can easily shift the voting preferences of ...
thedailybeast.com/articles/2015/09/21/could-google-rig-the-...

Top Psychologist: Google's Algorithm Will Rig the Election ...

Top Psychologist: **Google's** Algorithm Will **Rig** the **Election** For Hillary Search engine's power to manipulate public opinion represents a "threat to democracy"
infowars.com/top-psychologist-googles-algorithm-will-r...

How Google Could Rig the 2016 Election - Robert Epstein ...

2016. How **Google** Could **Rig** the 2016 **Election**. **Google** has the ability to drive millions of votes to a candidate with no one the wiser. By ROBERT EPSTEIN
politico.com/magazine/story/2015/08/how-google-could-r...

How Google Could Rig The 2016 Election | Zero Hedge

Given how powerful this effect is, it's possible that **Google** decided the winner of the Indian **election**. **Google's** own daily data on **election**-related ...
zerohedge.com/news/2015-08-20/how-google-could-rig-2016...

Google Working to Rig the Election for Hillary | RedState

The Washington Free Beacon reports that **Google's** Eric Schmidt is working directly with the Hillary Clinton presidential campaign. With all due respect to Sen. Rubio ...
redstate.com/california_yankee/2016/10/19/google-worki...

Flashback: How Google Could Rig the 2016 Election » Alex ...

Flashback: How **Google** Could **Rig** the 2016 **Election** The Search Engine Manipulation Effect (SEME) turns out to be one of the largest behavioral effects ever discovered
infowars.com/flashback-how-google-could-rig-the-2016-e...

Google Could 'Rig the 2016 Election,' Researchers Claim ...

Research psychologist Robert Epstein conducted a study that shows **Google** has the power to sway voter opinion and **rig** the 2016 **election**.
fortune.com/2015/08/23/research-google-rig-election/

Could Google rig the 2016 election? | Komando.com

Robert Epstein, a senior research psychologist at the American Institute for Behavioral Research and Technology, has been researching **Google's** potential for **election** ...
komando.com/happening-now/322077/could-google-rig-the...

Can Anyone Stop Google From Rigging The 2016 Presidential ...

Rig the 2016 presidential **election** through something called "Search Engine Manipulation?" ... **Google** could influence and potentially **rig elections** across the globe.

uproxx.com/technology/google-2016-presidential-elect...

[88] CENTCOM Lies & Google Rigs Elections - YouTube

[88] CENTCOM Lies & **Google Rigs Elections** Watching the Hawks RT. ... Tabetha Wallace reveals how **Google** might be able to **rig** our **elections**.

youtube.com/watch?v=sKMRZOSIY2o

Who Bribes Politicians and Rigs Elections At Google? | ULTRA ...

Who Bribes Politicians and **Rigs Elections** At **Google**? By Town Hall Public Meetings David Noam - Global Partnerships Strategy at **Google**

https://ultralightvehicles.wordpress.com/2017/02/04/who-bribes-politicians-and-rig...

Can Google Rig Elections? | MetaFilter

I'm sure **Google** could, in some small way, influence **elections** (**rig** is certainly not the right word). I'm also sure that this article is just a confused mess.

metafilter.com/152368/Can-Google-Rig-Elections

How To Rig An Election - Google Groups

How To **Rig** An **Election** Protesters gather behind a banner reading "Honest **Elections**" during a demonstration in Moscow on February 4. February 09, 2012

https://groups.google.com/d/topic/soc.culture.malaysia/BD7M-kvbDDs

How Google tried to rig the election for Hillary Clinton ...

The Obama administration's revolving door with **Google** has been anything but subtle. Recently we saw the tech giant favour Hillary Clinton in her run for office.

hangthebankers.com/google-tried-rig-election-hillary-clinton/

Will Google Rig Election for Hillary? Far Fetched: Experts ...

To read more on this topic, click How **Google** Could **Rig** the 2016 **Election Google** has the ability to drive millions of votes to a candidate with no one the wiser.

https://trofire.com/2015/08/22/will-google-rig-election-for-h...

Exposed: Google Caught Trying to Rig Presidential Election ...

Exposed: **Google** Caught Trying to **Rig** Presidential **Election** For Hillary (Video) SourceFed discovered evidence that **Google** may be manipulating autocomplete ...

freedomoutpost.com/exposed-google-caught-trying-to-rig-presi...

Google Could Rig the 2016 Election - Project Censored

Research findings indicate that the way **Google's** search algorithm interprets **election**-related information can influence the voting preferences of undecid

projectcensored.org/google-rig-2016-election/

Google could 'rig the 2016 election,' researcher says | WHNT.com

NEW YORK (CNNMoney) — By manipulating its search results, **Google** could decide the next **election**. The world's most-used search engine is so powerful and ...

whnt.com/2015/08/21/google-could-rig-the-2016-elec...

Why is Google trying to rig the election? - Quora

Did **Google** say that it **rigs** its search results to help Hillary Clinton? ... What would have been the approximate results had the **elections** not been rigg ...

https://quora.com/Why-is-Google-trying-to-rig-the-election

How Google could rig the 2016 election - POLITICO

How **Google** could **rig** the 2016 **election**. **Google** has the ability to drive millions of votes to a candidate with no one the wiser. By ROBERT EPSTEIN. 8/20/15, 10:04 AM CET.

politico.eu/article/google-2016-election-us-candidate...

Who Bribes Politicians and Rigs Elections At Google? | THE ...

http://nypost.com/2016/08/29/going-to-burning-man-is-a-middle-age-cry-for-help/ Photo: REUTERS/Jim Urquhart More On the All White Burning Man Deviancy ...

https://thenytimnews.wordpress.com/2017/02/04/who-bribes-politicians-and-rig...

CENTCOM Lies & Google Rigs Elections (E088) RT — Watching the ...

CENTCOM Lies & **Google Rigs Elections** (E088) ... Tabetha Wallace reveals how **Google** might be able to **rig** our **elections**. Mnar Muhawesh, of MintPress News, ...

https://rt.com/shows/watching-the-hawks/313576-centcom-g...

FOCUS | How to Rig an Election

How to **Rig** an **Election**. ... Our faith-based **elections** are the result of a new ... Oh Bomb Ah (the droner) is not exactly full of integrity. **Google**: Justia, and ...

readersupportednews.org/opinion2/277-75/14198-focus-how-to-rig-an...

How to rig an election | The Economist

How to **rig** an **election** ... But it is just as easy to **rig elections** if your population is falling. Michigan, ... **Google** plus; Tumblr;

economist.com/node/1099030

Watching the Hawks RT - YouTube

Watching the Hawks RT Videos; Playlists; Channels; Discussion; About; Home ... [88] CENTCOM Lies & **Google Rigs Elections** View full playlist (88 videos) ...

youtube.com/channel/UCbiFt3UdxX7LxferwDmuegQ

How Google Could Rig the 2016 Election | RealClearPolitics

America's next president could be eased into office not just by TV ads or speeches, but by **Google's** secret decisions, and no one—except for me and perhaps a few ...

realclearpolitics.com/2015/08/24/how_google_could_rig_the_2016_...

[88] CENTCOM Lies & Google Rigs Elections - YouTube

[88] CENTCOM Lies & **Google Rigs Elections** Watching the Hawks RT. ... Tabetha Wallace reveals how **Google** might be able to **rig** our **elections**.

youtube.com/watch?v=sKMRZOSIY2o

Can Google Rig the 2016 Election? - National News/Current ...

How **Google** Could **Rig** the 2016 **Election Google** has the ability to drive millions of votes to a candidate with no one the wiser

gopbriefingroom.com/index.php?topic=178349.0

Senior research psychologist, Harvard prof. warn: Facebook ...

A senior research psychologist and a Harvard professor warn that tech giants like Facebook and **Google** could "**rig**" the **election** through their algorithms.

conservativefiringline.com/senior-research-psychologist-warns-facebo...

How Google Could Rig the 2016 Election | The Stream

How **Google** Could **Rig** the 2016 **Election**. By Politico Published on August 24, 2015 • America's next president could be eased into office not just by TV ads or ...

https://stream.org/google-rig-2016-election/

Top Psychologist: Google's Algorithm Will Rig the Election ...

Top Psychologist: **Google's** Algorithm Will **Rig** the **Election** For Hillary. 13,210 Syrian Refugees So Far In 2016; Up 675% From 2015; 99.1% Are Muslims.

teaparty.org/top-psychologist-googles-algorithm-will-r...

Can and Will Google Rig the 2016 Election | Crows Nest Politics

Can and Will **Google Rig** the 2016 **Election**. ... The article deals with "can and will **Google**" swing the **election** through their algorithm's and search software?

crowsnestpolitics.com/2015/08/22/can-and-will-google-rig-the-20...

Google Could 'Rig the 2016 Election,' Researchers Claim ...

Research psychologist Robert Epstein conducted a study that shows **Google** has the power to sway voter opinion and **rig** the 2016 **election**.

fortune.com/2015/08/23/research-google-rig-election/?...

Rigging Elections - Taki's Magazine - takimag.com

Ironically, the most far-reaching scheme to **rig** this and future American **elections** isn't being plotted in the Kremlin (as Hillary Clinton and the ruling ...

takimag.com/article/rigging_elections_steve_sailer/print

Google is Rigging Searches for Hillary Clinton | RedState

This is huge news - but it is hardly surprising. **Google** - President Barack Obama's biggest crony in a sea full of armadas full of legions of Obama cronies ...

redstate.com/setonmotley/2016/06/13/obama-uber-crony-g...

Google could 'rig the 2016 election,' researcher says | Ripples

By manipulating its search results, **Google** could decide the next **election**. The world's most-used search engine is so powerful and national **elections** are so tight ...

https://ripplesnigeria.com/google-could-rig-the-2016-election-resear...

You may hate Donald Trump. But do you want Facebook to rig ...

But do you want Facebook to **rig** the **election** ... The fact that an internet giant like Facebook or **Google** could turn an **election** based on hidden changes to its ...

https://theguardian.com/commentisfree/2016/apr/19/donald-trump-fa...

How GOOGLE Could Rig the 2016 Election - Tea Party News

Given how powerful this effect is, it's possible that **Google** decided the winner of the Indian **election**. **Google's** own daily data on **election**-related search ...

teaparty.org/google-rig-2016-election-114131/

Google could 'rig the 2016 election,' researcher says ...

NEW YORK — By manipulating its search results, **Google** could decide the next **election**. The world's most-used search engine is so powerful and national ...

fox2now.com/2015/08/20/google-could-rig-the-2016-elec...

Top Psychologist: Google's Algorithm Will Rig the Election ...

Top Psychologist: **Google's** Algorithm Will **Rig** the **Election** For Hillary Search engine's power to manipulate public opinion represents a "threat to democracy"

propagandamatrix.com/articles/november2016/011116_rig_election...

Can Google rig elections? | Election Universe

"How **Google** Could **Rig** the 2016 **Election**" is the title of an article written by Robert Epstein and published by Politico in August. According to Epstein, Senior ...

electionuniverse.com/2015/09/can-google-rig-elections/

Exposed: Google Caught Trying to Rig Presidential Election ...

Exposed: **Google** Caught Trying to **Rig** Presidential **Election** For Hillary (Video) By Voice of Reason · Friday, June 10 th, 2016. ... Twitter, and **Google**, ...

https://thelastgreatstand.com/2016/06/10/exposed-google-caught-trying-t...

If you want to rig an election … - Washington Post

Politics If you want to **rig** an **election**... Rigging a U.S. presidential **election** on **Election** Day would be an astonishing (and nearly ...

https://washingtonpost.com/graphics/politics/2016-election/how-to-ri...

Top Psychologist: Google's Algorithm Will Rig the Election ...

In August last year, Politico reported on how "**Google** could **rig** the 2016 **election**" by altering its search algorithms.

prisonplanet.com/top-psychologist-googles-algorithm-will-r...

Electoral fraud - Wikipedia

Electoral fraud, **election** manipulation, or vote rigging is illegal interference with the process of an **election**. Acts of fraud affect vote counts to bring about an ...

https://en.wikipedia.org/wiki/Electoral_fraud

GWAR Rigs Election, Destroying Trump And Clinton With AC/DC ...

GWAR **Rigs Election**, Destroying Trump And Clinton With AC/DC Cover In New AV Club "Undercover Performance"; Video. November 8, 2016, 3 months ago

bravewords.com/news/gwar-rigs-election-destroying-trump-...

Google seeks to destroy President Trump from within! | ULTRA ...

Google was overwhelmingly against TrumpJosh Lipton | @CNBCJosh3 Hours AgoCNBC.com Can **Google** win ... Who Bribes Politicians and **Rigs Elections** At **Google**?
https://ultralightvehicles.wordpress.com/2017/01/18/google-seeks-to-destroy-presid...

The Daily Show Rigs a Poll for Hillary Clinton | Mediaite

The Daily Show **Rigs** a Poll for Hillary Clinton. ... Megyn Kelly Rebukes a Gloating Eric Bolling During Fox **Election** Coverage: 'It's Not About You ...
mediaite.com/tv/the-daily-show-rigs-a-poll-for-hillary...

Criticism of Google - Wikipedia

Criticism of **Google** includes aggressive and contrived tax avoidance, ... **Google rigs** its results, biasing in favor of **Google** Shopping and against competitors like us."
https://en.wikipedia.org/wiki/Criticism_of_Google

Fox News Just Exposed Hillary's Illegal Voting Scheme That ...

Fox News Just Exposed Hillary's Illegal Voting Scheme That **Rigs Election** Against Trump. By Proud Conservative. Posted on September 3, 2016. 88 Shares. Share. Tweet ...
proudcons.com/fox-news-just-exposed-hillarys-illegal-vo...

No One Rigs an Election Quite Like Kazakhstan - The Atlantic

No One **Rigs** an **Election** Quite Like Kazakhstan. Most Popular. ... Foreign **election** observers found evidence of ballot box stuffing and apparent multiple votes, ...
theatlantic.com/international/archive/2011/04/no-one-rigs...

Trump asks Russia to find Clinton's missing emails in Doral ...

"If it is Russia and they are interfering in our **elections**, ... exposed as a party who not only **rigs** the government, but **rigs elections** while literally ...
miamiherald.com/news/politics-government/election/donald-...

With driverless big rigs, ex-employees one-up Google's self ...

With driverless big **rigs**, ex-employees one-up **Google's** self-driving cars
csmonitor.com/Technology/2016/0517/With-driverless-big-...

GLOBAL NEWS CENTER WIKI - Info - The Storm

Who Bribes Politicians and **Rigs Elections** At **Google**? ... **Google** Bans All Non-Hillary Loving News; Preparing for the inevitable hacks and leaks of your emails and ...
morenewznow.com

Hillary Rigs Election So Much That Stanford Can Prove It

Hillary **Rigs Election** So Much That Stanford Can Prove ... we show that no such irregularities occurred in the 2008 competitive **election** cycle involving Secretary ...
patriotupdate.com/hillary-rigs-election-so-much-that-stanfo...

Elections & Voting | Town of Lexington MA

Elections & Voting. ... The Town Clerk also verifies residences, prepares and provides statistics on **elections** and census, ... See map: **Google** Maps.

lexingtonma.gov/town-clerk/pages/elections-voting

Soros operative buys an Election Firm: Smartmatic, SGO ...

Soros operative buys an **Election** Firm ... Smartmatic has done nothing but be controversial everywhere it conducts **elections**. ... just **Google** it.

https://linkedin.com/pulse/smartmatic-sgo-malloch-brown-soros-...

Know Your News Source Bias and Know Who Rigs Elections Which ...

KNOW YOUR NEWS SOURCE BIAS AND KNOW WHO **RIGS ELECTIONS** WHICH WAY THE MEDIA RIGGING STANCES (Please re-post on your blogs and in comments on Voat.Co and Reddit.com)

londonworldwide.com/know-your-news-source-bias-and-know-who-r...

Bruce Ray Riggs - Ballotpedia

Elections 2016 See also: Florida's ... Bruce Ray Riggs - **Google** News Feed. Loading... See also. United States House of Representatives; Florida's 11th Congressional ...

https://ballotpedia.org/Bruce_Ray_Riggs

Russian Hackers Prove Election Fraud Against Bernie Sanders ...

Leaked emails show Hillary Clinton colluded with the Democratic party in order to **rig** the **election** and ensure Bernie Sanders would not win the nomination.

yournewswire.com/russian-hackers-prove-election-fraud-agai...

Why is Google showing a Hillary Clinton picture to the search ...

Did **Google** say that it **rigs** its search results to help Hillary Clinton? ... Who is more likely to win the presidential **elections**: Hillary Clinton or Bernie Sanders?

https://quora.com/Why-is-Google-showing-a-Hillary-Clinton-p...

WATCH: Computer Programmer Testifies Under Oath He Coded ...

Former congressional nominee for California's 4th district, testified under oath that he was hired to **rig elections** by coding in fraud.

thefreethoughtproject.com/watch-computer-programmer-testifies-oath-...

US Election Shocker: Is This How The Vote Will Be Rigged?

Meanwhile, the actual results of the coming elections—including Congressional races—appear to be up for grabs, ... regularly **rigs** polls to give Hillary a lead.

activistpost.com/2016/08/us-election-shocker-vote-will-rig...

Sanders camp suspicious of Microsoft's influence in Iowa ...

facebook twitter **google** plus rss tumblr ... caucuses," the company said in a statement to MSNBC. ... Bernie Sanders, Democrats, **Election** 2016, **Elections**, ...

msnbc.com/msnbc/sanders-campaign-suspicious-corpora...

GWAR Rigs Election, Destroying Trump and Clinton With "Bloody ...

GWAR **Rigs Election**, Destroying Trump and Clinton With "Bloody" New AV Club "Undercover Performance" News // No Comments

gwar.net/news/gwar-rigs-election-destroying-trump-...

Who Bribes Politicians and Rigs Elections At Google?

Who Bribes Politicians and **Rigs Elections** At **Google**? By Town Hall Public Meetings David Noam - Global Partnerships Strategy at **Google** ...

morenewznow.com/blog/2017/02/04/who-bribes-politicians-an...

Google-could-rig-the-2016-election-researcher-says - Story

Google could **'rig** the 2016 **election,'** researcher says Could search-engine company put its fingers on the scales?

mywabashvalley.com/news/google-could-rig-the-2016-election-r...

Google-could-rig-the-2016-election-researcher-says - Story

By manipulating its search results, **Google** could decide the next **election**. The world's most-used search engine is so powerful and national **elections** are so tight ...

centralillinoisproud.com/news/google-could-rig-the-2016-election-r...

TRANSCEND MEDIA SERVICE » How Google Could Rig the 2016 Election

How **Google** Could **Rig** the 2016 **Election**. ANGLO AMERICA, 31 August 2015 . Robert Epstein - Politico Magazine. **Google** has the ability to drive millions of votes to a ...

https://transcend.org/tms/2015/08/how-google-could-rig-the-2016...

How Google Could Rig the 2016 Election - YouTube

GLOBUS 360 **rig** for smartphones - photo spheres with "**Google** Camera" app - Duration: 1:38. AVR Communication - Augmented Virtual Reality and 360 Videos for ...

youtube.com/watch?v=fS2ezDtoDIg

NY Times calls on Google to rig search results to hide ...

NY Times calls on **Google** to **rig** search results to hide Hillary's health problems. Wednesday, ... this **election** is about taking it back in the last non-violent way ...

naturalnews.com/055079_Hillary_Clinton_Google_search_resu...

Proof That Google Created System to Rig Elections Revealed ...

Email Address: Share on Facebook Share on Twitter 2016 How **Google** Could **Rig** the 2016 **Election** Many say Eric Schmidt Already Rigged The First Obama **Election** **Google** ...

mynewsbeat.org/proof-that-google-created-system-to-rig-e...

How Google Could Rig the 2016 Election : technology

Politics How **Google** Could **Rig** the 2016 **Election** (politico.com) submitted 7 months ago by kangarooninjadonuts. ... **Google** "rigging" the **election** is the least of our ...

https://reddit.com/r/technology/comments/4n5qbs/how_google_c...

Could Google Actually Rig An Election? - Matter Solutions

With the American **election** fast approaching, the campaigning is getting heavy. This has resulted in claims throughout the year that the campaign is rigged, and **Google** ...

https://mattersolutions.com.au/blog/2016/11/google-actually-rig-election/

Distinguished research psychologist Robert Epstein explains one highly referenced study and reviews the validated evidence that Google's search suggestions are biased in favor of political candidates and stock market holdings that have crony kick-back deals to Google. He estimates that biased search suggestions might be able to shift as many as 3 million votes in any presidential election in the US or destroy a competitor, reporter that Google does not like or run the ultimate character assassination.

"Biased search rankings can swing votes and alter opinions, and a new study shows that Google's autocomplete can too.

A scientific study I published last year showed that search rankings favoring one candidate can quickly convince undecided voters to vote for that candidate — as many as 80 percent of voters in some demographic groups. My latest research shows that a search engine could also shift votes and change opinions with another powerful tool: autocomplete.

Because of recent claims that Google has been deliberately tinkering with search suggestions to make Hillary Clinton look good, this is probably a good time both to examine those claims and to look at my new research. As you will see, there is some cause for concern here.

In June of this year, Sourcefed released a video claiming that Google's search suggestions — often called "autocomplete" suggestions — were biased in favor of Mrs. Clinton. The video quickly went viral: the full 7-minute version has now been viewed more than a million times on YouTube, and an abridged 3-minute version has been viewed more than 25 million times on Facebook.

The video's narrator, Matt Lieberman, showed screen print after screen print that appeared to demonstrate that searching for just about anything related to Mrs. Clinton generated positive suggestions only. This occurred even though Bing and Yahoo searches produced both positive and negative suggestions and even though Google Trends data showed that searches on Google that characterize Mrs. Clinton negatively are quite common — far more common in some cases than the search terms Google was suggesting. Lieberman also showed that autocomplete did offer negative suggestions for Bernie Sanders and Donald Trump.

"The intention is clear," said Lieberman. "Google is burying potential searches for terms that could have hurt Hillary Clinton in the primary elections over the past several months by manipulating recommendations on their site."

Google responded to the Sourcefed video in an email to the Washington Times, denying everything. According to the company's spokesperson, "Google Autocomplete does not favor any candidate or cause." The company explained away the apparently damning findings by saying that "Our Autocomplete algorithm will not show a predicted query that is offensive or disparaging when displayed in conjunction with a person's name."

Since then, my associates and I at the American Institute for Behavioral Research and Technology (AIBRT) — a nonprofit, nonpartisan organization based in the San Diego area — have been systematically investigating Lieberman's claims. What we have learned has generally supported those claims, but we have also learned something new — something quite disturbing — about the power of Google's search suggestions to alter what people search for.

Lieberman insisted that Google's search suggestions were biased, but he never explained why Google would introduce such bias. Our new research suggests why — and also why Google's lists of search suggestions are typically much shorter than the lists Bing and Yahoo show us.

Our investigation is ongoing, but here is what we have learned so far:

Bias in Clinton's Favor

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Can Google Tip the Scales on the US Presidential Election Without Anyone Knowing?

To test Lieberman's claim that Google's search suggestions are biased in Mrs. Clinton's favor, my associates and I have been looking at the suggestions Google shows us in response to hundreds of different election-related search terms. To minimize the possibility that those suggestions were customized for us as individuals (based on the massive personal profiles Google has assembled for virtually all Americans), we have conducted our searches through proxy servers — even through the Tor network — thus making it difficult for Google to identify us. We also cleared the fingerprints Google leaves on computers (cache and cookies) fairly obsessively.

Google says its search bar is programmed to avoid suggesting searches that portray people in a negative light. As far as we can tell, this claim is false.

Generally speaking, we are finding that Lieberman was right: It is somewhat difficult to get the Google search bar to suggest negative searches related to Mrs. Clinton or to make any Clinton-related suggestions when one types a negative search term. Bing and Yahoo, on the other hand, often show a number of negative suggestions in response to the same search terms. Bing and Yahoo seem to be showing us what people are actually searching for; Google is showing us something else — but what, and for what purpose?

As for Google Trends, as Lieberman reported, Google indeed withholds negative search terms for Mrs. Clinton even when such terms show high popularity in Trends. We have also found that Google often suggests positive search terms for Mrs. Clinton even when such terms are nearly invisible in Trends. The widely held belief, reinforced by Google's own documentation, that Google's search suggestions are based on "what other people are searching for" seems to be untrue in many instances.

Google's Explanation

Google tries to explain away such findings by saying its search bar is programmed to avoid suggesting searches that portray people in a negative light. As far as we can tell, this claim is false; Google suppresses negative suggestions selectively, not across the board. It is easy to get autocomplete to suggest negative searches related to prominent people, one of whom happens to be Mrs. Clinton's opponent.

A picture is often worth a thousand words, so let's look at a few examples that appear both to support Lieberman's perspective and refute Google's. After that, we'll examine some counterexamples.

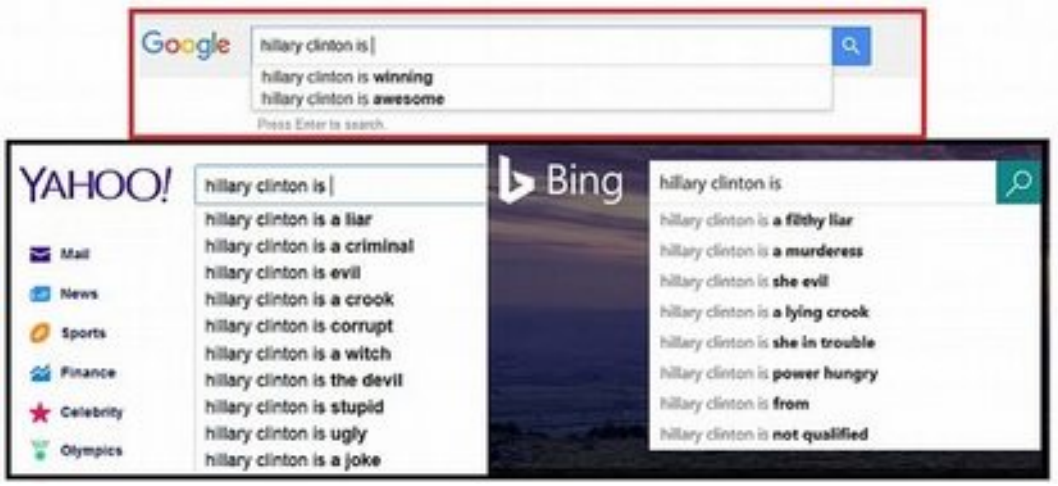
© REUTERS/ Mike Segar

Assange: Clinton's Campaign is Full of 'Disturbing' Anti-Russia 'Hysteria'

Before we start, I need to point out a problem: If you try to replicate the searches I will show you, you will likely get different results. I don't think that invalidates our work, but you will have to decide for yourself. Your results might be different because search activity changes over time, and that, in turn, affects search suggestions. There is also the "personalization problem." If you are like the vast majority of people, you freely allow Google to track you 24 hours a day. As a result, Google knows who you are when you are typing something in its search bar, and it sends you customized results.

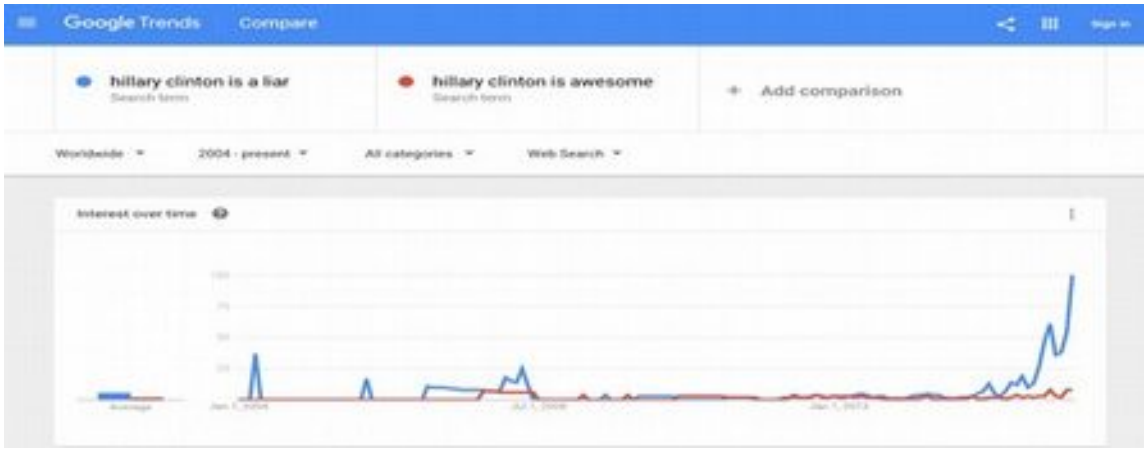
For both of these reasons, you might doubt the validity of the conclusions I will draw in this essay. That is up to you. All I can say in my defense is that I have worked with eight other people in recent months to try to conduct a fair and balanced investigation, and, as I said, we have taken several precautions to try to get generic, non-customized search suggestions rather than the customized kind. Our investigation is also ongoing, and I encourage you to conduct your own, as well.

Let's start with a very simple search. The image below shows a search for "Hillary Clinton is " (notice the space after is) conducted on August 3rd on Bing, Yahoo, and Google. As you can see, both Bing and Yahoo displayed multiple negative suggestions such as "Hillary Clinton is a liar" and "Hillary Clinton is a criminal," but Google is showed only two suggestions, both of which were almost absurdly positive: "Hillary Clinton is winning" and "Hillary Clinton is awesome."



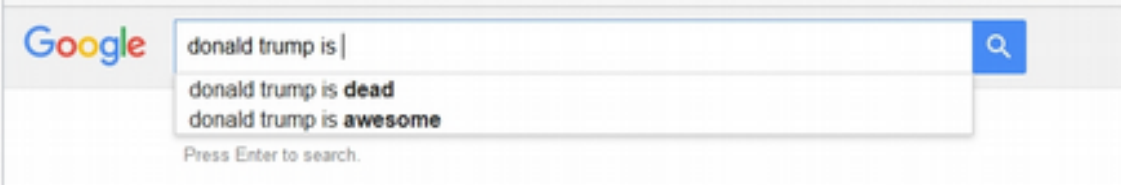
© Photo: Bing, Yahoo, Google
"Hillary Clinton is "

To find out what people actually searched for, let's turn to Google Trends — Google's tabulation of the popularity of search results. Below you will see a comparison between the popularity of searching for "Hillary Clinton is a liar" and the popularity of searching for "Hillary Clinton is awesome." This image was also generated on August 3rd. "Hillary Clinton is a liar" was by far the more popular search term; hardly anyone conducted a search using the phrase, "Hillary Clinton is awesome."



© Photo: Google
"Hillary Clinton is awesome."

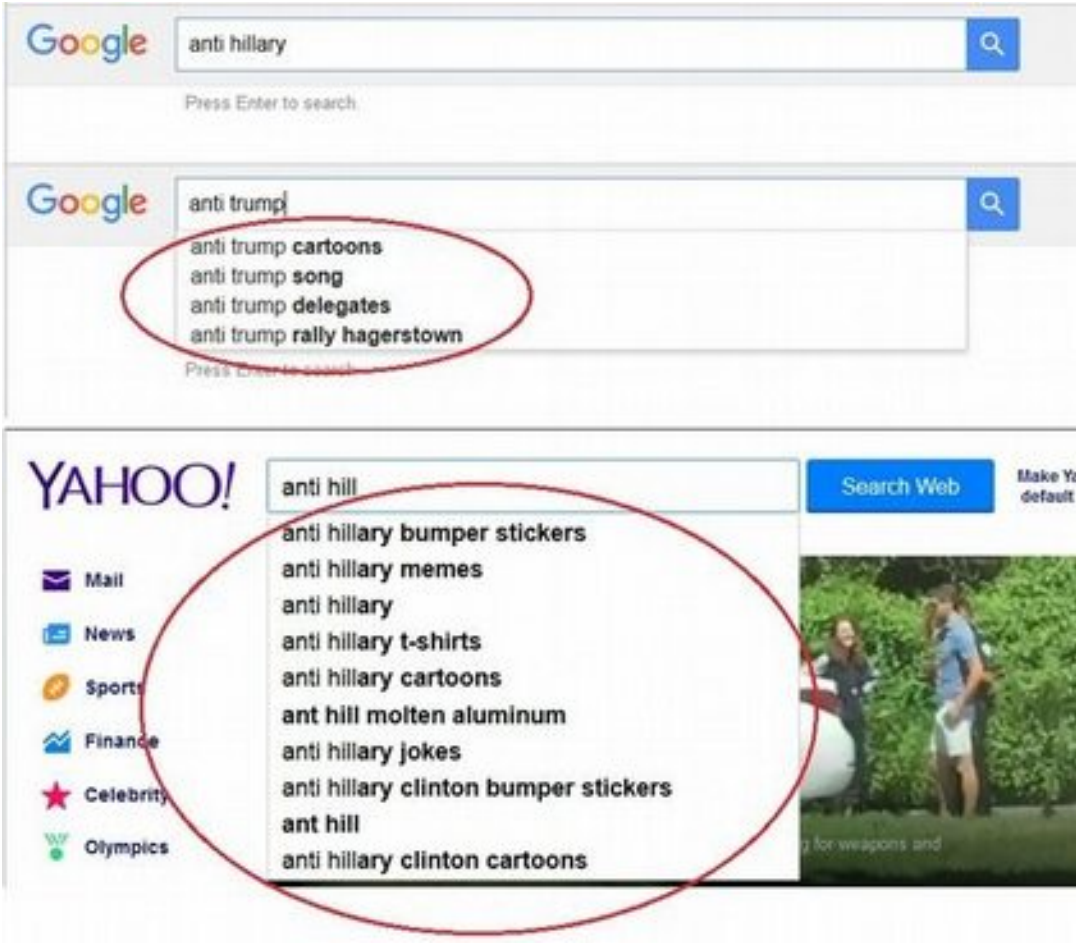
Okay, but Google admits that it censors negative search results; presumably, that is why we only saw positive results for Mrs. Clinton — even a result that virtually no one searched for. Does Google really suppress negative results? We have seen what happens with "Hillary Clinton is." What happens with "Donald Trump is "? (Again, be sure to include the space after is.)



© Photo: Google
"Donald Trump is "?

In the above image, captured on August 8th, we again found the odd "awesome" suggestion, but we also saw a suggestion that appears to be negative: "Donald Trump is dead." Shouldn't a result like that have been suppressed? Let's look further.

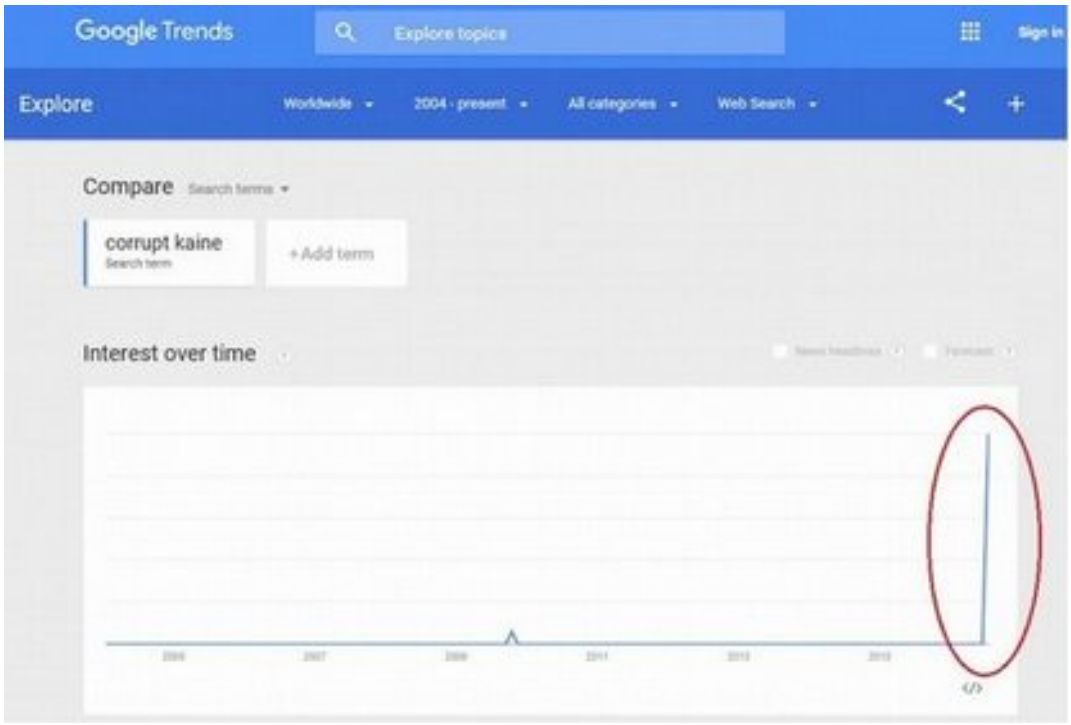
Consider the following searches, conducted on August 2nd, for "anti Hillary" and "anti Trump." As you can see below, "anti Hillary" generated no suggestions, but "anti Trump" generated four, including "anti Trump cartoon" and "anti Trump song." Well, you say, perhaps there were no anti-Hillary suggestions to be made. But Yahoo — responding merely to "anti Hill" — came up with eight, including "anti Hillary memes" and "anti Hillary jokes."



© Photo: Google, Yahoo
"anti Hillary" and "anti Trump."

This seems to further refute Google's claim about not disparaging people, but let's dig deeper.

After Mrs. Clinton named Senator Tim Kaine to be her running mate, Mr. Trump dubbed him with one of his middle-school-style nicknames: "Corrupt Kaine." Sure enough, that instantly became a popular search term on Google, as this July 27th image from Trends confirms:



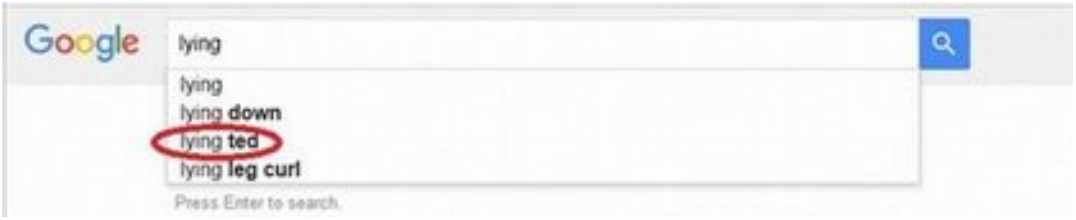
© Photo: Google
"Corrupt Kaine."

Even so, as you can see in the image below, in response to "corrupt," the Google search bar showed us nothing about Senator Kaine, but it did show us both "Kamala" (Kamala Harris, attorney general of California) and "Karzai" (Hamid Karzai, former president of Afghanistan). If you clicked on the phrases "corrupt Kamala" and "corrupt Karzai," search results appeared that linked to highly negative web pages about Kamala Harris and Hamid Karzai, respectively.

Oddly enough, both on the day we looked up "corrupt Kaine" and more recently when I was writing this essay, Google Trends provided no popularity data for either "corrupt Kamala" or "corrupt Karzai." It is hard to imagine, in any case, that either search term has been popular in recent months. So why did the Google search bar disparage Attorney General Harris and President Karzai but not Mrs. Clinton?

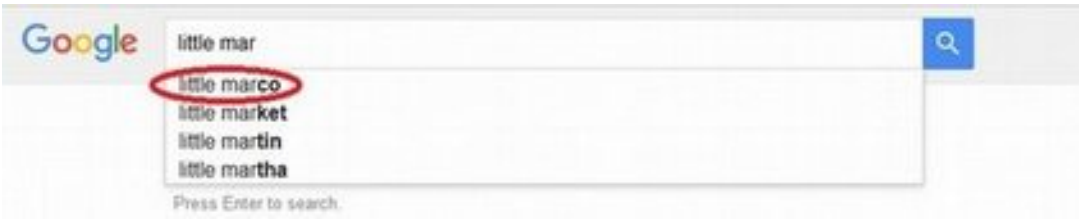
© Photo: Google, Yahoo
"corrupt Kaine", "corrupt Kamala", "corrupt Karzai."

If you still have doubts about whether Google suggests negative searches for prominent people, see how Senators Cruz, Rubio and Sanders fared in the following searches conducted between July 23rd and August 2nd:



© Photo: Google

Searches conducted between July 23rd and August 2nd - Lying Ted



© Photo: Google

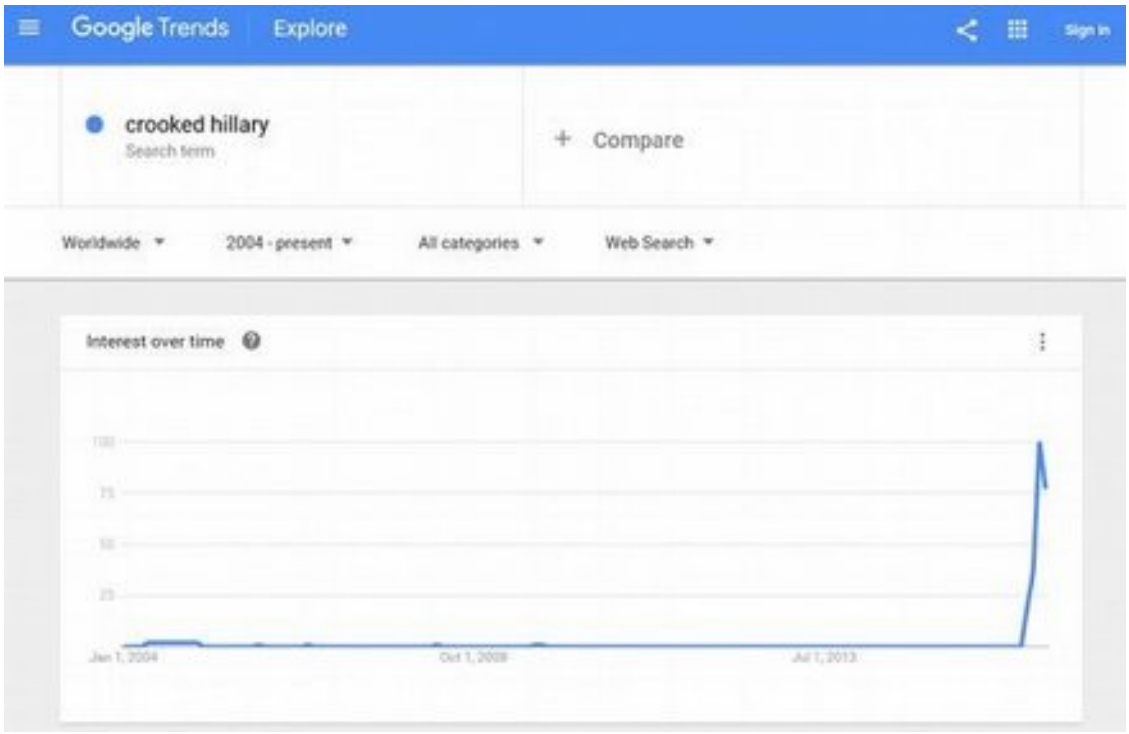
Searches conducted between July 23rd and August 2nd - Little Marco

© Photo: Google

Searches conducted between July 23rd and August 2nd - Anti-Bernie

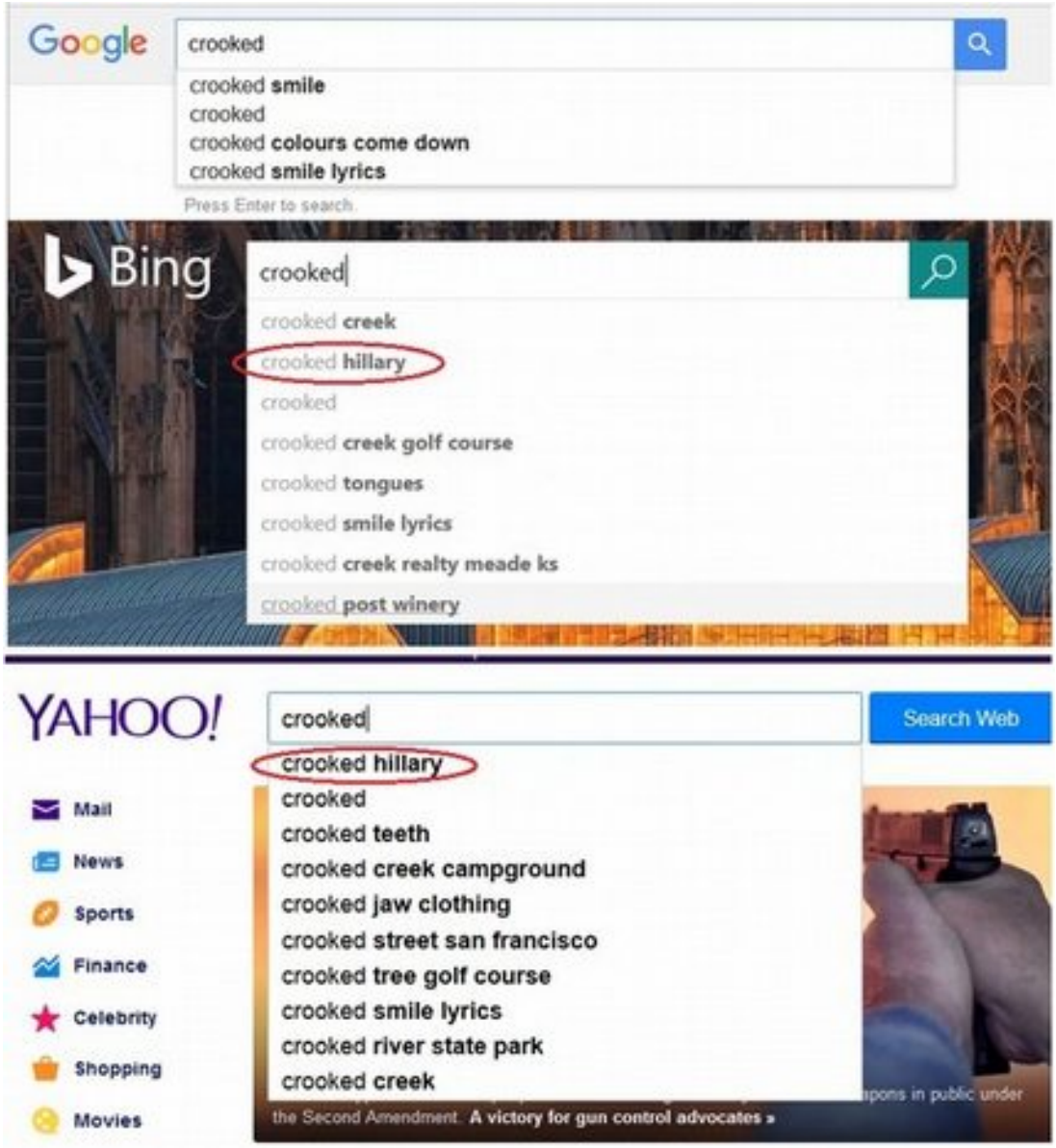
I could give you more examples, but you get the idea.

The brazenness of Google's search suggestion tinkering become especially clear when we searched for "crooked" — Mr. Trump's unkind nickname for Mrs. Clinton — on Google, Bing, and Yahoo on various dates in June and July. On Google the word "crooked" alone generated nothing for Mrs. Clinton, even though, once again, its popularity was clear on Google Trends. Now compare (in the image following the Trends graph) what happened on Bing and Yahoo:



© Photo: Google

"crooked"

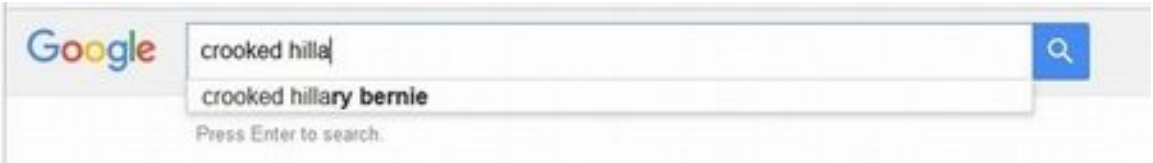


© Photo: Google, Bing, Yahoo

"crooked"

No surprise here. Consistent with Google's own search popularity data, Bing and Yahoo listed "crooked Hillary" near the top of their autocomplete suggestions.

The weird part came when we typed more letters into Google's search bar, trying to force it to suggest "crooked Hillary." On June 9th, I had to go all the way to "crooked H-I-L-L-A" to get a response, and it was not the response I was expecting. Instead of showing me "crooked Hillary," I was shown a phrase that I doubt anyone in the world has ever searched for — "crooked Hillary Bernie":



© Photo: Google

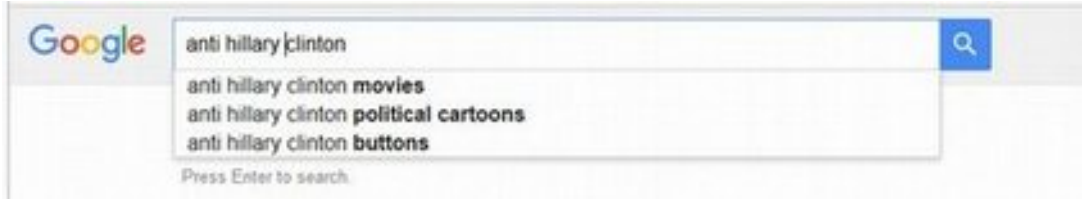
"crooked H-I-L-L-A"

Crooked Hillary Bernie? What the heck does that mean? Not much, obviously, but this is something my associates and I have found repeatedly: When you are able to get Google to make negative suggestions for Mrs. Clinton, they sometimes make no sense and are almost certainly not indicative of what other people are searching for.

Masking and Misleading

There are also indications that autocomplete isn't always pro-Clinton and isn't always anti-Trump, and in this regard the Sourcefed video overstated its case. While it is true, for example, that "anti Hillary" generated no suggestions in our study, both "anti Clinton" and "anti Hillary Clinton" did produce negative results when we search on August 8th, as you can see below:

© Photo: Google
"anti Clinton"



© Photo: Google
"anti Hillary Clinton"

At times, we were also able to generate neutral or at least partially positive results for Donald Trump. Consider this image, for example, which shows a search for "Donald Trump" on August 8th:

© Photo: Google
Search for "Donald Trump" on August 8th

If you believe Google can do no wrong and that it never favors one candidate over another (even though Google and its top executives donated more than $800,000 to Obama in 2012 and only $37,000 to Romney), so be it. But trying to be as objective as possible in recent months, my staff and I have concluded that when Google occasionally does give us unbiased election-related search suggestions, it might just be trying to confuse us. Let me explain.

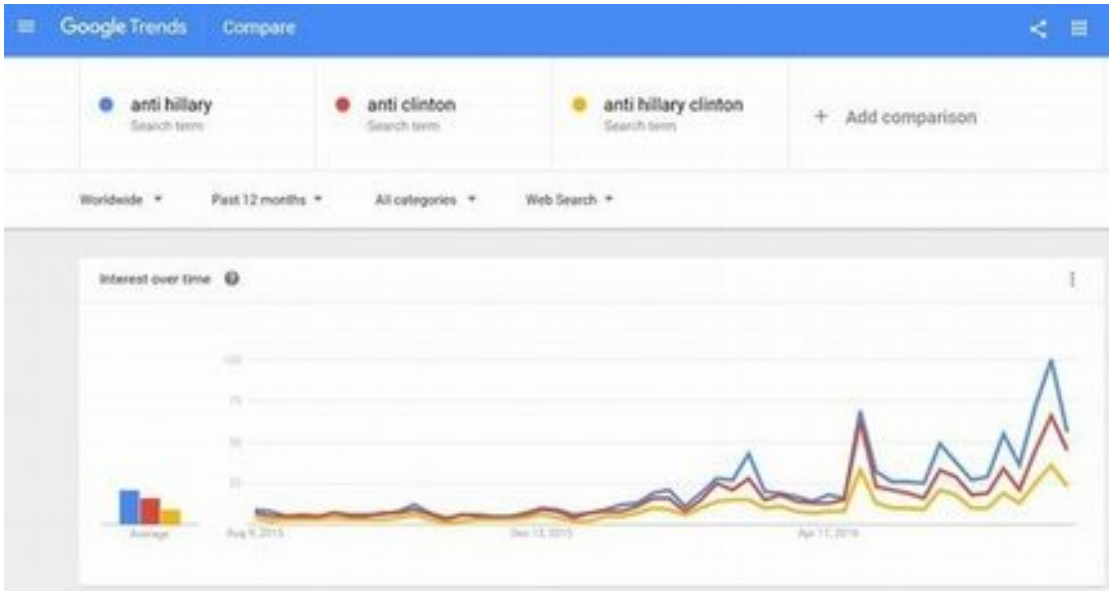
When Ronald Robertson and I began conducting experiments on the power that biased search rankings have over voter preferences, we were immediately struck by the fact that few people could detect the bias in the search results we showed them, even when those results were extremely biased. We immediately wondered whether we could mask the bias in our results so that even fewer

people could detect it. To our amazement, we found that a very simple mask — putting a search result that favored the opposing candidate into the third search position (out of 10 positions on the first page of search results) — was enough to fool all of our study participants into thinking they were seeing unbiased search results.

Masking a manipulation is easy, and Google is a master of obfuscation, as I explained a few years ago in my TIME essay, "Google's Dance." In the context of autocomplete, all you have to do to confuse people is introduce a few exceptions to the rule. So "anti Clinton" and "anti Hillary Clinton" produce negative search suggestions, while "anti Hillary" does not. Because those counter-examples exist, we immediately forget about the odd thing that's happening with "anti Hillary," and we also ignore the fact that "anti Donald" produces negative suggestions:

© Photo: Google
"anti Donald"

Meanwhile, day after day — at least for the few weeks we were monitoring this term — "anti Hillary" continued to produce no suggestions. Why would Google have singled out this one phrase to protect? As always, when you are dealing with the best number crunchers in the world, the answer has to do with numbers. What do you notice when you look below at the frequency of searches for the three anti-Hillary phrases?



© Photo: Google
"anti Hillary"

That's right. "Anti Hillary" was drawing the most traffic, so that was the phrase to protect.

Sourcefed's video was overstated, but, overall, our investigation supports Sourcefed's claim that Google's autocomplete tool is biased to favor Mrs. Clinton — sometimes dramatically so, sometimes more subtly.

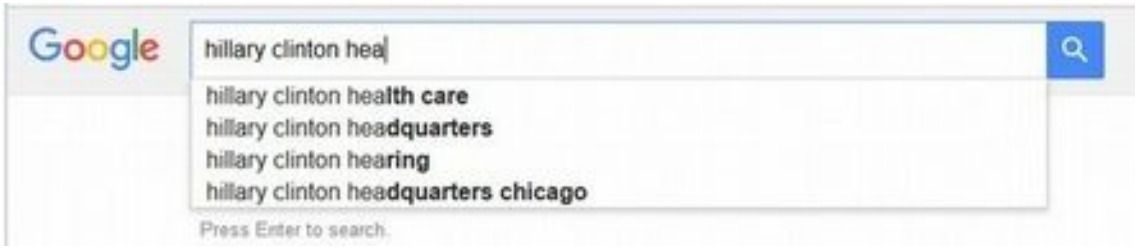
Sputnik's Recent Claims

All of the examples I've given you of apparent bias in Google's search suggestions are old and out of date — conducted by me and my staff over the summer of 2016. Generally speaking, you won't be able to confirm what we found (which is why I am showing you screen shots). This is mainly because search suggestions keep changing. So the big question is: Do new search suggestions favor Mr. Trump or Mrs. Clinton.

Recently, Sputnik News reported that Google was suppressing search suggestions related to trending news stories expressing concern about Mrs. Clinton's health. Sure enough, as you can see in the following screen shots captured on August 29th, suggestions on Bing and Yahoo reflected the trending news, but suggestions on Google did not:

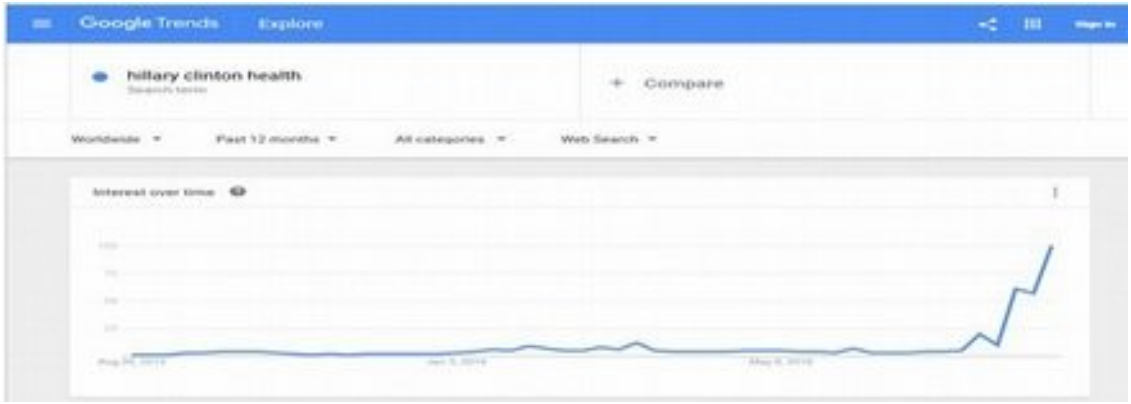
© Photo: Bing
Bing

© Photo: Yahoo
Yahoo



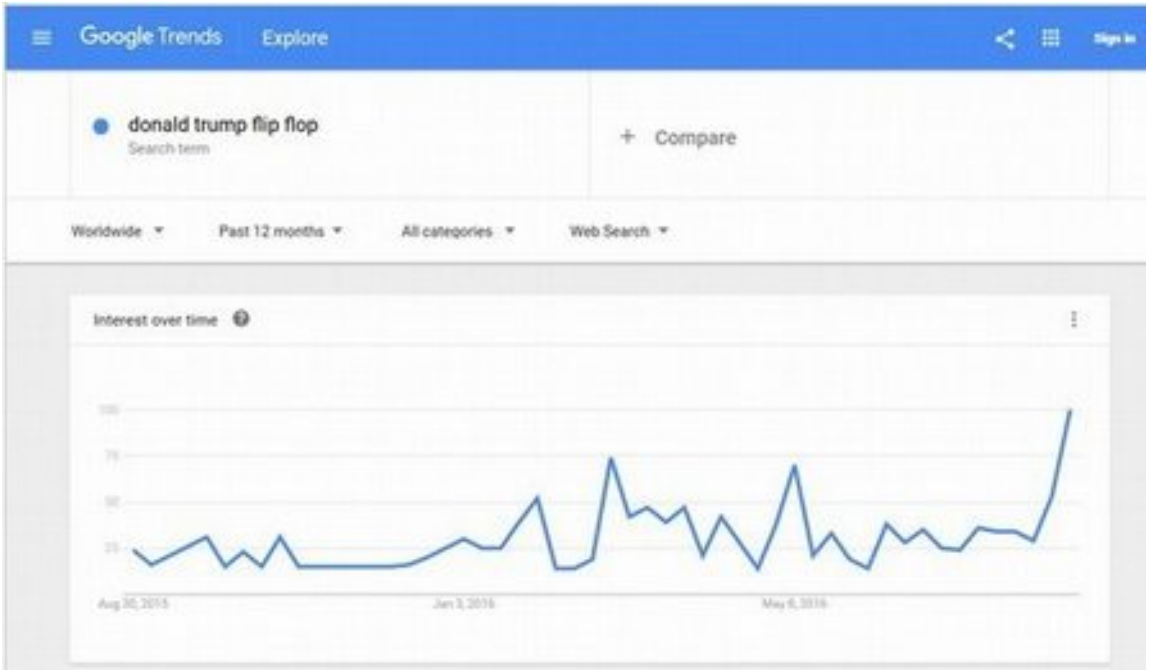
© Photo: Google
Google

And, yes, once again, Google Trends showed a recent spike in searches for the missing search suggestions:



© Photo: Google
Google Trends

While the news was buzzing about Mrs. Clinton's health, hundreds of stories were also being published about Mr. Trump's "flip flopping" on immigration issues, and that too was reflected on Google Trends:



© Photo: Google
Mr. Trump's "flip flopping"

But, as you can see, Google did not suppress "Donald Trump flip flops" from its suggestions:

© Photo: Google
"Donald Trump flip flops"

Google, it seems, is playing this game both consistently and slyly. It is saving its bias for the most valuable real estate — trending, high-value terms — and eliminating signs of bias for terms that have lost their value.

And that brings me, at last, to a research project I initiated only a few weeks ago. If Google is really biasing its search suggestions, what is the company's motive? A new study sheds surprising and disturbing light on this question.

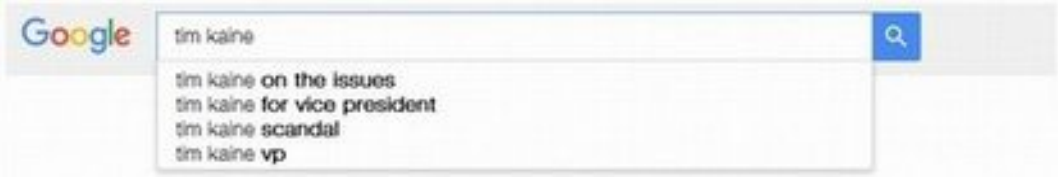
How Google's Search Suggestions Affect Our Searches

Normally, I wouldn't talk publicly about the early results of a long-term research project I have not yet published in a scientific journal or at least presented at a scientific conference. I have decided to make an exception this time for three reasons: First, the results of the study on autocomplete I completed recently are strong and easy to interpret. Second, these results are consistent

with volumes of research that has already been conducted on two well-known psychological processes: negativity bias and confirmation bias. And third, the November election is growing near, and the results of my new experiment are relevant to that election — perhaps even of crucial importance.

I began the new study asking myself why Google would want to suppress negative search suggestions. Why those in particular?

In the study, a diverse group of 300 people from 44 U.S. states were asked which of four search suggestions they would likely click on if they were trying to learn more about either Mike Pence, the Republican candidate for vice president, or Tim Kaine, the Democratic candidate for vice president. They could also select a fifth option in order to type their own search terms. Here is an example of what a search looked like:



© Photo: Google
Tim Kaine

*Two of the searches we showed people contained negative search suggestions (one negative suggestion in each search); all of the other search suggestions were either neutral (like "Tim Kaine **office**") or positive (like "Mike Pence **for vice president**").*

*Each of the negative suggestions — "Mike Pence **scandal**" and "Tim Kaine **scandal**" — appeared only once in the experiment. Thus, if study participants were treating negative items the same way they treated the other four alternatives in a given search, the negative items would have attracted about 20 percent of the clicks in each search.*

By including or suppressing negatives in search suggestions, you can direct people's searches one way or another just as surely as if they were dogs on a leash.

But that's not what happened. The three main findings were as follows:

1) Overall, people clicked on the negative items about 40 percent of the time — that's twice as often as one would expect by chance. What's more, compared with the neutral items we showed people in searches that served as controls, negative items were selected about five times as often.

2) Among eligible, undecided voters —the impressionable people who decide close elections — negative items attracted more than 15 times as many clicks as neutral items attracted in matched control questions.

3) People affiliated with one political party selected the negative suggestion for the candidate from their own party less frequently than the negative suggestion for the other candidate. In other words, negative suggestions attracted the largest number of clicks when they were consistent with people's biases.

These findings are consistent with two well-known phenomena in the social sciences: negativity bias and confirmation bias.

Negativity bias refers to the fact that people are far more affected by negative stimuli than by positive ones. As a famous paper on the subject notes, a single cockroach in one's salad ruins the whole

salad, but a piece of candy placed on a plate of disgusting crud will not make that crud seem even slightly more palatable.

Negative stimuli draw more attention than neutral or positive ones, they activate more behavior, and they create stronger impressions — negative ones, of course. In recent years, political scientists have even suggested that negativity bias plays an important role in the political choices we make — that people adopt conservative political views because they have a heightened sensitivity to negative stimuli.

Confirmation bias refers to the fact that people almost always seek out, pay attention to, and believe information that confirms their beliefs more than they seek out, pay attention to, or believe information that contradicts those beliefs.

When you apply these two principles to search suggestions, they predict that people are far more likely to click on negative search suggestions than on neutral or positive ones — especially when those negative suggestions are consistent with their own beliefs. This is exactly what the new study confirms.

Google data analysts know this too. They know because they have ready access to billions of pieces of data showing exactly how many times people click on negative search suggestions. They also know exactly how many times people click on every other kind of search suggestion one can categorize.

To put this another way, what I and other researchers must stumble upon and can study only crudely, Google employees can study with exquisite precision every day.

Given Google's strong support for Mrs. Clinton, it seems reasonable to conjecture that Google employees manually suppress negative search suggestions relating to Clinton in order to reduce the number of searches people conduct that will expose them to anti-Clinton content. They appear to work a bit less hard to suppress negative search suggestions for Mr. Trump, Senator Sanders, Senator Cruz, and other prominent people.

This is not the place to review the evidence that Google strongly supports Mrs. Clinton, but since we're talking about Google's search bar, here are two quick reminders:

First, on August 6th, when we typed "When is the election?," we were shown the following image:

© Photo: Google
"When is the election?"

See anything odd about that picture? Couldn't Google have displayed two photos just as easily as it displayed one?

And second, as reported by the Next Web and other news sources, in mid 2015, when people typed "Who will be the next president?," Google displayed boxes such as the one below, which left no doubt about the answer:

© Photo: Google
"Who will be the next president?"

Corporate Control

Over time, differentially suppressing negative search suggestions will repeatedly expose millions of people to far more positive search results for one political candidate than for the other. Research I have been conducting since 2013 with Ronald Robertson of Northeastern University has shown that high-ranking search results that favor one candidate can easily shift 20 percent or more of undecided voters toward that candidate — up to 80 percent in some demographic groups, as I noted earlier. This is because of the enormous trust people have in computer-generated search results, which people mistakenly believe are completely impartial and objective — just as they mistakenly believe search suggestions are completely impartial and objective.

The impact of biased search rankings on opinions, which we call the Search Engine Manipulation Effect (SEME), is one of the largest effects ever discovered in the behavioral sciences, and because it is invisible to users, it is especially dangerous as a source of influence. Because Google handles 90 percent of search in most countries and because many elections are very close, we estimate that SEME has been determining the outcomes of upwards of 25 percent of the national elections in the world for several years now, with increasing impact each year. This is occurring, we believe, whether or not Google's executives are taking an active interest in elections; all by itself, Google's search algorithm virtually always ends up favoring one candidate over another simply because of "organic" search patterns by users. When it does, votes shift; in large elections, millions of votes can be shifted. You can think of this as a kind of digital bandwagon effect.

The new effect I have described in this essay — a search suggestion effect — is very different from SEME but almost certainly increases SEME's impact. If you can surreptitiously nudge people into generating search results that are inherently biased, the battle is half won. Simply by including or suppressing negatives in search suggestions, you can direct people's searches one way or another just as surely as if they were dogs on a leash, and you can use this subtle form of influence not just to alter people's views about candidates but about anything.

Google launched autocomplete, its search suggestion tool, in 2004 as an opt-in that helped users find information faster. Perhaps that's all it was in the beginning, but just as Google itself has morphed

from being a cool high-tech anomaly into what former Google executive James Whittaker has called a "an advertising company with a single corporate-mandated focus," so has autocomplete morphed from being a cool and helpful search tool into what may be a tool of corporate manipulation. By 2008, not only was autocomplete no longer an opt-in feature, there was no way to opt out of it, and since that time, through strategic censorship, it may have become a tool for directing people's searches and thereby influencing not only the choices they make but even the thoughts they think.

Look back at the searches I have shown you. Why does Google typically show you far fewer search suggestions than other search engines do — 4 or fewer, generally speaking, compared with 8 for Bing, 8 for DuckDuckGo and 10 for Yahoo? Even if you knew nothing of phenomena like negativity bias and confirmation bias, you certainly know that shorter lists give people fewer choices. Whatever autocomplete was in the beginning, its main function may now be to manipulate.

Without whistleblowers or warrants, no one can prove Google executives are using digital shenanigans to influence elections, but I don't see how we can rule out that possibility.

Perhaps you are skeptical about my claims. Perhaps you are also not seeing, on balance, a pro-Hillary bias in the search suggestions you receive on your computer. Perhaps you are also not concerned about the possibility that search suggestions can be used systematically to nudge people's searches in one direction or another. If you are skeptical in any or all of these ways, ask yourself this: Why, to begin with, is Google censoring its search suggestions? (And it certainly acknowledges doing so.) Why doesn't it just show us, say, the top ten most popular searches related to whatever we are typing? Why, in particular, is it suppressing negative information? Are Google's leaders afraid we will have panic attacks and sue the company if we are directed to dark and disturbing web pages? Do they not trust us to make up our own minds about things? Do they think we are children?

Without whistleblowers or warrants, no one can prove Google executives are using digital shenanigans to influence elections, but I don't see how we can rule out that possibility. There is nothing illegal about manipulating people using search suggestions and search rankings — quite the contrary, in fact — and it makes good financial sense for a company to use every legal means at its disposal to support its preferred candidates.

Using the mathematical techniques Robertson and I described in our 2015 report in the Proceedings of the National Academy of Sciences, I recently calculated that SEME alone can shift between 2.6 and 10.4 million votes in the upcoming US presidential race without anyone knowing this has occurred and without leaving a paper trail.

I arrived at those numbers before I knew about the power search suggestions have to alter searches. The new study suggests that autocomplete alone might be able to shift between 800,000 and 3.2 million votes — also without anyone knowing this is occurring.

Perhaps even more troubling, because Google tracks and monitors us so aggressively, Google officials know who among us is planning to vote and whom we are planning to vote for. They also know who among us are still undecided, and that is where the influence of biased search suggestions and biased search rankings could be applied with enormous effect.

[Postscript: Google declined to comment on the record when queried about some of the concerns I have raised in this article. Instead, on August 17th, a company representative sent me to a blog post released by the company on June 16th; you can read Google's official position on autocomplete there.)

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has published fifteen books on artificial intelligence and other topics. He is also the former editor-in-chief of *Psychology Today*.

Further, Plaintiffs conducted duplicative forensic research using internet technology specialists and advice from FBI and Congressional forensics experts along with the placement of thousands of server test nodes around the globe for a multi-year period and discovered that the above internment and media assertions about Defendants, by third party investigators were true.

Since prior to the inception of Google, Google executives and VC's have carried out an acrimonious copy-cat, aggression, black-listing, brand damaging and interference campaign against Plaintiffs because Defendants were too unskilled at creating their own technology or competing in a fair market without using cheating and bribery tactics.

Key points of this case include:

A. Defendants have formed a "Cartel", as defined by law under RICO Racketeering Statutes and were the financiers of the political campaigns and received payola and kick-backs from those campaigns.

B. In exchange for financing those political campaigns, Defendants Clients gave Defendants Associates lithium ion battery monopolies, solar panel monopolies, data processing government contract monopolies and media distribution exclusives worth trillions of dollars. This was an illegal quid-pro-quo arrangement. Plaintiffs designed, produced, received patent awards on, received federal commendations for, received federal funding for and first marketed the very products which Defendants copied and made billions of dollars on and which Defendants felt might beat them in hundreds of billions of dollars of competitive market positions and stock market trades. Companies operated by Plaintiffs included automobile design and manufacturing companies, global television broadcasting companies and energy companies which are commonly known to have generated hundreds of billions of dollars in profits, revenue and stock market transactions for Defendants competing holdings at Plaintiffs expense. Defendants operated a criminal CARTEL as defined by RICO LAWS and that Cartel ran an an anti-trust market rigging and crony political payola operation. Defendants spent tens of millions of dollars attacking Plaintiffs because Defendants were not clever enough to build better products. Defendants chose to "CHEAT RATHER THAN COMPETE" and to try to kill Plaintiffs lives, careers, brands, revenues, assets, businesses and efforts via malicious and ongoing efforts.

C. U.S. Attorney General Jefferson B. Sessions III has been informed, in writing, of these charges and Plaintiffs understand that DOJ officials have an ongoing investigation into these matters.

D. Due to Defendants fears of the loss of up a trillion dollars of crony payola from the illegal abuse of taxpayer funds and Defendants warnings from White House staff that the crony scheme

must “never come to light”, Defendants engaged in felonious gangster-like actions in order seek to terminate all witnesses, reporters and opposition government staff who attempted to expose these crimes.

E. Just as, over time, the Watergate crimes are now intimately documented and detailed; over time The “Cleantech Crash Scandal” as featured on **CBS News 60 MINUTES** TV Show, has been detailed and exposed in numerous federal, news media and public investigations. Significant barriers to justice were illicitly placed in front of Plaintiffs by Defendants.

F. Defendants organized and operated a series of malicious attacks and thefts against Plaintiffs as reprisals and competitive vendettas. Defendants report to the FBI, GAO, FTC, SEC, Congressional Ethics Committees, Trump Administration and other entities on a regular basis. Plaintiffs have received evidence from those entities as well as Wikileaks, Drudge Report, wearethenewmedia.com groups, private investigators and former employees of Defendants.

G. Defendants and their associates Elon Musk, Jon Doerr, Eric Schmidt, Larry Page, Steve Jurvetson, Vinod Khosla and other members of the “Silicon Mafia” are documented in tens of thousands of news reports, federal law enforcement reports and Congressional reports in their attempts to infiltrate and corrupt the U.S. Government in an attempt to route trillions of tax dollars to Defendants private accounts. Defendants perceived Plaintiffs as a threat to their crimes. Federal investigators, news investigators and whistle-blowers have reported to Plaintiffs that Defendants were the financiers and/or beneficiaries and/or command and control operatives for the crimes and corruption disclosed in the CBS NEWS 60 Minutes investigative reports entitled: “The Cleantech Crash”, “The Lobbyists Playbook” and “Congress Trading on Insider Information”; The Feature Film: “The Car and the Senator” Federal lawsuits with case numbers of: USCA Case #16-5279; and over 50 other cases including the ongoing “Solyndra” investigation and federal and Congressional investigations detailed at http://greencorruption.blogspot.com/ ; http://xyzcase.xyz ; https://theintercept.com/2016/04/22/googles-remarkably-close-relationship-with-the-obama-white-house-in-two-charts/ and thousands of other documentation sites. Plaintiffs are charged with engaging in these crimes and corruptions against Plaintiffs and financing and ordering attacks on Plaintiffs. Plaintiffs engaged in U.S. commerce and did everything properly and legally. Unlike Defendants, Plaintiffs did not steal technology. Unlike Defendants, Plaintiffs did not bribe elected officials in order to get market exclusives. Unlike Defendants, Plaintiffs did not poach Defendants staff. Unlike Defendants, Plaintiffs were the original inventors of their products. Unlike Defendants, Plaintiffs did not operate “AngelGate Collusion” schemes and “High Tech No Poaching Secret Agreements” and a Mafia-like Silicon Valley exclusionary Cartel. Unlike Defendants, Plaintiffs did not place their employees in the U.S. Government, The California Government, The U.S. Patent Office and The U.S. Department of Energy in order to control government contracts to Defendants exclusive advantage. Unlike Defendants, Plaintiffs did not place moles inside of competitors companies. Unlike Defendants, Plaintiffs did not hire Gawker Media and Think Progress to seek to kill Plaintiffs careers, lives and brands. Unlike Defendants, Plaintiffs did not rig the stock market with

"pump-and-dump", "Flash Boy" and "Google-stock/PR-pump" schemes. Plaintiffs engaged in hard work every day of their lives for the time-frame in question under the belief that the good old American work ethic and just rewards for your creations was still in effect in the U.S.A., and that the thieves and criminals that attempted to interdict Plaintiffs would face Justice. In a number of circumstances Defendants took advantages of Plaintiffs hard work via come-ons; Defendants then made billions of dollars from Plainiffs work at Plaintiffs expense and attacked Plaintiffs in order to reduce Plaintiffs competitive and legal recovery options.

H. Defendants compensated the White House staff with cash, stock warrants, illicit personal services, media control and a technology known as a "Streisand Effect Massive Server Array" which can control public impressions for, or against a person, party, ideology or issue. Defendants Streisand Effect internet system was used to destroy Plaintiffs in reprisal, retribution, and vendetta for Plaintiffs help with law enforcement efforts in the case and because Plaintiffs companies competed with Defendants companies with superior technologies.

I. Defendants have used their Streisand Effect technology to build a character assassination ring of bloggers and hired shill "reporters" who engage in a process called a "Shiva". This process is named after a Plaintiff in a similar case named: Shiva Ayyadurai, the husband of Actress Fran Drescher. Shiva Ayyadurai holds intellectual property rights to part of Defendants email technology. In fact, the people most threatened by the Shiva Ayyadurai patent right claims, ironically turn out to be Defendants and, in particular, Defendants associates Elon Musk, Jon Doerr, Eric Schmidt, Larry Page, Steve Jurvetson, Vinod Khosla and other members of the "Silicon Mafia" who own most of the main companies exploiting email technology. Were Shiva Ayyadurai to prevail in his claims, Defendants would owe him billions of dollars. "Running A Shiva" involves the production of a series of Defamation articles by bloggers who act as if they are independent from Defendants but are in fact, not. Defendants used "the Shiva" to attack and seek to destroy Donald Trump, Shiva Ayyadurai, Plaintiffs, and numerous political figures. Univision, Unimoda, Jalopnik, Gawker Media, Gizmodo and over a hundred stealth-ed, and overt, assets of Defendants have been using "The Shiva" network to attack Donald Trump, Shiva Ayyadurai, Plaintiffs, and numerous political figures as recently as this morning, thus, the time bar restarts every day. Plaintiffs have pleaded with Defendants to cease their attacks but Defendants have refused to comply. Even with Fran Drescher's ongoing royalty payments from her popular television series, friends have reported that the attacks on the Ayyadurai family have been devastating and have caused massive damages and personal and emotional devastation.

J. Defendants produced animated movies, attack articles, fake blog comments, DNS routes, "Shiva" Campaigns, and other attack media against Plaintiffs and expended over $30 million dollars in value, as quantified by Defendants partner: Google, in placing the attack material in front of 7.5 billion people on the planet for the rest of Plaintiffs lifetime. No person could survive such an attack and in

the case of Plaintiffs, lives were destroyed and multiple companies invested into by Plaintiffs, which Defendants made over $50B off of the copies of, were destroyed because they competed with Defendants.

K. **(SEALED EVIDENCE)**

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8. The Plaintiffs are informed and believe, and based on that information and belief allege that at all times mentioned in the within Complaint, all Defendants were the agents, owners and employees of their co-Defendants and, in doing the things alleged in this Complaint, were acting within the course and scope of such agency and employment.

9. As to any corporate employer specifically named, or named as a "DOE" herein, the Plaintiffs are informed and believe and therefore allege that any act, conduct, course of conduct or omission, alleged herein to have been undertaken with sufficient, malice, fraud and oppression to justify an award of punitive damages, was, in fact, completed with the advance knowledge and conscious disregard, authorization, or ratification of and by an officer, director, or managing agent of such corporation. The Statute of Limitations and time bar on this case has not expired. Plaintiffs only became aware of all of the facts in 2017 due to the FBI, Congressional and hacker-exposed investigation data on Defendants operating and receiving cash, rewards and assets from an illegal and illicit set of political slush-funds established to compensate them for financing political campaigns. The Sony, Clinton, DNC, HSBC, Panama Papers and other hacks and publication of all of the relevant files and the Congressional investigation of illicit activities and the continuing issuance of federal documents to Plaintiffs confirming Plaintiffs intellectual property are all vastly WITHIN the statutes of limitations to allow this case to proceed to Jury Trial. Plaintiffs has had a long, ongoing and high-level interaction with Defendant in both the work effort and the monetization and collection effort. Plaintiffs has been continually interactive with Defendant in order to try to collect his money. Attacks and interference with Plaintiffs has occurred as recently as this week by Defendants.

CASE HISTORY OVERVIEW

10. Defendants are among the largest financiers and/or beneficiaries and/or command and control operatives for political quid-pro-quo campaigns.

Mining magnates (ie: Guistra, et al) and investment bank executives who controlled mined commodities stock trades co-financed the political campaigns and had a quid-pro-quo relationship with defendants for lithium, indium, copper and all rare earth metals used in batteries, solar panels and the exact mined materials that the political campaigns promised an exclusive on, and in fact, delivered a monopolistic exclusive market on to Defendants. Defendants produced vast numbers of

documentation valuing their crony kick-back payola deal at "*Over six trillion dollars*", promoted by USAID and Goldman Sachs agents. One can easily see the types of criminal measures Defendants might undertake in order to steal, embezzle or monopoly route such an outrageous potential sum to their personal bank accounts.

Because Defendants were engaged in the operation of "*an organized crime racketeering operation protected by White House staff in the Obama Administration*", according to FBI and Congressional sources, Defendants felt insulated, arrogant and above the law. Defendants undertook extreme attacks against Plaintiffs because their "Frat Boy" elitist ego's were bruised and they thought they were "*untouchable*". Defendants did not believe that any Elliot Ness-class agents still existed at the FBI. They were wrong. Defendants staged the following attacks on Plaintiffs as described in the text of this report:

"While most people may think that "hit-jobs" are the realm of Hollywood movie plots, these kinds of corporate assassination attempts do take place daily in big business and politics. At the request of the U.S. Government, Plaintiffs developed and patented an energy technology that affected trillions of dollars of oil company and technology billionaire insider profits. They didn't realize this at the time. Let me make this point clearly: The control of Trillions of dollars of energy industry profits were being fought over by two groups and the Government plunked Plaintiffs down in the middle of that war. Plaintiffs had no affiliation with either group. They thought they were just accepting a challenge to help their nation and were not aware that Defendants had infected the entire process with crony corruption insider schemes.

Plaintiffs won commendation from the U.S. Congress in the Iraq War Bill. They won federal patents. They won a Congressional grant. They won a huge number of letters of acclaim and they won the wrath of a handful of insane Silicon Valley billionaires who could not compete with Plaintiffs technology. Defendants chose to "...CHEAT RATHER THAN COMPETE!"

The attacks were carried out by California State employees and U.S. Government officials who had received stock, perks, and other quid-pro-quo payment from these billionaires.

Department of Energy Executives and their campaign billionaire handlers engaged in these attacks in order to control the solar and "green car" markets in violation of anti-trust laws. The billionaires did not care about "green" issues, they only cared about green cash.

Federal and state employees ran retribution campaigns against applicants who competed with inside deals they had set up to line their own pockets at taxpayer expense.

These corrupt politicians thought they could take over a promised "six trillion dollar "Cleantech" industry that was being created to exploit new insider exploitation opportunities around global warming and Middle East disruption. After an epic number of Solyndra-esque failures, all owned by the Department of Energy Executives and their campaign financiers, the scheme fell apart. The non crony applicants suffered the worst fates. As CBS News reporter Cheryl Atkisson has reported, the willingness to engage in media "hitjobs" was

only exceeded by the audacity with which Department of Energy officials employed such tactics.

Now, in a number of notorious trials and email leaks, including the Hulk Hogan lawsuit and the DNC and Panama Papers leaks, the public has gotten to see the depths to which public officials are willing to stoop to cheat rather than compete in the open market.

Department of Energy employees and State of California employees engaged in the following documented attacks against applicants who were competing with their billionaire backers personal stock holdings. Plaintiffs and the other applicants including Bright Automotive, Aptera, ZAP and many more, suffered these attacks:

- Social Security, SSI, SDI, Disability and other earned benefits were stone-walled. Applications were "lost". Files in the application process "disappeared". Lois Lerner hard drive "incidents" took place.

- Defendants had lawyers employed by Defendants contact Plaintiffs and offer to "help" Plaintiffs when, in fact, those lawyers worked for Defendants and were sent in as moles to try to delay the filing of a case in order to try to run out the time bar.

- State and federal employees played an endless game of Catch-22 by arbitrarily determining that deadlines had passed that they, the government officials, had stonewalled and obfuscated applications for, in order to force these deadlines that they set, to appear to be missed.

- Some applicants found themselves strangely poisoned, not unlike the Alexander Litvenko and Rodgers cases. Heavy metals and toxic materials were found right after their work with the Department of Energy weapons and energy facilities. Many wonder if these "targets" were intentionally exposed to toxins in retribution for their testimony. The federal MSDS documents clearly show that a number of these people were exposed to deadly compounds and radiations without being provided with proper HazMat suits which DOE officials knew were required.

- Applicants employers were called, and faxed, and ordered to fire applicants from their places of employment, in the middle of the day, with no notice, as a retribution tactic.

- Applicants HR and employment records, on recruiting and hiring databases, were embedded with negative keywords in order to prevent them from gaining future employment.

- One Gary D. Conley, one Seth Rich and one Rajeev Motwani, all whistle-blowers in this matter, turned up dead under strange circumstances. They are not alone in a series of bizarre deaths related to the DOE. The many suspiciously dead parties are all connected to acrimonious relationships with Defendants.

- Disability and VA complaint hearings and benefits were frozen, delayed, denied or subjected to lost records and "missing hard drives" as in the Lois Lerner case.

- Paypal and other on-line payments for on-line sales were delayed, hidden, or re-directed in order to terminate income potential for applicants who competed with DOE interests and holdings.

- DNS redirection, website spoofing which sent applicants websites to dead ends and other Internet activity manipulations were conducted.

- Campaign finance dirty tricks contractors IN-Q-Tel, Think Progress, Media Matters, Gawker Media, Syd Blumenthal, etc., were hired by DOE Executives and their campaign financiers to attack applicants who competed with DOE executives stocks and personal assets.

- Covert DOE partner: Google, transfered large sums of cash to dirty tricks contractors and then manually locked the media portion of the attacks into the top lines of the top pages of all Google searches globally, for years, with hidden embedded codes in the links and web-pages which multiplied the attacks on applicants by many magnitudes.

- Honeytraps and moles from persons employed by Defendants or living on, or with, Defendants were employed by the attackers. In this tactic, people who covertly worked for the attackers were employed to approach the "target" and offer business or sexual services in order to spy on and misdirect the subject.

- Mortgage and rental applications had red flags added to them in databases to prevent the targets from getting homes or apartments.

- McCarthy-Era "Black-lists" were created and employed against applicants who competed with DOE executives and their campaign financiers to prevent them from funding and future employment. The Silicon Valley Cartel (AKA the "PayPal Mafia" or the "Silicon Valley Mafia") placed Plaintiffs on their "Black-List".

- Targets were very carefully placed in a position of not being able to get jobs, unemployment benefits, disability benefits or acquire any possible sources of income. The retribution tactics were audacious, overt..and quite illegal.

While law enforcement, regulators and journalists are now clamping down on each and every one of the attackers, one-by-one, the process is slow. The victims have been forced to turn to the filing of lawsuits in

order to seek justice. The Mississippi Attorney General's office, who is prosecuting Cartel Member Google, advised Plaintiffs to pursue their case in civil court while the Post Election FBI expands its resources."

While Defendants have sought to mock Plaintiffs exposure of Defendants organized crime operation by denigrating Plaintiffs data as "Conspiracy Theory", the articles located at:

1.) http://www.zerohedge.com/news/2015-02-23/1967-he-cia-created-phrase-conspiracy-theorists-and-ways-attack-anyone-who-challenge

2.) http://www.infowars.com/33-conspiracy-theories-that-turned-out-to-be-true-what-every-person-should-know/

3.) How, After This Crazy Year, Is 'Conspiracy Theorist' Still Being Used As An Insult? http://www.newslogue.com/debate/152

...and thousands of other links prove that Defendants further attempts to malign Plaintiffs over their conspiracy FACTS are ill advised.

Defendants, since before 2001, have regularly approached Plaintiffs and each of their companies in the internet, green building, aerospace, telecomm, internet video, fuels, energy and other industries through various agents and intermediaries with offers of pretension to "invest in" or "partner with" Plaintiffs. In each and every case, Defendants were on a fishing expedition to acquire Plaintiffs technologies, copy those technologies and monetize those technologies under Defendants own brands. When Plaintiffs continued to compete with Defendants copy-cat technologies, Defendants operated hit-jobs against Plaintiffs using DNC-controlled publications like Gawker, Gizmodo, Defendants, Twitter, Facebook, TechDirt and other brand assassination web media manipulation services. Defendants feared the competition of Plaintiffs and were upset by Plaintiffs refusal to participate in their so-called *"Silicon Valley White House Coup"* as described by Glenn Greenwald and The Intercept, White House adviser Steve Bannon, Congressional spokesman Newt Gingrich, Jeff Sessions staff, Matt Drudge and thousands of others. The public WIKI websites below, document these crimes and illicit actions for joint FBI/Congressional and EU investigations:

http://xyzcase.xyz

http://globalscoop.net

http://www.slush-fund.com

http://vcracket.weebly.com

http://greencorruption.blogspot.com

http://accountability1.com

….and hundreds of other government, journalism and WIKI documentation sites.

Plaintiffs received, in recognition by the Congress of the United States in its Iraq War Bill, a commendation and federal grant issued jointly by the Congress of the United States and the United States Department of Energy including additional resources and access to federal resources, as and for the development of domestic energy technology designed to offset the anticipated failure of Western access to the Middle East. That energy storage technology was to be used in connection with the research and development of an electric car to be used by the Department of Defense and the American retail automotive market to create domestic jobs, enhance national security and provide a domestic energy solution derived entirely from domestic fuel sources. Plaintiffs had been invited into the program by U.S. Senate and Agency officials with the request that Plaintiffs "help their country in a time of need..".

11. Beginning in or about July of 2006, the Plaintiffs were contacted by, various individuals representing venture capital officers and investors employed by, and/or with, the Defendants. These individuals were agents of the Defendant, Defendants, "RechargeIT" Project and Defendants partner, Tesla Motors. They also represented the Kleiner Perkins Group,[1] McKinsey Consulting, Deloitte Consulting, Khosla Ventures, In-Q-Tel and associated parties funded by and reporting to the Defendants, Alphabet and Defendants, and included Karim Faris, a Defendants "partner."[2].

12. These investors feigned interest in emerging technology designed and developed by the Plaintiffs and requested further information from Plaintiffs. These investors informed the Plaintiffs that their interest was in purchasing the emerging technology from the Plaintiffs, investing in the venture, or

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[1] Now under federal investigation, a subject of the 60 Minutes "**Cleantech Crash**" segment, and another 60 Minutes segment about how Senators are bribed with Silicon Valley stock warrants and contract payola, the founding investor of Defendants, the other core recipient of the Steven Chu DOE cash and a party mentioned by name in the federal anti-corruption lawsuits;

[2] Per Defendants description of Him: "Karim brings more than a decade of entrepreneurial and investment experience to their role. He joined Defendants s corporate development and politics team in 2008, the group responsible for the company s investments and acquisitions, and joined Defendants Ventures in 2010. Prior to Defendants, Karim was a venture capitalist at Atlas Venture, where he worked on over a dozen investments in Internet infrastructure, digital media, and consumer services. Previously, he was Director of New Ventures at Level 3 Communications, responsible for evaluating new business opportunities and has led product development for the company s voice services. Earlier in his career, Karim held various product and marketing roles at Intel, initially on the i486, and later as product manager for the Pentium Processor. He started his career at Siemens as a software engineer working on the first vehicle navigation system for BMW. Karim holds an MBA from the Harvard Business School, an MS in Electrical Engineering from the University of Michigan, and a BS in Computer"

structuring a form of joint venture with him.

13 This was not the truth.

14. The truth was that the Plaintiffs were contacted in efforts on behalf of the Defendants, so as to harvest confidential data and gather business intelligence and trade secrets for the purpose of copying the intellectual property and ideas of the Plaintiffs and interdicting Plaintiffs efforts, which Defendants found to be competitive, in a superior manner, to Defendants business. The Defendants agents and investors were simply on fishing expeditions while operating under the guise of proffered investment potential when, indeed, the Defendants had a covert plan to *"Cheat rather than compete"*. Historical facts and public testimony have proven that Defendants had poor skills at innovation and invention and that Defendants regularly chose to steal technologies, from multiple parties, on an ongoing basis, rather than invent their own technologies. A simple search, by any one, on the other top non-Defendants search engines for the phrase: *"Defendants steals ideas"* brings up a remarkable set of documentation of an ongoing pattern of theft by Defendants. Plaintiffs have cooperated with federal investigators and journalists who are also investigating Defendants and who have legally shared some of the research, contained herein, with Plaintiffs.

15. Just as the Plaintiffs were informed they were about to be awarded federal funding in amount over $50 million, the Plaintiffs fuel cell and electric vehicle project was suddenly defunded and the same funds re-allocated to the Defendants, and to their various related entities, shell companies and projects. In other words, federal investigators state that Defendants bribed public officials to take Plaintiffs money away from Plaintiffs and give it Defendants using illegal manipulations of State and Federal taxpayer funded Treasury accounts. Defendants then manipulated those funds in stock market pump-and-dump schemes, off-shore tax evasion and tax write-off schemes which U.S. Treasury investigators called "unjust rewards at the expense of the taxpayer and the law.."

16. Just as the Plaintiffs was informed they were about to be awarded the first $60 million federal funding for their energy storage technology and vehicle factory, this project was similarly defunded and the same funds re-allocated to the Defendants, and to their various related entities, shell companies and projects.

17. These funds, were ear-marked to be used by Defendants in a scheme designed for mining and exploiting non-domestic energy resources, (which eventually created a threat to U.S. domestic security by destabilizing other nations) via investment bank stock market mining commodities manipulations Defendants had arranged with their investment bankers, including Goldman Sachs. Until 2016, Plaintiffs were not aware that Defendants had placed their friends, employees and business associates in charge of the public agencies responsible for distributing these taxpayer funds. Indeed, the facts on public record and in breaking investigations and investigative journalism reports now prove that Defendants bought public policy influence with cash and internet services, much of that influence buying now found to have not been legally reported. The Defendants had their agents in California State and U.S. Federal offices distribute those funds

to themselves while cutting out and sabotaging most all competing applicants. The Defendants, own a managing interest and control the source of these foreign mining resources and the supply chain for them.[3] [4]

18. In or about September 20, 2009, the Plaintiffs, were contacted by the Government Accountability Office of the United States with a request that they participate in an investigation being conducted by that entity into the business practices of the Defendants, and their associates, pursuant to anti-trust allegations and allegations of corruption.

19. In or about January 15, 2010, the Plaintiffs, did, in fact, provide live testimony to, and receive information from, the Government Accountability Office of the United States, the Department of Justice, Robert Gibbs (who immediately thereafter quit his job at The White House) and their staff at the White House Press Office, the Washington Post White House Correspondent and other investigators.[5]

20.. The testimony provided by the Plaintiffs, was, in fact, truthful and did, in fact, tend to support the veracity of the anti-trust allegations under investigation by the Government

[3] This control has been established by the Defendants, Defendants and Alphabet, through a series of series of sophisticated and complex relationships with electric vehicle companies including VVC, Tesla Motors, Driverless Car Project and other of the Plaintiffs's competitors as well as the numerous main-stream investigative journalism articles attached as Exhibits which provide proof that Defendants paid public officials billions of dollars of unreported cash and search services in exchange for market monopolies which harmed Plaintiffs, among others.

[4] These are two of the numerous interceptions of public funding by the Defendants, Defendants and Alphabet, of funds originally allocated to the Plaintiffs. As with the other interceptions, the Plaintiffs subsequently suffered media and revenue attacks authored by and originating with the Defendants, Defendants and Alphabet, Inc. in a manner intended to ensure that the Plaintiffs enjoyed no public or governmental sympathy or remaining alternative for relief.

[5] The Plaintiffs has also provided multiple written and verbal reports to the FBI, via Mr. James Comey (Now fired and charged with election manipulation) and his staff at the Washington office, Mr. David Johnson of the San Francisco office and over 40 back-up agents in order to compensate for any internal agency partisan-ship cover-ups. The FBI investigation of the related matters is described as "on-going."

Accountability Office and 22+ other federal and EU agencies.[6]

21. In or about June, 2010 and January, 2015 the Defendants, Alphabet and Defendants, exchanged funds with tabloid publications. As a result, those tabloid publications coincidentally published the only two articles and the only custom animated attack film including false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, project developer and project director.[7]

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[6] The Defendants, are charged with engaging in corruption of the Advanced Technology Vehicles Manufacturing Loan ("ATVM") and Section 1703 Loan Guarantee ("LG") programs. The crimes enumerated were financed, benefacted and operated by Plaintiffs per FBI records; The Court has directed "a good faith and unbiased reconsideration of" its contemplated renewed funding applications. However, the Plaintiffs, COMPANY B, and most other applicants believe — and have filed a well-pleaded verified complaint — that their previous applications were subjected to a biased, politically tainted, and otherwise unfair and corrupt review compromised by Defendants. Renewal without proper oversight could be a fruitless exercise and could prejudice the Plaintiffs, COMPANY B's, legal rights. Applicants have now sought concrete assurances that the applications will be reviewed fairly without the corrupting influence of the Defendants, Defendants and Alphabet. Specifically, the applicants request the following: that any agency produce the administrative record in order to ensure transparency. The Plaintiffs, COMPANY B, and others have noted that the fees associated with LG and ATVM program applications are excessive and burdensome. See, e.g., Am. Ver. Compl. ¶ 75; GAO, 2014 Annual Report: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits, GAO-14-343SP (April 2014), page 7 (stating that "most applicants and manufacturers we had spoken to indicated that the costs of participating outweigh the benefits to their companies ....."); GAO, Department of Energy: New Loan Guarantee Program Should Complete Activities Necessary for Effective and Accountable Program Management, GAO-08-750 (July 2008) (reporting that the high application fees "may lead to biases in the projects that receive guarantees"). Nonetheless, DOE has actually raised at least one LG program application fee to $50,000 and this is assumed, by some, on orders from Defendants to discriminate against applicants who are not part of the Silicon Valley business Cartel controlled by Defendants. See DOE, Title XVII Application Process, http://energy.gov/node/988041/Fees (last visiting Feb. 25, 2016). In the Plaintiffs, COMPANY B's, first application, the U.S. Government waived the application fee as to the Plaintiffs, COMPANY B and other applicants. Am. Ver. Compl. ¶ 76. A precedent has been set and the U.S. Government should continue to honor its waiver of the Plaintiffs, COMPANY B's, application fees in the

22. In or about January 20, 2011, the Plaintiffs, contacted Defendants, with written requests that it delete the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, project developer and project director from its search engine servers.

23. The Plaintiffs had numerous lawyers, specialists and others contacted Defendants requesting a cessation of Defendants harassment and internet manipulation and removal of the rigged attack links and hidden internet codes within the links on Defendants server architecture.

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renewed application and that the Department will consider COMPANY B's ATVM renewed application as having satisfied "eligibility screening." 10 C.F.R. § 611.103(a). The Plaintiffs, COMPANY B, alleges that the reviewers and decision-makers on the Plaintiffs, COMPANY B's, original applications were tainted by political bias and controlled by the Defendants, Alphabet and Defendants. Am. Ver. Compl. ¶ 115-118. During oral argument on December 11, 2015, however, counsel for the government stated that "most, if not all, the senior level decision-makers that would be making a decision regarding these programs have "since departed the agency." Transcript of Oral Argument, December 11, 2015, page 32. The Plaintiffs, COMPANY B, has asked for the U.S. Government to identify (1) all of the decision-makers, "senior level" and otherwise, who will be involved in making any decisions regarding the Plaintiffs, COMPANY B's, applications along with their position at the agency and the date they began working at the agency and identify which, if any, were in the same position upon the Plaintiffs, COMPANY B's, first review, and (2) all firms, advisors, and individuals, if any, the agency has hired, or intend to hire, that will perform any review or analysis of the Plaintiffs, COMPANY B's, applications. The Plaintiffs has demanded that the relationship of each of those persons, to the Defendants, Alphabet and Defendants, be identified. The U.S. Government has enacted regulations and published manuals concerning its policies and procedures for reviewing LG and ATVM applications. See, e.g., 10 CFR Part 609; 10 CFR Part 611; DOE, Guidance For Applicants To The Advanced Technology Vehicles Manufacturing Loan Program (publically available at: http://www.energy.gov/sites/prod/files/2015/02/f19/ATVM_Guidance_for_Applicants_11.4.14.pdf). However, the agency failed to follow those processes, and allowed corruption by the Defendants to taint the programs in reviewing applications. See, e.g., Am. Ver. Compl. ¶¶ 111, 114, 118; GAO, DOE Loan Guarantees: Further Actions Are Needed to Improve Tracking and Review of Applications, GAO-12-157 (March 2012); GAO, Department of Energy: New Loan Guarantee Program Should Complete Activities Necessary for Effective and Accountable Program Management, GAO-08-750 (July 2008) (stating that DOE "has not developed detailed policies and procedures, including roles and responsibilities and criteria that demonstrate how DOE plans to

24. At all times pertinent, the Plaintiffs, including Defendants staff members, Matt Cutts, Forest Timothy Hayes, Defendants legal staff and others refused to assist and commonly replied: *"...just sue us..", "...get a subpoena..."*, etc., even though the Plaintiffs, and the Plaintiffs representatives, provided the Defendants with extensive volumes of third-party proof clearly demonstrating that not a single statement in the attack links promoted by google was accurate or even remotely true.

25. In, or about, February 20, 2011, YouTube, published a custom produced and targeted attack video that also included false, defamatory, misleading and manufactured information belittling the Plaintiffs, and discrediting their reputation as an inventor, project developer and project director. The

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evaluate the applications"). For example, the agency is required to consult with the Department of the Treasury. See, e.g., 2 U.S.C. § 16512(a) ("the Secretary shall make guarantees under this or any other Act for projects on such terms and conditions as the Secretary determines, after consultation with the Secretary of the Treasury, only in accordance with this section"); see also DOE Final Rule, 10 C.F.R. § 609.7 (requiring consultation with Treasury). The agency, however, has in many instances consulted with Treasury after making its decision. GAO, DOE Loan Guarantees: Further Actions Are Needed to Improve Tracking and Review of Applications, GAO-12-157 (March 2012), page 23 Table 5 (reporting that this step was sometimes skipped). In fact, these steps were skipped as to those who received loans in order to benefit Defendants and harm Plaintiffs in the initial application (cite). Comments by the agency's counsel at this Court's hearing add to the Plaintiffs, COMPANY B's, concerns that the agency disregards its own procedural rules in order to benefit the Defendants, Alphabet and Defendants, and to harm the Plaintiffs for anti-trust, monopolistic and vindictive efforts by the Defendants, Alphabet and Defendants. See Transcript of Oral Argument, December 11, 2015, page 25 ("I'm not sure if there isn't an ordinary process. ... [M]y understanding is that there isn't a step one, you know, a set-down procedure that must be followed."). The Plaintiffs, COMPANY B, has demanded that the U.S. Government clarify what procedures, review steps, and criteria the agency intends to follow in reviewing the Plainitff, COMPANY B's, renewed applications that will assure the Plaintiffs that no further corruption will taint the process. LG and ATVM program applications have been reviewed by individuals who lack sufficient engineering expertise to do so and are beholden to illegally skew decisions to the Defendants, Alphabet and Defendants. See, e.g., Am. Ver. Compl. ¶¶ 86 (ECF No. 26); and GAO, Advanced Technology Vehicle Loan Program Implementation In Under Way, but Enhanced Technical Oversight and Performance Measures Are Needed, GAO-11-145 (Feb. 2011). Here, the agency initially denied the Plainitff, COMPANY B's, ATVM application under the erroneous premise that its product was not designed to be used in an automotive vehicle when, in fact, the product was exclusively designed for automobiles and was recognized as such by the world's media and the largest set of customer orders and customer letters of support for the product for their

video is believed to have been produced by Defendants as part of their anti-trust attack program against Plaintiffs.

26. In or about February 25, 2011 the Plaintiffs contacted the Defendants, YouTube and Defendants, with many written requests that they delete the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, project developer and project director from its website. [*See*, Sample responses of the Defendants Defendants and YouTube, attached as Exhibits and incorporated herein by reference.]

27. All of the written demands of the Plaintiffs were to no avail and none of the Defendants, agreed to edit, delete, retract or modify any of the false, defamatory, misleading and "AUTOMOBILES". Am. Ver. Compl. Exs. 7 & 9. Plaintiffs company, other state and federal regulatory agencies, the voting public, and news investigators have demanded that the DOE specify which of the individuals who will evaluate the Plaintiffs, COMPANY B's, applications are trained as engineers, the nature of their qualifications and their relationship to Defendants or any other competing entity. As of the date of this filing, thousands of news reports and televised news programs have accused Defendants of economic and corruption crimes relative to Government funding programs.

[7] Defendants is known to have provided tens of millions of dollars to this tabloid chain per Defendants financial staff, SEC filings and disclosures in other legal cases.

manufactured information belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, product developer and project director from their websites and digital internet and media platforms and architecture.

28. The Plaintiffs, whose multiple businesses ventures had already suffered significant damage as the result of the online attacks of the Defendants, contacted renowned experts, and especially Search Engine Optimization and forensic internet technology (IT) experts, to clear and clean the internet of the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, product developer and project director from their websites.

39. None of the technology experts hired by the Plaintiffs, at substantial expense, were successful in their attempts to clear, manage or even modify the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking him and discrediting their reputation as an inventor, product developer and project director which only Defendants, the controlling entity of the internet, refused to remove. In fact, those experts were able to even more deeply confirm, via technical forensic internet analysis and criminology technology examination techniques that Defendants was rigging internet search results for its own purposes and anti-trust goals.

30. All efforts, including efforts to suppress or de-rank the results of a name search for "Plaintiffs" failed, and even though tests on other brands and names, for other unrelated parties did achieve balance, the SEO and IT tests clearly proved that Defendants was consciously, manually, maliciously and intentionally rigging its search engine and adjacent results in order to "mood manipulate" an attack on Plaintiffs.

31. In fact, the experts and all of them, instead, informed the Plaintiffs, that, not only had Defendants locked the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, project developer and project director into its search engine so that the information could never be cleared, managed or even modified, Defendants had assigned the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting their reputation as an inventor, project developer and project director "PR8" algorithmic internet search engine coding embedded in the internet information-set programmed into Defendantsinternet architecture. [*See*, Information received from one of over 30 IT, forensic network investigators and forensic SEO test analysts, a true and correct copy of which is attached hereto in the Exhibits.] Plaintiffs even went to the effort of placing nearly a thousand forensic test servers around the globe in order to monitor and metricize the manipulations of search results of examples of the Plaintiffs name in comparison to the manipulations for PR hype for Defendants financial partners, for example: the occurrence of the phrase "Elon Musk", Defendants business partner and beneficiary, over a five year period. The EU, China, Russia, and numerous research groups (ie:

http://www.politico.com/magazine/story/2015/08/how-google-could-rig-the-2016-election-121548 By Robert Epstein) have validated these forensic studies of Defendants architect-ed character assassination and partner hype system .

32. The "PR8" codes are hidden codes within the Defendants software and internet architecture which profess to state that a link is a "fact" or is an authoritative factual document in Defendantsopinion. By placing "PR8" codes in the defamatory links that Defendants was manipulating about Plaintiffs, Defendants was seeking to tell the world that the links pointed to "Facts" and not "Opinions". Defendants embedded many covert codes in their architecture which marketing the material in the attack links and video as "facts" according to Defendants.

33. The "PR8" codes are a set of codes assigned and programmed into the internet, by the Defendants to matters it designates as dependable and true, thereby attributing primary status as the most significant and important link to be viewed by online researchers regarding the subject of their search.[8] Defendants was fully aware that all of the information in the attack articles against Plaintiffs was false, Defendants promoted these attacks as vindictive vendetta-like retribution against Plaintiffs.

34. At all times pertinent from January 1, 2006, to in or about November 20, 2015, Defendants maintained it had no subjective control or input into the rankings of links obtained by online researchers as the result of a search on its search engines and that its search engine algorithms and the functions of its media assets were entirely "arbitrary" according to the owners and founders of Defendants.

35. In or about April 15, 2015, The European Union Commission took direct aim at Defendants Inc., charging the Internet-search giant with skewing and rigging search engine results in order to damage those who competed with Defendants business and ideological interests.

36. In those proceedings, although Defendants continued to maintain that it has no subjective control or input into the rankings of links obtained by online researchers as the result of a search on its search engines and that its staff had no ability to reset, target, mood manipulate, arrange adjacent text or links, up-rank, down-rank or otherwise engage in human input which would change algorithm, search results, perceptions or subliminal perspectives of consumers, voters, or any other class of users of the world

[8] Defendants has a variety of such hidden codes and has various internal names for such codes besides, and in addition to, "PR8". Defendants has been proven to use these fact vs. fiction rankings to affect elections, competitors rankings, ie: removing the company: NEXTAG from competing with Defendants on-line; or removing political candidates from superior internet exposure and it is believed by investigators and journalists, that Defendants are being protected from criminal prosecution by public officials who Defendants have compensated with un-reported campaign funding.

wide web, also known as The Internet, the court, in accord with evidence submitted, determined that Defendants, does in fact have and does in fact exercise, subjective control over the results of information revealed by searches on its search engine.[9]

37. As a result of receiving this information, the Plaintiffs became convinced of the strength and veracity of their original opinion that the Defendants, had, in fact posted the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking them and discrediting Plaintiffs reputation as inventor, project developer and project designer had been intentionally designed, published, orchestrated and posted by them in retaliation to the true testimony provided by the Plaintiffs, to the Government Office of Accountability of the United States in May of 2005, and to the Securities and Exchange Commission, The Federal Bureau of Investigation, The United States Senate Ethics Committee and other investigating parties, and had been disseminated maliciously and intentionally by them in an effort to do damage to their reputation and to their business prospects and to cause him severe and irremediable emotional distress.

38. In fact, the Plaintiffs, has suffered significant and irremediable damage to their reputation and to their financial and business interests. As a natural result of this damage, as intended by the Defendants, Gawker, Defendants and Youtube, the Plaintiffs has also suffered severe and irremediable emotional distress.

[10] 39. To this day, despite the age of the false, defamatory, misleading and manufactured information belittling the Plaintiffs, attacking him and discrediting their reputation as an inventor, project developer and project director, in the event any online researcher searches for information regarding the

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[9] The EU case, and subsequent other cases, have demonstrated that Defendants sells such manipulations to large clients in order to target their enemies or competitors or raise those clients subliminal public impressions against competitors or competing political candidates. In fact, scientific study has shown that although Defendants claims to "update its search engine results and rankings, sometimes many times a day", the attack links and codes against Plaintiffs have not moved from the top lines of the front page of Defendants for over FIVE YEARS. If Defendants were telling the truth, the links would have, at least, moved around a bit or disappeared entirely since hundreds of positive news about Plaintiffs was on every other search engine EXCEPT Defendants. Many other lawsuits have now shown that Defendants locks attacks against its enemies and competitors in devastating locations on the Internet. The entire nations of China, Russia, Spain and many more, along with the European Union have confirmed the existence and operation of Defendants"attack machine".

[10] As a party, attacked in a similar "hit job" media attack describes it: *"Gawker sets up the ball and Defendants kicks it down the field….over and over, until the end of time"*. The recent Hulk Hogan, and other lawsuits, against Gawker Media has clearly demonstrated that Defendants and Gawker run "hit jobs" against adversaries of themselves and their clients.

Plaintiffs, the same information appears at the top of any list of resulting links.

40. In addition, due to their control of all major internet database interfaces, Defendants have helped to load negative information about Plaintiffs on every major HR and employment database that Plaintiffs might be searched on, thus denying Plaintiffs all reasonable rights to income around the globe by linking every internal job, hiring, recruiter, employment, consulting, contracting or other revenue engagement opportunity for Plaintiffs back to false "red flag" or negative false background data which is designed to prevent Plaintiffs from future income in retribution for Plaintiffs assistance to federal investigators.[11]

41. It should be noted here that, in 2016, one of the companies Plaintiffs was associated with, in cooperation with federal investigations, won a federal anti-corruption lawsuit against the U.S. Department of Energy in which a number of major public officials were forced to resign under corruption charges, federal laws and new legal precedents benefiting the public were created, and Defendants and its associates and related entities found culpable of corruption.

LAWYER NOTE: THE FOLLOWING SECTION NEEDS DRAFTING AND WORD PROCESSING AS IT IS FROM ANOTHER LAW FIRM IN A RELATED CASE:

With specific attention to Plaintiffs claims being "personal injury tort...claims" under 28 U.S.C. § 157(b)(2)(B) and the inapplicability of the California Anti-SLAPP law, Cal. Code. of Civ. P. § 425.16, to Defendants potential claim objections, and state as follows:

. . .

Procedural Background

Plaintiffs are residents of the State of California and the Companies are organized and domiciled in that jurisdiction. INDIVIDUAL A is the senior shareholder of the Companies

From January of 2011 until today , Defendants maliciously libeled Plaintiffs through its employees Adrian Covert, and John Herman, A.J. Delaurio, as well as through its pseudonymous authors, including: Adam Dachis, Adam Weinstein, Adrian Covert, Adrien Chen, Alan Henry, Albert Burneko, Alex Balk, Alexander Pareene, Alexandra Philippides, Allison Wentz, Andrew Collins, Andrew

[11] Major public figures and organizations, including the entire European Union, have also accused Defendants of similar internet manipulation by Defendants. The attacks, by Defendants, continue to this day. In 2016, the renowned Netflix series: "House of Cards" opened its sixth season with a carefully held script-surprise researched by the script factuality investigators for the production company of "House of Cards." The surprise featured Defendants, fictionally named "PollyHop," and described, in detail, each of the tactics that Defendants uses to attack individuals that Defendants owners have competitive issues with. The Plaintiffs maintains that each and every tactic included in the televised example were tactics actually used to attack the Plaintiffs, his intellectual properties, his peers and his associates as threatening competitors.

Magary, Andrew Orin, Angelica Alzona, Anna Merlan, Ariana Cohen, Ashley Feinberg, Ava Gyurina, Barry Petchesky, Brendan I. Koerner, Brendan O'Connor, Brent Rose, Brian Hickey, Camila Cabrer, Choire Sicha, Chris Mohney, Clover Hope, Daniel Morgan, David Matthews, Diana Moskovitz, Eleanor Shechet, Elizabeth Spiers, Elizabeth Starkey, Emily Gould, Emily Herzig, Emma Carmichael, Erin Ryan, Ethan Sommer, Eyal Ebel, Gabrielle Bluestone, Gabrielle Darbyshire, Georgina K. Faircloth, Gregory Howard, Hamilton Nolan, Hannah Keyser, Hudson Hongo. Heather Deitrich, Hugo Schwyzer, Hunter Slaton, Ian Fette, Irin Carmon, James J. Cooke, James King, Jennifer Ouellette, Jesse Oxfeld, Jessica Cohen, Jesus Diaz, Jillian Schulz, Joanna Rothkopf, John Cook, John Herrman, Jordan Sargent, Joseph Keenan Trotter, Josh Stein, Julia Allison, Julianne E. Shepherd, Justin Hyde, Kate Dries, Katharine Trendacosta, Katherine Drummond, Kelly Stout, Kerrie Uthoff, Kevin Draper, Lacey Donohue, Lucy Haller, Luke Malone, Madeleine Davies, Madeline Davis, Mario Aguilar, Matt Hardigree, Matt Novak, Michael Ballaban, Michael Dobbs, Michael Spinelli, Neal Ungerleider, Nicholas Aster, Nicholas Denton, Omar Kardoudi, Pierre Omidyar, Owen Thomas, Patrick George, Patrick Laffoon, Patrick Redford, Rich Juzwiak, Richard Blakely, Richard Rushfield, Robert Finger, Robert Sorokanich, Rory Waltzer, Rosa Golijan, Ryan Brown, Ryan Goldberg, Sam Faulkner Bidle, Sam Woolley, Samar Kalaf, Sarah Ramey, Shannon Marie Donnelly, Shep McAllister, Sophie Kleeman, Stephen Totilo, Tamar Winberg, Taryn Schweitzer, Taylor McKnight, Thorin Klosowski, Tim Marchman, Timothy Burke, Tobey Grumet Segal, Tom Ley, Tom Scocca, Veronica de Souza, Wes Siler, William Haisley, William Turton and others writing under pseudonyms; through false accusations of vile and disgusting acts, including fraud and false invention.

Defendants engaged in this campaign against Plaintiffs on the pages of its "Gizmodo", YouTube Channel, Twitter Accounts, "Deadspin", "Jalopnik" and other facades under Defendants "Gawker.com" and "Univision" websites. These libels also falsely accused Plaintiffs of lying in his published patents, journals and works-of-art. All of these false and defamatory accusations were published on multiple webpages operated and controlled by Defendants and on social media platforms, such as Twitter and Google, through accounts operated and controlled by Defendants and/or its employees and agents.

These libels, which were also false light invasions of privacy, caused Plaintiffs considerable reputational, emotional, and financial harm, and they so identified him with Plaintiffs that it, too, was a victim of Defendants's tortious conduct and suffered reputational and financial harm as well.

Despite being given months to take responsibility for its misdeeds, Defendants failed to retract its libel, apologize, or take any other remedial steps. As set forth the California action, Defendants's modus operandi was to make extreme and outrageous statements, without regard for the truth, and without reasonable inquiry, in order to attract readers and generate revenue. As this Court is well aware, that business model ultimately imploded, resulting in multiple lawsuits and a substantial judgment against

it.

Among those who decided that Defendants should not be permitted to get away with defamation for profit, Claimants reluctantly took the step to seek justice, risking that Defendants and its functionaries would employ the "Streisand effect" to republish the false accusations previously made in reporting on the suit itself.

California , Case No. ("In Pro Per litigation") asserting claims for defamation and false light invasion of privacy arising from the aforesaid false and defamatory statements. On XXXXX

Under California law, corporations that appear in propia persona may proceed with their right to sue upon the

appearance of counsel for the corporation, which is without prejudice to a defendant. See CLD Constr., Inc. v. City of San Ramon, 120 Cal. App. 4th 1141, 1152 (1 st Dist. Ct. App. 2004).

See Cal. Code of Civ. P. § 583.210(a). Claimants, without the assistance of counsel, diligently appeared or attempted to appear at all hearings as required.

Analysis

Defendant is a media company not unlike CNN. Those who accuse CNN and other mainstream media outlets of "fake news" will probably revel in a recent decision by a federal judge in Atlanta, Georgia. While Judge Orinda Evans didn't all out declare that CNN was peddling in falsehoods, she did take aim at the network in an initial judgment in favor of a former hospital CEO who sued CNN accusing them of purposely skewing statistics to reflect poorly on a West Palm Beach hospital. Judge Evans didn't mince words in her 18-page order allowing the case to move forward, and dismissing CNN's attempt to get it thrown out of court.

Davide Carbone, former CEO of St. Mary's Medical Center in West Palm Beach, filed a defamation lawsuit against CNN after they aired what he claims were a "series of false and defamatory news reports" regarding the infant mortality rate at the hospital. CNN's report said the mortality rate was three times the national average. However, Mr. Carbone contends that CNN "intentionally" manipulated statistics to bolster their report. He also claims that CNN purposely ignored information that would look favorable to the hospital in order to sensationalize the story.

"In our case, we contended that CNN essentially made up its own standard in order to conduct an 'apples to oranges' comparison to support its false assertion that St. Mary's mortality rate was 3 times higher than the national average. Accordingly, the case against CNN certainly fits the description of media-created 'Fake News.'" said Carbone's attorney L. Lin Wood, in a statement to LawNewz.com.

Wood says that as a result of CNN's story Carbone lost his job and it became extremely difficult for him to find new employment in the field of hospital administration.

"False and defamatory accusations against real people have serious consequences. Neither St. Mary's or Mr. Carbone did anything to deserve being the objects of the heinous accusation that they harmed or put babies and young children at risk for profit," Wood said.

On Wednesday, Federal District Judge Orinda Evans ruled that the case could move forward, even ruling that she found that CNN may have acted with "actual malice" with the report — a standard necessary to prove a defamation claim.

"The Court finds these allegations sufficient to establish that CNN was acting recklessly with regard to the accuracy of its report, i.e., with 'actual malice," the order reads. CNN had tried to get the case dismissed.

Nothing in the legislative history indicates that defamation or invasion of privacy claims are not "personal injury torts". In fact, all of the history provided by Defendants would preclude their narrow interpretation when Congress was expressly acting to ensure the district court would hear such claims. Similarly, although some courts have permitted the California Anti-SLAPP law to be heard in cases involving diversity jurisdiction, it does not follow that the procedural mechanisms can apply in an objection to claim proceeding.

Defendants also neglects to mention its ongoing, post-petition libel. See, e.g., Trotter, J.K., "What did Internet Troll Chuck Johnson Know about Peter Thiel's Secret War on Gawker?" (Jun. 17, 2016) (reiterating false accusation of misreporting a story about Sen. Menendez) available at <http://gawker.com/what-did-internet-troll-chuck-johnson- know-about-peter-1782110939>.

At that hearing and in response to objections to claims, other claimants also argued that the district court was required to hear defamation claims as personal injury claims under 28 U.S.C. § 157(b)(2)(B).

Personal Injuries are More Than Just Bodily Injuries

Although Defendants mentions the reorganization of authority between the bankruptcy courts and the district courts in the wake of Northern Pipeline Construction Co. v. Marathon Pipeline Co., 458 U.S. 50 (1982), it fails to explain what motivated the Marathon decision.

The concern in that case was the extent to which Congress could empower Article I courts. The Supreme Court specifically observed that "Congress cannot 'withdraw from [Art. III] judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty.'" 458 U.S. at 69 n.23, quoting Murray's Lessee v. Hoboken Land & Improvement Co., 18 How. 272, 284 (1856). Such suits involved "private rights", as opposed to "public rights" created legislatively.

During debate over the Bankruptcy Amendments and Federal Judgeship Act of 1983, Pub. L. 98-353, Senator Robert Dole specifically noted: This title establishes an article I bankruptcy court, with judges appointed for limited terms, to handle the routine business of bankruptcy claims based upon State law,

which under Marathon will require the attention of article III judges, will be referred to the district courts except where the parties consent to bankruptcy court jurisdiction. One of those areas reserved for attention of the district courts will be personal injury claims, which are exempted from the definition of core proceeding under the bill. 130 Cong. Rec. S20083 (daily ed. June 29, 1984). However, none of the legislative history, including that cited by Defendants, specifically addresses whether defamation claims are "personal injury" claims. 5i.

Slander and Libel are Common-Law Personal Injury Claims

In determining the meaning of "personal injury", this Court must look to the common law understanding. Over a century ago, in determining whether a slander was among the "willful and malicious injuries to the person or property of another" not discharged in bankruptcy, the Kentucky Court of Appeals found that a slander is a "personal injury—that is, an injury to his person", and further explained its holding in the context that "[t]he act of Congress must be 5

There is no inconsistency with including defamation claims among the "narrow range of cases" that are personal injury cases raised by Rep. Kastenmeir. 130 Cong. Rec. H7491. As Defendants notes, the sole example was an automobile accident claim; by Defendants's logic, all medical malpractice claims would be excluded. None of the remainder of the legislative history cited provides any further insight.

understood as having used the words in the section quoted with reference to their common-law acceptation. Sutherland on Statutory Construction, 289." Sanderson v. Hunt, 116 Ky. 435, 438, 76 S.W. 179, 179 (1903); accord McDonald v. Brown, 23 R.I. 546, 51 A. 213 (1902); Nat'l Sur. Co. v. Medlock, 2 Ga. App. 665, 58 S.E. 1131 (1907). The Sanderson decision was adopted by the Sixth Circuit Court of Appeals, similarly finding a libel to be a "personal injury" under the common law such that it would not be dischargeable under the bankruptcy act. Thompson v. Judy, 169 F. 553 (6th Cir. 1909); 6 see also Parker v. Brattan, 120 Md. 428, 434-35, 87 A. 756, 758 (1913). This understanding was also adopted by at least one district court in the Second Circuit. See In re Bernard, 278 F.734, 735 (E.D.N.Y. 1921). 14.

Congress, in drafting Section 157(b)(2)(B) must, therefore, be understood as having used the words "personal injury" with reference to its common-law acceptation. From the earliest cases, claims sounding in defamation have been deemed a "personal injury." Indeed, this Court recognized as much nearly twenty years ago when it wrote in In re Boyer, 93 B.R. 313, 317 (Bankr. N.D.N.Y. 1988), in the context of a Section 1983 & 1985 claim: The term "personal injury tort" embraces a broad category of private or civil wrongs or injuries for which a court provides a remedy in the form of an action for damages, and includes damage to an individual's person and any invasion of personal rights, such as libel, slander and mental suffering, BLACK'S LAW DICTIONARY 707, 1335 (5th ed. 1979).

Accord Soukup v. Employers' Liab. Assur. Corp., 341 Mo. 614, 625, 108 S.W.2d 86, 90 (1937) citing 3 Words & Phrases, Fourth Series, p. 90 (workers' compensation case observing that "The words 'personal injuries' as defined by lexicographers, jurists and textwriters and by common acceptance, denote an injury either to the physical body of a person or to the reputation of a person, or to both.")

Simply put, "[t]here is no firm basis to support the proposition that libel and slander were considered to be other than personal injuries at common law." McNeill v. Tarumianz, 138 F. Supp. 713, 717 (D. Del. 1956). In support thereof, the Delaware district court quoted 1 Blackstone 6
The Thompson decision was generally met with approval by the Second Circuit Court of Appeals in In re Conroy, 237 F. 817 (2d Cir. 1916).

Commentaries 129, which classified rights of "personal security" to consist "in a person's legal and uninterrupted enjoyment of his life, his limbs, his body, his health and his reputation." Id. at 716 (further noting that the courts consider "rights of personal security" as synonymous with "personal injury"). 716.

The Supreme Court of Pennsylvania, in 1825, laid down the following common law history in the context of a claim involving a decedent: That a personal action dies with the person is an ancient and uncontested maxim. But the term "personal action," requires explanation. In a large sense, all actions except those for the recovery of real property, may be called personal. This definition would include contracts for the payment of money, which never were supposed to die with the person. The maxim must therefore be taken in a more

restricted meaning. It extends to all wrongs attended with actual force, whether they affect person or property; and to all injuries to the person only, though without force. Thus stood originally the common law, in which an alteration was made by the stat. 4. Ed. 3. c. 7, which gave an action to an executor for an injury done to the personal property of his testator in his life, which was extended to the executor of an executor by stat. 25, Ed. 3. And by the stat. 31, Ed. 3 c. 11, administrators have the same remedy as executors. These statutes received a liberal construction from the judges, but they do not extend to injuries to the person of the deceased, nor to his freehold. So that no action now lies, by an executor or administrator for an assault and battery of the deceased, or trespass vi et armis, on his land, or for slander; because it is merely a personal injury.

Lattimore v. Simmons, 13 Serg. & Rawle 183, 184-85 (Pa. 1825) (emphasis added). 17.

The Supreme Court of Wisconsin, in 1874, expounded upon this concept in a matter involving state bankruptcy law. It observed "A libel or a slander might deprive a man of 7

The Georgia Supreme Court in Johnson v. Bradstreet Co., 87 Ga. 79, 81-82, 13 S.E. 250, 251 (1891) expounded upon this understanding: At common law, absolute personal rights were divided into personal security, personal liberty, and private property. The right of personal security was subdivided into protection to life, limb, body, health, and reputation. 3 Blackst. Com. 119. If the right to personal security includes reputation, then reputation is a part of the person, and an injury to the reputation is an injury to the person. Under the head of "security in person," Cooley includes the right to life, immunity from attacks and injuries, and to reputation. Cooley on Torts (2d ed.), 23, 24. See, also, Pollock on the Law of Torts, *7. Bouvier classes among absolute injuries to the person, batteries, injuries to health, slander, libel, and malicious prosecutions. 1 Bouv. L. Dic. (6th ed.) 636. "Person" is a

broad term, and legally includes, not only the physical body and members, but also every bodily sense and personal attribute, among which is the reputation a man has acquired. Reputation is a sort of right to enjoy the good opinion of others, and is capable of growth and real existence, as an arm or a leg. If it is not to be classed as a personal right, where does it belong? No provision has been made for any middle class of injuries between those to person and those to property, and the great body of wrongs arrange themselves under the one head or the other. Whether viewed from the artificial arrangement of law writers, or the standpoint of common sense, an injury to reputation is an injury to person.

employment, destroy his credit, ruin his business, and greatly impair his estate; yet an action therefor would be an action for a personal injury, the effect of the wrong on the estate of the injured party being merely incidental." Noonan v. Orton, 34 Wis. 259, 263 (1874). That same year, the Supreme Court of Virginia recognized that an "action of slander" did "involve a claim for personal damages" and, as such, did not pass to the assignee in bankruptcy. Dillard v. Collins, 66 Va. 343, 345-47 (1874). 18.

Similarly, a claim by a wife for slander was deemed a "personal injury" claim such that, under the law at that time, her husband was required to join in the suit. See, e.g., Smalley v. Anderson, 18 Ky. 56 (1825) (in a claim for "personal injury", husband was required to join suit with wife in claim for slander accusing her of adultery); accord Gibson v. Gibson, 43 Wis. 23, 26- 27 (1877); Leonard v. Pope, 27 Mich. 145, 146 (1873) (a claim for slander is "a personal grievance or cause of action"). The U.S. Court of Appeals for the Fifth Circuit agreed that "libel is a personal injury" and that "[a]t common law, libel and slander were classified as injuries to the person, or personal injuries. 3 Blackstone, 119; Cooley on Torts (2d Ed.) 23, 24; Bouvier, Law Dictionary, verbo 'Injury.'" Times-Democrat Pub. Co. v. Mozee, 136 F. 761, 763 (5th Cir. 1905). Although

the law now recognizes spousal independence, the nature of the action has not changed. 19.

The principle that slander and libel are personal injuries is one that was generally recognized, and, as seen above, it tended to be addressed in cases involving decedents. Blackstone, in his Commentaries (vol. 3, p. 302), stated the rule: "In actions merely personal, arising ex delicto, for wrongs actually done or committed by the defendant, as trespass, battery, and slander, the rule is that actio personalis moritur cum persona; and it shall never be revived either by or against the executors or other representatives." Thus, by statute, states such as Illinois, in overriding the common law to permit actions to survive, expressly carved out slander and libel as being personal injuries that would not survive. See Holton v. Daly, 106 Ill. 131, 139 (1882) quoting Ill. Rev. Stat. 1874, p. 126 ("actions to recover damages for an injury to the person, except slander and libel, … shall also survive.").

In contrast, a claim for wrongful death was not recognized at common law precisely because personal injury actions did not survive under the action personalis moritur cum persona universal maxim.

Statutes were, therefore, enacted to permit claims for wrongful death "compensatory of the damages sustained by the heirs or next of kin, who had, or are supposed to have had, a pecuniary interest in the

life of the intestate." Burns v. Grand R. & I. R. Co., 113 Ind. 169, 171, 15 N.E. 230, 231 (1888). Specifically, "[t]hese statutes, while they do not in terms revive the common law right of action for personal injury, nor make it survive the death of the injured person, create a new right in favor and for the benefit of the next of kin or heirs of the person whose death has been wrongfully caused." Id. 21.

Defendants mistakenly believes that the addition of "wrongful death" implies that because only such a claim can arise from the death of a natural person's body, the term "personal injury" must be construed similarly in context. Defendants misunderstands that a wrongful death claim is not a common law personal injury claim; thus it had to be specifically added. The addition of wrongful death claims does not, however, modify the common law understanding of "personal injury," which included libel and slander. 22.

The legislative history, therefore, shows that claims for wrongful death were added because they were not recognized at common law to be a "personal injury." Libel and slander, on the other hand, were. The legislative record is otherwise silent as to the specific torts that made up a "personal injury" claim and therefore should be understood to include all such claims at common law, including slander and libel. Although Defendants worries that claims for emotional damages will "create an exception that swallows the rule" (Defendants's Brief at 10), it creates a straw- man argument, improperly lumping in claims that are not common law "personal injury" claims that happen to provide for emotional distress damages. Those claims are different, statutory causes of action; the only statutory claim included in Section 157(b)(2)(B) is the wrongful death claim.

Thus, when Congress enacted Section 157(b)(2)(B), it necessarily imported the common law meaning of "personal injury" and, therefore, libel and slander claims. 8 ii. Plaintiffs is Entitled to Invoke Section 157(b)(2)(B) 23. Defendantss seek to treat Plaintiffs, as a corporate person, differently under Section 157(b)(2)(B) than Plaintiffs. There is no reason for this. As libel is a "personal injury" tort, there is no basis to suggest a corporate person should be treated any differently than a natural person. Simply because it cannot suffer a battery does not mean it is foreclosed from all personal injury claims. As explained by the Georgia Supreme Court in Johnson v. Bradstreet Co., 87 Ga. 79, 81-82, 13 S.E. 250, 251 (1891), an "injury to reputation is an injury to person." Although a corporation may be unable to suffer a physical, bodily injury, it can suffer an injury to reputation. 24.

Defendants's citations are inapposite. The U.S. Supreme Court has not said that a corporation cannot suffer a personal injury; rather, N.P.R. Co. v. Whalen, 149 U.S. 157, 162-163 (1893), address actions in nuisance, which can only either affect life, health, senses, or property, and not reputation. Defendants's quote from Roemer v. Commissioner of Internal Revenue, 176 F.3d 693, 699 n. 4 (9th Cir. 1983), was a matter of pure dicta; the Ninth Circuit had no occasion to pass upon whether a corporation could, in fact, suffer a personal injury. Subsequent cases, such as In re Lost Peninsula Marina Dev. Co., LLC, 2010 U.S. Dist. LEXIS 78532 (E.D. Mich. 2010), wrongly rely upon such dicta. In fact, the Ninth Circuit's entire basis was DiGiorgio Fruit Corp. v. American Federation of Labor, which does not say a corporation cannot suffer a "personal injury";it merely says that "a corporation has no reputation in

the personal sense", yet "it has a business reputation". 215 Cal.App.2d 560, 571, 30 Cal.Rptr. 350, 356 (1963). The Second Circuit has specifically refrained from finding a dichotomy between a business reputation and the reputation 8

Similarly, as invasions of personal rights, Claimants' false light invasion of privacy claims are "personal injury" claims. See Mercado v. Fuchs (In re Fuchs), No. 05-36028-BJH-7, 2006 Bankr. LEXIS 4543, at *6-7 (U.S. Bankr. N.D. Tex. Jan. 26, 2006) (finding invasion of privacy claim to be a "personal injury" under Section 157(b)(2)(B)); see also Bernstein v. Nat'l Broad. Co., 129 F. Supp. 817, 825 (D.D.C. 1955) ("The tort of invasion of privacy being a personal injury....")

of a natural person. See Agar v. Commissioner, 290 F.2d 283, 294 (2d Cir. 1961). However, the Eleventh Circuit specifically answered in the affirmative the question "[i]s damage to one's business reputation a personal injury?" Fabry v. Commissioner, 223 F.3d 1261, 1270 (11th Cir. 2000).

In fact, the purpose of Section 157(b)(2)(B) was to properly address claims that should be heard by an Article III court. As noted above, such was prompted by the Marathon decision, a case where the sole litigants were corporate persons. Where a natural person would have a right to have a matter heard by an Article III court but a corporate person does not, such denial of equal protection would be unlawfully violative of due process under the Fifth Amendment. See Bolling v. Sharpe, 347 U.S. 497 (1954) (holding equal protection claims implicate due process).

26.
Even if corporate persons could be treated differently from natural persons for claims arising from the same transaction, it would be improper to abide Defendants's suggestion to have the Bankruptcy Court determine the corporate claim first, in order to then argue a preclusive effect against the natural person. This attempted end-run around a specifically mandated statutory provision, grounded in Constitutional rights, should not be condoned. This is not what the Supreme Court was considering in Katchen v. Landy, 382 U.S. 313 (1966); in Katchen, the determination involved a single party who submitted to equity jurisdiction. Plaintiffs has not taken action to deprive himself of his rights. Where Congress has acted to provide for access to Article III courts, it would run afoul of the intent of the law to make that access ephemeral.

27.
Although Defendants at least has the decency to acknowledge that is its purpose, it would set an unconscionable precedent. Many natural persons conduct business through or have some relationship with a corporate person such that harms giving rise to their individual personal injury claims would also harm the corporate person. As a result, Defendantsswho would seek to deprive such natural persons of their right to be heard by an Article III court could simply involuntarily join or otherwise implead the related corporate person, have that matter heard first, and then attempt to preclude the natural person's claim on that basis.

The California Anti-SLAPP Law Does Not Apply

28.
Defendants's motion is not about allowance of claims; it is about whether a state law procedural mechanism is to apply in a non-adversarial, contested matter. Although some federal courts permit the application of the California Anti-SLAPP law, Cal. Code Civ. P. § 425.16, in civil cases arising from diversity jurisdiction, it has never been found applicable to a contested claim proceeding in bankruptcy court. The differences between the Federal Rules of Civil Procedure and the Federal Rules of Bankruptcy Procedure demonstrate that it makes little sense to do take such an unprecedented step.

29.
The very nature and purpose of a proof of claim differs from a traditional complaint, rendering the California law impracticable. As this Court is aware: Correctly filed proof of claims "constitute prima facie evidence of the validity and amount of the claim . . . . To overcome this prima facie evidence, an objecting party
must come forth with evidence which, if believed, would refute at least one of the allegations essential to the claim." Sherman v. Novak (In re Reilly), 245 B.R. 768, 773 (2d Cir. B.A.P. 2000). By producing "evidence equal in force to the prima facie case," an objector can negate a claim's presumptive legal validity, thereby

shifting the burden back to the claimant to "prove by a preponderance of the evidence that under applicable law the claim should be allowed." Creamer v. Motors Liquidation Co. GUC Trust (In re Motors Liquidation Co.), No. 12 Civ. 6074 (RJS), 2013 U.S. Dist. LEXIS 143957, 2013 WL 5549643, at *3 (S.D.N.Y. Sept. 26, 2013) (internal quotation marks omitted). If the objector does not "introduce[] evidence as to the invalidity of the claim or the excessiveness of its amount, the claimant need offer no further proof of the merits of the claim." 4 Collier on Bankruptcy ¶ 502.02 (Alan N. Resnick& Henry J. Sommer eds., 16th ed. 2014). In re Residential Capital, LLC, 519 B.R. 890, 907 (Bankr. S.D.N.Y. 2014). 30. In contrast, under Cal. Code Civ. P. § 425.16(b)(1): A cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue shall be subject to a special motion to strike, unless the court determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim.

31.
California courts have established a two-step process: first, the defendant must establish the action arose from protected speech or petitioning activity, then "then the burden shifts to the plaintiff to establish a probability that the plaintiff will prevail on the claim, i.e., make a prima facie showing of facts which would, if proved at trial, support a judgment in plaintiff's favor.

In making its determination, the trial court is required to consider the pleadings and the supporting and opposing affidavits stating the facts upon which the liability or defense is based." Dowling v. Zimmerman, 85 Cal. App. 4th 1400, 1417, 103 Cal. Rptr. 2d 174, 188 (2001) (internal citations and quotation marks omitted).

32.

Further, [t]o establish a probability of prevailing, the plaintiff must demonstrate that the complaint is both legally sufficient and supported by a sufficient prima facie showing of facts to sustain a favorable judgment if the evidence submitted by the plaintiff is credited. For purposes of this inquiry, the trial court considers the pleadings and evidentiary submissions of both the plaintiff and the defendant (§ 425.16, subd. (b)(2)); though the court does not weigh the credibility or comparative probative strength of competing evidence, it should grant the motion if, as a matter of law, the defendant's evidence supporting the motion defeats the plaintiff's attempt to establish evidentiary support for the claim. In making this assessment it is the court's responsibility to accept as true the evidence favorable to the plaintiff. The plaintiff need only establish that his or her claim has minimal merit to avoid being stricken as a SLAPP.

Soukup v. Law Offices of Herbert Hafif, 39 Cal. 4th 260, 291, 46 Cal. Rptr. 3D 638, 662-63, 139 P.3d 30, 50 (2006) (internal citations and quotation marks omitted).

33.
This process makes little sense in a non-adversarial, claims objection proceeding. First, as noted, Claimants' proofs of claim already enjoy a presumption of prima facie validity under Fed. R. Bankr. P. 3001(f) and Claimants' submissions must be accepted as true. Thus, as a matter of law, Claimants will always prevail on a California anti-SLAPP motion, having the "minimal merit" which would support allowance of the claim. Second, once a party objects to a proof of claim and introduces evidence of invalidity, a claimant must prove his claim by a preponderance of the evidence, not merely a probability of prevailing. Defendants would require a bankruptcy court to make an unnecessary finding that a disallowed claim nevertheless had a probability of prevailing. The burden shifting framework does not work in a contested claim proceeding, even if it might work for an adversarial matter or in a case under the Rules of Civil Procedure.

Notably, even in diversity cases, the entirety of the California Anti-SLAPP law is not imported in its entirety. Unlike in California state courts, a denial of an Anti-SLAPP motion is not an appealable interlocutory order in Federal courts. See Hyan v. Hummer, 825 F.3d 1043 (9th Cir. 2016). Federal courts do not apply the timing requirements set forth in Section 425.16(f), which directly collides with the timeline allowed under Fed. R. Civ. P. 56. See Sarver v. Chartier, 813 F.3d 891 (9th Cir. 2016). Federal courts do not stay discovery upon the filing of an Anti- SLAPP motion, as otherwise directed by Section 425.16(g). See Metabolife Int'l, Inc. v. Wornick, 264 F.3d 832, 845 (9th Cir. 2001).

35.
Even the very idea of the burden-shifting framework has been questioned by the Ninth Circuit. See Englert v. MacDonell, 551 F.3d 1099, 1102 (9th Cir. 2009) (reserving the issue with respect to a parallel Oregon statute). The D.C. Circuit directly confronted this issue in Abbas v. Foreign Policy Grp., LLC, 783 F.3d 1328, 1335 (2015). In Abbas, the D.C. Circuit directly rejected the idea that an analogous burden-shifting framework created a substantive, quasi-immunity from suit, because the law collided with Rules 12 and 56 as to how a showing is to be made, rendering it inapplicable pursuant to Shady

Grove Orthopedic Associates, P.A. v. Allstate Insurance Co., 559 U.S. 393, 398-99, 130 S. Ct. 1431 (2010). See 783 F.3d at 1335.

36.
Defendants attempts to distinguish Abbas by highlighting the non-mandatory nature of applying Rules 12(b)(6) and 56, suggesting that collision is avoided if those rules are not applied. Defendants's Brief at 15-16. First, it bears observing that Defendants, in its objections to the claims, did move to apply Rule 12(b)(6), rending its own argument moot. Thus, where § 425.16 does conflict with Rule 7012, its application would directly collide with this Court's authority to "direct that one or more of the other rules in Part VII shall apply." Fed. R. Bankr. P. 9014(c). Second, although Defendants argues that the Court can "otherwise direct" Rule 7056 not apply per Rule 9014, it provides no reason why the normal rules should be avoided here; Claimants located but one case where a bankruptcy court made such direction to permit the parties to "flesh out the record", there on a motion to employ, not a claims objection. See In re Rusty Jones, Inc., 109 B.R. 838, 845 (Bankr. N.D. Ill. 1989). Fleshing out a record would similarly be reason not to apply § 425.16 where

Defendants has otherwise obtained a briefing schedule in order for it to take discovery. See Dkt. No. 703. Essentially, the only reason to "otherwise direct" Rule 7056 not apply is because it collides with § 425.16. Third, to not apply certain rules simply because Claimants are California citizens would deny such citizens equal protection in a manner to be so violative of due process that it is an offense to the Fifth Amendment. See Shapiro v. Thompson, 394 U.S. 618, 642, 89 S. Ct. 1322, 1335 (1969).

37.
Moreover, it makes little sense to import the California procedure where Fed. R. Bankr. P. 3007 permits parties in interest other than the Defendants to object to a claim. It could well be impracticable where a Defendants does not believe protected speech was involved, but a third party does. It is not equitable for one class of objector (a Defendants) to potentially enjoy the benefits of the California procedure (attorneys' fees) and not others (other creditors).

38.
Contrary to the assertion of Defendants, the procedures of § 425.16 are not "bound up" with the law of libel, even to the extent Justice Stevens's concurrence in Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co., 599 U.S. 393, 419-410 (2010), is controlling. First, Defendants fails to identify what the substantive law is that Section 425.16 is bound up with. The California Anti-SLAPP law is not limited to the law of libel; it also applies to other state law claims. See, e.g., State Farm Mut. Auto. Ins. Co. v. Lee, 193 Cal. App. 4th 34, 122 Cal. Rptr. 3D 183 (2011) (application to abuse of process and unfair business practice claims); Jarrow Formulas, Inc. v. LaMarche, 31 Cal. 4th 728, 3 Cal. Rptr. 3d 636, 74 P.3d 737 (2003) (application to malicious prosecution claims); Fremont Reorganizing Corp. v. Faigin, 198 Cal. App. 4th 1153, 131 Cal. Rptr. 3d 478 (2011) (application to breach of confidence, breach of fiduciary duty, equitable indemnity, and violation of Cal. R. Prof. Conduct 3-310(C)); Peregrine Funding, Inc. v. Sheppard Mullin Richter & Hampton LLP, 133 Cal.App.4th 658, 674–675, 35 Cal. Rptr. 3D 31 (2005) (application to legal malpractice and breach of fiduciary duty claims). Section

425.16 is not analogous to a bond posting requirement, statute of limitations, evidentiary rule, or verdict capping identified by Justice Stevens, all of which have a substantive quality. See Shady Grove, 599 U.S. at 419-410. Here, Defendants seeks to employ a burden shifting framework that could appear at but

one discrete stage of a diversity case and has no role in a claim objection; this is not even, then, an example of a "state-imposed burden[ ] of proof", which would go to the ultimate outcome. Id. at 410 n. 4. There is no question that Claimants have the ultimate burden of proof, with or without the Anti-SLAPP motion. Thus, as it is not sufficiently bound up with any particular substantive law, it is not applicable in this matter. 9

39.
Claims in a bankruptcy case are distinguishable from adversarial matters, especially those brought in district court on the basis of diversity jurisdiction. Claimants did not choose this forum; Defendants did by filing its petition. In doing so, it effectively stripped Claimants of their usual litigation rights. As Defendants says, "what is good for the goose is good for the gander". Defendants's Brief at 14. It would be inequitable to allow Defendants the benefit of a normal civil case, such as the use of Section 425.16, while simultaneously denying Claimants the benefits of such a case, by having deprived them of their chosen forum. C.

This Matter Should Be Heard by the District Court
40.
Moving forward, this matter should proceed before the district court. Defendants incorrectly asserts that Exec. Bens. Ins. Agency v. Arkison, 134 S. Ct. 2165 (2014) commands that this Court first determine the case; rather, it held that having summary judgment first heard by the bankruptcy court, to be followed by de novo review by the district court, was permissible under 28 U.S.C. § 157(c). See Messer v. Magee (In re FKF 3, LLC), No. 13-CV-3601 (KMK), 2016 U.S. Dist. LEXIS 117258, at *52 n.11 (S.D.N.Y. Aug. 30, 2016). Section 157(c)(1) says that a bankruptcy court "may" hear a non-core proceeding, not that it must.

41.
The standard as to whether the bankruptcy court should hear the non-core proceeding in the first instance under Section 157(c)(1) is not well articulated. Guidance from cases under Section 157(d), regarding withdrawal, however, may be informative. In such cases, the considerations are "(1) whether the case is likely to reach trial; (2) whether protracted discovery 9

Although Defendants noted the availability of fees under § 425.16, such provision is secondary to the burden-shifting framework. If the Bankruptcy Court does not perform the mechanism to determine whether or not a probability of success occurs, it would never reach the issue of fees. Section 425.16 does not create a substantive right to fees in all libel cases; only those cases where a defendant is successful on a motion to strike.

with court oversight will be required; and (3) whether the bankruptcy court has familiarity with the issues presented." In re Times Circle East, Inc., 1995 U.S. Dist. LEXIS 11642, 1995 WL 489551, at *3 (S.D.N.Y. Aug. 15, 1995). All three factors warrant the matter being heard by the District Court in the first instance.

42.
This case is likely to reach trial. Claimants have properly asserted multiple false and defamatory statements as libelous. Because of the defenses asserted by Defendants, it is more probable than not that multiple statements will require factual determinations beyond otherwise being readily apparent on their face. Defendants has asserted a defense of lack of actual malice; such will require probing and evidence into its research, editorial, and publication process. Defendants has asserted a defense under Section 230 of the Communications Decency Act; such will require probing and evidence into its business practices, sources, and publication processes. Neither do Claimants have any confidence that this matter will reach settlement; as noted above, even after having filed a bankruptcy petition arising from publication malfeasance, Defendants continued to defame Claimants.

43.
Moreover, this non-core proceeding will likely require a jury trial to determine the claim's value. As having filed personal injury tort claim, Claimants are entitled to and claim the right to trial by jury. See 28 U.S.C. § 1411(a). The Second Circuit has found that jury trials in non-core proceedings are likely prohibited "due to the district court's de novo review of such proceedings." In re Orion Pictures Corp., 4 F.3d 1095, 1101 (2d Cir. 1993).

44.
Protracted discovery with court oversight will be required. Among other matters, without limitation: Claimants will seek depositions from Defendants. Claimants will require discovery of the identities of the Gawker authors and campaign financiers and will seek to depose them.

Claimants will seek discovery from Defendants as to its business practices, including editorial and publication decisions and social media cross-promotion, as well as the source code relative to the Kinja and website platforms. Claimants will require detailed discovery into the readership and extent of circulation. Claimants anticipate significant litigation over several of these items.

A Bankruptcy Court is unfamiliar with the issues presented. A LEXIS search for cases involving "actual malice" or "section 230", involving "libel", "slander", or "defamation", yielded only six decision in three cases in this Court. This is not the typical claim arising in a Chapter 11 proceeding. Such cases and issues arise with far more frequency before the District Court.

46.
Because all of the factors favor the District Court, the Bankruptcy Court should not hear these non-core proceedings. III.

47.

As set forth above, the California Anti-SLAPP law is not applicable to a contested matter under Fed. R. Bankr. P. 3007, especially as it relates to the allowance of claims. The state statute conflicts with the Federal procedures and otherwise is unworkable where a proof of claim is already prima facie evidence of a possibility of prevailing. Notwithstanding, Claimants filed their proofs of claims knowing they would ultimately prevail, whether or not the California Anti- SLAPP law applies.

48.
The claims asserted by Claimants are personal injury tort claims that should be heard by the District Court for all further proceedings. Congress must be deemed to have understood the meaning of the term "personal injury" when it legislated, a meaning that, for centuries, has included causes of action sounding in libel and slander, as well as false light invasion of privacy. Defendants has failed to demonstrate that any different meaning was intended.

49.
The issues raised by Defendants show a determined intent to attempt to avoid facing liability for the multiple calamities it heaped upon Claimants. Claimants are entitled to be heard and to vindicate their claims.

INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS CAUSE OF ACTION
NOTES

42. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through 42 inclusive as though fully set forth herein.

43. The Plaintiffs, received, in recognition by the United States Congress in the Iraq War Bill, a Congressional commendation and grant issued by the United States Congress and the United States Department of Energy plus additional access to resources as, and for, the development of a domestic energy fuel cell and energy storage technology to be used in connection with the research and development of an electric car to be used by the Department of Defense and the American retail automotive market in order to create domestic jobs, enhance national security and provide a domestic energy solution derived from entirely domestic fuel sources.

44. Defendants knew of the above described contractual relationship existing between the Plaintiffs and COMPANY B and the United States Department of Energy, in that the grant was made public record and, at the request of representatives of the Venture Capital group of the Defendants, the Plaintiffs believing that the request for information was as to providing additional funding for the project,

did, in fact, submit complete information regarding the subject of the grant to Defendants agents upon their request.

45. Defendants, who had, and have, personal, stock-ownership, revolving-door career and business relationships with executive decision-makers at the United States Department of Energy and other Federal and State officials, lobbied and service-compensated those executive decision-makers to cancel, interfere and otherwise disrupt the grant in favor of the Plaintiffs, with the intention of terminating the funding in favor of the Plaintiffs and COMPANY B and applying the information they pirated from the Plaintiffs, for their own benefit as well as terminating the Plaintiffs competing efforts, which third party industry analysts felt could obsolete Defendants products via superior technology.

46. Individuals approached Plaintiffs offering to “help” the Plaintiffs get their ventures funded or managed. Those individuals were later found to have been working for Kleiner Perkin's, the founding investor and current share-holder of Defendants. The Plaintiffs discovered that those “helpful” individuals were helping to sabotage development efforts and pass intelligence to Defendants for its own use and applications.

47. Accordingly, Defendants was successful in its efforts and, in or about August of 2009, the grant and other funding programs in favor of the Plaintiffs, was summarily canceled and re-directed to Defendants and their holdings.

48. Commencing in or about 2008, Defendants commenced to take credit for advancement in its own energy storage and internet media technology, as based on the information it had pirated from the Plaintiffs.

49. The interference of Defendants, with the relationship of the Plaintiffs, was intentional, continues to today, and constitutes an unfair business practice in violation of Business and Professions code section 17200.

50. As a proximate result of the conduct of the Defendants, and severance and termination of the grant to the Plaintiffs, the Plaintiffs have suffered damages including financial damage, damage to their reputation and loss of critical intellectual property.

51. The aforementioned acts of the Defendants, were willful, fraudulent, oppressive and malicious. The Plaintiffs is therefore entitled to punitive damages.

INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE CAUSE OF ACTION NOTES

52. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through this paragraph inclusive as though fully set forth herein.

53. In or about the fall of 2009, when the Plaintiffs discovered that their fundings from the United States Department of Energy had been terminated, de-funded and re-routed to Defendants, by Defendants. The Plaintiffs informed other members of the energy and automotive technology industry and the U.S. Congress of the facts of Defendants behavior and specifically the behavior that gave rise to termination of the grant.

54. Defendants became aware that the Plaintiffs were intent on telling the truth about these facts, about true ownership of the intellectual property relied on by Defendants in its own vehicle, energy and internet media technology and about Defendants theft of this property.

55. In order to put a stop to the Plaintiffs and in an effort to discredit Plaintiffs, divest Plaintiffs of contacts in the industry and also of financial backing, Defendants enlisted the services of the Defendants, YouTube and Gawker and also Defendants own wide array of media and branding manipulation tools which are service offerings of Defendants. The Defendant produced attack material is reposted, impression accelerated, click-farm fertilized and Streisand array reposted by Defendants massive character assassination technology via servers algorithms and technical internet manipulation daily as recently as yesterday. Defendants also embed the article in job hiring databases on Axciom, Palantir, Taleo and other databases used by all hiring and recruiting services in order to prevent Plaintiffs from ever receiving income for W2 or 1099 work ever again.

56. In 2011, Gawker published a contrived “hatchet job” article describing the Plaintiffs in horrific descriptors. The article is reposted, impression accelerated, click-farm fertilized and Streisand array reposted by Defendants massive character assassination technology via servers algorithms and technical internet manipulation daily as recently as yesterday. Defendants also embed the article in job hiring databases on Axciom, Palantir, Taleo and other databases used by all hiring and recruiting services in order to prevent Plaintiffs from ever receiving income for W2 or 1099 work ever again. Defendants own staff then posted thousands of fake comments, below each attack item, under fake names, designed to make it appear as if a broad consensus of the public agreed with the defamation messages by Defendants. Almost all of the fake comments were created by a handful of Defendants own staff pretending to be a variety of outside voices. Defendants replicated various versions of these attack items across all of their different brands and facade front publications and added additional fake comments to each on a regular basis.

57. In 2011, Defendants YouTube posted a video which depicted the Plaintiffs as a cartoon character who attempts to engage in unethical behavior. The video employs Plaintiffs personal name and personal information. The article is reposted, impression accelerated, click-farm fertilized and Streisand array reposted by Defendants massive character assassination technology via servers algorithms and technical internet manipulation daily as recently as yesterday. Defendants also embed the article in job hiring databases on Axciom, Palantir, Taleo and other databases used by all hiring and recruiting services in order to prevent Plaintiffs from ever receiving income for W2 or 1099 work ever again. Defendants own staff then posted thousands of fake comments, below each attack item, under fake names, designed to make it appear as if a broad consensus of the public agreed with the defamation messages by Defendants. Almost all of the fake comments were created by a handful of Defendants own staff pretending to be a variety of outside voices. Defendants replicated various versions of these attack items across all of their different brands and facade front publications and added additional fake comments to each on a regular basis.

58. Defendants has paid tens of millions of dollars to Gawker Media and has a business and political relationship with Gawker Media according to financial filings, other lawsuit evidence, federal investigators and ex-employees.

59. Also as intended by Defendants, this damage, especially because the false representations become immediately apparent to anyone conducting an internet search for the "Plaintiffs," have caused investors to shy away from the Plaintiffs, causing the Plaintiffs further difficulty in obtaining funding from in, or about, 2011 to the present time.

60. Defendants has also placed on human resources and and job hiring databases negative and damaging red flags about the Plaintiffs, relative to the Gawker and Defendants attacks. These postings were intended by Defendants to prevent the Plaintiffs, not only from working for himself, but also from working for other, noteworthy individuals of good repute.

61. Additionally, Defendants representatives sent a copy of the Gawker attack article to an employer of the Plaintiffs via their human resources office and asked this employer, "You don't want him working for you with this kind of article out there, do you?" This resulted in the Plaintiffs immediate termination because of that article. Plaintiffs has recovered documents between Defendants showing the preplanned and premeditated deployment of this attack. As documented in one of the Hulk Hogan cases against Defendants associates: *"As evidence, the lawsuit points to a Gawker article by its founder, Nick Denton, that predicted Mr. Bollea's "real secret" would be revealed — it was posted soon before The Enquirer report — and a 14-minute gap between the publication of the article and a Gawker editor, Albert J. Daulerio, tweeting about it. "Based upon the timing and content of Daulerio's tweet, Daulerio was aware, in advance, of The Enquirer's plans to publish the court-protected confidential transcript," the lawsuit argues..."* Plaintiffs in this case also have the same form of evidence from the same parties.

62. As a proximate result of the conduct of the Defendants, the Plaintiffs and COMPANY B have suffered severe financial damage and, accordingly, loss of their good will and reputation.

63. Plaintiffs are informed by investigators and Defendants' own former staff that Defendants planned an effort to “take him down” in retribution for effectively competing with Defendants and for co-operating with law enforcement and regulatory investigations of Defendants.

64. The aforementioned acts of the Defendants were willful, fraudulent, oppressive and malicious. The Plaintiffs is therefore entitled to punitive damages.

CYBER-STALKING CAUSE OF ACTION

65. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through this paragraph inclusive as though fully set forth herein.

66. By hiring and/or making an arrangement with associated tabloids to publish an article replete with false and misleading statements disparaging the Plaintiffs, in the guise of publishing opinion, the Defendants Defendants intended to harass the Plaintiffs and did in fact harass the Plaintiffs.

67. By refusing to remove the offending publication and, in fact, assigning it a value associated with “truth”, “factuality” and a position in its web browser that came up and still comes up the first and most prominent link pursuant to any search for the Plaintiffs and maintaining this link for the past 5 years as globally marketed, public, published, permanent, un-editable and unmovable, Defendants intended, and continues to intend to harass the Plaintiffs.

68. By doing the things described in paragraphs 67 and 68 above, Defendants, did and does continue to intend to cause the Plaintiffs substantial emotional distress.

69. The Plaintiffs, commencing in or about their discovery of the post and the link, has experienced and continues to experience substantial emotional distress.

70. Defendants engaged in the pattern of conduct described above with the intent to place the Plaintiffs in reasonable fear for their safety or in reckless disregard for the safety of the Plaintiffs.

71. The Plaintiffs admit here that Plaintiffs knew of a number of Bay Area technologists including Gary D. Conley, Rajeev Motwani who also had strange run-ins with Defendants and who subsequently suffered strange terminations per investigators and media who continue, at the request of the families and friends of those individuals, and others, to examine those cases. This has caused concern and

stress for Plaintiffs. While Defendants did not necessarily have the intent to do physical harm to the Plaintiffs, by arranging for publication of the subject article, ensuring the subject article could not be moved or altered and would be certain to appear first and permanently as the result of any search for the Plaintiffs, intended to do significant damage to Plaintiffs financial interests in retaliation for their testimony at the proceedings described above and also intended to ensure the Plaintiffs would have no future as a competitor in the industry of technology populated by the Plaintiffs and by the Defendants.

72. Defendants chose to cheat rather than compete and decided, as a whole to plan, operate and deploy "hit jobs", defamation attacks, media hatchet jobs, character assassinations, venture capitol black-lists, technology hiring no-poaching blacklists, public officials influence buying and other illicit tactics against Plaintiffs, public officials, journalists, ex-employees, political candidates and others, as retribution, vengeance and vendetta tactics.

73. The results of any search for the Plaintiffs on Defendants search engine are attached hereto in the Exhibits and incorporated herein by reference. These same results have remained consistently in place and unmovable and un-editable since April 3, 2011.

74. In 2011, and through 2015, the Plaintiffs did contact Defendants with written requests to remove the offending content. [*See*, Correspondence, a true and correct copy of which is attached hereto as Exhibits and incorporated herein by reference.] In response, Defendants consistently stated it has no control over the results of any search on its search engine or the operation of its technology or its algorithm and, accordingly, refused to remove the results or cease the harassment.

75. Defendants continues to refuse to allow any member of the public to search for the Plaintiffs, without locating results that falsely identify the Plaintiffs in a negative and damaging narrative contrived for the sole intended purpose of Plaintiffs financial and social destruction.

76. As so aptly stated by Hulk Hogan's lawyers in their own suit against associates of the Defendants: The Defendants *"chose to play God."*

FRAUD CAUSE OF ACTION

77. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through this paragraph inclusive as though fully set forth herein.

78. As above, in response to the request of the Plaintiffs regarding removal of the Gawker article of early 2011, the Defendant stated that has no control over the results of any search on its search engine and no control over the results of its algorithms, refused to and continues to refuse to allow any member of the public to search for the Plaintiffs, without publishing results that falsely identify the Plaintiffs as a scam artist.

79. The Defendant made this statement with the intent to induce the Plaintiffs Company A to rely on it.

80. The Plaintiffs continued to rely on the statement and to believe that the Defendant has not power or authority to manipulate the results of searches conducted on its search engine until in or about mid 2015 when it became clear as the result of the litigation commenced in Europe by The European Commission, that Defendant does in fact have such ability and does, in fact, exercise this ability regularly to manipulate and manage any of the results of any search on its engine.

81. On or about early 2011, defendants made the following representation(s) to the Plaintiffs: They stated that Defendants had no control over the public experience of its products, page ranking and link presentation and that all results were arbitrary and a matter of luck.

82. The representations made by the defendant were in fact false. The true facts are that Defendants owners and executives can freely, consciously and manually rig, manipulate, modify, mood emphasize, re-rank, hide, adjust psychological adjacency perceptions of above-and-below text, delete or otherwise affect the local, regional, national and global perceptions of the public overall, or any market segment, or demographic, at will, in precise, controlled and monitored manipulations and that Defendants has even sold these manipulations-as-a-service to private clients.

83. When the defendant made these representations, he/she/it knew them to be false and made these representations with the intention to deceive and defraud the Plaintiffs and to induce the Plaintiffs to act in reliance on these representations in the manner hereafter alleged, or with the expectation that the Plaintiffs would so act.

84. The Plaintiffs, at the time these representations were made by the defendant and at the time the Plaintiffs took the actions herein alleged, was ignorant of the falsity of the defendant's representations and believed them to be true. In reliance on these representations, the Plaintiffs was induced to and did delay their attempts to have Defendants cease their abuse of Plaintiffs by technical means. Had the Plaintiffs known the actual facts, he/she would not have taken such action. The Plaintiffs reliance on the defendant's representations was justified because Defendants stated that they represented government interests and because FTC and SEC investigation manipulations, by Defendants, had not yet been fully exposed in the news media.

85. As a proximate result of the fraudulent conduct of the defendant(s) as herein alleged, the Plaintiffs was induced to expend hundreds of hours of their/her time and energy in an attempt to derive a profit from their ventures which were covertly under attack by defendant(s) but has received no profit or other compensation for their/her time and energy], by reason of which the Plaintiffs has been damaged in the sum of at least two billion dollars based on the minimum reported amounts by which Defendants profited at Plaintiffs expense and the paths of direction which Plaintiffs were steered to by Defendants fraudulent misrepresentations.

86. The aforementioned conduct of the defendant(s) was an intentional misrepresentation, deceit, or concealment of a material fact known to the defendant(s) with the intention on the part of the defendant(s) of thereby depriving the Plaintiffs of property or legal rights or otherwise causing injury, and was despicable conduct that subjected the Plaintiffs to a cruel and unjust hardship in conscious disregard of the Plaintiffs rights, so as to justify an award of exemplary and punitive damages.

INVASION OF PRIVACY CAUSE OF ACTION

87. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through this paragraph inclusive as though fully set forth herein.

88. The Defendant, first by arranging for and allowing/posting the gawker article, then by coding a link to the article that permanently placed the article at the top of any search results for the Plaintiffs, Company A, has invaded the inalienable privacy rights of the Plaintiffs, Company A as protected by Article I section 1 of the Constitution of the State of California and violated the human right known as “the right to be forgotten”, now overtly supported in other nations.

89. The intrusion commenced in or about April of 2011 and continues to this day, is significant and remains unjustified by any legitimate countervailing interest of the Defendant.

90. For five years, when any member of the public searches on the Defendant search engine holdings, for the Plaintiffs, Company A, the first link to pop up refers to the Plaintiffs, Company A as a horrible person via Defendants severs and postings which are locked in position on the internet. A situation which could only possibly occur if Defendants and their partner Google were maliciously rigging the internet results and processes.

91. The pervasiveness and longevity of this link plus its placement at the very top of any search result has resulted in a significant, albeit intentional interference with the right of the Plaintiffs

Company A to engage in and conduct personal and business activities, to enjoy and defend life and liberty, acquiring possessing and protecting property and pursuing and obtaining safety, happiness and privacy.

92. The facts disclosed about Plaintiffs were and remain false. Even in the event the Gawker article might have at one time garnered protection by the First Amendment as opinion regarding a public controversy and about a semi-public figure, no further controversy exists or even could.

93. Five years have passed and, despite the lack of current content of controversy, the Plaintiffs, Company A remains saddled with a personal, permanent and immovable reference on the internet that characterizes him as scam artist in the world of internet technology.

94. The Plaintiffs Company A has done the best he could in these years to move on with new projects and new investors. He has made every effort to start anew and has been precluded from doing so by the gawker article.

95. Maintenance of the original posting of April 2011 for five years is offensive and objectionable to the Plaintiffs Company A and certainly would be to a reasonable person of ordinary sensibilities in that the original posting is false and defamatory and was intentionally arranged for by Defendant so as to do significant damage to the personal and professional reputation of the Plaintiffs, Company A, because it has accomplished this damage, because there is no manner other than at the Defendant Defendants hand by which the link can be altered or removed or the search results edited or limited and because there exists no reason that the Plaintiffs Company A should not be allowed to enjoy a right to move on with is life independent of a label that had no basis in truth and reality in the first place.

96. The facts regarding the character of the Plaintiffs, Company A, included in the gawker article are certainly no longer of any legitimate public concern nor are they newsworthy nor are they tied to any current controversy or dialogue.

97. IN FACT, THE Plaintiffs, can truly no longer be considered a public figure or even a semi-public figure as the GAWKER article has fairly successfully put him out of business and kept him out of business for the past five or more years.

98. As a proximate result of the above disclosure, Plaintiffs lost investors, contracts, was scorned and abandoned by their/her friends and family, exposed to contempt and ridicule, and suffered loss of reputation and standing in the community, all of which caused them/him/her humiliation, embarrassment, hurt feelings, mental anguish, and suffering], all to their/her general damage in an amount according to proof.

99. As a further proximate result of the above-mentioned disclosure, Plaintiffs suffered special damages to the brand, financing, reputation and market timeframe opportunities for their/her business, in that they lost funding, market share, federal contracts and other income, to their special damage in an amount according to proof.

100. In making the disclosure described above, defendant was guilty of oppression, fraud, or malice, in that defendant made the disclosure with (the intent to vex, injure, or annoy Plaintiffs *or* a willful and conscious disregard of Plaintiffs rights. Plaintiffs therefore also seeks an award of punitive damages.

101. Defendant has threatened to continue disclosing the above information. Unless and until enjoined and restrained by order of this court, defendant's continued publication will cause Plaintiffs great and irreparable injury in that Plaintiffs will suffer continued humiliation, embarrassment, hurt feelings, and mental anguish. Plaintiffs has no adequate remedy at law for the injuries being suffered in that a judgment for monetary damages will not end the invasion of Plaintiffs privacy.

UNFAIR COMPETITION CAUSE OF ACTION

102. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through this paragraph inclusive as though fully set forth herein.

103. The Plaintiffs brings this action on their own behalf and on behalf of all persons similarly situated. The class that the Plaintiffs Company A represents is composed of all persons who, at any time since the date four years before the filing of this complaint, sought to have offensive, irrelevant and outdated material posted to the internet and available through a search on the Defendant search engine corrected, removed or re-ranked and have been informed by the Defendant that the Defendant does not have the ability to do so and that Defendants falsely states this assertion in Defendants published policy.

104. The persons in the class are so numerous, an estimated 39% of the population of the United States of America, that the joinder of all such persons is impracticable and that the disposition of their claims in a class action is a benefit to the parties and to the court.

105. There is a well-defined community of interest in the questions of law and fact involved affecting the parties to be represented in that each member of the class is or has been in the same factual circumstances, hereinafter alleged, as the Plaintiffs . Proof of a common or single state of facts will establish the right of each member of the class to recover. The claims of the Plaintiffs are typical of those of the class and the Plaintiffs will fairly and adequately represent the interests of the class.

106. There is no plain, speedy, or adequate remedy other than by maintenance of this class action because the Plaintiffs is informed and believes that each class member is entitled to restitution of a relatively small amount of money, amounting at most to $5,000.00 each, making it economically infeasible to pursue remedies other than a class action. Consequently, there would be a failure of justice but for the maintenance of the present class action.

107. The Defendant is a business incorporated in the State of California and at all times herein mentioned owned and operated a its search engine and its ancillary commercial enterprises from its headquarters in Mountain View California.

108. In early 2011, GAWKER, a well-known internet libel and slander processing tabloid published an article about the Plaintiffs. The article falsely, maliciously and without regard for the truth, labeled the Plaintiffs, a scam artist.

109. Any search on the Defendant's search engine for "Company A" resulted and to this day still results in a display of the GAWKER article with the Plaintiffs described as a horrible person.

110. Publication of the article by GAWKER and the linking by GOOGLE caused the Plaintiffs immediate and irreparable harm to their reputation, to their business interests and to their personal life.

111. Some five years have passed and the Plaintiffs, Company A, continues to suffer damage to their reputation to their business interests and to their personal life as the result of the publication by GAWKER and GOOGLE'S rigged link to it.

112. In or about early 2011, the Plaintiffs directed a written request to the Defendants to unlink the GAWKER publication to any search for their name or to delete the offending article.

113. The Defendant, responded by stating that it had no ability or legal obligation to do so as the request didn't fall within its own policies for removal.

114. The position of the Defendant is illegal, false and unfair.

115. The position of the Defendant is illegal as it infringes on the rights of individuals as protected by the Constitution of the State of California which protects the rights and freedoms of individuals to: "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy." per the State Constitution.

116. The position of the Defendant is unfair as it deprives individuals of rights protected by the Constitution of the State of California which protects the rights and freedoms of individuals to: "All people are by nature free and independent and have inalienable rights.

Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy."

117. The position of the Defendant, is false because, as a processor of personal information and a controller of that information, the Defendant also possesses the technical, logistical and government official manipulation power and ability to delete, re-rank and mood manipulate any information obtained as the result of a search on its search engine.

118. As a direct, proximate, and foreseeable result of the Defendant's wrongful conduct, as alleged above, the Plaintiffs and millions of others other members of the Plaintiffs class, who are unknown to the Plaintiffs but can be identified through inspection of the Defendant's records reflecting requests for removal it has already received and by other means, have been subjected to unlawful and unwanted publication of in accurate, inadequate, irrelevant, false, excessive, malicious and defamatory internet postings about themselves and as a result of the Defendant's present policies, have thereby been deprived of their right to privacy and the right to control information published about them as this control now apparently is vested in the Defendant and not in and of themselves.

119. The Plaintiffs is entitled to relief, including full restitution for the unfair practices of the Defendant as these have damaged their reputation and their business prospects and deletion or de-ranking of any article naming him a scam artist as inaccurate and currently irrelevant.

120. The Defendant, has failed and refused to accede to the Plaintiffs's request for a removal of the offending article or for any de-ranking or separation of the article from a search for their name. The Plaintiffs is informed and believes and thereon alleges that the Defendant has likewise failed and refused, and in the future will fail and refuse, to accede to the requests of other individuals requests for removal, de-ranking or the separation of search results from a simple search for their name.

121. The Defendant's acts hereinabove alleged are acts of unfair competition within the meaning of Business and Professions Code Section 17203. The Plaintiffs is informed and believes that the Defendant will continue to do those acts unless the court orders the Defendant to cease and desist.

122.. The Plaintiffs has incurred and, during the pendency of this action, will incur expenses for attorney's fees and costs herein. Such attorney's fees and costs are necessary for the prosecution of this action and will result in a benefit to each of the members of the class. The sum of $500,000.00 is a reasonable amount for attorney's fees herein.

THEFT OF INTELLECTUAL PROPERTY CAUSE OF ACTION

123. The Plaintiffs hereby incorporate by reference the allegations set forth in paragraphs 1 through this paragraph inclusive as though fully set forth herein.

124. Plaintiffs venture fund has founded, funded and launched multiple business ventures based on novel new technology inventions. In the majority of the cases, Defendants engaged in industrial espionage of Plaintiffs new ventures, including using agents to solicit Plaintiffs for information under the guise of "possibly investing", and then copied and exploited those ventures for substantial profit while running attacks on Plaintiffs venture in order to blockade any attempt at competition. Defendants engaged in systematic venture capitol black-listing, funding cartels, the hiring of attack-media hatchet job bloggers, internet search rigging and numerous other dirty tricks campaigns in order to steal technology and business ideas. SEC, U.S. Senate Investigators, broadcast news journalists, other federal investigators and records from other lawsuits have provided testimony that Defendants have paid Gawker Media *"tens of millions of dollars"* for *"special services"*. Of millions of publications in the world, only Gawker Media engaged in the media attacks against Plaintiffs and only the Defendants derived the core benefits of those attacks. A list of the Plaintiffs business ventures interdicted and copied by Defendants includes the following.

Just as Kleiner Perkins (Defendants main investor; Suspected by federal investigators to have had a hand in the attacks on Plaintiffs) and Alphabet are venture projects, Plaintiffs develop their ventures under the Parent Venture Fund:

PARENT VENTURE FUND

Parent Venture Fund- Formed 1976 – All inventions first developed under COMPANY A then rolled out as separate ventures to seek to sell their services or products. If blockaded by competitors, they were then sold as a whole to seek to offset investors. The ventures, below, were incubated by Plaintiffs via COMPANY A Defendants are charged with copying and profiting

COMPANY B

A virtual Reality Spin Out- Formed 1990. Defendants are charged with copying and profiting off of Plaintiffs property as **Defendants Glass, Defendants Cardboard and Defendants VR. COMPANY B** developed, manufactured, and sold a variety of virtual reality devices including what at the time was the smallest wearable computer display, delivered as a pair of glasses, and the first 360 degree personal computer-based gyroscopic flight simulator. These devices were sold to Spectrum Holobyte, Battele, U.S. Navy, Edison Brothers, FOX Network, MCI, and other major entities, and are used globally in defense and entertainment applications. These devices were based on several of Plaintiffs US. Patents: (Method and apparatus for generating and processing absolute real time remote environments -Filed in 1995, Issued in 1998); (Method and apparatus for generating and processing absolute real time remote environments Filed in 1993, Issued in

1996); and (Method and apparatus for generating and processing absolute real time remote environments Filed in 1990, Issued in 1993). In 1996, Plaintiffs sold RPI to a European investment company. Plaintiffs has continued their work in VR (https://virtualrealitydesigns.wordpress.com) up to today as a consultant and product designer, and filed U.S. Patent App and USPTO "*Clip-on appliance suite for PDA or cellphone"* on the first use of a smart phone as a VR headset and marketed by America Invents. Plaintiffs is featured on a special segment of E! Entertainment News Network, broadcast globally, describing their consulting work for Oliver Stone's virtual reality video feature film series: "*Wild Palms"*.

COMPANY C

Formed as proprietorship in 2006. Defendants are charged with copying and profiting off of Plaintiffs property as **Defendants Glass, Defendants Cardboard and Defendants VR**

COMPANY D

Proprietorship. Defendants are charged with copying and profiting off of Plaintiffs aerospace property as **Defendants Loon and Defendants Satellite and DefendantsSpace X. COMPANY D** is an Aerospace company. **COMPANY D** received a U.S. Patent and file U.S. Patent applications on the technology known as the "microthruster" in it's small format design or "EM-Drive" in it's large-format design. This propulsion technology uses electronic ion-streams to push objects along their path of travel as a transportation propulsion engine. Microthrusters are now in use on multiple NASA, DoD and Telco spacecraft in outer space and on numerous devices on Earth. **COMPANY D** overcame NASA patent prior art on the same technology when Plaintiffs demonstrated for the U.S. Patent Office a steerable 4-foot diameter, entirely electronic, ion-propulsion craft flying, for U.S. Patent Office reviewers and validated in front of Intel's lead patent officers. Plaintiffs teams have launched their crafts to the edge of space and back. The technology allows something as simple as a weather balloon with a layered pop-proof polymer skin and internal filament tension cords, to go beyond the buoyancy point, where other balloons simply "stop or pop", and enter outer space to carry a micro satellite. PFS specialized in lighter-than-air launch vehicles, particularly for global communications enhancement.

COMPANY E

Was a Delaware corporation, the registration was cancelled and it was rolled back into a proprietorship when the attacks by Defendants commenced. **COMPANY E** was put on hold during the attack by Defendants which included the use of Defendants fronts known as In-Q-Tel, Jigsaw and New America Foundation and the insertion of Defendants into the "Arab Spring" controversy in order to potentially rig Lithium mining

deals in the Middle East for Defendants electric car companies per the articles promoted by Defendants entitled: ***"Afghanistan is the Saudi Arabia of Lithium"***. Plaintiffs sued Defendants financial associate: a group known for dirty-tricks-for-hire services called: In-Q-Tel, and forced In-Q-Tel to stand before a federal judge in a San Francisco court roomand explain how their "501 C 3 Non-Profit Charity Status" coincided with the removal of five tons of Cocaine from their aircraft in a raid by DEA officials, why In-Q-Tel staff work for Defendants and Elon Musk and why Defendants Eric Schmidt and In-Q-Tel have exchanged so much in the way of financial upsides in efforts funded by U.S. taxpayers. This telephone-based application **COMPANY E. Defendants are charged with copying and profiting off of Plaintiffs property as** peer-to-peer internet technology, **Serval, Commotion** and **Defendants Ideas. COMPANY E** was a Delaware corporation. Peep was put on hold during the Defendants attack. This telephone-based application was initially personally funded by Plaintiffs. It is an early stage company developing and delivering software that offers billions of dollars in savings by replacing the current system of server racks and cell towers employed by wireless network carriers. Peep's technology is based on the technology described in Plaintiffs application to the USPTO, for "Mesh Based Network Architecture". Earlier versions of the technology approach have been proven by multiple companies including the Swedish company TerraNet. According to a September 11, 2007, BBC News Report, in 2007 TerraNet launched demonstration projects in Tanzania and Ecuador and obtained 33 million in financing from the mobile phone manufacturer Ericsson to develop its wireless mesh technology. See (http:/Znews.bbc.co.uk/Z/hi/technology/6987784.stm) Nokia has reportedly since acquired TerraNet. A search of the term "wireless mesh" yields many hits including a Wikipedia page that includes references to US. Military use of the technology see (http://en.wikipedia.org/wiki/Wireless mesh network#cite note-4; see also http://wwwmeshdynamics.com/militag-mesh\u2014networkshtml). Peep solved the problems that have prevented other wireless mesh companies from achieving commercial success. Plaintiffs released a set of the technology, with the help of Steve Jobs at Apple before his death, as an emergency communications tool for the Japanese Tsunami. Apple distributed it on the Apple App and emailed the Plaintiffs stating it was the fastest App-to-market cycle in Apple history at the time due to the **life-saving potential of the App.** Concurrent with the release of that App, the country of Tunisia was having a democracy uprising and began using the App for its critical-needs social effort. Egypt followed with the use of the App, and the App was renamed DEMOCRI-C (TM) and had become the first peer-to-peer mesh network emergency communicability App in the world. This P2P technology is now embedded in Qualcomm chips, carried in 80% of mobile devices, and per (http://p2p-internet.weebly.com) is the basis for the new global Internet. **COMPANY E** had no "back-doors" built into it. It was provided free to groups associated with the International Red Cross, Amnesty, Human Rights Watch and United Nations related organizations. A later version is now in distribution on all three of the major App stores, globally.

COMPANY F

Is a Delaware and California corporation that was incorporated in 2002 Plaintiffs converted it back to a California company from a Delaware jurisdiction and all California filings are paid up. Defendants are charged with interdicting and sabotaging Plaintiffs property of COMPANY F via **DefendantsTesla, Ivanpah, VVC, and lithium mining holdings.** COMPANY F won key federal patents, Congressional commendation in the Iraq War Bill, a government grant and national acclaim. Defendants circumvented COMPANY F Government contracts and received billions of dollars of grants at COMPANY F expense by illegally compensating elected, appointed and other public officials in exchange for taxpayer cash and government resources in order to acquire tens of millions of dollars of Plaintiffs funds and billions of dollars of potential profits and re-route the funds and the profits to Defendants bank accounts. Subsequently, Defendants products have failed, been globally labeled as a life threatening hazard to public safety by the United Nations and the FAA and turned out to be a portion of a possible commodities scam currently under investigation by the SEC. 3. Company used venture capital funds, Plaintiffs personal funds, and a US. Department of Energy multi-million dollar grant to develop a working version of a hydrogen fuel cassette storage and distribution system that obsoleted Defendants lithium ion battery mines and that can power every vehicle in America entirely from domestic resources. One venture capital investor made a substantial return on its investment when it cashed out in 2006. COMPANY F hydrogen cassette prototype has been tested and verified by Sandia Labs and other partners, and has been delivered to the market globally, and has nearly a hundred emulators in the market. Sandia research documents industry metrics, billions of dollars of university research, operational units in the field, and, duplicated products validate COMPANY F technologies. Third party reports demonstrate superior performance to traditional energy storage and retrieval devices. Sandia determined that a COMPANY F hydrogen fuel cartridge, the same size and weight of a Lithium ion battery, holds substantially more energy than the Li-ion battery, which Defendants investors control. COMPANY F technology is based on Plaintiffs exceptional and extensive patent suite including, but not limited to: US. Patents: (Method and apparatus for a hydrogen fuel cassette distribution and recovery system)Filed in 2002, Issued in 2008); (Solid-state hydrogen storage systems; Filed in 2004, Issued in 2007); (Hydrogen storage, distribution, and recovery system\Filed in 2002, Issued in 2007); and (Methods for hydrogen storage using doped alanate compositions; Filed in 2003, Issued in 2006). As the Middle East has fallen to shreds for the West, a plight foreseen by Plaintiffs per their Iraq War Bill award, offshore fuels have become a severe threat to domestic security. Lithium ion battery sources have been shown by federal reports and extensive media coverage to be self-explosive, toxic, cancer-causing, factory worker killing, liver-damaging, brain-damaging, lung-damaging, fire-causing, war-causing, plane-crashing chemical systems, which deteriorate over time. Plaintiffs, Toyota's, KIA's, Honda's, Hyundai's, True Zero's and other major brands' approach is the right one for the nation, and for public safety. With Congressional commendations in national War bills, Federally mandated grants, and historical Federally confirmed U.S. patent issuances, this program made industry history.

COMPANY G

COMPANY G was formed in 2002 and still operates. Defendants are charged with interdicting and sabotaging Plaintiffs property of **COMPANY G** with **Defendantss Tesla, Driverless Car, EcoMotors, V V C, etc. ownerships**. (http://earth2tech.com/2010/05/04/google-ventures-the-lesson-of-v-vehicle Defendants Ventures and The Lesson of V-Vehicle) Defendants circumvented **COMPANY G** Government contracts and received billions of dollars of grants and profits at **COMPANY G** expense by illegally compensating elected, appointed and other public officials in exchange for taxpayer cash and government resources in order to acquire tens of millions of dollars of Plaintiffs funds and billions of dollars of potential profits and re-route the funds and the profits to Defendants bank accounts.

COMPANY H

An active California limited liability company sold to an investment group. Defendants are charged with copying and profiting off of Plaintiffs property as **Defendants Smart Home, Internet of Things, Nest.** **COMPANY H** was an active California limited liability company. **COMPANY H** is a designer and builder of environmentally responsible, energy efficient, prefabricated homes. Dwell Magazine co-sponsored the national launch of the company. Plaintiffs founded the company, was the initial investor, and hired all other members of the company. The company website shows that more than 20 homes have been designed with the majority currently in residential use. Better Homes and Gardens featured Plaintiffs in their Discovery Channel educational television series called: *"Building America's Home"*. In 2005 Plaintiffs sold their interest in **COMPANY H** to the current owners. The designs and methods currently in use by Clever Homes are based on Plaintiffs inventions. **COMPANY H** the San Francisco Giant's SBC Park unveiled a well-known green demonstration home produced and created by Plaintiffs in October 2004. Plaintiffs developed ways to use debris wood from the Japanese Tsunami recovery as shown on network television. The project was subsequently donated to the City and County of San Francisco and is currently in use as the Bay View Hunters Point Alice Griffith Community Center. FabModern was an on-line design portfolio of Plaintiffs green home designs and personal building site. Plaintiffs filed 3 patents for digitally networked "Smart Homes" and built the most visible "Smart Digital Home" in the world, at the time.

COMPANY I

COMPANY I was created by Plaintiffs in San Francisco in 1990 as an integrated service of Plaintiffs social media network launched in 1985. It still exists as a sole proprietorship. Defendants, itself, is the competitor and is believed to have created the company: "Defendants" from copying Unifree. Defendants are charged with copying and profiting off of Plaintiffs property. Defendants lawyer runs the U.S. Patent Office and is suspected of interfering with Plaintiffs patent and trademark filings. Unifree was created by Plaintiffs in San Francisco in 1990. Plaintiffs received a White House letter from the Vice President for their work in this area.

Work has continued and patents have continued to issue up to today. COMPANY I was launched on the web and operated as an on-line search engine. Previously filed patents and Federal records prove pre-existence of the technology, company, and website by Plaintiffs prior to the existence of Defendants. As the name implies, it was a collection of UNIVERSALLY FREE on-line services such as mail, video, search, social networking, messaging, VOIP, etc., UNIVERSALLY available for the world population and integrated across a common front end. Unifree was a website which, exactly like the later "Defendants", offered all of the free on-line services that Defendants offers today, with a particular emphasis on on-line media. The United States Patent Office Trademark filings and records describe the free online services center in a manner that many observers feel describes the LATER creation of Defendants. The State of California confirms that COMPANY I existed with a California Entity Number as of 11/12/1997. The public interest ranking algorithm that Plaintiffs created to automatically determine which links to services would be ranked above others on the home page. It was a robotic formula that acted as the Internet guide for your web experiences exactly as Google later did, just as Defendants do today. COMPANY I was fully operational on the World Wide_Web far longer than Defendants has existed. On February 4, 1998 Plaintiffs executed a Non-Disclosure Business Partnership development agreement with Yahoo, Inc. for COMPANY I , and engaged in numerous time-stamped email communications with funding inquiries and fishing expedition inquiries from Defendants venture capital investors. Plaintiffs was featured on a nationally broadcast hour-long TV program discussing the technology. The name Defendants was formally incorporated on September 4, 1998 at girlfriend Susan Wojcicki's apartment in Menlo Park, California. The first patent filed under the name "Defendants Inc." . COMPANY I was orignally COMPANY I which launched in 1985. The first known graphics-capable social network sold in the market. Defendants are charged with copying and profiting off of Plaintiffs property as **Defendants, Inc. <u>Defendants</u>, itself,** is a competitor. COMPANY I was the first to use Mitsubishi modem based picture phones, computers, faxes and both analog and digital communications lines. COMPANY I worked with Henry Dakin and the Washington Street Institute on human interaction projects and Russian/American relations improvement efforts and then the modern Russian revolution. COMPANY I was featured in national display advertising and had a large subscriber base years before Defendants or Facebook even existed. For a number of years, the U.S. Patent Office has been reviewing a patent award submission by Plaintiffs. In 2015 and 2016 the patent office ruled that the invention of social media networks was invented by either Plaintiffs, Yahoo's engineering group or Mark Zuckerberg. After detailed review, the Patent Office ruled that the evidence proved that Plaintiffs had produced social media networks years before Yahoo or Zuckerberg had even formed their companies. As Plaintiffs patent was being approved, the Examiner suddenly contacted Plaintiffs patent attorney and stated that the approval of the patent had been reversed by the Senior Administration of the U.S. Patent Office. It was soon discovered that the Senior Administration of the U.S. Patent Office is Michelle Lee, Defendantsattorney and shareholder, and her associates, who were lobbied into appointment by Defendants. Defendants is the number on entity who would have been infringing this additional patent issuance. Congressional, legal and public interest inventor rights groups are now examining this incident. The social media aspect of Plaintiffs internet engine was deployed as the COMPANY I social network long before the Defendants had even met each other. COMPANY I was

advertised in Bay Area newspaper display advertising and certified by the State of California in filed public records with the Secretary of State on March 1, 1987.

COMPANY J

COMPANY J existed years before **YouTube.** It still exists as a California corporation. Defendants are charged with copying and profiting off of Plaintiffs property as **YouTube. DefendantsYouTube** is a 100% copy of Plaintiffs world-reknown COMPANY J COMPANY J existed years before **YouTube Bittorrent, Napster, Hulu, Sony VUE, Vudu, or Netflix Streaming** was even formed or existed. Its patents pre-date the formation of YouTube by many years. A half hour broadcast television show on the TV series Silicon Valley Business Report and the vast number of articles, Consumer Electronic Show (CES) presentations and letters documents the VOD company. It was the world's first public full-screen video store, online media channel and self-media distribution outlet. It is fair to say that Plaintiffs idea of delivering all media over the internet has been verified as a workable idea by every company that touches the internet including Akamai, Netflix, Bittorrent, Vudu, Hulu, and tens of thousands of others. As hundreds of documents prove, Sony Pictures engaged in extensive contracts, public announcements, meetings, deployments, letters, emails, airplane flights, board and corporate meetings with Plaintiffs (even mentioning Plaintiffs by name, as their source of inspiration, in Sony's Federal patent filings, which were sold to Dish Network by Sony) to have its first internet video-on-demand hardware and software developed by Plaintiffs. COMPANY J and the movie trailer site and dozens of App's produced by Plaintiffs were the first of their kind in the market.

136. Defandants did have their agents, investors, executives and staff contact Plaintiffs under the guise of "considering an investment" in order to induce Plaintiffs to disclose trade secrets under false promises of confidentiality

137. The New York Times newspaper and digital publications group published an investigative article entitled: ***"How Larry Page's Obsession Became DefendantsBusiness*** " on January 22, 2016 by CONOR DOUGHERTY. This article describes the manner in which Defendants founder, Larry Page, seeks to steal ideas, for Defendants, from young entrepreneurs and inventors, much as he appears to have done to Plaintiffs. The article discloses the covert manners in which Defendants harvest intellectual property without revealing their true identies or actual intentions.

138. Hundreds of reporters, clients and members of the public have commented that: "Defendants seems to copy everything you come up with" to Plaintiffs. In one specfic instance, a television show entitled the Silicon Valley Business Report did a broadcast report demonstrating how Plaintiffs company appeared to have been nearly 100% copied by Defendants'sYouTube. In another

instance, the globaly broadcast TV Network E! Entertainment Network produced a network TV segment about Plaintiffs creation: "Scott Glass" which was later copied by Defendants as: "Defendants Glass" with nearly verbatim features, appearance

139. CBS News staff, including Bob Simon of 60 Minutes CBS News, did inform Creditors that Defendants did attack, interfere with the business of, defraud, cyber-stalk and engage in RICO statute violations of Creditors as exemplified in the FBI Solyndra, Cleantech and Obama Administration campaign financing quid-pro-quo investigations since 2007.

140. Federal corruption hearings and court trials in Washington DC have proven these facts and ruled that Creditors were in fact subjected to reprisal, vendetta and retribution actions financed and directed in part by Defendants.

141. Former staff of a company called KiOR have whistle-blown as to the veracity of facts about Defendants and recent CIA/FBI and Russian Hacks of Khosla have confirmed the veracity of damages by Defendants against Creditors.

142. Defendants have sent numerous proxies to spy on and interfere with Creditors under the guise of “helping” Creditors or “considering an investment in Creditors”.

143. Creditors report to the FBI and have privileged access to Federal executive officials such that law enforcement knowledge is shared.

144. House Ethics investigators and San Jose Mercury News investigators have provided additional evidence and verifying data.

145. Tens of billions of dollars of profits were acquired by Defendants while infringing Plaintiffs technologies, and Defendants sought to damage and delay Plaintiffs ability to seek recovery.

146. Defendants maliciously harmed revenue stream of Plaintiffs in order to prevent or delay legal action by Plaintiffs in order to seek to expire statute of limitations. Causes of action continue to this day and Plaintiffs only recently discovered much of the inside information via law enforcement and federal investigators.

147. Defendants’ founders personally solicited and copied CEO business ventures and technologies and wanted to harm Plaintiffs’ brand in order to mitigate discovery of that fact.

148. Plaintiffs testified for federal law enforcement against Defendants and Defendants sought to engage in retribution for Plaintiffs’ testimony. In previous related cases, Plaintiffs won historical national legal precedents and overcame multi-million dollar federal litigation counter-measures by Defendants’ and their associates. Plaintiffs are the first known Americans to receive a federal court confirmation that they were victimized by *“a federal program infected with corruption and cronyism”*. Defendants were the *“crony’s”* referred to by the U.S. Courts. The U.S. Federal Court has now issued one of,

if not the, first rulings in U.S. Federal Court Record stating that Plaintiffs were in fact attacked by corrupt federal employees.

149. Plaintiffs' technologies obsolete Defendants' technologies and Defendants sought to damage Plaintiffs as witnesses and competitors.

150. Defendants sabotaged Plaintiffs' government contracts and circumvented and acquired Plaintiffs' money through illicit actions. Defendants traded campaign financing, that was not properly reported, in exchange for insider contracts and stock valuation pumps.

151. Defendants covertly work together and share common stock transactions, trusts, shell companies, campaign financing, contracts, and personal relationships.

152. Defendants operate a cartel-like organization which fully meets RICO violation parameters.

153. Defendants have been reporting to FBI, OSC, GAO, FTC, CFTC, EU, SEC and U.S. Congress on this case for many years and supportive federal case files are already deeply for this matter and any future Special Prosecutor hearings.

154. Defendants cannot argue time bar statute of limitations due to attacks as recently as today and revelations by the Justice Department as of this week.

155. Defendants cannot argue "Conspiracy Theory" or "Fake News" because the overwhelming current public opinion will destroy them within a week (ie: Voat.co)

156. 95% of the entire 2017 White House Administration supports this case because Defendants spent hundreds of millions of dollars attacking 95% of the entire 2017 White House Administration. Every new FBI director on the short-list for the new FBI supports this case.

157. Plaintiffs have an advance copy of Defendants potential defense plan against this case. Plaintiffs have ongoing resources from law enforcement, investigators and journalists with deep factual repositories. China & Russia are thought to have hacked Defendants, and have begun posting leaks which are helpful to this case. In this election year, more beneficial leaks are expected by the press. Global public trends are tracking negative on Defendants. Plaintiffs won a federal court decision in a partially related case in which investigators found a "Cartel controlled by Defendants" to be the primary financier of the illicit activities. Recent news and government investigation reports prove that Defendants wild and bizarre actions actually took place, even though Defendants tries to play the charges off as "fantastical", in circumventing due process and government ethics programs. News reports of Defendants investors and executives sex scandals and tax evasions prove bad character aspects of defendants.

158. Defendant's attorney Michelle Lee runs the patent office and may have already attempted to interfere with Plaintiffs patent filings, The Defendants-created ALICE and IPR disruptions put Plaintiffs existing patents at risk if any of their patent #'s are named. One day after Plaintiffs

was told they were about to receive their most recent patent, which USPTO had determined over-rode Defendants and Facebook, the USPTO reversed their decision after interjection from Defendants USPTO-based staff.

159. According to large numbers of investment publications, including Investor Place publication: Tesla Motors TSLA Stock: "*Tesla Motors Inc is "Worth $660 Billion". " Today, Apple Inc. (AAPL) is the largest company in the world. But Tesla Motors Inc (TSLA) stock could rocket so high in the next 10 or 15 years that the currently $33 billion automaker exceeds even Apple's $540 billion valuation. That's according to billionaire investor Ron Baron, CEO of Baron Capital, who went on CNBC this morning to rave about TSLA stock*." There is more than enough proof that experts value Tesla Motors at a minimum of $33B and over $660B at a higher argument point. Plaintiffs competing car company, which had solved all of the problems Tesla has had and has a higher volume sales potential due to it's lower retail pricing was worth at least $33B and in excess of $700B and that that one consideration accounts for $700B of damages caused by Defendants in their attacks designed to interfere with the existence of Plaintiffs car company. In like manner, Plaintiffs broadcasting network was supplanted by Defendants broadcasting network which is now equivalent to Netflix or Univision. Motley Fool published a report that *"Shares of streaming video pioneer* ***Netflix*** *(NASDAQ:NFLX) have had another outstanding year in 2015. The stock hit a new all-time high of $132.20 last week. As Netflix stock has taken off, the company's market cap has surged from around $20 billion in January to a staggering $56 billion today."* Univision has publicly stated that it is worth $25B in its SEC filings. Thus Defendants attacks cost Plaintiffs venture group $56B of additional damages by attacking and cloning another of Plaintiffs technologies and businesses. Plaintiffs energy company offered the equivalence of the energy company Bloom Energy which has a market valuation of $3B and thus justifies a loss valuation to Plaintiff of at least $3B. Copy cat companies Tesla Motors, Netflix and Bloom Energy are owned by, managed or co-mingled with Defendants Cartel as are Google and other holders. These companies have been proven, and will again be proven before the jury, to have been first developed, launched, marketed, patented, documented, commended and offered by Plaintiffs. Thus Defendants are clearly documented engaging in over $720B of damages to Plaintiffs via their coordinated malicious attacks, ongoing Streisand-Effect re-attacks, copy-cat efforts, circumvention of Plaintiffs federal funds into Defendants pockets, interference and other actions. Defendants argument of *"how could one entity have so many companies?"* is made moot by the fact that EACH of defendants principles and associates own HUNDREDS of companies apiece.

Damage Awards Demanded

- **A percentage of Defendants profits as a company.**

- A mandated award of the $16B (Sixteen billion dollars) in federal contract that Defendants interdicted from Plaintiffs for Plaintiffs global vehicle manufacturing and energy companies by terminating Plaintiffs State and Federal funds and placing those funds in Defendants bank accounts.
- A percentage of the companies known as Defendants or Alphabet or a percentage of their revenue
- A percentage of all profits from Plaintiffs technologies used by Defendants
- Hit-Job damages awards (Hulk Hogan received a $145M award for the same type of attack by the same parties)
- Loss of income since the start of operations of Defendants
- Punitive damages
- Other damages in excess of five billion dollars

- Full value of the provable damages based on forensic data, SEC filings and comparative asset data = $18 Billion+

Signed and Confirmed:

Date:

RELATED LEGAL PRECEDENTS FAVORING PLANTIFFS POSITION:

HULK HOGAN WINS THE SAME KIND OF CASE AND NOW IN A SIMILAR HISTORICAL WIN:

BOOM! Georgia Judge REFUSES to Throw out CNN's Effort to Dismiss a Fake News Court Case, Cites "a Series of False and Defamatory News Reports"

CNN is now on the verge of being proven a fake news source by Georgia courts! CNN attempted to get the case dismissed involving Davide Carbone, CEO of St. Mary's Medical Center in West Palm Beach who accused CNN of fabricating a story about his hospital.

Federal Judge Orinda Evans
Zach Porter/Daily Report
02/02/09

Citing a *"series of false and defamatory news reports"* that insinuated St. Mary's had an infant mortality rate that was 3 times higher than the national average while ignoring information that made the Medical Center look good. The libel lawsuit against CNN seeking $30 million in damages will continue onward thanks to federal district judge Orinda Evans.

Here is CNNs Fake news report about St. Mary's **they *still* have on their YouTube Page.**

Carbone, who actually lost his job due to the fake news reports **"has presented enough evidence at this early stage of the case to suggest that CNN 'was acting recklessly with regard to the accuracy of its reporting"** according to The National Law Journal.

To make matters worse, judge Evans also found evidence of "actual malice" when insisting on reporting the Medical Center was under an official investigation, even after Florida's Agency for Healthcare administration adamantly denied this was taking place.

Carbone's lawyer describes the ruling as a major victory.

"False and defamatory accusations against real people have serious consequences," he said. *"Neither St. Mary's or Mr. Carbone did anything to deserve being the objects of the heinous accusation that they harmed or put babies and young children at risk for profit."*

"The ruling," he added, *"serves as a well-reasoned reminder that the media, its defense lawyers, and its lobbyists do not have a corner on the market of correct interpretation and application of the First Amendment."*

GAWKER/UNIVISION HAVE A NEW WORLD TO LOOK FORWARD TO!

PROOF OF SERVICE

FL-335

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	To keep other people from seeing what you entered on your form, please press the Clear This Form button at the end of the form when finished.
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
PROOF OF SERVICE BY MAIL	(If applicable, provide): HEARING DATE: HEARING TIME: DEPT.:

NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
3. I served a copy of the following documents *(specify)*:

   by enclosing them in an envelope AND
   a. ☐ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
   b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
4. The envelope was addressed and mailed as follows:
   a. Name of person served:
   b. Address:
   c. Date mailed:
   d. Place of mailing *(city and state)*:
5. ☐ I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. *(Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334) may be used for this purpose.)
6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME) ▶ (SIGNATURE OF PERSON COMPLETING THIS FORM)

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Form Approved for Optional Use Judicial Council of California FL-335 [Rev. January 1, 2012] **PROOF OF SERVICE BY MAIL** Code of Civil Procedure, §§ 1013, 1013a www.courts.ca.gov