

BRADFORD L. GEYER (*pro hac vice*)
brad@formerfedsgroup.com
FORMERFEDSGROUP.COM LLC
2006 Berwick Drive
Cinnaminson, NJ 08077
Telephone: (856) 607-5708

ROB HENNIG
rob@employmentattorneyla.com
HENNIG KRAMER RUIZ & SINGH, LLP
3600 Wilshire Blvd, Suite 1908
Los Angeles, CA 90010
(213) 310-8301 phone
(213) 310-8302 fax

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Sally Loveland, a California Resident,
Sharon Cheatle, a California Resident,
Janine Cortese, a North Carolina Resident

Plaintiffs,

v.

FACEBOOK, INC.

Defendant

Case No. 3:21-cv-03300-CRB

Hon. Charles R. Breyer

- 1) **MONOPOLIZATION OF SOCIAL NETWORK MARKET**
Violation of the Sherman Act (15 U.S.C. § 2)
- 2) **ATTEMPTED MONOPOLIZATION OF SOCIAL NETWORK MARKET**
Violation of the Sherman Act (15 U.S.C. § 2)
- 3) **MONOPOLIZATION OF SOCIAL MEDIA MARKET**
Violation of the Sherman Act (15 U.S.C. § 2)
- 4) **ATTEMPTED MONOPOLIZATION OF**

SOCIAL MEDIA MARKET
Violation of the Sherman Act (15
U.S.C. § 2)

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ATTACHMENT A

A. HCQ AND IVM ACCESS NOW

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5 1. In early May 2020, HCQ AND INV ACCESS Now (HAN) was an example of a
6 public forum created for the purpose of: 1) discussing the value of HCQ and IVM to the
7 American people as safe and off-patent solutions to prevent unnecessary deaths associated with
8 the pandemic; 2) to discuss the massive effort to develop and impose a mandatory and
9 potentially dangerous vaccines as well as the development and promotion of untested and
10 inefficacious medications and treatment options for COVID-19; 3) determine the source of
11 greatest health care system in the world’s inability to properly respond to the pandemic; and 4)
12 promote free expression. Media inattention to these systemic failures left the Plaintiffs to rely on
13 their own research and evaluation, discussion, and dissemination of information during a
14 developing pandemic. As social media platforms restricted access to certain forms of thought and
15 promoted others, in particular Facebook’s aggressive censorship of the sharing of information,
16 the Plaintiffs’ conviction and sense of obligation to their fellow citizens became an unquenchable
17 duty. Plaintiffs and other newsgroup users quickly began advocating for open and honest public
18 debate on the efficacy and safety of the courses of treatment and responses advocated by WHO
19 and the CDC. Plaintiffs using their own pages, HAN and other newsgroups helped the public
20 navigate the “clutter” of the internet age by posting reliable and up-to-date content for Americans
21 desirous for new information that could help their families.
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25 2. Plaintiffs, HAN and its users and users in other newsgroups that had formed
26 during the pandemic became designated as “vaccine hesitancy” users that were targeted by
27 Facebook for special retaliation. As outlined below, they quickly identified emerging bodies of
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1 research from respected physicians and researchers that were struggling to be heard and posted
2 that information on Facebook. Plaintiffs and other HAN users were not surprised to learn that
3 thousands of physicians and researchers agreed with an emerging consensus that was developing
4 nowhere faster than on pages of HAN and other newsgroups. Plaintiffs and HAN users could
5 quickly read through a few days of posts and draw their own conclusions based on scientific
6 articles presented, that were often at variance with WHO and CDC opinions.
7

8 3. HAN's user group prominently featured a "Popular Topics in Posts" section down
9 its right-hand column with hyperlinks to 36 headers, that include "Bad Faith Curation,"
10 "Vaccines," "HCQ Efficacious," "Doctor Intimidation," "Potential Crimes: Corruption/Fraud,"
11 "Fauci Resign," "Find Doctor," and "Ivermectin Efficacious," as examples. Users collected
12 information and research around themes to create and preserve the historical record and to
13 provide one place where desperate Americans could come to learn about medical research and
14 where they might receive treatments from licensed physicians.
15

16 4. On or about May 2020, administrators for HAN and other pandemic newsgroups
17 agreed to Facebook's Terms to create the group and have since actively maintained its Facebook
18 group. HAN has a current Facebook community of approximately 3,600 followers having peaked
19 at over 4,700 followers.¹ HAN users upload articles or video posts to/from their own pages,
20 directly from other platforms to its Facebook page on a frequent basis, along with other articles
21 or video posts, and hyperlinks to HAN's archived articles of interest to its community.
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25 ¹ On January 6, 2021, a hacker was granted access to the HAN platform although no duly
26 authorized administrator can recall granting the hacker access. After deleting posts going back
27 months, the hacker changed the name of the group to "Donald Trump is a Sad, Fat, Pathetic
28 Loser." Administrators were able to reestablish control over the newsgroup within 48 hours, but
it took seven weeks for Facebook to authorize the name change to HCQ AND IVM ACCESS
NOW. During the interim, HAN lost approximately 900 members.

1 Throughout 2020 when information was hard to come by, a follower or visitor to HAN's
2 Facebook page could readily search the "posts" archive and retrieve all of HAN users' present
3 and past articles concerning, conflicts, errors, and omissions by the various Facebook
4 government overseers. This capability was removed by Facebook in August 2020, as was HAN
5 ability to share directly to their personal Facebook pages from the HAN platform.
6

7 5. As set forth *infra*, HAN did not use its Facebook page to post any content that
8 breached Facebook's terms or community standards or was otherwise "unlawful, misleading,
9 discriminatory or fraudulent."²
10

11 6. Under Section 1 of its adhesion contract Terms, Facebook describes its products
12 and services to include, inter alia, "[to] empower you to express yourself and communicate about
13 what matters to you" and one of those ways to "express yourself" is "adding content to your
14 profile." Of its many reserved rights, Facebook notably does not retain the right to create or add
15 its own content to a user's page, except for a specified reservation for "ads, offers, and other
16 sponsored content [. . .] which [o]ur partners pay us to show [] to you." In Section 3(1),
17 Facebook reiterates that the user "own[s] the content that [the user] create[s] and share[s] on
18 Facebook[.] [. . .] and nothing in these Terms takes away the rights that [user] have to [their] own
19 content." In Section 4(3), Facebook reiterates that "[w]e do not control or direct what people and
20 others do or say, and we are not responsible for their actions or conduct (whether online or
21 offline) or any content that they share (including offensive, inappropriate, obscene, unlawful and
22 other objectionable content.)".
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28 ² Facebook Terms of Service, <https://www.facebook.com/terms.php> at ¶ 3(2)(1).

1 7. With respect to “harmful conduct,” Facebook’s Terms permit it to “detect misuse
2 of [its] Products, harmful conduct towards others and situations where [it] may be able to help
3 support or protect [its] community.” Facebook retains limited rights, e.g., “offering help,
4 removing content, blocking access to certain features, disabling an account, or contacting law
5 enforcement[.] [and] shar[ing] data with other Facebook companies when [it] detect[s] misuse or
6 harmful conduct[.]” Here, too, Facebook does not reserve or retain the right to create its own
7 content on a user’s page.³
8

9 8. Facebook’s Terms purport to limit Facebook’s liability “to the fullest extent
10 permitted by applicable law.”⁴ The “applicable law” is California Civil Code section 1668,
11 which establishes that “[a]ll contracts which have for their object, directly or indirectly, to
12 exempt anyone from responsibility for his own fraud, or willful injury to the person or property
13 of another, or violation of law, whether willful or negligent, are against the policy of the law.”
14

15 9. Since May 2020, to please its government overseers and specifically intending to
16 secure or protect its monopoly, Defendants have falsely denigrated Plaintiffs and newsgroups
17 like HAN that sought to publish information that conflicted with the false “reality” that there
18 were no treatment options through the posting of “warning labels” on a multitude of
19 informational posts, which conveyed a false imputation of dishonesty on anyone making such a
20 post. Since May 2020, when HAN was created and prior to that on Plaintiffs personal pages and
21 in other newsgroups, Defendant and affiliated “fact-checkers” (their Orwellian term) have
22 published “false information” tags on HAN’s and other newsgroups’ pages and Facebook’s
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27 ³ Id. at ¶¶ 1, 3(2)(3).

28 ⁴ Id. at ¶ 4(3).

1 user's pages, which materially misrepresent the accuracy of content posted by Plaintiffs on
2 personal pages, HAN's pages, and the pages of other news groups.

3 10. On or about May 2020, Facebook began covertly to demote and/or ban content
4 ("shadow-ban") that Plaintiffs posted, administered, or moderated on the HAN Facebook page
5 and other pages, effectively limiting their visibility and reach. Facebook owns a patent on social
6 media shadow banning.⁵ The patent describes the mechanism by which shadow banning is
7 accomplished. In one embodiment, the social networking system blocks banned comments by
8 analyzing the text of the comments. For example, if a comment includes a profane word, as
9 provided in a list of banned words, the social networking system will not display the comment to
10 other users of the social networking system.
11
12

13 11. Additionally, in one embodiment, Facebook also performs a "sentiment analysis"
14 to identify whether a comment includes sentiment that is banned under Facebook's community
15 standards. Finally, Facebook's patent permits it to train a machine learning classifier to block
16 comments based on Facebook content moderators' actions of manually deleting comments or
17 unblocking comments in the online forum. In one embodiment, the blocked comments are not
18 displayed to the wider community of Facebook users. However, the blocked comments are
19 displayed to the commenting user and his or her friends within the social networking system. As
20 such, Facebook's software creates a simulacrum in which the "offending" user — here a poster
21 on HAN or other newsgroups— is not aware that their comment or content is not displayed to
22 other users of the forum. Since May 2020, Facebook has utilized this deceptive scheme in order
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25 ⁵ See United States Patent No. 10,356,024, Kanter et al. (Moderating content in an online
26 forum), USPTO Patent Full-Text and Image Database, UNITED STATES PATENT AND
27 TRADEMARK OFFICE (Jul 16, 2019), <http://patft.uspto.gov/netacgi/nph-Parser?Sect2=PTO1&Sect2=HITOFF&p=1&u=/netahtml/PTO/search-bool.html&r=1&f=G&l=50&d=PALL&RefSrch=yes&Query=PN/10356024> (last accessed
28 7/26/2021).

1 to covertly limit or block Plaintiffs' content while misrepresenting the visibility and reach of that
2 content when posted on personal pages and on HAN and other newsgroups.

3
4 12. At an April 17, 2020, CNN "Global Town Hall" to assuage hawk-eyed monopoly
5 enforcers and government agents evaluating whether Facebook's monopoly should be protected
6 or broken-up, Zuckerberg boasted that "we work with independent fact-checkers [] and warning
7 labels work. We know that because 95% of the time when someone sees a piece of information
8 that has a fact-check on it, they don't click through and consume that information."⁶

9
10 13. Indeed, Facebook has used "A/B testing" (testing users' response to variants) to
11 achieve its intended psychological effect on user behavior.⁷ Essentially, similar demographic
12 test-groups are shown two (or more) different behavior modification mechanisms, and the most
13 effective mechanism is chosen based on statistical results in terms of which variant achieves the
14 desired user behavior.⁸

15
16 14. The "whistleblower"⁹ also described Facebook's use of "troll scores" that were
17 assigned to accounts and used to assess what punitive actions it would take against the
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19
20 ⁶ Entire CNN April 16 coronavirus town hall, supra,
<https://www.cnn.com/videos/business/2020/04/17/entire-april-16-coronavirus-town-hall-part-5-sot-vpx.cnn> (checked July 26, 2021)

21
22 ⁷ <https://www.facebook.com/business/help/1738164643098669?id=445653312788501> (checked
July 26, 2021)

23
24 ⁸ About A/B Testing, Business Help Center, FACEBOOK FOR BUSINESS)
<https://www.facebook.com/business/help/1738164643098669?id=445653312788501> (last
accessed Nov. 17, 2020).

25
26 ⁹ [Bombshell: Facebook Whistleblower Exposes Malicious Algorithm to Shadow Ban and "De-
boost" Conservative Content - Stillness in the Storm](https://stillnessinthestorm.com/2019/02/bombshell-facebook-whistleblower-exposes-malicious-algorithm-to-shadow-ban-and-de-boost-conservative-content/) (February 27, 2019)
27 [https://stillnessinthestorm.com/2019/02/bombshell-facebook-whistleblower-exposes-malicious-
algorithm-to-shadow-ban-and-de-boost-conservative-content/](https://stillnessinthestorm.com/2019/02/bombshell-facebook-whistleblower-exposes-malicious-algorithm-to-shadow-ban-and-de-boost-conservative-content/) (checked July 25, 2021)
28

1 accountholder. There is no accountability or accountholder recourse since Facebook compiles its
2 punitive “troll scoring” without the holder’s knowledge.¹⁰

3 15. The “whistleblower” also revealed Facebook’s use of a “deboosting” score, which
4 it uses to “deboost” content produced by the accountholder’s page. Facebook deployed a similar,
5 if not the same algorithm, to limit the visibility and reach of HAN content and Facebook users
6 who used HAN and other disliked newsgroups. As explained by the whistleblower and
7 screenshots obtained by Project Veritas, the ActionDeboostLiveDistribution tag is designed to
8 “deboost” content produced by the pages it is attached to, specifically suppressing the
9 distribution of livestreams from that page. A current Facebook employee confirmed to Project
10 Veritas that the code could reduce a “video’s visibility in news feeds, remove sharing features,
11 and disable interactive notifications.” Users of HAN and other pandemic newsgroups had their
12 personal page and newgroup livestream capability restricted sometime after May 2020. This was
13 specifically intended to please government overseers positioned to promote or punish
14 Defendant’s growing monopoly position.
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18 16. The “whistleblower’s” account elaborates upon newspaper and magazine articles
19 about internal and top-down biases in Facebook’s content control processes. A “Wired”
20 magazine article reported on Facebook’s use of a custom algorithm — “Click Gap” —
21 specifically to limit the spread of whatever Facebook terms “fake news.” Facebook deployed a
22 similar, if not the same algorithm, to damage Plaintiffs, HAN, and other newsgroups they formed
23 and used, by covertly limiting the visibility and reach of its content. An April 18, 2019 “Wired”
24 article explains: “Click-Gap, which Facebook is launching globally today, is the company’s
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27 ¹⁰<https://www.bing.com/videos/search?q=facebook+whistleblower+2019&&view=detail&mid=8F5A0C8CC25DFE5B7D3B8F5A0C8CC25DFE5B7D3B&&FORM=VDRVSR> (checked
28 [7/26/2021](https://www.bing.com/videos/search?q=facebook+whistleblower+2019&&view=detail&mid=8F5A0C8CC25DFE5B7D3B8F5A0C8CC25DFE5B7D3B&&FORM=VDRVSR))

1 attempt to limit the spread of websites that are disproportionately popular on Facebook compared
2 with the rest of the web. If Facebook finds that tons of links to a certain website are appearing on
3 Facebook, but few websites on the broader web are linking to that site, Facebook will use that
4 signal, among others, to limit the website's reach."¹¹

5
6 17. A CNET article reported that Facebook planned to use "updated machine
7 learning" to detect more potential "hoaxes" and send them to third-party "fact-checkers."
8 Facebook used the same or similar machine learning systems to detect and flag CHD content for
9 sending to Facebook's "fact-checker" affiliates¹² and it did the same to Plaintiffs, HAN, and
10 users of other newsgroups.

11
12 18. Facebook works with others and directly to label, suppress, and censor vaccine
13 and COVID-19 related content on Plaintiffs' use on personal pages and on newsgroups like HAN
14 pages. The enterprise operates under the direct supervision and control of Defendant Facebook's
15 corporate leadership and Zuckerberg. It includes individual Facebook officers or employees
16 (known only to Facebook) responsible for key design elements that enable widespread AI-driven
17 "fact-check" content suppression and manipulation. The enterprise manipulates technical
18 processes to "shadow ban" Plaintiffs' posts on personal pages and on newsgroups like HAN, i.e.,
19 deceive Plaintiffs as to the reach and visibility of their posts, and prevent their content from
20 being disseminated. The enterprise also exploits internal marketing and psychometric data to
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24 ¹¹ Facebook Is Changing News Feed (Again) to Stop Fake News, WIRED (Apr. 10, 2019),
25 <https://www.wired.com/story/facebook-click-gap-news-feed-changes/> (last accessed Nov. 17,
26 2020).

27 ¹² R. Cheng, Facebook will use machine learning to fight fake news, CNET (Aug. 3, 2017),
28 <https://www.cnet.com/news/facebook-will-use-machine-learning-to-fight-fake-news/>
(last accessed November 20, 2020).

1 “sandbox” Plaintiffs, i.e., selectively hide content from other users based on their psychological
2 profile, and ward off the possibility that alternative content posted by Plaintiffs may influence
3 the views of other users. “Sandbox” is an apt term for isolating users in an echo chamber of like-
4 minded viewpoints where existing views are reinforced, and alternative or opposing ideas are not
5 considered.

6
7 19. The COVID-19 Pandemic developed around the preexisting Facebook effort to
8 undermine critics of mandatory vaccine policy, and Facebook doubled down on its scheme in
9 helping the government promote vaccine policy, exaggerate the need for vaccines and “new”
10 drugs and they censored speech that was inconvenient to these goals. As the United States
11 moved to its extreme pandemic footing, urged on by conflicted, corrupted, and compromised
12 “expert” opinion, Facebook identified new and expanding areas of bad faith censorship depriving
13 Plaintiffs and other Facebook users of their constitutional rights.
14

15 **On Facebook and Instagram:** We remove COVID-19 related misinformation
16 that could contribute to imminent physical harm. We’ve removed harmful
17 misinformation since 2018, including false information about the measles in
18 Samoa where it could have furthered an outbreak and rumors about the polio
19 vaccine in Pakistan where it risked harm to health aid workers. Since January,
20 we’ve applied this policy to misinformation about COVID-19 to remove posts
21 that make false claims about cures, treatments, the availability of essential
22 services or the location and severity of the outbreak. We regularly update the
23 claims that we remove based on guidance from the WHO and other health
24 authorities. For example, we recently started removing claims that physical
25 distancing doesn’t help prevent the spread of the coronavirus. We’ve also
26 banned ads and commerce listings that imply a product guarantees a cure or
27 prevents people from contracting COVID-19.
28

22 20. On January 30, 2020, Facebook “said in a blog post that it would remove content
23 about the virus ‘with false claims or conspiracy theories that have been flagged by leading global
24 health organizations and local health authorities,’ saying such content would violate its ban on
25 misinformation leading to ‘physical harm.’ **** Fact-checking initiative PolitiFact said
26 misinformation about the virus online included hoaxes about its source, its spread, and how to
27
28

1 treat it, as well as false conspiracies about its connection to biological warfare and the Chinese
2 government.”¹³

3 21. On January 31, 2020, Facebook increased its policing (and content creation) to
4 placate its government overseers concerned about its effects on an upcoming election where it
5 announced that it would now flag context and direct users to WHO-approved content.¹⁴
6

7 We will also soon begin showing messages in News Feed to people who previously
8 engaged with harmful misinformation related to COVID-19 that we’ve since removed,
9 connecting them with accurate information,” Zuckerberg said in a post.

10 The new alert is a concession to critics who have long called for Facebook to “correct the
11 record” by telling users about posts it later removes or labels as false. The company
12 previously resisted those proposals, arguing that drawing attention to dubious claims can
inadvertently fuel their spread.

13 The notifications, which will start appearing in the coming weeks, will direct people to a
14 World Health Organization list of common myths about the virus and encourage them to
“help friends and family avoid false information,” Facebook said.

15 The alerts will not inform users they are receiving the nudge because they had previously
16 liked, reacted, or commented on false posts, nor will they debunk specific claims.

17
18 22. Unbeknownst to Plaintiffs and because they were focused on early treatment
19 using off-patent treatment solutions and prophylaxis, this resulted in Plaintiffs at some point
20 being deemed by Facebook to be “vaccine hesitant,” regardless of the accuracy or fairness of this
21 designation and, as such, Facebook shows the content generated by those deemed “vaccine-
22 hesitant” to only some already- “decided” users, but Facebook does not show it to any other
23
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25 ¹³ As coronavirus misinformation spreads on social media, Facebook removes posts
26 <https://www.reuters.com/article/us-china-health-facebook-idUSKBN1ZV388> (last accessed. 20,
2020)

27 ¹⁴ Facebook to notify users who have engaged with harmful COVID-19 posts
28 [https://www.reuters.com/article/us-health-coronavirus-facebook/facebook-to-notify-users-who-
have-engaged-with-harmful-COVID-19-posts-idUSKCN21Y1YB](https://www.reuters.com/article/us-health-coronavirus-facebook/facebook-to-notify-users-who-have-engaged-with-harmful-COVID-19-posts-idUSKCN21Y1YB) (last accessed Nov. 20, 2020)

1 “undecided” or “opposed” users. Facebook, with the government’s assistance, blocks content
2 critical of the CDC, WHO, elected officials it likes and that protect Facebook and even its
3 officials.

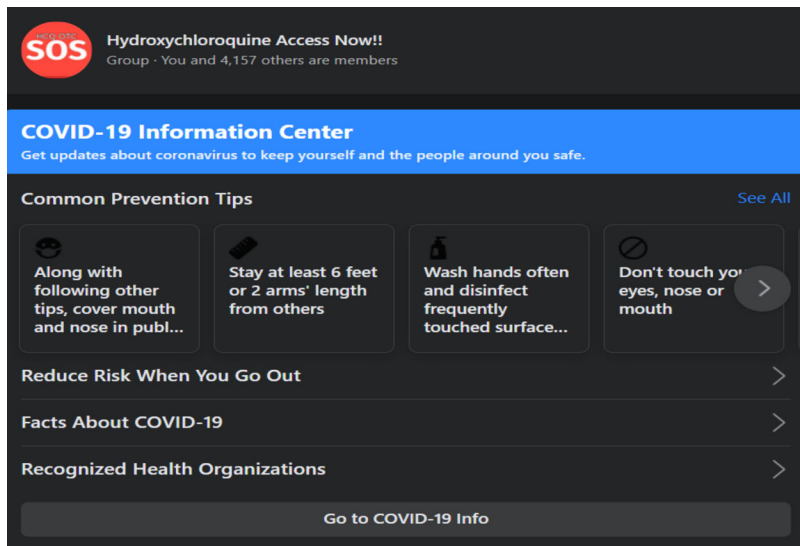
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6 **B. Defendants Falsely Disparage Plaintiffs and HAN Through the Warning Labels,
7 and Materially Deceptive use “Fact-Checkers” and Branding Posts as False**

8 23. On September 4, 2019, after “several months of discussion” with the WHO,
9 Facebook published warning labels on newsgroups that advocated health policy that conflicted
10 with WHO policy.¹⁵

11
12 24. Facebook republished this disparaging falsehood every time a user uploaded to
13 newsgroups like HAN, as has occurred literally thousands of times since May 2020.

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15 25. In reference to HAN, users must perform a search which yields the following
16 screen:

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27 ¹⁵ Vaccine Misinformation: Statement by WHO Director-General on Facebook and Instagram,
28 supra, (<https://www.who.int/news-room/detail/04-09-2019-vaccinemisinformation-statement-by-who-director-general-on-facebook-and-instagram>)

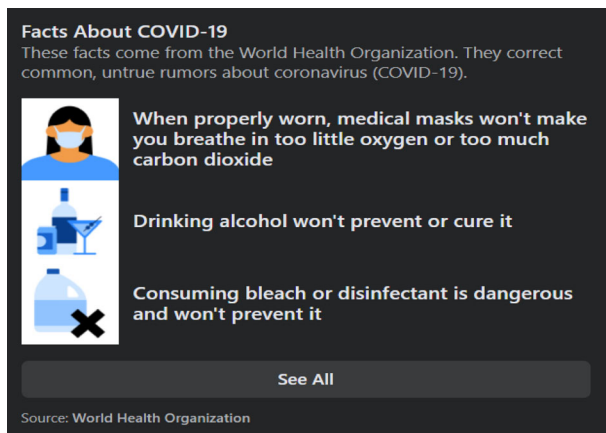


26. Most users reasonably believe that the newsgroup content is described at the blue bar and below and it's the rare user who would know that they are actually required to click on an invisible hyper link on the name itself. Clicking on the icon is not sufficient and if you click less than perfectly the user is drawn into the "official truth abyss." Conditions here have changed where some click areas have been removed (making diversion less likely) and predictive search has returned as of December 9, 2020, for existing members.



1
2 27. Facebook’s presentation of HAN top banner space of any webpage is valuable
3 “screen real estate” where prime content would ordinarily be shown. Facebook’s intended effect
4 is to deprive HAN of this screen space and to redirect users away from HAN’s page to its
5 approved content. Defendant Zuckerberg publicly boasts that his “warning labels” and “fact-
6 checks” effectively divert 95% or more of all users from clicking through to the actual content.¹⁶
7 In HAN’s case, users must develop somehow sharpshooter computer mouse control to get to the
8 HAN group.
9

10 28. Those falling onto Facebook’s trap get diverted away from HAN’s discussion of
11 research papers, competing protocols, clear and convincing evidence regarding the importance of
12 early treatment, etc. Again, since CDC has published and given a rash of false and erroneous
13 information, the fact that Facebook users might fall into the CDC’s trap if they did not click
14 perfectly torments Plaintiffs who only wanted to help save lives.
15
16



27 ¹⁶ Entire CNN April 16 Coronavirus Town Hall [Video], CNN BUSINESS (Apr. 17, 2020),
28 <https://www.cnn.com/videos/business/2020/04/17/entire-april-16-coronavirus-town-hall-part5-sot-vpx.cnn>.

1 **Voting During COVID-19**

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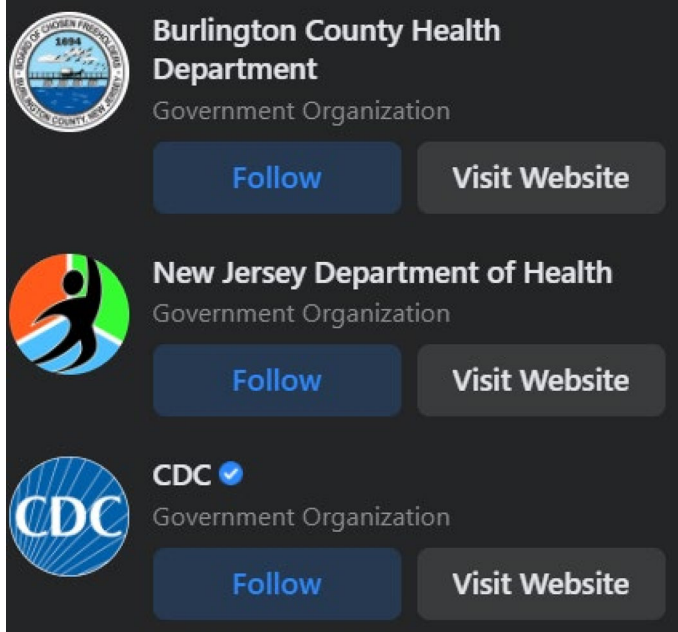
Get Ready to Vote
Visit the Voting Information Center for official election resources, local updates and options for voting during COVID-19


[Get Voting Information](#)


9
10 29. Plaintiffs were specifically using Facebook to present potentially lifesaving health
11 information from organizations, physicians, researchers that Facebook did not consider to be
12 officially “recognized.” Facebook’s design ensured that most users looking for the Plaintiffs’
13 newsgroup would be diverted to Defendant’s “recognized” organizations that promoted
14 falsehoods or voting advice.
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16 **Recognized Health Organizations**

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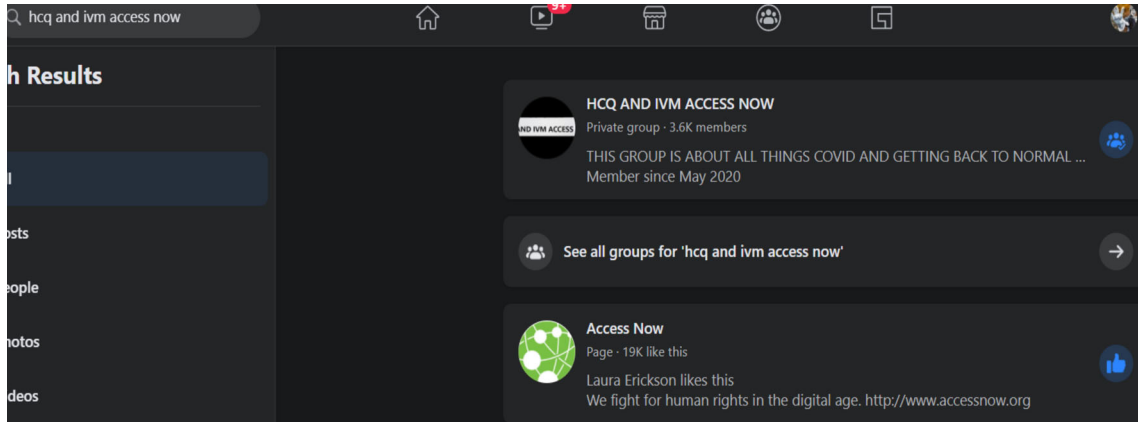


 **Burlington County Health Department**
Government Organization
[Follow](#) [Visit Website](#)

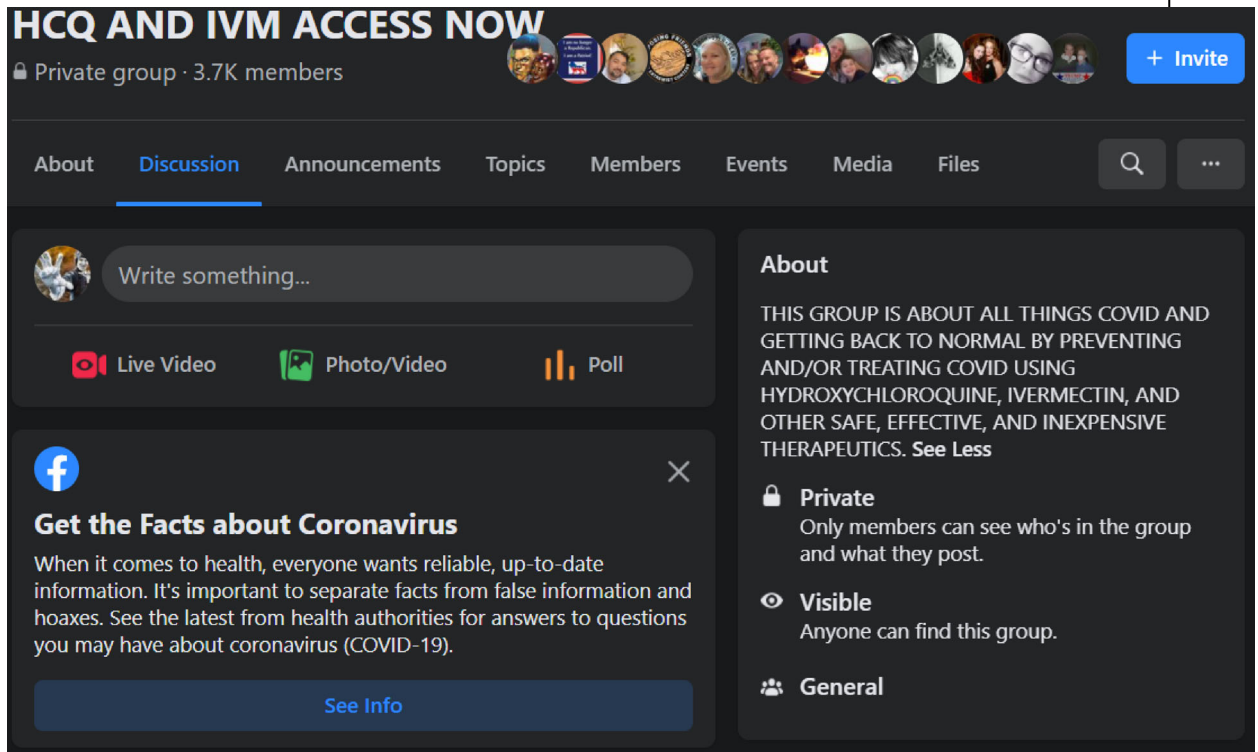
 **New Jersey Department of Health**
Government Organization
[Follow](#) [Visit Website](#)

 **CDC** 
Government Organization
[Follow](#) [Visit Website](#)

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3 30. Around early 2020, when the vaccines became available, Facebook’s screen
4 design changed to the following:



12
13
14 31. Clicking on HAN takes you to this screen:



1 32. Now clicking on “Get the Facts about Coronavirus” takes you to a much more
2 substantial information page that is almost exclusively vaccine promotional information.¹⁷ There
3 is nothing about early treatment or that there are prophylaxis and treatments of which those
4 afflicted with COVID19 can avail themselves. So Facebook new diversion efforts would prevent
5 someone from receiving treatment because once someone is sick it’s too late for a vaccine.
6

7 33. On or around May 8, 2020, Plaintiff Loveland had experienced some masking of
8 posts regarding HCQ but her problems with Facebook grew when she [posted the MATH+](#)
9 [protocol from Eastern Virginia Medical](#) School by Dr. Marik. Loveland was distressed after
10 following the patients in New York who had been dying after being put on ventilators which
11 prompted her to research the Math+ protocol. Soon after she posted, she was informed by
12 Facebook moderators that she was wrong for posting it and that she would be banned next time
13 she violated community standards by posting false information. This post involved a medical
14 COVID-19 protocol by the doctor who developed the IV vitamin C and steroid response to
15 sepsis. His hospital at the time had a 6-8% death rate for critical patients (versus 30% plus). He
16 was the first doctor who used steroids for COVID-19 against the advice of the WHO
17
18

19 34. On or around May 15, 2020, a HAN administrator contacted Loveland who
20 expressed mystification and outrage about her suspension and requested that Loveland serve as
21 an administrator. By this time, Loveland was alarmed by the responses of Facebook moderators
22 to informational posts on HAN as posts were being flagged aggressively and she refused to be an
23 administrator. Her primary motivation was that she was humiliated by Facebook in being
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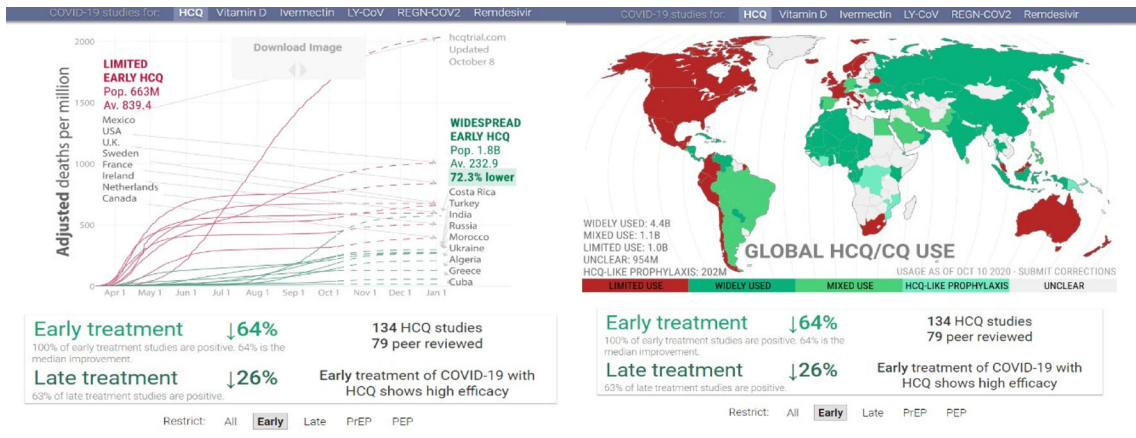
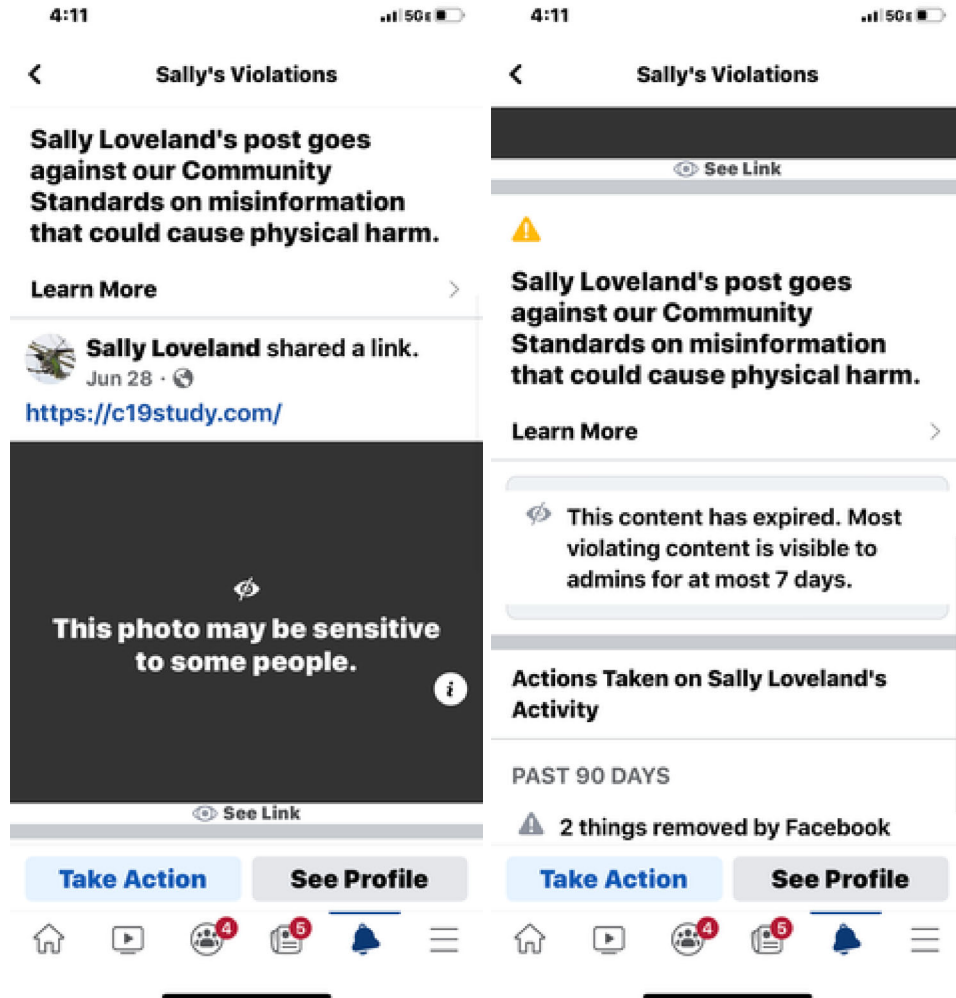
27 ¹⁷ https://www.facebook.com/coronavirus_info/?page_source=group_integrity_inform
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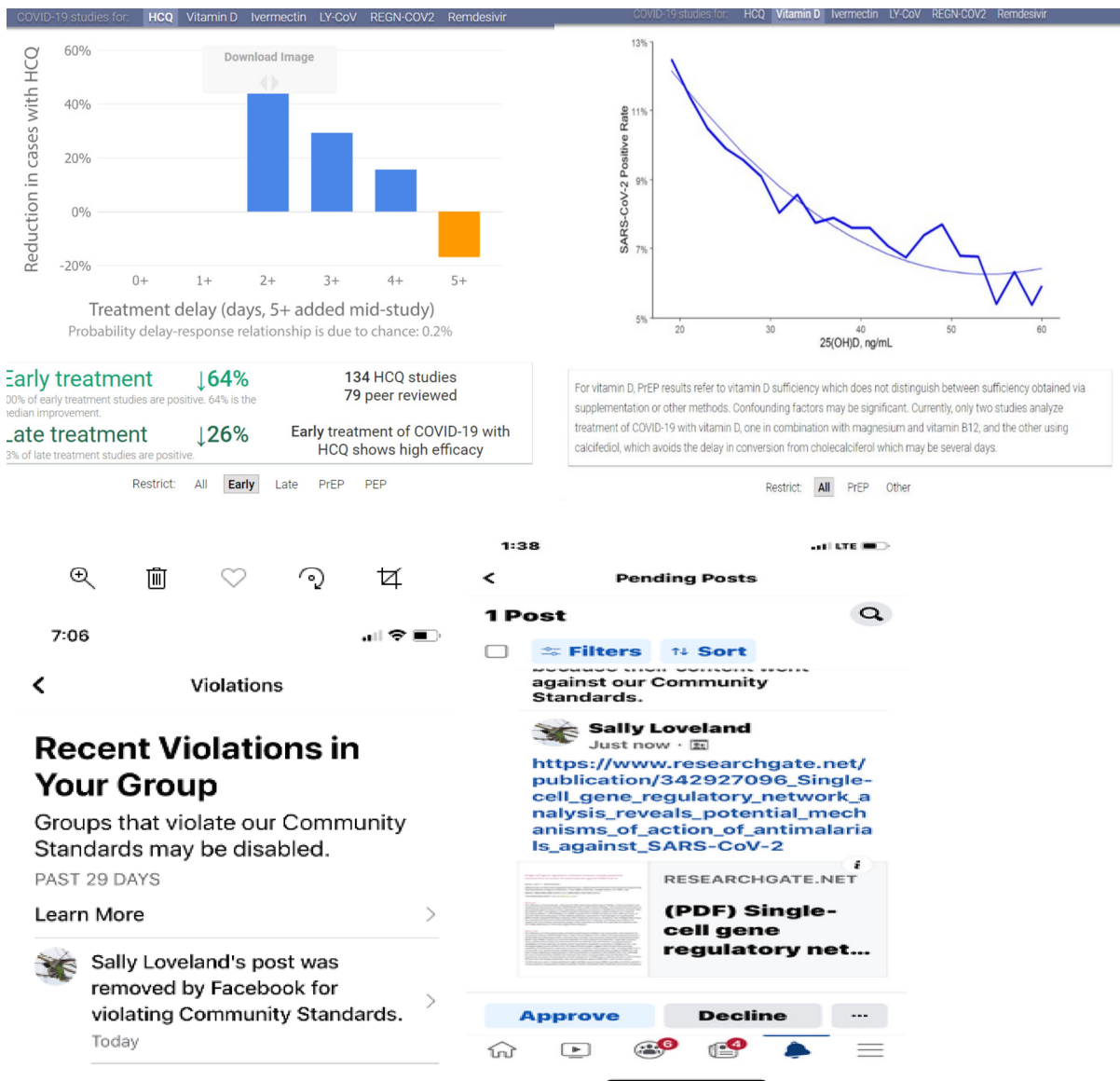
1 reprimanded, then banned and she feared a permanent ban. She was worried about losing her
2 access to all her friends and family on Facebook.

3 35. On or around June 6, 2020, Loveland posted a [link](#) to a chart that is STILL being
4 updated that provided an undeniable case that HCQ was efficacious and then the HCQ research
5 studies that at the time only numbered over 30 studies. It was a comprehensive chart that linked
6 to the literature with a summary for each study and was strictly an informational resource. Her
7 posts were removed for causing public danger and Loveland was banned for two days. Although
8 the chart has been updated since her ban, and the authors have also added other treatment
9 solutions, Loveland's analysis that HCQ was a treatment solution that should get greater
10 attention is proven by the current version of the chart which tracks now all 265 HCQ studies
11 including 100% of 29 early treatment studies that show a positive effect from early HCQ use¹⁸
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27 ¹⁸ www.Hcqmeta.com
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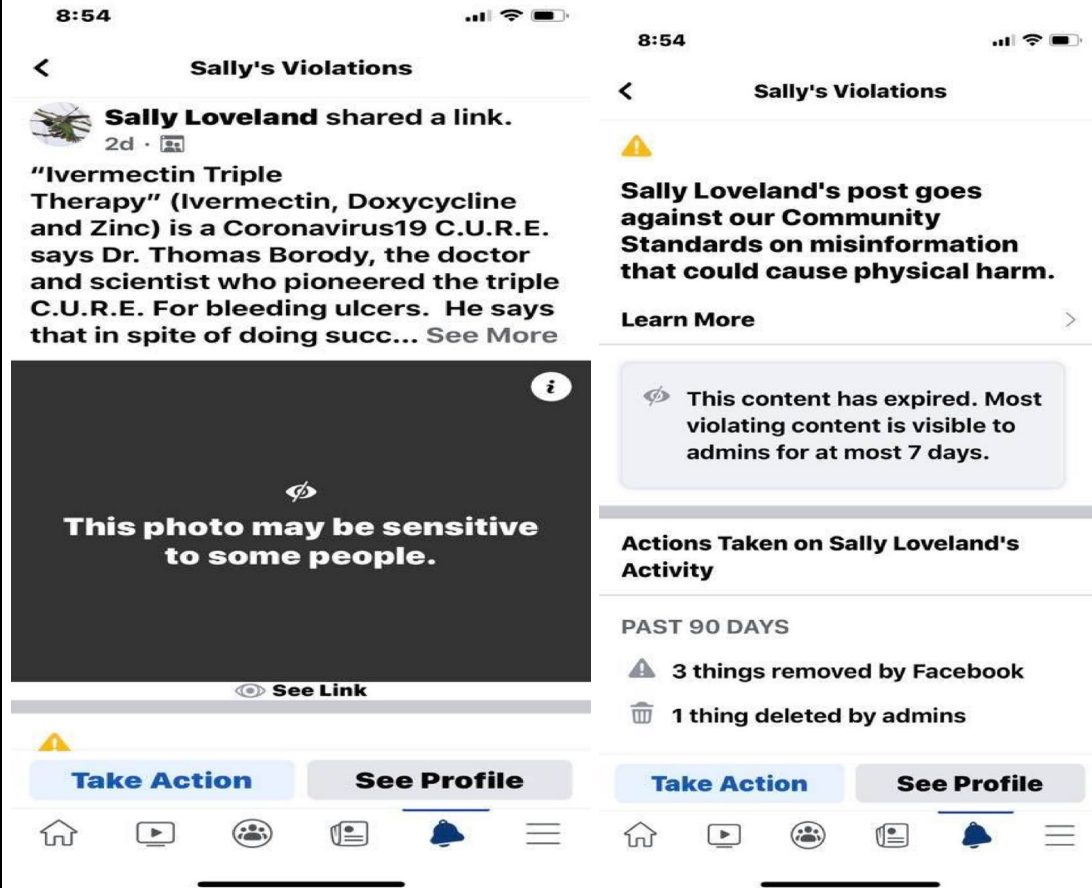
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36. On or around early June 2020, Loveland was banned a third time. This time the pretext was that she linked to a third study with a link to an interview with Dr. Thomas Borody who is promoting a potential triple regimen cure for COVID-19. Dr. Borody states that COVID-19 is surprisingly easy to cure, much more successful and immediate than his cure for ulcers. Borody believes that COVID-19 is completely treatable, and he calls the death of senior citizens completely avoidable. He says that his government will not talk to him, so he has been forced to take it to interviews. HAN members were banned for three days for posting an interview with

1 Dr. Borody on COVID 19 and Ivermectin. Loveland was banned for three days. Other HAN
 2 members had pop-up windows on their accounts during and for a few weeks after each ban
 3 reminding them not to post any more things that went against community standards and they
 4 would be banned if they did.



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 21 37. Around the time HAN was formed in early May 2020 to present, based on
 22 information and belief, Facebook is estimated to have performed inestimable censorship
 23 decisions in a variety of ways, many of which referred to factchecks by Defendant and its
 24 factchecking organizations. While Facebook promoted the idea that there is a method to contest
 25 censorship decisions, users rarely got a response to appeals and often the feature was disabled on
 26 newsgroups. The following are just examples of censorship and references to factchecks that
 27 were made against Plaintiffs and posters and, in some cases, by posters who are potential class
 28

1 members whose posts required administrative action. The flurry of censorship decisions was so
2 intense in July and August 2020 that HAN administrators and users assumed the newsgroup
3 would be banned and that users of the newsgroup risked a ban as well. Members, some plaintiffs
4 knew about who were accomplished researchers, became concerned about the public attention
5 HAN was receiving and they left, as members came flocked over from other banned groups,
6 outraged and indignant about being banned, and changed the tenor of the group and it became
7 difficult to get administrators. Also, members volunteered, but then withdrew when they
8 experienced the risks and controversy being imposed on administrators and moderations by
9 Facebook. In short just like Facebook ultimately designated plaintiffs to be in a “vaccine
10 hesitancy” class subject to special censorship, many users made inappropriate and baseless
11 conclusions about political disposition based on whether someone saw life-saving potential in
12 early use of off-patent drugs. Plaintiffs recalled a time before the public square had been
13 monopolized in this fashion when discussions around this or that treatment solution would not
14 have caused battle lines to be drawn and Plaintiffs, based on information and belief, concluded
15 that Facebook was administering its platform this way to prevent rational discussion devoid of
16 acrimony.
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19 38. This post below, indicating that that the US would be treated like a malaria zone
20 (over the counter or widely available HCQ) was blocked by Facebook on May 6, 2020, for no
21 stated reason. If HCQ had been made widely available at this time, perhaps this post or others
22 like it may have triggered creative thinking among public health officials or elected officials to
23 use safe and approved drugs for which the United States had plenty of supply.
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8 39. Facebook oriented this barrage of censorship as if to impress upon Plaintiffs and

9 Facebook users that there was no treatment solution and, most certainly, HCQ was not a

10 treatment solution, it was dangerous and it could not be obtained in the United States. On or

11 around June 15, 2020, a user posted the following to let users know that HCQ was legal, and

12 physicians were prescribing HCQ as a prophylaxis. Facebook falsely alleged not only that the

13 information posted was false and dangerous—in actuality the information was true and

14 lifesaving—Facebook’s deceptive censorship short circuited searches for physicians willing to

15 prescribe HCQ because users coming across the fraudulent censorship would conclude it really

16 was futile to try to obtain it, it was illegal or unsafe to use or there just were no doctors who

17 could legally prescribe it. Had HAN users not been deterred from continuing to search, they

18 would have learned the truth, that HCQ could be a life-saving preventative for many Americans.

19 This might have unburdened their minds and permitted them to leave their homes. It might have

20 caused them to second guess school closures, postponing well visits and cancer surgeries. The

21 second row of censored items involve statements made by Pfizer’s head of research and

22 comments attributed to Dr. Fauci suggesting he had knowledge about HCQ.

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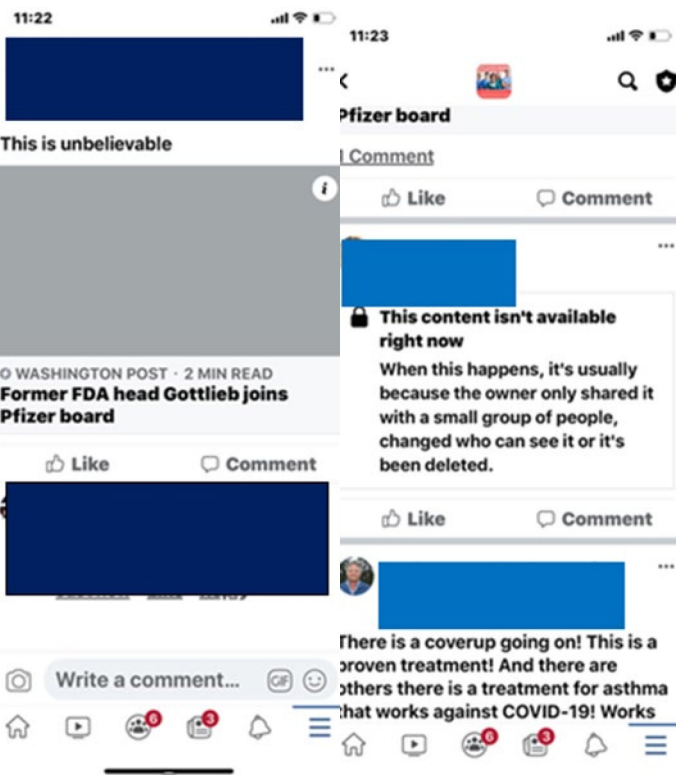
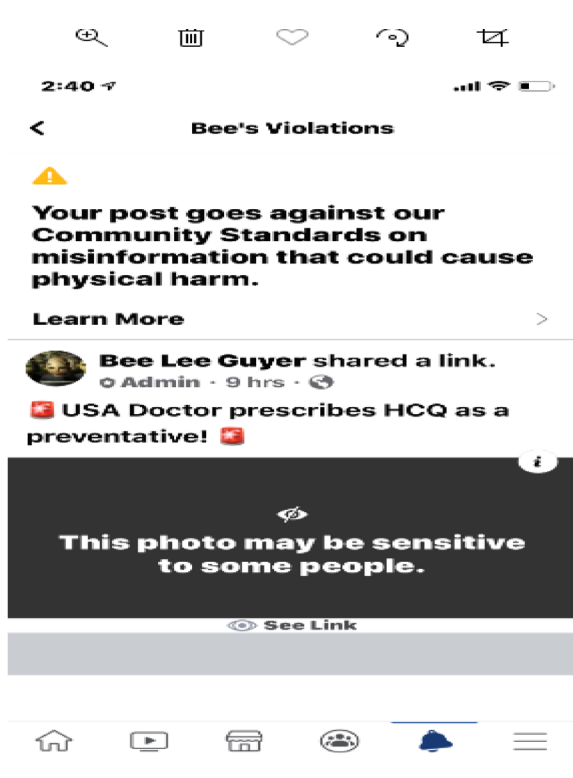
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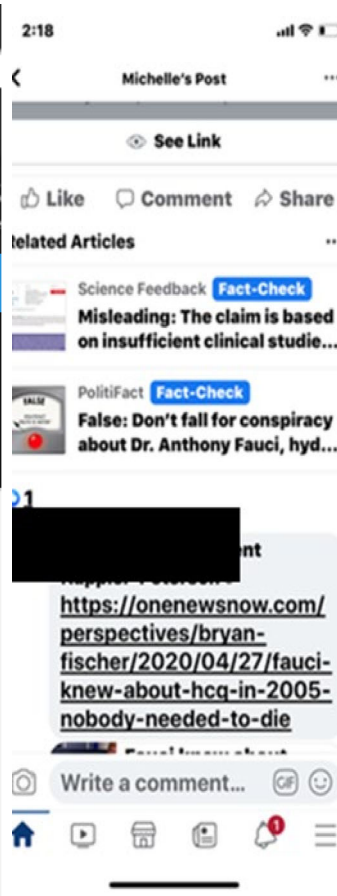
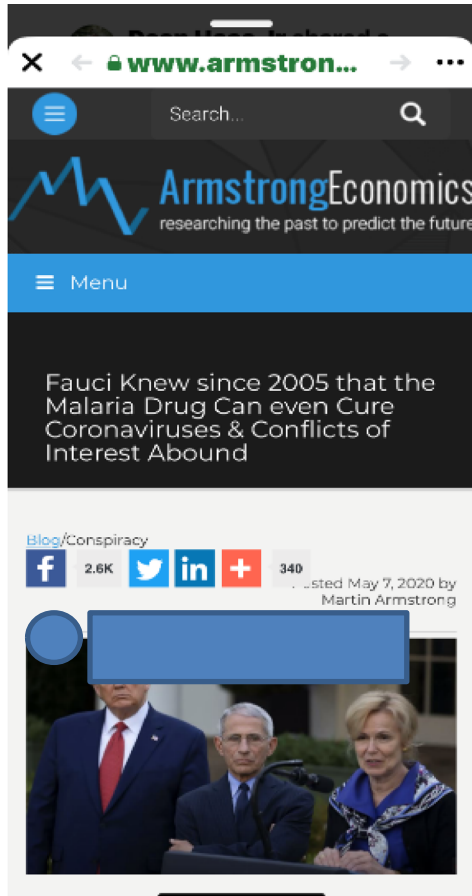
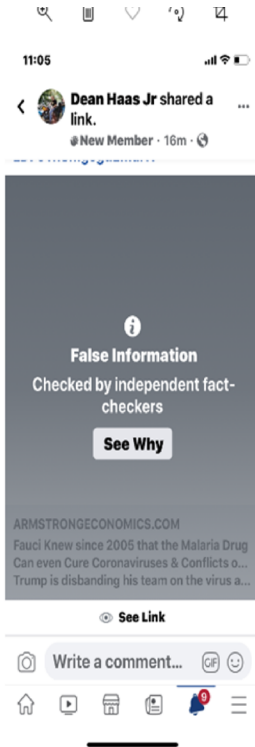
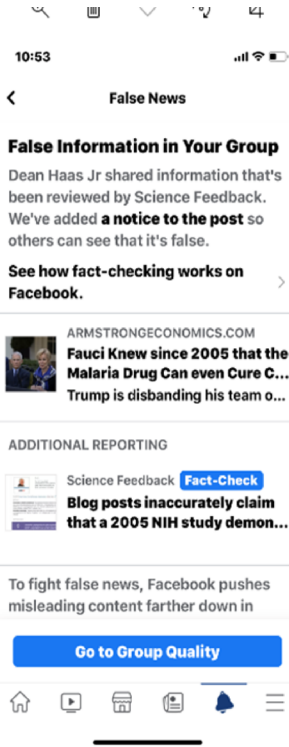
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1 40. To get a view of the state of the HCQ research in February 2020, one need just go
 2 to the handy [link](#) that lists the studies as they existed when Dr. Fauci would have learned about a
 3 new coronavirus emerging from Wuhan, China that we laid out in great detail in paragraphs 98
 4 to 106 or our original complaint¹⁹ along with additional studies below . At the time, horrified
 5 Americans observing what looked like a morally bereft fraud and corruption scheme were
 6 searching to explain why clear evidence of HCQ efficacy seemingly could not be seen. PolitiFact
 7 and Science Feedback rely on technicalities which obscure the overarching truth: Dr. Fauci must
 8 have suspected that HCQ was efficacious, and defendant PolitiFact is helping with the cover up,
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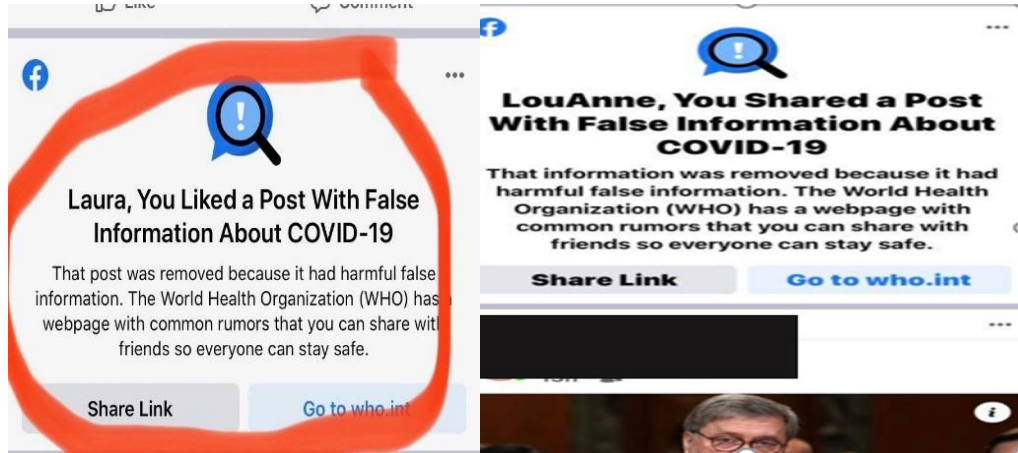
2/20	Late	Jiang et al., Chin. J. Tuberc. Respir. Dis., 2020, 43, doi:10.3760/c...	Expert Consensus on Chloroquine Phosphate for the Treatment of Novel Coro...
			Early trials in China show CQ results in shorter hospital stays and improved patient outcomes.
2/19	Late	Gao et al., BioScience Trends, 2020, doi:10.5582/bst.2020.0104...	Breakthrough: Chloroquine phosphate has shown apparent efficacy in treatme...
			Results from 15 clinical trials in China showing CQ is effective.
2/17	Late	Sun Yanrong, deputy hea...	Antimalarial drug confirmed effective on COVID-19
		news	HCQ under clinical trials in >10 hospitals in China and has shown fairly good efficacy.
2/11	Late	Xia et al., ChiCTR200002...	viral+, ↓37.5%, p=0.17
			Efficacy of Chloroquine and Lopinavir/ Ritonavir in mild/general novel coronav...
			Early results from a very small trial, reported within the application for a later trial. Very minimal details are provided, but we include this as the earliest publishe...
2/4	In Vit...	Wang et al., Cell Res. 30, ...	In vitro
			Remdesivir and chloroquine effectively inhibit the recently emerged novel coro...
			In vitro study, not included in the study count or percentages. Remdesivir and CQ potently blocked virus infection in vitro.

17
 18 41. In July 2020, Plaintiffs and all users of Facebook began to receive messages like
 19 these whenever they “liked” a news article that was judged by Defendants Facebook AI
 20 programs as being “fake news.” Censorship decisions seemed to rehabilitate Dr. Fauci²⁰ with
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25 ¹⁹ <https://formerfedsgroup.com/wp-content/uploads/2020/12/20201212-Filed-complaint.pdf>

26 ²⁰ <https://www.poynter.org/search/?q=fauci>; <https://leadstories.com/cgi-bin/mt/mtsearch.cgi?IncludeBlogs=1&search=fauci>; <https://sciencefeedback.co/?s=fauci>;
 27 <https://www.politifact.com/search/?q=fauci>.

1 great urgency while *The (withdrawn) Lancet* studies²¹ were left up untouched, and references to
 2 the efficacious HCQ Ford System study²² were masked, factchecked and blocked.



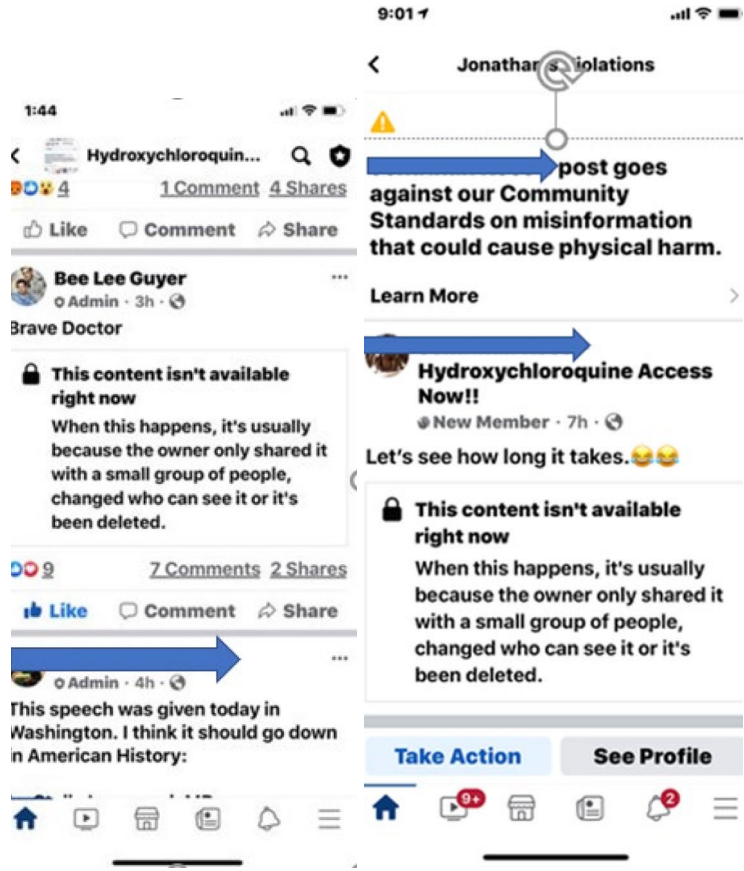
13 42. In July 2020, after the [Frontline Doctors](#) had a press conference about the
 14 lifesaving characteristics or early treatment with HCQ,²³ Facebook moderators initially blocked,
 15 suspended, and censored any posts about the event. It could have exceeded 100 censored posts.²⁴
 16 After a few days Facebook continued to block all links to the video press conference but
 17 permitted some print pieces to stay up with cloaking. Eventually the cloaking stopped, but
 18 Facebook cloaked photos depicted a full facial photo of Dr. Stella Immanual. This alarmed
 19 many users of HAN and could not have had a good faith purpose.
 20

21
22 ²¹ <https://www.thelancet.com/journals/lancet/article/PIIS0140-6736%2820%2931180-6/fulltext>

23 ²² The Henry Ford System was collecting data on patients in their early use HCQ study and on
 24 May 16, 2020, submitted its early-use HCQ study for publication. It *showed a major effect with a*
 25 *51% reduced COVID-19 mortality* when given to early hospitalized patients. NEJM rejected this
 26 pioneering study without review. The Ford paper was then submitted to the International Journal
 of Infectious disease.

27 ²³ [https://www.rev.com/blog/transcripts/americas-frontline-doctors-scotus-press-conference-](https://www.rev.com/blog/transcripts/americas-frontline-doctors-scotus-press-conference-transcript)
 28 [transcript.](https://www.rev.com/blog/transcripts/americas-frontline-doctors-scotus-press-conference-transcript)

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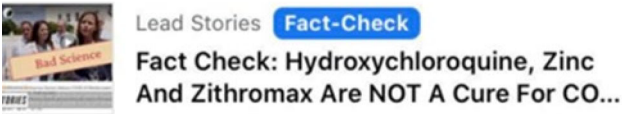
False Information in Your Group

shared information that's been reviewed by Lead Stories. We've added **a notice to the post** so others can see that it's false.

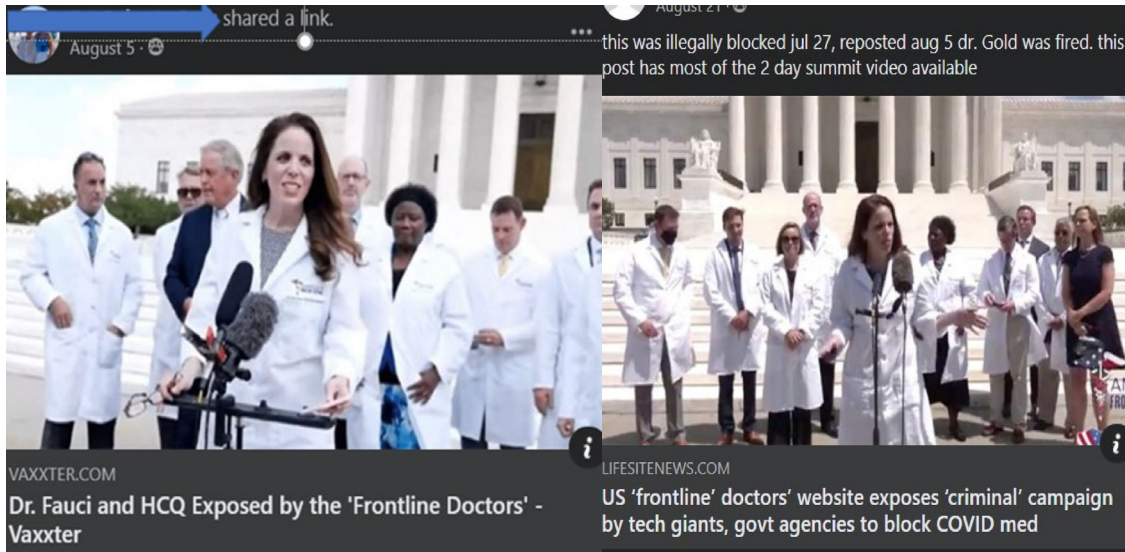
See how fact-checking works on Facebook. >



ADDITIONAL REPORTING

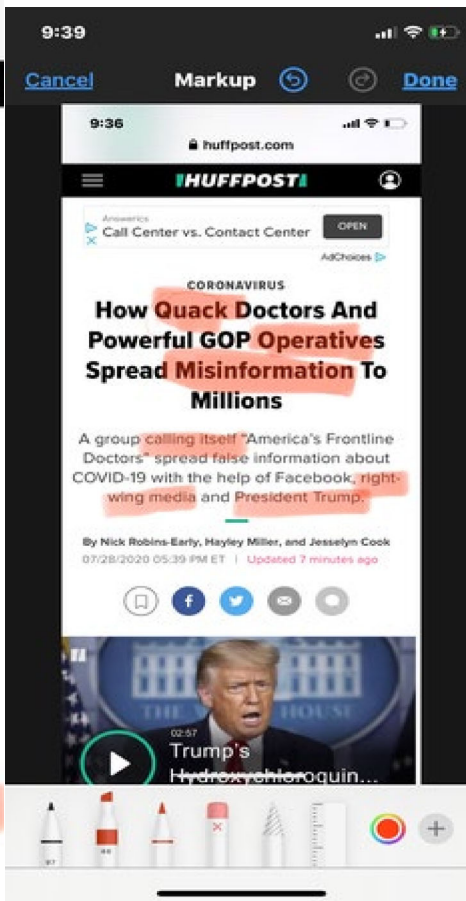
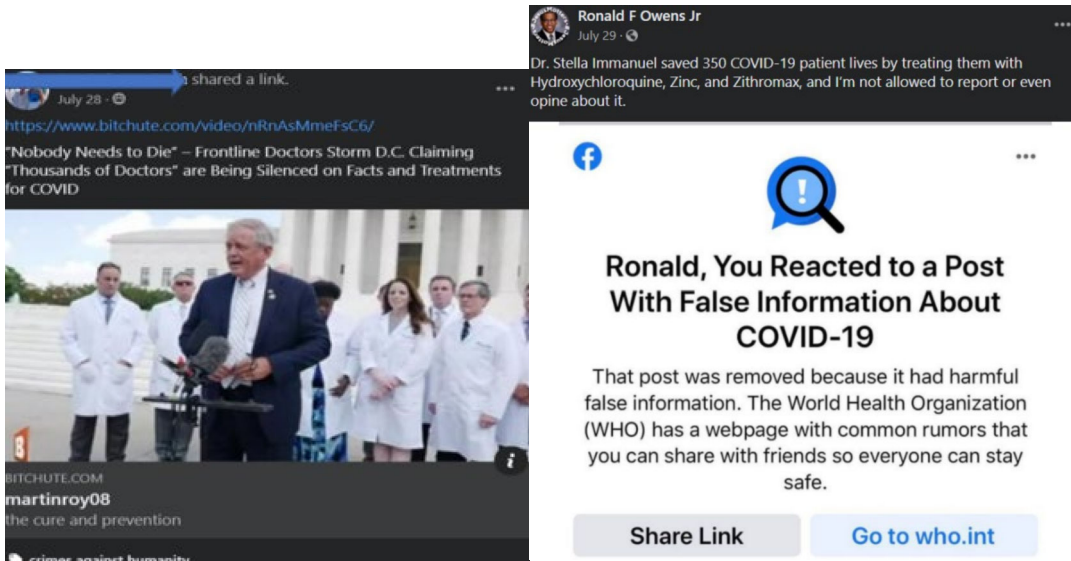


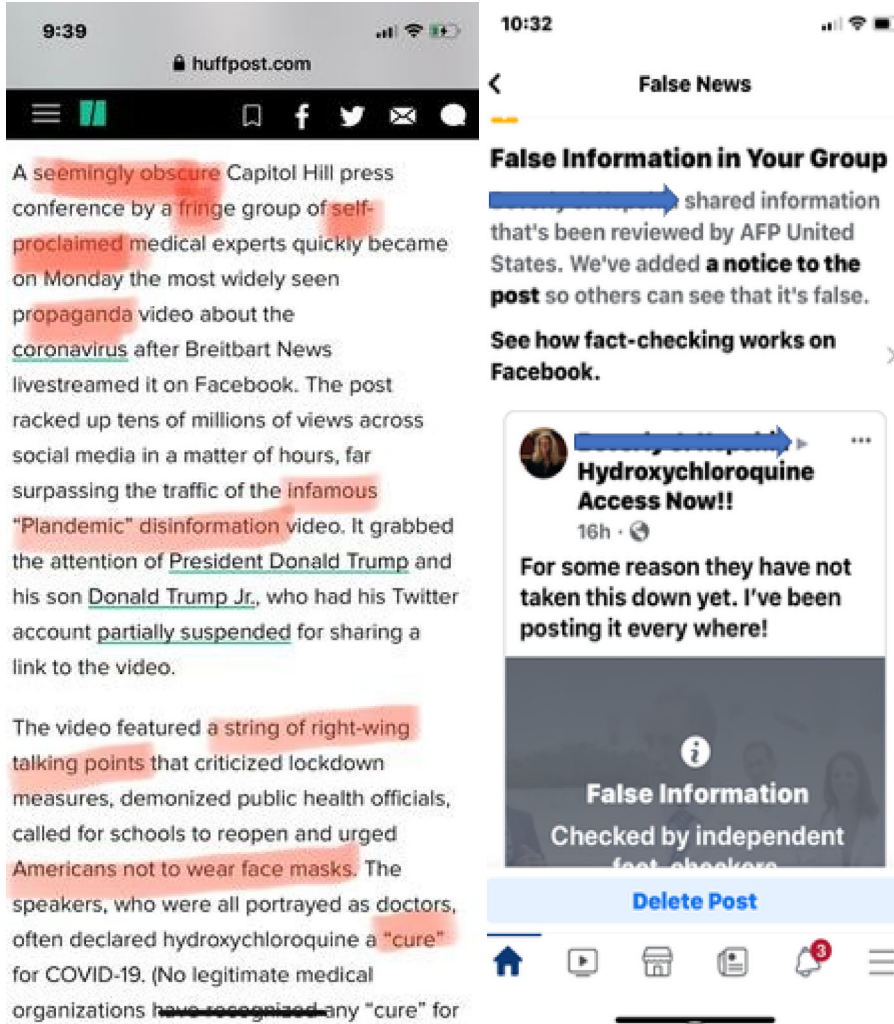
To fight false news, Facebook pushes misleading



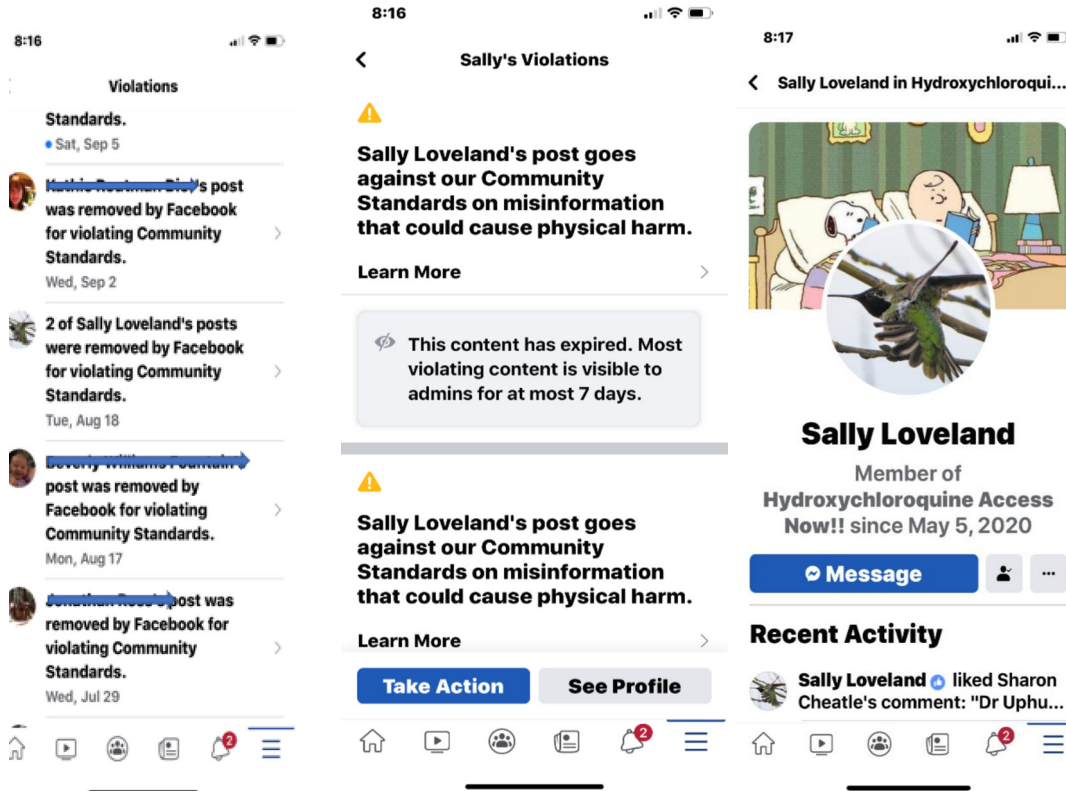
43. Sometimes the abuse was so extreme there was a graveyard humor to it. This was an extensive pattern and malicious “news” stories were left up or when an effort was undertaken to discredit the doctors (Dr. Immanuel especially) the discrediting posts were left unmolested as were her religious observance videos that Facebook seemed to view as being helpful to the cause of its government overseers.

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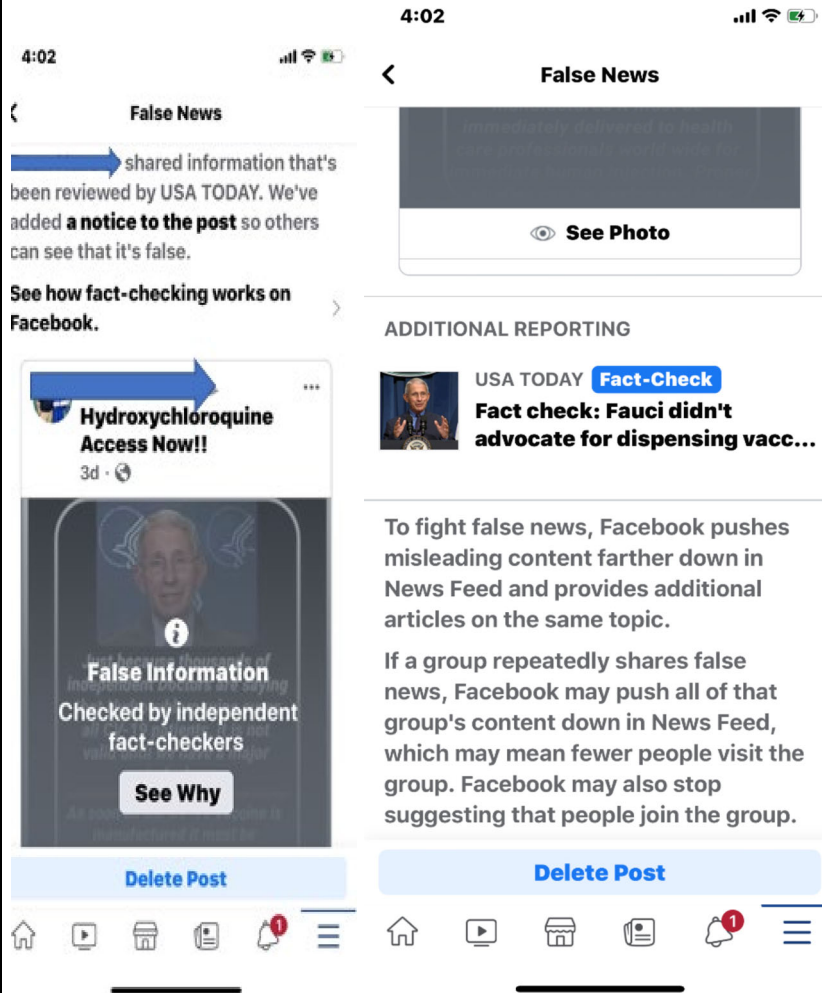




44. Since June 2020, Plaintiff Loveland was dissuaded from posting about COVID-19 treatment solutions, but she would occasionally post and the pattern of harassment from Facebook has continued. It is not just outright bans, of which she has endured three, they also do things to make it difficult for anyone to find her post or easily discern its importance. Here are examples from August 18, 2020, and September 29, 2020.

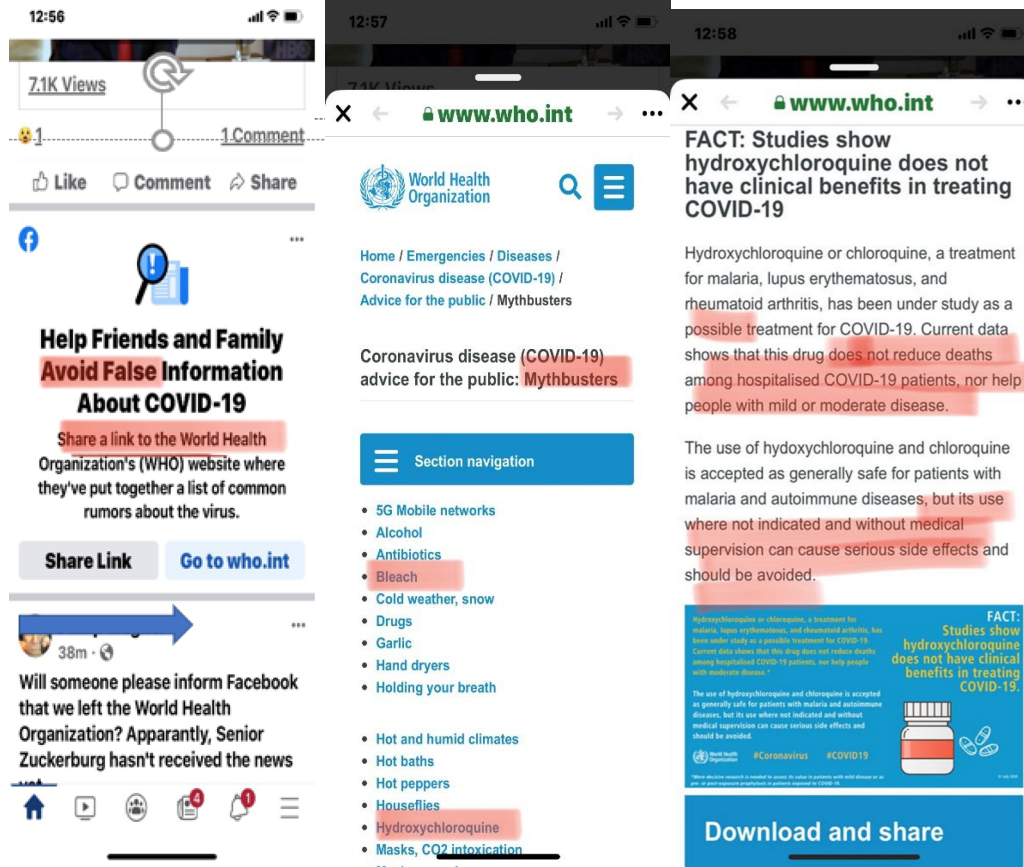


45. On August 1, 2020, a user posted an article out of frustration regarding the foot dragging with HCQ. The meme stated: “Just because hundreds of doctors are reporting HCQ is curing some COVID-19 patients, it is not valid until we have a major study done. As soon as a COVID-19 vaccine is manufactured, it must be delivered to healthcare professionals for immediate human injection. Proper studies can be done later.” While the meme perhaps was not technically accurate, the fact check from USA Today was interpreted by most everyone that HCQ is not efficacious which seemed to be the intention of the fact check. The point being that HCQ that was FDA approved and safe for 70 years seemed to be getting drastic scrutiny when new drugs like Remdesivir, that is not efficacious, and vaccines were met with streamlined approvals. This was not to benefit American Covid-19 patients. ²⁵



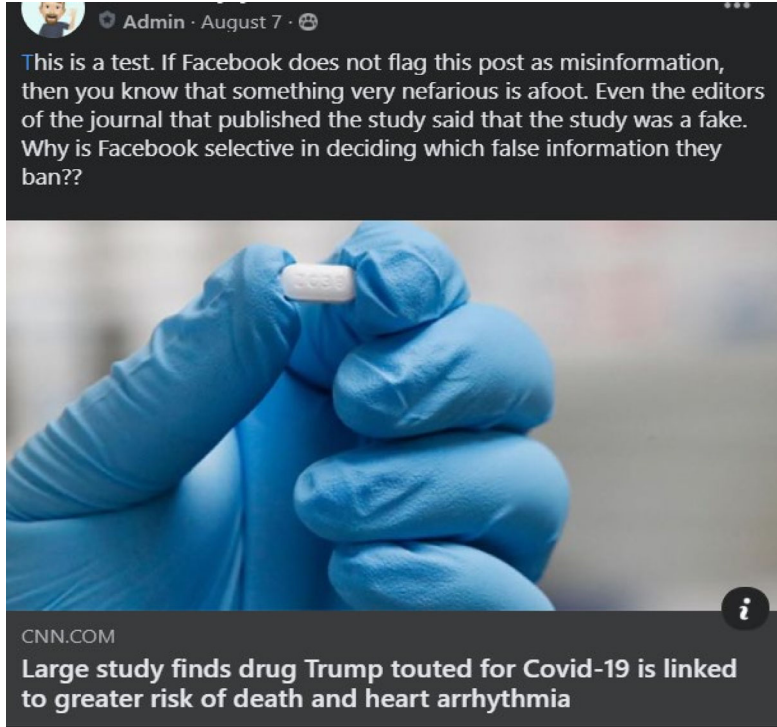
46. On August 4, 2020, another HAN user was reprimanded for posting something regarding the efficacy of HCQ and directed to a false and dangerous fact check. He stated: “Will someone please inform Facebook that we left the World Health Organization? Apparently, Senior Zuckerberg hasn’t received the news yet.”

<https://www.factcheck.org/2020/06/meme-misrepresents-faucis-position-on-vaccine-trials/>.



47. On August 8, 2020, Facebook again posted a factcheck from Facebook’s Factchecker Science Feedback maintaining that HCQ was not efficacious. This was and is false and has caused deaths. All references to the Ford study referenced infra (footnote 22) were banned (examples below), Facebook moderators were very aggressive about making certain this study could not be seen. But Facebook always and continues to promote the fraudulent *Lancet*

1 Study referenced immediately below that has also killed countless human beings through



research fraud.²⁶

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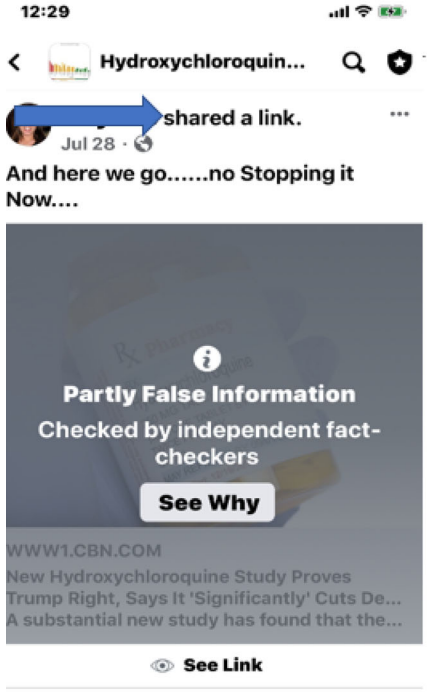
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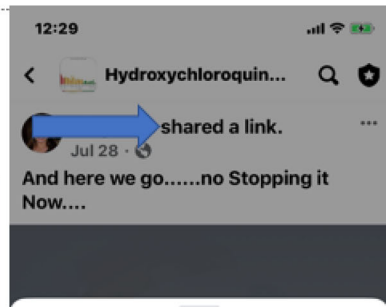
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²⁶ <https://www.facebook.com/groups/612840992641036/permalink/671115560146912> (last checked Dec 8, 2020).



HCQ efficacious

78 6 Comments 99 Shares



Conclusion: Partly False

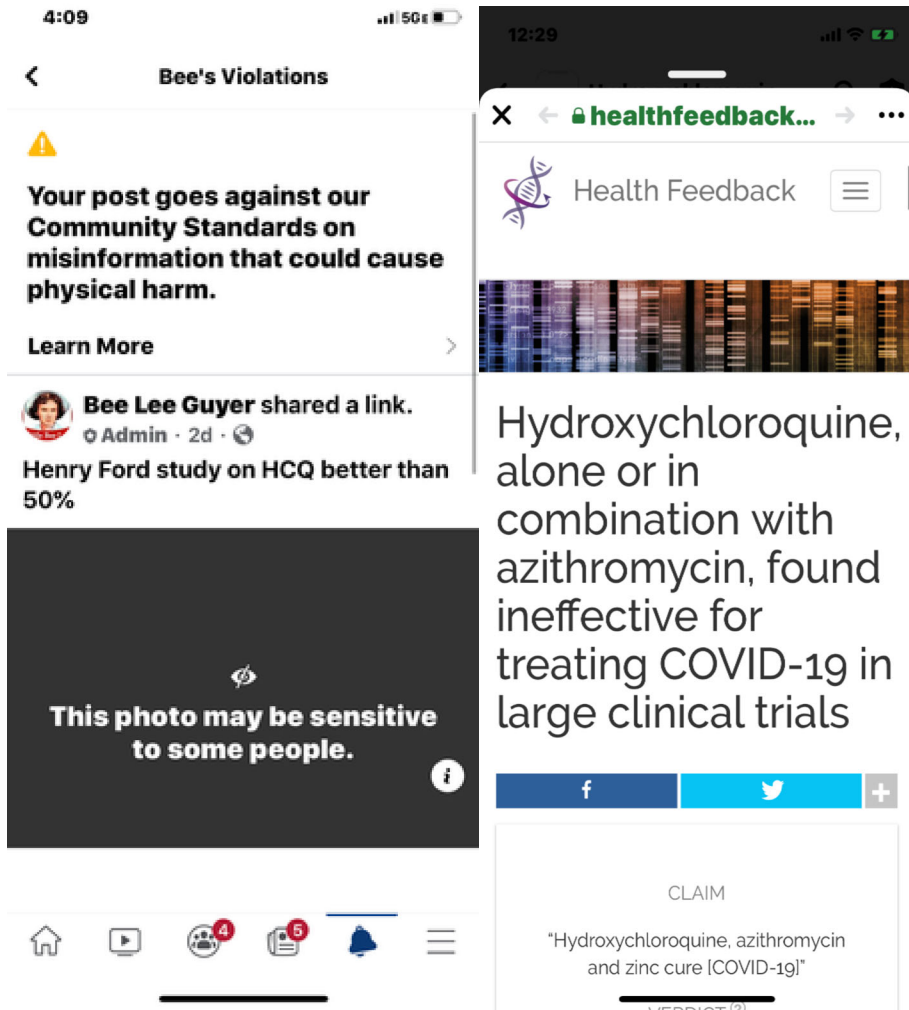
The information in this post is a mix of true and false statements or it could simply be incomplete. In some cases, the information is misleading.

Fact-Check from Science Feedback

Science Feedback **Fact-Check**
Hydroxychloroquine, alone or in combination with azit...

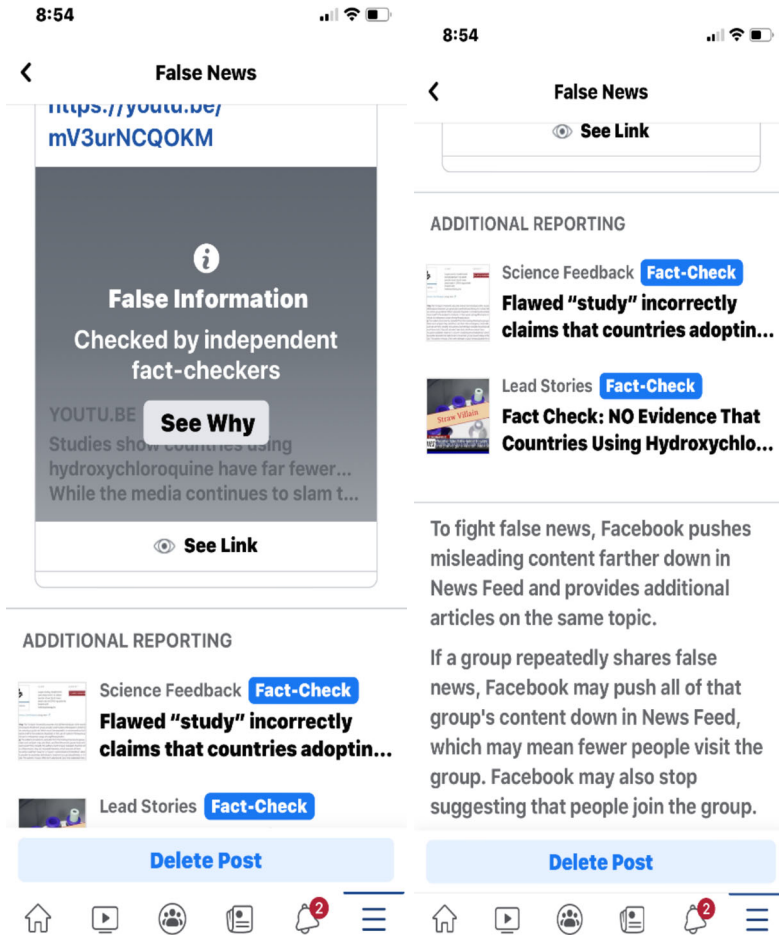
Curious how Facebook works with independent fact-checking organizations?
Learn More

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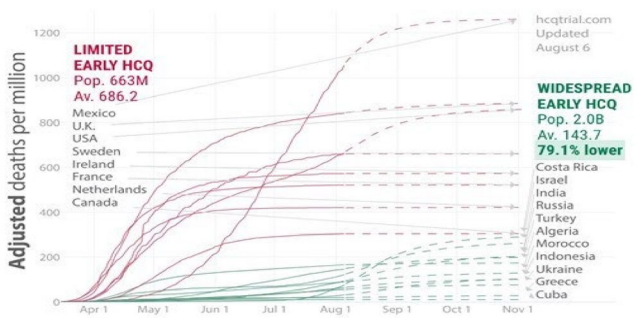
48. On August 17, 2020, Facebook flagged a post by a HAN user about how much lower COVID-19 death rates are in malaria zones as falsely represented by Defendant LeadStories.Com and Science Feedback. Based on information and belief, the science the user referenced is accurate.

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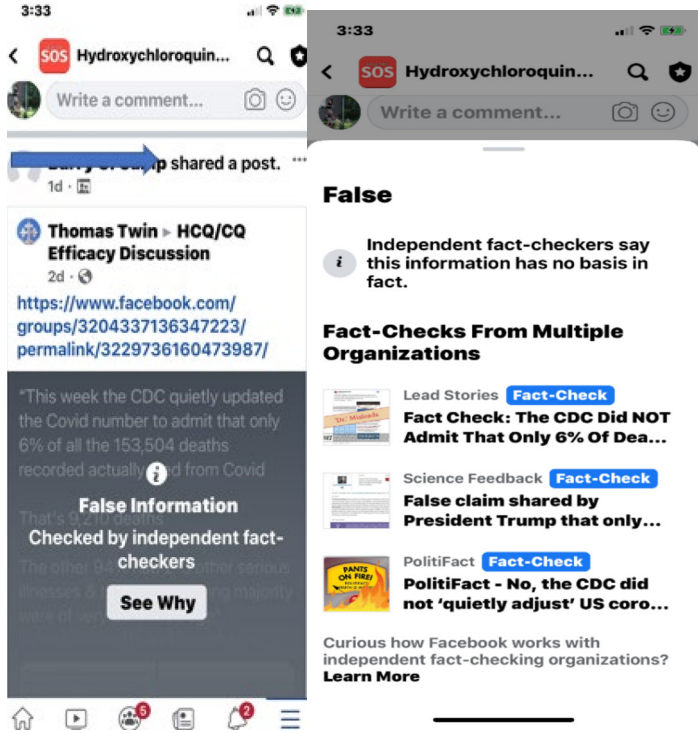


Early treatment with hydroxychloroquine: a country-randomized controlled trial

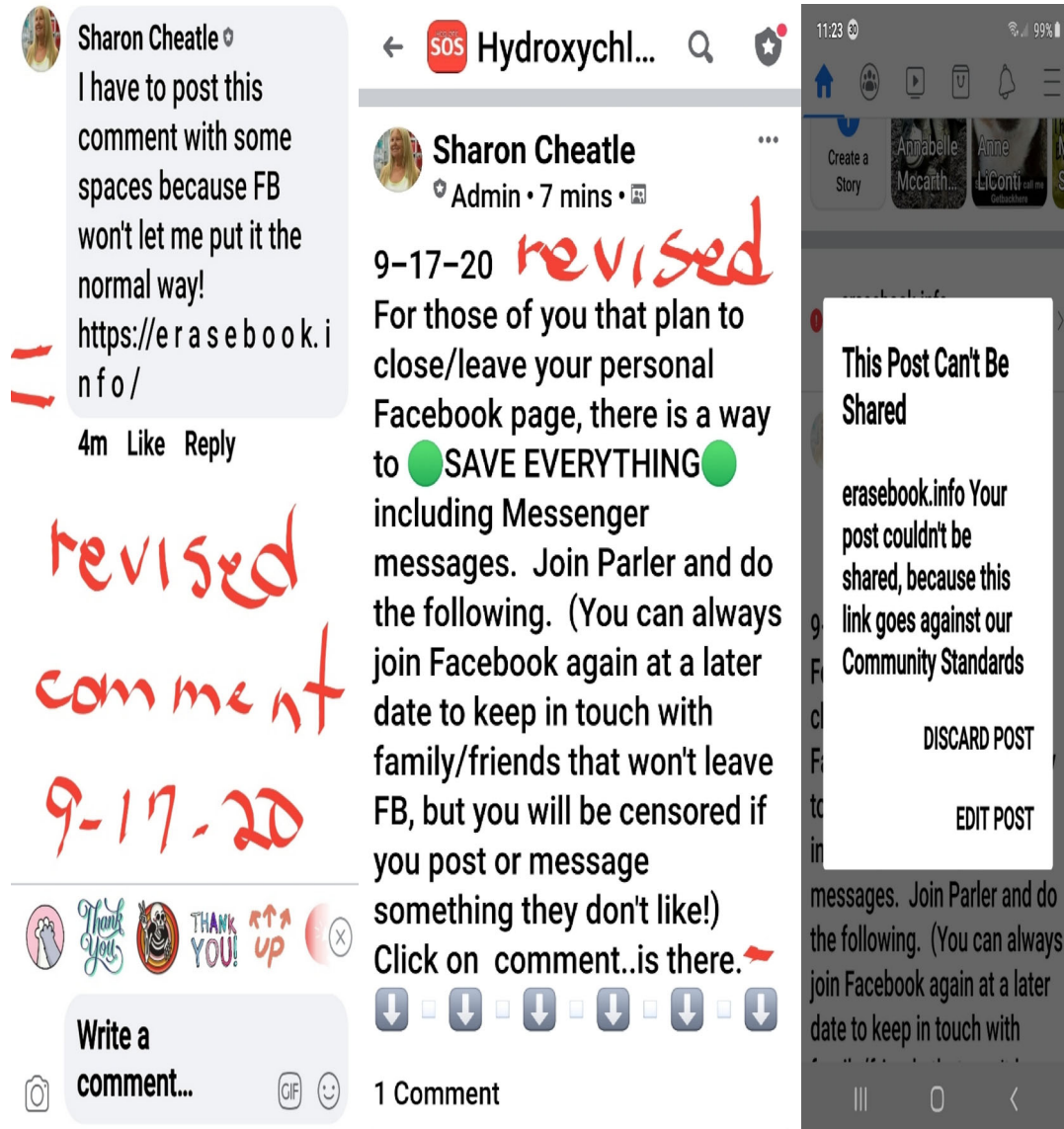
Covid Analysis, August 5, 2020 (updated August 6, 2020)
@CovidAnalysis Share Tweet



49. On September 1, 2020, Facebook censored a HAN user for posting an article about over counting COVID-19 cases as if this were not a legitimate area of concern. Facebook referred users to Defendants’ LeadStories.Com, Science Feedback, and PolitiFact who apparently have super truth diving powers.



50. On September 19, 2020, Plaintiff Sharon Cheatle, attempted to post guidance to HAN users about migrating to another platform but was prevented from posting by Facebook. She developed a workaround having had extensive experience getting around the Facebook algorithms that requires users to misspell words or develop code words. Cheatle eventually abandoned her efforts to migrate because few were willing to abandon their Facebook profiles and friends and there are no competitors to Facebook.



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51. On September 21, 2020, Facebook again directed Factcheck to draft a factcheck that outlined yet another distinction without a difference. By doing so, Facebook colluded with governmental overseers to maintain the false façade that HCQ was not an available preventative and treatment cure. The Factcheck was drafted by LeadStories.Com and disputed the professional opinion of a leading physician and attorney Dr. Simone Gold.

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6:45

Steve's Post

THE NEVADA STATE BOARD OF PHARMACY
101 North Carson Street - Suite 1
Carson City, NV 89701

RE: Emergency regulation on prescribing and dispensing chloroquine and hydroxychloroquine during COVID-19 pandemic

Dear Governor Siskind:

The Nevada State Board of Pharmacy (Board) has determined that an emergency exists due to the hoarding and stockpiling of chloroquine and hydroxychloroquine during the COVID-19 pandemic and the resulting shortage of supplies of these drugs for legitimate medical purposes.

Currently, hydroxychloroquine is under investigation for use in the treatment of COVID-19. At this time, safety and efficacy have not been established.¹

The FDA has been working closely with other government agencies and academic centers that are investigating the use of the drug chloroquine, which is already approved for treating malaria, lupus and rheumatoid arthritis, to determine whether it can be used to treat patients with mild-to-moderate COVID-19 to potentially reduce the duration of symptoms, as well as viral shedding, which can help prevent the spread of disease. Studies are underway to determine the efficacy in using chloroquine to treat COVID-19.²

Therefore, pursuant to NRS 233B.0613, the Board respectfully requests an emergency regulation in Chapter 639 of the Nevada Administrative Code that restricts the prescribing and dispensing of chloroquine and hydroxychloroquine during the COVID-19 outbreak. These restrictions include prohibiting the prescribing and dispensing of chloroquine and hydroxychloroquine for a COVID-19 diagnosis or any new diagnosis made after the effective date of the regulation, and requiring an ICD-10 code and a limit to a 30-day supply for any new prescription for these drugs. The provisions of this emergency regulation do not apply to a chart order for an inpatient in an institutional setting or to an existing course of treatment for a

TWITTER.COM

Dr. Simone Gold on Twitter

"Nevada is now the 7th state to quietly reve..."

See Notice

Like Comment

2

Write a comment...

6:45

Steve's Post

Hydroxychloroquine Access Now!!

20h · 📍

<https://twitter.com/drsimonegold/status/1306372660587184128?s=20>

Nevada State Board of Pharmacy

March 25, 2020

VIA EMAIL AND HAND DELIVERY

The Honorable Steve Siskind, Governor
101 North Carson Street - Suite 1
Carson City, NV 89701

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Write a comment...

6:44

Steve's Post

Hydroxychloroquine Access Now!!

20h · 📍

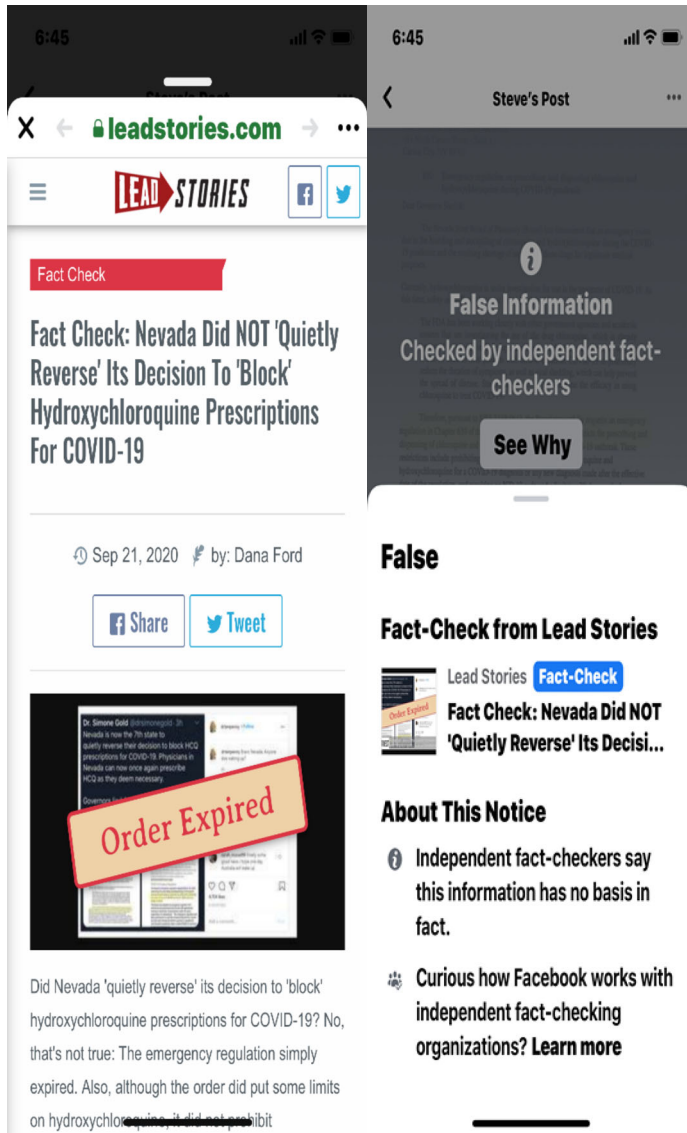
<https://twitter.com/drsimonegold/status/1306372660587184128?s=20>

False Information

Checked by independent fact-checkers

See Why

Write a comment...



Sally Loveland shared a link.

If they read medical journals, Doctors have known that common coronavirus (Not just SARS and MERS) can cause ARDS in vulnerable populations since 2004.

"Coronavirus Syndrome" ... See More



ATSJOURNALS.ORG
Coronavirus NL63-induced Adult Respiratory Distress Syndrome |...

View Insights 23 Post Reach

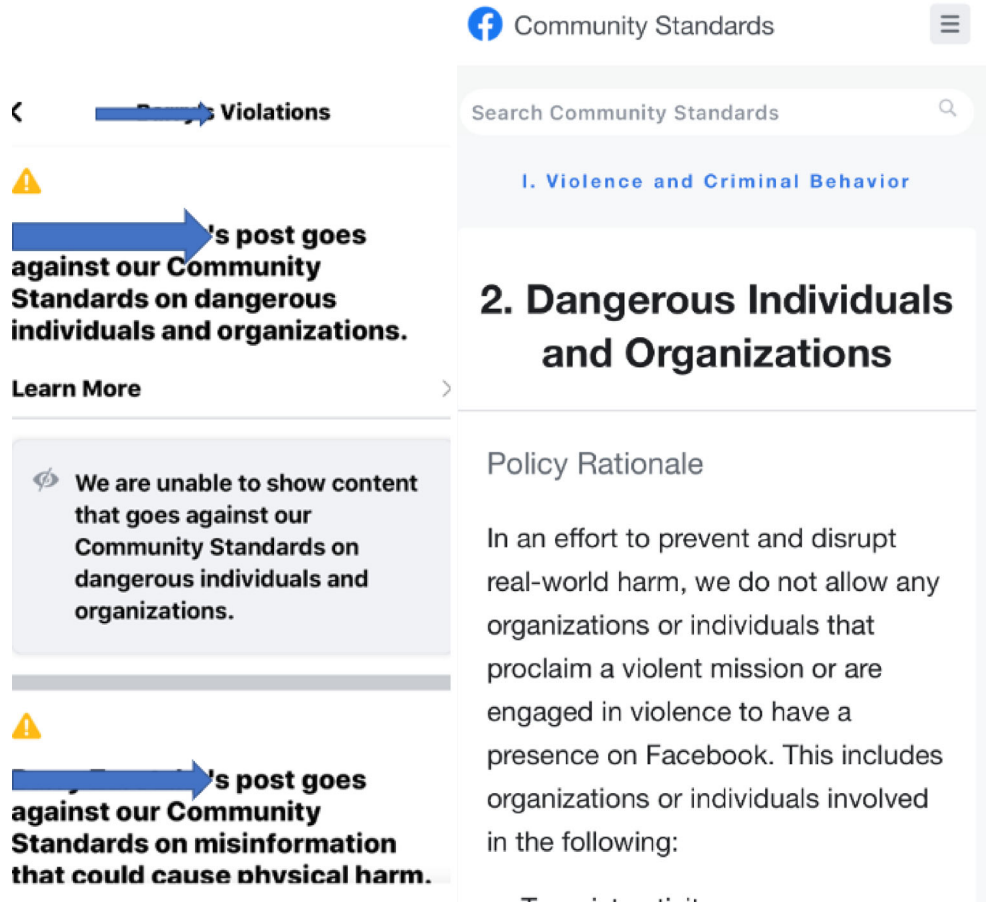
52. HAN also received a factcheck about what was claimed as “partially” false information on COVID-19 statistics from what was a posting of a scientific journal by Plaintiff a HAN user directly.

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53. Here is an example of an alleged violation of community standards where stellar citizens are flagged as dangerous individuals. Facebook erased the underlying post and record of the censorship:

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54. On or about May 2020, Facebook permanently disabled the “dispute” function on HAN’s account so that no one could challenge Facebook’s actions through direct submission, and Facebook has ignored HAN’s written requests over the past five months that both its content and full functionality be restored to HAN’s page.

55. Censorship and bans as they applied to Plaintiffs began in early 2020 and have continued since. Censorship of plaintiffs and users on the HAN newsgroup and other newsgroups began in May 2020, it has continued unabated ever since.

Respectfully Submitted,

Dated: July 26, 2021

FORMERFEDSGROUP.COM LLC

By: /s/ Brad Geyer

BRADFORD L. GEYER

HENNIG KRAMER RUIZ & SINGH, LLP

By: /s/ Rob Hennig

ROB HENNIG

Attorneys for Plaintiffs

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SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing. Pursuant to Civil Local Rule 5-1(i), I hereby attest that the other signatories have concurred in this filing.

Dated: July 26, 2021

By: /s/ Brad Geyer
Bradford L. Geyer (pro hac vice)

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