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County of San Francisco

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

Case No. **CGC-24-615352**

AARON GREENSPAN, an individual,

Plaintiff,

v.

ELON MUSK, an individual, TESLA, INC., a Delaware corporation, X CORP., a Nevada corporation formerly known as TWITTER, INC., EXCESSION, LLC, a Texas Limited Liability Company, JARED BIRCHALL, an individual, MORGAN STANLEY & COMPANY, LLC, a Delaware Limited Liability Company, OMAR QAZI, an individual, SMICK ENTERPRISES, INC., a Delaware corporation, SINGER CASHMAN, LLP, a California partnership, ADAM S. CASHMAN, an individual, ALLISON HUEBERT, an individual, ADAM G. MEHES, an individual, and ALEX SPIRO, an individual, and DOES 1-10, inclusive,

Defendants.

COMPLAINT FOR:

1. Defamation Per Se
2. Defamation
3. Violation of Anti-Stalking Statute, Civil Code § 1708.7, *et seq.*
4. Negligent Infliction of Emotional Distress
5. Abuse of Process
6. Malicious Prosecution
7. Negligence
8. Conspiracy
9. Violation of California Business and Professions Code § 17200

DEMAND FOR JURY TRIAL

Plaintiff, Aaron Greenspan, alleges the following causes of action and requests for relief:

INTRODUCTION

1. Defendant Elon Musk is the centi-billionaire, self-declared “Technoking” of Defendant Tesla, Inc. (“Tesla”), which manufactures electric vehicles and sells solar energy and battery products. He has attracted and cultivated a literal cult following, both among his

1 customer base and on Twitter, the social network Defendant Musk purchased in 2022 for \$44
2 billion and renamed X (hereinafter “Twitter”).

3 2. Tesla has relied upon accounting tricks and grandiose promises, many of which
4 are now the subject of multiple investigations by federal and state government agencies, to boost
5 its stock price, cement inclusion in the S&P 500, and construct a false narrative of success.

6 3. Such deceptive devices were necessary to distract investors from the fact that up
7 through 2021 or later, Defendant Tesla was the largest Ponzi scheme in history—one that just
8 happened to produce cars. New investors cashed out the old while executives, such as Defendant
9 Musk, were rewarded ever more handsomely through stock-based compensation as the company
10 lost ever more money and covered it up.

11 4. Defendant Tesla’s main product is its stock, which by 2018 made it of particular
12 interest to Defendant Musk’s collective arch-nemesis: short-sellers.

13 5. On July 14, 2021, under oath, Defendant Musk’s brother and Tesla Director
14 Kimbal Musk summarized his family’s approach to business, stating, “If you are the CEO of a
15 company, you have relentless optimism or go find another job.” The Musks’ “relentless
16 optimism” often veered into outright falsehood, however.

17 6. In 2018, the United States Securities and Exchange Commission (“SEC”) charged
18 Defendant Musk with securities fraud. Defendants Musk and Tesla signed binding Consent
19 Decrees and each paid a \$20 million fine. The SEC has since commenced several additional
20 investigations against Defendants Musk and Tesla for violations of securities laws.

21 7. In 2023, the Delaware Court of Chancery invalidated Defendant Musk’s 2018
22 executive compensation package worth \$56 billion, finding that Defendants Musk and Tesla
23 misled shareholders leading up to and during a defective voting process.

24 8. While scapegoating short-sellers to distract from their fraudulent acts, Defendants
25 conspired to spin and support a narrative centered around supposedly autonomous cars with
26 “Full Self-Driving” (“FSD”) features that led to a precipitous increase in Tesla’s stock price
27 throughout 2020 and 2021, making Defendant Musk the wealthiest person in the world with a net
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1 worth of over \$200 billion.

2 9. It was therefore shocking when Defendant Musk admitted on the record in late
3 2020 that the short-sellers had been right all along: that Tesla had been on the verge of
4 bankruptcy from “mid 2017 to mid 2019,” rendering its investor disclosures, showing adequate
5 cash, and lacking any “going concern” statements, totally fraudulent. In sum, Defendant Musk
6 fed investors non-stop lies to avoid a “self-fulfilling prophecy” that would cause Tesla’s “death.”
7 Though he told hundreds of these lies himself, the conspiracy also involved Musk’s proxies.

8 10. Defendant Omar Qazi, individually and through his corporation, Defendant Smick
9 Enterprises, Inc. (“Smick” and together, “Qazi”), was and remains a ferocious paid propagandist
10 for Defendants Musk and Tesla, having authored and/or coordinated over 318,000 tweets
11 praising Tesla and scapegoating its critics—plus essays, podcasts, and promotional videos
12 touting Tesla’s FSD features. For the sake of comparison, Yevgeny Prigozhin (“Putin’s Chef”)
13 employed a “troll-factory” that “generated one of the largest known online disinformation
14 campaigns, churning out 71,000 tweets” according to [Bellingcat](#) in 2020.

15 11. Defendant Musk is an officer, director and employee of Defendant Tesla. Under
16 *respondeat superior* doctrine, Defendant Tesla is liable for the actions of Defendant Musk
17 performed in connection with its business. Similarly, Defendant Smick is liable for Omar Qazi.

18 12. Defendant Qazi, who has been criminally charged in at least two unrelated cases,
19 is a Tesla shareholder, customer, and paid agent of Defendant Tesla. Since Qazi is a paid agent
20 of Defendant Tesla working at its direction, Defendant Tesla is also liable for Defendant Qazi’s
21 and Defendant Smick’s actions.

22 13. Defendant Qazi’s antics, including but not limited to 1) recording Tesla FSD
23 demonstration videos that secretly employed the use of at least one “cheat device” to make
24 autonomous driving appear smoother, with fewer interruptions; 2) hiding problems with his own
25 Tesla vehicle, including a persistent squeaking noise, from viewers, while he pleaded with Tesla
26 service to fix the problems so that they did not impact his videos; 3) leading a mob that
27 attempted to frame Plaintiff for possession of child pornography; and 4) constantly disparaging
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1 Plaintiff during a years-long smear campaign, attracted a following of tens of thousands of
2 Musk’s supporters and numerous detractors before he was banned from and by Twitter for life.

3 14. Today, Defendant Qazi has over 475,000 followers on Twitter. One of those
4 followers is Defendant Musk, who frequently uses Defendant Qazi’s posts as springboards for
5 official Tesla communications.

6 15. Especially after Defendant Musk disbanded Defendant Tesla’s formal Public
7 Relations team in late 2019, Defendant Qazi filled in for its role, often working as a tag team
8 with Defendant Musk to hurl accusations and falsehoods concerning Plaintiff, among other
9 topics, in order to discredit Plaintiff’s document-based research on Defendants Tesla and Musk.

10 16. Internal Tesla documents provided to Plaintiff corroborate that Defendants made
11 false and misleading statements in SEC filings—repeatedly misleading and lying to investors
12 about Tesla’s main metric of “deliveries,” inflating cash balances, promising non-existent
13 futuristic “robotaxis,” and glossing over hundreds of millions of dollars worth of factory waste,
14 among other issues—to manipulate Tesla’s share price skyward.

15 17. For his part, Defendant Musk has already generally admitted to market
16 manipulation, having stated “I might pump but I don’t dump” during a conference panel
17 broadcast worldwide on July 21, 2021.

18 18. The SEC recognizes social media as a potential manipulative “device” pursuant to
19 the Securities and Exchange Acts. Indeed, social media has been instrumental to Musk’s
20 unprecedented “pump” of Tesla’s stock price, which culminated in a market capitalization of
21 over \$1.2 trillion at its peak: about twenty times the peak market capitalization of Enron, and
22 more than the *combined* valuation of the rest of the automotive industry, e.g. Toyota,
23 Volkswagen, Mercedes, General Motors, BMW, Honda, Fiat-Chrysler, Ford, Nissan and Subaru.

24 19. After being banned from Twitter, Defendant Qazi returned under the guise of a
25 new shared account, still acting as an agent of Defendants Musk and Tesla, until his further
26 provocations triggered a backlash in the same community of zealots that had previously been so
27 supportive of his at-times-criminal harassment. So he appropriated a yet another new Twitter
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1 account, which he shared with unknown Defendants Does 1-10 in order to evade liability.

2 20. As Defendants Qazi and Smick assisted Defendant Musk with the suppression of
3 legitimate criticism from Plaintiff and other short-sellers and journalists, Defendants Excession,
4 LLC (“Excession”), Jared Birchall, and Morgan Stanley & Company, LLC (“Morgan Stanley”)
5 assisted Defendant Musk with the direct manipulation of Tesla’s share price in response to that
6 criticism.

7 21. Defendant Birchall, who has a documented history of using aliases, including but
8 not limited to “James Brickhouse,” as well as hiring at least one convicted felon to drum up
9 misinformation for Defendant Musk, is the head of Excession, Defendant Musk’s family office,
10 which manages Musk’s wealth in conjunction with the Elon Musk Revocable Trust Dated July
11 22, 2003. Defendant Birchall was formerly employed by Defendant Morgan Stanley, from
12 which he was fired in 2016. According to discovery documents originating in a different
13 lawsuit, Defendant Birchall worked with Morgan Stanley employees Michael Grimes and Kate
14 Claassen and former employee Kyle Corcoran to execute deliberately manipulative and secret
15 stock trades on Defendant Musk’s behalf while evading Morgan Stanley’s compliance
16 department and the advice of legal counsel. Such activity is consistent with Musk’s SEC
17 disclosures.

18 22. Through thousands of false and misleading statements and material omissions
19 broadcast directly to millions, and indirectly to millions more through the media, Defendants
20 successfully and unlawfully “pumped” the stock price of TSLA common shares from an average
21 of \$167.66 per share during the period of June 29, 2010 (the date of Defendant Tesla’s Initial
22 Public Offering) through September 23, 2018 (the day before Plaintiff first purchased put
23 options) to \$6,217.50 per share (split-adjusted) as of November 1, 2021, a 3,608% increase.

24 23. After Defendants Musk and Tesla manipulated successive quarterly financial
25 statements to make it appear as though Tesla had turned a profit, which then qualified Tesla for
26 inclusion in the S&P 500 index on December 21, 2020, Tesla’s stock peaked in November 2021
27 and then began to fall. Today, it trades at less than 50% of its peak value.

1 24. Despite its peak market capitalization of approximately \$1.2 trillion, as of the date
2 of filing, Defendant Tesla for years had no permanent General Counsel. Three of its prior
3 General Counsels and an Acting General Counsel resigned from November 2018 through mid-
4 2021 (Todd Maron, Dane Butswinkas, Jonathan Chang, Al Prescott), as did two prior Chief
5 Financial Officers (Jason Wheeler [who resigned in 2017], Deepak Ahuja) and two Chief
6 Accounting Officers (Eric Branderiz, Dave Morton). Tesla then burnt through two more General
7 Counsels or equivalent officers (Bill Berry, Dinna Eskin) and another Chief Financial Officer
8 (Zach Kirkhorn).

9 25. Defendant Musk has primarily relied on an attorney unlicensed in California,
10 Defendant Alex Spiro, to do his bidding in a state where it is unlawful for Defendant Spiro to
11 practice law on a regular basis.

12 26. Plaintiff sued Defendants Musk, Tesla, Qazi and Smick in federal court in the
13 Northern District of California on May 20, 2020. *See Greenspan v. Qazi et al*, Case No. 3:20-cv-
14 03426-JD (N.D. Cal. *filed* May 20, 2020) (the “Federal Case”). Plaintiff’s federal claims were
15 dismissed with prejudice; the state claims were dismissed without prejudice and are re-filed
16 herein. The district court ruling’s decision in this regard was upheld on appeal, with the United
17 States Court of Appeals for the Ninth Circuit’s mandate issued June 10, 2024.

18 27. In the Federal Case, Defendants Musk and Tesla were initially represented by
19 Cooley, LLP, which withdrew when Defendant Musk fired the entire firm because it hired an
20 attorney who previously worked on a Musk investigation at the SEC. Cooley, LLP was replaced
21 by Quinn Emanuel Urquhart and Sullivan, LLP, for which Defendant Spiro works.

22 28. Defendant Spiro never paid his *pro hac vice* fees in the Federal Case—part of a
23 pattern evidenced by roughly a dozen other cases in which Defendant Spiro also failed to file
24 required paperwork or pay fees. At Defendant Musk’s instruction, Defendant Spiro also
25 provided legal advice to Defendant Qazi on Plaintiff’s Federal Case then pending in California,
26 despite not being licensed to do so.

27 29. In 2022, Defendant Musk, who regularly abuses LSD, ketamine, tranquilizers,
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1 and various other illegal narcotics according to *The Wall Street Journal*, publicly announced that
2 he was “out for blood” and setting up a “hardcore litigation department.” For its debut, he
3 engaged Defendants Singer Cashman, LLP, Adam S. Cashman, Allison Huebert, and Adam G.
4 Mehes (the “Hardcore Litigation Department”) to file a frivolous lawsuit against Plaintiff (the
5 “Alameda Case”)—the first lawsuit Defendant Musk had ever filed in his individual capacity—
6 in the Superior Court of California for Alameda County in retribution for Plaintiff’s work on
7 exposing Defendants’ fraudulent acts. *See Musk v. Greenspan*, Case No. 23CV028370
8 (Alameda County filed February 24, 2023). The lawsuit’s initial and only complaint (the
9 “Alameda Complaint”) was full of substantive and typographical errors and came to a close in
10 July 2023 after it was voluntarily dismissed.

11 30. On June 13, 2023, X Corp. suspended Plaintiff’s @AaronGreenspan and
12 @PlainSite Twitter accounts, which had become vital resources for journalists covering
13 Defendants Musk and Tesla. Both accounts were suspended simultaneously at approximately
14 1:15 P.M. for purported violations of the Twitter Terms of Service, but even after filing several
15 so-called “appeals,” Plaintiff was never told precisely what the purported violations were beyond
16 “Violating our rules against posting private information.” Nor was Plaintiff told how both
17 accounts were found to be in violation at the same time, or what the “private information” was.

18 31. Throughout all of this, Defendant Qazi continuously libeled Plaintiff. Defendant
19 Musk, on behalf of Defendant Tesla, explicitly approved of and encouraged it. Eventually,
20 through Defendants X Corp. and Smick, Defendant Musk began paying Defendant Qazi for it.

21 32. Defendants’ collective actions are part of an overt, disturbing, and at this point
22 well-documented pattern in which Defendants have repeatedly incited on-line mobs against
23 anyone who dares question or criticize them. Defendants smeared Plaintiff as mentally ill, a
24 psychiatric patient, a rapist, a pedophile, a child molester, a likely school shooter, a stalker, a
25 conspiracy theorist and more, all in service of one of the largest frauds in American history.

26 **PARTIES**

27 33. Plaintiff Aaron Greenspan is an individual residing in San Francisco County in
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1 the State of California. Plaintiff is not a public figure.

2 34. Defendant Musk is a public figure who controls Tesla, Inc., X Corp., and
3 Excession, LLC, among other companies, who frequently works in California, and who lived in
4 California during much of the relevant timeframe.

5 35. Defendant Tesla, Inc. is a corporation based in Texas with operations in Alameda,
6 Los Angeles, Santa Clara, San Francisco, San Joaquin, and San Mateo Counties in California.
7 Its common stock trades on the NASDAQ Global Select Market under the ticker symbol
8 “TSLA.”

9 36. Defendant X Corp., formerly Twitter, Inc., is a Nevada corporation with offices
10 based in San Francisco County.

11 37. Defendant Excession, LLC is a Texas Limited Liability Company. It is
12 Defendant Musk’s family office, which manages his wealth.

13 38. Defendant Jared Birchall is an individual who resides in Texas, but who lived in
14 and worked in California during much of the relevant timeframe. He works for Elon Musk.

15 39. Defendant Morgan Stanley & Company, LLC is a Delaware Limited Liability
16 Company with offices in California. It provides investment banking services to Elon Musk.

17 40. Defendant Omar Qazi is an individual residing at least part-time in San Francisco
18 County who also does business in Los Angeles, Santa Clara and San Francisco Counties in
19 California.

20 41. Defendant Smick Enterprises, Inc. is a Delaware corporation unregistered with the
21 California Secretary of State or Franchise Tax Board, which thus does not pay California taxes,
22 but nevertheless operates in Santa Clara and San Francisco Counties.

23 42. Defendant Singer Cashman, LLP is a California limited liability partnership that
24 represented Elon Musk in the Alameda Case.

25 43. Defendant Adam S. Cashman is an attorney licensed in California, State Bar No.
26 255063, who represented Elon Musk in the Alameda Case. Mr. Cashman is a named partner at
27 Singer Cashman, LLP. He signed the Alameda Complaint on behalf of Elon Musk naming
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1 Plaintiff as a defendant, which he had a legal obligation to review before filing. He also signed
2 the predecessor document to the Alameda Complaint.

3 44. Defendant Allison Huebert is an attorney licensed in Texas, Bar Card No.
4 24124694, working for Tesla, Inc., but who represented Elon Musk in the Alameda Case. Her
5 name appears on the Alameda Complaint naming Plaintiff as a defendant, which she had a legal
6 obligation to review before filing.

7 45. Defendant Adam G. Mehes is an attorney licensed in Texas, Bar Card No.
8 24133603, working for X Corp. and/or Tesla, Inc. but who represented Elon Musk in the
9 Alameda Case. His name appears on the Alameda Complaint naming Plaintiff as a defendant,
10 which he had a legal obligation to review before filing. His name also appears on the
11 predecessor document to the Alameda Complaint.

12 46. Defendant Alex Spiro is an attorney licensed in New York who caters to celebrity
13 clients working on behalf of Tesla, Inc. and Elon Musk. His has been the subject of a motion for
14 criminal sanctions brought by the State of Florida and routinely practices law in California
15 without a license. Defendant Spiro was also the subject of a sanctions motion in Texas.

16 **JURISDICTION AND VENUE**

17 47. The Court has personal jurisdiction over Defendants. Defendant Qazi resides in
18 San Francisco County. Defendants Tesla, Inc., X Corp., Smick Enterprises, Inc., Morgan
19 Stanley & Company, LLC, Singer Cashman, LLP and Adam S. Cashman maintain a place of
20 business in San Francisco County. All Defendants have taken advantage of the benefits and
21 privileges of the laws of the State of California and have purposefully availed themselves of the
22 California market.

23 48. Venue is proper in this Court pursuant to Code of Civil Procedure § 393 because
24 Defendants' violations of law occurred largely in the City and County of San Francisco.

25 **FACTUAL BACKGROUND**

26 *Tesla Stock Promoter Omar Qazi Inserts Himself Into A Dangerous Situation*

27 49. Plaintiff is an investor who previously held put options in Tesla, Inc. common
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1 stock. Plaintiff invested in TSLA put options because he believed that Defendant Tesla's
2 business was fundamentally overvalued by the market. When Plaintiff began purchasing Tesla,
3 Inc. securities he had no knowledge of any alleged fraud involving Defendant Tesla except for
4 limited knowledge from news reports of Defendant Musk's August 2018 false "funding secured"
5 tweet.

6 50. Plaintiff is also a data journalist who runs a legal information service called
7 PlainSite, which hosts tens of millions of court and agency dockets, government documents, and
8 profiles. PlainSite handles privacy requests on a case-by-case basis. Consequently, a variety of
9 individuals are occasionally upset that their information is in the public domain.

10 51. One individual, Diego MasMarques, Jr., convicted of murder and attempted
11 murder in Spain and charged with other crimes domestically, made death threats directed at
12 Plaintiff over the fact that his convictions were public to the point where Plaintiff applied for and
13 was granted a two-year restraining order against him. *See Greenspan v. MasMarques*, Santa
14 Clara County Superior Court Case No. 18CH008067 (the "Civil Harassment Case"). *See also*
15 *Greenspan v. MasMarques et al*, Massachusetts District Court Case No. 1:23-cv-10134-DJC.

16 52. On various websites, Mr. MasMarques, who has a documented history of mental
17 illness, also posted thousands of libelous fabrications falsely alleging that Plaintiff and his family
18 members had committed a wide variety of crimes ranging from setting up a "fraudulent" non-
19 profit organization, to tax evasion, to extortion, to the hacking of his e-mail account.

20 53. On January 13, 2019, Plaintiff [posted](#) on Twitter from the @PlainSite account
21 warning Defendants Musk and Tesla that a customer had recorded a video of a Tesla Model 3
22 center console that was unresponsive while driving. Defendants Musk and Tesla did not
23 respond, but the next day, January 14, 2019, a Twitter account, "@tesla_truth" (posing as "Steve
24 Jobs") did, falsely writing, "Aaron, the center touch screen has nothing to do with driving the
25 car," and ending with, "Good luck in court on Tuesday for violating that restraining order," even
26 though Plaintiff had not violated any order.

27 54. Upon information and belief, on January 14, 2019, Mr. MasMarques and/or one
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1 of his sympathizers began feeding Defendant Qazi false information concerning Plaintiff on
2 Twitter, and the @tesla_truth account amplified that misinformation without bothering to verify
3 its accuracy. At approximately the same time as @tesla_truth first responded, a since-deleted
4 Twitter account, @Tom34079930, replied to a @tesla_truth post falsely stating in part, “Aaron
5 Greenspan went last year to a judge and lied to get a restraining order on Diego. The judge was
6 pissed when she found out he lied. Now the restraining order is on Aaron and he violated it.”
7 The @Tom34079930 account also falsely wrote to @tesla_truth, “Greenspan is a tax cheat.”

8 55. Plaintiff did not at any point solicit feedback from @tesla_truth. Its owner
9 attacked Plaintiff over a public safety concern, much as it had previously attacked journalists.

10 56. The @tesla_truth account then began re-posting and linking to many more of the
11 libelous and deranged posts that were the subject of the unrelated Civil Harassment Case, some
12 of which featured Plaintiff’s parents’ home address, a photograph of their home, and the name of
13 their synagogue, alongside serious and false accusations about Plaintiff and his family.

14 57. The owner of the @tesla_truth account admitted, “I haven’t researched many
15 details about all the complaints against Aaron,” displaying reckless disregard for the truth.

16 58. An attempt via Direct Message (“DM”) to discuss the seriousness of the matter
17 and the associated safety concerns with @tesla_truth’s owner was not fruitful. The owner of the
18 account refused to stop and continued making public antagonizing statements on Twitter,
19 including, “Jail all shorts,” echoing Defendant Musk’s notorious scapegoating of short-sellers.

20 59. Plaintiff sent a link via DM to the @tesla_truth account owner to a PDF file
21 hosted on his personal website of Twitter posts concerning the Civil Harassment Case. When the
22 account owner clicked on the link, Plaintiff’s server logs yielded the account owner’s DNS
23 hostname and IP address: c-73-71-59-42.hsd1.ca.comcast.net and 73.71.59.42, respectively.
24 Given the alarming safety concerns associated with the Civil Harassment Case, Plaintiff searched
25 PlainSite’s server logs for any associated usage history, and found that a user with the same IP
26 address had searched for “smick enterprises,” a company run by Defendant Qazi.

27 60. Given the number of people the account owner had already harassed, Plaintiff
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1 publicized a redacted form of this information to warn of the danger Defendant Qazi posed.

2 61. Defendant Qazi later admitted to using the @tesla_truth Twitter account.

3 62. The same day, still concerned about the danger posed to his family and others at
4 synagogues mentioned in some of the posts, Plaintiff attempted to contact Defendant Qazi by
5 phone at his employer's office as determined by his LinkedIn profile, but was unable to reach
6 him. Plaintiff informed an unknown female supervisor that he had asked Defendant Qazi to stop
7 and considered his conduct dangerous, harassing and libelous. At the time, Plaintiff did not
8 know that Defendant Qazi's "employer" was actually Qazi's father's company. Plaintiff did not
9 ask to speak with Defendant Qazi's father or any of his family members when he called.
10 Plaintiff simply conveyed that Defendant Qazi's dangerous conduct should cease immediately.

11 *Omar Qazi Steps Up His Campaign of Criminal Harassment*

12 63. The next day, on January 15, 2019 at 7:01 P.M. (all times herein are Pacific Time
13 unless otherwise specified) Plaintiff received a harassing phone call from a blocked telephone
14 number. The anonymous male caller impersonated a service technician who initially only said
15 he was calling from "the phone company," and asked for Plaintiff's home address. Since the
16 caller refused to identify "the phone company," and since AT&T does not customarily call from
17 blocked numbers for service appointments, Plaintiff refused to divulge any information.
18 Defendant Qazi later admitted to placing this harassing phone call both privately and publicly.

19 64. The @tesla_truth Twitter account, posing as "Steve Jobs," was eventually
20 suspended by Twitter for violating its terms of service. It was permitted to continue operating
21 only by renaming itself to "Steve Jobs [sic] Ghost" and by falsely identifying as a so-called
22 "parody" account, even though the account's primary purpose was not to parody Steve Jobs, but
23 to promote Defendants Musk and Tesla by abusing the imprimatur of Apple, Inc.'s co-founder.

24 65. In mid-July 2019, the @tesla_truth account once again began posting false and
25 misleading information about Plaintiff and the Civil Harassment Case. Such posts continued
26 through late October 2019 and inspired harassment from others.

27 66. On August 2, 2019 at 11:24 P.M., via the @PlainSite Twitter account, Plaintiff
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1 reported on a public video posted by Defendant Qazi on the @tesla_truth account advertising
2 Tesla’s so-called “Autopilot” functionality. The video depicted a black Tesla Model 3 driving
3 through a red stoplight on Autopilot without the driver’s hands on the steering wheel as required.
4 Although Defendant Qazi later claimed not to be the driver, he has not denied that the vehicle
5 was his, and he claimed to own the video’s copyright.

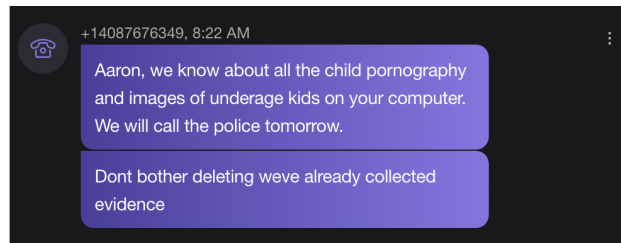
6 *Omar Qazi Leads a Mob That Tries To Frame Plaintiff for Possession of Child Pornography*

7 67. The next day, on August 3, 2019 starting at 7:49:32 A.M., an internet user with
8 the DNS hostname ip72-203-123-36.oc.oc.cox.net in or around Rancho Palos Verdes, California
9 accessed documents hosted on PlainSite from the Civil Harassment Case.

10 68. Less than 20 minutes later, on August 3, 2019 at 8:07 A.M., the @tesla_truth
11 Twitter account posted an altered and false version of Form CH-100 from Plaintiff’s Civil
12 Harassment Case, replacing the “Person From Whom Protection Is Sought” with the name
13 “Little Billy Watkins” and an age of “5” (referring to a fictional five-year-old child). The altered
14 document also contained Plaintiff’s phone and fax number alongside the text:

15 “BREAKING: Aaron Greenspan of Plainsite has been arrested after trying to beat up a
16 group of kids in the playground after a failed child abduction. The kids ended up doing a
17 number on him and now he has filed a restraining order against them. Should’ve known
18 they would fight back.”

19 69. Fifteen minutes later, on August 3, 2019 at 8:22 A.M., at the same phone number
20 posted by Defendant Qazi as part of the altered Form CH-100, Plaintiff received several text
21 messages from an unknown telephone number, +1 408 767 6349, shown below:



22 These text messages falsely alleged that Plaintiff had “child pornography” and “[pornographic]
23 images of underage kids” on his computer and threatened to “call the police” accordingly.
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25 70. Seven minutes later, on August 3, 2019 at 8:29 A.M., Plaintiff received a fax on
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1 the fax number posted by Defendant Qazi as part of the altered Form CH-100 from an unknown
2 fax number, +1 415 969 2047, purporting to be from “Kids R Us” with a cover page message of,
3 “Aaron, let me know if you need more. Full price this time please.” The next page contained a
4 monochrome pornographic image of a teenage young woman. Plaintiff immediately reported the
5 harassing text messages and pornographic fax to the Federal Bureau of Investigation (“FBI”).

6 71. Eight minutes later, on August 3, 2019 at 8:37 A.M., Defendant Qazi used the
7 @tesla_truth Twitter account to post regarding Plaintiff, “he was just posting some stuff about
8 me in his feed so I wanted to mess with him a little bit.”

9 72. A similar anonymous fax from the same fax number was reportedly sent to
10 another critic of Tesla, Paul Huettner, in December 2018. That fax, with the same cover page
11 style, reportedly contained a thinly veiled death threat purporting to be from “Elon Musk.”

12 73. In light of these events, on August 7, 2019 at 3:27 P.M., Plaintiff e-mailed the
13 Tesla Board of Directors, including Defendant Musk, with questions and concerns about
14 Defendant Tesla’s relationship with Defendant Qazi. Plaintiff never received a response.

15 74. On August 7, 2019 at 6:38 P.M., Defendant Qazi admitted to further harassment
16 and to the destruction of evidence by posting from his @OmarQazi Twitter account:

17 “I did make the joke post about Aaron getting beat up by kids or whatever with his
18 contact info I got from PlainSite. Did it for fun because he posted tweeted [*sic*] about
19 me. Deleted it later that day. Nothing personal against Aaron.”

20 75. In a DM conversation with a third party from September 27, 2019, Defendant
21 Qazi admitted, “[I] take responsibility for what my followers do too and [I] take it seriously.”

22 76. On August 8, 2019 at 11:13 P.M., Defendant Musk responded to e-mailed, on-
23 the-record questions from Plaintiff with a screenshot of false information stemming from
24 libelous posts by Diego MasMarques, Jr., along with the words, “Your true colors ...”

25 77. Especially after Plaintiff was able to obtain previously confidential court
26 documents from Delaware Court of Chancery Case No. 12711-VCS, *In Re Tesla Motors, Inc.*
27 *Stockholder Litigation* (the “SolarCity Case”), including deposition transcripts of Defendant
28 Musk, on a nearly daily basis, the @tesla_truth account posted dozens of false statements—

1 hundreds in aggregate—regarding Plaintiff, his family, and his non-profit organization. These
2 harassing statements were read by a wide audience of at least 10,000-35,000 followers. Virtually
3 all were published to promote Defendant Tesla’s stock, its products, and Defendant Musk.

4 78. On or around September 28, 2019, an internet user with the same last two cell
5 phone digits as Defendant Qazi (37) created a Twitter account with the username @PlainShite
6 (and a name of “Plain Shit”) that made use of the PlainSite name and logo without permission.

7 79. On the morning of October 9, 2019, *Bloomberg Businessweek* published an article
8 by Zachary Mider referring to Defendant Musk, profiling Defendant Qazi, and stating:

9 “The billionaire CEO, who declined to be interviewed for this story, replied to his fan
10 [Defendant Qazi via e-mail] the same day [in August 2019]. ‘Your Twitter is awesome!’
11 he said, before adding a warning: ‘Please be wary of journalists. They will sweet talk you
12 and then wack [*sic*] you with a baseball bat.’ Musk cc’d me on the message. Tesla also
13 declined to comment.”

14 The article contained a photograph of Defendant Qazi next to his black Tesla Model 3 and
15 referred to the @tesla_truth account as a “bottomless font of Muskolatry.”

16 80. On October 9, 2019 at 2:53 P.M., Plaintiff published a copy of a Twitter DM
17 conversation in which Defendant Qazi admitted that he had an “out of control revenge impulse”
18 and that he had made the harassing telephone call to Plaintiff from a blocked number on January
19 15, 2019 “to fuck with him,” though Defendant Qazi misrepresented the call’s contents in several
20 respects. In this same conversation, Defendant Qazi also made reference to an unknown “Jim”
21 who had contributed to or provided input for the @tesla_truth account in January 2019.

22 81. To the extent that Defendant Qazi at any point denies having authored statements
23 attributed to him on @tesla_truth or other social media accounts, they were authored by other
24 employees and/or agents of Defendant Tesla with Defendant Qazi’s supervision and approval.

25 82. On October 9, 2019 at 3:09 P.M., regarding Plaintiff, the @tesla_truth Twitter
26 account posted: “i’m going to drag his name through the mud until the day he does [*sic*]. I want
27 everyone to know the true facts about who he really is...”

28 *Elon Musk Personally Participates In The Harassment Campaign*

83. On October 9, 2019 at 3:34 P.M., Plaintiff e-mailed a Notice of Intent to Sue and

1 Evidence Preservation Notice to Defendant Musk, attorneys at Defendant Tesla and SpaceX,
2 Defendant Qazi, James Gleeson, and SEC Regional Director Erin Schneider.

3 84. Also at 3:48 P.M., Defendant Musk replied by e-mail to all parties, including the
4 SEC, with the message, “Does the psych ward know you have a cell phone? Just curious.” (the
5 “Musk Reply”). Defendant Musk then replied to all parties again, in reference to Defendant
6 Qazi’s response, with two laugh/crying emojis. None of the responses had any substantive
7 bearing on the Notice of Intent to Sue and Evidence Preservation Notice whatsoever and were
8 accordingly not pre-litigation communications. Nor did either of Defendant Musk’s responses
9 pertain to an active legal proceeding or a particular legal matter then under review.

10 85. Also at 3:48 P.M., Defendant Qazi posted on the @tesla_truth Twitter account a
11 screenshot of the e-mail containing Plaintiff’s Notice of Intent to Sue and Evidence Preservation
12 Notice to Elon Musk, without redacting any of Plaintiff’s contact information.

13 86. At 3:51 P.M., Defendant Qazi further posted a screenshot of Elon Musk’s
14 response, falsely suggesting that Plaintiff resided in a “psych ward.”

15 87. At 3:56 P.M., Defendant Qazi posted an image of the screenshot of the Notice of
16 Intent to Sue and Evidence Preservation Notice zoomed in on Plaintiff’s contact information
17 alongside the text, “If you would like to contact Aaron for pranks you can email or call him
18 using the info listed below. Remember that all pranks will be recorded, so give it your best shot.”

19 88. As a result of Defendants’ actions, Plaintiff received unwanted telephone calls, e-
20 mails and messages, and hundreds of additional libelous messages were posted publicly.

21 *Omar Qazi Targets Plaintiff’s Family for Further Harassment*

22 89. The following day, on October 10, 2019 at approximately 11:00 A.M., Defendant
23 Qazi created a fake Twitter account impersonating Plaintiff’s father, Dr. Neil S. Greenspan. The
24 Twitter account’s handle, deliberately intended to confuse others, was @greenspan_neil. The
25 account did not identify itself as a parody account and was not a parody account.

26 90. Via Twitter, Defendant Qazi admitted that he used and/or uses the “catch all”
27 feature on Google Apps (since renamed to G Suite and Google Workspace) to receive all e-mails
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1 addressed to smick.com, including e-mails connected to numerous fake accounts on Twitter.

2 91. Defendant Smick uses and/or owns the domain name smick.com.

3 92. On Thursday, October 10, 2019, Plaintiff filed a Digital Millennium Copyright
4 Act (“DMCA”) takedown request with Twitter, Inc. regarding the copyrighted photograph Mr.
5 Qazi used to impersonate Plaintiff’s father. Consequently, Twitter removed the photograph.
6 Defendant Qazi replaced it with a different copyrighted photograph of Plaintiff’s disabled
7 brother and changed the name on the account to Plaintiff’s brother’s name, Simon Greenspan.
8 Plaintiff reported Defendants’ harassment to the San Francisco Police Department (“SFPD”).
9 The SFPD desk officer decided of his own volition to focus on the pornographic fax sent to
10 Plaintiff and accordingly classified his police report as relating to child pornography.

11 93. On Friday, October 11, 2019, among other messages, Defendant Qazi wrote, “I
12 hate my brother” from the fake @greenspan_neil account now posing as “Simon Greenspan.” In
13 a separate exchange on the same day with Twitter account @enL3X1, who asked, “Are you a
14 parody or actually his brother?” Defendant Qazi wrote, “yeah I’m his little brother haha.”

15 94. Plaintiff’s brother is not active on Twitter and never has been.

16 95. On October 11, 2019, Defendant Qazi created websites using servers owned or
17 leased by Defendant Smick Enterprises, Inc. (the “Smick Sites”) containing copyrighted
18 photographs of Plaintiff and his family members with the bold headline, “It’s plain to see: This
19 fraudulent charity is FULL OF SHIT.” The text continued in part:

20 “Have you been harassed, intimidated, threatened or targeted for extortion by Aaron
21 Greenspan, his fraudulent ‘Think Foundation’ ‘Charity’, or board members Neil
22 Greenspan or Judy Greenspan? You are not alone.”

23 The website’s source code contained the hidden HTML, “<!-- fuck you aaron -->”.

24 96. The Smick Sites mainly echoed Mr. MasMarques’s allegations: that Plaintiff’s
25 non-profit organization was a “fraudulent charity” and that Plaintiff and his family “harassed,
26 intimidated, or targeted for extortion” individuals. Defendant Qazi claimed to have engaged
27 “Lantham & Watkins” and wrote “56 people” had submitted “verified testimonies” to the site(s).

28 97. On October 15, 2019, the Smick Sites were updated to copy the appearance of the

1 PlainSite website and the misspelled reference to Latham & Watkins was removed. Defendant
2 Qazi updated the bold headline to: “Have you been a victim of harassment, intimidation,
3 extortion, sexual assault, identity theft, or cyberstalking by Aaron Greenspan? You are not alone.
4 The victims of Aaron Greenspan Foundation is gathering evidence of Aaron Greenspan’s crimes
5 to finally bring this criminal to justice.” The supposed “Victims of Aaron Greenspan
6 Foundation” does not exist and never has. Defendant Qazi changed the false number of people
7 who had submitted “testimonies” to “956,” corresponding to Plaintiff’s home address.

8 98. Later iterations of the Smick Sites increased the number of submitted
9 “testimonies” to various numbers in the thousands, added HTML page titles such as “PlainSite ::
10 Fake Charity Comitting [*sic*] Securities Fraud” and included other libelous hidden comments.

11 99. On October 15, 2019 at approximately 10:52 P.M., Defendant Qazi contacted
12 Plaintiff’s disabled brother via Facebook Messenger.

13 100. On October 16, 2019, Defendant Qazi removed the PlainSite source code from the
14 Smick Sites, but left posted the bold headline accusing Plaintiff of several crimes and the
15 copyrighted photographs of Plaintiff’s family members, including Plaintiff’s brother.

16 101. On Friday, October 18, 2019 at 7:06 P.M., one of Defendant Qazi’s harassing
17 Twitter accounts, @PlainShite—intended to impersonate and disparage Plaintiff’s company’s
18 trademarked brand, PlainSite—publicly accused Plaintiff of “attacking and slandering” others.

19 102. On October 18, 2019 at 7:34 P.M., Plaintiff wrote to Defendant Qazi via e-mail
20 stating, “If I’ve said anything objectively false I’d like to know what so that I can correct the
21 record.” At 8:24 P.M., Defendant Qazi responded via e-mail, stating, “Thanks for writing. I will
22 write back to you tomorrow, or Sunday if I don’t get time tomorrow.” He never responded
23 further, despite later falsely claiming in public that Plaintiff had failed to engage.

24 103. Defendant Qazi solicited information about Plaintiff’s supposed “crimes” from
25 thousands of followers, but only two “testimonies” initially appeared on the Smick Sites: “M’s
26 TESTIMONY,” and “P’S TESTIMONY,” a haphazard PDF compilation of Mr. MasMarques’s
27 false allegations submitted by Defendant Qazi’s friend, a conspiracy theorist and Elon Musk
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1 obsessive named Amelia “Mia” Tracey of Sydney and Melbourne, Australia, but posted
2 anonymously. Neither of these posts described any actual crime committed by Plaintiff or his
3 family members, let alone any actual “victim” of Plaintiff, as none exist.

4 *Even With Omar Qazi Banned From Twitter, His Libel and Harassment Continues*

5 104. Defendant Qazi’s harassment of Plaintiff led to the temporary suspension of
6 Defendant Qazi’s accounts. On or around October 22, 2019, Defendant Musk wrote an e-mail to
7 Twitter, Inc. CEO Jack Dorsey in support of Defendant Qazi while disparaging Plaintiff.

8 105. On or about October 24, 2019, Twitter permanently banned Defendant Qazi,
9 disabling @OmarQazi, @tesla_truth, @PlainShite, @greenspan_neil, and @SmickTrump.

10 106. On October 31, 2019, Defendant Qazi posted an essay on wholemars.org, a
11 domain name and server controlled by Defendant Smick, entitled, “Steve Jobs is dead.” In it,
12 Defendant Qazi admitted that his @tesla_truth account was suspended repeatedly for various
13 legal violations including impersonation, and that it was registered to teslatruth@smick.com.

14 107. In response, Defendant Qazi set up open-source software called Mastodon on a
15 server belonging to Defendant Smick. On November 1, 2019, Defendant Qazi published an
16 essay on wholemars.org thanking his supporters and inviting them to use Mastodon, where he
17 posted false and libelous statements about Plaintiff without fear of Twitter intervening. (At
18 various points in time, Smick’s “wholemars” domain names have redirected to each other.)

19 108. On Saturday, November 2, 2019, Sascha Pallenberg, formerly of Daimler AG,
20 wrote from his Twitter account, “Let me just be crystal clear about Omar Qazi. He harassed me,
21 colleagues and dozens of people in the industry over various fake accounts!” Pallenberg is one
22 of several automotive industry consultants and professional journalists who contacted Plaintiff to
23 confirm that Defendant Qazi had harassed them as well. One journalist informed Plaintiff that
24 Defendant Qazi had been banned from physically entering a building by corporate security.

25 109. Also on November 2, 2019, an unknown individual created a profile using
26 Plaintiff’s name and e-mail address without permission on the pornographic website Pornhub.

27 110. On November 6, 2019, an unknown individual using the Wikipedia username
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1 “[Cihwcihw](#)” made their first edit to Wikipedia since signing up five years prior: the alteration of
2 an article about Plaintiff, in order to supposedly “be more impartial and includ[e] additional
3 details.” In fact, this user only changed and added false content about Plaintiff, referencing
4 Defendant Qazi’s website while parroting his false claims about Plaintiff.

5 *The Tesla Cult Fractures, with Omar Qazi Scapegoating Plaintiff*

6 111. On April 29, 2020, Defendant Musk erupted into an angry tirade on Defendant
7 Tesla’s Q1 2020 earnings call, calling local public health officials “fascist.” At one point,
8 Defendant Musk was disconnected from his own earnings call, possibly by his own lawyers.

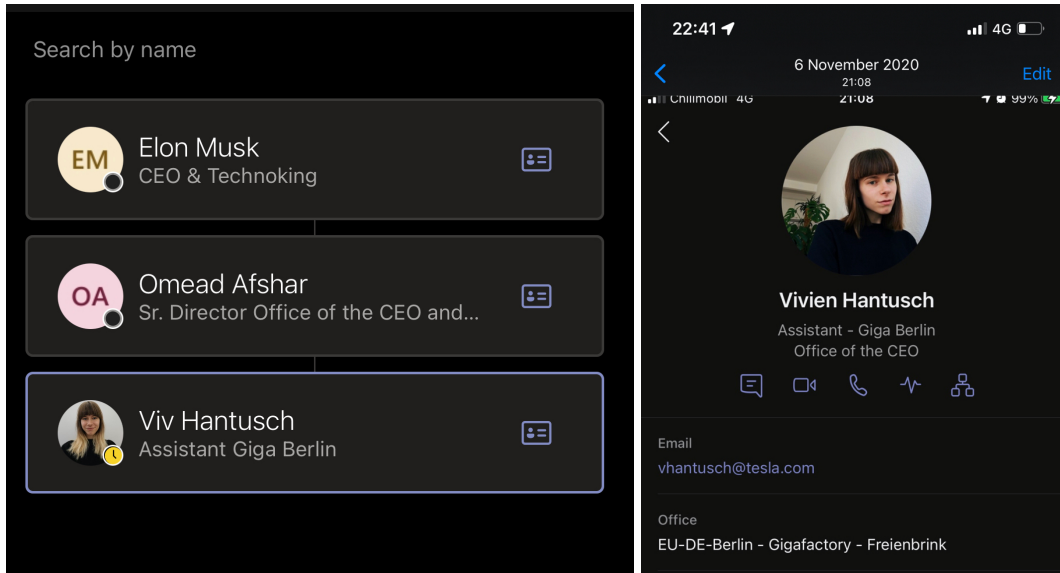
9 112. On May 9, 2020, Defendant Musk ignited further controversy by threatening to
10 sue, and days later suing, Alameda County over its implementation of the multi-county Shelter-
11 In-Place Order concerning COVID-19, which curtailed Tesla’s manufacturing in Fremont.
12 Defendant Musk then instructed his employees to violate the Shelter-In-Place Order and return to
13 work and risk death, or in the alternative, risk losing unemployment benefits. Soon after, Musk
14 posted an image on Twitter falsely implying that he had defied the Shelter-In-Place Order.

15 113. Many supporters of Defendants Musk and Tesla were, for once, appalled by
16 Musk’s erratic behavior and disregard for human life. On May 12, 2020, *Electrek* editor Frederic
17 Lambert [wrote](#) an editorial critical of Musk and the “toxic” Twitter account @thirdrowtesla: a
18 video podcast led by Defendant Musk’s most ardent supporters, including Defendant Qazi.

19 114. Signaling the vital importance of his work harassing Tesla’s critics, Defendant
20 Musk [appeared](#) with Defendant Qazi in a 3.5-hour Third Row Tesla video interview filmed at
21 one of Defendant Musk’s Los Angeles homes and published on February 9, 2020. The below
22 photograph depicts Defendant Qazi (far right) with Defendant Musk (far left) and Tesla Director
23 Kimbal Musk (second from right with cowboy hat) at the recording session:



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8 115. Also pictured is non-party Vivien “Viv” Hantusch, seated to the right of
9 Defendant Musk, who secretly began working for Tesla full-time in the “Office of the CEO”
10 starting in or around 2020, in a position with salary and lucrative stock options.



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20 116. Even as she worked for Tesla and Musk, Hantusch steadfastly refused to admit
21 her formal association, posting thousands of messages promoting Tesla and other Musk
22 businesses from her @flcnhvy Twitter account with over 100,000 followers by 2021.

23 117. Due in part to the criticism from even friendly bloggers like Lambert, who had
24 now labeled Third Row Tesla “toxic,” Hantusch disapproved of Qazi’s handling of the Third
25 Row Tesla Twitter account, leading to a rift in the group.

26 118. Defendant Qazi ultimately admitted authorship of Third Row Tesla’s Twitter
27 posts, thereby also admitting that he had deliberately contravened Twitter’s lifetime ban.
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1 119. The fallout from the rift between *Electrek* and Third Row Tesla, both of which
2 had served as cheerleaders for Defendant Tesla, led Defendant Qazi to author a 17,600-word
3 screed on his website hosted by Defendant Smick, published on May 17, 2020 (the “Qazi
4 Screed”). Entitled “Response to Frederic,” it oddly invoked *Plaintiff*’s name at least 47 times.

5 120. Virtually every statement concerning Plaintiff in the Qazi Screed was false or
6 misleading. In some cases, Defendant Qazi cropped images to deliberately mislead his readers.
7 Defendant Qazi also linked events that were chronologically impossible and omitted key facts.

8 121. On May 20, 2020, Plaintiff filed the Federal Case against Defendants Qazi,
9 Smick, Musk, and Tesla.

10 122. On or around May 23, 2020, Defendant Qazi returned to Twitter once more via a
11 proxy account, @WholeMarsLog, later renamed @WholeMarsBlog, set up for him by Tesla fan
12 Scott Woods to assist with evasion of his lifetime ban. Defendant Qazi repeatedly made half-
13 baked attempts to deflect blame onto Mr. Woods for his posts in the months that followed.

14 123. On May 24, 2020, Third Row Tesla published “Episode 17” recorded on May 15,
15 2020, depicting Defendant Qazi wearing a shirt imprinted with a graph of TSLA’s share price
16 next to the text “Tesla \$420.00,” referring to Defendant Musk’s false “funding secured” claim.



23 124. On May 25, 2020, a federal holiday, Plaintiff’s father received a phone call at
24 3:14 P.M. Eastern Daylight Time from a “Private Caller” on caller ID. The male caller identified
25 himself only as working for the law firm Quinn Emanuel in connection with the Federal Case
26 and calling on behalf of Defendants Musk and Tesla. The caller asked whether Plaintiff’s father
27 served on the Board of Directors of Plaintiff’s non-profit organization and asked for his address.

28 125. At 3:12 P.M. Eastern Daylight Time, two minutes prior to the call, Defendant

1 Qazi’s @WholeMarsLog Twitter account had posted, “It’s time for the board of Plainsite to face
2 justice for their crimes,” among other libelous statements.

3 126. On June 8, 2020, Defendant Qazi boasted about his “Nikola shorts,” indicating
4 that despite his professed hatred of short-sellers, he had decided to become one himself because
5 Nikola’s purported hydrogen-powered truck competed with Tesla’s purported electric truck.

6 127. On July 16, 2020, Defendant Qazi referred to the mugshot (below right)
7 associated with his arrest in Brevard County, Florida in connection with Case No. 05-2018-CF-
8 010519-AXXX-XX for felony possession of a controlled substance (LSD) and misdemeanor
9 possession of cannabis—as “my photo” from the @WholeMarsBlog account (below left), which
10 established that Defendant Qazi controlled @WholeMarsBlog, and not Scott Woods.



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18 128. On or around July 25, 2020, Defendant Qazi posted a third document entitled
19 “F’S TESTIMONY” and a link thereto on his Smick Sites purporting to be “testimony” from a
20 “victim” of Plaintiff. The document was yet another compilation of Diego MasMarques, Jr.’s
21 posts authored once again by Amelia Tracey, who had also fabricated “P’S TESTIMONY.”

22 129. In or around August 2020, Defendant Qazi interviewed Nikola Corporation
23 former CEO Trevor Milton and toured Nikola’s headquarters in order to report insights back to
24 Defendants Musk and Tesla on one of their potential competitors.

25 130. On August 5, 2020, Defendant Qazi falsely and publicly accused Plaintiff of
26 posting Defendant Qazi’s phone number and e-mail address on the “Dark Web.”

27 131. On August 22, 2020, in order to cause Plaintiff worry and anxiety, Defendant
28 Qazi began posting by name on his @WholeMarsBlog account about a female Harvard

1 University dean who Defendant Qazi erroneously believed was a college classmate of Plaintiff's.

2 132. On August 25, 2020, Defendant Qazi made a photograph of Plaintiff's parents
3 from a newspaper article the banner image for his @WholeMarsBlog account.

4 133. After Plaintiff filed his Second Amended Complaint in the Federal Case on
5 August 26, 2020, Defendant Qazi began a full-scale assault on Plaintiff's reputation to "drag his
6 name through the mud" as promised, using at least twelve different websites: among them,
7 Twitter, Hacker News, Mastadon, Quora, Reddit, Wikipedia, Amazon.com, SoundCloud,
8 Anchor.fm, as well as sites owned by Defendants Qazi and/or Smick.

9 134. On August 28, 2020, Defendant Qazi [appeared](#) on the "Inside Transportation"
10 podcast. As of July 31, 2021, the podcast had been listened to approximately 1,700 times. The
11 interview contained a litany of lies about Plaintiff and the admission at 13:30 that Defendant
12 Musk was "very pissed" about Defendant Qazi being banned by Twitter in October 2019.

13 135. On September 19, 2020, attempting to cause Plaintiff worry and anxiety,
14 Defendant Qazi posted threats concerning law enforcement on his @WholeMarsBlog account,
15 warning that Plaintiff's house was "completely bugged" due to a "warrant for a wiretap."

16 136. On September 22, 2020, Defendant Qazi referred to Plaintiff as "twice as evil as
17 Trevor [Milton]" on the @WholeMarsBlog account, twelve minutes after he had referred to
18 Milton as someone who had "mollsted [*sic*] his 15 year old cousin after a funeral."

19 137. On September 24, 2020, Defendant Qazi posted links on his @WholeMarsBlog
20 Twitter account to content authored by Diego MasMarques, Jr. and others on various gripe sites.
21 Plaintiff had previously informed both Defendant Qazi and his counsel of the serious danger
22 associated with the Civil Harassment Case, and again notified Qazi's counsel accordingly.

23 138. On September 26, 2020, the @WholeMarsBlog Twitter account wrote "what
24 aaron does to people is worse than murder IMHO", followed by a suggestion that Defendant
25 Qazi was contemplating suicide. Three days later, another cryptic suggestion appeared on
26 @WholeMarsBlog falsely stating that Plaintiff would be responsible for Defendant Qazi's death.

27 139. On October 1, 2020, a photograph of Plaintiff's mother appeared as the
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1 background image on the @WholeMarsBlog Twitter account.

2 140. On October 2, 2020, Plaintiff reported Defendant Qazi to SFPD a second time for
3 internet harassment as the frequency of his harassing posts increased.

4 141. On October 4, 2020, Defendant Qazi wrote that Plaintiff was “10x worse than
5 [alleged child molester] Trevor Milton” and called him a “Truly sick person.” Defendant Qazi’s
6 Third Row Tesla colleague and confidant, Kristen Yamamoto, echoed Defendant Qazi’s false
7 allegations, writing, “—so you’re *[sic]* daughter comes to you saying Trevor molested her & you
8 tell her ‘I have a bigger problem, Aaron Greenspan.’ 😞.” Defendant Qazi also posted a
9 photograph of Plaintiff’s disabled brother as the banner image of his @WholeMarsBlog account.

10 142. On October 6, 2020, it was widely reported that at the direction of Defendant
11 Musk, Defendant Tesla had shut down its entire Public Relations department months prior,
12 leaving Defendant Musk and Qazi’s Twitter accounts as the primary sources of information on
13 social media about Defendant Tesla, nominally valued at hundreds of billions of dollars.

14 143. On October 8, 2020, Ms. Yamamoto and Defendant Qazi recorded a [podcast](#) on
15 the Anchor.fm platform in which Defendant Qazi referred to Plaintiff as “a giant piece of shit,”
16 “just insane,” “crazy stalker guy,” “delusional” and “loser.”

17 144. On October 9, 2020 at 11:43 P.M., from the @WholeMarsBlog Twitter account,
18 Defendant Qazi wrote, “So it turns out nobody is really suspicious of a Tesla driving around
19 Fremont / someone actually nodded and waved from security” as he photographed Defendant
20 Tesla’s factory, which is private property. In contrast, on April 19, 2019, Randeep Hothi, a
21 researcher of similar age and skin tone to Defendant Qazi, was subject to a Workplace Violence
22 Civil Harassment Order filed by Defendant Tesla for observing the exact same factory by day.

23 145. On October 17, 2020, Defendant Qazi retweeted a post by the @OfficialABQ
24 Twitter account containing the text “Here’s a message for Greenspan” above a cartoon image of
25 one stick figure kicking another in the groin, causing it to collapse. Twitter later removed this
26 post for violating its rules prohibiting users from advocating violent conduct.

27 146. On October 19, 2020, an unknown party created an unverified Anchor.fm account
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1 in Plaintiff's name using Plaintiff's e-mail address, and then used the unverified account to send
2 Defendant Qazi a recorded message *not* from Plaintiff, which Defendant Qazi then falsely and
3 publicly cited as evidence of "harassment" by Plaintiff on his @WholeMarsBlog account.

4 147. In late October 2020, Twitter, Inc. published a "Ban evasion policy" at
5 <https://help.twitter.com/en/rules-and-policies/ban-evasion>, clarifying that Defendant Qazi was
6 violating the Twitter Terms of Service by continuing to use the platform, directly or indirectly.

7 148. On December 6, 2020, Defendant Qazi attempted to contact a friend of Plaintiff's
8 via LinkedIn for an unknown reason.

9 149. Upon information and belief, on December 8, 2020, Defendant Qazi used the
10 Cihwcihw Wikipedia account to exclusively edit three pages involving Plaintiff. The edits
11 contained a misspelling that consistently appears in Defendant Qazi's writing.

12 150. Also on or about December 8, 2020, Defendant Qazi created a new page on his
13 personal website for "The Story," referring to his involvement with Plaintiff. He promised
14 readers that the saga would be told in installments, starting with an introduction that he published
15 on December 15, 2020. Between December 8th and 15th, Defendant Qazi published nine
16 additional posts he referred to as "Apetizers" [*sic*] containing false and misleading statements
17 about Plaintiff. Each post, whether an "Apetizer" or formally part of "The Story," contained
18 banner advertisements intended to produce financial gain for Defendant Qazi, as well as
19 prominent links encouraging readers to donate to Defendant Qazi's legal defense funds via
20 GoFundMe and PayPal. The "Apetizers" alone were collectively 200 printed pages long.

21 151. From December 9-11, 2020, the Cihwcihw Wikipedia account continued to smear
22 Plaintiff on various Wikipedia articles by inserting false and misleading changes.

23 152. On December 13, 2020, Defendant Qazi began publishing his series, "The Story,"
24 full of innumerable false and misleading statements and material omissions concerning Plaintiff.
25 By January 11, 2021, the existing portions of "The Story" required 303 pages to print.

26 153. Above and beyond those already enumerated, Defendant Qazi wrote over 100
27 pages of *additional* essays containing countless false statements about Plaintiff, including but not
28

1 limited to the grotesque falsehood that Plaintiff incited violence against Defendant Qazi.

2 154. On January 7, 2021, with the price of TSLA common shares at or near all-time
3 highs, Defendant Qazi celebrated his work, posting, “holy fucking shit we’re all rich as fuck!!!”

4 **CLAIMS FOR RELIEF**

5 **COUNT I**

6 **Defamation Per Se**

7 **Against Defendants Omar Qazi and Smick Enterprises, Inc.**

8 155. Plaintiff incorporates by reference the foregoing allegations.

9 156. Starting on January 14, 2019 and even after the date of his ban by and from
10 Twitter, Defendants Qazi and Smick made use of several Twitter accounts to publish constant,
11 deliberate misinformation about Plaintiff and Plaintiff’s family.

12 157. From October 11, 2019 through present day, Defendants Qazi and Smick have
13 employed a variety of domain names and websites, including but not limited to wholemars.com,
14 wholemars.net, and wholemars.org to publish deliberate misinformation about Plaintiff and
15 Plaintiff’s family.

16 158. Defendant Qazi made these false statements thousands of times with the hope that
17 tarnishing Plaintiff’s reputation and discrediting both Plaintiff’s work and unrelated third-party
18 court filings located by Plaintiff would increase or prevent any decrease in the value of TSLA
19 shares. Qazi was successful: TSLA shares increased in value, he was profiled in a major
20 financial publication in connection with Defendant Musk, many of his followers began repeating
21 his false claims about Plaintiff, and many refused to believe anything published by Plaintiff.

22 159. Via Twitter and the Smick Sites, Defendants Qazi and Smick Enterprises, Inc.
23 explicitly encouraged others to spread false statements and disinformation about Plaintiff.

24 160. Defendant Qazi explicitly encouraged others to “harass” and “prank” Plaintiff.

25 161. Defendant Qazi threatened, “any attempts to silence us will only make us louder.”

26 162. Defendants Qazi and Smick placed banner advertisements alongside their libelous
27 statements about Plaintiff in order to derive further profits from their lies.

28 163. Although Defendant Qazi published falsehoods, misleading barbs and reputation-

damaging accusations over a period of more than two years such that it is impossible to enumerate each and every one, select representative examples include:

Statement No. / Date	Public Statement by Defendant Qazi	False / Misleading Aspects
1 January 14, 2019	“Strange how Aaron mentions that he think <i>[sic]</i> Diego wants to ‘get in his pants’. Sounds like may be revealing some deeper desires there”	Plaintiff never said any such thing in any context or via any medium. This statement falsely suggested a sexual attraction to Plaintiff’s stalker. That “Aaron mention[ed]” this statement on the particular website discussed in the post is provably false.
2 September 28, 2019	“Aaron Greenspan has child pornography at his house. I do not.”	This statement explicitly and falsely accused Plaintiff of possessing child pornography, which would be a crime. The statement is provably false.
3 September 30, 2019	“To conclude, is anyone surprised Aaron Greenspan is a complete fraud? Every \$tslaq I have looked into has committed serious crimes. Aaron, know you have anger issues and like to ‘do something’ when you’re mad but retaliating against me for reporting your fraud will make it worse”	This statement again explicitly mentioned Plaintiff and falsely accused him of fraud, and by referring to short-sellers including Plaintiff, “serious crimes.” This statement also falsely stated that Plaintiff suffers from a medical condition. Plaintiff has never been diagnosed with “anger issues” or any similar medical condition. Defendant Qazi twisted a lone remark Plaintiff made at a memorial service for his deceased friend, Aaron Swartz.
4 October 9, 2019	“How will Aaron Greenspan, a criminal guilty of felony tax fraud with no lawyer, do in court against two guys with a lot more money than him?”	This post explicitly mentioned Plaintiff and stated that he is a “criminal guilty of felony tax fraud,” which is false. Plaintiff has hired lawyers in various contexts over many years.
5 October 15, 2019	“Have you been a victim of harassment, intimidation, extortion, sexual assault, identity theft, or cyberstalking by Aaron Greenspan? You are not alone. The victims of Aaron Greenspan Foundation is gathering evidence of Aaron Greenspan’s crimes to finally bring this criminal to justice”	This headline appeared on at least four of the known Smick Sites, directly and falsely implicating Plaintiff in numerous crimes. The Smick Sites have <i>zero</i> actual accounts of Plaintiff committing any of the listed crimes because Plaintiff never committed them.
6	“he extorted \$250,000 from	This statement is part of an essay on

1 2 3	November 1, 2019	Mark Zuckerberg [<i>sic</i>]	Defendant Qazi's website that explicitly names Plaintiff. Plaintiff did not extort Mark Zuckerberg or anyone else, making this statement provably false.
4 5 6 7 8	7 May 25, 2020	<p>"Yes, Aaron Greenspan, Neil Greenspan, and Judith Greenspan.</p> <p>As board members they presided over Plainsite's tax fraud, harassment of Tesla customers, and short and distort fraud."</p>	Also posted on the @WholeMarsLog Twitter account, this statement falsely accused Plaintiff and his parents of various crimes.
9 10 11 12 13	8 June 23, 2020	<p>"Aaron Greenspan abuses his charity to inure private benefit to himself.</p> <p>His tax exempt status should and will be revoked, and he must pay back the taxes he illegally avoided."</p>	From the @WholeMarsBlog Twitter account, where Defendant Qazi again falsely alleged that Plaintiff has committed tax crimes. The IRS did not identify any taxes that were "illegally avoided" in its recent audit of Think Computer Foundation, making the statement provably false.
14 15 16 17 18 19 20	9 June 23, 2020	<p>"Aaron Greenspan is a cyberstalker who has been threatening and harassing Omar & others for years.</p> <p>A common tactic used by cyber stalkers is false accusations and false victimization.</p> <p>The harasser will try and make it look like they are the victim and use that to incite hate."</p>	From the @WholeMarsBlog Twitter account, Defendant Qazi again falsely alleged that Plaintiff committed the crime of stalking while projecting his own actions onto Plaintiff. That Plaintiff has ever threatened Defendant Qazi with anything other than the instant litigation is provably false.
21 22 23 24 25	10 July 10, 2020	"I'm sad. Greenspan has stalked me and tried to hurt me so much, it can't even fit in a tweet. He rapes his victims, entering their mind and shattering their peace when they least expect it. You can't imagine it unless you've seen it first hand."	From the @WholeMarsBlog Twitter account, where Defendant Qazi falsely claimed that Plaintiff is a rapist.
26 27 28	11 July 11, 2020	<p>"Aaron Greenspan had servers in New Jersey.</p> <p>The same place the death threat</p>	Here, Defendant Qazi falsely implied that Plaintiff had sent a Tesla super-fan a death threat across state lines, a criminal act, because Plaintiff's

1		@JohnnaCrider0 got this week came from.”	company once maintained a co-located server in New Jersey <i>in 2003</i> , which was provably de-commissioned and disconnected in March 2007.
2	12	“Even though Greenspan himself published the book, he didn’t like people reading what he has to say because it establishes that he’s been angry at the world and suffering from paranoid delusions since high school (or perhaps earlier).”	From Defendant Qazi’s personal website in his “Aaron Greenspan Tries To Remove Book Review: How Evil People Abuse The DMCA To Silence Critics” post, in which he falsely describes Plaintiff as mentally ill.
3	July 12, 2020		
4	13	“Aaron Greenspan is a serial rapist. He enters his victims [<i>sic</i>] lives unannounced and unexpected, and rapes them while they’re going about their lives, with their friends You can’t understand it unless you’ve been targeted by him. I will fight for all his victims — past and future.”	From the @WholeMarsBlog Twitter account, where Defendant Qazi falsely claimed that Plaintiff is a serial rapist.
5	July 17, 2020		
6	14	“saying that he harasses and threatens people just doesn’t communicate the kind of person he is he’s a rapist and the world will know the truth, no matter how hard he fights to keep it quiet”	From the @WholeMarsBlog Twitter account, Defendant Qazi again falsely claimed that Plaintiff is a rapist and insisted that it was the “truth.”
7	July 17, 2020		
8	15	“Aaron Greenspan stalks and harasses colleged [<i>sic</i>] aged girls! Creepy! Leave her alone! @jack @Twitter Safety”	In this post, Defendant Qazi accused Plaintiff of harassment and stalking and flagged Twitter’s safety team because Plaintiff wrote a single comment on the absurdity of a Third Row Tesla member publicly defending billionaire Jack Dorsey against outrage over Twitter (and @ElonMusk) being hacked.
9	July 18, 2020		
10	16	“Scary. someone tried to hack into Omar’s iCloud account, so it got locked and he had to reset	Defendant Qazi falsely accused Plaintiff of breaking into his iCloud account and of being a “criminal” as a result.
11	August 3, 2020		

	the password. Added to the Greenspan criminal activity file..."	Plaintiff has never made any attempt of any kind to break into Defendant Qazi's accounts on any platform. This statement is provably false based upon server log evidence.
17 August 21, 2020	"Motives and profile of a Cyberstalker like Aaron Greenspan" [image of excerpt from "Motives and profile" section of Wikipedia article at https://en.wikipedia.org/wiki/Cyberstalking]	In this post, Defendant Qazi again falsely accused Plaintiff of the crime of "stalking" for a variety of completely inapplicable reasons. This is yet another example of Defendant Qazi projecting his own pathological obsession with and stalking of Plaintiff.
18 August 21, 2020	"Based on his cyberstalking and false police reports we have a good case to put him away for 5 and a half years"	In this post, Defendant Qazi again falsely accused Plaintiff of the crimes of "stalking" and filing a false police report, suggesting that Plaintiff would be incarcerated as a result. No criminal case against Plaintiff even exists.
19 October 26, 2020	"His rants are starting to sound like that of a Mass Shooter [sic]."	Defendant Qazi retweeted a post referring to Plaintiff by Twitter user @tesla_grl.
20 November 30, 2020	"Recently Martin Tripp has been working with Aaron Jacob Greenspan to threaten, harass and doxx Tesla customers."	This statement is baseless and false in several ways: Plaintiff has not ever "worked" with Martin Tripp, nor has Plaintiff ever taken any action against "Tesla customers."
21 December 7, 2020	"While researching the Aaron Greenspan story we've uncovered shocking evidence of massive fraud." "we're talking about major organized criminal activity... this is some messed up stuff"	In two separate posts, both of which readers understood to refer to Plaintiff, Defendant Qazi falsely accused Plaintiff of unspecified "major organized criminal activity" and "massive fraud."
22 December 8, 2020	"Harvard Shut Down Aaron Greenspan's Website For Stealing Student Passwords"	Defendant Qazi falsely claimed that Plaintiff was stealing passwords, a possible violation of 18 U.S.C. § 1030, and that Harvard shut down Plaintiff's product. In reality, the product was secure and the university did not shut it down. Harvard administrators were misinformed by an overzealous student.
23 December 8, 2020	"I am trying to diagnose his various mental conditions, and believe he may have narcissistic personality disorder..."	From Defendant Qazi's personal website in his "Harvard Shut Down Aaron Greenspan's Website For Stealing Student Passwords" post, in

1		“What a psychopath.”	which Defendant Qazi, who is neither a doctor nor qualified to offer a diagnosis in any way, again falsely portrays Plaintiff as mentally ill.
2		“Aaron Greenspan clearly has serious mental health and anger issues that continue to this day.”	
3	24	“Given what we know about Aaron obsessively logging and storing all activity on his servers to try and use as blackmail, you can bet students were compromised the minute they signed up.”	In this post, Defendant Qazi falsely accuses Plaintiff of having committed the crime of blackmail.
4	December 8, 2020		
5	25	“Greenspan has also admitted to anger issues that are completely out of control, driving him to seek revenge for even small or imagined slights.”	In this post, Defendant Qazi again falsely portrays Plaintiff as mentally ill. This is textbook projection based on Defendant Qazi’s self-described “out of control revenge impulse.” There was no such admission by Plaintiff.
6	December 9, 2020		
7	26	“Well Aaron...FaceCash was shut down for violating financial regulations.”	Here, Defendant Qazi falsely suggests that Plaintiff violated 18 U.S.C. § 1960. In fact, Plaintiff’s company voluntarily shut down FaceCash <i>before</i> any violation could occur to ensure compliance with the law.
8	December 9, 2020		
9	27	“Aaron Greenspan has admitted that he is willing to resort to violence to silence us if his attempts at non-violent retaliation fail.”	This assertion is completely false as no such admission or anything resembling such an admission was ever made.
10	January 13, 2021		
11	28	“Aaron Greenspan... He’s like, you know, this very mentally ill guy...”	Defendant Qazi made this false verbal statement on a YouTube video podcast viewed approximately 1,700 times and hosted by a 13-year-old child.
12	April 6, 2021		
13	29	“Aaron Greenspan: ‘Adolph [sic] Hitler was a great founder’”	Plaintiff is Jewish and does not believe that Adolf Hitler was “great” in any way. This quotation fabricated by Defendant Qazi falsely summarized a satirical post by Plaintiff highlighting the “just following orders” mentality pervasive in technology companies.
14	June 13, 2021		
15	30	“that’s what a lot of people are concerned about”	This statement from the @WholeMarsBlog Twitter account affirming “He sounds like a future mass murderer” in response to the above post about Hitler falsely suggests Plaintiff’s
16	June 14, 2021		
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		intent to commit murder.
31 July 18, 2021	“Aaron Greenspan has gone to insane lengths to make sure nobody learns the truth about the Greenspan crime family and their fraudulent charity. They’re ready to harass Omar for years if they have to. Telling people what’s happening is the only thing keeping them from killing him”	This statement from the @WholeMarsBlog Twitter account falsely suggests Plaintiff’s involvement in a conspiracy to commit murder.
32 May 21, 2022	“Aaron Greenspan has got to be sweating that they might find grounds to charge him criminally / Rumor has it Block was acting as the balance sheet (funding) for his short activism and harassment campaign.”	There were and are no grounds for the United States Department of Justice, which Mr. Qazi was referring to, to charge Greenspan criminally. Complainant never has had any financial relationship directly or indirectly with short-seller Carson Block whatsoever, and Complainant has never run a “harassment campaign,” let alone sought funding for one.
33 July 3, 2022	“Greenspan is probably going to appeal ... Started stalking us a year or two before that. He’s told us he’s going to stalk us until the day he died or gets locked up.”	Beginning with the word “started,” Mr. Qazi’s statement is a total fabrication.
34 July 6, 2022	“For the past two years since then Greenspan has been attempting to extort me into silence...” “I could not in good conscience pay off such a deranged and evil criminal...”	These statements falsely accuse Plaintiff of the crime of extortion.
35 December 3, 2022	“he sued me and elon to hide the fact that he was committing fraud and harassing people”	This statement falsely alleges that Plaintiff committed the crime of fraud.
36 January 13, 2023	“Woah, this is crazy. My stalker Aaron Greenspan & his goons submitted thousands of fraudulent 50 cent donations on stolen credit cards to my donation page for legal defense against his SLAPP-suit against	This is false. The acts described, wire fraud, conversion, and identity theft—none of which Greenspan committed—are crimes.

	me and @elonmusk.”	
37 February 6, 2024	<p>“I was doxxed by Tesla short sellers on Twitter before Elon bought it. First Greenspan called my employer, but we own the company so I didn’t get fired.</p> <p>He harassed, stalked and tormented me for years, and still to this day. It’s no joke.”</p>	These statements falsely allege that Plaintiff committed the crimes of harassment and stalking.
38 May 4, 2024	“Baby reindeer reminded me a lot of my experience with my TSLAQ stalker Aaron Greenspan”	Stalking is a crime. “Baby Reindeer” is a Netflix production concerning a female convict who physically harassed a male comedian and was sentenced to prison for it.

164. Defendant Qazi’s statements via the @tesla_truth Twitter account, that he would “drag [Plaintiff’s] name through the mud until the day he [dies]” and that “[a]fter he dies I’ll keep telling people he sucked,” as well as his repeated posting of Plaintiff’s contact information, as well as his explicit encouragement that several thousand individuals “contact Aaron for pranks,” all demonstrate considerable malice and reckless disregard for the truth.

165. Defendant Qazi’s persistent lies kicked off a chain of libel by his followers, who publicly referred to Plaintiff as a “psychopathic incel” and a likely “mass shooter.”

166. Defendant Qazi’s written and verbal false statements were made with actual malice because Qazi knew the statements were false and made the statements with reckless disregard for whether the statements were false or not, *even after* the filing of the Federal Case.

167. On October 19, 2019, Defendant Qazi stated, “I want everyone to know the true facts about who he really is,” and on August 24, 2020, Defendant Qazi admitted that he frequently posts material on his Twitter accounts intended to be interpreted as fact, writing, “I trust you guys to be smart enough to figure out what’s fact and speculation.”

168. Defendant Qazi’s thousands of aspersions demonizing Plaintiff—none of which addressed a single one of Plaintiff’s substantive concerns regarding Defendant Tesla’s business practices—were interpreted by readers statements of fact. On October 9, 2020, one reader even

1 [replied](#) to a @WholeMarsBlog post with a video clip of man holding up a sign that simply reads
2 “#FACTS.” In addition to using a Twitter account containing the word “truth” to make
3 statements concerning Plaintiff, Defendant Qazi also repeatedly exhorted his followers on
4 Twitter and via the Smick Sites to complete IRS Form 13909 in order to file false reports
5 echoing the conspiracy theories already submitted by Diego MasMarques, Jr.

6 169. Communications with the IRS are regulated by federal law and are required to be
7 factual. Defendant Qazi also frequently tagged law enforcement Twitter accounts in posts.

8 170. On January 29, 2021, Defendant Qazi posted a heavily altered photograph of
9 Plaintiff with a modified nose, mouth, eyes, and eyebrows that elicited replies from readers such
10 as “ugly as shit” and “Stay safe out there!”

11 171. From Twitter and his Smick Sites, Defendant Qazi published links to libelous
12 and/or pornographic material with the intent of poisoning search results concerning Plaintiff.

13 172. Defendant Qazi’s false and misleading statements concerning Plaintiff, whether
14 written or verbal, were not in service of and failed to further any public debate.

15 173. Defendant Qazi’s false and misleading statements, written and verbal, have
16 irreparably harmed Plaintiff’s reputation by providing disinformation for others to re-post in an
17 endless loop of defamation.

18 **COUNT II**
19 **Defamation Per Se**
20 **Against Defendants Elon Musk, Tesla, Inc., and X Corp.**

21 174. Plaintiff incorporates by reference the foregoing allegations.

22 175. Since 2019, Defendants Musk, Tesla and X Corp. have treated Defendants Qazi
23 and Smick in such a manner as to cause any reasonable observer to believe that Qazi is an actual
24 or ostensible agent of Defendants Musk and/or Tesla, and more than just a casual friend, as
25 exhibited by:

- 26 a) Paying, through Defendant X Corp. on or about July 14, 2023 in the amount of
27 \$6,206.00, Defendant Qazi via Defendant Smick’s Stripe account, as part of a
28 select group of eligible users, for his Twitter posts (the first of several payments);

- 1 b) Defendant Musk authorizing and endorsing Qazi’s harassing conduct toward his
2 critics, including but not limited to Plaintiff, by e-mailing Qazi, “Your Twitter is
3 awesome!” alongside advice for handling journalists (as a Tesla Public Relations
4 employee would) in an August 2019 e-mail to Qazi after the Tesla Board of
5 Directors, including Defendant Musk, had been warned about Qazi’s harassment;
- 6 c) having reportedly shut down Tesla’s Public Relations department, and out of his
7 over 59 million followers, Defendant Musk consistently using Defendant Qazi’s
8 Twitter accounts as springboards to make material disclosures to investors;
- 9 d) Defendant Qazi admitting from the @WholeMarsBlog Twitter account, “Many
10 people don’t know that Tesla actually reads everything we post on Twitter. Even
11 if Elon doesn’t respond to you, they will get the feedback to the appropriate team.
12 It’s someone’s job I think,” prompting a former Tesla employee to write “Can
13 confirm” and another observer to write, “They have this instead of a pr team.”;
- 14 e) permitting Defendant Qazi to attend exclusive, invite-only Tesla events where
15 Defendant Musk presented new products;
- 16 f) granting Defendant Qazi early access to Tesla FSD beta software—an honor
17 bestowed upon only “25...non-employees” globally “based on...their safe driving
18 record” according to Tesla attorney Eric C. Williams’s December 14, 2020 letter
19 to the California Department of Motor Vehicles—despite Defendant Qazi’s
20 history of criminal charges for violating the California Vehicle Code, including an
21 alleged but later dismissed violation of § 23222(B): Possession of Marijuana
22 While Driving, as well as Defendant Qazi publicly posting to Twitter images of
23 substantial amounts of alcohol reportedly consumed before driving his Tesla
24 vehicle;
- 25 g) signing a written contract with Defendant Qazi that restricts his discussions with
26 the media about Tesla beta software and gives Tesla editorial control over videos;
- 27 h) allowing Defendant Qazi access to Tesla’s private property in the same fashion
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1 that has resulted in Tesla filing for restraining orders against others;

- 2 i) permitting Defendant Qazi to use the TESLA registered trademark in his
- 3 @tesla_truth Twitter handle with no legal consequence;
- 4 j) granting Defendant Qazi over three hours of Defendant Musk's time to conduct
- 5 an in-person interview promoting Defendant Tesla's products and narratives;
- 6 k) providing Defendant Qazi with access to material non-public information (MNPI)
- 7 and other leaked news tips from inside Tesla;
- 8 l) Defendant Musk autographing the interior of Defendant Qazi's Model 3;
- 9 m) encouraging and/or allowing Tesla management, such as former Senior Global
- 10 Director, Public Policy and Business Development Rohan Patel, to follow and
- 11 "like" Defendant Qazi's Twitter posts regardless of the substantial controversy
- 12 surrounding Qazi's misconduct;
- 13 n) Defendant Musk petitioning Twitter, Inc. CEO and fellow billionaire Jack Dorsey
- 14 for special treatment for Defendant Qazi after Qazi was suspended from Twitter
- 15 so that he could continue to promote Defendant Tesla's stock and products;
- 16 o) promoting Defendant Qazi's legal defense fund for the Federal Case;
- 17 p) allowing Defendant Qazi to correspond with Defendant Musk's preferred
- 18 attorney, Defendant Spiro;
- 19 q) relying on Defendant Qazi for intelligence regarding competitors obtained at
- 20 meetings and tours where official Tesla employees would not be permitted;
- 21 r) Defendant Musk regularly corresponding with Defendant Qazi about business
- 22 matters via e-mail and Twitter DM through present day;
- 23 s) actively ignoring written concerns expressed to the Board of Directors about
- 24 Defendant Qazi's conduct;
- 25 t) Defendant Qazi admitting on video that he performs work, compensated through
- 26 stock ownership and referral bonuses, for Defendant Tesla, by exclaiming, "I'll
- 27 sell them all fuckin' Teslas. I'll pull in those referrals!"
- 28

- u) Defendant Qazi appearing to work nearly 24 hours per day, every day, to exclusively promote the interests of Defendants Musk and Tesla on social media;
- v) Defendant Qazi admitting that he is a Tesla shareholder.

176. Defendants Musk and Tesla are vicariously liable for all defamatory statements published by Defendant Qazi concerning Plaintiff from at least as early as 2019.

177. Had Defendants Musk or Tesla instructed Defendant Qazi to stop defaming Plaintiff, Defendant Qazi would have obeyed and stopped because his defamatory statements were made in service of Defendants Musk and Tesla. At no time did Defendants Musk or Tesla instruct Defendant Qazi to stop.

178. In his December 9, 2018 CBS *60 Minutes* interview (the “60 Minutes Interview”), Defendant Musk admitted on air to journalist Lesley Stahl that he did at times “use [his] tweeting to kind of get back at critics” and that “I guess we might make some mistakes. Who knows?”

179. To the extent that Defendant Musk was unaware that his communications with Defendant Qazi would be quoted in *Bloomberg Businessweek*, he was given the opportunity to comment by journalist Zachary Mider. As Mider’s article states, “Tesla has legions of die-hard fans, many of them well-to-do, tech-obsessed, and male. Qazi is pretty close to the archetype. His Twitter handle, @tesla_truth, is a bottomless font of Muskolatry. Before we met in August, he’d emailed Musk to give him a heads-up and encourage him to speak with me.” Therefore, Defendant Musk was aware that a potential article would involve Defendant Qazi and at least one of Defendant Qazi’s libel-spewing Twitter accounts, @tesla_truth. Yet Defendant Musk made no effort to distance himself from Defendant Qazi’s statements or to qualify them.

180. The @ElonMusk Twitter account is disclosed as a source of factual “material information” in Defendant Tesla’s SEC Form 8-K filed November 5, 2013.

181. In addition to those statements for which Defendant Musk is vicariously liable, Defendant Musk himself published the following libelous statements about Plaintiff:

Statement No. / Date / Medium	Written Statement by Defendant Musk	Pending Legal Review	Public Forum / Interest
39	“Does the psych ward know you have a cell phone?”	No	Twitter

1 2 3 4 5	October 9, 2019 / E-Mail and Twitter via Qazi	Just curious.”		Only / No
6 7 8 9 10 11 12	40 July 3, 2020 / Twitter	“Greenspan is crackers, bananas, barky & ten cards short of a full deck”	No	Yes / No

182. Defendant Musk’s false and misleading statements, disseminated to his tens of millions of Twitter followers, have irreparably harmed Plaintiff’s reputation.

183. Plaintiff has never suffered from any psychiatric illness, nor has Plaintiff ever been diagnosed with any mental disorder. Plaintiff provably does not live in and has never been admitted to a psychological unit for clinical evaluation, nor has Plaintiff ever visited with a mental health professional in a clinical setting except to assist with his brother’s acute condition.

184. *The Verge* has [described](#) Defendant Musk’s followers as an “army of irregulars waiting to be marshaled,” and Defendant Musk exploits this fact. If he tweets about a cryptocurrency or a stock, his followers [buy](#) it. When he tweets about a person he dislikes, they attack.

185. Defendant Musk authored and sent Statement 39 on behalf of himself and Defendant Tesla to numerous parties including government employees and Defendant Qazi, who Defendant Musk knew or should have known would republish his message publicly.

186. On December 4, 2019, Defendant Musk testified under oath at trial that he expects his tweets to get widespread publicity both on and off of Twitter:

“Q. So, you expected with both the ‘pedo guy’ tweet on Twitter, you knew at the time you made it then, and you expected at the time you made the apology that your tweets were going to get widespread publicity. True?”

A. They’re going to get some publicity, yeah.

Q. Well, more publicity than they would get in terms of just the Twitter world, true?

A. Yes.

Q. You expected they would get publicity beyond the people on Twitter, true?

A. Yes.”

1 187. In accordance with Defendant Musk’s expectations, the tweets about Plaintiff
2 were interpreted as factual by an enormous number of his and Defendant Qazi’s followers, who
3 have continued to harass Plaintiff and repeat false claims calling Plaintiff’s mental health into
4 question ever since. Many individuals reading Defendant Musk’s July 3, 2020 post interpreted it
5 as a statement of fact meaning that Plaintiff is mentally ill. Responses included “[He needs](#)
6 [medical help](#),” references to Plaintiff as “[psychotic](#),” and multiple suggestions that Plaintiff
7 should be used as “[practice](#)” for Defendant Musk’s non-FDA approved, non-peer-reviewed
8 Neuralink brain implant device. In addition, Defendants Qazi and Musk’s unending false
9 statements and explicit calls for harassment exposed Plaintiff to unfounded threats, hatred and
10 ridicule by countless individuals with whom Plaintiff had no prior relationship. For example:

- 11 a) On October 9, 2019, @PandraKaka13 wrote, “Sadly Aaron’s parents have let him
12 have this sort of support for his revenge tactics. I’m concerned when they die that
13 Aaron will have no one to support his psycho ways and may become even more
14 volatile. Hope he doesn’t own any guns. Mass shooter profile.”
- 15 b) On October 9, 2019, @CleanRevelry wrote, “Yo @AaronGreenspan, see you on a
16 dark night,” using a song lyric authored by Defendant Musk’s girlfriend as a
17 warning. Plaintiff interpreted this as a threat of violence, as did another user.
- 18 c) On May 17, 2020, @BarkMSmeagol wrote, “Yep. He belongs in an asylum.”
- 19 d) After July 3, 2020, a search for Plaintiff’s name on Twitter began yielding one
20 auto-complete suggestion other than his name itself: “aaron greenspan crazy.”
21 This indicated that other Twitter users were searching for this phrase.

22 188. Defendant Musk’s Twitter account was and is “verified.” As a result, the account
23 and its posts feature a small check mark in a seal wherever it appears. Many Twitter users
24 [incorrectly interpret](#) this icon to mean that an account’s content is factually accurate.

25 189. Defendant Musk’s provably false and misleading statements concerning Plaintiff
26 were not in service of and failed to further any public debate, or part of any debate at all.

27 190. Defendant Musk’s false statements were made with actual malice because Musk
28

1 knew the statements were false and/or made the statements with reckless disregard for the truth.

2 191. On or around August 21, 2018, Defendant Musk [e-mailed](#) his former public
3 relations consultant, Juleanna Glover—CCing his brother and co-Director Kimbal and former
4 Global Communications Director Dave Arnold—“Will Tweet as I wish and suffer the
5 consequences. So it goes.” Defendant Musk thus affirmed his reckless disregard for the truth.

6 192. None of Defendant Musk’s statements concerning Plaintiff were ever deleted,
7 retracted, or the subject of an apology.

8 **COUNT III**
9 **Defamation**
10 **Against Defendant X Corp.**

11 193. Plaintiff incorporates by reference the foregoing allegations.

12 194. When Defendant X Corp. suspended Plaintiff’s Twitter accounts on June 13,
13 2023, thousands of visitors to those accounts’ former pages were informed that “Twitter
14 suspends accounts that violate the Twitter Rules,” falsely indicating that Plaintiff had, in some
15 way, violated the Twitter Rules.

16 195. In fact, Plaintiff did not violate the Twitter Rules. Prior to Twitter, Inc. being
17 owned by Defendant Musk, Plaintiff’s accounts had been reported numerous times by various
18 users who followed Defendants Qazi and/or Musk, but Twitter, Inc. examined those reports and
19 found no violation. In one instance, when Twitter, Inc. did purportedly find a violation reported
20 in bad faith by Diego MasMarques, Jr., it quickly admitted an error and corrected that error.

21 196. Today, X Corp. states, “X suspends accounts that violate the X Rules” when third
22 parties attempt to visit Plaintiff’s former profile pages. However, Plaintiff never agreed to the X
23 Rules and was never bound by them. The implication that Plaintiff violated the X Rules,
24 meriting suspension, is false.

25 **COUNT IV**
26 **Violation of the California Civil Anti-Stalking Statute**
27 **(California Civil Code § 1708.7, et seq.)**
28 **Against Defendants Omar Qazi, Elon Musk and Tesla, Inc.**

197. Plaintiff incorporates by reference the foregoing allegations.

1 198. Starting on January 14, 2019, Defendant Qazi began following, alarming, and
2 harassing Plaintiff through a pattern of conduct involving his use of multiple Twitter accounts,
3 prank telephone calls, false accusations regarding rape and possession of child pornography, and
4 republication of deliberately altered court documents. These actions also led to the transmission
5 of additional false allegations regarding child pornography via text message and fax to Plaintiff.

6 199. Defendant Qazi's amplification of posts by Diego MasMarques, Jr. made it more
7 likely that his mob of followers would locate posts that identified Plaintiff's parents home by its
8 address and photograph as well as posts that identified Plaintiff's parents' synagogue.

9 200. As early as January 14, 2019, Plaintiff requested that Defendant Qazi stop his
10 harassing conduct, writing "Please stop." at 12:36 P.M. With no other way to reach him, and
11 hoping that a verbal conversation would diffuse the situation, Plaintiff also asked Defendant Qazi
12 to stop by leaving a message for him to stop at his nominal employer's office on the same day,
13 unaware that Defendant Qazi's "employer" was his father's company and that Qazi did not really
14 work there on a full-time basis.

15 201. As early as January 17, 2019, in writing, Defendant Qazi admitted his intent to
16 "fuck with" Plaintiff to an unknown third party.

17 202. On February 9, 2021, Twitter found that the @WholeMarsBlog account had
18 violated the Twitter Rules "against promoting or encouraging suicide or self-harm" regarding
19 Plaintiff. Previously, Twitter had removed content the account posted as it advocated violence.

20 203. From 2019 through present day, Defendant Qazi posted credible threats directed
21 at Plaintiff suggesting that he and/or Defendants Musk and Tesla ("we," as written on the
22 @WholeMarsBlog account) had referred Plaintiff to law enforcement and that based on these
23 "criminal referrals," "the FBI and law enforcement" were "very interested."

24 204. These threats were credible because law enforcement tends to respond far more
25 quickly to complaints from wealthy individuals and large corporations such as Defendants Musk
26 and Tesla whether or not the underlying substance is true or false. Furthermore, Defendants
27 Musk and Tesla have a documented history of referring their critics to criminal law enforcement
28

1 as a means of squelching criticism. On or around June 25, 2018, working on behalf of
2 Defendants Musk and Tesla, Hueston Hennigan LLP submitted a “[Redacted] CRIMINAL
3 REFERRAL” labeled “Privileged & Confidential” and “Attorney-Work Product” to the Office of
4 the Nevada Attorney General regarding a former employee who had leaked accurate information
5 to the press critical of Defendants Musk and Tesla. The same baseless referral was also
6 submitted to the FBI and the United States Attorney’s Office for the District of Nevada.
7 Representatives of Defendants Musk and Tesla further met personally with the Attorney General
8 of Nevada to encourage criminal prosecution of a critic.

9 205. Criminal prosecution would pose a significant threat to Plaintiff’s health and
10 safety for a variety of reasons, including but not limited to increased COVID-19 risk.

11 206. On August 2, 2021, counsel for Defendant Qazi e-mailed Plaintiff, stating in part,
12 “I caution you against keeping Omar as a defendant in this case. I don’t want you to claim later
13 that I did not warn you.”

14 207. On August 5, 2021 at 10:15 A.M., Defendant Qazi posted on the
15 @WholeMarsBlog Twitter account, writing, “Please write to Case Western university [*sic*] and
16 Neil Greenspan to ask him to stop this harassment... I worry he’s a danger to students at Case.”
17 He later repeated this false claim against Dr. Greenspan on August 7, 2021.

18 208. On August 5, 2021 at 10:20 A.M., Plaintiff’s father received a harassing e-mail
19 from johndoe510150@gmail.com also addressed to the general e-mail account for his employer,
20 the Case Western Reserve University School of Medicine. The e-mail stated in part, “STOP
21 HARRASSING [*sic*] WHOLEMARSBLOG and DOXXING PEOPLE online!!!”

22 209. On August 7, 2021 at 12:59 P.M., Defendant Qazi posted on the
23 @WholeMarsBlog Twitter account, “If Greenspan files a fifth revision of his lawsuit on Friday,
24 Chapter 8 will be published continuing the story” in an attempt to intimidate Plaintiff into
25 withholding this document from the Court in violation of 18 U.S.C. § 1512(b). Defendant Qazi
26 repeated this threat on August 10, 2021 on his personal website.

27 210. Defendant Qazi’s conduct caused Plaintiff and Plaintiff’s family members to
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1 suffer substantial emotional distress due to the real threat of malicious prosecution and/or firing
2 from deliberate smearing of Plaintiff as a supposed likely mass murderer harboring child
3 pornography, and of Plaintiff’s father as supposedly posing a “danger to students.”

4 211. As a result of Defendant Qazi’s public conduct and his apparent contact with the
5 restrained party in the Civil Harassment Case, Plaintiff reasonably feared for his and his family’s
6 safety after receiving messages, text messages and calls that he and others perceived as threats.
7 As a result, Plaintiff reported Defendant Qazi to the FBI and to SFPD twice.

8 212. Defendant Qazi facilitated the violation of Plaintiff’s civil harassment restraining
9 order against Diego MasMarques, Jr., which prohibits direct and indirect harassment, of which
10 he was aware as early as January 14, 2019, and further admitted to altering, misconstruing and
11 publicly posting Form CH-100 from the Civil Harassment Case for the express purpose of
12 harassing Plaintiff.

13 213. Even after Plaintiff restricted his personal Twitter account in July 2020 due to
14 Defendant Qazi’s ceaseless harassment—the digital equivalent of locking a door—Defendant
15 Qazi still used a proxy to follow it and to post screenshots and metadata to his followers,
16 brazenly displaying the padlock icon next to Plaintiff’s name in numerous images.

17 214. Defendant Qazi posted harassing messages on social media regarding Plaintiff
18 and Plaintiff’s family on the order of 1,000 times from different accounts, causing a cascade of
19 harassment that has yet to cease. For example, on October 1, 2019, @HaidarAns wrote,
20 “@AaronGreenspan you sure have a very punchable face [laugh/crying emoji]”. With tens of
21 millions of followers, Defendant Musk cemented the effect with only a few posts.

22 215. Defendant Qazi has admitted that he thinks harassing Plaintiff is “funny.”

23 216. Defendants Musk and Tesla are vicariously liable for Defendant Qazi’s harassing
24 conduct since at least as early as 2019.

25 217. Had Defendants Musk or Tesla instructed Defendant Qazi to stop harassing
26 Plaintiff, Defendant Qazi would have obeyed and stopped. At no time did Defendants Musk or
27 Tesla instruct Defendant Qazi to stop.
28

1 234. Not until April 10, 2023 was Plaintiff or Plaintiff’s company properly served with
2 any subpoenas in the *Hothi v. Musk* matter.

3 235. Had Defendant Musk and Hardcore Litigation Department been interested in
4 filing a new, separate complaint based on actual facts, they would have waited until *after*
5 receiving and carefully evaluating the documents provided by Plaintiff or Plaintiff’s company in
6 response to the *Hothi* subpoenas before proposing, let alone filing, any type of new pleading.

7 236. Given that the Alameda Complaint had already been filed based on Mr. Musk’s
8 conspiracy theories and fabrications, the *Hothi* subpoenas served no actual purpose and were
9 merely another instrument of harassment.

10 237. The subpoenas, signed by Defendant Cashman, were sweepingly broad, written
11 the apparent goal of learning which journalists Plaintiff had spoken with regarding Tesla since
12 2018 and learning exactly what they had spoken about, even though the vast majority of such
13 communications had absolutely nothing to do with the *Hothi* litigation.

14 238. The Alameda Complaint had no factual basis.

15 239. The Alameda Complaint had no legal basis.

16 240. Defendants Musk and the members of the Hardcore Litigation Department all
17 knew or should have known that the Alameda Complaint had no factual basis.

18 241. The members of the Hardcore Litigation Department all knew or should have
19 known that the Alameda Complaint had no legal basis.

20 242. Defendant Musk boasted that he was “out for blood” and stated “There will be
21 blood” in May 2022, before he even knew if there was the possibility of filing any legitimate
22 claim against Greenspan.

23 243. Defendant Musk explicitly described his plan in writing on Twitter—of using
24 attorneys at Tesla to target “evil” short-sellers—on April 4, 2023. Defendant Huebert and
25 Defendant Mehes were or are Tesla attorneys.

26 244. Defendants Singer Cashman, LLP, Cashman, and Huebert refused to substantiate
27 the legal basis for Mr. Musk’s Complaint pursuant to California Code of Civil Procedure
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1 § 430.41(a)(1) when asked during a recorded meet and confer session on April 28, 2023, citing a
2 litany of excuses, including but not limited to “I’ll get back to you,” “I don’t understand what
3 you mean,” and not having citations “handy at the moment.” *See*
4 <http://www.aarongreenspan.com/writing/musk/20230428.muskmeetandconfer.mp3>.

5 245. Defendant Huebert also admitted that her lack of familiarity with California law
6 had caused her to misrepresent Mr. Musk’s position and that she had spoken “too soon.”

7 246. On the same call, Defendant Huebert stated, “If you’re right, you’re right, and you
8 know, maybe next week we’ll be like, yep, sorry, Aaron, you’re right, we looked at this and you
9 totally got us.” Indeed, on the next business day (the following week), Defendant Musk’s
10 Hardcore Litigation Department unilaterally filed its Request For Dismissal with prejudice with
11 regard to Defendants’ frivolous Alameda Complaint.

12 247. Defendant Huebert stated that “unfortunately, one of the reasons you’re in this is,
13 uh, you know, you sent the...Elon’s response to Fossi and Hothi before it was publicized.” This
14 statement was and is false. Plaintiff did not send Defendant Musk’s e-mail responses to Randeep
15 Hothi before they were publicized.

16 248. On August 8, 2019 at 10:08 A.M., Bloomberg journalist Dana Hall had asked
17 Plaintiff “Did you share this with ska?” referring to the Musk e-mail conversation up to that
18 point and @skaboosha, Randeep Hothi’s Twitter account. Plaintiff responded, “Not yet. I am
19 planning to release it all today to everyone at once when Elon responds again. I’ll give him
20 another couple hours.” Thus, Defendant Musk’s assumption that Randeep Hothi had received
21 special treatment from Plaintiff was false.

22 249. While the Hardcore Litigation Department assumed that Plaintiff sent Defendant
23 Musk’s e-mail responses to attorney and short-seller Lawrence Fossi because of his
24 representation of Randeep Hothi in the *Tesla, Inc. v. Hothi* case, this assumption was false, and
25 this false assumption, at least according to Defendant Huebert, was Defendant Musk’s primary
26 basis for filing the Complaint. In fact, Plaintiff sent Mr. Musk’s e-mail responses to Mr. Fossi
27 because having himself been harassed by Defendant Musk previously in 2018, Mr. Fossi was
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1 uniquely positioned to suggest additional questions to ask Mr. Musk.

2 250. On August 8, 2019 at 6:46 A.M., Plaintiff wrote by e-mail to three journalists and
3 Mr. Fossi, “I’ve been forwarding to press so you all have a head start and to you Lawrence
4 because you kicked this all off a year ago.” By “kicked this all off a year ago,” Plaintiff was
5 referring to the 2018 episode in which Defendant Musk revealed Mr. Fossi’s pseudonym,
6 “Montana Skeptic,” as a form of harassment and revenge for posting informed criticism.

7 251. Even if Plaintiff had somehow sent Mr. Fossi Defendant Musk’s e-mail responses
8 prior to publication because Mr. Fossi represented Randeep Hothi—which was *not* why he sent
9 them—this would not have conferred any particular benefit or advantage on Mr. Hothi at all, as
10 the messages were published hours later anyway and no litigation was pending at the time.

11 252. Plaintiff was forced to expend a considerable amount of time, energy and money
12 defending himself against Defendants’ false claims in court, as well as Defendant Musk’s overly
13 broad and unduly burdensome subpoenas.

14 253. On October 28, 2019, United States Magistrate Judge Jacqueline Scott described
15 Defendant Musk’s attempt to subpoena a BuzzFeed journalist as pertaining to “irrelevant and
16 harassing topics” and noted that “the record suggests Mr. Musk feels animus toward non-party
17 Mr. Mac.” *See Unsworth v. Musk*, Northern District of California Case No. 3:19-mc-80224-JSC,
18 Document 32.

19 254. The Hardcore Litigation Department knew in advance that Plaintiff intended to
20 file a demurrer in the Alameda Case on Monday, May 1, 2023, and that doing so would incur
21 filing fees. Defendant Cashman did not definitively answer the question as to whether the
22 Alameda Complaint was being voluntarily dismissed until after Plaintiff’s demurrer had already
23 been filed on that day. Even if the demurrer had not been filed, however, conducting legal
24 research, drafting the motion for sanctions and the demurrer, and securing legal representation
25 for Think Computer Corporation took a great deal of time and money.

26 255. After Plaintiff served all Defendants except Qazi with a Cross-Complaint on May
27 3, 2023 pursuant to the parties’ mutual agreement to electronic service, Ms. Huebert sent an e-
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1 mail dated May 12, 2023 at 6:34 P.M. Pacific Time, stating in part:

2 “Any previous agreement regarding electronic service— which, in any event, would have
3 applied only to service on Mr. Musk— was extinguished with the dismissal of the action
4 in question. To avoid any doubt, however, we are also providing notice to you today that
5 we affirmatively rescind any prior agreement to accept service electronically on behalf of
6 Mr. Musk, or for any purpose with respect to the instant matter and *Hothi v. Musk*.

7
8 With respect to myself and the other named defendants you reference, in the unlikely
9 event the Court issues summonses for your defective suit, we do not agree to accept
10 service electronically.”

11 Allison Huebert
12 Managing Counsel, Litigation
13 1 Tesla Rd., Austin, TX 78725
14 E. ahuebert@tesla.com T. 512.557.8797”

15 256. Defendant Huebert’s May 12, 2023 attempt to electronically renege on her and
16 Defendant Musk’s agreement to accept electronic service of process violated Section 128.5 of
17 the California Code of Civil Procedure, which forbids “bad faith” “tactics” “that are frivolous or
18 solely intended to cause unnecessary delay.” It also plainly violated Rule 3.02 of the Texas
19 Disciplinary Rules of Professional Conduct, entitled “Minimizing the Burdens and Delays of
20 Litigation.” This Rule explicitly states:

21 “[A] client may seek to have a lawyer delay a proceeding primarily for the purpose of
22 harassing or maliciously injuring another. Under this Rule, a lawyer is obliged not to
23 take such an action. See also Rule 3.01. It is not a justification that similar conduct is
24 often tolerated by the bench and the bar. The question is whether a competent lawyer
25 acting in good faith would regard the course of action as having some substantial purpose
26 other than delay undertaken for the purpose of harassing or malicious injuring.”

27 Her conduct also violated Rule 3.27(a) of the Local Rules of the Alameda County Superior
28 Court, which states in part:

“Represented parties and other represented persons must participate in electronic filing
(e-filing) using a court-approved electronic service provider (EFSP) and must serve and
accept service electronically, except by court order or if other service is required by law.”

257. There was no legitimate reason to suddenly insist on service of process by mail or
in person as of May 12, 2023 at 6:34 P.M. Defendant Huebert’s goal was to delay Plaintiff.

258. Defendant Huebert’s goal of impeding the litigation that she started with her

1 Hardcore Litigation Department colleagues was affirmed in her 6:58 P.M. follow-up e-mail,
2 which stated:

3 “Are you represented by counsel in this dispute? If you are, we are not permitted to
4 communicate with you directly, so please forward us their contact information if that’s
5 the case.”

6 259. Defendant Musk and his agents’ and counsel’s conduct was malicious and
7 oppressive and done with a willful and conscious disregard for Plaintiff’s rights, entitling
8 Plaintiff to an award of punitive damages.

9 **COUNT VII**
10 **Malicious Prosecution**
11 **Against Defendants Elon Musk, Singer Cashman, LLP, Adam S. Singer, Allison Huebert,**
12 **and Adam G. Mehes**

13 260. Plaintiff incorporates by reference the foregoing allegations.

14 261. With a net worth at times reportedly in excess of \$200 billion, Defendant Musk is
15 one of the wealthiest individuals on Earth and did not need to seek funds from Plaintiff or
16 anyone to attempt to offset his potential legal liability in the *Hothi* action.

17 262. Defendant Musk caused the Alameda Complaint to be filed for the improper
18 purpose of harassing Plaintiff and harming Plaintiff financially, or in his words, to draw “blood.”

19 263. Defendant Musk caused the Alameda Complaint to be filed based on the libelous
20 and unsubstantiated statements of Defendant Omar Qazi.

21 264. Defendant Qazi obtained much of the false information he repeated against
22 Plaintiff from the convicted murderer against whom Plaintiff obtained a restraining order in
23 2019, Diego MasMarques, Jr., whose post Mr. Musk cited in the 2019 e-mail conversation that
24 led to the filing of the Alameda Complaint.

25 265. Defendant Musk caused the Alameda Complaint to be filed against Plaintiff and
26 Plaintiff’s company—even though he either believed that Plaintiff was acting independently or
27 as an employee of his company—in order to waste Plaintiff’s resources.

28 266. Defendant Musk caused the Complaint to be filed in a venue where neither he nor
Plaintiff resided.

1 267. Defendant Musk’s claims were resolved in Plaintiff’s favor as they were
2 unilaterally and voluntarily dismissed by Defendant Musk just two weeks and two days after
3 service was effective on Plaintiff, on the last possible day for Mr. Musk to avoid the filing of a
4 motion for sanctions under Sections 128.7 and 1010.6 of the California Code of Civil Procedure.

5 268. The Alameda Complaint had no factual basis.

6 269. The Alameda Complaint had no legal basis.

7 270. Defendant Musk and the members of the Hardcore Litigation Department all
8 knew or should have known that the Complaint had no factual basis.

9 271. The members of the Hardcore Litigation Department all knew or should have
10 known that the Complaint had no legal basis.

11 272. The Alameda Complaint was entirely based on two misapprehensions by the
12 Hardcore Litigation Department attorneys. Having been ordered by Defendant Musk to find
13 evidence for his paranoid conspiracy theory that Plaintiff had orchestrated the *Hothi* litigation—
14 even though Tesla was the first party to take legal action by applying for a restraining order
15 against Randeep Hothi on false pretenses—members of the Hardcore Litigation Department:

16 a) misread an e-mail that Plaintiff sent to Randeep Hothi, presumably obtained
17 from discovery in the *Hothi* matter, warning Mr. Hothi *not to engage* Gill
18 Sperlein instead as a command *to hire* Gill Sperlein, when the e-mail said
19 nothing of the sort;

20 b) falsely assumed that Plaintiff had corresponded with Lawrence Fossi *because*
21 Mr. Fossi had previously represented Randeep Hothi, when Mr. Hothi had
22 nothing to do with Plaintiff’s decision to correspond with Mr. Fossi.

23 273. Mr. Musk explicitly described his plan in writing on Twitter—of using attorneys
24 at Tesla to target “evil” short-sellers—on April 4, 2023.

25 274. Plaintiff was forced to expend a considerable amount of time, energy and money
26 defending himself against Defendants’ false claims in court.

27 275. Defendant Musk and his agents’ and counsel’s conduct was malicious and
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1 oppressive and done with a willful and conscious disregard for Plaintiff’s rights, entitling
2 Plaintiff to an award of punitive damages.

3 **COUNT VIII**
4 **Negligence**
5 **Against Defendants Elon Musk, Singer Cashman, LLP, Adam S. Singer, Allison Huebert,**
6 **and Adam G. Mehes**

7 276. Plaintiff incorporates by reference the foregoing allegations.

8 277. The members of the Hardcore Litigation Department were grossly negligent in
9 preparing and filing the Alameda Complaint.

10 278. In preparing the Alameda Complaint, members of the Hardcore Litigation
11 Department relied on a combination of incorrect data from Google searches; false, unverified
12 statements that originated on a Wikipedia page that redirects from “Aaron Greenspan;” at least
13 one court decision based on a material typographical error sourced from
14 <https://wiki.answers.com>; and conspiratorial allegations passed through Defendant Qazi that
15 originated with a convicted murderer with a documented history of mental illness.

16 279. Defendant Musk is a known associate of eugenicists, child molesters, and sex
17 traffickers Jeffrey E. Epstein (deceased) and Ghislaine Maxwell, both convicted felons—a fact
18 about which he has lied in public repeatedly. Mr. Musk reportedly invested in a clothing
19 business owned by Emma Coronel Aispuro, the wife of notorious Mexican drug lord Joaquín “El
20 Chapo” Guzman—both of whom have been indicted and/or convicted on numerous criminal
21 charges in the United States. Defendant Musk also used his wealth manager, Defendant Birchall,
22 as an intermediary doing business under the alias “James Brickhouse” to pay a convicted felon in
23 the United Kingdom \$50,000 for false information. *See* “Elon Musk Hired A Convicted Felon
24 To Investigate The Cave Rescuer Who Is Now Suing Him” by Ryan Mac, *Buzzfeed News*,
25 October 3, 2019, [https://www.buzzfeed.com/ryanmac/elon-musk-hired-felon-james-howard-](https://www.buzzfeed.com/ryanmac/elon-musk-hired-felon-james-howard-higgins-dirt-pedo-guy)
26 [higgins-dirt-pedo-guy](https://www.buzzfeed.com/ryanmac/elon-musk-hired-felon-james-howard-higgins-dirt-pedo-guy). Given this history, the Hardcore Litigation Department had an obligation
27 to ensure that Defendant Musk was not again relying on or paying for false information from yet
28 another convicted felon.

1 280. Defendant Musk himself distrusts Wikipedia. On July 29, 2022, he posted
2 “Wikipedia is losing its objectivity @jimmy_wales” on his @elonmusk Twitter account.

3 281. The Alameda Complaint is replete with indicia of overall gross negligence:

4 a) The Complaint falsely states that Plaintiff lives and works in Mountain View—
5 information eight years out of date—even though Plaintiff’s court filings in the
6 Northern District of California from 2020 onward, dozens in all, in the public domain,
7 and all in the possession of Elon Musk’s counsel, clearly state on the first page of
8 every document that Plaintiff lives and works in San Francisco.

9 b) The footer in the Complaint stated that it is the “COMPLAINT OF DEFENDANT
10 ELON MUSK,” even though Defendant Musk is the plaintiff in that filing because
11 defendants are not filers of complaints by definition, as should be obvious to any
12 attorney. The Hardcore Litigation Department was so sloppy when preparing the
13 Complaint that all of its members apparently forgot to change the footer from their
14 rejected proposed cross-complaint, where Elon Musk was the defendant.

15 c) Heading I(A)(1) in the Alameda Complaint, “1. Greenspan’s Association With
16 \$TSLAQ,” is orphaned. There is no subsequent heading I(A)(2).

17 282. These errors and the substantive issues with the Alameda Complaint did not phase
18 the Hardcore Litigation Department because they all exhibited reckless disregard for the truth,
19 and because their primary goal was not to achieve any sort of justice involving Plaintiff, but
20 simply to further smear his reputation and harass him.

21 283. The errors and substantive issues with the Alameda Complaint have harmed and
22 will continue to harm Plaintiff by providing a permanent record of false information in the form
23 of at least one court filing full of damaging falsehoods that many, if not most, readers will
24 assume to be true.

25 284. As an entrepreneur in Silicon Valley, the existence of such false records and the
26 associated false allegations coming from a notable billionaire is likely to preclude Plaintiff from
27 being able to raise the same type of venture capital funding that Plaintiff’s peers have been able
28

1 to secure, and which at one point years ago was necessary for Defendant Musk to launch his
2 career as an entrepreneur.

3 285. The existence of such false records has impacted Plaintiff’s ability to secure legal
4 representation.

5 286. Defendant Musk and his agents’ and counsel’s conduct was malicious and
6 oppressive and done with a willful and conscious disregard for Plaintiff’s rights, entitling
7 Plaintiff to an award of punitive damages.

8 **COUNT IX**
9 **California Business and Professions Code § 17200**
10 **Against Defendant Omar Qazi**

11 287. Plaintiff incorporates by reference the foregoing allegations.

12 288. Plaintiff and Defendant Omar Qazi compete in the field of news distribution.

13 289. Defendant Qazi harmed Plaintiff by unlawfully impersonating his family
14 members.

15 290. On the basis of his hundreds of libelous statements about Plaintiff, Defendant
16 Qazi unfairly raised over \$150,000 in donations from fans of Defendants Musk and Tesla to
17 mount a bad-faith defense against Plaintiff in the Federal Case, which ultimately failed to
18 dismiss all of Plaintiff’s claims with prejudice.

19 291. On June 4, 2022, on behalf of Defendants Musk and Tesla, Defendant Qazi wrote
20 from his @WholeMarsBlog Twitter account, “Greenspan and the directors of his fraudulent
21 charity @Plainsite must reimburse Qazi \$200k in fees + \$1 million of damages or they will face
22 a countersuit.” In sum, Defendant Qazi demanded \$1.2 million from Plaintiff to avoid a
23 frivolous lawsuit.

24 292. Mr. Qazi had previously posted screenshots of correspondence with Defendant
25 Musk and his attorney, Defendant Alex Spiro, involving at least one planned lawsuit against
26 Plaintiff.

27 293. An unknown individual purporting to work for Quinn Emanuel Urquhart &
28 Sullivan LLP on behalf of Defendant Musk contacted Plaintiff’s father at his home in 2020.

1 suppression of legitimate criticism, and to make false and misleading representations to
2 investors, regulators, and in court, causing harm to short-sellers such as Plaintiff. The conspiracy
3 involved three sub-groups:

4 a) Stock Price Manipulation: Defendants Musk, Tesla, Excession, LLC, Birchall,
5 and Morgan Stanley;

6 b) Suppression of Legitimate Criticism (eliminating negative publicity):
7 Defendants Musk, Tesla, X Corp., Qazi, Does 1-10, Smick, Singer Cashman,
8 LLP, Cashman, Huebert, Mehes and Spiro;

9 c) False and Misleading Representations (creating positive publicity):
10 Defendants Musk, Tesla, Qazi, Smick, and Morgan Stanley and non-parties
11 Vivien Hantusch, Cathie Wood and Ross Gerber.

12 305. The Stock Price Manipulation conspiracy involved the common goal of increasing
13 Tesla's stock price through the violation of federal securities laws.

14 306. One tactic employed by the Stock Price Manipulation conspiracy was the use of
15 after-hours trading to deliberately change the price of Tesla's stock when trading volume was
16 predictably thin. By trading before market open, the Stock Price Manipulation conspiracy could
17 increase the starting price for TSLA shares at market open, an unlawful practice the SEC has
18 referred to as "setting the tone."

19 307. The Suppression of Legitimate Criticism conspiracy involved the smearing of
20 journalists and short-sellers on social media, including but not limited to Plaintiff. By making
21 average people question the credentials, motives and research of anyone criticizing Tesla,
22 Defendants hoped to eliminate any reason why investors—and especially institutional
23 investors—might sell their stock or refrain from buying. Furthermore, by aggressively litigating
24 against critics, lying to regulators and withholding documents during discovery processes, the
25 members of this conspiracy prevented negative messages from breaking through.

26 308. The False and Misleading Representations conspiracy involved the promulgation
27 of false, hopeful narratives regarding the potential for Tesla's stock price and technology. For
28

1 example, Defendant Qazi’s hundreds of fake FSD videos and Cathie Wood’s pronouncements on
2 CNBC television about her astronomical price targets for Tesla stock were part of this
3 conspiracy. Defendant Morgan Stanley also deliberately published fanciful “analyst” notes
4 concerning Tesla, whose themes could then be repeated on television by Ms. Wood and Mr.
5 Gerber.

6 **COUNT XI**
7 **California Business and Professions Code § 17200**
8 **Against All Defendants**

9 309. Plaintiff incorporates by reference the foregoing allegations.

10 310. Defendants engaged in unlawful and unfair business practices intended to increase
11 Tesla’s stock price.

12 311. Defendants Elon Musk, Tesla, Inc., Jared Birchall, Excession, LLC, and Morgan
13 Stanley & Co., LLC engaged in trading activity on Defendant Musk’s behalf with the specific
14 intent to illegally manipulate the price of Tesla stock upward, including but not limited to by
15 exploiting thin volume during before-hours and after-hours trading sessions.

16 312. Upon information and belief, Defendants Birchall, Excession, LLC and Morgan
17 Stanley & Co., LLC also used one or more Morgan Stanley trading accounts to mask trades
18 actually being executed on Defendant Musk’s behalf.

19 313. While he held short positions in TSLA directly or indirectly, Plaintiff was harmed
20 by increases in Tesla’s stock price.

21 314. Defendants Musk and X Corp. deliberately breached Twitter, Inc.’s contract with
22 Plaintiff as a user of the Twitter social networking platform to prevent Plaintiff from being heard
23 on matters concerning Tesla and Musk.

24 315. Plaintiff was harmed by the sudden inability to communicate on Twitter.

25 316. As a result of Defendant X Corp.’s actions, Plaintiff lost income that would have
26 been derived from PlainSite.

27 317. Defendants Musk and Tesla encouraged Tesla employee Vivien Hantusch to post
28 promotional materials on her nominally-independent @flcnhvy Twitter account without any

1 disclaimers explaining her formal business relationship with Tesla, in violation of the FTC Act.

2 318. Ms. Hantusch’s posts were intended to encourage readers to buy Tesla stock,
3 which, while he held short positions in TSLA directly or indirectly, harmed Plaintiff.

4 319. Defendant Tesla unlawfully filed false information with the SEC regarding its
5 most important investor metric: “deliveries.”

6 320. While the term “deliveries” was frequently used as a proxy for new car sales,
7 deliveries and sales are different concepts.

8 321. Defendant Tesla deliberately refused to define “deliveries” for investors to ensure
9 the maximum amount of flexibility for itself.

10 322. Internally, from quarter to quarter, Tesla’s definition of “deliveries” was
11 constantly changing, depending upon a variety of factors including database systems, software
12 errors discussed in JIRA tickets, auditor requirements, and which of the company’s many Chief
13 Financial Officers was signing paperwork.

14 323. Defendant Tesla designed its database systems to allow used car deliveries to be
15 improperly classified as new car deliveries, and did improperly classify used car deliveries as
16 new car deliveries.

17 324. Defendant Tesla designated its database systems to allow one unique vehicle, as
18 designated by a Vehicle Identification Number (“VIN”) to have multiple Tesla Reservation
19 Numbers (“RN”) assigned, and in practice, the same car sometimes was “delivered” multiple
20 times.

21 325. Defendant Tesla often “delivered” vehicles with serious defects in order to
22 achieve metric goals by quarter-end. Often, these vehicles would be returned in a subsequent
23 quarter, at which point they could be “delivered” again.

24 326. Defendant Tesla’s auditors examined a completely different set of paper
25 “delivery” records than the digital records used to calculate “delivery” metrics for investors.

26 327. Defendant Tesla’s artificially high quarterly “delivery” numbers caused its stock
27 price to increase, harming Plaintiff while he held short positions in TSLA directly or indirectly.
28

1 328. Defendant Qazi produced hundreds of YouTube videos for his hundreds of
2 thousands of followers showcasing his Tesla Model 3's purported FSD features, but withheld
3 information about his Comma "cheat device" until he admitted to its persistent use in 2024.

4 329. Defendant Qazi also deliberately withheld information about his own Tesla's
5 service problems from his followers, including but not limited to a persistent squeaking noise.

6 330. Defendant Qazi's videos were intended to increase Tesla sales and increase
7 Tesla's stock price. In one video, he exclaimed, "I'll sell them all fuckin' Teslas. I'll pull in
8 those referrals!" See <https://www.youtube.com/watch?v=VSOayMTw5Zw&t=1396s>.

9 331. An internal Tesla document shows that FSD upgrade refunds were approximately
10 26.5% of sales in July 2021, 26.75% of sales in August 2021, and 16% of sales in September
11 2021. Defendant Tesla deliberately withheld these figures from investors while Defendant Musk
12 continued to tout FSD as a technological breakthrough upon which Tesla's stock price depended.

13 332. Defendant Tesla faces ongoing enforcement actions by the California Department
14 of Motor Vehicles due to its false advertising surrounding "Autopilot" and FSD, as well as its
15 willful violations of California Vehicle Code § 24011.5 and Vehicle Code § 11713.

16 333. Plaintiff was harmed by Defendants' acts in furtherance of the FSD fraudulent
17 scheme, which increased Tesla's stock price.

18 334. Analysts for investment banks, including but not limited to analysts at Defendant
19 Morgan Stanley, frequently cited "deliveries" and FSD promises as primary reasons to buy Tesla
20 stock and to expect the price of Tesla stock to increase.

21 335. Defendant Tesla routinely lied to or misled investors in its SEC filings or
22 communications about SEC filings, about other topics including but not limited to its cash
23 balances, abuse of goodwill for warranty repairs, accounts receivable, accounts payable, vehicle
24 safety, solar panel safety, labor conditions, the SolarCity merger, "robo-taxis," and more.

25 336. Defendant Tesla abused its Netherlands subsidiary to evade taxes, routinely
26 shipping products to the United States from China and billing them to the Netherlands.

27 337. Defendant Spiro unlawfully represented Defendants Musk and Tesla in violation
28

1 of California Business and Professions Code § 6125, including in Plaintiff's Federal Case.

2 338. Plaintiff suffered a monetary loss in excess of \$50,000 due to Defendants' myriad
3 violations of law and unfair business practices.

4 339. Plaintiff spent hundreds of dollars on fees for service of process in connection
5 with the Alameda Case that, but for Defendants' violations of law, would have been
6 unnecessary.

7 340. Defendants' conduct was malicious and oppressive and done with a willful and
8 conscious disregard for Plaintiff's rights, entitling Plaintiff to an award of punitive damages.

9 **PRAYER FOR RELIEF**

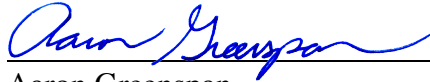
10 WHEREFORE, Plaintiff prays for judgment as follows:

- 11 A. Judgment against Defendants on all counts of the Complaint;
- 12 B. A permanent injunction enjoining all Defendants from making further libelous
13 statements, contacting Plaintiff or his family, impersonating others, and requiring the
14 immediate cessation of the operation of and/or transfer of the Smick Sites to Plaintiff;
- 15 C. Recovery from all Defendants of damages, including pre-judgment interest Plaintiff
16 sustained and will sustain, and any income, gains, profits, and advantages obtained by
17 Defendants as a result of their unlawful, unfair, fraudulent and deceptive acts alleged
18 hereinabove, in an amount not yet known, to be assessed at the time of trial;
- 19 D. Actual and punitive damages, including costs and attorneys' fees (should Plaintiff
20 engage counsel);
- 21 E. Compensatory, consequential and punitive damages resulting from Defendant's
22 violation of California Civil Code §§ 1708.7 and 3294;
- 23 F. Punitive damages stemming from Defendants' disregard for state and federal laws;
- 24 G. Plaintiff's reasonable costs and expenses of this action, including any attorneys' fees
25 and costs (should Plaintiff engage counsel), in accordance with applicable law;
- 26 H. Such equitable/injunctive or other relief as the Court may deem just and proper.
- 27
- 28

JURY DEMAND

Plaintiff demands a trial by jury for all issues so triable.

Dated: June 12, 2024



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