

1 Scott J. Street (SBN 258962)
2 JW HOWARD/ATTORNEYS, LTD.
3 201 South Lake Avenue, Suite 303
4 Pasadena, CA 91101
5 Tel.: (213) 205-2800
6 Email: sstreet@jwhowardattorneys.com

7 John W. Howard (SBN 80200)
8 Andrew G. Nagurney (SBN 301894)
9 JW HOWARD/ATTORNEYS, LTD.
10 600 West Broadway, Suite 1400
11 San Diego, CA 92101
12 Tel.: (619) 234-2842
13 Email: johnh@jwhowardattorneys.com

14 Attorneys for Plaintiff,
15 ROBERT F. KENNEDY, JR.

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 ROBERT F. KENNEDY, JR.,

19 Plaintiff,

20 vs.

21 GOOGLE LLC, a Delaware
22 corporation, and YOUTUBE, LLC, a
23 Delaware corporation,

24 Defendants.

Case No.

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

JURY TRIAL DEMAND

25 ///

26 ///

27 ///

28 ///

///

///

JW HOWARD/ ATTORNEYS, LTD.
600 WEST BROADWAY, SUITE 1400
SAN DIEGO, CALIFORNIA 92101

1 Plaintiff Robert F. Kennedy, Jr., alleges as follows:

2 **INTRODUCTION**

3 1. This complaint concerns the freedom of speech and the extraordinary
4 steps the United States government has taken under the leadership of Joe Biden to
5 silence people it does not want Americans to hear.

6 2. Mr. Kennedy is not the only victim of this censorship campaign, which is
7 unprecedented in American history. But he is a high-profile victim, especially since he
8 is now challenging President Biden for the Democratic Party’s presidential
9 nomination.

10 3. Mr. Kennedy often speaks at length about topics people would like to
11 ignore, including the negative health effects of toxic chemicals and potential safety
12 concerns about the COVID-19 shots (as well as other vaccines that have been
13 developed since Congress gave the pharmaceutical industry immunity from product
14 liability claims).

15 4. YouTube often removes videos of Mr. Kennedy’s comments from its
16 public platform. It usually relies on its “medical misinformation” policies to justify the
17 action. It has relied on the policies several times to censor interviews and speeches
18 given by Mr. Kennedy during the 2024 presidential campaign, including a speech he
19 gave at Saint Anselm College in New Hampshire, the state that hosts America’s first
20 primary. On information and belief, it did so based on statements from the Biden
21 Administration about what information to censor. It will continue to do so throughout
22 the presidential campaign, especially as the primary elections get closer.

23 5. These actions are unlawful. The U.S. Supreme Court has said that “the
24 right to think is the beginning of freedom” and that “speech must be protected from
25 the government because speech is the beginning of thought.” Those principles apply
26 both when the government directly regulates speech and when, as here, it works
27 behind the scenes to censor its critics through otherwise private actors. Plaintiffs bring

JW HOWARD/ ATTORNEYS, LTD.
600 WEST BROADWAY, SUITE 1400
SAN DIEGO, CALIFORNIA 92101

1 this action to protect those principles and to preserve their ability to communicate with
2 Americans on matters of public concern.

3 **PARTIES, JURISDICTION AND VENUE**

4 6. Mr. Kennedy resides in New York.

5 7. Defendant Google LLC is a limited liability company formed under
6 Delaware law that has its corporate headquarters in Mountain View, California.

7 8. Defendant YouTube, LLC, is a limited liability company formed under
8 Delaware law that has its corporate headquarters in San Bruno, California.

9 9. YouTube, LLC, is a wholly owned subsidiary of Google LLC, which
10 Google acquired in 2006. On information and belief, Google LLC has complete
11 ownership and control over YouTube’s operations. At minimum, Google LLC acts in
12 concert with YouTube, LLC, in running YouTube’s business, particularly as it relates
13 to the unlawful actions alleged in this Complaint. Thus, Google LLC and YouTube,
14 LLC, are proper defendants in this case and are referred to interchangeably as
15 “Google” and “YouTube.”

16 10. The Court has jurisdiction over this case under 42 U.S.C. § 1983 and 28
17 U.S.C. § 1331, given the federal questions it raises. Venue is proper under 28 U.S.C. §
18 1391(b)(1).

19 **FACTUAL ALLEGATIONS**

20 11. YouTube was started in 2005 by former PayPal executives who thought
21 people would enjoy having a place to share their own videos. It was an instant
22 success, so successful, in fact, that Google abandoned its own nascent video service
23 and instead purchased YouTube for \$1.65 billion less than a year after it launched.
24 Since then, YouTube has become one of the most visited websites in the world and
25 YouTube is one of the world’s most valuable media companies, with annual revenue
26 that dwarfs the money earned by television networks.

27 12. This success has made YouTube a popular place to generate and view
28

JW HOWARD/ ATTORNEYS, LTD.
600 WEST BROADWAY, SUITE 1400
SAN DIEGO, CALIFORNIA 92101

1 new content, particularly content related to public affairs. For example, in March
 2 2016, YouTube announced that, between April 2015 and March 2016, viewers had
 3 consumed roughly 110 million hours of election-related content on YouTube, much of
 4 which was viewed on mobile devices. Kate Stanford, the director of YouTube’s
 5 advertiser marketing at the time, made much of that, saying: “Voter decisions used to
 6 be made in living rooms, in front of televisions. Today, they’re increasingly made in
 7 micro-moments, on mobile devices.”

8 13. Political candidates seized on this development, spending millions of
 9 dollars in advertising and original content on YouTube during the 2016 presidential
 10 election. That continued in 2020 and it will only increase during the 2024 campaign,
 11 especially as more political commentators (Meghyn Kelly and Tucker Carlson, for
 12 example) leave network and cable television to broadcast directly to Americans
 13 through the Internet and social media platforms.

14 14. Thus, YouTube has become an important platform for political discourse
 15 in America, a digital town square that voters trust as a place to get news and opinions
 16 about the issues of the day, a place where people can communicate about matters of
 17 public concern.

18 15. Mr. Kennedy is a lawyer, a son of former Attorney General Robert F.
 19 Kennedy and a nephew of former President John F. Kennedy.

20 16. Mr. Kennedy is seeking the Democratic Party’s nomination for president.
 21 He has filed the necessary paperwork with the Federal Election Commission and is
 22 taking steps to qualify for the ballot in the early primary states, including New
 23 Hampshire. He declared his candidacy on April 19, 2023.

24 17. Before announcing his campaign, Mr. Kennedy took a strong stance
 25 against the Democratic National Committee’s effort to strip New Hampshire of its
 26 “First in the Nation” primary. He accepted an invitation to speak about that and other
 27 issues at Saint Anselm College in March. His speech, which was viewed as a political
 28

1 speech and attended by several prominent New Hampshire Democrats including the
 2 chairman of New Hampshire’s Democratic Party, lasted nearly two hours. It centered
 3 on Mr. Kennedy’s concerns about the corrupt merger of corporate and state power, an
 4 issue he has fought about for years and which, in recent years, caused him to question
 5 the increasing numbers of vaccines American children must take.

6 18. Mr. Kennedy’s criticism and questioning of the pharmaceutical industry
 7 over vaccines has been deemed controversial by some people, including government
 8 officials whose funding depends on the pharmaceutical industry. But he spoke
 9 intelligently about his views for years, free of censorship, and with people like the
 10 former Comedy Central host Jon Stewart who disagree with him, reflecting the
 11 principle, fundamental to American democracy, that more speech is better than less
 12 speech, especially when it comes to political speech.

13 19. That fundamental principle is under attack. It seems to have started after
 14 Big Tech companies like Google, Facebook and Twitter blamed themselves for the
 15 election of Donald Trump as president in 2016. Moreover, in 2018, Congress passed,
 16 and the president signed into law, the Cybersecurity and Infrastructure Security
 17 Agency Act of 2018. This law created a new agency, the Cybersecurity and
 18 Infrastructure Security Agency (“CISA”), within the Department of Homeland
 19 Security to protect America from cyber threats. According to CISA, its mission
 20 “requires effective coordination and collaboration among a broad spectrum of
 21 government and private sector organizations.” These organizations include YouTube
 22 and CISA’s mission apparently includes removing speech about issues of public
 23 concern that the federal government deems dangerous.

24 20. The coordination and collaboration between YouTube and the federal
 25 government included developing misinformation policies like the one YouTube has
 26 used, and will continue to use, to censor statements that Mr. Kennedy makes in the
 27 2024 presidential campaign. For example, YouTube removed video of Mr. Kennedy’s
 28

1 March 2023 speech at Saint Anselm’s New Hampshire Institute of Politics that had
 2 been posted on the platform by Manchester Public Television. The station’s director
 3 said: “YouTube will not allow us to post the video because of controversial
 4 vaccination content. MPTS has recorded more than 100 wonderful NHIOP events, and
 5 I cannot recall this happening before.”

6 21. YouTube doubled down on the decision, saying that it “removed the
 7 [Kennedy speech] for violating our policies on COVID-19 vaccine misinformation
 8 While we do allow content with educational, documentary, scientific or artistic
 9 context, such as news reports, the content we removed from this channel was raw
 10 footage and did not provide sufficient context.” A true and correct copy of YouTube’s
 11 “COVID-19 medical misinformation” policy is attached as **Exhibit “A.”** A true and
 12 correct copy of its “vaccine misinformation” policy is attached as **Exhibit “B.”** These
 13 policies are referred to collectively as YouTube’s medical misinformation policies.

14 22. Of course, only a portion of Mr. Kennedy’s Manchester speech dealt with
 15 his views about vaccines or COVID-19. Much of the speech focused on the DNC’s
 16 attempt to strip New Hampshire of its slot in the primary calendar, as well as
 17 Kennedy’s history of environmental activism, including his successful efforts to clean
 18 up the Hudson River. YouTube removed everything.

19 23. This was not an isolated incident. Since Mr. Kennedy declared his
 20 candidacy, YouTube has removed other videos of him speaking, including interviews
 21 he did with Jordan Peterson and Joe Rogan. Again, although YouTube has cited its
 22 medical misinformation policies to justify these decisions, it has removed the entire
 23 video of Mr. Kennedy speaking.

24 24. This trend will continue throughout the 2024 campaign. Unlike other tech
 25 companies—notably Facebook and Instagram (both owned by Facebook parent Meta)
 26 and Twitter (now owned by Elon Musk)—YouTube has not treated Mr. Kennedy
 27 differently now that he is a political candidate. If anything, Mr. Kennedy’s candidacy,
 28

1 and the issues of public concern he speaks about, have made him an even bigger target
2 for the public/private censorship regime that Google and YouTube are an integral part
3 of.

4 25. This censorship campaign prevents Mr. Kennedy’s message from
5 reaching millions of voters. It also makes it harder for groups that are supporting his
6 campaign to amplify his message through public sources.

7 26. The decisions to censor Mr. Kennedy on these matters of public concern
8 were not made by YouTube, acting of its own accord, but as part of the partnership
9 between YouTube and federal government officials, including the Biden White
10 House, to censor dissenting views that started during the COVID-19 pandemic. As
11 documents discovered by two state attorneys general show, federal officials, including
12 White House officials Rob Flaherty and Clarke Humphrey, were the ones who
13 directed tech companies to remove statements Mr. Kennedy made about the
14 government’s COVID policies. For example, a true and correct copy of an email
15 showing Ms. Humphrey’s demand that one tech company, Twitter, remove one of Mr.
16 Kennedy’s posts on January 22, 2021, is attached as **Exhibit “C.”**

17 27. Although this email targeted Twitter, White House and other government
18 officials repeatedly worked with the big tech companies, including YouTube, to
19 censor Mr. Kennedy during 2021 and 2022. Indeed, by July 2021, the White House
20 press secretary was calling on the tech platforms to ban Mr. Kennedy completely and,
21 on information and belief, YouTube was working behind the scenes with CISA and
22 other government officials to do just that. It is reasonable to believe that this
23 partnership, and the related White House pressure campaign, increased after Mr.
24 Kennedy challenged President Biden for the Democratic Party’s nomination.

25 28. YouTube plays an especially important role in this public/private
26 censorship regime. Whether it is through advertising, interviews, or raw footage,
27 YouTube provides people—especially political candidates—with unfettered access to
28

1 the American public. YouTube is not simply a tool of communication, like a
 2 telephone or a social media app. It is not simply a publisher like *The New York Times*
 3 or *The Wall Street Journal*. It is a place for people to view, to listen, and to learn about
 4 whatever they want. For the most part, they can do that without registering and
 5 without paying anything.¹ They can simply log onto the platform and watch. Thus,
 6 YouTube is the digital equivalent of the town square. It is a platform for speech. And
 7 YouTube has monetized that role, earning billions of dollars for Google in the
 8 process.

9 29. With that reach comes responsibility, though. YouTube may own its
 10 website. In that sense, youtube.com is private property. But, by allowing the public to
 11 post videos there, YouTube turned youtube.com into a public forum of some sort.
 12 Whether it is a traditional public forum, a limited public forum or something else does
 13 not matter. It cannot exclude people from the platform based on their viewpoint. It
 14 cannot decide which speech people hear. It cannot do that itself and it especially
 15 cannot do that, as it has with Plaintiffs, based on a public/private partnership in which
 16 YouTube relies on the government to decide what information to censor.

17 30. The Ninth Circuit Court of Appeals has historically construed the state
 18 action doctrine liberally, echoing Justice William Brennan’s view that, “[i]f the
 19 Fourteenth Amendment is to have its intended effect as a restraint on the abuse of
 20 state power, courts must be sensitive to the manner in which state power is exercised.
 21 In an era of active government intervention to remedy social ills, the true character of
 22 the State’s involvement in, and coercive influence over, the activities of private
 23 parties, often through complex and opaque regulatory frameworks, may not always be
 24 apparent. But if the task that the Fourteenth Amendment assigns to the courts is thus
 25 rendered more burdensome, the courts’ obligation to perform that task faithfully, and
 26

27 ¹ There are also private areas of YouTube, but the speech Google censored that is at
 28 issue in this case was available to anybody.

1 consistently with the constitutional purpose, is rendered more, not less, important.”

2 31. Those words echo today. This will be the last presidential election before
3 America’s 250th birthday. Much has changed since 1776. The country’s demand for
4 freedom of speech—especially political speech—should not be one of them.

5 **FIRST CLAIM FOR RELIEF**

6 **(Injunctive Relief under 42 U.S.C. § 1983/State Action Doctrine)**

7 32. Mr. Kennedy incorporates paragraphs 1 through 29 of this Complaint as
8 though set forth fully herein.

9 33. When Mr. Kennedy speaks about the federal government’s COVID-19
10 policies, as he has in the Manchester speech and in interviews on the campaign trail,
11 he is engaging in speech on matters of public concern that are protected by the First
12 Amendment.

13 34. Although YouTube is a private (non-governmental) party, it violated Mr.
14 Kennedy’s First Amendment rights when it removed videos of his political speech, as
15 alleged above, in several ways.

16 35. *First*, there is a sufficiently close nexus between YouTube and the federal
17 government such that YouTube’s actions may be fairly treated as that of government
18 itself. For example, although it cited its own COVID vaccine misinformation policies
19 when censoring Mr. Kennedy, the policies rely entirely on government officials to
20 decide what information gets censored. They say that YouTube does not allow people
21 to say anything “that contradicts local health authorities’ (LHA) or the World Health
22 Organization’s (WHO) medical information about COVID-19.” These policies are
23 subject to change, but only “in response to changes to global or local health
24 authorities’ guidance on the virus.” In other words, the government provides the rules
25 that guide YouTube’s enforcement of the medical misinformation policies.

26 36. *Second*, YouTube’s medical misinformation policies were developed as
27 part of a joint enterprise between YouTube and federal government officials to

JW HOWARD/ ATTORNEYS, LTD.
600 WEST BROADWAY, SUITE 1400
SAN DIEGO, CALIFORNIA 92101

1 prevent Americans from hearing people like Mr. Kennedy who disagreed with the
 2 government’s policy decisions. YouTube had no obligation to act as the government’s
 3 censor. But, after the creation of CISA and especially after President Biden took
 4 office, YouTube decided to partner with the federal government to censor dissenting
 5 voices about COVID-19. In this way, the federal government insinuated itself into
 6 such a position of interdependence with YouTube that they can be deemed joint
 7 participants in the censorship regime. This partnership consists of a complex and
 8 deeply intertwined process between the federal government and YouTube—but led by
 9 the government, which plays an outsized role in the decision—about what information
 10 is “dangerous” and which speakers (especially Mr. Kennedy) need to be silenced.

11 37. Again, these are not conclusory allegations but facts that have been
 12 revealed in other litigation against Big Tech platforms, including emails from early
 13 2021 in which Biden White House officials discussed alleged vaccine misinformation
 14 and “ways the White House (and our COVID experts) can partner [with the tech
 15 companies] in product work.” A true and correct copy of one such email is attached as
 16 **Exhibit “D.”** This partnership has targeted Mr. Kennedy from day one of the Biden
 17 Administration but, on information and belief, it has increased since Kennedy
 18 challenged the president politically.

19 38. When engaging in this partnership, YouTube did not act in good faith, to
 20 promote its own business, but to fulfill the government’s objective of preventing
 21 people from hearing Kennedy’s comments. It was fulfilling the government’s
 22 censorship goals. It will continue to do that. Indeed, YouTube is the only one of the
 23 Big Tech platforms that is still censoring Mr. Kennedy during his political campaign.

24 39. *Third*, the federal government has ensured that YouTube cooperate in its
 25 censorship campaign by publicly demanding that it do so, by accusing it of killing
 26 people when it does not cooperate, and by threatening to take away certain legal
 27 protections that YouTube has under federal law (namely immunity under section 230

1 of the Communications Decency Act). Indeed, YouTube bases its right to censor
 2 people on section 230. Thus, a federal law—section 230—is the very source of
 3 authority through which tech censorship occurs, a situation in which the Supreme
 4 Court has found state action to exist.

5 40. Through this public and private pressure, the federal government has
 6 offered such significant encouragement, both overt and covert, that YouTube’s
 7 decision to censor Mr. Kennedy’s political speech must be deemed to have been made
 8 by the government itself, including Kennedy’s political opponent, President Biden.
 9 Under these circumstances, YouTube is a state actor and it violated Mr. Kennedy’s
 10 First Amendment rights by engaging in viewpoint discrimination, as alleged above.

11 41. In addition, at least with respect to the fully public aspects of its platform,
 12 YouTube operates as a public forum, the digital equivalent of a town square. As such,
 13 it cannot remove protected speech, especially political speech, based on its viewpoint.
 14 Furthermore, any viewpoint-neutral rules must be narrowly tailored to leave open
 15 ample alternative channels for communication. YouTube admittedly does not comply
 16 with these rules.

17 42. YouTube’s medical misinformation policies also violate the First
 18 Amendment on their face because they are overbroad and vague. Indeed, the policies
 19 give YouTube and its government partners unfettered discretion to decide what
 20 information they censor, including when they say the speech lacks “context.” Thus,
 21 the policies violate both the overbreadth and void-for-vagueness doctrines.

22 43. Unlike other technology companies, YouTube has refused to remove its
 23 misinformation policies and has refused to stop censoring Mr. Kennedy during his
 24 political campaign. Thus, there is a substantial likelihood that it will continue
 25 censoring Mr. Kennedy, preventing his political message from reaching millions of
 26 American voters.

27 44. Mr. Kennedy will be irreparably harmed if the Court does not grant
 28

1 injunctive relief prohibiting YouTube from censoring him during his political
2 campaign. He brings this action to seek such relief and to prohibit YouTube from
3 enforcing its unconstitutional medical misinformation policies against him while he is
4 seeking political office.

5 **SECOND CLAIM FOR RELIEF**

6 **(Declaratory Judgment under 28 U.S.C. § 2201)**

7 45. Mr. Kennedy incorporates paragraphs 1 through 29 of this Complaint as
8 though set forth fully herein.

9 46. Mr. Kennedy contends that YouTube’s medical misinformation policies
10 are unconstitutional on their face and as applied to him during his presidential
11 campaign because they are impermissibly vague and overbroad and because they give
12 unnamed government officials, who the policies depend entirely on, the unfettered
13 discretion to decide what information gets removed from YouTube.

14 47. On information and belief, Defendants contend that YouTube’s medical
15 misinformation policies are constitutional on their face and as applied to Mr.
16 Kennedy.

17 48. Mr. Kennedy desires a judicial declaration that YouTube’s medical
18 misinformation policies are unconstitutional on their face for the reasons alleged
19 above.

20 49. Under 28 U.S.C. § 2201, a judicial determination of these issues is
21 necessary and appropriate because such a declaration will clarify the parties’ rights
22 and obligations, permit them to have certainty regarding those rights and potential
23 liability, and avoid a multiplicity of actions.

24 **PRAYER FOR RELIEF**

25 Wherefore, Mr. Kennedy prays for relief as follows.

26 1. For an order declaring that Defendants violated Mr. Kennedy’s rights under
27 the First Amendment when they used information from, and partnered with, federal

JW HOWARD/ ATTORNEYS, LTD.
600 WEST BROADWAY, SUITE 1400
SAN DIEGO, CALIFORNIA 92101

1 government officials, including those who work for Mr. Kennedy’s political opponent,
2 to censor his political speech.

3 2. For an order requiring that YouTube restore any videos of Mr. Kennedy’s
4 political speech that it has removed during the 2024 presidential campaign.

5 3. For an order declaring YouTube’s medical misinformation policies to be
6 unconstitutional on their face, and as applied to Mr. Kennedy during his presidential
7 campaign, and for an injunction prohibiting Defendants from further enforcing them.

8 4. For costs and legal fees under 42 U.S.C. § 1988.

9 5. For such other relief as the Court deems proper.

10
11 DATED: August 2, 2023

JW HOWARD/ATTORNEYS, LTD.

JW HOWARD/ ATTORNEYS, LTD.
600 WEST BROADWAY, SUITE 1400
SAN DIEGO, CALIFORNIA 92101

12
13
14 By: 

15 John W. Howard
16 Scott J. Street
17 Andrew G. Nagurney
18 Attorneys for Plaintiff
19 ROBERT F. KENNEDY, JR.
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JURY TRIAL DEMAND

Mr. Kennedy requests a trial by jury on all claims for which it is available.

DATED: August 2, 2023

JW HOWARD/ATTORNEYS, LTD.

By: 

John W. Howard
Scott J. Street
Andrew G. Nagurney
Attorneys for Plaintiff,
ROBERT F. KENNEDY, JR.

JW HOWARD/ ATTORNEYS, LTD.
600 WEST BROADWAY, SUITE 1400
SAN DIEGO, CALIFORNIA 92101

EXHIBIT A

COVID-19 medical misinformation policy

The safety of our creators, viewers, and partners is our highest priority. We look to each of you to help us protect this unique and vibrant community. It's important you understand our Community Guidelines, and the role they play in our shared responsibility to keep YouTube safe. **Take the time to carefully read the policy below.** You can also check out [this page](#) for a full list of our guidelines.

YouTube doesn't allow content about COVID-19 that poses a serious risk of egregious harm.

YouTube doesn't allow content that spreads medical misinformation that contradicts local health authorities' (LHA) or the World Health Organization's (WHO) medical information about COVID-19. This is limited to content that contradicts WHO or local health authorities' guidance on:

- Treatment
- Prevention
- Diagnosis
- Transmission
- The existence of COVID-19

Note: YouTube's policies on COVID-19 are subject to change in response to changes to global or local health authorities' guidance on the virus. There may be a delay between new LHA/WHO guidance and policy updates given the frequency with which this guidance changes, and our policies may not cover all LHA/WHO guidance related to COVID-19.

Our COVID-19 policies were first published on May 20, 2020.

What this policy means for you

If you're posting content

Don't post content on YouTube if it includes any of the following:

Treatment misinformation:

- Content that encourages the use of home remedies, prayer, or rituals in place of medical treatment such as consulting a doctor or going to the hospital
- Content that claims that there's a guaranteed cure for COVID-19
- Content that recommends use of Ivermectin or Hydroxychloroquine for the treatment of COVID-19
- Claims that Hydroxychloroquine is an effective treatment for COVID-19
- Categorical claims that Ivermectin is an effective treatment for COVID-19
- Claims that Ivermectin and Hydroxychloroquine are safe to use in the prevention of COVID-19
- Other content that discourages people from consulting a medical professional or seeking medical advice

Prevention misinformation: Content that promotes prevention methods that contradict local health authorities or WHO.

- Claims that there is a guaranteed prevention method for COVID-19
 - Claims that any medication or vaccination is a guaranteed prevention method for COVID-19
- Content that recommends use of Ivermectin or Hydroxychloroquine for the prevention of COVID-19
- Claims that Ivermectin and Hydroxychloroquine are safe to use in the prevention of COVID-19
- Claims about COVID-19 vaccinations that contradict expert consensus from local health authorities or WHO

- Claims that an approved COVID-19 vaccine will cause death, infertility, miscarriage, autism, or contraction of other infectious diseases
- Claims that an approved COVID-19 vaccine will contain substances that are not on the vaccine ingredient list, such as biological matter from fetuses (e.g. fetal tissue, fetal cell lines) or animal products
- Claims that an approved COVID-19 vaccine will contain substances or devices meant to track or identify those who've received it
- Claims that COVID-19 vaccines will make people who receive them magnetic
- Claims that an approved COVID-19 vaccine will alter a person's genetic makeup
- Claims that COVID-19 vaccines do not reduce risk of serious illness or death
- Claims that any vaccine causes contraction of COVID-19
- Claims that a specific population will be required (by any entity except for a government) to take part in vaccine trials or receive the vaccine first
- Content that promotes the use of unapproved or homemade COVID-19 vaccines
- Instructions to counterfeit vaccine certificates, or offers of sale for such documents

Diagnostic misinformation: Content that promotes diagnostic information that contradicts local health authorities or WHO.

- Claims that approved COVID-19 tests are dangerous or cause negative physical health effects
- Claims that approved COVID-19 tests cannot diagnose COVID-19

Transmission misinformation: Content that promotes transmission information that contradicts local health authorities or WHO.

- Content that claims that COVID-19 is not caused by a viral infection
- Content that claims COVID-19 is not contagious
- Content that claims that COVID-19 cannot spread in certain climates or geographies
- Content that claims that any group or individual has immunity to the virus or cannot transmit the virus

Content that denies the existence of COVID-19:

- Denial that COVID-19 exists
- Claims that people have not died or gotten sick from COVID-19
- Claims that the death rate of COVID-19 is equal to or less than that of the common cold or seasonal flu
- Claims that COVID-19 is equal to or less transmissible than the common cold or seasonal flu
- Claims that the symptoms of COVID-19 are never severe

This policy applies to videos, video descriptions, comments, live streams, and any other YouTube product or feature. Keep in mind that this isn't a complete list. Please note these policies also apply to [external links](#) in your content. This can include clickable URLs, verbally directing users to other sites in video, as well as other forms.

Examples

Here are some examples of content that's not allowed on YouTube:

- Denial that COVID-19 exists
- Claims that people have not died from COVID-19
- Claims that any vaccine is a guaranteed prevention method for COVID-19
- Claims that a specific treatment or medicine is a guaranteed cure for COVID-19
- Claims that hydroxychloroquine saves people from COVID-19
- Promotion of MMS (Miracle Mineral Solution) for the treatment of COVID-19

- Claims that certain people have immunity to COVID-19 due to their race or nationality
- Encouraging taking home remedies instead of getting medical treatment when sick
- Discouraging people from consulting a medical professional if they're sick
- Content that claims that holding your breath can be used as a diagnostic test for COVID-19
- Videos alleging that if you avoid Asian food, you won't get the coronavirus
- Videos alleging that setting off fireworks can clean the air of the virus and will prevent the spread of the virus
- Claims that COVID-19 is caused by radiation from 5G networks
- Videos alleging that the COVID-19 test is the cause of the virus
- Claims that countries with hot climates will not experience the spread of the virus
- Claims that COVID-19 vaccines kill people who receive them
- Claims that COVID-19 vaccines are a means of population reduction
- Videos claiming that COVID-19 vaccines contain fetal tissue
- Claims that the flu vaccine causes contraction of COVID-19
- Claims that the flu is more contagious than COVID-19
- Claims that COVID-19 vaccines cause contraction of other infectious diseases or makes people more vulnerable to contraction of other infectious diseases
- Claims that COVID-19 vaccines contain a microchip or tracking device
- Claims that achieving herd immunity through natural infection is safer than vaccinating the population
- Claims that COVID-19 never causes serious symptoms or hospitalization
- Claims that the death rate from the seasonal flu is higher than the death rate of COVID-19
- Claims that people are immune to the virus based on their race
- Claims that children cannot or do not contract COVID-19
- Claims that there have not been cases or deaths in countries where cases or deaths have been confirmed by local health authorities or the WHO

Educational, documentary, scientific or artistic content

We may allow content that violates the misinformation policies noted on this page if that content includes additional context in the video, audio, title, or description. This is not a pass to promote misinformation. Additional context may include countervailing views from local health authorities or medical experts. We may also make exceptions if the purpose of the content is to condemn, dispute, or satirize misinformation that violates our policies. We may also make exceptions for content showing an open public forum, like a protest or public hearing, provided the content does not aim to promote misinformation that violates our policies.

What happens if content violates this policy

If your content violates this policy, we'll remove the content and send you an email to let you know. If we can't verify that a link you post is safe, we may remove the link.

If this is your first time violating our Community Guidelines, you'll likely get a warning with no penalty to your channel. If it's not, we may issue a strike against your channel. If you get 3 strikes within 90 days, your channel will be terminated. You can learn more about [our strikes system here](#).

We may terminate your channel or account for repeated violations of the Community Guidelines or Terms of Service. We may also terminate your channel or account after a single case of severe abuse, or when the channel is dedicated to a policy violation. You can learn more about [channel or account terminations here](#).

Need more help?

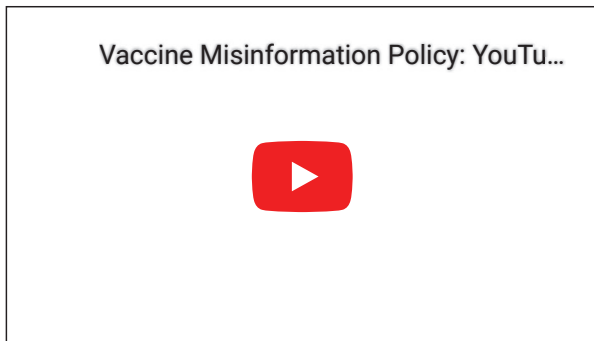
Try these next steps:

Post to the help community

Get answers from community members

EXHIBIT B

Vaccine misinformation policy



YouTube doesn't allow content that poses a serious risk of egregious harm by spreading medical misinformation about currently administered vaccines that are approved and confirmed to be safe and effective by local health authorities and by the World Health Organization (WHO). This is limited to content that contradicts local health authorities' or the WHO's guidance on vaccine safety, efficacy, and ingredients.

What this policy means for you

If you're posting content

Don't post content on YouTube if it includes harmful misinformation about currently approved and administered vaccines on any of the following:

- **Vaccine safety:** content alleging that vaccines cause chronic side effects, outside of rare side effects that are recognized by health authorities
- **Efficacy of vaccines:** content claiming that vaccines do not reduce transmission or contraction of disease
- **Ingredients in vaccines:** content misrepresenting the substances contained in vaccines

This policy applies to videos, video descriptions, comments, live streams, and any other YouTube product or feature. Keep in mind that this isn't a complete list. Please note these policies also apply to [external links](#) in your content. This can include clickable URLs, verbally directing users to other sites in video, as well as other forms.

Examples

Here are some examples of content that's not allowed on YouTube:

- Claims that vaccines cause chronic side effects such as:
 - Cancer
 - Diabetes
 - Other chronic side effects
- Claims that vaccines do not reduce risk of contracting illness
- Claims that vaccines contain substances that are not on the vaccine ingredient list, such as biological matter from fetuses (e.g. fetal tissue, fetal cell lines) or animal byproducts
- Claims that vaccines contain substances or devices meant to track or identify those who've received them
- Claims that vaccines alter a person's genetic makeup
- Claims that the MMR vaccine causes autism
- Claims that vaccines are part of a depopulation agenda

- Claims that the flu vaccine causes chronic side effects such as infertility
- Claims that the HPV vaccine causes chronic side effects such as paralysis

Educational, scientific, artistic, or testimonial content

YouTube may allow content that violates the misinformation policies noted on this page if that content includes additional context in the video, audio, title, or description. This is not a pass to promote misinformation. Additional context may include countervailing views from local health authorities or medical experts. We may also make exceptions if the purpose of the content is to condemn, dispute, or satirize misinformation that violates our policies. We may also make exceptions for content showing an open public forum, like a protest or public hearing, provided the content does not aim to promote misinformation that violates our policies.

YouTube also believes people should be able to share their own experiences, including personal experiences with vaccinations. This means we may make exceptions for content in which creators describe firsthand experiences from themselves or their family. At the same time, we recognize there is a difference between sharing personal experiences and promoting misinformation about vaccines. To address this balance, we will still remove content or channels if they include other policy violations or demonstrate a pattern of promoting vaccine misinformation.

What happens if content violates this policy

If your content violates this policy, we'll remove the content and send you an email to let you know. If we can't verify that a link you post is safe, we may remove the link.

If this is your first time violating our Community Guidelines, you'll likely get a warning with no penalty to your channel. If it's not, we may issue a strike against your channel. If you get 3 strikes within 90 days, your channel will be terminated. You can learn more about [our strikes system here](#).

We may terminate your channel or account for repeated violations of the Community Guidelines or Terms of Service. We may also terminate your channel or account after a single case of severe abuse, or when the channel is dedicated to a policy violation. You can learn more about [channel or account terminations here](#).

Additional resources

More information on vaccines, including their safety and efficacy, can be found below.

Health Authority Vaccine Information:

- [Centers for Disease Control and Prevention \(CDC\)](#) (US)
- [European Vaccination Information Portal](#) (EU)
- [National Health Service](#) (UK)
- [World Health Organization vaccine safety](#) (Global)
- [World Health Organization vaccine preventable diseases](#) (Global)

Additional Vaccine Information:

- [American Academy of Pediatrics](#) (US)
- [GAVI, the Vaccine Alliance](#) (Global)
- [UNICEF](#) (Global)

Need more help?

Try these next steps:

Post to the help community

Get answers from community members

EXHIBIT C

From: [REDACTED]@twitter.com]
Sent: 1/23/2021 11:08:36 AM
To: Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov]
CC: [REDACTED]@twitter.com]; Flaherty, Robert EOP/WHO [REDACTED]@who.eop.gov]
Subject: [EXTERNAL] Re: Flagging Hank Aaron misinfo

Thanks. We recently escalated this.

On Fri, Jan 22, 2021 at 8:05 PM Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov> wrote:
Hey folks —

Wanted to flag the below tweet and am wondering if we can get moving on the process for having it removed ASAP:

><https://twitter.com/RobertKennedyJr/status/1352748139665645569><

And then if we can keep an eye out for tweets that fall in this same ~genre that would be great.

Thanks!
Clarke

--
—


[REDACTED]
Twitter, Inc. | Public Policy
[@TwitterGov](#) & [@Policy](#)

EXHIBIT D

From: Flaherty, Rob EOP/WHO [redacted]@who.eop.gov]
Sent: 4/16/2021 4:25:15 PM
To: Flaherty, Rob EOP/WHO [redacted]@who.eop.gov]; Slavitt, Andrew M. EOP/WHO [redacted]@who.eop.gov]; [redacted]@twitter.com]; [redacted]@twitter.com]; [redacted]@twitter.com]; [redacted]@twitter.com
CC: Fitzpatrick, Kelsey V. EOP/WHO [redacted]@who.eop.gov]; [redacted] (HHS/OASH) [redacted]@hhs.gov]
Subject: Twitter Vaccine Misinfo Briefing
Location: [redacted]
Start: 4/21/2021 2:00:00 PM
End: 4/21/2021 3:00:00 PM
Show Time As: Tentative

Recurrence: (none)

White House Staff will be briefed by Twitter on vaccine misinfo. Twitter to cover trends seen generally around vaccine misinformation, the tangible effects seen from recent policy changes, what interventions are currently being implemented in addition to previous policy changes, and ways the White House (and our COVID experts) can partner in product work.

 The linked im...

Hi there,

[redacted] is inviting you to a scheduled ZoomGov meeting.

[Join Zoom Meeting](#)

Phone US: [redacted] or

one-tap: [redacted]

Meeting [redacted]

URL: [redacted]

Meeting [redacted]

ID: [redacted]

Passcode: [redacted]

Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US: [redacted]

JS-CAND 44 (Rev. 10/2020)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS ROBERT F. KENNEDY, JR.</p> <p>(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number)</p> <p>John W. Howard, Scott J. Street, JW Howard/Attorneys, 600 West Broadway, Ste. 1400, San Diego, CA 92101 (619) 234-2842</p>	<p>DEFENDANTS GOOGLE LLC, a Delaware corporation, and YOUTUBE, LLC, a Delaware corporation</p> <p>County of Residence of First Listed Defendant Santa Clara (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)</p>
--	--

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment Of Veteran's Benefits <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury -Medical Malpractice CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities-Employment <input type="checkbox"/> 446 Amer. w/Disabilities-Other <input type="checkbox"/> 448 Education	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS HABEAS CORPUS <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty OTHER <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee-Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC § 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC § 158 <input type="checkbox"/> 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent-Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC § 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC § 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 42 USC 1983, 28 USC 2201 and First Amendment to the US Constitution
 Brief description of cause:
 Declaratory and injunctive relief to prevent censorship of political speech under state action doctrine.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions): JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2) (Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 08/02/2023 SIGNATURE OF ATTORNEY OF RECORD 

JS-CAND 44 (rev. 10/2020)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. **Please note that there is no Origin Code 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint. Class Action.** Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

ROBERT F. KENNEDY, JR.

Plaintiff(s)

v.

GOOGLE, LLC, a Delaware corporation, and
YOUTUBE, LLC, a Delaware corporation

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) GOOGLE LLC, a Delaware corporation
901 Cherry Avenue
San Bruno, CA 94066

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

John W. Howard
Scott J. Street
JW Howard/Attorneys, LTD.
600 West Broadway, Ste. 1400
San Diego, CA 92101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

ROBERT F. KENNEDY, JR.

Plaintiff(s)

v.

GOOGLE, LLC, a Delaware corporation, and
YOUTUBE, LLC, a Delaware corporation

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) YOUTUBE, LLC
901 Cherry Avenue
San Bruno, CA 94066

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

John W. Howard
Scott J. Street
JW Howard/Attorneys, LTD.
600 West Broadway, Ste. 1400
San Diego, CA 92101

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: