
No. 23-15858

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

JUSTIN HART,
Plaintiff-Appellant

v.

META PLATFORMS, INC., F/K/A FACEBOOK, INC.; X CORP., SUCCESSOR IN
INTEREST TO TWITTER, INC.; VIVEK MURTHY IN HIS OFFICIAL CAPACITY AS
UNITED STATES SURGEON GENERAL; JOSEPH R. BIDEN, JR. IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF THE UNITED STATES; THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES; AND THE OFFICE OF MANAGEMENT AND
BUDGET,
Defendants-Appellees

On Appeal from the United States District Court
for the Northern District of California

No. 3:22-cv-00737

Hon. Charles R. Breyer

EXCERPTS OF RECORD
Volume 4 of 4

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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

JUSTIN HART,
Plaintiff,

v.

FACEBOOK, INC.; TWITTER, INC.;
VIVEK MURTHY in his official capacity as
United States Surgeon General; JOSEPH R.
BIDEN, JR. in his official capacity as
President of the United States; the
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; and the OFFICE OF
MANAGEMENT AND BUDGET,

Defendants.

Case No. '21CV1543 MMAWVG

COMPLAINT

DEMAND FOR JURY TRIAL

INTRODUCTION

1
2 1. Defendants conspired to remove from the internet social media posts by
3 Plaintiff, Justin Hart, because they disagreed with his viewpoint.

4 2. First, Hart brings this action to defend the freedom of speech from viewpoint-
5 based, discriminatory collusion between private social media companies and the federal
6 government.

7 3. “It is axiomatic that the government may not regulate speech based on its
8 substantive content or the message it conveys.” *Rosenberger v. Rector & Visitors of the*
9 *Univ. of Va.*, 515 U.S. 819, 828 (1995). Under the Free Speech Clause of the First
10 Amendment, “discrimination against speech because of its message is presumed to be
11 unconstitutional.” *Id.*

12 4. When the federal government admits to conspiring with social media
13 companies to censor messages with which it disagrees, as it has in this case, both the
14 government and the private companies are guilty of unconstitutional viewpoint
15 discrimination: “Joint action exists where the government . . . encourages . . .
16 unconstitutional conduct through its involvement with a private party . . .” *Ohno v.*
17 *Yasuma*, 723 F.3d 984, 996 (9th Cir. 2013) (cleaned up).

18 5. This Court should declare the actions of Defendants Facebook, Inc., Twitter,
19 Inc., President Biden, and Surgeon General Murthy unconstitutional and permanently
20 enjoin them from monitoring, flagging, and deleting social media posts based on the
21 viewpoints the posts espouse.

22 6. Second, Defendants the Department of Health and Human Services and the
23 Office of Management and Budget have refused to provide Hart with documents that are
24 relevant to this lawsuit, which he has requested pursuant to the Freedom of Information Act,
25 and this Court should order the release of those documents.

26 7. Third, Defendants Facebook, Inc. and Twitter, Inc. violated Hart’s right to Free
27 Speech under the California Constitution when they deprived him of an essential and
28 invaluable forum for speaking his mind.

8. Fourth, Defendants Facebook, Inc. and Twitter, Inc. are liable for promissory estoppel for promising Hart the use of their social media platforms to further his business interests and then rescinding this promise after he relied on them to his detriment.

9. Fifth, Defendant Facebook, Inc. is liable to Hart for intentional interference with a contract for knowingly denying him the ability to fulfill his contractual duty to administer the Facebook account of Donorbureau, LLC.

10. Sixth, Defendant Facebook, Inc. is liable to Hart for negligent interference with a prospective economic advantage for knowingly disrupting the contractual relationship between Donorbureau, LLC and him by preventing him from administering the Facebook account of Donorbureau.

11. For these reasons, Hart brings this lawsuit and seeks declaratory, injunctive, and monetary relief for the injustices he has suffered at the hands of Defendants.

PARTIES

12. Plaintiff, Justin Hart, is a natural person domiciled in San Diego County, California.

13. Defendant Facebook, Inc. (“Facebook”) is a corporation incorporated in Delaware with a principal place of business at 1601 Willow Road, Menlo Park, California in San Mateo County.

14. Defendant Twitter, Inc. (“Twitter”) is a corporation incorporated in Delaware with a principal place of business at 1355 Market Street, Suite 900, San Francisco, California in the City and County of San Francisco.

15. Defendant Vivek Murthy is sued in his official capacity as the Surgeon General of the United States. In that role, he directs the office of the Surgeon General.

16. Defendant Joseph R. Biden, Jr. is sued in his official capacity as the President of the United States. In that role, he directs the executive branch of the federal government, including White House staff.

17. Defendant the Department of Health and Human Services (“HHS”) is an agency within the executive branch of the federal government which maintains agency

1 records for the Surgeon General of the United States, his office, and others within the
2 department.

3 18. Defendant the Office of Management and Budget (“OMB”) is an agency
4 within the Executive Office of the President which maintains agency records for the
5 President of the United States, his staff, and others within the executive branch.

6 JURISDICTION AND VENUE

7 19. This case raises federal claims under the First Amendment of the United States
8 Constitution and the Freedom of Information Act, 5 U.S.C. § 552; therefore, the Court has
9 subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1331.

10 20. This Court has jurisdiction to issue injunctive relief to protect constitutional
11 rights. *Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*, 561 U.S. 477, 491 n.2
12 (2010).

13 21. The Court has jurisdiction to issue declaratory relief pursuant to 28 U.S.C. §
14 2201 and to order further necessary or proper relief based on a declaratory judgment or
15 decree pursuant to 28 U.S.C. § 2202.

16 22. The Court has jurisdiction to order the production of agency records
17 improperly withheld pursuant to 5 U.S.C. § 552(a)(4)(B).

18 23. The Court has supplemental jurisdiction over the California state law claims
19 pursuant to 28 U.S.C. § 1367.

20 24. The Court has personal jurisdiction over Defendants Murthy, Biden, HHS, and
21 OMB because they are officers or agencies of the United States.

22 25. The Court has personal jurisdiction over Defendants Facebook and Twitter
23 because they maintain their principal places of business in California.

24 26. Venue must lie in this district under 5 U.S.C. § 552(a)(4)(B) with regards to
25 the claim under the Freedom of Information Act because Hart resides in San Diego County,
26 California. Venue lies in this district under 28 U.S.C. § 1391(e)(1) and (b)(2) because
27 Defendants Murthy, Biden, HHS, and OMB are officers or agencies of the United States; a
28 substantial part of the events giving rising to the claims occurred here, where Hart accesses

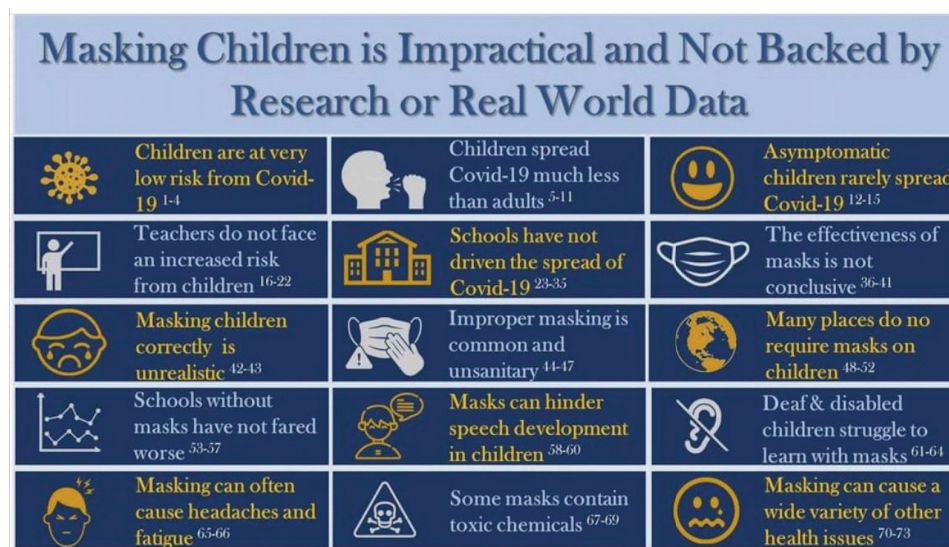
his Facebook and Twitter accounts; Hart resides here; and no real property is involved in the action.

FACTS

Deplatforming:

1. On or around July 13, 2021, Hart posted to his personal Facebook page a graphic entitled, “Masking Children is Impractical and Not Backed by Research or Real World Data.”

2. Below is a photo of the graphic in the post:



3. The graphic Hart posted is science-based and contains footnotes to scientific evidence supporting its claims.

4. Facebook flagged the above post on or around July 13, 2021, with the following notice:

You can't post or comment for 3 days.

This is because you previously posted something that didn't follow our Community Standards.

This post goes against our standards on misinformation that could cause physical harm, so only you can see it.

Learn more about updates to our standards.

1 5. On or around July 18, 2021, Hart posted to his personal Twitter page a tweet
2 that read:

3 So the CDC just reported that 70% of those who came down with #COvId19
4 symptoms had been wearing a mask. We know that masks don't protect you...
5 but at some point you have to wonder if they are PART of the problem.

6 6. Twitter locked Hart's account on or around July 18, 2021, with the following
7 notice sent to his email:

8 **Hi Justin Hart,**

9
10 **Your Account, @justin_hart has been locked for violating the Twitter**
11 **Rules.**

12
13 Specifically for: Violating the policy on spreading misleading and potentially
14 harmful information related to COVID-19.

15 **Biden and Murthy:**

16 7. Within days of these two removals, the administration of Defendant Biden
17 revealed publicly that it is directing social media companies to remove posts it deems to be
18 spreading misinformation regarding COVID-19.

19 8. On July 15, 2021, at a White House Press Conference, Defendant Murthy
20 stated, "We're asking [our technology companies] to consistently take action against
21 misinformation super-spreaders on their platforms."¹

22 9. The White House revealed that a team of government employees are actively
23 researching and tracking social media posts with which it disagrees and relaying those posts
24 to social media companies with instructions to take them down.

25
26 ¹ Vivek H. Murthy, White House Press Briefing (July 15, 2021), transcript available at
27 [https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/15/press-briefing-by-](https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/15/press-briefing-by-press-secretary-jen-psaki-and-surgeon-general-dr-vivek-h-murthy-july-15-2021/)
28 [press-secretary-jen-psaki-and-surgeon-general-dr-vivek-h-murthy-july-15-2021/](https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/15/press-briefing-by-press-secretary-jen-psaki-and-surgeon-general-dr-vivek-h-murthy-july-15-2021/) (last
visited Aug. 18, 2021).

1 10. White House Press Secretary Jen Psaki admitted, “We’ve increased
2 disinformation research and tracking within the Surgeon General’s office. We’re flagging
3 problematic posts for Facebook that spread disinformation.”²

4 11. Psaki also revealed that the White House effort to suppress free speech reaches
5 all the way to the level of senior staff for Defendant Biden.

6 12. Psaki gave a glimpse of how the scheme works: “we are in regular touch with
7 these social media platforms, and those engagements typically happen through members of
8 our senior staff, but also members of our COVID-19 team”³

9 13. The next day she revealed that the far-reaching effort targeted multiple posts
10 on multiple social media sites: “You shouldn’t be banned from one platform and not
11 others.”⁴

12 14. Defendants Biden and Murthy directed four key changes for social media
13 platforms. The first is that the companies “measure and publicly share the impact of
14 misinformation on their platform.”⁵

15 15. Second, Biden and Murthy directed companies to “create a robust enforcement
16 strategy that bridges their properties and provides transparency about the rules.”⁶

17 16. Third, Biden and Murthy stressed that “it’s important to take faster action
18 against harmful posts” because “information travels quite quickly on social media
19

20
21
22 ² Jen Psaki, White House Press Briefing (July 15, 2021), transcript available at
23 [https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/15/press-briefing-by-](https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/15/press-briefing-by-press-secretary-jen-psaki-and-surgeon-general-dr-vivek-h-murthy-july-15-2021/)
24 [press-secretary-jen-psaki-and-surgeon-general-dr-vivek-h-murthy-july-15-2021/](https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/15/press-briefing-by-press-secretary-jen-psaki-and-surgeon-general-dr-vivek-h-murthy-july-15-2021/) (last
25 visited Aug. 18, 2021).

26 ³ *Id.*

27 ⁴ Jen Psaki, White House Press Briefing (July 16, 2021), transcript available at
28 [https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/16/press-briefing-by-](https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/16/press-briefing-by-press-secretary-jen-psaki-july-16-2021/)
29 [press-secretary-jen-psaki-july-16-2021/](https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/16/press-briefing-by-press-secretary-jen-psaki-july-16-2021/) (last visited Aug. 18, 2021).

30 ⁵ Psaki, *supra* note 2.

31 ⁶ *Id.*

platforms; sometimes it's not accurate. And Facebook needs to move more quickly to remove harmful, violative posts[.]”⁷

17. Fourth, Biden and Murthy directed Facebook to “promote quality information in their feed algorithm.”⁸

18. At the direction of Biden, Murthy created and published an entire 22-page Advisory with instructions on how social media companies should remove posts with which Murthy and Biden disagree.⁹

19. Biden further threatened social media companies who do not comply with his directives by publicly shaming and humiliating them, stating, “They’re killing people.”¹⁰

20. On information and belief, Defendants Biden and Murthy directed Defendants Facebook and Twitter to remove Hart’s social media posts because they disagreed with the viewpoints he espoused in them and conspired with Facebook and Twitter to do so.

Facebook:

21. Defendant Facebook is one of the most popular social media sites. It boasts “more than 2.8 billion monthly users worldwide,” who use it for both business and pleasure.¹¹ Almost 70% of Americans use Facebook in some capacity.¹² Of these users,

⁷ *Id.*

⁸ *Id.*

⁹ Vivek H. Murthy, *Confronting Health Misinformation: The U.S. Surgeon General’s Advisory on Building a Healthy Information Environment* (2021), available at <https://www.hhs.gov/sites/default/files/surgeon-general-misinformation-advisory.pdf> (last visited Aug. 18, 2021).

¹⁰ Lauren Egan, “They’re killing people”: Biden blames Facebook, other social media for allowing Covid misinformation, NBC News (July 16, 2021, 4:10 PM), available at <https://www.nbcnews.com/politics/white-house/they-re-killing-people-biden-blames-facebook-other-social-media-n1274232> (last visited Aug. 18, 2021).

¹¹ John Gramlich, *10 facts about Americans and Facebook*, Pew Research Center (June 1, 2021), available at <https://www.pewresearch.org/fact-tank/2021/06/01/facts-about-americans-and-facebook/> (last visited Aug. 18, 2021).

¹² *Id.*

70% visit Facebook daily.¹³

22. Facebook’s services involve creating a sort of personal website for its users who can post pictures of themselves and others, create posts on their wall where they can “debate religion and politics with their friends and neighbors or share vacation photos.” *Packingham v. North Carolina*, 137 S. Ct. 1730, 1735 (2017). These posts can also include links to news articles and videos. Other users can post comments on a user’s posts and, thereby, have a dialogue with one other. Users may also send each other direct messages through Facebook’s Messenger feature.

23. Given this tremendous opportunity to network and speak with other people throughout the United States and even the world, users frequently use it to promote their business. “There are over 60 million active business [p]ages” on Facebook.¹⁴ Millions of businesses pay to be active advertisers.¹⁵

24. Facebook’s hosting of advertisements is very lucrative for it. In 2018, it generated a total of \$55.8 billion in revenue, and 99% of that came from ads on Facebook and other platforms that it owns, such as Instagram.¹⁶

25. Facebook’s terms of service invites businesses to use its services to “connect with [other people], build communities, and grow businesses.”¹⁷ Facebook describes its

¹³ *Id.*

¹⁴ Kit Smith, *53 Incredible Facebook Statistics and Facts*, Brandwatch (June 1, 2019), available at <https://www.brandwatch.com/blog/facebook-statistics/> (last visited Aug. 18, 2021).

¹⁵ *Id.*

¹⁶ Erin Black, *How Facebook makes money by targeting ads directly to you*, CNBC (Apr. 2, 2019), available at https://www.cnbc.com/2019/04/02/how-facebook-instagram-whatsapp-and-messenger-make-money.html?__source=facebook%7Cmain&fbclid=IwAR05sCPLjY61T3UOfYNvQQZwOiMY64mJsnMQ0Lu4UNYqXkaXa1FUPpn1Huo (last visited Aug. 18, 2021).

¹⁷ Terms of Service, Facebook, available at <https://www.facebook.com/terms.php> (last revised Oct. 22, 2020) (last visited July 19, 2021).

services as “[e]mpower[ing] you to express yourself and communicate about what matters to you.”¹⁸

26. The terms of service require users to follow its “Community Standards.”¹⁹ Those standards state that Facebook is “a service for more than two billion people to freely express themselves across countries and cultures and in dozens of languages.”²⁰ They go on to state, “To ensure that everyone’s voice is valued, we take great care to craft policies that are inclusive of different views and beliefs, in particular those of people and communities that might otherwise be overlooked or marginalized.”²¹

27. The limits on this pro-free speech stance include abstract categories such as “Violence and Criminal Behavior,” “Safety” (which includes “Suicide and Self-Injury,” “Child Sexual Exploitation, Abuse, and Nudity,” “Sexual Exploitation of Adults,” “Bullying and Harassment,” “Human Exploitation,” and “Privacy Violations and Image Privacy Rights”), “Objectionable Content” (which includes “Hate Speech,” “Violent and Graphic Content,” “Adult Nudity and Sexual Activity,” and “Sexual Solicitation”), “Integrity and Authenticity,” (which includes “Account Integrity and Authentic Identity,” “Spam,” “Cybersecurity,” “Inauthentic Behavior,” “False News,” “Manipulated Media,” and “Memorialization”), and “Respecting Intellectual Property.” For the “False News” subcategory, Facebook states that “we do not remove false news from Facebook but we significantly reduce its distribution by showing it lower in News Feed.”²²

28. At no point in the terms of service or Community Standards does Facebook prohibit viewpoints that oppose making children wear masks.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Community Standards, Facebook, available at <https://www.facebook.com/communitystandards/> (last visited July 19, 2021).

²¹ *Id.*

²² *Id.*

29. Plaintiff, Justin Hart, is an executive consultant with over 25 years' experience creating data-driven solutions for Fortune 500 companies and presidential campaigns alike. He is the Chief Data Analyst and founder of RationalGround.com, which helps companies, public policy officials, and parents gauge the impact of COVID-19 across the country.

30. He has used Facebook's services since 2007. He has roughly 1,700 Facebook users who follow his account, and roughly 3,000 Facebook friends.

31. He uses his Facebook account as a feeder for his other social media accounts, as a networking tool for his consulting business, and as a promotion for his online website, RationalGround.com, where he sells subscriptions to his articles and research on COVID-19 and the government's response to it.

32. Given Hart's use of Facebook for his business, he has bought ads on Facebook that promote his consulting business. Over the years, Hart has spent thousands of dollars on Facebook advertisements.

33. Hart has also bought ads for his consulting clients over the years, spending tens of thousands of dollars.

34. On his website, RationalGround.com, Hart offers some of his articles exclusively to subscribers. His subscriptions generate thousands of dollars per month.

35. On or around September 15, 2020, Facebook issued Hart a warning regarding a post he had made in July 2020 which had contained a video of protestors attempting to tear down a statue of Christopher Columbus in Chicago. Hart's comment on the post read: "BLM/SJW rally in Chicago to tear down the statue of Christopher Columbus. Cops defending the place as hundreds of 'peaceful' protestors throw bottles, cans, canes, rocks... But the best thing about this video is the 2 F's NOT given by these officers. Gotta love Chicago." Inexplicably, the warning claimed, "False information about COVID-19 found in your post. A notice was added to your post."

36. On or around September 25, 2020, Facebook claimed that a recent post by Hart violated its Community Standards and banned him from advertising for 30 days and from going "live" for 30 days. Going "live" on Facebook allows a user to have a video call with

1 followers in real-time. The post stated, “‘Spotify seems like a great place to work!’ – Joseph
2 Goebbels.”

3 37. On April 23, 2021, Facebook restricted the ability of Hart to post or comment
4 for 24 hours because it claimed the following three posts violated its Community Standards:

5 a. On or around April 14, 2021, Hart created a post on Facebook
6 stating, “If you ever want to know where your BLM donation is going – the
7 co-founder ‘trained Marxist’ Patrisee Cullars – just bought this amazing home
8 in LA” and it included a link to a picture of the house.

9 b. That same day, a second post of his was removed from Facebook.

10 c. On April 23, 2021, he created a post stating that: “This is the
11 truth: Covid is almost gone in America. Hospitals are literally empty. Every
12 willing senior has already been vaccinated. In a few weeks every willing adult
13 can be...

14 38. Losing the ability to connect with people through his Facebook account has
15 harmed Hart’s online business and work to help others. He is also suffering injury because
16 he serves as the administrator of at least one of his client’s Facebook pages. While Hart’s
17 personal account is suspended, he cannot service this account.

18 39. Facebook’s standards for censorship are constantly shifting.

19 40. For example, since early 2020, there has been widespread debate over whether
20 COVID-19 was made by humans in a lab in Wuhan, China and escaped from the lab or
21 whether it started naturally through animal to human transmission. Despite this debate, in
22 February 2020, Facebook announced it would remove posts that suggested the virus was
23 man-made, stating that the theory had been debunked by public health officials.²³ But in
24 May 2021, after Biden acknowledged the possibility of the theory, Facebook reversed its

25
26 ²³ Peter Suci, *Social Media About Face: Facebook Won’t Remove Claims Covid Was Man-*
27 *Made*, Forbes (May 28, 2021, 3:39 PM), available at
28 [https://www.forbes.com/sites/petersuci/2021/05/28/social-media-about-face-facebook-](https://www.forbes.com/sites/petersuci/2021/05/28/social-media-about-face-facebook-wont-remove-claims-covid-was-man-made/?sh=d21e05c6aa1a)
[wont-remove-claims-covid-was-man-made/?sh=d21e05c6aa1a](https://www.forbes.com/sites/petersuci/2021/05/28/social-media-about-face-facebook-wont-remove-claims-covid-was-man-made/?sh=d21e05c6aa1a) (last visited Aug. 18,
2021).

policy and announced that it would no longer remove posts expressing that viewpoint.²⁴ Therefore, Facebook is stifling the free debate of scientific theories by taking its directions from the federal government.

Twitter:

41. Defendant Twitter is also a popular social media site; more than one in five adult Americans use the platform.²⁵ Of these users, 46% visit Twitter daily.²⁶

42. Twitter’s services involve creating a personal profile from which its users can “tweet”—meaning post messages, photos, and weblinks to their feed for other users to see. Users can “like,” repost, or reply to other users’ tweets.

43. Twitter allows users to have a dialogue on a variety of issues, including topics of national importance. 42% of U.S. adults on Twitter say they use the site to discuss politics.²⁷ Twitter is known for being “one of the social media sites with the most news-focused users.”²⁸ 71% of adult Twitter users in the U.S. use the site to get news.²⁹

44. “The Twitter Rules” proclaim that “Twitter’s purpose is to serve the public conversation.”³⁰

²⁴ Donie O’Sullivan & Jordan Valinsky, *Facebook will no longer remove claims that Covid-19 was man-made*, CNN Business (May 27, 2021, 12:16 PM), available at <https://www.cnn.com/2021/05/27/tech/facebook-covid-19-origin-claims-removal/index.html> (last visited Aug. 18, 2021).

²⁵ Brooke Auxier & Monica Anderson, *Social Media Use in 2021*, Pew Research Center (April 7, 2021), available at <https://www.pewresearch.org/internet/2021/04/07/social-media-use-in-2021/> (last visited July 19, 2021).

²⁶ *Id.*

²⁷ Adam Hughes & Stefan Wojcik, *10 facts about Americans and Twitter*, Pew Research Center (Aug. 2, 2019), available at <https://www.pewresearch.org/fact-tank/2019/08/02/10-facts-about-americans-and-twitter/> (last visited July 19, 2021).

²⁸ *Id.*

²⁹ *Id.*

³⁰ The Twitter Rules, Twitter, available at <https://help.twitter.com/en/rules-and-policies/twitter-rules> (last visited Aug. 19, 2021).

45. The limitations on that “public conversation” include Tweets that threaten or glorify violence or terrorism, sexually exploit children, abuse or harass other people, promote self-harm or suicide, show excessively gory media or adult content within live videos or profile photos, or serve any unlawful purpose.³¹

46. At no point in the terms of service or Twitter Rules does Twitter prohibit viewpoints that oppose wearing masks.

47. Hart has used Twitter’s services since 2007.

48. He uses his Twitter account as a feeder for his other social media accounts, as a networking tool for his consulting business, and as a promotion of his online website, RationalGround.com, where he sells subscriptions to his articles and research on COVID-19 and the government’s response to it.

49. Hart has purchased ads on Twitter to promote his consulting business. Over the years, he has spent thousands of dollars on Twitter ads. Hart planned to increase his use of Twitter advertising, but he was denied from doing so by Twitter.

50. Losing the ability to communicate with people through his Twitter account has harmed his online business.

COUNT I – Free Speech

Murthy, Biden, Facebook, and Twitter violated the Free Speech clause of the First Amendment when they acted jointly to remove Hart’s social media posts and block him from using his accounts.

51. The allegations in the preceding paragraphs are incorporated herein by reference.

52. “The First Amendment is a kind of Equal Protection Clause for ideas.” *Barr v. Am. Ass’n of Political Consultants*, 140 S. Ct. 2335, 2354 (2020) (plurality). A government violates this promise of equal treatment for ideas when it engages in viewpoint discrimination. *Rosenberger*, 515 U.S. at 819.

³¹ *Id.*

53. Murthy and Biden engaged in viewpoint discrimination when they directed Facebook and Twitter to remove social media posts like those of Hart that contained a viewpoint on COVID-19 that did not fit with their own political narrative.

54. Private companies engage in state action when they work with government officials to deprive individuals of their constitutional rights. *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 942 (1982).

55. “The Supreme Court has articulated four tests for determining whether a non-governmental person’s actions amount to state action: (1) the public function test; (2) the joint action test; (3) the state compulsion test; and (4) the governmental nexus test.” *Ohno v. Yasuma*, 723 F.3d 984, 995 (9th Cir. 2013) (cleaned up).

56. “Joint action exists where the government affirms, authorizes, encourages, or facilitates unconstitutional conduct through its involvement with a private party.” *Ohno v. Yasuma*, 723 F.3d 984, 996 (9th Cir. 2013) (cleaned up).

57. The Ninth Circuit finds joint action when “state officials and private parties have acted in concert in effecting a particular deprivation of constitutional rights.” *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128, 1140 (9th Cir. 2012) (cleaned up). “This requirement can be satisfied either by proving the existence of a conspiracy or by showing that the private party was a willful participant in joint action with the State or its agents.” *Id.* (cleaned up). “Particularly relevant here is the maxim that if the state knowingly accepts the benefits derived from unconstitutional behavior, then the conduct can be treated as state action.” *Id.* (cleaned up).

58. Facebook and Twitter engaged in state action when they removed posts like Hart’s at the request of Murthy and Biden based on the viewpoint of those posts.

59. Facebook and Twitter worked in concert and/or conspiracy with Murthy and Biden to deprive Hart of his First Amendment right to Free Speech.

60. Murthy and Biden affirmed, authorized, encouraged, and/or facilitated Facebook and Twitter’s unconstitutional conduct of censorship.

61. Facebook and Twitter were either willful participants when they removed posts based on their viewpoint at the direction of Murthy and Biden or they were subject to government compulsion, either of which amounts to state action.

62. Murthy and Biden knowingly accepted the benefits of censored speech derived from the unconstitutional behavior of Facebook and Twitter in removing posts based on a viewpoint with which Murthy and Biden disagreed.

63. Facebook and Twitter now require that Hart and other users express a government-approved viewpoint to use their platforms.

64. Hart is entitled to declaratory and injunctive relief against Murthy and Biden for violating his right to Free Speech.

65. Hart is entitled to declaratory and injunctive relief as well as compensatory and nominal damages from Facebook and Twitter for violating his right to Free Speech.

COUNT II – Freedom of Information Act

HHS and OMB violated the Freedom of Information Act when they failed to respond to Plaintiff’s records request within the statutory timeframe.

66. The allegations in the preceding paragraphs are incorporated herein by reference.

67. Justin Hart, through his counsel, submitted a request for documents pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to both the Department of Health and Human Services and the Office of Management and Budget on July 22, 2021.

68. Under the FOIA, agencies are granted twenty (20) business days to respond to a request for records. 5 U.S.C. § 552(a)(6)(A)(i).

69. To date, it has been twenty-eight (28) business days since Hart requested the documents. Neither HHS nor OMB have provided the records requested by Hart, nor have they provided a denial of his records requests.

70. The only response received was from OMB on August 2, 2021, denying expedited processing of the records request.

71. When an agency fails to respond to the requester within the statutory time limit, the requester “shall be deemed to have exhausted his administrative remedies[.]” 5 U.S.C. § 553(a)(6)(C)(i).

72. Therefore, Hart may lodge this Complaint against HHS and OMB.

73. HHS and OMB have improperly withheld the requested records from Hart.

74. Hart is entitled to a judgment from this Court ordering HHS and OMB immediately to produce the records he requested.

COUNT III – California Free Speech

Facebook and Twitter violated the Free Speech clause of the California Constitution when they blocked Hart’s speech.

75. Facebook and Twitter are common carriers of information and are not able to suppress speech based on viewpoint.

76. In *Pruneyard Shopping Center*, the California Supreme Court recognized that the suburban shopping center—even ones that are privately owned—are an “essential and invaluable forum for exercising” speech rights. 592 P.2d 341, 347 (Cal. 1979). The court reasoned that shopping centers are where most people “spend the most significant amount of [their] time in suburban areas where [their] needs and wants are satisfied” because “shopping centers provide the location, goods, and services to satisfy [their] needs and wants.” *Id.* at 345.

77. The U.S. Supreme Court made a similar observation about the internet in *Packingham*, 137 S. Ct. at 1735. There, the Court compared social media to a “quintessential forum” for engaging in speech such as “a street or park.” It further found that the most important forum today for speech is “cyberspace—the ‘vast democratic forums of the Internet’ in general . . . and social media in particular.” *Id.* (quoting *Reno v. American Civil Liberties Union*, 521 U. S. 844, 868, 117 S. Ct. 2329, 138 L. Ed. 2d 874 (1997)). Social media platforms are the modern-day town square.

78. Because Facebook and Twitter provide an essential and invaluable forum for exercising Hart’s right to Free Speech under the California Constitution, they violated such right when they removed Hart’s posts and suspended his ability to speak on their platforms.

79. Hart is entitled to declaratory and injunctive relief as well as compensatory and nominal damages from Facebook and Twitter for violating his right to Free Speech under the California Constitution.

COUNT IV - Promissory Estoppel

Facebook and Twitter committed promissory estoppel by not fulfilling their promise for Hart to use their platform for his business.

80. The allegations in the preceding paragraphs are incorporated herein by reference.

81. Facebook and Twitter made “a clear and unambiguous promise” to Hart that he could use their services to communicate and network with other Facebook and Twitter users. *Bushell v. JPMorgan Chase Bank, N.A.*, 163 Cal. Rptr. 3d 539, 550 (Cal. Ct. App. 2013).

82. Facebook and Twitter did not caveat this promise by announcing that they would censor speech opposing masks.

83. Hart engaged in “reasonable, foreseeable and detrimental reliance” on Facebook’s and Twitter’s promise when he started using their services to speak with and network with other Facebook and Twitter users to promote his business. *Bushell*, 163 Cal. Rptr. 3d at 550.

84. Hart engaged in “reasonable, foreseeable and detrimental reliance” on Facebook’s promise when he invested substantial sums of money to advertise on Facebook and Twitter. *Id.*

85. Facebook’s and Twitter’s removal and flagging of Hart’s posts and suspension of his account for engaging in speech caused his reliance on their promises to be to the detriment of his business, finances, and reputation.

1 86. As the result of this detrimental reliance, Hart suffered monetary and non-
2 monetary damages.

3 87. Hart is entitled to monetary relief from Facebook and Twitter for committing
4 the tort of promissory estoppel.

5 **COUNT V - Intentional Interference with a Contract**

6 **Facebook committed intentional interference with a contract by interfering with**
7 **Hart's contract with Donorbureau, LLC.**

8 88. The allegations in the preceding paragraphs are incorporated herein by
9 reference.

10 89. To establish a claim of intentional interference with a contractual relationship,
11 the claimant must show (1) a valid contract between claimant and a third party; (2)
12 defendant's knowledge of this contract; (3) defendant's intentional acts designed to induce
13 a breach or disruption of the contractual relationship; (4) actual breach or disruption of the
14 contractual relationship; and (5) resulting damage. *Davis v. Nadrich*, 94 Cal. Rptr. 3d 414,
15 421 (Cal. Ct. App. 2009).

16 90. California law does not require that the defendant act with the specific intent
17 to interfere. *See id.* at 422; *Quelimane Co. v. Stewart Title Guaranty Co.*, 960 P.2d 513
18 (1998). The tort is applicable if the defendant knows that the interference is substantially
19 certain or certain to happen as a result of defendant's actions. *Nadrich*, 94 Cal. Rptr. 3d at
20 422.

21 91. Hart maintains a valid employment contract with Donorbureau, LLC
22 ("Donorbureau"), a Virginia-based limited liability company.

23 92. As part of his employment contract, Hart's job duties include serving as an
24 Administrator on the Donorbureau Facebook account, so he can post content to the site and
25 make other changes in an effort to increase Donorbureau's revenue.

26 93. Facebook has knowledge of the relationship between Hart and Donorbureau
27 because it has actual notice that Hart serves as an Administrator for the Donorbureau
28 account.

94. Facebook intentionally suspended Hart’s use of his personal Facebook account, and Facebook knew and intended that such action would prevent Hart from doing his work as an Administrator on the Donorbureau account.

95. Therefore, Facebook intentionally interfered with Hart’s contract with Donorbureau.

96. Not being able to service Donorbureau’s Facebook page placed Hart in breach of his contract with Donorbureau.

97. Hart suffered and is suffering monetary damage for not being able to fulfill his social media duties to Donorbureau.

98. Hart is entitled to monetary relief from Facebook for intentionally interfering with his contract with Donorbureau.

COUNT VI - Negligent Interference with a Prospective Economic Advantage

Facebook committed negligent interference with a prospective economic advantage by interfering with Hart’s contract with Donorbureau, LLC.

99. The allegations in the preceding paragraphs are incorporated herein by reference.

100. To establish a claim of negligent interference with a prospective economic advantage, a claimant must show (1) the existence of a valid contractual relationship between the plaintiff and a third party containing the probability of future economic benefit to the plaintiff; (2) the defendant’s knowledge, actual or construed, of the relationship; (3) the defendant’s knowledge, actual or construed, that the relationship would be disrupted if the defendant failed to act with reasonable care; (4) the defendant’s failure to act with reasonable care; (5) actual disruption of the relationship; and (6) resulting economic harm. *Nelson v. Tucker Ellis, LLP*, 262 Cal. Rptr. 3d 250, 264 n.5 (Cal. App. Ct. 2020).

101. Hart maintains a valid employment contract with Donorbureau, LLC, a Virginia-based limited liability company.

103. Hart has a probability of future economic benefit by fulfilling the terms of his employment contract with Donorbureau.

104. Facebook has knowledge of the relationship between Hart and Donorbureau because it has actual notice that Hart serves as an Administrator for the Donorbureau account.

105. When Facebook suspended Hart's use of his personal Facebook account, it knew or should have known that Hart's work as an Administrator on the Donorbureau account and his relationship with Donorbureau would be disrupted as a result of its negligent actions.

106. In not providing Hart any avenue to access the Donorbureau account, Facebook failed to act with reasonable care.

107. Facebook's act of suspension caused an actual disruption in the relationship between Hart and Donorbureau because he could not post content to the site or make other changes in his work to increase Donorbureau's revenue.

108. Therefore, Facebook negligently interfered with Hart's prospective economic advantage from his contractual relationship with Donorbureau.

109. Hart suffered and is suffering monetary damage for not being able to fulfill his social media duties to Donorbureau.

110. Hart is entitled to monetary relief from Facebook for negligently interfering with the prospective economic advantage resulting from his contract with Donorbureau.

PRAYER FOR RELIEF

Plaintiff respectfully requests that this Court enter judgment in his favor on every claim set forth above and award him the following relief:

1 A. Declare that the actions of Murthy, Biden, Facebook, and Twitter constitute a
2 violation of the Free Speech clause by denying Hart the ability to speak on Facebook and
3 Twitter;

4 B. Enjoin Murthy and Biden from directing social media companies to censor
5 information with which Murthy and Biden disagree;

6 C. Enjoin Facebook and Twitter from removing or suspending posts at the
7 direction of Murthy and Biden;

8 D. Enjoin Murthy and Biden from directing social media companies to censor
9 Hart's speech;

10 E. Enjoin Facebook and Twitter from removing Hart's posts or suspending his
11 ability to post because they disagree with the content of his posts regarding masks, COVID-
12 19, or other highly debated topics of the day;

13 F. Order OMB and HHS immediately to produce the records Hart requested
14 pursuant to the Freedom of Information Act;

15 G. Award Hart attorneys' fees and costs, pursuant to 5 U.S.C. § 552(a)(4)(E);

16 H. Declare that the actions of Facebook and Twitter constitute a violation of the
17 Free Speech clause of the California Constitution by denying Hart the ability to speak on
18 Facebook and Twitter;

19 I. Award Hart nominal damages of \$1 each from Facebook and Twitter for
20 suffering a violation of his federal and state free speech rights and for suffering damages in
21 California tort law;

22 J. Award Hart compensatory damages in the amount of his past, present, and
23 future lost income resulting from Facebook's and Twitter's actions of promissory estoppel
24 and resulting from Facebook's intentional interference with a contract and negligent
25 interference with a prospective economic advantage;

26 K. Award Hart compensatory damages in the amount of a return of the money he
27 spent on Facebook and Twitter advertisements because of Facebook's and Twitter's actions
28

1 of promissory estoppel and Facebook's intentional interference with a contract and
2 negligent interference with a prospective economic advantage;

3 L. Award Hart compensatory damages in an amount to fully compensate him for
4 the time he spent building a following on Facebook and Twitter that has now been wasted
5 by Facebook's and Twitter's actions of promissory estoppel and Facebook's intentional
6 interference with a contract and negligent interference with a prospective economic
7 advantage;

8 M. Award Hart compensatory damages in the amount of the harm to his reputation
9 resulting from Facebook's and Twitter's actions of promissory estoppel and resulting from
10 Facebook's intentional interference with a contract and negligent interference with a
11 prospective economic advantage;

12 N. Award any further relief to which Hart may be entitled, including attorneys'
13 fees and costs.

14
15 Dated: August 31, 2021

Respectfully submitted,

16 s/ Robert Tyler

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF California (Northern)

**Form 1. Notice of Appeal from a Judgment or Order of a
United States District Court**

U.S. District Court case number: 3:22-cv-00737-CRB

Notice is hereby given that the appellant(s) listed below hereby appeal(s) to the United States Court of Appeals for the Ninth Circuit.

Date case was first filed in U.S. District Court: August 31, 2021

Date of judgment or order you are appealing: May 9, 2023

Docket entry number of judgment or order you are appealing: 128

Fee paid for appeal? (*appeal fees are paid at the U.S. District Court*)

☒ Yes ☐ No ☐ IFP was granted by U.S. District Court

List all Appellants (*List each party filing the appeal. Do not use "et al." or other abbreviations.*)

Justin Hart

Is this a cross-appeal? ☐ Yes ☒ No

If yes, what is the first appeal case number?

Was there a previous appeal in this case? ☐ Yes ☒ No

If yes, what is the prior appeal case number?

Your mailing address (if pro se):

City: State: Zip Code:

Prisoner Inmate or A Number (if applicable):

Signature /s/ Buck Dougherty

Date June 8, 2023

Complete and file with the attached representation statement in the U.S. District Court

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
Form 6. Representation Statement**

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form06instructions.pdf>

Appellant(s) (List *each* party filing the appeal, do not use “et al.” or other abbreviations.)

Name(s) of party/parties:

Justin Hart

Name(s) of counsel (if any):

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James McQuaid (additional counsel on next page)

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Is counsel registered for Electronic Filing in the 9th Circuit? ☐ Yes ☒ No

Appellee(s) (List *only* the names of parties and counsel who will oppose you on appeal. List separately represented parties separately.)

Name(s) of party/parties:

President Joe Biden, Surgeon General Vivek Murthy, Office of Management and Budget, Department of Health and Human Services

Name(s) of counsel (if any):

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To list additional parties and/or counsel, use next page.

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Continued list of parties and counsel: *(attach additional pages as necessary)*

Appellants

Name(s) of party/parties:

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Is counsel registered for Electronic Filing in the 9th Circuit? ☐ Yes ☐ No

Appellees

Name(s) of party/parties:

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X Corp., successor in interest to Twitter, Inc.

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

JUSTIN HART,
Plaintiff,

v.

Case No. 3:22-cv-00737-CRB

ADDENDUM TO NOTICE OF APPEAL

META PLATFORMS, INC., f/k/a Facebook,
Inc.; X CORP., f/k/a Twitter, Inc.; VIVEK
MURTHY in his official capacity as United
States Surgeon General; JOSEPH R. BIDEN,
JR. in his official capacity as President of the
United States; DEPARTMENT OF HEALTH
AND HUMAN SERVICES; and OFFICE OF
MANAGEMENT AND BUDGET,

Defendants.

Judge: Hon. Charles C. Breyer

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ADRMOP,APPEAL,CLOSED

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:22-cv-00737-CRB**

Hart v. Facebook, Inc. et al
Assigned to: Judge Charles R. Breyer
Case in other court: California Southern, 3:21-cv-01543
USCA, **23-15858**
Cause: 05:552 Freedom of Information Act

Date Filed: 02/03/2022
Date Terminated: 05/09/2023
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

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Defendant

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*in his official capacity as President of the
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represented by **U S Attorney CV**
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Amanda K. Chuzi
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TERMINATED: 07/25/2023

Defendant

**Department of Health and Human
Services**

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TERMINATED: 07/25/2023

Defendant

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Amanda K. Chuzi
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TERMINATED: 07/25/2023

Date Filed	#	Docket Text
08/31/2021	<u>1</u>	COMPLAINT with Jury Demand against Joseph R. Biden, Jr, Facebook, Inc., Vivek Murthy, The Department of Health and Human Services, The Office of Management and Budget, Twitter, Inc. (Filing fee \$ 402 receipt number ACASDC-16089890.), filed by Justin Hart. (Attachments: # <u>1</u> Civil Cover Sheet) The new case number is 3:21-cv-1543-MMA-WVG. Judge Michael M. Anello and Magistrate Judge William V. Gallo are assigned to the case. (Tyler, Robert)(smd) (sjt). (Entered: 09/01/2021)
09/01/2021	<u>2</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (smd)(sjt). (Entered: 09/01/2021)
09/03/2021	<u>3</u>	Request to Appear Pro Hac Vice (Filing fee received: \$ 213 receipt number ACASDC-16099792.) (Application to be reviewed by Clerk.) (Reader, Mallory) (rmc). (Entered: 09/03/2021)
09/03/2021	<u>4</u>	ORDER Approving the Pro Hac Vice Application of Mallory Elizabeth Reader, re <u>3</u> Request to Appear Pro Hac Vice. Signed by Judge Michael M. Anello on 9/3/2021.(rmc) (Entered: 09/03/2021)
09/03/2021	<u>5</u>	Request to Appear Pro Hac Vice (Filing fee received: \$ 213 receipt number ACASDC-16102535.) (Application to be reviewed by Clerk.) (Kelsey, Brian)(rmc). (Entered: 09/03/2021)
09/03/2021	<u>6</u>	ORDER Approving the Pro Hac Vice Application of Brian Kirk Kelsey, re <u>5</u> Request to Appear Pro Hac Vice. Signed by Judge Michael M. Anello on 9/3/2021.(rmc) (Entered: 09/03/2021)
09/16/2021	<u>7</u>	NOTICE of Appearance by Jonathan Alan Patchen on behalf of Twitter, Inc. (Patchen, Jonathan)Attorney Jonathan Alan Patchen added to party Twitter, Inc.(pty:dft) (tcf). (Entered: 09/16/2021)
09/16/2021	<u>8</u>	Corporate Disclosure Statement by Twitter, Inc. No Corporate Parents/Interested Parties. (Patchen, Jonathan) (tcf). (Entered: 09/16/2021)

09/16/2021	9	Joint MOTION for Extension of Time to File Answer re 1 Complaint, by Twitter, Inc. (Patchen, Jonathan) (tcf). (Entered: 09/16/2021)
09/16/2021	10	NOTICE of Appearance by Yuhan Chi on behalf of Twitter, Inc. (Chi, Yuhan) Attorney Yuhan Chi added to party Twitter, Inc.(pty:dft) (tcf). (Entered: 09/16/2021)
09/17/2021	11	ORDER Granting 9 Joint Motion to Extend Time to Respond to Complaint. Twitter must respond to the Complaint on or before the Federal Government Defendants' deadline to respond pursuant to Federal Rule of Civil Procedure 12(a)(2), which is currently, 11/8/2021. Signed by Judge Michael M. Anello on 9/17/2021. (tcf) (Entered: 09/17/2021)
09/20/2021	12	MINUTE ORDER OF TRANSFER. Judge Michael M. Anello is no longer assigned as presiding judge. Case reassigned to Judge Thomas J. Whelan for all further proceedings. The new case number is 21cv1543-W-WVG.(no document attached) (fth) (Entered: 09/20/2021)
10/04/2021	13	NOTICE of Appearance by Kuntal Virendra Cholera on behalf of Joseph R. Biden, Jr, Vivek Murthy, The Department of Health and Human Services, The Office of Management and Budget (Cholera, Kuntal) Attorney Kuntal Virendra Cholera added to party Joseph R. Biden, Jr(pty:dft), Attorney Kuntal Virendra Cholera added to party Vivek Murthy(pty:dft), Attorney Kuntal Virendra Cholera added to party The Department of Health and Human Services(pty:dft), Attorney Kuntal Virendra Cholera added to party The Office of Management and Budget(pty:dft) (jrm). (Entered: 10/04/2021)
10/05/2021	14	Ex Parte MOTION for Extension of Time to File <i>Response to Complaint</i> by Joseph R. Biden, Jr, Vivek Murthy, The Department of Health and Human Services, The Office of Management and Budget. (Cholera, Kuntal) (jrm). (Entered: 10/05/2021)
10/06/2021	15	***Document withdrawn per Doc. 17 *** RESPONSE in Opposition re 14 Ex Parte MOTION for Extension of Time to File <i>Response to Complaint</i> filed by Justin Hart. (Reader, Mallory) QC Mailer sent re incorrect signature on 10/7/2021; WITHDRAW/REFILE (jrm). Modified to withdraw on 10/8/2021 (jrm). (Entered: 10/06/2021)
10/07/2021	16	***Document Stricken per Order 22 *** Ex Parte MOTION for Entry of Default <i>Against Facebook, Inc.</i> by Justin Hart. (Attachments: # 1 Declaration Declaration and copy of proof of service)(Reader, Mallory) QC Mailer sent re incorrect signature on 10/8/2021; WITHDRAW/REFILE (jrm). Modified to strike on 10/14/2021 (jrm). (Main Document 16 replaced on 10/14/2021) (jrm). (Entered: 10/07/2021)
10/07/2021	17	NOTICE of <i>Withdrawal of Opposition to Motion for Extension of Time to Respond</i> by Justin Hart re 15 Response in Opposition to Motion (Reader, Mallory) (jrm). (Entered: 10/07/2021)
10/07/2021	18	***Document withdrawn per Doc. 19 *** RESPONSE in Opposition re 14 Ex Parte MOTION for Extension of Time to File <i>Response to Complaint</i> filed by Justin Hart. (Reader, Mallory) Modified to withdraw on 10/8/2021 (jrm). (Entered: 10/07/2021)
10/07/2021	19	NOTICE of <i>Withdrawal of Opposition to Motion for Extension of Time to Respond</i> by Justin Hart re 18 Response in Opposition to Motion (Reader, Mallory) (jrm). (Entered: 10/07/2021)
10/07/2021	20	RESPONSE in Opposition re 14 Ex Parte MOTION for Extension of Time to File <i>Response to Complaint</i> filed by Justin Hart. (Reader, Mallory)(jrm). (Entered: 10/07/2021)
10/08/2021	21	ORDER Granting Ex Parte Application for Extension of Time to Respond to the Complaint (Doc. 14). Signed by Judge Thomas J. Whelan on 10/8/2021. (jrm) (Entered: 10/08/2021)

		10/08/2021)
10/14/2021	22	Notice of Document Discrepancies and Order Thereon by Judge Thomas J. Whelan Rejecting re 16 Ex Parte MOTION for Entry of Default <i>Against Facebook, Inc.</i> , from Plaintiff Justin Hart. Non-compliance with local rule(s), Section 2.f.1 of the Electronic Case Filing Administrative Policies and Procedures provides that [t]he name of the CM/ECF registered user under whose log-in and password the document is submitted must be preceded by a s/ and typed in the space where the signature would otherwise appear. The document violates this rule. QC mailer sent on 10/7/21 regarding issue.. IT IS HEREBY ORDERED: The document is rejected. It is ordered that the Clerk STRIKE the document from the record, and serve a copy of this order on all parties. Signed by Judge Thomas J. Whelan on 10/14/2021. (Attachments: # 1 Stricken Document)(jrm) (Entered: 10/14/2021)
10/15/2021	23	NOTICE of Appearance by Melissa L. Cornell on behalf of Facebook, Inc. (Cornell, Melissa)Attorney Melissa L. Cornell added to party Facebook, Inc.(pty:dft) (sjt). (Entered: 10/15/2021)
10/15/2021	24	Joint MOTION for Extension of Time to File Answer by Facebook, Inc.. (Cornell, Melissa)(sjt). (Entered: 10/15/2021)
10/15/2021	25	Ex Parte MOTION For Entry of A Staged-Briefing Schedule by Twitter, Inc.. (Attachments: # 1 Declaration J. Patchen Declaration In Support of Twitter's Ex Parte Application for Entry of A Staged-Briefing Schedule, # 2 Ex. 1- J. Patchen Declaration (M. Reader Email), # 3 Ex. 2- J. Patchen Declaration (Twitter Terms of Service)) (Patchen, Jonathan)(sjt). (Entered: 10/15/2021)
10/18/2021	26	ORDER granting 24 Motion for Extension of Time to Respond to Complaint. Signed by Judge Thomas J. Whelan on 10/18/2021. (sjt) (Entered: 10/18/2021)
10/19/2021	27	RESPONSE in Opposition re 25 Ex Parte MOTION For Entry of A Staged-Briefing Schedule filed by Justin Hart. (Attachments: # 1 Declaration Declaration of Mallory Reader)(Reader, Mallory)(jrm). (Entered: 10/19/2021)
10/19/2021	28	NOTICE of Appearance by Christopher C. Kearney on behalf of Facebook, Inc. (Kearney, Christopher)Attorney Christopher C. Kearney added to party Facebook, Inc. (pty:dft) (jrm). (Entered: 10/19/2021)
10/19/2021	29	RESPONSE in Support re 25 Ex Parte MOTION For Entry of A Staged-Briefing Schedule <i>and in Opposition re 27 Plaintiff's Ex Parte Application</i> filed by Facebook, Inc. (Cornell, Melissa) (jrm). (Entered: 10/19/2021)
10/20/2021	30	RESPONSE re 27 Response in Opposition to Motion filed by Twitter, Inc.. (Attachments: # 1 Declaration of Jonathan Patchen, # 2 Exhibit A)(Patchen, Jonathan) (jrm). (Entered: 10/20/2021)
10/21/2021	31	RESPONSE re 27 Response in Opposition to Motion filed by Joseph R. Biden, Jr, Vivek Murthy, The Department of Health and Human Services, The Office of Management and Budget. (Attachments: # 1 Exhibit A)(Cholera, Kuntal) (jrm). (Entered: 10/21/2021)
10/25/2021	32	ORDER Granting Ex Parte Application for Entry of a Staged-Briefing Schedule (Doc. 25) and Denying Cross Ex Parte Application for Early Rule 34 Document Requests (Doc. 27). Signed by Judge Thomas J. Whelan on 10/25/2021. (jrm) (Entered: 10/25/2021)
11/08/2021	33	MOTION to Change Venue by Facebook, Inc.. (Attachments: # 1 Declaration DECL OF JENNY PRICER IN SUPPORT OF MOTION TO TRANSFER)(Cornell, Melissa)(jrm). (Entered: 11/08/2021)

11/08/2021	34	MOTION to Change Venue by Twitter, Inc.. (Attachments: # 1 Declaration of Jonathan Patchen, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5)(Patchen, Jonathan) (jrm). (Entered: 11/08/2021)
11/29/2021	35	MOTION to Withdraw as Attorney <i>Mallory Reader</i> by Justin Hart. (Attachments: # 1 Declaration Declaration of Mallory Reader)(Reader, Mallory) (jrm). (Entered: 11/29/2021)
11/29/2021	36	RESPONSE in Opposition re 33 MOTION to Change Venue , 34 MOTION to Change Venue filed by Justin Hart. (Reader, Mallory) (jrm). (Entered: 11/29/2021)
12/13/2021	37	REPLY to Response to Motion re 34 MOTION to Change Venue filed by Twitter, Inc. (Patchen, Jonathan)(jrm). (Entered: 12/13/2021)
12/13/2021	38	REPLY to Response to Motion re 33 MOTION to Change Venue filed by Facebook, Inc. (Cornell, Melissa) Modified on 12/14/2021 (jrm). (Entered: 12/13/2021)
01/06/2022	39	ORDER Approving Withdrawal of Mallory Reader as Counsel for Plaintiff (Doc. 35). Attorney Mallory Elizabeth Reader terminated. Signed by Judge Thomas J. Whelan on 1/6/2022. (jrm) (Entered: 01/06/2022)
01/25/2022	40	Request to Appear Pro Hac Vice (Filing fee received: \$ 213 receipt number ACASDC-16508632.) (Application to be reviewed by Clerk.) (Suhr, Daniel) (rmc). (Entered: 01/25/2022)
01/25/2022	41	Request to Appear Pro Hac Vice (Filing fee received: \$ 213 receipt number ACASDC-16508644.) (Application to be reviewed by Clerk.) (McQuaid, James) (rmc). (Entered: 01/25/2022)
01/25/2022	42	MOTION to Substitute Attorney by Justin Hart. (Kelsey, Brian)(jrm). (Entered: 01/25/2022)
01/26/2022	43	ORDER Approving the Pro Hac Vice Application of Daniel Robert Suhr, re 40 Request to Appear Pro Hac Vice. Signed by Judge Thomas J. Whelan on 1/25/2022.(rmc) (Entered: 01/26/2022)
01/26/2022	44	ORDER Approving the Pro Hac Vice Application of James McQuaid, re 41 Request to Appear Pro Hac Vice. Signed by Judge Thomas J. Whelan on 1/25/2022.(rmc) (Entered: 01/26/2022)
02/02/2022	45	Order Granting Defendants Facebook and Twitters Motions to Transfer Venue to the Northern District of California [Docs. 33 , 34]. Signed by Judge Thomas J. Whelan on 2/2/2022. (jrm) (Entered: 02/02/2022)
02/03/2022	47	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 5/3/2022. Initial Case Management Conference set for 5/10/2022 at 1:30 PM in Oakland. (wsn, COURT STAFF) (Filed on 2/3/2022) (Entered: 02/07/2022)
02/07/2022	46	Case transferred in from District of California Southern; Case Number 3:21-cv-01543. Original file certified copy of transfer order and docket sheet received. (Entered: 02/07/2022)
02/07/2022	48	CLERK'S NOTICE Re: Consent or Declination: Plaintiffs and Defendants shall file a consent or declination to proceed before a magistrate judge. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: http://cand.uscourts.gov/civilforms . Consent/Declination due by 2/22/2022. (wft, COURT STAFF) (Filed on 2/7/2022) (Entered: 02/07/2022)

02/10/2022	49	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 317, receipt number ACANDC-16889846.) filed by Twitter Inc.. (Gottlieb, Michael) (Filed on 2/10/2022) (Entered: 02/10/2022)
02/10/2022	50	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 317, receipt number ACANDC-16889866.) filed by Twitter Inc.. (Goverski, Meryl) (Filed on 2/10/2022) (Entered: 02/10/2022)
02/11/2022	51	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 317, receipt number ACANDC-16895242.) filed by Justin Hart. (Suhr, Daniel) (Filed on 2/11/2022) (Entered: 02/11/2022)
02/14/2022	52	NOTICE of Withdrawal and Substitution of Counsel for Defendant Facebook, Inc.; Proposed Order by Jacob Marcus Heath (Heath, Jacob) (Filed on 2/14/2022) Modified on 2/15/2022 (gba, COURT STAFF). (Entered: 02/14/2022)
02/15/2022	53	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Twitter Inc... (Patchen, Jonathan) (Filed on 2/15/2022) (Entered: 02/15/2022)
02/16/2022	54	CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned. ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED. <i>This is a text only docket entry; there is no document associated with this notice.</i> (wft, COURT STAFF) (Filed on 2/16/2022) (Entered: 02/16/2022)
02/17/2022	55	ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Judge Charles R. Breyer for all further proceedings. Magistrate Judge Kandis A. Westmore no longer assigned to case. Notice: The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and http://cand.uscourts.gov/cameras. Signed by the Clerk on February 17, 2022. (Attachments: # 1 Notice of Eligibility for Video Recording)(cjl, COURT STAFF) (Filed on 2/17/2022) (Entered: 02/17/2022)
02/17/2022	56	CLERK'S NOTICE: A Joint Case Management Statement due by 6/10/2022. Initial Case Management Conference set for 6/17/2022 at 8:30 AM in San Francisco, Courtroom 06, 17th Floor. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (ls, COURT STAFF) (Filed on 2/17/2022) (Entered: 02/17/2022)
02/18/2022	57	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 317, receipt number ACANDC-16918860.) filed by Justin Hart. (McQuaid, James) (Filed on 2/18/2022) (Entered: 02/18/2022)
02/18/2022	58	STIPULATION WITH PROPOSED ORDER for Extension of Time to Respond to Complaint filed by Facebook Inc.. (Heath, Jacob) (Filed on 2/18/2022) Modified on 2/23/2022 (gba, COURT STAFF). (Entered: 02/18/2022)
02/22/2022	59	ORDER by Judge Charles R. Breyer: Granting 49 Motion for Pro Hac Vice, Michael J. Gottlieb. (ls, COURT STAFF) (Filed on 2/22/2022) (Entered: 02/22/2022)

02/22/2022	60	ORDER by Judge Charles R. Breyer: Granting 50 Motion for Pro Hac Vice, Meryl Conant Governski. (ls, COURT STAFF) (Filed on 2/22/2022) (Entered: 02/22/2022)
02/22/2022	61	ORDER by Judge Charles R. Breyer: Granting 51 Motion for Pro Hac Vice, Daniel R. Suhr. (ls, COURT STAFF) (Filed on 2/22/2022) (Entered: 02/22/2022)
02/22/2022	62	ORDER by Judge Charles R. Breyer: Granting 52 Motion to Withdraw Attorney Christopher C. Kearney terminated. (ls, COURT STAFF) (Filed on 2/22/2022) (Entered: 02/22/2022)
02/22/2022	63	ORDER by Judge Charles R. Breyer: Granting 57 Motion for Pro Hac Vice, James J. McQuaid. (ls, COURT STAFF) (Filed on 2/22/2022) (Entered: 02/23/2022)
02/23/2022	64	STIPULATION AND ORDER FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT by Judge Charles R. Breyer: Granting 58 Stipulation. (ls, COURT STAFF) (Filed on 2/23/2022) (Entered: 02/23/2022)
03/03/2022	65	NOTICE of Change of Address by James J. McQuaid <i>and</i> Daniel R. Suhr (McQuaid, James) (Filed on 3/3/2022) (Entered: 03/03/2022)
03/03/2022	66	JOINT STIPULATION AND [PROPOSED] ORDER Extending Parties' Page Limits for Anticipated Motions to Dismiss Briefing filed by Twitter Inc.. (Patchen, Jonathan) (Filed on 3/3/2022) Modified on 3/8/2022 (gba, COURT STAFF). (Entered: 03/03/2022)
03/04/2022	67	ORDER EXTENDING PARTIES' PAGE LIMITS FOR ANTICIPATED MOTIONS TO DISMISS BRIEFING by Judge Charles R. Breyer: Granting 66 Stipulation. (ls, COURT STAFF) (Filed on 3/4/2022) (Entered: 03/04/2022)
03/10/2022	68	NOTICE of Change In Counsel by Daniel Robert Suhr (Suhr, Daniel) (Filed on 3/10/2022) (Entered: 03/10/2022)
03/17/2022	69	MOTION to Dismiss filed by Joseph R. Biden, Jr, Department of Health and Human Services, Vivek Murthy, Office of Management and Budget. Motion Hearing set for 4/21/2022 02:00 PM in San Francisco, Courtroom 06, 17th Floor before Judge Charles R. Breyer. Responses due by 3/31/2022. Replies due by 4/7/2022. (Cholera, Kuntal) (Filed on 3/17/2022) (Entered: 03/17/2022)
03/17/2022	70	MOTION to Dismiss filed by Twitter Inc.. Motion Hearing set for 4/21/2022 10:00 AM in San Francisco, Courtroom 06, 17th Floor before Judge Charles R. Breyer. Responses due by 3/31/2022. Replies due by 4/7/2022. (Attachments: # 1 Declaration of Jonathan Patchen, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Proposed Order)(Patchen, Jonathan) (Filed on 3/17/2022) (Entered: 03/17/2022)
03/17/2022	71	Request for Judicial Notice re 70 MOTION to Dismiss filed by Twitter Inc.. (Attachments: # 1 Proposed Order)(Related document(s) 70) (Patchen, Jonathan) (Filed on 3/17/2022) (Entered: 03/17/2022)
03/17/2022	72	MOTION to Strike filed by Twitter Inc.. Motion Hearing set for 4/21/2022 10:00 AM in San Francisco, Courtroom 06, 17th Floor before Judge Charles R. Breyer. Responses due by 3/31/2022. Replies due by 4/7/2022. (Attachments: # 1 Proposed Order)(Patchen, Jonathan) (Filed on 3/17/2022) (Entered: 03/17/2022)
03/17/2022	73	MOTION to Dismiss Pursuant to Rule 12(B)(6), Anti-Slapp Motion to Strike, and Memorandum of Points and Authorities in Support filed by Facebook Inc.. Motion Hearing set for 5/6/2022 10:00 AM in San Francisco, Courtroom 06, 17th Floor before Judge Charles R. Breyer. Responses due by 3/31/2022. Replies due by 4/7/2022.

		(Attachments: # 1 Proposed Order) (Heath, Jacob) (Filed on 3/17/2022) Modified on 3/18/2022 (gba, COURT STAFF). (Entered: 03/17/2022)
03/18/2022	74	<p>CLERK'S NOTICE RESETTING MOTION to Dismiss hearing time. All motions will be conducted by video conference. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i>. Motion Hearing set for 4/21/2022 at 10:00 AM in San Francisco - Videoconference Only before Judge Charles R. Breyer. This proceeding will be held via a Zoom webinar.</p> <p>Webinar Access: All counsel, members of the public, and media may access the webinar information at https://www.cand.uscourts.gov/crb</p> <p>Court Appearances: Advanced notice is required of counsel or parties who wish to be identified by the court as making an appearance or will be participating in the argument at the hearing. A list of names and emails must be sent to the CRD at crbcd@cand.uscourts.gov no later than April 19, 2022 at 3:00 PM.</p> <p>General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p>Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.</p> <p>Motion Hearing set for 4/21/2022 10:00 AM in San Francisco, - Videoconference Only before Judge Charles R. Breyer. (ls, COURT STAFF) (Filed on 3/18/2022) (Entered: 03/18/2022)</p>
03/18/2022		Set/Reset Deadlines as to 69 MOTION to Dismiss. Motion Hearing set for 4/21/2022 at 10:00 AM in San Francisco - Videoconference Only before Judge Charles R. Breyer. (ls, COURT STAFF) (Filed on 3/18/2022) (Entered: 03/18/2022)
03/23/2022	75	<p>CLERK'S NOTICE RESETTING MOTIONS TO DISMISS AND MOTION TO STRIKE hearing to May 5, 2022 at 10:00 a.m. before the Honorable Charles R. Breyer. The previous set hearings for April 21, 2022 and May 6, 2022 are vacated. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i>. Motion Hearing set for 5/5/2022 at 10:00 AM in San Francisco - Videoconference Only before Judge Charles R. Breyer. This proceeding will be held via a Zoom webinar.</p> <p>Webinar Access: All counsel, members of the public, and media may access the webinar information at https://www.cand.uscourts.gov/crb</p> <p>Court Appearances: Advanced notice is required of counsel or parties who wish to be identified by the court as making an appearance or will be participating in the argument at the hearing. A list of names and emails must be sent to the CRD at crbcd@cand.uscourts.gov no later than May 3, 2022 at 3:00 PM PST.</p> <p>General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p>Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.</p> <p>Motion Hearing set for 5/5/2022 10:00 AM in San Francisco, - Videoconference Only before Judge Charles R. Breyer. (ls, COURT STAFF) (Filed on 3/23/2022) (Entered: 03/23/2022)</p>

		03/23/2022)
03/23/2022		Set/Reset Deadlines as to 73 MOTION to Dismiss Pursuant to Rule 12(B)(6), Anti-Slapp Motion to Strike, and Memorandum of Points and Authorities in Support, 69 MOTION to Dismiss, 72 MOTION to Strike, 70 MOTION to Dismiss. Motion Hearing set for 5/5/2022 10:00 AM in San Francisco, - Videoconference Only before Judge Charles R. Breyer. (ls, COURT STAFF) (Filed on 3/23/2022) (Entered: 03/23/2022)
03/25/2022	76	STIPULATION WITH PROPOSED ORDER for extension of time to file a consolidated brief filed by Justin Hart. (McQuaid, James) (Filed on 3/25/2022) Modified on 3/28/2022 (gba, COURT STAFF). (Entered: 03/25/2022)
03/28/2022	77	STIPULATION AND ORDER by Judge Charles R. Breyer: Granting 76 Stipulation. Opposition due by 4/18/2022. Replies due by 5/2/2022. Motion Hearing set for 5/12/2022 at 10:00 AM in San Francisco - To be determined before Judge Charles R. Breyer. (ls, COURT STAFF) (Filed on 3/28/2022) (Entered: 03/28/2022)
03/28/2022		Set/Reset Deadlines as to 73 MOTION to Dismiss Pursuant to Rule 12(B)(6), Anti-Slapp Motion to Strike, and Memorandum of Points and Authorities in Support, 69 MOTION to Dismiss; 72 MOTION to Strike; 70 MOTION to Dismiss. Responses due by 4/18/2022. Replies due by 5/2/2022. Motion Hearing set for 5/12/2022 10:00 AM in San Francisco, - To be determined before Judge Charles R. Breyer. (ls, COURT STAFF) (Filed on 3/28/2022) (Entered: 03/28/2022)
04/18/2022	78	OPPOSITION/RESPONSE (re 72 MOTION to Strike, 73 MOTION to Dismiss Pursuant to Rule 12(B)(6), Anti-Slapp Motion to Strike, and Memorandum of Points and Authorities in Support, 70 MOTION to Dismiss, 69 MOTION to Dismiss) filed by Justin Hart. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit)(Suhr, Daniel) (Filed on 4/18/2022) (Entered: 04/18/2022)
04/20/2022	79	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Heath, Jacob) (Filed on 4/20/2022) (Entered: 04/20/2022)
04/20/2022	80	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Cholera, Kuntal) (Filed on 4/20/2022) (Entered: 04/20/2022)
04/20/2022	81	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Patchen, Jonathan) (Filed on 4/20/2022) (Entered: 04/20/2022)
04/20/2022	82	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Suhr, Daniel) (Filed on 4/20/2022) (Entered: 04/20/2022)
05/02/2022	83	REPLY (re 73 MOTION to Dismiss Pursuant to Rule 12(B)(6), Anti-Slapp Motion to Strike, and Memorandum of Points and Authorities in Support) filed by Facebook Inc.. (Heath, Jacob) (Filed on 5/2/2022) (Entered: 05/02/2022)
05/02/2022	84	REPLY (re 69 MOTION to Dismiss) filed by Joseph R. Biden, Jr, Department of Health and Human Services, Vivek Murthy, Office of Management and Budget. (Cholera, Kuntal) (Filed on 5/2/2022) (Entered: 05/02/2022)
05/02/2022	85	REPLY (re 72 MOTION to Strike) filed by Twitter Inc.. (Patchen, Jonathan) (Filed on 5/2/2022) Modified on 5/3/2022 (gba, COURT STAFF). (Entered: 05/02/2022)
05/02/2022	86	REPLY (re 70 MOTION to Dismiss) filed by Twitter Inc.. (Patchen, Jonathan) (Filed on 5/2/2022) Modified on 5/3/2022 (gba, COURT STAFF). (Entered: 05/02/2022)
05/05/2022	87	ORDER by Judge Charles R. Breyer granting 69 Motion to Dismiss; granting 70 Motion to Dismiss; granting 73 Motion to Dismiss. (crblc2, COURT STAFF) (Filed on 5/5/2022) (Entered: 05/05/2022)

05/16/2022	88	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 317, receipt number ACANDC-17179037.) filed by Justin Hart. (Dougherty, Buck) (Filed on 5/16/2022) (Entered: 05/16/2022)
05/17/2022	89	ORDER by Judge Charles R. Breyer: Granting 88 Motion for Pro Hac Vice, M.E. Buck Dougherty III. (ls, COURT STAFF) (Filed on 5/17/2022) (Entered: 05/17/2022)
06/03/2022	90	STIPULATION WITH PROPOSED ORDER <i>to Extend Answer Deadline, Extend Deadline for Case Management Report, and Postpone Case Management Conference</i> filed by Department of Health and Human Services, Office of Management and Budget. (Cholera, Kuntal) (Filed on 6/3/2022) (Entered: 06/03/2022)
06/06/2022	91	STIPULATION AND ORDER by Judge Charles R. Breyer: Granting 90 Stipulation. A Joint Case Management Statement due by 9/9/2022. Initial Case Management Conference set for 9/16/2022 at 8:30 AM in San Francisco, Courtroom 06, 17th Floor. (ls, COURT STAFF) (Filed on 6/6/2022) (Entered: 06/06/2022)
08/09/2022	92	ANSWER to Complaint by Department of Health and Human Services, Office of Management and Budget. (Cholera, Kuntal) (Filed on 8/9/2022) (Entered: 08/09/2022)
08/10/2022	93	CLERK'S NOTICE VACATING CASE MANAGEMENT CONFERENCE hearing set for September 16, 2022 before the Honorable Charles R. Breyer. A Joint Case Management Statement due by 9/30/2022. Initial Case Management Conference set for 10/7/2022 at 8:30 AM in San Francisco - To be determined. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (ls, COURT STAFF) (Filed on 8/10/2022) (Entered: 08/10/2022)
09/29/2022	94	STIPULATION WITH PROPOSED ORDER <i>to vacate deadline to file Case Management Report and vacate Case Management Conference</i> filed by Joseph R. Biden, Jr, Department of Health and Human Services, Vivek Murthy, Office of Management and Budget. (Cholera, Kuntal) (Filed on 9/29/2022) (Entered: 09/29/2022)
09/30/2022	95	STIPULATION AND ORDER TO VACATE THE PARTIES CASE MANAGEMENT STATEMENT DEADLINE AND VACATE THE CASE MANAGEMENT CONFERENCE by Judge Charles R. Breyer: Granting 94 Stipulation. (ls, COURT STAFF) (Filed on 9/30/2022) (Entered: 09/30/2022)
10/18/2022	96	Joint MOTION for Extension of Time to File filed by Justin Hart. (McQuaid, James) (Filed on 10/18/2022) (Entered: 10/18/2022)
10/18/2022	97	STIPULATION AND ORDER EXTENDING TIME TO FILE A MOTION TO AMEND COMPLAINT by Judge Charles R. Breyer: Granting 96 Motion for Extension of Time to File. (ls, COURT STAFF) (Filed on 10/18/2022) (Entered: 10/18/2022)
10/20/2022	98	MOTION to Amend/Correct 1 Complaint, filed by Justin Hart. Motion Hearing set for 12/16/2022 10:00 AM in San Francisco, Courtroom 06, 17th Floor before Judge Charles R. Breyer. Responses due by 11/14/2022. Replies due by 12/2/2022. (Attachments: # 1 Exhibit Amended Complaint, # 2 Exhibit Exhibits to Amended Complaint)(Suhr, Daniel) (Filed on 10/20/2022) (Entered: 10/20/2022)
10/28/2022	99	NOTICE of Supplemental Authority in Support re 98 MOTION to Amend/Correct 1 Complaint by Justin Hart (Attachments: # 1 Exhibit)(McQuaid, James) (Filed on 10/28/2022) Modified on 11/2/2022 (slh, COURT STAFF). (Entered: 10/28/2022)
11/07/2022	100	CLERK'S NOTICE VACATING MOTION to Amend/Correct 1 Complaint hearing set for December 16, 2022. Motion Hearing set for 1/13/2023 at 10:00 AM in San Francisco, Courtroom 06, 17th Floor before Judge Charles R. Breyer. <i>(This is a text-only entry</i>

		<i>generated by the court. There is no document associated with this entry.)</i> (ls, COURT STAFF) (Filed on 11/7/2022) (Entered: 11/07/2022)
11/08/2022	101	NOTICE of Appearance by Amanda Chuzi (Chuzi, Amanda) (Filed on 11/8/2022) (Entered: 11/08/2022)
11/14/2022	102	OPPOSITION/RESPONSE (re 98 MOTION to Amend/Correct 1 Complaint,) filed by Twitter Inc.. (Attachments: # 1 Declaration of Jonathan A. Patchen ISO Twitter Inc.'s Opposition to Plaintiff's Motion to Amend the Complaint, # 2 Exhibit 1 to J.Patchen Declaration, # 3 Proposed Order Denying Plaintiff's Motion to Amend Complaint) (Patchen, Jonathan) (Filed on 11/14/2022) (Entered: 11/14/2022)
11/14/2022	103	OPPOSITION/RESPONSE (re 98 MOTION to Amend/Correct 1 Complaint,) filed by Joseph R. Biden, Jr, Department of Health and Human Services, Vivek Murthy. (Cholera, Kuntal) (Filed on 11/14/2022) (Entered: 11/14/2022)
11/14/2022	104	OPPOSITION/RESPONSE (re 98 MOTION to Amend/Correct 1 Complaint,) filed by Facebook Inc.. (Heath, Jacob) (Filed on 11/14/2022) (Entered: 11/14/2022)
12/02/2022	105	NOTICE of Filing Red-Line of Proposed Amended Complaint by Justin Hart re 98 MOTION to Amend/Correct 1 Complaint, (Attachments: # 1 Exhibit) (McQuaid, James) (Filed on 12/2/2022) Modified on 12/5/2022 (gba, COURT STAFF). (Entered: 12/02/2022)
12/02/2022	106	REPLY (re 98 MOTION to Amend/Correct 1 Complaint,) filed by Justin Hart. (McQuaid, James) (Filed on 12/2/2022) (Entered: 12/02/2022)
12/12/2022	107	<p>CLERK'S NOTICE: <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i>. Motion Hearing set for 1/13/2023 at 10:00 AM in San Francisco - Videoconference Only before Judge Charles R. Breyer. This proceeding will be held via a Zoom webinar.</p> <p>Webinar Access: All counsel, members of the public, and media may access the webinar information at https://www.cand.uscourts.gov/crb</p> <p>Court Appearances: Advanced notice is required of counsel or parties who wish to be identified by the court as making an appearance or will be participating in the argument at the hearing. A list of names and emails must be sent to the CRD at crbcd@cand.uscourts.gov no later than January 10, 2023 at 3:00 PM PST.</p> <p>General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p>Zoom Guidance and Setup: https://www.cand.uscourts.gov/zoom/.</p> <p>Motion Hearing set for 1/13/2023 10:00 AM in San Francisco, - Videoconference Only before Judge Charles R. Breyer. (ls, COURT STAFF) (Filed on 12/12/2022) (Entered: 12/12/2022)</p>
12/21/2022	108	STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d filed by Twitter Inc.. (Patchen, Jonathan) (Filed on 12/21/2022) (Entered: 12/21/2022)
12/24/2022	109	STIPULATION WITH PROPOSED ORDER <i>to continue hearing on Plaintiff's motion to amend</i> filed by Joseph R. Biden, Jr, Department of Health and Human Services, Vivek Murthy, Office of Management and Budget. (Chuzi, Amanda) (Filed on 12/24/2022) (Entered: 12/24/2022)

01/03/2023	110	STIPULATION AND AMENDED ORDER to continue hearing on Plaintiff's motion to amend by Judge Charles R. Breyer: Granting 109 Stipulation. Motion Hearing set for 2/17/2023 at 10:00 AM in San Francisco - Videoconference Only before Judge Charles R. Breyer. (ls, COURT STAFF) (Filed on 1/3/2023) (Entered: 01/03/2023)
01/03/2023		Set/Reset Deadlines as to 98 MOTION to Amend/Correct 1 Complaint, . Motion Hearing set for 2/17/2023 at 10:00 AM in San Francisco - Videoconference Only before Judge Charles R. Breyer. (ls, COURT STAFF) (Filed on 1/3/2023) (Entered: 01/03/2023)
02/10/2023	111	Notice of Withdrawal of Motion to Amend Complaint (Attachments: # 1 Exhibit 1 and 2) (McQuaid, James) (Filed on 2/10/2023) Modified on 2/10/2023 (kmg, COURT STAFF). (Entered: 02/10/2023)
02/15/2023	112	MOTION to Amend/Correct 1 Complaint, filed by Justin Hart. Motion Hearing set for 3/24/2023 10:00 AM in San Francisco, Courtroom 06, 17th Floor before Judge Charles R. Breyer. Responses due by 3/1/2023. Replies due by 3/8/2023. (Attachments: # 1 Exhibit A: Amended Complaint, # 2 Exhibit B: Exhibits to Amended Complaint, # 3 Exhibit C: Redline Comparison of Complaint and Amended Complaint)(McQuaid, James) (Filed on 2/15/2023) (Entered: 02/15/2023)
02/22/2023	113	JOINT STIPULATION WITH PROPOSED ORDER Extending Briefing Schedule for Plaintiff's Motion for Leave to Amend filed by Twitter Inc.. (Patchen, Jonathan) (Filed on 2/22/2023) Modified on 2/22/2023 (gba, COURT STAFF). (Entered: 02/22/2023)
02/23/2023	114	STIPULATION AND ORDER Extending Briefing Schedule for Plaintiff's Motion for Leave to Amend by Judge Charles R. Breyer: Granting 113 Stipulation. Opposition due by 3/17/2023. Replies due by 3/31/2023. Motion Hearing set for 5/12/2023 at 10:00 AM in San Francisco - To be determined before Judge Charles R. Breyer. (ls, COURT STAFF) (Filed on 2/23/2023) (Entered: 02/23/2023)
03/17/2023	115	OPPOSITION/RESPONSE (re 112 MOTION to Amend/Correct 1 Complaint,) filed by Joseph R. Biden, Jr, Department of Health and Human Services, Vivek Murthy. (Attachments: # 1 Proposed Order)(Chuzi, Amanda) (Filed on 3/17/2023) (Entered: 03/17/2023)
03/17/2023	116	OPPOSITION/RESPONSE (re 112 MOTION to Amend/Correct 1 Complaint,) filed by Facebook Inc.. (Heath, Jacob) (Filed on 3/17/2023) (Entered: 03/17/2023)
03/17/2023	117	OPPOSITION/RESPONSE (re 112 MOTION to Amend/Correct 1 Complaint,) filed by Twitter Inc.. (Attachments: # 1 Proposed Order)(Patchen, Jonathan) (Filed on 3/17/2023) (Entered: 03/17/2023)
03/31/2023	118	REPLY (re 112 MOTION to Amend/Correct 1 Complaint,) filed by Justin Hart. (Attachments: # 1 Exhibit Exhibits 1 and 2)(Dougherty, Buck) (Filed on 3/31/2023) (Entered: 03/31/2023)
04/04/2023	119	Corporate Disclosure Statement by Twitter Inc. <i>Twitter, Inc.'s Corporate Disclosure Statement and Certification of Interested Entities or Persons</i> (Patchen, Jonathan) (Filed on 4/4/2023) (Entered: 04/04/2023)
04/06/2023	120	MOTION take Judicial Notice that the Federal Government can Intervene with Twitters Algorithm Code filed by Justin Hart. Responses due by 4/20/2023. Replies due by 4/27/2023. (Dougherty, Buck) (Filed on 4/6/2023) Modified on 4/7/2023 (gba, COURT STAFF). (Entered: 04/06/2023)
04/17/2023	121	MOTION to Withdraw as Attorney filed by Justin Hart. Responses due by 5/1/2023. Replies due by 5/8/2023. (Suhr, Daniel) (Filed on 4/17/2023) (Entered: 04/17/2023)

04/18/2023	<u>122</u>	ORDER by Judge Charles R. Breyer: Granting <u>121</u> Motion to Withdraw as Attorney, Daniel Suhr. (ls, COURT STAFF) (Filed on 4/18/2023) (Entered: 04/18/2023)
04/20/2023	<u>123</u>	OPPOSITION/RESPONSE (re <u>120</u> MOTION take Judicial Notice) filed by Joseph R. Biden, Jr, Department of Health and Human Services, Vivek Murthy, Office of Management and Budget. (Attachments: # <u>1</u> Proposed Order)(Chuzi, Amanda) (Filed on 4/20/2023) (Entered: 04/20/2023)
04/20/2023	<u>124</u>	OPPOSITION/RESPONSE (re <u>120</u> MOTION take Judicial Notice) filed by Twitter Inc.. (Patchen, Jonathan) (Filed on 4/20/2023) (Entered: 04/20/2023)
04/27/2023	<u>125</u>	REPLY (re <u>120</u> MOTION take Judicial Notice) filed by Justin Hart. (Dougherty, Buck) (Filed on 4/27/2023) (Entered: 04/27/2023)
05/03/2023	126	<p>CLERK'S NOTICE SETTING Plaintiff's Motion for Leave to Amend hearing by video conference. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i>. Motion Hearing set for 5/12/2023 at 10:00 AM in San Francisco - Videoconference Only before Judge Charles R. Breyer. This proceeding will be held via a Zoom webinar.</p> <p>Webinar Access: All counsel, members of the public, and media may access the webinar information at <u>https://www.cand.uscourts.gov/crb</u></p> <p>Court Appearances: Advanced notice is required of counsel or parties who wish to be identified by the court as making an appearance or will be participating in the argument at the hearing. A list of names and emails must be sent to the CRD at <u>crbrd@cand.uscourts.gov</u> no later than May 9, 2023 at 3:00 PM PST.</p> <p>General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.</p> <p>Zoom Guidance and Setup: <u>https://www.cand.uscourts.gov/zoom/</u>.</p> <p>Motion Hearing set for 5/12/2023 10:00 AM in San Francisco, - Videoconference Only before Judge Charles R. Breyer. (ls, COURT STAFF) (Filed on 5/3/2023) (Entered: 05/03/2023)</p>
05/09/2023	<u>127</u>	Order by Judge Charles R. Breyer denying <u>112</u> Motion for Leave to Amend the Complaint. (crblc4, COURT STAFF) (Filed on 5/9/2023) (Entered: 05/09/2023)
05/09/2023	<u>128</u>	JUDGMENT. Signed by Judge Charles R. Breyer on 5/9/2023. (crblc4, COURT STAFF) (Filed on 5/9/2023) (Entered: 05/09/2023)
06/08/2023	<u>129</u>	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Justin Hart. Appeal of Judgment <u>128</u> (Appeal fee of \$505 receipt number ACANDC-18341572 paid.) (McQuaid, James) (Filed on 6/8/2023) (Entered: 06/08/2023)
06/12/2023	<u>130</u>	USCA Case Number 23-15858 for <u>129</u> Notice of Appeal to the Ninth Circuit filed by Justin Hart. (gba, COURT STAFF) (Filed on 6/12/2023) (Entered: 06/12/2023)
07/24/2023	<u>131</u>	NOTICE of Change In Counsel by Amanda K. Chuzi (Chuzi, Amanda) (Filed on 7/24/2023) (Entered: 07/24/2023)