

CASE NO. _____

William M. Windsor	§	IN THE SUPERIOR COURT
Plaintiff,	§	
v.	§	SAN MATEO COUNTY
Facebook, Inc.,	§	
Defendant	§	CALIFORNIA

VERIFIED COMPLAINT

Comes Now, William M. Windsor (“WINDSOR” or “PLAINTIFF”) and files this VERIFIED COMPLAINT. WINDSOR shows the Court as follows:

1. Facebook, Inc. (“FACEBOOK” or “DEFENDANT”) has committed fraud and has tortiously interfered with the prospective economic advantage of the PLAINTIFF. FACEBOOK lured the PLAINTIFF into utilizing its services, from which it obtains advertising and other revenues, to promote a movie that the PLAINTIFF is producing and directing. FACEBOOK then deleted the PLAINTIFF’S movie promotional page falsely and maliciously claiming it promoted nudity, pornography, and the solicitation of sex. The PLAINTIFF’S page never had any such thing, and the PLAINTIFF has complete downloads of his Facebook page to prove it. When notified of this by the PLAINTIFF, FACEBOOK ignored the PLAINTIFF and his evidence. As a result, years of information is lost along with over 50,000 followers who had registered with the page, and the promotion of the movie was effectively ended. This violates a

number of laws.

JURISDICTION AND VENUE

1. This Court has jurisdiction over the DEFENDANT and over the subject matter of this action. An actual controversy exists within this Court's jurisdiction.

2. Venue in San Mateo County California is proper in this cause because FACEBOOK'S "Terms of Service" require that litigation be filed in this county.

3. This Court has personal jurisdiction over the DEFENDANT because FACEBOOK has been engaged in business in the State of California and has willfully availed itself of San Mateo County California jurisdiction.

4. THE DEFENDANT has committed torts within the State of California.

PARTIES

5. PLAINTIFF William M. Windsor ("Windsor" or "PLAINTIFF") is an individual whose address is 110 E Center Street #1213, Madison, SD 57042. Windsor's telephone number is 770-578-1094, email: nobodies@att.net.

6. DEFENDANT Facebook, Inc. ("FACEBOOK" or "DEFENDANT") is a corporation whose address is 161 Willow Road, Menlo Park, CA 94025,

Phone: 650-308-7300, email: legal@facebook.com. The registered agent is CSC – Lawyers Incorporating Service, 2710 Gateway Oaks Drive, Suite 150 N, Sacramento, CA 95833.

STATEMENT OF FACTS

7. Facebook, Inc. operates as a social networking company worldwide. It builds various tools that enable users to connect, share, discover, and communicate with each other on mobile devices and computers. It has millions of users worldwide and offers those with an account a variety of potentially beneficial ways to interact with friends and the website itself. Facebook provides a way for users to stay connected with those around them and what's happening in the world at any given time. It's also a way to direct others to events or products. Businesses and other public figures also use Facebook as a means of promotion. Pages can be created to allow users that may search for it the ability to gain information about a new product or promotional campaign. As friends share these pages with others, it creates free advertising for companies. Musicians, athletes and other celebrities may also use Facebook as a means of self-promotion, allowing others in on the latest happenings in an attempt to connect with fans and ultimately raise their popularity.

8. The PLAINTIFF has been producing and directing a documentary film, and he chose FACEBOOK as the primary means of promoting the movie and the production of the movie.

9. The PLAINTIFF has become the victim of stalking, harassment, defamation, libel, slander, invasion of privacy, bogus criminal charges against him, and threats (including some death threats). The PLAINTIFF has been followed online and has been contacted online for the purpose of harassing and intimidating him. Stalkers have attempted to terrify, threaten, harass, annoy, and offend the PLAINTIFF with lewd and profane language, claims of lewd and lascivious acts, threats to inflict physical harm, and more. FACEBOOK has been used for much of this, and FACEBOOK has refused to stop this activity when notified by the PLAINTIFF.

10. The stalking includes defamation and the making of false accusations and false statements. These include that the PLAINTIFF is a pedophile, a pedophile lover, anti-gay, bigoted, a tax evader, a criminal operating a scam, a terrorist, and much more. Some people believe this stuff, so this attracts other haters, any one of whom could be the crazy person to injure the PLAINTIFF or his family. These claims are false, and it is defamation, and there are a host of criminal violations involved.

11. The stalking of the PLAINTIFF includes threats, several of which PLAINTIFF considers to be death threats. The PLAINTIFF fears for his safety and the safety of his family.

12. The Stalkers have repeatedly violated the PLAINTIFF's privacy rights and copyright by using photos and videos of him and/or his family that they have no legal right to use. The DEFENDANT has allowed this use despite online and written notice from the PLAINTIFF.

13. Stalkers have created FACEBOOK pages about the PLAINTIFF containing defamatory content, including some that utilize the PLAINTIFF's name and names associated with the PLAINTIFF.

14. On or about midnight on March 11, 2013, Stalkers stole the PLAINTIFF's father's identity, and they set up a Facebook page pretending to be PLAINTIFF's deceased father. The page had photos of the PLAINTIFF's father on his death bed as well as a photo of his coffin at the funeral home. The person or persons pretending to be Walter Windsor posted all types of horrible stuff, including the threat that he, she, or it will post photos of the PLAINTIFF's mother (who died of breast cancer 35 years ago) having sex with his deceased father.

15. On or about April 9, 2013, Stalkers stole the PLAINTIFF's mother's identity, and they set up a Facebook page pretending to be PLAINTIFF's deceased mother. The page had a photo that was presented as if it was PLAINTIFF's

mother's skeleton. The person or persons pretending to be Mary Windsor posted various messages on the PLAINTIFF's Facebook page.

16. On or about April 18, 2013, Stalkers stole the PLAINTIFF's identity, and they set up a Facebook page pretending to be the PLAINTIFF – Bill Windsor. The page had a photo of the PLAINTIFF's face on someone else's fat body. The person or persons pretending to be Bill Windsor posted various messages on the PLAINTIFF's Facebook page as if they were from the PLAINTIFF.

17. There are many hundreds of lies, libelous, slanderous, defamatory statements published online on FACEBOOK about the PLAINTIFF by a host of people, many of who use fake names.

18. The PLAINTIFF is the victim of severe emotional distress. As a result of all of this, the PLAINTIFF's wife of 42 years has divorced him. His children no longer have anything to do with him. He is not allowed to have any communication with his granddaughters. He is homeless. He does not have a paying job.

19. FACEBOOK has caused severe emotional distress through its actions designed to damage the PLAINTIFF. FACEBOOK ignored its legal responsibilities, violated the law, and damaged the PLAINTIFF intentionally.

COUNT I – FRAUD

20. The facts in paragraphs 1-19 are incorporated herein.

21. The elements of fraud are: (a) misrepresentation, (b) knowledge of falsity, (c) intent to defraud, i.e., to induce reliance; (d) justifiable reliance; and (e) resulting damage.

22. FACEBOOK represented to the PLAINTIFF that important facts were true, including (1) that FACEBOOK should be used to promote the PLAINTIFF'S movie; (2) that FACEBOOK would comply with its terms of service, (3) that FACEBOOK would operate legally, (4) that FACEBOOK would protect the PLAINTIFF from wrongdoing on facebook.com, (5) that FACEBOOK would respond appropriately to the facts and evidence provided by the PLAINTIFF.

23. FACEBOOK's representations were false.

24. FACEBOOK knew that the representations were false when made, or that the representations were made recklessly and without regard for the truth.

25. FACEBOOK intended that WINDSOR rely on the representations.

26. WINDSOR reasonably relied on FACEBOOK's representations.

27. WINDSOR was harmed.

28. WINDSOR'S reliance on FACEBOOK's representations was a substantial factor in causing harm to WINDSOR.

COUNT II – OUTRAGE AND INFLICTION OF EMOTIONAL DISTRESS

29. The facts in paragraphs 1-19 are incorporated herein.

30. The elements of the tort of intentional infliction of emotional distress are: (1) extreme and outrageous conduct by the defendant; (2) intention to cause or reckless disregard of the probability of causing emotional distress; (3) severe emotional distress; and (4) defendant's conduct was the proximate cause of the emotional distress suffered.

31. DEFENDANT intentionally inflicted emotional distress on the PLAINTIFF. DEFENDANT knows the difference between what's true and what's a lie. DEFENDANT knows about laws to protect people from libel, slander, defamation, harassment, and stalking, but DEFENDANT acted anyway. DEFENDANT had a duty to abide by the law, but DEFENDANT didn't ignore it once, the laws were ignored again and again. DEFENDANT falsely and maliciously claimed the PLAINTIFF'S Facebook page contained nudity, pornography, and the solicitation of sex when it never contained anything of this type whatsoever. The page is the promotion of a movie intended for viewing by people of all ages, and it is a movie about injustice. There are no stories in the movie about nudity, pornography, or the solicitation of sex. FACEBOOK knew this as the PLAINTIFF had a complete copy of everything ever posted on the page as proof, but FACEBOOK acted to intentionally damage the PLAINTIFF.

32. Emotional distress was the reasonably foreseeable consequence of the conduct of the DEFENDANT. The actions of FACEBOOK and the outrageously false, criminal claims would prompt an average member of the community to exclaim “outrageous,” and emotional distress was a clearly foreseeable consequence.

33. The distress caused was severe emotional distress to the PLAINTIFF. The outrageous lies, libel, slander, and defamation are bad alone, but the effect on the PLAINTIFF’s life with the loss of his wife, his family, his home, and life as he knew it has caused severe emotional distress.

COUNT III – NEGLIGENCE

34. The facts in paragraphs 1-19 are incorporated herein.

35. The elements of a negligence claim are (1) The existence of a duty on the part of the DEFENDANT to protect the PLAINTIFF from the injury of which he complains; (2) an act or omission in breach of that duty, (3) an injury to the PLAINTIFF from such failure of the DEFENDANT, and (4) damages to the PLAINTIFF.

36. The PLAINTIFF was harmed by FACEBOOK’S negligence.

37. FACEBOOK was negligent.

38. The PLAINTIFF was harmed.

39. FACEBOOK'S negligence was a substantial factor in causing The DEFENDANT'S harm.

40. California Civil Code 1714 provides: "(a) Everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself."

41. DEFENDANT was negligent. Negligence is the failure to exercise the degree of care which a reasonably prudent and careful person would use under the same or similar circumstances.

42. The DEFENDANT had a duty to abide by its terms of service and to remove pages only when those pages violated FACEBOOK'S terms. FACEBOOK was advised in writing that the PLAINTIFF'S page did not contain nudity, pornography, or the solicitation of sex, but FACEBOOK was negligent in refusing to respond to the PLAINTIFF or consider the undeniable evidence that the PLAINTIFF had.

43. The DEFENDANT had a duty to abide by the laws regarding defamation, cyberstalking, harassment, libel, slander, and they ignored that duty. Harm was clearly foreseeable.

44. Duty, the obligation of one person to another, flows from millennia of social customs, philosophy, and religion. Serving as the glue of society, duty is the thread that binds humans to one another in community. Duty constrains and channels behavior in a socially responsible way. The DEFENDANT did not behave in a socially responsible way. The DEFENDANT'S actions were totally irresponsible.

45. There is a standard of proper behavior necessary to avoid imposing undue risks of harm to other persons and their property, and the DEFENDANT breached this duty. The DEFENDANT ignored the behavior necessary to avoid harming the PLAINTIFF. The DEFENDANT thumbed its multi-billion-dollar nose at the law and the PLAINTIFF with lies, fraud, deceit, and by allowing one blatant defamatory statement after another to be posted on FACEBOOK despite the PLAINTIFF'S efforts to get FACEBOOK to stop it. The DEFENDANT had a duty to act with reasonable care for the safety the PLAINTIFF. The DEFENDANT acted carelessly, unreasonably, without due care. The DEFENDANT breached the duty of care, and the DEFENDANT'S conduct was negligent.

46. The damages the PLAINTIFF suffers are a proximate result of the DEFENDANT's breach of duty. The DEFENDANT must be required to compensate the PLAINTIFF for harm improperly inflicted. How do you

compensate the PLAINTIFF for the loss of years of publishing information and photos and attracting over 50,000 followers, and the devastating impact of the means of promotion for the movie. How do you compensate the PLAINTIFF for the loss of his wife, his children, and his grandchildren? As much as money damages can do so, the law requires the DEFENDANT to restore what the PLAINTIFF lost as a proximate result of the DEFENDANT's wrongs.

47. The PLAINTIFF has been caused pain and suffering, emotional distress, lost enjoyment of life, loss of his marriage, loss of his relationship with his family, loss of his home, severe damage to his reputation, severe damage to his career, and more.

48. FACEBOOK has "Terms of service" that purport to protect people like WINDSOR from defamation, harassment, stalking. WINDSOR repeatedly notified FACEBOOK of wrongful activity, but FACEBOOK was negligent in failing to act on WINDSOR'S notice.

**COUNT IV – TORTIOUS INTERFERENCE WITH PROSPECTIVE
ADVANTAGE**

49. The facts in paragraphs 1-19 are incorporated herein.

50. The elements of a claim for tortious interference with prospective advantage are: "(1) the existence of a prospective business relationship containing the probability of future economic rewards for plaintiff; (2) knowledge by

defendant of the existence of the relationship; (3) intentional acts by defendant designed to disrupt the relationship; (4) actual causation; and (5) damages to plaintiff proximately caused by defendant's conduct."

51. The PLAINTIFF was involved in a valid business relationship. The DEFENDANT knew that the PLAINTIFF had a valid business relationship with people all over America in filming videos, conducting interviews, and producing a movie. The defendant knew that the interference was certain or substantially certain to occur as a result of the DEFENDANT'S action. DEFENDANT intentionally and willfully interfered with the relationship.

52. The DEFENDANT used improper methods of disrupting the business relationship. The DEFENDANT used a false and malicious excuse to remove the PLAINTIFF'S page, an excuse built upon fraud and deceit.

53. WINDSOR and thousands of friends and followers were in a prospective business relationship that probably would have resulted in an economic benefit to WINDSOR.

54. FACEBOOK knew of the relationship. FACEBOOK was informed of the relationship by letter by WINDSOR.

55. FACEBOOK intended to disrupt the relationship. FACEBOOK ignored WINDSOR'S letters and offers of proof that FACEBOOK'S claims were false.

56. FACEBOOK committed an independent wrongful act and engaged in wrongful conduct through misrepresentation and fraud that was calculated to damage the PLAINTIFF'S business. FACEBOOK'S actions were proscribed by statutory standards and its own Terms of Service. FACEBOOK'S acts were wrongful by legal measure.

57. FACEBOOK acted with the unlawful purpose of causing damage or loss, without right or justifiable cause.

58. The relationship was disrupted. WINDSOR was harmed. FACEBOOK's wrongful conduct was a substantial factor in causing WINDSOR's harm, resulting in actual damage and loss.

59. The DEFENDANT knows the difference between what's true and what's a lie. The DEFENDANT knows about laws to protect people from libel, slander, defamation, harassment, and stalking, but he acted anyway. The DEFENDANT knows that pornography and the solicitation of sex are crimes, and FACEBOOK claimed the PLAINTIFF was guilty of these crimes when FACEBOOK knew this was absolutely false. The DEFENDANT had a duty to abide by the law, but the DEFENDANT didn't ignore it once, the laws were ignored again and again and again. The DEFENDANT took actions to damage the PLAINTIFF's business relationships. The DEFENDANT acted without justification. There can never be a justification for lies, libel, slander, harassment,

defamation, and false criminal charges. The PLAINTIFF suffered damages as a direct result of conduct of DEFENDANT. Many people have dropped out of the PLAINTIFF's projects. Very few people contact the PLAINTIFF now while many thousands did before this. The PLAINTIFF had over 50,000 followers on Facebook before this, and now he has less than 100. The DEFENDANT caused this.

PUNITIVE DAMAGES

60. The facts in paragraphs 1-59 are incorporated herein.

61. The DEFENDANT acted intentionally to damage the PLAINTIFF. FACEBOOK was informed by letter that its claims that WINDSOR'S page contained nudity, pornography, and the solicitation of sex was false and that WINDSOR had a complete download of the page so this could be easily proven. WINDSOR appealed FACEBOOK'S actions, so FACEBOOK was well aware that WINDSOR said their actions were wrong. FACEBOOK ignored WINDSOR. The actions of the DEFENDANT were deliberate. The DEFENDANT's conduct as described above is willful, wanton, wicked, intentional, and malicious resulting from fraud, insult, and malice, and it is associated with aggravating circumstances, including willfulness, wantonness, malice, oppression, outrageous conduct, insult, and fraud, thus warranting the PLAINTIFF's recovery of punitive damages from the DEFENDANT. The PLAINTIFF should receive an award of punitive

damages. Exemplary damages serve to provide the claimant with recovery above and beyond compensatory damages in order to punish the wrongdoer for egregious conduct and to deter the wrongdoer and others from similar conduct in the future. Since the PLAINTIFF's damages can never be erased in this case; there is no amount of money that could compensate the PLAINTIFF for the loss of the loves of his life, his wife, children, and grandchildren; there is no amount of money to compensate a decent, honest, law-abiding citizen for the destruction of his career and reputation.

JURY TRIAL

PLAINTIFF demands a jury trial.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF requests that the DEFENDANT be cited to appear and answer, and that on final trial, PLAINTIFF has the following:

- a. Judgment against the DEFENDANT for economic, pecuniary, lost profits, consequential, and incidental damages;
- b. By reason of DEFENDANT's knowing and intentional conduct, mental anguish damages in an amount within the jurisdictional limits of the Court;
- c. Prejudgment interest as provided by law;
- d. Exemplary and punitive damages appropriate to deter any future willful conduct;
- e. Attorney's fees;

- f. Costs of suit;
- g. Post-judgment interest as provided by law;
- h. An order that the DEFENDANT remove all false information regarding PLAINTIFF from FACEBOOK.COM;
- i. An order that the DEFENDANT reinstate the PLAINTIFF'S Facebook page; and
- j. Such other and further relief to which PLAINTIFF may be justly entitled.

Submitted this 19th day of December, 2013,



William M. Windsor

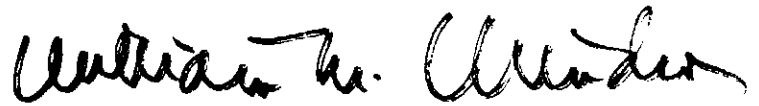
110 E Center Street #1213 * Madison, SD 57042
Email: nobodies@att.net, Phone: 770-578-1094

VERIFICATION

Personally appeared before me, the undersigned Notary Public duly authorized to administer oaths, William M. Windsor, who after being duly sworn deposes and states that he is authorized to make this verification on behalf of himself and that the facts alleged in the foregoing are true and correct based upon his personal knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters he believes them to be true.

I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 19th day of December, 2013.



William M. Windsor

Sworn and subscribed before me this 19th day of December, 2013.



Notary Public

