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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF SAN MATEO**

12 **STEVE WOZNAK,**
13 **ALEX NARAY,**
14 **JAMES DENITTO,**
15 **BERNARDO GARCIA,**
16 **ALEXANDER GEISLER,**
17 **ASA JACQUES,**
18 **ZHENYU LI,**
19 **JIN LIU,**
20 **ANTHONY MARTINEZ,**
21 **HARIVARMAH NAGALINGGAM,**
22 **PAUL NEWMAN,**
23 **MYRIELLE PHILISTIN,**
24 **DARIO LOPEZ PORTILLA,**
25 **ERIC RESTREPO,**
26 **RAUL MOREÑO ROMERO,**
27 **DAVID SCHRADER,**
28 **LUKE THOMAS, and**
LUNG HUNG YANG,

Plaintiffs,

v.

YOUTUBE, LLC, a Delaware company;
GOOGLE, LLC, a Delaware company; and
DOES 1–20,

Defendants.

Electronically
FILED
by Superior Court of California, County of San Mateo
ON 7/21/2020
By /s/ Una Finau
Deputy Clerk

Case No. 20-CIV-03032

COMPLAINT FOR:

- (1) VIOLATIONS OF RIGHT OF PUBLICITY;**
- (2) MISAPPROPRIATION OF NAME OR LIKENESS;**
- (3) FRAUD AND MISREPRESENTATION;**
- (4) AIDING AND ABETTING FRAUD;**
- (5) UNFAIR BUSINESS PRACTICES;**
- (6) NEGLIGENT FAILURE TO WARN;**
- (7) INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

COMPLAINT

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1 Plaintiff STEVE WOZNIAK, together with Plaintiffs ALEX NARAY, JAMES DENITTO,
2 BERNARDO GARCIA, ALEXANDER GEISLER, ASA JACQUES, ZHENYU LI, JIN LIU,
3 ANTHONY MARTINEZ, HARIVARMAH NAGALINGGAM, PAUL NEWMAN, MYRIELLE
4 PHILISTIN, DARIO LOPEZ PORTILLA, ERIC RESTREPO, RAUL MOREÑO ROMERO,
5 DAVID SCHRADER, LUKE THOMAS, and LUNG HUNG YANG (collectively, “Plaintiffs”),
6 bring this Complaint against Defendants YOUTUBE LLC and GOOGLE LLC (collectively,
7 “Defendants”) for injunctive relief and damages, and allege based on personal knowledge as to
8 acts and events taking place in their presence or upon information and belief as to all other acts as
9 follows:

10 **I. INTRODUCTION**

11 *“We’re embarrassed, we’re disappointed, and more than anything, we’re sorry.*
12 *We know that we must work to regain your trust, and we will support all efforts*
13 *to bring the perpetrators to justice.”*

– Twitter (July 18, 2020)

14
15 1. On July 15, 2020, Twitter suffered a massive hack that hit 130 Twitter accounts of
16 celebrities and public officials, including Joe Biden, Barack Obama, Elon Musk, and many others.
17 The attackers sent tweets from those accounts offering to send \$2,000 for every \$1,000 sent to an
18 anonymous bitcoin address. **That same day**, Twitter acted swiftly and decisively to shut down
19 these accounts and to protect its users from the scam, issuing the above apology.

20 2. In stark contrast, **for months now, Defendant YOUTUBE** has been
21 unapologetically **hosting, promoting, and directly profiting from** similar scams. YOUTUBE has
22 featured a steady stream of scam videos and promotions that falsely use images and videos of
23 Plaintiff **STEVE WOZNIAK**, and other famous tech entrepreneurs, and that have **defrauded**
24 **YOUTUBE users** out of **millions of dollars**.

25 3. The scam uses images and video of STEVE WOZNIAK to convince YOUTUBE
26 users that he is hosting a live “**BTC**” or “**BITCOIN GIVEAWAY**” event and that, for a limited
27 time, any user who sends in their bitcoin will receive twice as much back. But when users transfer
28 their cryptocurrency, in an irreversible transaction, they receive nothing back.

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4. With **full knowledge** of this scam, **YOUTUBE** resisted taking the scam videos down, allowed them to multiply, and contributed to the scam by making them appear legitimate. **YOUTUBE** and **GOOGLE** took the further step of **promoting and profiting from these scams** by **providing paid advertising that targeted users** who were most likely to be harmed.

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Steve Wozniak interview: Blockchain technology, AI, Crypto, Bitcoin BTC Halving 2020

Steve Wozniak • 9.4K views • Streamed 1 month ago

Stephen Gary Wozniak (/ˈwozniæk/; born August 11, 1950), also known by his nickname "Woz", is an American electronics ...



Steve Wozniak Live Interview: Bitcoin In 2020 News & BTC About Raising Prices

Steve Wozniak • 245 views • Streamed 1 month ago

btc #bitcoin #stevewozniak In this broadcast, we will be interviewing the creator of the Bitcoin cryptocurrency Steve Wozniak.



Steve Wozniak on Bitcoin, Blockchain Technology, Apple, BTC Halving Countdown !

Woz Association • 15 views • Streamed 1 month ago



Steve Wozniak interview: Blockchain technology, AI, Crypto, Bitcoin BTC Halving 2020

SD Entertainment • 12 views • Streamed 1 month ago

Steve Wozniak shares his ideas on Bitcoin halving, Blockchain innovation, Apple, Bitcoin future in 2020 Steve Wozniak aka "The ...



Steve Wozniak Live: Blockchain, Crypto, Bitcoin BTC Halving 2020 countdown live

Woz Foundation • 62.973 spettatori • 99%

Bitcoin Address: 1Woz1cqx4FD7tQyJX21v4UKmu1RzxHX More info on the website: Woz-promo.info Steve Wozniak aka "The ...

DAL VIVO ORA Nuovo



Steve Wozniak Live: Blockchain technology, Future of Crypto, Bitcoin BTC Halving 2020

Steve Wozniak Foundation • 15.912 spettatori • 56%

https://wozbitcoin.com/ Address : 1WooZQzBBP5w1WPMuidbvspkjsw9BNY9 Stephen Gary Wozniak (/ˈwozniæk/; born ...

DAL VIVO ORA Nuovo



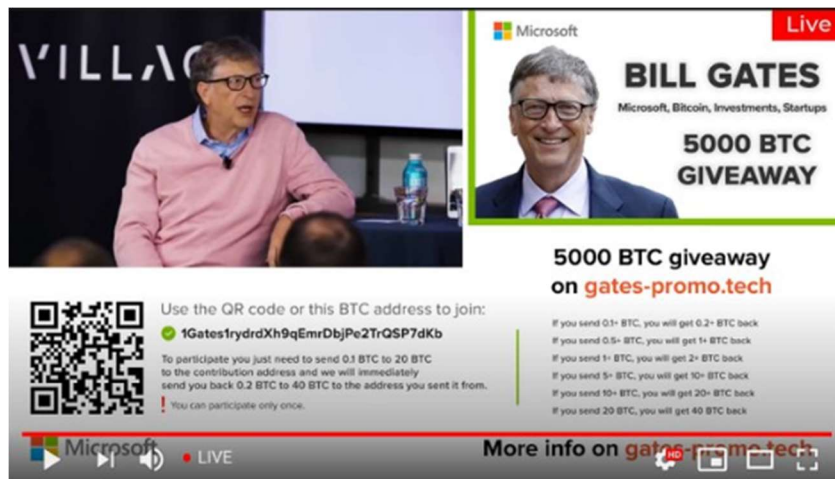
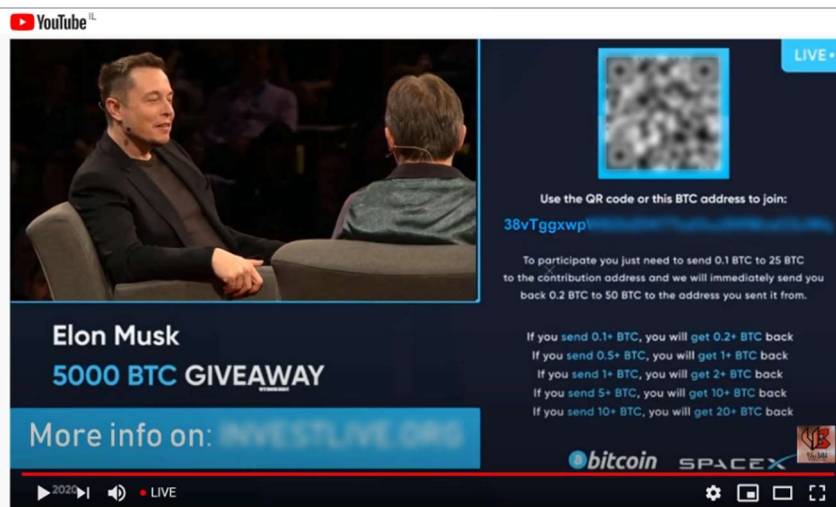
Steve Wozniak Live: Blockchain technology, Future of Crypto, Bitcoin BTC Halving 2020

Steve Wozniak Foundation • 64.472 spettatori • 97%

Stephen Gary Wozniak (/ˈwozniæk/; born August 11, 1950), also known by his nickname "Woz", is an American electronics ...

DAL VIVO ORA Nuovo

1 5. Other technology entrepreneurs whose images and videos have been hijacked in this
2 BITCOIN GIVEAWAY scam include Bill Gates, Elon Musk, Michael Dell, Robert Kiyosaki, and
3 Brad Garlinghouse. According to Bitcoin.com, as of June 20, 2020, YOUTUBE users had lost
4 more than **\$2 million** in bitcoin in response to just the Elon Musk BTC GIVEAWAY and the
5 “bitcoin giveaways continue to scam people on Youtube.”¹ As further reported in *Bitcoin News* in
6 a story titled “*Youtube Helps Scammers Steal \$130,000 in Bitcoin From Investors Daily:*
7 *Report,*” YOUTUBE’s complicity contributed to approximately **\$24 million** in stolen
8 cryptocurrency during the first six months of 2020.²



26 ¹ See *Bitcoin News* (June 20, 2020), <https://news.bitcoin.com/elon-musk-bitcoin-giveaway-scam-millions-dollars-btc/>.

27 ² See Jeffrey Gogo, “Youtube Helps Scammers Steal \$130,000 in Bitcoin From Investors Daily:
28 Report,” *Bitcoin News* (July 12, 2020), <https://news.bitcoin.com/youtube-helps-scammers-steal-130000-in-bitcoin-from-investors-daily-report/>.

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6. Plaintiff WOZNIAK repeatedly has tried to get YOUTUBE to stop this unauthorized use of his name and likeness that has been used to defraud so many YOUTUBE users. But YOUTUBE has been unresponsive. Despite Plaintiffs' and legions of other users' repeated pleas that YOUTUBE take timely action to end this BITCOIN GIVEAWAY scam, YOUTUBE repeatedly delayed or refused to do so. As a result of Defendants' egregious failures to act and affirmative misconduct in promoting this criminal enterprise, Plaintiff WOZNIAK has suffered, and continues to suffer, irreparable harm to his reputation, and YOUTUBE users, including Plaintiffs, have been defrauded out of millions of dollars. Among other relief, Plaintiffs seek an Order requiring YOUTUBE to finally end its outrageous practice of hosting, promoting and profiting from these criminally fraudulent videos and promotions.

1 7. Defendants’ outrageous failures to protect YOUTUBE users have allowed this
2 BITCOIN GIVEAWAY scam to thrive and emboldened the criminal enterprises behind them to
3 expand beyond their base in YOUTUBE.

4 8. On July 15, 2020, the **TWITTER** accounts of Jeff Bezos, Bill Gates, Elon Musk,
5 Mark Zuckerberg, Barack Obama, Joe Biden, and Apple Inc., and other celebrities and companies
6 were hacked, and fraudulent messages tweeted stating that, for a limited time, the celebrities would
7 double any cryptocurrency sent to a particular account as a way of giving back during the Covid-
8 19 pandemic.



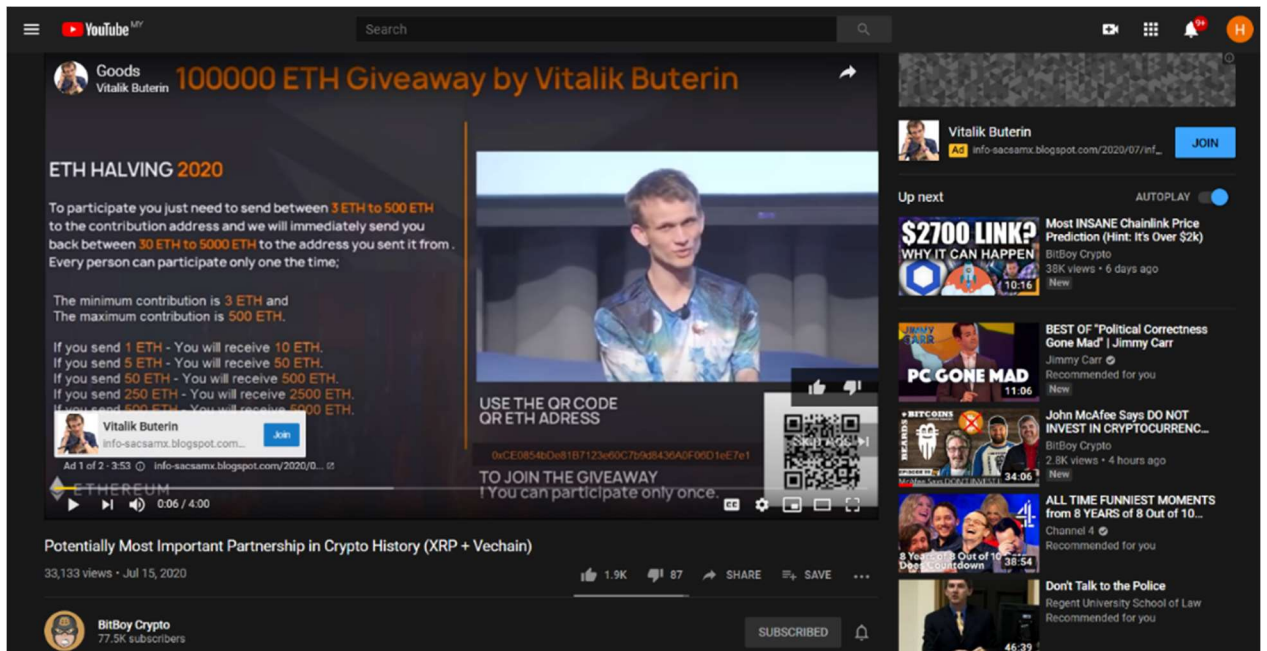
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16 9. **In stark contrast to YOUTUBE**, when faced with this attack, **TWITTER took**
17 **swift and decisive action** to protect its users, shutting down the hijacked accounts until TWITTER
18 regained control. As a result, the massive TWITTER hack resulted in only about **\$120,000** in
19 losses, whereas the YOUTUBE scam has generated **many millions of dollars** in stolen
20 cryptocurrency, with at least one YOUTUBE video responsible for more losses in one day than the
21 entire July 15 TWITTER hack. As reported by Whale Alert: “Some of the most successful scams
22 made over \$130,000 in a single day with nothing more than a one page website, a bitcoin address
23 and a **decent amount of YouTube advertising.**”³

24 10. Despite the continuous efforts of Plaintiffs and countless other users informing
25 Defendants that these criminally fraudulent promotions and videos are on its platform—including
26 what the videos look like, the featured celebrities, exactly how the scam works, and the significant

27
28 ³ See *Whale Alert*, “Chasing Crypto Criminals” (July 10, 2020), https://medium.com/@whale_alert/chasing-crypto-criminals-db53edad43e1.

1 sums of money being stolen from its users—YOUTUBE repeatedly has refused or failed to
2 intervene in a timely manner or to warn any of its users about the scam. At the same time,
3 YOUTUBE has knowingly and willingly contributed to and profited from these scams.

4 11. By their conduct, Defendants YOUTUBE and GOOGLE have facilitated, solicited,
5 encouraged, materially contributed to, and otherwise induced this financial criminal activity.
6 Defendants continue to rake in profits at the expense of both STEVE WOZNIAK’s reputation and
7 their users, many of whom have been taken in by these YOUTUBE promotions and suffered
8 substantial financial harm as a result. In essence, unknown fraudsters scam YOUTUBE users out
9 of cryptocurrency using the names and likenesses of WOZNIAK and other celebrities as bait, and
10 YOUTUBE takes its cut of these illegally gotten proceeds by knowingly and willingly selling
11 those same fraudsters targeted advertising that drive additional YOUTUBE users to the fraudulent
12 promotions and videos, thereby further fueling the scam and keeping the money flowing. Pictured
13 here is one such paid YOUTUBE video advertisement for a fraudulent “giveaway” of Ether (ETH)
14 cryptocurrency that misappropriates video of Ethereum co-founder Vitalik Buterin.



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26 12. In their drive to maintain their status as the world’s leading online video platform,
27 YOUTUBE is profiting from, and knowingly and materially contributing to, this widespread
28 financial criminal activity on its platform. Defendants engage in such activity because it furthers

1 their growth and revenue strategies, furthers their desire to maintain hegemony over the relevant
2 market, and because they have come to the erroneous legal conclusion that 47 U.S.C. § 230
3 (“Section 230”) immunizes them from civil liability for such reprehensible conduct as facilitating,
4 soliciting, encouraging, contributing to, or otherwise inducing financial criminal activity that
5 scams their own users out of millions of dollars. YOUTUBE is wrong.

6 13. While Section 230 has played, and continues to play, a vital and important role in
7 ensuring free and open expression and debate on the Internet with a minimum of government
8 regulation, these fraudulent videos and YOUTUBE’s ongoing, knowing, and active participation in
9 their promotion, fall well outside of the immunity from liability that Section 230 provides. Unlike
10 the vast majority of content on the Internet, the promotions at issue here are blatant criminal
11 conduct that is not even arguably protected by the First Amendment. These videos are criminally
12 fraudulent financial enterprises, pure and simple. They must stop. Defendants have improperly
13 refused to act, to warn their users, or to otherwise play a constructive role in stopping this criminal
14 enterprise, and have instead perpetuated and profited from it. Section 230 does not and will not
15 immunize Defendants from answering to those whom their conduct has harmed, and the Court
16 must require Defendants to take reasonable steps to stop contributing to this criminal activity.

17 **II. JURISDICTION AND VENUE**

18 14. The Court has subject matter jurisdiction of the claims brought by this Complaint,
19 which are based on violations of California law and/or violations of federal laws over which the
20 Court has concurrent jurisdiction. The amount in controversy exceeds the jurisdictional minimum
21 of this Court.

22 15. Venue is proper in this County because Defendants are located in and/or perform
23 substantial amounts of business in the County, and because a substantial part of the events, acts,
24 omissions, and transactions complained of herein occurred in this County.

25 16. The Court has general personal jurisdiction over each Defendant because each of
26 their corporate headquarters and principal places of business are in California. The Court also has
27 specific personal jurisdiction over each Defendant because each has sufficient minimum contacts
28 with California, has purposely availed itself of California’s benefits and protection, and does a

1 substantial amount of business in California, such that the Court's exercise of jurisdiction over
2 each Defendant is wholly consistent with traditional notions of fair play and substantial justice.

3 **III. PARTIES**

4 **A. Plaintiffs**

5 17. Plaintiff **STEVE WOZNAK** is a Silicon Valley icon that co-founded Apple
6 Computer in the 1970s and has subsequently engaged in many entrepreneurial and philanthropic
7 ventures. He is a widely known, recognized, and beloved public figure. He is a United States
8 citizen residing in Los Gatos, California.

9 18. Plaintiff **ALEX NARAY** is a Swiss citizen residing in Geneva, Switzerland. Naray
10 was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

11 19. Plaintiff **JAMES DENITTO** is a United States citizen residing in Florida. DeNitto
12 was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

13 20. Plaintiff **BERNARDO GARCIA** is a United States citizen residing in Los Angeles,
14 California. Garcia was a recent victim of a cryptocurrency scam video on YouTube, as specified
15 herein.

16 21. Plaintiff **ALEXANDER GEISLER** is a German citizen residing in Switzerland.
17 Geisler was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

18 22. Plaintiff **ASA JACQUES** is a citizen of and resides in the United Kingdom.
19 Jacques was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

20 23. Plaintiff **ZHENYU LI** is a citizen of and resides in China. Li was a recent victim
21 of a cryptocurrency scam video on YouTube, as specified herein.

22 24. Plaintiff **JIN LIU** is a Chinese citizen residing in Japan. Liu was a recent victim of
23 a cryptocurrency scam video on YouTube, as specified herein.

24 25. Plaintiff **ANTHONY MARTINEZ** is a United States citizen residing in California.
25 Martinez was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

26 26. Plaintiff **HARIVARMAH NAGALINGGAM** is a citizen of and resides in
27 Malaysia. Nagalinggam was a recent victim of a cryptocurrency scam video on YouTube, as
28 specified herein.

1 27. Plaintiff **PAUL NEWMAN** is a citizen of and resides in the United Kingdom.
2 Newman was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

3 28. Plaintiff **MYRIELLE PHILISTIN** is a Haitian citizen residing in New York.
4 Philistin was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

5 29. Plaintiff **DARIO LOPEZ PORTILLA** is a citizen of and resides in Spain. Portilla
6 was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

7 30. Plaintiff **ERIC RESTREPO** is a United States citizen residing in California.
8 Restrepo was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

9 31. Plaintiff **RAUL MARIÑO ROMERO** is a citizen of and resides in Spain. Romero
10 was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

11 32. Plaintiff **DAVID SCHRADER** is a United States citizen residing in Missouri.
12 Schrader was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

13 33. Plaintiff **LUKE THOMAS** is a citizen of and resides in the United Kingdom.
14 Thomas was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

15 34. Plaintiff **HUNG LUNG YANG** is a Canadian citizen residing in Pennsylvania.
16 Yang was a recent victim of a cryptocurrency scam video on YouTube, as specified herein.

17 **B. Defendants**

18 35. Defendant **YOUTUBE, LLC** (“YOUTUBE”), is a Delaware limited liability
19 company with its principal place of business in San Mateo County at 901 Cherry Avenue, San
20 Bruno, California 94066. YOUTUBE owns and operates the largest video-based website in the
21 world making most of their revenue from advertising. In 2006, YOUTUBE was purchased by
22 Defendant GOOGLE. Since that purchase, YOUTUBE has operated as a wholly owned and
23 controlled subsidiary of GOOGLE. At all times relevant to this Complaint, the website
24 youtube.com was operated and controlled by both YOUTUBE and GOOGLE. From time to time,
25 YOUTUBE conducts business as GOOGLE. For example, YOUTUBE’s support forums and
26 documentation are hosted on support.google.com.

27 36. Defendant **GOOGLE LLC** (“GOOGLE”) is a Delaware limited liability company
28 with its principal place of business in Santa Clara County at 1600 Amphitheatre Parkway,

1 Mountain View, California 94043. Since 2006, GOOGLE has wholly owned and controlled
2 YOUTUBE and is the alter ego of YOUTUBE. GOOGLE's search engine is the largest source of
3 all visits to youtube.com, more than six times that of any other website. GOOGLE and
4 YOUTUBE share a tremendous amount of user data to produce and develop their products and
5 services, and to grow revenues. For example, YOUTUBE and GOOGLE share user data from
6 their respective websites (youtube.com and google.com) to create content and personalized
7 advertisements on both sites. YOUTUBE and GOOGLE also combine their user data and products
8 for purposes of GOOGLE's advertising program, which allows advertisers to target video
9 advertisements to YOUTUBE users based on whether they recently searched for a specific term on
10 GOOGLE's search engine.

11 **C. Doe Defendants**

12 37. In addition to the named Defendants, various other individuals and entities
13 performed acts and made statements in furtherance thereof, and otherwise participated in, the
14 violations of law alleged herein. The true names and capacities of these individuals and entities,
15 Does 1 through 20, inclusive, are unknown to Plaintiffs at this time. Plaintiffs, therefore, sue these
16 Defendants, Does 1 through 20, by such fictitious names. Plaintiffs further allege that each of
17 these Defendants, Does 1 through 20, is responsible for the acts and occurrences set forth herein.
18 Plaintiffs are informed and believe that discovery will reveal additional information concerning the
19 identities of these Defendants, Does 1 through 20, and each of their acts and statements made in
20 furtherance of the violations of law alleged herein. Plaintiffs will seek to amend this complaint to
21 show the true names and capacities of each of these defendants, Does 1-20, and the manner in
22 which each of them is responsible for the damages alleged herein, when such information is
23 ascertained.

24 **IV. CONSPIRACY, AIDING AND ABETTING, AND CONCERTED ACTION**

25 38. At all relevant times, Defendants (including Does 1-20) were agents of other
26 Defendants, and in doing the acts alleged herein, were acting within the course of scope of such
27 agency. Defendants and Does 1-20 ratified and/or authorized the wrongful acts of each of the
28 other Defendants. Defendants and Does 1-20, and each of them, are individually sued as

1 participants and as aiders and abettors in the improper acts, plans, schemes, and transactions that
2 are the subject of this Complaint.

3 39. In committing the wrongful acts alleged herein, Defendants and Does 1-20 have
4 pursued, or joined in the pursuit of, a common course of conduct, and have acted in concert with
5 and conspired with one another in furtherance of the improper acts, plans, schemes, and
6 transactions that are the subject of this Complaint. In addition to the wrongful conduct herein
7 alleged as giving rise to primary liability, Defendants and Does 1-20 further aided and abetted
8 and/or assisted each other in breaching their respective duties.

9 40. Defendants and Does 1-20, and each of them, engaged in a conspiracy, common
10 enterprise, and/or common course of conduct. During all times relevant hereto, Defendants and
11 Does 1-20, and each of them, initiated a course of conduct that was designed to and did conceal the
12 wrongful acts alleged herein. In furtherance of this plan, conspiracy, and course of conduct,
13 Defendants and Does 1-20, collectively and individually, took the actions set forth herein.

14 41. The purpose and effect of Defendants' and Does 1-20's conspiracy, common
15 enterprise, and/or common course of conduct was, among other things, to disguise and conceal
16 their egregious conduct and violations of law.

17 42. Defendants and Does 1-20 accomplished their conspiracy, common enterprise,
18 and/or common course of conduct by knowingly failing to remove the BITCOIN GIVEAWAY
19 scam videos, knowingly failing to warn YOUTUBE users regarding the BITCOIN GIVEAWAY
20 scam, and knowingly promoting and monetizing the BITCOIN GIVEAWAY scam. Each of the
21 Defendants and Does 1-20 was a direct, necessary, and substantial participant in the conspiracy,
22 common enterprise, and/or common course of conduct complained of herein.

23 43. Each of the Defendants and Does 1-20 aided and abetted and rendered substantial
24 assistance in and material contribution to the wrongs complained of herein. In taking such actions
25 to substantially assist and materially contribute to the commission of the wrongdoing complained
26 of herein, each of the Defendants acted with knowledge of the primary wrongdoing, substantially
27 assisted in and materially contributed to the accomplishment of that wrongdoing, and was aware of
28 his or her overall contribution to and furtherance of the wrongdoing.

1 **V. FACTUAL BACKGROUND**

2 **A. Steve Wozniak’s Success And Reputation Give His Name And Likeness**
3 **Significant Value.**

4 44. STEVE WOZNIAK, commonly known as “Woz,” is a Silicon Valley icon and a
5 key figure in the personal computer revolution of the late twentieth century. WOZNIAK designed
6 the Apple I. Believing the design could be commercialized, WOZNIAK co-founded Apple
7 Computer with Steve Jobs. A year later, WOZNIAK and Jobs (pictured below) completed the



Apple II, the first personal computer to have
appeal beyond hobbyist circles. In addition to
the Apple I and II, WOZNIAK developed
numerous other early Apple and Macintosh
products, including Apple’s 5.25-inch floppy
disk drive and significant parts of Apple’s
operating systems and software.

15 45. In 1980, Apple went public with a market capitalization that exceeded \$1 billion—
16 the fastest rise to that milestone in corporate history at that time. Apple’s initial public offering
17 made WOZNIAK one of the original famous tech entrepreneurs to come from Silicon Valley, and
18 the source of significant media coverage in industry press and mass media. In 1985, President
19 Reagan awarded WOZNIAK the National Medal of Technology, the highest honor that can be
20 bestowed on an American innovator.

21 46. Since 1985, WOZNIAK has engaged in a wide variety of technology businesses,
22 philanthropic causes, and other public-facing activities. For many years after leaving Apple,
23 WOZNIAK personally taught after-school computer classes at schools in Silicon Valley. In 1990,
24 Wozniak helped found the Electronic Frontier Foundation. He was the founding sponsor of
25 numerous Silicon Valley institutions, including the Tech Museum, Silicon Valley Ballet, and
26 Children’s Discovery Museum of San Jose. Over the years, he has received numerous honors and
27 awards, including the Heinz Award for Technology, the Hoover Medal, and induction into the
28 National Inventors Hall Fame, as well as ten Honorary Doctor of Engineering degrees. An

1 indication of his enduring popularity, the public in 2015 voted WOZNIAK to become the third
2 tech entrepreneur (after Steve Jobs and Mark Zuckerberg) to have his likeness cast in wax at
3 Madame Tussaud's.

4 47. Today, WOZNIAK continues to pursue entrepreneurial and philanthropic interests.
5 Some of his more recent ventures include co-founding Woz U, a postsecondary education and
6 training platform focused on software engineering and technology development, and Efforce,
7 which leverages blockchain technology to decentralize and optimize the global energy efficiency
8 market. WOZNIAK maintains an Internet presence at woz.org and on social media and regularly
9 appears on television news programs. He is a highly sought-after keynote speaker at business and
10 technology conferences and corporate events. WOZNIAK is beloved in the Silicon Valley and
11 around the world not only for having invented the personal computer, but because of his amiable
12 and approachable personality, his willingness to speak openly and honestly about the issues facing
13 technology and society, and his decades of generosity in giving back to the community.

14 48. In sum, WOZNIAK's name and likeness are instantly and widely recognizable
15 within the technology sector and beyond. He has a unique and compelling personal brand that is
16 highly sought-after and of tremendous commercial value.

17 **B. Defendants Significantly Harmed WOZNIAK And YOUTUBE Users By**
18 **Knowingly Allowing The BITCOIN GIVEAWAY Scam To Thrive, Promoting**
19 **The Scam, Profiting From The Scam, And Failing to Warn Users.**

20 49. Over the past several months, WOZNIAK has suffered—and continues to suffer—
21 irreparable harm to his public image and reputation as a direct consequence of YOUTUBE's
22 deliberate and inexplicable failure to address the promotion of a pervasive fraud occurring on its
23 platform. This fraud, which bills itself as a BITCOIN GIVEAWAY, misappropriates
24 WOZNIAK's name and identity and uses it to scam YOUTUBE users out of cryptocurrency.

25 50. The scam typically loops a video of WOZNIAK, or another tech entrepreneur such
26 as Bill Gates or Elon Musk, speaking at a cryptocurrency or technology conference, and surrounds
27 the video with images and text promoting a false, limited-time "giveaway" of bitcoin. The text
28

1 invites users to send bitcoin to a specified bitcoin address and provides a QR code that links
2 directly to that address. The images and text often includes trademarks, such as the Apple logo,
3 and a link to a fraudulent web address that incorporates WOZNIAK's name, such as
4 WOZBTC.ORG. The text falsely states that once the viewer sends their bitcoin, they will
5 immediately be returned twice the original amount.

6

7 **Halving 5000 BTC Giveaway Airdrop**

8 To participate in the giveaway/airdrop, send
9 between **0.1 BTC - 20.0 BTC** to the Bitcoin
10 address for this promotion. Once we have
11 received your transaction, we will send back
12 between **0.2 BTC - 40.0 BTC** to the address that
13 you sent the BTC from.

14 **1PZcmLfn6R31iWEY5K4dR8wbnnCdnvhpF**

- 15 - Send **0.1 BTC** to receive 0.2 BTC back.
- 16 - Send **0.5 BTC** to receive 1.0 BTC back.
- 17 - Send **1.0 BTC** to receive 2.0 BTC back.
- 18 - Send **5.0 BTC** to receive 10.0 BTC back.
- 19 - Send **10.0 BTC** to receive 20.0 BTC back.

20 

21 Use the QR Code or BTC Address
22 to join the giveaway

23 Send any amount between **0.1 BTC - 20.0 BTC**
24 and receive **0.2 BTC - 40.0 BTC** back.

25 

26 

27 **Live interview**

17 51. For months on end, the BITCOIN GIVEAWAY scam has been replicated on
18 YOUTUBE many times over in substantially the same form. The scam videos and promotions are
19 substantially similar in title and appearance, reuse many of the same words and phrases, reuse the
20 same celebrities (including WOZNIAK), and reuse the same past video footage of those
21 celebrities. Each day that passes brings new iterations of the same essential scam, with each
22 iteration attracting new viewers and leaving new victims in its wake.

23 52. While Plaintiffs do not know the precise number of defrauded individuals, the scope
24 of the harm is vast. On information and belief, Plaintiffs allege that millions of persons have
25 viewed the BITCOIN GIVEAWAY scam videos and promotions, which has resulted in individuals
26 from the United States and around the world being defrauded of millions of dollars of bitcoin and
27 other cryptocurrencies. Recent reporting indicates that the scammers received approximately \$24
28 million worth of cryptocurrency during the first six months of 2020, with YOUTUBE being the

1 scam's base of operations.

2 53. The BITCOIN GIVEAWAY scam has irreparably harmed WOZNIAK's reputation
3 by misappropriating his image and likeness to defraud people of cryptocurrency. YOUTUBE's
4 egregious refusal to protect its users by taking timely action and its active participation in
5 promoting and profiting from the BITCOIN GIVEAWAY scam has materially contributed to the
6 scam and caused Plaintiffs' harm. In addition to defrauding YOUTUBE users of millions of
7 dollars in cryptocurrency, the scam fosters uncertainty about whether WOZNIAK is somehow
8 responsible for or associated with the scam (**he is not**). It also causes WOZNIAK's name to be
9 negatively associated with the scam. This distracts from and displaces the many positive
10 associations with WOZNIAK's name, casts a cloud over his good reputation, and ultimately
11 decreases the commercial value of his right of publicity.

12 **C. Defendants Promoted, Monetized, And Materially Contributed To The**
13 **BITCOIN GIVEAWAY Scam.**

14 54. YOUTUBE is a video-sharing platform that generates billions of dollars in annual
15 revenue. YOUTUBE's primary source of revenue is from selling ads to third parties. This
16 revenue is in addition to revenue that YOUTUBE derives from subscriptions, various YOUTUBE
17 services, and the exploitation of personal data harvested from its users. GOOGLE similarly makes
18 billions in annual revenue from harvesting the personal data of its users, which allows it to sell
19 third parties highly targeted ads.

20 55. YOUTUBE enables its users to view, post, and comment on video content hosted
21 on its platform at youtube.com. YOUTUBE "creators" can set up their own "channel," which
22 makes it easier for users to find all of a creator's content in one place. These channels allow
23 creators to develop a following, with the most popular channels having millions of subscribers.

24 56. Every time that a viewer engages with the YOUTUBE platform, YOUTUBE and
25 GOOGLE harvest valuable personal information on individual user preferences, aggregate user
26 demographics, and other information that Defendants exploit and monetize by selling targeted
27 advertising through their own websites (i.e., YOUTUBE and GOOGLE), and across the Internet
28 via GOOGLE products and services which generate additional billions of dollars for GOOGLE.

1 GOOGLE is estimated to control 40% of the online advertising market, with much of it built on
2 data gathered from YOUTUBE viewers.

3 57. In a recent San Francisco Chronicle article featuring an interview with former
4 GOOGLE executive Sridhar Ramaswamy, who ran GOOGLE's \$115 billion advertising arm,
5 Ramaswamy described how the "relentless pressure to maintain GOOGLE's growth" had come at
6 a heavy cost to the company's users. Ramaswamy's responsibilities included overseeing
7 advertising at YOUTUBE, which required him "to take a video service replete with problematic
8 content" and transform it into a platform that would challenge television networks for advertising
9 revenue. Faced with the conflict between the interests of advertisers and users, Ramaswamy says
10 there was an implicit understanding that his and his team's job was to "keep money flowing." In
11 2017, in the wake of media coverage about YOUTUBE not only hosting videos that exploited
12 young children and appealed to pedophiles, but making money on those videos by selling
13 advertising alongside them, Ramaswamy finally decided that it was time for him to leave
14 GOOGLE, stating: "All of us have boundaries for what we will tolerate in our jobs."

15 58. YOUTUBE has not only allowed the BITCOIN GIVEAWAY scam to flourish but
16 has promoted and materially contributed to the scam. For example, YOUTUBE has repeatedly
17 and falsely represented that the videos are "live" when they are not, that large numbers of users are
18 watching the videos when they are not, that large numbers of users have "liked" the videos when
19 they have not, and other similarly false or misleading statements of fact that cause the videos and
20 promotions to appear authentic, thereby increasing the number of victims and the amount of
21 cryptocurrency taken by the scam.

22 59. YOUTUBE has also falsely indicated that the BITCOIN GIVEAWAY scam is
23 legitimate by displaying its own "**verification badge**" beside the names of channels that were
24 furthering the scam. A verification badge communicates, among other things, that a channel
25 "represent[s] the real creator, brand, or entity it claims to be" because YOUTUBE has "check[ed]
26 different factors to help verify [the channel owner's] identity." Through this communicative
27 conduct, YOUTUBE is speaking on its own behalf, informing its users (independent of any
28 content on the channel) that this account is verified as "the official channel of a creator, artist,

1 company, or public figure” and therefore can be trusted. In doing so, YOUTUBE is both speaking
2 independently for itself and is materially contributing to the criminally fraudulent enterprise that is
3 the BITCOIN GIVEAWAY scam.

4 60. YOUTUBE also has provided the scammers readymade tools of fraud, such as by
5 giving users free reign to rename channels and/or accounts in ways that are obviously misleading,
6 such as allowing scammers to rename channels and/or accounts “Steve Wozniak” or “Steve
7 Wozniak Official,” thereby providing yet another information point to mislead its users into
8 believing that the scam is a legitimate live event. Such channels and/or accounts, which do not
9 belong to WOZNIAK, have featured BITCOIN GIVEAWAY scam videos and promotions, which
10 YOUTUBE knows are nothing more than criminally fraudulent enterprises.

11 61. YOUTUBE also has materially contributed to the scam by both recommending
12 videos and selling advertisements. Even **after having been reliably informed about the**
13 **BITCOIN GIVEAWAY scam on countless occasions by individuals and media coverage,**
14 YOUTUBE has continued to disseminate the scam videos on its platform, to recommend videos to
15 its users, and to sell the scammers advertisements to promote their videos.

16 62. For example, so-called “video discovery ads” puts the scam right in front of
17 YOUTUBE users. Video discovery ads consist of a thumbnail image from the BITCOIN
18 GIVEAWAY scam video with some text that invite users to click on the ad to watch the video.
19 When the user clicks on the ad, it takes them to the video and generates revenue for YOUTUBE.
20 Defendants’ targeted advertising technology provides a highly efficient and effective vehicle by
21 which they can deliver scam ads on behalf of the scammers to the very subset of YOUTUBE and
22 GOOGLE users that Defendants know are interested in cryptocurrency and, thus, would be most
23 vulnerable to the BITCOIN GIVEAWAY scam.

24 63. YOUTUBE has also sold “in-stream” ads that positioned the BITCOIN
25 GIVEAWAY scam in front of users in an even more direct way. In-stream ads are video ads that
26 play before, during, or after other YOUTUBE video content that a user is watching. In-stream ads
27 for the BITCOIN GIVEAWAY scam permit users to click on the in-stream ad, which then takes
28 the user to the BITCOIN GIVEAWAY scam video and generates revenue for YOUTUBE. Such

1 in-stream ads have included BITCOIN GIVEAWAY scam videos and promotions
2 misappropriating the image and likeness of a number of celebrities, including WOZNIAK.⁴

3 64. YOUTUBE's sale of these ads drives ever more users to view the criminally
4 fraudulent videos perpetuating the Scam, increasing YouTube revenues and profits at the expense
5 of its own users, who have fallen victim to the Scam and lost many millions of dollar worth of
6 cryptocurrency.

7 **D. Defendants Knew About The BITCOIN GIVEAWAY Scam Because**
8 **WOZNIAK, Countless Other Scam Victims, YOUTUBE Users, And Media**
9 **Articles Informed YOUTUBE And GOOGLE About Every Aspect Of The**
10 **Scam.**

11 65. The BITCOIN GIVEAWAY scam is not a new phenomenon. It has existed on
12 YOUTUBE since at least **October 2018**, when *Coin Rivet* reported that Twitter had done well to
13 eliminate the scam on its platform, and that the scam had now made its way to YOUTUBE:

14 Previously, bots would create false profiles on Twitter then reply to influential
15 figures with details of their scam, which usually went along the lines of: "Send 1
16 Ethereum to our wallet and we'll send you 10 back in return." They even created
17 more false profiles to reply, saying 'thank you for the giveaway', in an attempt to
18 legitimise the practice. Twitter did well to eliminate the majority of bots from its
19 platform, but they have now made their way onto popular video sharing site
20 YouTube.⁵

21 66. In **November 2019**, it was reported that a "**fresh wave of YouTube live stream**
22 **scams has hit the cryptocurrency community hard**":

23 Scammers are now posing as the official foundations and development teams of
24 popular cryptocurrencies on live YouTube streams in a bid to defraud victims of
25 their crypto. The videos, which embed footage from official crypto conferences and
26 interviews, are typical scams asking users to send funds to a given address to
27 receive an airdrop of greater value. Interestingly, the resurgence of this type of fraud

28 ⁴ See, e.g., Zoran Spirkovski, "Despite Crypto Bans, YouTube Now Shows Ads Asking Users to
Send Bitcoin," *Crypto Briefing* (July 11, 2020), <https://cryptobriefing.com/despite-crypto-bans-youtube-now-shows-scams-asking-users-send-bitcoin/> (reporting that "YouTubers have reported seeing fake BTC giveaway ads pop up while watching content on the streaming platform," including ads using Wozniak's image and likeness).

⁵ Oliver Knight, "Crypto scam bots make way onto YouTube," *Coin Rivet* (Oct. 24, 2018), <https://coinrivet.com/crypto-scam-bots-make-way-onto-youtube/>.

1 comes almost exactly a year after similar live video scams were reported by the
2 crypto community in 2018.⁶

3 The article specifically reported BITCOIN GIVEAWAY scam videos and promotions featuring
4 Litecoin CEO Charlie Lee and Ethereum founder Vitalik Buterin, and further reported that
5 YOUTUBE's algorithm was "**actively promoting**" the BITCOIN GIVEAWAY scam promotions
6 as "popular videos" on its platform.

7 67. Around the same time, a popular Reddit cryptocurrency forum with over one
8 million members contained numerous postings discussing the BITCOIN GIVEAWAY scam, with
9 one poster explaining the mechanics of the scam and that the scammers "will reach almost
10 anybody in crypto [i.e., in the cryptocurrency community] that's on youtube right now as youtube
11 shows it [i.e., a BITCOIN GIVEAWAY scam video] at the very top" of YouTube-recommended
12 videos.⁷

13 68. On **January 15, 2020**, in one of many such instances, it was reported that a
14 YOUTUBE account with 840,000 subscribers was hacked by cryptocurrency scammers, renamed
15 after the Ethereum cryptocurrency platform and used the Ethereum logo, and was broadcasting a
16 BITCOIN GIVEAWAY scam video promotion that misappropriated the image and likeness of
17 Ethereum founder Vitalik Buterin. As reported, the scam video had been running for over 10
18 hours as of the article's publication, and the actual YOUTUBE account holder claimed that,
19 ***despite all his efforts*** to contact and alert YOUTUBE about the matter, YOUTUBE was allowing
20 the blatant scam to continue. The article further noted that "[s]imilar live stream scams have
21 become prevalent on YouTube, with the platform doing little to dissuade crypto fraudsters from
22 hosting their videos."⁸

23
24
25 ⁶ Elliot Hill, "Crypto scammers take to YouTube streams to defraud victims," *Coin Rivet* (Nov. 4,
26 2019), <https://coinrivet.com/crypto-scammers-take-to-youtube-live-streams-to-defraud-victims/>.

27 ⁷ See https://reddit.com/r/CryptoCurrency/comments/dqsuqm/psa_trying_to_warn_rcryptocurrency_users_about_a/ (Nov. 2, 2019 10:09:23 PT).

28 ⁸ Elliot Hill, "YouTube channel Pogo hijacked to promote crypto scam," *Coin Rivet* (Jan. 15,
2020) <https://coinrivet.com/youtube-channel-pogo-hijacked-used-to-promote-crypto-scam/>.

1 69. On **March 30, 2020**, ZDNet reported that dozens of YOUTUBE accounts had been
2 hijacked, renamed to various Microsoft brands, misappropriated the image and likeness of
3 Microsoft founder Bill Gates, and were broadcasting BITCOIN GIVEAWAY scam videos. The
4 article further reported that the BITCOIN GIVEAWAY scam was “part of a growing issue on
5 YouTube.”⁹

6 70. On **April 21, 2020**, the enterprise blockchain company Ripple Labs, Inc., and its
7 CEO Bradley Garlinghouse, decided that they had had enough of YOUTUBE’s inaction and
8 complicity in the BITCOIN GIVEAWAY scam, one version of which misappropriated
9 Garlinghouse’s image and likeness and infringed on Ripple’s trademarks. Ripple Labs and
10 Garlinghouse filed a federal complaint against YOUTUBE for violations of the Lanham Act,
11 California’s statutory and common law right of publicity, and California’s unfair competition law.
12 *See Ripple Labs, Inc. v. YouTube, L.L.C.*, Case No. 3:20-cv-02747 (N.D. Cal.). The filing of the
13 complaint received widespread media coverage, including by Reuters, Fortune, Law360, and other
14 news outlets.

15 71. Since at least **May 8, 2020**, a version of the BITCOIN GIVEAWAY scam has
16 repeatedly appeared on YOUTUBE’s website that misappropriates the name, image, and likeness
17 of WOZNIAK to scam YOUTUBE users.

18 72. WOZNIAK has directly and repeatedly requested that YOUTUBE stop this
19 unauthorized use of his name that has injured so many innocent YOUTUBE users. Beginning no
20 later than **May 10, 2020**, WOZNIAK has repeatedly informed YOUTUBE that the scam videos
21 are fraudulent and that WOZNIAK has not consented to these unauthorized and illegal uses of his
22 name and likeness. Despite WOZNIAK’s efforts, YOUTUBE has consistently failed or refused to
23 timely intervene, or even to have a human being respond, to stop the scam videos and promotions
24 and to stop selling ads to the scammers.

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27 ⁹ Catalin Cimpanu, “Hacker hijacks YouTube accounts to broadcast Bill Gates-themed crypto
28 Ponzi scam” (Mar. 30, 2020), <https://www.zdnet.com/article/hacker-hijacks-youtube-accounts-to-broadcast-bill-gates-themed-crypto-ponzi-scam/>.

1 73. For example, Janet Wozniak, WOZNIAK’s wife, sent daily messages to
2 YOUTUBE reporting the numerous individual BITCOIN GIVEAWAY scam videos that
3 YOUTUBE was allowing to proliferate on its website, and their fraudulent nature. For example:

- 4 • May 15, 2020: “This is fraudulent...YouTube needs to take down all of these
5 videos. You are promoting FRAUD videos & you should be liable for the damages
6 you are doing. I have been reporting this every day since May 10, 2020 and you
7 keep allowing these people to dupe people out of bitcoin. Please REMOVE ALL of
8 these video with Steve Wozniak & Bitcoin. [¶] Janet Wozniak, Woz’s wife[.]”
- 9 • May 18, 2020: “This is fraud. YouTube should be liable for allowing people to
10 keep positing this. I have been asking for YouTube to take these [videos] down
11 since May 10, 2020. [¶] Janet Wozniak, Woz’s wife[.]”
- 12 • May 21, 2020: “This is a fraudulent site that YouTube keeps promoting. Why are
13 you doing this. You are helping scam people & you should be liable for their loses.
14 I have been asking daily since May 10, 2020 to have these videos removed. . . .
15 Janet Wozniak[.]”

16 74. Nevertheless, the problem persists. On July 20, 2020, Janet Wozniak located three
17 BITCOIN GIVEAWAY scams on YOUTUBE fraudulently using WOZNIAK’s name and likeness
18 and again requested that YOUTUBE take them down.

19 75. The other Plaintiffs have also repeatedly informed Defendants regarding the scam
20 and demanded that YOUTUBE take action to prevent further harm to other YOUTUBE users. For
21 example:

- 22 • On or about March 31, 2020, shortly after Plaintiff Yang was scammed out of 1.0
23 bitcoin by a BITCOIN GIVEAWAY scam video on YOUTUBE impersonating
24 Coinbase CEO Brian Armstrong, Yang contacted YOUTUBE, Coinbase, local law
25 enforcement, and the FBI, and joined a victim group to organize against the
26 BITCOIN GIVEAWAY scam. With respect to YOUTUBE, Yang reported the
27 video at issue to YOUTUBE with the comment that the video had just scammed
28 him out of \$6,500 of bitcoin and that there was a broader issue of scammers

1 illegally accessing YOUTUBE accounts and pretending to be from Coinbase in
2 order to scam people out of bitcoin. Yang only ever received an automated
3 response. Yang also tried to speak to a real person at YOUTUBE about the issue,
4 but he was unable to do so.

- 5 • On or about May 11, 2020, Plaintiff Newman was scammed out of over 1 bitcoin
6 and reported the video to YOUTUBE. Like Yang, Newman never received a
7 substantive response.
- 8 • Also on May 11, 2020, Plaintiff Naray was scammed out of 5.0 bitcoin by a
9 BITCOIN GIVEAWAY scam video on YOUTUBE impersonating Robert
10 Kiyosaki. The following day, Naray emailed Kiyosaki's website about the incident,
11 and a member of Kiyosaki's team responded that they were aware of the situation
12 and had repeatedly reported the videos to YOUTUBE.
- 13 • On June 4, 2020, Plaintiff Martinez was scammed out of approximately 0.434
14 bitcoin by a BITCOIN GIVEAWAY video on YOUTUBE and emailed YOUTUBE
15 about the incident. Like other Plaintiffs who contacted YOUTUBE, he never
16 received a substantive response.

17 76. Frustrated by YOUTUBE's refusal to stop the BITCOIN GIVEAWAY scam on its
18 platform, many of the Plaintiffs joined online groups that sought to better understand and to
19 organize against the scam. One such group was a forum on YOUTUBE's and GOOGLE's online
20 help center, located at google.support.com. The forum was started on May 9, 2020, but
21 Defendants shut it down sometime on or after June 7, 2020, shortly after posts were made to the
22 forum in which users suggested the possibility of filing a lawsuit against YOUTUBE because of its
23 ongoing complicity in the scam.

24 77. Countless other individuals have also informed Defendants of the same, and many
25 media sources have publicly reported on the BITCOIN GIVEAWAY scam, how it works, and that
26 WOZNIAK's name and likeness is being misappropriated in furtherance of the scam.¹⁰ There is

27 _____
28 ¹⁰ See, e.g., Jason Murdock, "YouTube Bitcoin Scammers Pose as Elon Musk's SpaceX, Steal
Cryptocurrency 'Worth \$150,000,'" *Newsweek* (June 10, 2020), available at

1 no doubt that YOUTUBE knows about the BITCOIN GIVEAWAY scam and that the scam videos
2 and promotions are flagrantly violating WOZNIAK's right to publicity and defrauding
3 YOUTUBE's users, yet YOUTUBE has consistently failed or refused to intervene in a timely
4 manner, to stop contributing to the scam, and to stop selling ads for the scam videos and
5 promotions.

6 78. All the while, the media continues to report on the BITCOIN GIVEAWAY scam's
7 pervasiveness on YOUTUBE and the many YOUTUBE users who are being scammed out of
8 money every day as a result of Defendants' actions and egregious failures to act. To this day, the
9 scam continues unabated on YOUTUBE in substantially the same form as it has in recent years
10 and, with respect to WOZNIAK, in the last several months. Below is a screenshot of a BITCOIN
11 GIVEAWAY scam video captured from YOUTUBE on July 20, 2020, just one day before the
12 filing of this Complaint, which has the same content, verbiage, appearance, design, and other
13 elements as scam videos that have been on YOUTUBE for months now.

The screenshot shows a live stream interface. On the left, a video frame shows Steve Wozniak speaking. On the right, an orange overlay contains the text: 'bitcoin Live STEVE WOZNIAK The Past, Present and Future of Crypto 5000 BTC GIVEAWAY'. Below the video, a dark overlay contains a QR code, a Bitcoin address '1WoZp2r6NMxbqKk7nYm6WUpWPda46YcsZ', and a list of rewards: 'If you send 0.1+ BTC, you will get 0.2+ BTC back', 'If you send 0.5+ BTC, you will get 1+ BTC back', 'If you send 1+ BTC, you will get 2+ BTC back', 'If you send 5+ BTC, you will get 10+ BTC back', 'If you send 10+ BTC, you will get 20+ BTC back', and 'If you send 20 BTC, you will get 40 BTC back'. The Bitcoin logo and 'bitcoin' text are at the bottom.

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28 <https://www.newsweek.com/youtube-cryptocurrency-bitcoin-scam-elon-musk-spacex-hijacked-accounts-live-stream-1509865>.

1 **E. Defendants Have The Means To Stop The BITCOIN GIVEAWAY Scam And**
2 **To Warn YOUTUBE Users But Have Not Done So; Instead Defendants**
3 **Materially Contribute To The Scam By Failing To Timely Respond,**
4 **Promoting The Scam, And Selling Targeted Ads For The Scam.**

5 79. Despite Defendants knowing that YOUTUBE is being used to perpetrate the
6 BITCOIN GIVEAWAY scam, Defendants have failed and refused to take common sense
7 measures to take down the fraudulent videos in a timely manner, and thereby stem the bleeding of
8 severe financial losses being suffered by their users. For example, a simple word search for
9 “bitcoin” on YOUTUBE often reveals one or more currently “live” BITCOIN GIVEAWAY scam
10 promotions high in the search results.

11 80. YOUTUBE has robust and sophisticated tools to regulate content on its platform.
12 These include tools that enable YOUTUBE to identify, flag, and remove fraudulent content, such
13 as the criminally fraudulent videos at issue in this Complaint. YOUTUBE regularly touts these
14 capabilities and highlights its ability to use these tools to detect misleading and fraudulent scams.
15 According to YOUTUBE, it relies on “a combination of people and technology to flag
16 inappropriate content and enforce” its Community Guidelines. YOUTUBE states that its
17 technologies include “cutting-edge machine learning,” and that it employs a “global team of over a
18 hundred PhDs, data scientists, engineers, and researchers” that “constantly” monitor and analyze
19 traffic on YOUTUBE.

20 81. Through its Community Guidelines, YOUTUBE purports to bar “scams” and “other
21 deceptive practices that take advantage of the YouTube community.” Included in YOUTUBE’s
22 definition of “scams” is “content offering cash gifts, ‘get rich quick’ schemes, or pyramid schemes
23 (sending money without a tangible product in a pyramid structure).” As an example of a
24 prohibited scam, YOUTUBE cites content that makes “exaggerated promises, such as claims that
25 viewers can get rich fast,” promotes “cash gifting or other pyramid schemes,” or is “dedicated to
26 cash gifting schemes.” YOUTUBE falsely claims that if content violates this policy, they will
27 “remove the content.”

28 82. With respect to advertising, Defendants have the means to identify and stop selling
ads to the scammers, but Defendants have failed or refused to do so. For example, Defendants have

1 the means to block and/or flag for human review the sale of advertisements based on their verbal
2 content, such as ads that contain the phrases “BTC GIVEAWAY” or “5000 BTC” or any one of the
3 handful of words and phrases that consistently and repeatedly appear in the ads that Defendants
4 knowingly sell to the scammers. Upon information and belief, Defendants have numerous means
5 of blocking and/or flagging the scam ads, but they have refused to employ those means.

6 **F. Defendants’ Acts And Omissions Caused Plaintiffs To Lose Hundreds Of**
7 **Thousands Of Dollars In The BITCOIN GIVEAWAY Scam.**

8 83. On or about May 11, 2020, Plaintiff **ALEX NARAY** was a victim of the BITCOIN
9 GIVEAWAY scam on YOUTUBE, losing **5.0 bitcoin** (worth approximately **\$43,000** at that time).
10 May 11, 2020 was the date of the bitcoin halving event, which the cryptocurrency community had
11 eagerly awaited and was the source of much excitement. Naray was on YOUTUBE watching a
12 legitimate live stream about the halving event when YOUTUBE recommended to Naray the above-
13 referenced “live” scam video for a BITCOIN GIVEAWAY. The YOUTUBE promotion included
14 the image and likeness of wealthy financial celebrity and bitcoin enthusiast Robert Kiyosaki, with
15 whom Naray was familiar. When Naray clicked to open the YOUTUBE-recommended video,
16 YOUTUBE incorrectly indicated that the scam video was “live,” was currently being watched by
17 more than 100,000 users, and had a substantial number of “likes” from YOUTUBE users. This
18 along with other false and misleading information provided by YOUTUBE to promote the
19 BITCOIN GIVEAWAY led Naray to believe that the video was what it purported to be. Naray sent
20 5.0 bitcoin according to instructions provided in the BITCOIN GIVEAWAY video. Naray has
21 been unable to recover any of that bitcoin.

22 84. Plaintiff **JAMES DENITTO** was a recent victim of the BITCOIN GIVEAWAY
23 scam on YOUTUBE, losing **0.00005 bitcoin**. DeNitto was recently watching YOUTUBE videos
24 and saw two separate YOUTUBE-recommended videos featuring WOZNIAK and Robert Kiyosaki,
25 both of whom DeNitto admired. When DeNitto clicked to open the YOUTUBE-recommended
26 videos, YOUTUBE incorrectly and wrongly indicated that the scam video was a “live” interview
27 with WOZNIAK or Kiyosaki and was currently being watched by a substantial number of viewers.
28 This along with other false and misleading information provided by YOUTUBE to promote the

1 BITCOIN GIVEAWAY led DeNitto to believe that the video was what it purported to be. DeNitto
2 sent approximately 0.00005 bitcoin based on instructions provided in the BITCOIN GIVEAWAY
3 video. DeNitto has been unable to recover any of that bitcoin.

4 85. Plaintiff **BERNARDO GARCIA** was a recent victim of a BITCOIN GIVEAWAY
5 scam video on YOUTUBE, losing approximately **1.29675957 bitcoin**. On or about June 19, 2020,
6 Garcia was on the YOUTUBE website and saw a YOUTUBE-recommended livestream video
7 titled “Space X – Elon Musk Giveaway” featuring the name and image of Elon Musk, whom
8 Garcia admires. When Garcia clicked on the YOUTUBE-recommended video, YOUTUBE
9 incorrectly and wrongly indicated that the scam video was “live” and that it had been running for
10 multiple hours. This along with other false and misleading information provided by YOUTUBE to
11 promote the BITCOIN GIVEAWAY led Garcia to believe that the video was what it purported to
12 be. Garcia sent 1.29675957 bitcoin based on instructions provided in the BITCOIN GIVEAWAY
13 video. Garcia has been unable to recover any of that bitcoin.

14 86. Plaintiff **ALEXANDER GEISLER** was a recent victim of the BITCOIN
15 GIVEAWAY scam on YOUTUBE, losing approximately **0.117 bitcoin**. Geisler was on the
16 YOUTUBE website and saw a YOUTUBE-recommended livestream video with a thumbnail
17 featuring the name and image of WOZNIAK, whom Geisler admires. When Geisler clicked on the
18 YOUTUBE-recommended video, YOUTUBE incorrectly and wrongly indicated that the scam
19 video was “live,” had been running for multiple hours, and was playing on a channel with “Apple”
20 in the title. This along with other false and misleading information provided by YOUTUBE to
21 promote the BITCOIN GIVEAWAY led Geisler to believe that the video was what it purported to
22 be. Geisler sent 0.117 bitcoin based on instructions provided in the BITCOIN GIVEAWAY video.
23 Geisler has been unable to recover any of that bitcoin.

24 87. Plaintiff **ASA JACQUES** was a recent victim of the BITCOIN GIVEAWAY scam
25 on YOUTUBE, losing approximately **0.2 bitcoin**. On or about May 14, 2020, Jacques was on the
26 YOUTUBE website and saw a YOUTUBE-recommended livestream video titled “Michael
27 Bloomberg Q&A: Bitcoin BTC Halving, Blockchain, World News” featuring the name and image
28 of Michael Bloomberg, with whom Jacques was familiar. When Jacques clicked on the

1 YOUTUBE-recommended video, YOUTUBE incorrectly and wrongly indicated that the scam
2 video was “live,” had been running for multiple hours, was currently being watched by over
3 30,000 users, had a substantial number of “likes” from YOUTUBE users, and was playing on a
4 channel with “Bloomberg” in the title. This along with other false and misleading information
5 provided by YOUTUBE to promote the BITCOIN GIVEAWAY led Jacques to believe that the
6 video was what it purported to be. Jacques sent 0.2 bitcoin based on instructions provided in the
7 BITCOIN GIVEAWAY video. Jacques has been unable to recover any of that bitcoin.

8 88. Plaintiff **ZHENYU LI** was a recent victim of the BITCOIN GIVEAWAY scam on
9 YOUTUBE, losing approximately **5.5692 bitcoin**. Li was watching YOUTUBE videos and saw a
10 YOUTUBE-recommended video on the first page of the YOUTUBE website. The thumbnail for
11 the video was titled “5000 BTC GIVEAWAY” and featured the name and image of celebrity
12 Nassim Nicholas Taleb, with whom Li was familiar and admired. When Li clicked to open the
13 YOUTUBE-recommended video, YOUTUBE incorrectly and wrongly indicated that the scam
14 video was a “live” interview with Taleb, was currently being watched by more than 30,000
15 YOUTUBE users, had approximately 1,000 likes and only a few dislikes, and was on a channel
16 named “Nassim Taleb” with 198,000 subscribers. This along with other false and misleading
17 information provided by YOUTUBE to promote the BITCOIN GIVEAWAY led Li to believe that
18 the video was what it purported to be. Li sent approximately 5.5692 bitcoin based on instructions
19 provided in the BITCOIN GIVEAWAY video. Li has been unable to recover any of that bitcoin.

20 89. Plaintiff **JIN LIU** was a recent victim of the BITCOIN GIVEAWAY scam on
21 YOUTUBE, losing approximately **3.5996 bitcoin, 50 ether, and 53,199.7 XRP**. On or about May
22 14, 2020, Liu opened the YOUTUBE website and came across a YOUTUBE-recommended
23 livestream video in the top left corner of the first page titled “Walmart 5000 BTC Giveaway,”
24 referencing a company that Liu admired and patronized. When Liu clicked on the YOUTUBE-
25 recommended video, YOUTUBE incorrectly and wrongly indicated that the scam video was a
26 “live” interview with Walmart CEO Doug McMillon, that the livestream video had been running
27 for multiple hours with tens of thousands of viewers, and that the video was on a YOUTUBE
28 channel that had approximately 500,000 subscribers. This along with other false and misleading

1 information provided by YOUTUBE to promote the BITCOIN GIVEAWAY led Liu to believe
2 that the video was what it purported to be. Liu sent approximately 3.5996 bitcoin, 50 ether,
3 53,199.7 XRP based on instructions provided in the BITCOIN GIVEAWAY video. Liu has been
4 unable to recover any of that cryptocurrency.

5 90. Plaintiff **ANTHONY MARTINEZ** was a recent victim of the BITCOIN
6 GIVEAWAY scam on YOUTUBE, losing approximately **0.43426 bitcoin**. On or about June 4,
7 2020, Martinez was on the YOUTUBE website and saw a YOUTUBE-recommended livestream
8 video titled “Space X Giveaway” featuring the name and image of Elon Musk. Martinez admires
9 Musk and his company Space X and clicked on the YOUTUBE-recommended video. When
10 Martinez did this, YOUTUBE incorrectly and wrongly indicated that the scam video was “live,”
11 had been running for multiple hours, was currently being watched by tens of thousands of users,
12 had a substantial number of “likes” from YOUTUBE users, and was playing on a channel named
13 “Space X” (i.e., the name of one of Musk’s companies). This along with other false and
14 misleading information provided by YOUTUBE to promote the BITCOIN GIVEAWAY led
15 Martinez to believe that the video was what it purported to be. Martinez sent 0.43426 bitcoin
16 based on instructions provided in the BITCOIN GIVEAWAY video. Martinez has been unable to
17 recover any of that bitcoin.

18 91. Plaintiff **HARIVARMAH NAGALINGGAM** was a recent victim of the
19 BITCOIN GIVEAWAY scam on YOUTUBE, losing approximately **0.58286326 bitcoin**. On or
20 about May 13, 2020, Nagalinggam was on the YOUTUBE website to get his daily cryptocurrency
21 news when YOUTUBE recommended to him a live giveaway event featuring the name and image
22 of Robert Kiyosaki, with whom Nagalinggam was familiar. When Nagalinggam clicked on the
23 YOUTUBE-recommended video, YOUTUBE incorrectly and wrongly indicated that the scam
24 video was “live,” was currently being watched by a substantial number of users, and had a
25 substantial number of “likes.” This along with other false and misleading information provided by
26 YOUTUBE to promote the BITCOIN GIVEAWAY led Nagalinggam to believe that the video was
27 what it purported to be. Nagalinggam sent 0.58286326 bitcoin based on instructions provided in
28 the BITCOIN GIVEAWAY video. Nagalinggam has been unable to recover any of that bitcoin.

1 92. Plaintiff **PAUL NEWMAN** was a recent victim of the BITCOIN GIVEAWAY
2 scam on YOUTUBE, losing approximately **1.00002899 bitcoin**. On or about May 11, 2020,
3 Newman was on the YOUTUBE website when he saw a YOUTUBE-recommended livestream
4 video featuring the name and image of WOZNIAK, whom Newman admires. When Newman
5 clicked on the YOUTUBE-recommended video, YOUTUBE incorrectly and wrongly indicated
6 that the scam video was “live,” was currently being watched by watched by a substantial number
7 of other users, and had a substantial number of “likes” from YOUTUBE users. This along with
8 other false and misleading information provided by YOUTUBE to promote the BITCOIN
9 GIVEAWAY led Newman to believe that the video was what it purported to be. Newman sent
10 1.00002899 bitcoin based on instructions provided in the BITCOIN GIVEAWAY video. Newman
11 has been unable to recover any of that bitcoin.

12 93. Plaintiff **MYRIELLE PHILISTIN** was a recent victim of the BITCOIN
13 GIVEAWAY scam on YOUTUBE, losing approximately **0.08443594 bitcoin**. On or about May
14 15, 2020, Philistin was on the YOUTUBE website homepage when YOUTUBE recommended to
15 her a livestream video featuring the Dell Computer logo and the name and image of Michael Dell,
16 the founder of Dell Computer and with whom Philistin was familiar. When Philistin clicked on the
17 YOUTUBE-recommended video, YOUTUBE incorrectly and wrongly indicated that the scam
18 video was “live,” was being watched by thousands of users, and had a substantial number of
19 “likes” from YouTube users. This along with other false and misleading information provided by
20 YOUTUBE to promote the BITCOIN GIVEAWAY led Philistin to believe that the video was
21 what it purported to be. Philistin sent 0.08443594 bitcoin based on instructions provided in the
22 BITCOIN GIVEAWAY video. Philistin has been unable to recover any of that bitcoin.

23 94. Plaintiff **DARIO LOPEZ PORTILLA** was a recent victim of the BITCOIN
24 GIVEAWAY scam on YOUTUBE, losing approximately **0.1 bitcoin**. On or about May 13, 2020,
25 Portilla was on the YOUTUBE website and saw a YOUTUBE-recommended livestream video
26 featuring the name and image of Robert Kiyosaki, with whom Portilla was familiar. When Portilla
27 clicked on the video, YOUTUBE incorrectly and wrongly indicated that the scam video was
28 “live,” was being watched by over 100,000 users, and had a substantial number of “likes” from

1 YouTube users. This along with other false and misleading information provided by YOUTUBE
2 to promote the BITCOIN GIVEAWAY led Portilla to believe that the video was what it purported
3 to be. After watching the video for approximately 30 minutes and seeing that YOUTUBE had not
4 taken it down, Portilla sent 0.1 bitcoin based on instructions provided in the BITCOIN
5 GIVEAWAY video. Portilla has been unable to recover any of that bitcoin.

6 95. Plaintiff **ERIC RESTREPO** was a recent victim of the BITCOIN GIVEAWAY
7 scam on YOUTUBE, losing approximately **3.577 bitcoin**. Restrepo was on the YOUTUBE
8 website and saw a YOUTUBE-recommended livestream video featuring the name and image of
9 Canadian-American venture capitalist Chatham Palihapitiya, whom Restrepo admires. When
10 Restrepo clicked on the YOUTUBE-recommended video, YOUTUBE incorrectly and wrongly
11 indicated that the scam video was “live,” was currently being watched by a substantial number of
12 users, and had a substantial number of “likes” from YOUTUBE users. This along with other false
13 and misleading information provided by YOUTUBE to promote the BITCOIN GIVEAWAY led
14 Restrepo to believe that the video was what it purported to be. Restrepo sent approximately 3.577
15 bitcoin based on instructions provided in the BITCOIN GIVEAWAY video. Restrepo has been
16 unable to recover any of that bitcoin.

17 96. Plaintiff **RAUL MARIÑO ROMERO** was a recent victim of the BITCOIN
18 GIVEAWAY scam on YOUTUBE, losing approximately **0.12 bitcoin**. Romero was watching
19 YOUTUBE videos and saw that YOUTUBE was recommending a live video to him. The
20 thumbnail for the video included the name and likeness of WOZNIAK, with whom Romero was
21 familiar and admired. When Romero clicked to open the YOUTUBE-recommended video,
22 YOUTUBE incorrectly and wrongly indicated that the scam video was a “live” interview with
23 WOZNIAK, had a substantial number of viewers, and had been running for multiple hours. This
24 along with other false and misleading information provided by YOUTUBE to promote the
25 BITCOIN GIVEAWAY led Romero to believe that the video was what it purported to be. Romero
26 sent approximately 0.12 bitcoin based on instructions provided in the BITCOIN GIVEAWAY
27 video. Romero has been unable to recover any of that bitcoin.

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1 97. Plaintiff **DAVID SCHRADER** was a recent victim of the BITCOIN GIVEAWAY
2 scam on YOUTUBE, losing approximately **1.0 bitcoin**. Schrader opened the YOUTUBE website
3 and came across a YOUTUBE-recommended livestream video in the top left corner of the first
4 page. The thumbnail of the YOUTUBE-recommended livestream featured wealthy financial
5 celebrity and bitcoin enthusiast Robert Kiyosaki, with whom Schrader was familiar and admired.
6 When Schrader clicked to open the YOUTUBE-recommended video, YOUTUBE incorrectly and
7 wrongly indicated that the scam video was a “live” interview of Kiyosaki discussing his belief in
8 bitcoin, was currently being watched by thousands of YOUTUBE users, and had a substantial
9 number of “likes” from YOUTUBE users. This along with other false and misleading information
10 provided by YOUTUBE to promote the BITCOIN GIVEAWAY led Schrader to believe that the
11 video was what it purported to be. Schrader sent 1.0 bitcoin based on instructions provided in the
12 BITCOIN GIVEAWAY video. Schrader has been unable to recover any of that bitcoin.

13 98. Plaintiff **LUKE THOMAS** was a recent victim of the BITCOIN GIVEAWAY
14 scam on YOUTUBE, losing approximately **0.2 bitcoin**. On or about May 8, 2020, Thomas was on
15 the YOUTUBE website and saw a YOUTUBE-recommended livestream video featuring the name
16 and image of Robert Kiyosaki, with whom Thomas was familiar. When Thomas clicked on the
17 YOUTUBE-recommended video, YOUTUBE incorrectly and wrongly indicated that the scam
18 video was “live,” was currently being watched by over 50,000 users, and was playing on a channel
19 with a name that included “Robert Kiyosaki.” This along with other false and misleading
20 information provided by YOUTUBE to promote the BITCOIN GIVEAWAY led Thomas to
21 believe that the video was what it purported to be. Thomas sent 0.2 bitcoin based on instructions
22 provided in the BITCOIN GIVEAWAY video. Thomas has been unable to recover any of that
23 bitcoin.

24 99. Plaintiff **HUNG LUNG YANG** was a recent victim of the BITCOIN GIVEAWAY
25 scam on YOUTUBE, losing approximately **1.0 bitcoin**. On or about March 31, 2020, Yang was
26 on the YOUTUBE website and saw a YOUTUBE-recommended livestream video in the top left
27 corner of the website’s homepage titled “Brian Armstrong about Coinbase Tutorial, Bitcoin
28 Halving, New Strategy,” featuring the name and likeness of Coinbase co-founder Brian

1 Armstrong, whom Yang admired. When Yang clicked to open the YOUTUBE-recommended
2 video, YOUTUBE incorrectly and wrongly indicated that the video was a “live” interview with
3 Armstrong and was being viewed by thousands of users. This along with other false and
4 misleading information provided by YOUTUBE to promote the BITCOIN GIVEAWAY led Yang
5 to believe that the video was what it purported to be. Yang sent approximately 1.0 bitcoin based
6 on instructions provided in the BITCOIN GIVEAWAY video. Yang has been unable to recover
7 any of that bitcoin.

8 100. In the absence of Defendants’ wrongful conduct in failing to take down the
9 BITCOIN GIVEAWAY scams in a timely manner, in failing to warn Plaintiffs about the known
10 scam, and in promoting and actively contributing to the scam, Plaintiffs would not have been taken
11 in by the scam and would not have sent their cryptocurrency to the criminal enterprise.

12 **G. Defendants’ Misconduct Is Not Immunized By Section 230.**

13 101. Section 230 of “[t]he Communications Decency Act was not meant to create a
14 lawless no-man’s-land on the Internet.” *Fair Housing Council v. Roomates.Com, LLC*, 521 F.3d
15 1157, 1164 (9th Cir. 2008). In enacting 47 USC § 230 (“Section 230”), “Congress has not
16 provided an all purpose get-out-of-jail-free card for businesses that publish user content on the
17 internet” *Doe v. Internet Brands, Inc.*, 824 F.3d 846, 853 (9th Cir. 2016). In construing
18 Section 230, “we must be careful not to exceed the scope of the immunity provided by Congress.”
19 *Id.*

20 102. Defendants’ knowing failures to act and affirmative acts materially contributing to
21 the BITCOIN GIVEAWAY scam are not immunized by Section 230. The BITCOIN GIVEAWAY
22 videos themselves constitute criminal conduct that is not protected free speech under the First
23 Amendment to the U.S. Constitution or Article 1 of the California Constitution. Defendants
24 repeatedly were put on notice regarding the criminal videos and, far from ending it, Defendants
25 **materially contributed** to them by **promoting** the videos, by **selling targeted ads driving traffic**
26 to the videos, by **falsely verifying** YOUTUBE channels that carry the videos, and by **providing**
27 **false and misleading information** to promote the videos. Section 230 does not protect this
28 conduct.

1 103. YOUTUBE's refusal to stop contributing to the scam and to take appropriate
2 remedial action compels WOZNIAK and the other Plaintiffs to seek relief from this Court. Absent
3 a Court Order requiring YOUTUBE to act, the BITCOIN GIVEAWAY scam will continue to
4 flourish and continue to cause substantial harm to countless more victims.

5 **VI. CAUSES OF ACTION**

6 104. Except where indicated otherwise below, each of the Plaintiffs bring each of the
7 following causes of action against all Defendants.

8 **FIRST CAUSE OF ACTION**
9 **Right of Publicity (Cal. Civ. Code § 3344)**
10 **(brought by Plaintiff Wozniak Only)**

11 105. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs as if
12 fully set forth herein.

13 106. At all relevant times, Defendants knowingly used WOZNIAK's name, voice, and
14 likeness in images and videos for commercial and monetary purposes. Defendants had actual or
15 constructive knowledge that YOUTUBE was hosting BITCOIN GIVEAWAY scam videos and
16 promotions were illegally using WOZNIAK's name, likeness, and voice, as well as photographs and
17 videotaped interviews of him, in violation of his right of publicity under California Civil Code
18 § 3344(a).

19 107. These uses were directly connected to Defendant's commercial purposes of collecting
20 users' data, increasing traffic and viewership, increasing revenues and profits, and growing and
21 maintaining their businesses and relevant market shares.

22 108. WOZNIAK has never consented to these unauthorized and illegal uses of his name,
23 image, voice, likeness, or photos or videos of him. Defendants knew or should have known of
24 WOZNIAK's non-consent because WOZNIAK himself and/or through his agents has directly and
25 repeatedly informed Defendants of the same, because countless other individuals have informed
26 Defendants of the same, and because of the countless media articles reporting on the Scam and
27 how it works, including that WOZNIAK's name and likeness are being misappropriated to further
28 the BITCOIN GIVEAWAY scam.

1 109. At all relevant times, Defendants had actual or constructive knowledge that they
2 were materially contributing to this violation of WOZNIAK’s right of publicity by making false
3 and misleading statements of fact that made the BITCOIN GIVEAWAY scam videos appear as if
4 they were authorized uses of WOZNIAK’s right of publicity, which they were not. As stated
5 herein, Defendants’ false and misleading statements include but are not limited to statements that
6 the scam videos were “live,” that they were currently being watched by substantial numbers of
7 users, that they had a substantial number of “likes” from YOUTUBE users, and that the scam
8 videos were being aired by “verified” or otherwise legitimate accounts or channels.

9 110. At all relevant times, Defendants used the BITCOIN GIVEAWAY scam videos and
10 promotions to generate revenue by selling targeted paid advertisements for the BITCOIN
11 GIVEAWAY scam videos, not only profiting from the scam, but increasing traffic to the scam
12 videos and driving to the scam those of its users that Defendants knew or should have known
13 would be most vulnerable to the scam. In doing so, Defendants significantly expanded the number
14 of victims, the amount of stolen cryptocurrency, the number and scope of the violations of
15 WOZNIAK’s right of publicity, and the extent to which WOZNIAK has been harmed.

16 111. Defendants’ wrongful conduct, which is ongoing, has irreparably harmed
17 WOZNIAK’s reputation and the commercial value of his right of publicity, both of which he is and
18 has been committed to protecting and developing. The irreparable harm to WOZNIAK’s
19 reputation is evidenced by victim complaints, news articles, and false associations suggested on the
20 Internet, amongst other sources.

21 112. Upon information and belief, Defendants’ violation of WOZNIAK’s right of
22 publicity has been deliberate, willful, and in utter disregard of WOZNIAK’s rights.

23 113. WOZNIAK seeks injunctive relief to put an end to this ongoing irreparable harm,
24 for which there is no adequate remedy at law. WOZNIAK also seeks all available compensatory,
25 punitive, statutory, and other damages for past harm, as well as the value of any gains, profits, or
26 advantages wrongfully obtained by Defendants, in an amount to be proven at trial.

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SECOND CAUSE OF ACTION
Misappropriation of Name or Likeness
(brought by Plaintiff Wozniak Only)

114. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs as if fully set forth herein.

115. During all times relevant to this Complaint, Defendants have misappropriated, and continue to misappropriate, WOZNIAK’s name, image, and likeness, in violation of California common law.

116. During all times relevant to this Complaint, Defendants have and still are permitting, encouraging, materially contributing to, and otherwise inducing the illegal use of WOZNIAK’s name, likeness, and other aspects of his identity for Defendants’ own commercial benefit or advantage, such as by selling the scammers ads that misappropriate WOZNIAK’s name, likeness, and identity.

117. WOZNIAK has never consented to the use of his name, likeness, or identity as part of, or in furtherance of, the BITCOIN GIVEAWAY scam—a fact that Defendants knew or reasonably should have known.

118. Defendants’ wrongful conduct has been, and continues to be, an actual and proximate cause of WOZNIAK’s injuries, including but not limited to the harm to his reputation and to the commercial value of his name, likeness, and identity, which WOZNIAK is and has been committed to protecting and developing.

119. Defendants’ ongoing wrongful conduct is causing irreparable harm to WOZNIAK’s reputation and to the commercial value of his name, likeness, and identity. WOZNIAK thus seeks injunctive relief to halt this irreparable harm, for which there is no adequate remedy at law. WOZNIAK also seeks all available damages for past harm, in an amount to be proven at trial.

THIRD CAUSE OF ACTION
Fraud and Misrepresentation

120. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs as if fully set forth herein.

1 121. Defendants falsely represented to Plaintiffs and their other users who viewed
2 BITCOIN GIVEAWAY scam videos on YOUTUBE’s website that the BITCOIN GIVEAWAY
3 scam videos were “live,” that they were currently being watched by a certain large number of
4 users, that they had a certain large number of “likes” from YOUTUBE users, that the scam videos
5 were being aired by “verified” or otherwise legitimate channels or persons, that WOZNIAK and
6 other celebrities had consented to and were sponsoring the scam videos, and other false
7 representations as alleged herein. Such representations were false because they were factually
8 untrue.

9 122. Defendants knew or had reason to know that these representations were false when
10 they made, made the representations recklessly and without regard for their truth, and/or made the
11 representations without any reason to believe that they were true in light of Defendants’ then-
12 existing knowledge of the BITCOIN GIVEAWAY scam and of their own failure to implement and
13 maintain sufficient processes and standards to ensure the truth and accuracy of the kinds of false
14 representations complained of herein. Defendants further knew or had reason to know that they
15 would continue to make such false representations in the future unless they acted to prevent such
16 false representations, yet Defendants have consistently failed or refused to do so.

17 123. Defendants intended users, including Plaintiffs, to rely on Defendants’
18 representations as a means of inducing users to further utilize Defendants’ online platforms and
19 services and thereby further increase Defendants’ collection of users’ data, as well as Defendants’
20 traffic, viewership, revenues, and profits. Defendants alternatively made these false statements
21 negligently, without reasonable ground for believing they were true.

22 124. Defendants’ false representations were material to Plaintiffs, who believed and
23 reasonably relied upon Defendants’ false representations when they sent bitcoin and other
24 cryptocurrency to the bitcoin wallet addresses provided by the BITCOIN GIVEAWAY scam
25 videos and promotions.

26 125. Plaintiffs’ reliance on Defendants’ false representations was an actual and
27 proximate cause of Plaintiffs’ decisions to send bitcoin and other cryptocurrency to the bitcoin
28 wallet addresses provided by the BITCOIN GIVEAWAY scam videos and promotions. In the

1 absence of Defendants' false representations, Plaintiffs would not have been taken in by the
2 BITCOIN GIVEAWAY scam and would not have sent their cryptocurrency to the scammers.

3 126. Defendants' wrongful conduct is fraud under California law, including but not
4 limited to Cal. Civ. Code § 3294(c)(3), and was done with malice, fraud, oppression, and/or
5 reckless disregard of the Plaintiffs' rights, thereby entitling Plaintiffs to punitive damages.

6 127. Plaintiffs seek all available compensatory, punitive, statutory, and other damages
7 for past monetary, emotional, and other harm, as well as the value of any gains, profits, or
8 advantages wrongfully obtained by Defendants, in an amount to be proven at trial.

9 **FOURTH CAUSE OF ACTION**
10 **Aiding and Abetting Fraud**

11 128. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs as if
12 fully set forth herein.

13 129. During all times relevant to this Complaint, the unknown persons and their co-
14 conspirators who create, upload, and profit from the BITCOIN GIVEAWAY scam videos and
15 promotions have committed fraud by soliciting and otherwise inducing YOUTUBE users to send
16 bitcoin to them in exchange for a benefit that does not materialize.

17 130. During all times relevant to this Complaint, Defendants knew or should have known
18 that the BITCOIN GIVEAWAY scam was occurring on their platforms, and Defendants knew or
19 should have known about the criminally fraudulent nature of the scam. Defendants' experience
20 and sophistication in identifying scams and other fraudulent activity on their platforms was
21 sufficient on its own to give Defendants actual or constructive knowledge of all the foregoing.
22 Moreover, the BITCOIN GIVEAWAY scam has been the subject of significant media coverage
23 and online commentary and discussion for well over a year, and Defendants have received
24 countless communications about the scam from their users, including from Plaintiffs and other
25 BITCOIN GIVEAWAY scam victims.

26 131. During all times relevant to this Complaint, Defendants have given substantial
27 assistance and encouragement to, materially contributed to, and otherwise aided and abetted this
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1 fraud by (a) hosting, displaying, recommending, selling ads to, and failing or refusing to prevent
2 and/or timely take down the scam videos and promotions; (b) by repeatedly making false
3 representations about the BITCOIN GIVEAWAY scam videos, as alleged herein, such as the
4 number of viewers, number of likes, that videos were “live,” that accounts and/or channels
5 furthering the BITCOIN GIVEAWAY scam were “verified” as authentic, and other false
6 representations that made the BITCOIN GIVEAWAY scam videos and promotions appear
7 authentic when they were not; and (c) by maintaining certain policies, which Defendants knew or
8 should have known that the scammers have been exploiting in furtherance of the BITCOIN
9 GIVEAWAY scam.

10 132. Defendants’ wrongful conduct in aiding and abetting the BITCOIN GIVEAWAY
11 scam was an actual and approximate cause of Plaintiffs’ harm, including but not limited to the
12 harm to WOZNIAK’s reputation and right of publicity, and the other Plaintiffs’ losses of
13 cryptocurrency as a result of the scam.

14 133. Defendants’ wrongful conduct was willful, malicious, oppressive, fraudulent,
15 and/or in reckless disregard of the Plaintiffs’ rights, thereby entitling Plaintiffs to punitive
16 damages.

17 134. Defendants’ wrongful conduct is irreparably harming WOZNIAK, who seeks
18 injunctive relief because there is no adequate remedy at law. All Plaintiffs further seek any and all
19 available damages and/or restitution, in an amount to be proven at trial.

20 **FIFTH CAUSE OF ACTION**
21 **Unfair Business Practices (Cal. Bus. & Prof. Code § 17200 et seq.)**

22 135. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs as if
23 fully set forth herein.

24 136. Because of the conduct alleged herein, Defendants engaged in unfair, deceptive,
25 fraudulent, and otherwise unlawful business practices within the meaning of Cal. Bus. & Prof.
26 Code § 17200 *et seq.*

1 137. During all times relevant to this Complaint, Defendants knowingly hosted,
2 displayed, recommended, sold ads for, failed to warn, and failed or refused to prevent and timely
3 take down the BITCOIN GIVEAWAY scam videos and promotions. During all times relevant to
4 this Complaint, Defendants also repeatedly made false representations about the BITCOIN
5 GIVEAWAY scam videos, such as the number of viewers, the number of likes, that videos were
6 “live,” that accounts and/or channels furthering the BITCOIN GIVEAWAY scam met and
7 continued to meet the requirements for being “verified” as authentic, and other false
8 representations that made the BITCOIN GIVEAWAY scam videos and promotions appear
9 authentic when they were not, knowing that these misrepresentations were likely to mislead the
10 public.

11 138. During all times relevant to this Complaint, Defendants knew or reasonably should
12 have known that their conduct constituted false or misleading statements as to their own and
13 another’s products.

14 139. These false and misleading statements have had a tendency to deceive a substantial
15 portion of the intended audience and actually did deceive substantial numbers of persons,
16 including all Plaintiffs except WOZNIAK, into believing (a) that the BITCOIN GIVEAWAY
17 scam videos and promotions were actually sponsored by and/or associated with the companies and
18 celebrities (including WOZNIAK) whose names, marks, images, and likenesses were
19 misappropriated in furtherance of the BITCOIN GIVEAWAY scam, and (b) that the BITCOIN
20 GIVEAWAY scam videos and promotions were legitimate events. This deception was material in
21 that it was likely to influence viewers’ decisions to send cryptocurrency as the BITCOIN
22 GIVEAWAY scam invited them to do, and in that it actually did influence Plaintiffs’ decisions to
23 send cryptocurrency.

24 140. Defendants’ wrongful conduct was an actual and proximate cause of Plaintiffs’
25 injuries, including but not limited to the reputational and monetary harms to WOZNIAK, and the
26 monetary and other harms to the other Plaintiffs from being scammed out of substantial sums of
27 cryptocurrency.

28 141. Defendants’ wrongful conduct giving rise to the First, Second, Third, Fourth, and

1 Sixth Causes of Action set forth in this Complaint are each separate and distinct unlawful business
2 practices within the meaning of California law.

3 142. Defendants' wrongful conduct was willful, malicious, oppressive, fraudulent,
4 and/or in reckless disregard of the Plaintiffs' rights, thereby entitling Plaintiffs to punitive
5 damages.

6 143. Defendants' wrongful conduct is irreparably harming WOZNIAK, who seeks
7 injunctive relief as there is no adequate remedy at law. All Plaintiffs seek injunctive relief because
8 an injunction "may be necessary to prevent the use or employment by any person of any practice
9 which constitutes unfair competition" under Cal. Bus. & Prof. Code § 17203. Plaintiffs seek all
10 monetary and non-monetary relief allowed by law, including restitution of all profits stemming
11 from Defendants' unfair, unlawful, and fraudulent business practices; reasonable attorneys' fees
12 and costs under California Code of Civil Procedure § 1021.5; injunctive relief; and other
13 appropriate equitable relief.

14 **SIXTH CAUSE OF ACTION**
15 **Negligent Failure to Warn**

16 144. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs as if
17 fully set forth herein.

18 145. During all times relevant to this Complaint, Defendants had actual or constructive
19 knowledge of all relevant aspects of the BITCOIN GIVEAWAY scam, including but not limited to
20 the visual and verbal elements of the scam videos, promotions, and advertisements; the identity of
21 the public figures and companies whose names, images, likenesses, and protected marks were
22 wrongfully and repeatedly exploited to promote the Scam (including but not limited to
23 WOZNIAK, Elon Musk, Robert Kiyosaki, and all others mentioned in this Complaint); the
24 wording that was typically used in the scam videos and advertisements (such as "5000 BTC
25 GIVEAWAY" and the like); the past video footage of WOZNIAK and other public figures that
26 were repeatedly used to further the BITCOIN GIVEAWAY scam; the instructions that were
27 typically given to victims in the BITCOIN GIVEAWAY scam videos and promotions; the use of
28

1 QR codes linking to bitcoin wallet addresses in the BITCOIN GIVEAWAY scam videos and
2 promotions; and other common elements of the scam.

3 146. During all times relevant to this Complaint, Defendants had a duty to exercise
4 reasonable and ordinary care and skill, and to behave in accordance with applicable standards of
5 conduct, in adequately warning their users about the criminally fraudulent BITCOIN GIVEAWAY
6 scam videos and promotions on its platforms.

7 147. Defendants breached their duty by failing to adequately warn its users about the
8 Scam, including but not limited to users that Defendants knew or should have known had a history
9 of viewing content or performing searches related to cryptocurrency, or who otherwise might
10 foreseeably come into contact with the advertising on Defendants' platforms for the BITCOIN
11 GIVEAWAY scam videos and promotions.

12 148. As a direct and proximate consequence of Defendants' breach, Plaintiffs have been
13 severely harmed. WOZNIAK has suffered severe harm to his reputation and the commercial value
14 of his name, image, likeness, and right of publicity. Each of the other Plaintiffs have suffered the
15 monetary harms specified herein, as well as the dignitary, emotional, and other harms that result
16 from being the victim of a scam.

17 149. Defendants' failure to warn was willful, malicious, oppressive, fraudulent, and/or in
18 reckless disregard of the Plaintiffs' rights, thereby entitling Plaintiffs to punitive damages.

19 150. Defendants' ongoing failure to warn their users about the Scam is irreparably
20 harming WOZNIAK, who seeks injunctive relief because there is no adequate remedy at law. All
21 Plaintiffs further seek any and all available damages and/or restitution, in an amount to be proven
22 at trial.

23 **SEVENTH CAUSE OF ACTION**
24 **Injunctive Relief**

25 151. Plaintiffs incorporate by reference all allegations in the foregoing paragraphs as if
26 fully set forth herein.

1 152. Defendants' wrongful actions have caused and are continuing to cause irreparable
2 harm to WOZNIAK's reputation and the commercial value of his name and likeness, for which
3 there is no adequate remedy at law.

4 153. Accordingly, WOZNIAK seeks injunctive relief requiring Defendants to end the
5 ongoing irreparable harm to his reputation by removing all BITCOIN GIVEAWAY scam videos,
6 promotions, and advertisements using his name and likeness.

7 154. All Plaintiffs seek an injunction enjoining and restraining Defendants and all
8 persons or entities in concert with them, during the pendency of this action and perpetually
9 thereafter, from: (1) Committing any violations of law with respect to the BITCOIN GIVEAWAY
10 scam set forth above; (2) Ignoring and delaying its responses to takedown notices concerning the
11 BITCOIN GIVEAWAY scam; (3) Awarding or maintaining verification badges to youtube.com
12 channels perpetuating the BITCOIN GIVEAWAY scam; (4) Recommending BITCOIN
13 GIVEAWAY scam videos to their users; (5) Displaying false information to their users that
14 BITCOIN GIVEAWAY scam videos are "live" and that they have higher numbers of viewers and
15 likes than they actually have; and (6) Selling advertisements in furtherance of or otherwise
16 profiting from the BITCOIN GIVEAWAY scam in any manner.

17 155. Plaintiffs further seek injunctive relief requiring Defendant YOUTUBE (1) to warn
18 its users about the BITCOIN GIVEAWAY scam, and (2) to use its content regulation, moderation,
19 and screening tools, and all other reasonable efforts, to prevent the BITCOIN GIVEAWAY scam
20 from being perpetrated on YOUTUBE.

21 **VII. PRAYER FOR RELIEF**

22 **WHEREFORE**, Plaintiffs pray for the following relief:

23 A. Injunctive relief requiring Defendants to remove all BITCOIN GIVEAWAY scam
24 videos and promotions using WOZNIAK's name and likeness.

25 B. A preliminary and permanent injunction enjoining and restraining Defendants and
26 all persons or entities in concert with them, during the pendency of this action and perpetually
27 thereafter, from: (1) Committing any violations of law with respect to the BITCOIN GIVEAWAY
28 scam set forth above; (2) Ignoring and delaying its responses to takedown notices concerning the

1 BITCOIN GIVEAWAY scam; (3) Awarding or maintaining verification badges to youtube.com
2 channels perpetuating the BITCOIN GIVEAWAY scam; (4) Recommending BITCOIN
3 GIVEAWAY scam videos to their users; (5) Displaying false information to their users that
4 BITCOIN GIVEAWAY scam videos are “live” and that they have higher numbers of viewers and
5 likes than they actually have; and (6) Selling advertisements in furtherance of or otherwise
6 profiting from the BITCOIN GIVEAWAY scam in any manner.

7 C. Further injunctive relief requiring Defendant YOUTUBE (1) to warn its users about
8 the BITCOIN GIVEAWAY scam, and (2) to use its content regulation, moderation, and screening
9 tools, and all other reasonable efforts, to prevent the BITCOIN GIVEAWAY scam from being
10 perpetrated on its platforms.

11 D. Damages, including but not limited to, compensatory, statutory, and punitive
12 damages, as permitted by law and in such amounts to be proven at trial.

13 E. Restitution and disgorgement of profits made by promoting the BITCOIN
14 GIVEAWAY scam.

15 F. An award of Plaintiffs’ reasonable costs, including attorneys’ fees.

16 G. Pre- and post-judgment interest as allowed by law.

17 H. Any such other relief as the Court may deem just and proper.

18 **VIII. DEMAND FOR JURY TRIAL**

19 Plaintiffs hereby demand a trial by jury on all issues so triable.

20
21 July 21, 2020

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