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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **ALEX BERENSON,**

15 **Plaintiff,**

16 **v.**

17 **TWITTER, INC.,**

18 **Defendant.**

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

1. VIOLATION OF THE FIRST AMENDMENT
2. FEDERAL FALSE ADVERTISING AND UNFAIR COMPETITION
3. VIOLATION OF CALIFORNIA COMMON CARRIER LAW
4. VIOLATION OF CALIFORNIA UNFAIR COMPETITION LAW
5. BREACH OF CONTRACT
6. PROMISSORY ESTOPPEL
7. VIOLATION OF THE CALIFORNIA CONSTITUTION
8. UNJUST ENRICHMENT

JURY TRIAL DEMANDED

ENVISAGE LAW

INTRODUCTION

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2 1. Twitter is the world's preeminent global messenger service and foremost platform
3 for journalism. According to its own mission statement, "defending and respecting the user's
4 voice is one of our core values." Twitter, *Defending and respecting the rights of people using our*
5 *services*, <https://help.twitter.com/en/rules-and-policies/defending-and-respecting-our-users-voice>
6 (last visited Dec. 19, 2021). Unfortunately, despite Twitter's supposed commitment to freedom
7 of speech, in the case of independent journalist Alex Berenson, the company broke its promises,
8 its stated policies, and our laws, including a nearly 150-year-old California law that explicitly
9 sets out its obligations as a company in the business of carrying messages.
10
11

12 2. During 2020 and 2021, Mr. Berenson became a prominent critic of the
13 governmental and public health response to the COVID-19 pandemic. Mr. Berenson made many
14 statements on Twitter which, although controversial at the time, have since become conventional
15 wisdom, most notably about the profound harm to children caused by remote learning and
16 unnecessary school closures.
17

18 3. Mr. Berenson's audience on Twitter soared as the pandemic continued, and in
19 August 2021 his tweets were viewed approximately 182 million times. Despite the controversy
20 around his statements, a senior Twitter executive repeatedly assured Mr. Berenson that the
21 company backed his right to free expression and that he would continue to enjoy access to the
22 platform. Even after he started critically covering the COVID-19 vaccines, in December 2020
23 the executive assured Mr. Berenson that his reporting "should not be an issue at all." In March
24 2021, the same executive told Mr. Berenson that "your name has never come up in the
25 discussions around these policies [(i.e., potential censorship of Twitter users who criticized the
26 vaccines and other COVID-19 policies)]."
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