

Filing # 149764012 E-Filed 05/17/2022 03:41:24 PM

**COUNTY COURT, PINELLAS COUNTY, FLORIDA
SMALL CLAIMS DIVISION**

UCN: _____ Reference No.: _____

Plaintiff:
Walter James Moran**Address:**
**Defendant:**
Facebook Inc, now known as Meta Inc.**Address:**
1601 Willow Park Rd.
Menlo CA
94025**STATEMENT OF CLAIM**

Plaintiff (Walter James Moran) sues the Defendant (Facebook Inc, now known as Meta Inc.) for damages which do not exceed \$8,000.00 exclusive of costs, interest and attorney's fee for:

BREACH OF AGREEMENT: This Breach of Agreement includes, but is not limited to, Social Media Services not provided, or the use of which was otherwise restricted to the Plaintiff, by Defendant, leading to financial losses by Plaintiff. Said agreement is and was specifically an agreement available online by the Defendant pursuant to Plaintiff's seeking on or about 2009 to utilize the Defendant's social media platform known as Facebook (the platform).

Said agreement has never formally been presented to the Plaintiff nor has the Defendant at any time or in any way directed the Plaintiff to seek out this agreement. Said agreement operates to bind the Plaintiff under the Defendant's various online statements regarding "use of the services shall constitute acceptance of the terms".

Said agreement has clearly been revised and updated numerous times, including being revised to reflect the change in ownership in 2021 of Facebook Inc. to Meta Inc. At no time was Plaintiff ever advised in any meaningful or affirmative way of these changes, despite Defendant's clear ability to communicate with the users of its social media platforms, to include Facebook. In fact, Plaintiff only became aware of the change of ownership from Facebook Inc. to Meta Inc. due to articles in the legacy and online media.

DETAILS OF CLAIM: On May 15, 2022, Plaintiff made the following statement online to a close personal friend, Russ Borman, on the Facebook platform:

"naw. You know I'd bust your balls if you put this post out here, lol! Talk about a target ripe environment!"

The Plaintiff's comment was made in jest, and any competent review of the context of the conversation would quickly make this obvious. Nonetheless, Defendant immediately, as in within moments, blocked Plaintiff's use of the Facebook platform. Because of the nature of how Facebook operates, it is not possible to provide a screenshot of the conversation between Plaintiff and Borman to demonstrate said context, although Facebook does have this capability.

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It is the plaintiff's understanding that the acts of blocking and review on the part of the Defendant were accomplished through the use of algorithms which monitor speech on the platform. Said algorithms and their settings are obviously under the direction and control of the Defendant.

Notice was given of this restriction of usage at 2:18 pm with the Plaintiff seeing such notice at 2:26 pm. Plaintiff immediately requested a review of the situation.

Within three minutes, Plaintiff was notified that the restriction on his use of the Facebook platform would remain in force for 30 days. Once again, this appears due to the speed of the response to have been an automated response with no human oversight of the decision.

A copy of the notice received by Plaintiff that demonstrates these timelines is attached to this Statement of Claim.

In either case, whether the review was conducted by humans or electronically, the context of the contested comment clearly establishes that there was no harmful, abusive or otherwise negative content in Plaintiff's speech.

Furthermore, the statement itself is on its face clearly not harmful, bullying or in any way threatening, and is prima facie a jocular statement between friends or acquaintances.

Demonstrating this fact, the online Urban Dictionary defines the phrase "bust your balls" as meaning "*Too (sic) give your friends a hard time. To make fun of or tease them for some reason in a friendly manner.*"

Defendant's own website states multiple times in more than one place that any review of a user's speech will be performed in a contextual manner.

The following four quotes come from Defendant's own Facebook page, <<https://about.fb.com/news/2018/07/hard-questions-content-reviewers/>> (screenshots attached) and clearly demonstrate that Defendant realizes that the issue of context is vital to applying its rules appropriately. Such appropriateness however is clearly not the case in this instance, in which context was clearly not considered by the Defendant.

The fifth quote is from Defendant's own Policy statement, available online and attached hereto.

1. *Context helps reviewers apply our standards and decide whether something should be left up or taken down.*
2. *But other times the context is key, and so additional information, like comments on the reported post, is provided as well.*
3. *But technology can't catch everything — including things where context is key like hate speech and bullying -*
4. *..and making decisions about what action to take, mindful of both the cultural context and the Community Standards that establish our policies.*
5. *We also try to consider the language and context in order to distinguish casual statements from content that constitutes a credible threat to public or personal safety. In determining whether a threat is credible, we may also consider additional information like a person's public visibility and the risks to their physical safety.*

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Plaintiff requests the court to note the Defendant's own Policy Statement taken from their own online material, to wit: *"We also try to consider the language and context in order to distinguish casual statements from content that constitutes a credible threat"*.

Plaintiff states that with this statement of the Defendant, it is clear that they are not following their own policies. This policy statement is on Defendant's Policy pages, at <https://transparency.fb.com/policies/community-standards/violence-incitement/> A screenshot of the page is attached to this Statement of Claim.

Plaintiff avers, and the evidence shows, that the Defendant and his employees and the tools they utilize such as Artificial Intelligence and algorithms, have not undertaken to follow their own policies and procedures in dealing with the Plaintiff's speech, especially in regards to the Plaintiff's statement leading to this current issue.

This is not the first time the Plaintiff has been unjustly restricted on his use of the Facebook platform by the Defendant for comments that were not reviewed within the context in which they were made. Plaintiff was blocked from his use of the Facebook platform on March 13 and March 28, 2022 for political comments to another party to the conversation that, when taken in context, were not threatening or otherwise harmful. Each of these blocks was for 30 days. There was a further incident when again a joke was made to a friend and Plaintiff was blocked for 30 days because of it. Unfortunately, the details of that incident are no longer retrievable from the platform.

Plaintiff does not state or imply that he has been blameless in every incident where Defendant has acted against him with restrictions, and wishes the Court to know that he is not contesting those incidents, but only those in which Defendant was acting negligently and with complete disregard to its own policies, including the current instance.

Plaintiff operates a small business as an author and writer and also the selling of boating and marine products to the boating audience within his Facebook groups. Like millions of other businesspeople, he utilizes Facebook for growing his market through advertising and public relations and for selling to prospective customers.

Being blocked from the Facebook platform and unable to advertise to or communicate with prospective customers therefore constitutes a significant harm with commensurate loss of income to Plaintiff.

Plaintiff therefore requests that this Court find in favor of the Plaintiff as to damages and costs. Plaintiff further requests that this Court order Defendant to immediately restore Plaintiff's rights to utilize the Facebook platform fully and to remove any negative references from their internal records referencing any restrictions or blocks which were inappropriately applied.


Attached to this Statement of Claim are screenshots of the written and/or online documents that form the basis of this claim.

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WHEREFORE, the Plaintiff(s) demand judgment in the principal sum of \$499.99;
Plus court costs in the amount of \$90.00;
Plus interest in the amount of 9% from May15, 2022 until such time as the Plaintiff's rights to
utilize the Facebook platform are fully restored;
Plus attorney's fee in the amount of \$450.00.
Plus a penalty of \$1000 per day for each day that the Plaintiff's account privileges are not
restored starting from the date of this judgement.

Under penalties of perjury, I declare that I have read the foregoing statement of claim, that the
facts stated in it are true, and that Defendant(s) is/are not in the military service of the United
States.

Signature of Plaintiff (acting pro se)



Print name of Plaintiff

Walter James Moran

Plaintiff Address:


Telephone No.

*Email address _____

*By providing your email address, you authorize the Court and the Clerk to communicate with
you exclusively by email as permitted by law. 6/11/2020


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Account Status




Wally Moran
Account
You have

Restrictions



Restriction
You can't



Restriction
Your group
Feed for

About Your Comment

Sunday, May 15, 2022 at 2:29 PM

We confirmed your comment didn't follow the Community Standards

We reviewed your comment again and it doesn't follow our Community Standards.

Sunday, May 15, 2022 at 2:26 PM


You or a group admin disagreed with the decision

Thanks for your feedback. We use it to make improvements on future decisions.

Sunday, May 15, 2022 at 2:18 PM

Your comment didn't follow our Community Standards

No one else can see your comment.



Wally Moran
May 15 at 2:09 PM

Russ Borman naw. You know I'd bust your balls if you put this post out here, lol! Talk about a target ripe environment!

Adobe Acrobat Reader DC

Done

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Anyone can report a piece of content they think violates our standards. Once something is reported, it's automatically routed to a content review team based on language or the type of violation. This way the team that has specific training in the relevant policy area reviews the report — and, if needed, can escalate it to subject matter experts on the Community Operations Escalations or the content policy teams.

Each content reviewer is then assigned a queue of reported posts to evaluate one by one. Sometimes this means looking just at the post itself to determine whether it should be allowed — such as an image containing nudity. But other times the **context** is key, and so additional information, like comments on the reported post, is provided as well. For instance, a word that's historically been used as a racial slur might be shared as hate speech by one person but can be a form of self-empowerment if used by another. **Context** helps reviewers apply our standards and decide whether something should be left up or taken down.

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Meta

Who We Are

What We Build

Our Actions

Our Community

standards, we have teams in place to respond. Our product team builds essential tools like artificial intelligence and machine learning that help us remove much of this content — in some cases before it is even seen. But technology can't catch everything — including things where **context** is key like hate speech and bullying — so we also rely on another critical means of enforcement: the thousands of content reviewers we have all over the world.

This work is not easy. It sometimes means looking at disturbing or violent content — and making decisions about what action to take, mindful of both the cultural context and the [Community Standards](#) that establish our policies.

We've talked a lot recently about [these standards](#) and our use of [AI for enforcement](#). But we haven't shared much about our reviewers. This is partly for safety reasons. As we saw with the horrific shooting at YouTube's headquarters earlier this year, content reviewers are subject to

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consultation with experts around the world. When people violate the standards, we have teams in place to respond. Our product team builds essential tools like artificial intelligence and machine learning that help us remove much of this content — in some cases before it is even seen. But technology can't catch everything — including things where **context** is key like hate speech and bullying — so we also rely on another critical means of enforcement: the thousands of content reviewers we have all over the world.

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Policy Rationale

We aim to prevent potential offline harm that may be related to content on Facebook. While we understand that people commonly express disdain or disagreement by threatening or calling for violence in non-serious ways, we remove language that incites or facilitates serious violence. We remove content, disable accounts and work with law enforcement when we believe there is a genuine risk of physical harm or direct threats to public safety. We also try to consider the language and context in order to distinguish casual statements from content that constitutes a credible threat to public or personal safety. In determining whether a threat is credible, we may also consider additional information like a person's public visibility and the risks to their physical safety.

In some cases, we see aspirational or conditional threats directed at terrorists and other violent actors (e.g. "Terrorists deserve to be killed"), and we deem those non-credible, absent specific evidence to the contrary.