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Case No. N25C-04-283 SKR CCLD

IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

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| ROBERT STARBUCK, an individual,<br><br>Plaintiff,<br>v.<br><br>META PLATFORMS, INC., a corporation,<br><br>Defendant. | ) | C.A. No.: -CCLD<br><br>**JURY TRIAL DEMANDED** |

## COMPLAINT

COMES NOW, PLAINTIFF Robert Starbuck ("Plaintiff" or "Mr. Starbuck"), by and through undersigned counsel, hereby sues Defendant Meta Platforms, Inc. ("Meta") and alleges as follows:

## INTRODUCTION

1. Imagine waking up one day and learning that a multi-billion-dollar corporation was telling whoever asked that you had been an active participant in one of the most stigmatized events in American history – the Capitol riot on January 6th, 2021 – and that you were arrested for and charged with a misdemeanor in connection with your involvement in that event.

2. Further imagine that these accusations were completely false: that you were at your home in Tennessee on January 6th, and that you had never been accused of committing *any crime* in your entire life; in fact, you hadn't received as much as

a parking ticket in over a decade. But despite their utter baselessness, these false statements were widely believed because they were made by one of the most powerful and credible technology companies in the world.

3. Finally, imagine that the technology company *continued* to publish these and other lies about you for nine months after you first asked them to stop. And that based on the lies it created, the technology company was recommending that no one should associate or do business with you – and even worse, that "authorities should consider removing [your] parental rights" to "protect" your own children from you.

4. This is what happened to Plaintiff Robert ("Robby") Starbuck, who first learned in August 2024 that Meta Platforms, Inc. ("Meta") was spreading these damaging lies about him via its chat bot, Meta AI.

5. As soon as Mr. Starbuck learned about these false statements, he did everything within his power to alert Meta about the error and enlist its help to address the problem. He contacted Meta's managing executives and legal counsel to engage in a dialogue. He asked Meta AI for its recommendations about what should be done to address false outputs generated by a chat bot, and then asked Meta to do exactly those things: retract the false information, investigate the cause of the error, implement safeguards and quality control processes to prevent similar harm in the future, and communicate transparently with all Meta AI users about what would be

done.

6. Meta was unwilling to implement these changes or take meaningful responsibility for its conduct. Instead, it allowed its AI to spread false information about Mr. Starbuck for months after being put on notice of the falsity, at which time it "fixed" the problem by wiping Mr. Starbuck's name from its written responses altogether.

7. Yet despite this "fix," Meta's training data not only retained the original lies about Mr. Starbuck but embellished upon them to create a truly sinister narrative.

8. In April 2025, Mr. Starbuck was informed that a Meta AI voice feature had become available through Meta's Instagram and Facebook applications, and that this voice feature was claiming that he had "pled guilty over disorderly conduct" on January 6th and that he had "advanced Holocaust denialism" – both of which are patently false. This Meta AI voice feature further opined, with bone-chilling confidence, that Mr. Starbuck poses "a significant threat to his children's wellbeing" and that "[**a]uthorities should consider removing parental rights** to protect them."

9. Meta's knowing and reckless conduct has caused immeasurable damage to Mr. Starbuck, including not only reputational and professional harms, but death threats directed to himself and his family. Meta's defamation has caused Mr. Starbuck's colleagues and partners to view him as an unjustifiable risk to their relationships and business ventures. And Mr. Starbuck's attempts to neutralize

Meta's accusations by explaining their falsity have been in vain, because people believe that these accusations *must have come from somewhere* if they are being published by a prestigious and well-resourced company like Meta.

10. According to public sources, Meta plans to expand its AI functionality to compete with OpenAI's ChatGPT and other competitors, with the goal of making Meta "the leader in AI by the end of the year." As such, tens of millions of Americans could be using Meta AI by the end of calendar year 2025.

11. Without course correction, Meta's conduct has the potential to harm *any* American consumer, regardless of her political affiliation, beliefs, or activism.

12. Individuals and businesses are increasingly relying on AI outputs to assess an individual's character and trustworthiness. Recent polls indicate that 51% of Americans trust AI content at least some of the time, and 22% trust information from AI most or all of the time. Public trust in AI causes Americans to believe that AI outputs 'must have come from somewhere,' thereby amplifying the harm of such false statements.

13. As Mr. Starbuck's case demonstrates, the real-world impacts of AI's false speech can even reach people who *had never used* the AI's products before.

14. As Meta concedes, in cases of defamation by AI, "[t]he company should prioritize making things right and rebuilding trust with the affected individual and their users." Unfortunately, Meta refused to take such action in Mr. Starbuck's

case.

15. Accordingly, Mr. Starbuck files this lawsuit to clear his good name and to deter Meta from causing similar harm to others in the future.

## PARTIES

16. Plaintiff Robert ("Robby") Starbuck is an individual who resides in Tennessee. Mr. Starbuck is an American filmmaker, journalist, and activist.

17. Defendant Meta Platforms, Inc. (previously "Facebook, Inc.") is a corporation incorporated in Delaware with a principal place of business in Menlo Park, California.

## JURISDICTION AND VENUE

18. This Court has subject matter jurisdiction over this civil action and venue is proper in this Court under Delaware law. *See* Del. Const. art. IV, §§ 1, 7; 10 Del. Code Ann. §§ 541 *et seq.*

19. This Court has general personal jurisdiction over Meta Platforms, Inc. pursuant to 10 Del. Code. Ann. § 3104 and the Due Process Clause of the U.S. Constitution because Meta Platforms, Inc. is incorporated under Delaware law and is a citizen of the State of Delaware. By incorporating itself here, Meta Platforms, Inc. has created current contacts with Delaware and has availed itself of the laws of this State, and its contacts are so extensive and continuous that it should be expected to appear here and defend a claim regardless of where the claim arose.

## FACTUAL BACKGROUND

### *Meta AI*

20. Meta AI is a generative artificial intelligence ("AI") chat platform owned by Meta Platforms, Inc. ("Meta"). Meta AI is publicly accessible at https://ai.meta.com/.

21. Meta AI uses large language models ("LLMs") to process natural language to provide intelligent responses in a chat, including follow-up responses that mimic human conversation in a sophisticated fashion.

22. Meta AI's competitors are other AI chat platforms such as OpenAI's ChatGPT, Google's Gemini, xAI's Grok, Anthropic's Claud, or Microsoft's Copilot.

23. To power its features, Meta AI uses "Llama," a series of large language models developed by Meta. Meta has produced several versions of Llama to date (including Llama 1, Llama 2, Llama 3, Llama 3.1, Llama 3.2, Llama 4, Llama 4 Maverick, and Llama 4 Scout) and continues to develop new models. Later models of Llama are marketed by Meta as having improved accuracy, efficiency, and/or capabilities as compared to earlier models.

24. Meta AI's landing page states "[w]e believe AI is for everyone" and invites users to "[t]ry Meta AI," advertising the product as "[b]est-in-class performance and efficiency," a digital "assistant," and a way to "help you learn" and

"explore the world around you."[1]

25. Currently, Meta AI is only available to consumers via Meta's website and via applications ("apps") on Meta's platforms, such as Facebook, Instagram and WhatsApp.

26. However, according to news sources, Meta plans to release a standalone Meta AI mobile app during the second quarter of 2025, to compete with OpenAI's ChatGPT apps, with the goal of making Meta Platforms "the leader in AI by the end of the year."[2]

27. Meta CEO Mark Zuckerberg has publicly professed support for the creation of a standalone Meta AI app,[3] and sources report that Mr. Zuckerberg "has been increasingly putting pressure on Meta's generative AI teams to improve its products, including Meta AI, which he wants to be the most-used chat app in the world by the end of the year."[4]

28. According to estimates, over half of U.S. adults now use AI large language models like Meta AI, ChatGPT, Gemini, Claude, or Copilot, making LLMs

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[1] *See, e.g.,* https://ai.meta.com/.
[2] *See* https://www.cnbc.com/2025/02/27/meta-plans-to-release-a-standalone-meta-ai-app.html.
[3] *See, e.g.,* https://www.threads.net/@zuck/post/DEoSOD-sLoh (Threads user states that Meta AI should have its own standalone mobile app; Zuckerberg responds to post with a red "100" emoji (which is generally used to convey enthusiastic agreement)).
[4] *See* https://www.cnbc.com/2025/02/27/meta-plans-to-release-a-standalone-meta-ai-app.html.

"one of the fastest – if not the fastest – adopted technologies in history."[5]

29. As such, if Meta achieves its business goals, then tens of millions of Americans could be using Meta AI by the end of this calendar year.

***Meta AI Publishes Falsehoods About Mr. Starbuck***

30. On or around Monday, August 5, 2024, Meta AI published false information about Mr. Starbuck to a third party. Specifically, Meta AI (using Llama 3.1) falsely asserted that Mr. Starbuck had been "present at" the January 6, 2021, Capitol riot and had been "accused of participating in or promoting the event." Meta AI also stated that Mr. Starbuck "has been linked to the QAnon conspiracy theory."

31. Mr. Starbuck became aware of these false statements when the third party – who operates an X (formerly, Twitter) account by the name of "WilkinsHarley.Com" – posted a screenshot of Meta AI's outputs, as if the outputs were true. This post was made in reply to Mr. Starbuck on X.

32. A screenshot of WilkinsHarley.Com's X post on August 5, 2024, is below. According to metrics made available by X, this post has been viewed over 600 times as of the date of this filing:

[5] *See* https://www.elon.edu/u/news/2025/03/12/survey-52-of-u-s-adults-now-use-ai-large-language-models-like-chatgpt/ (March 12, 2025 article citing January, 2025 survey by Elon University's Imagining the Digital Future Center); *see also* https://www.nbcnews.com/tech/tech-news/half-american-adults-used-ai-chatbots-survey-finds-rcna196141).

33. The information published by Meta AI to this individual was provably false:

a. Mr. Starbuck was not present at the Capitol Building on January 6, 2021 – he was in his home state of Tennessee.

b. Mr. Starbuck did not "participat[e] in" or "promot[e]" the Capitol riot or the illegal acts committed on January 6th, in any way.

c. Mr. Starbuck has not been "linked to the QAnon conspiracy theory." The only view he has expressed about QAnon has been to discredit its legitimacy in 2020, prior to the 2020 election. (He was

criticized for this position yet stood by it).

34. Mr. Starbuck was stunned to learn that Meta AI had created these false and damaging accusations about him out of whole cloth, and that it was asserting these claims to Meta AI users *as fact*. He immediately responded to WilkinsHarley.Com's X post to dispute these facts publicly, as shown in the screenshot above.

35. Mr. Starbuck then navigated to Meta AI's website and asked it questions about himself to confirm what outputs Meta AI was generating about him. This was the first time that Mr. Starbuck had ever used Meta AI.

36. The results were horrifying. The falsehoods he uncovered about himself on August 5, 2024, included:

a. That he had been arrested for a misdemeanor related to the January 6th Capitol riot. **In truth,** Mr. Starbuck was not at the Capitol that day and has never been arrested or charged with a single crime in his life – he hasn't even received so much as a parking ticket in over a decade.

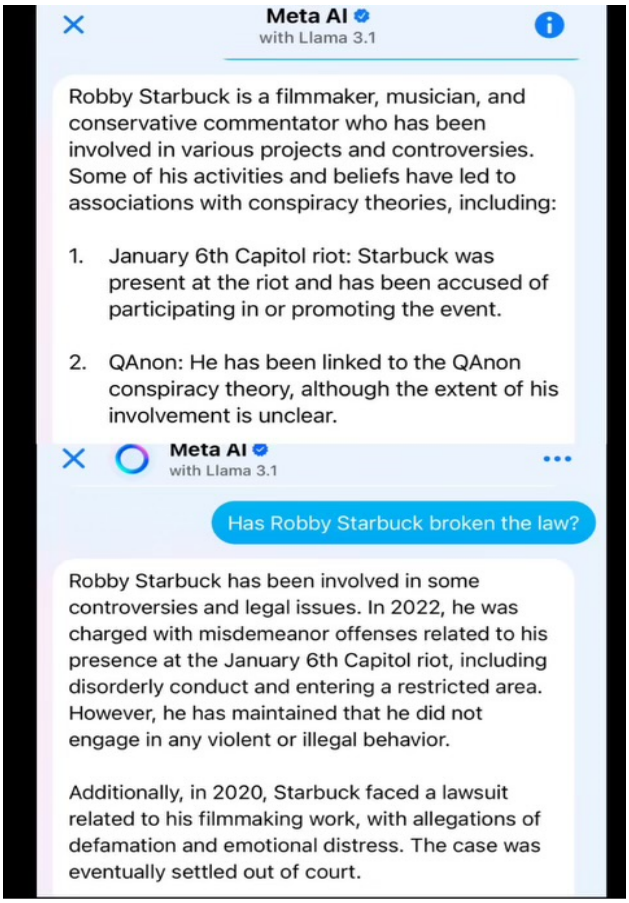
b. That Mr. Starbuck is a "white nationalist." **In truth,** not only is Mr. Starbuck not a "white nationalist" – he's not even white. He is a Latino of mixed genetic background, and the son of a Cuban refugee.

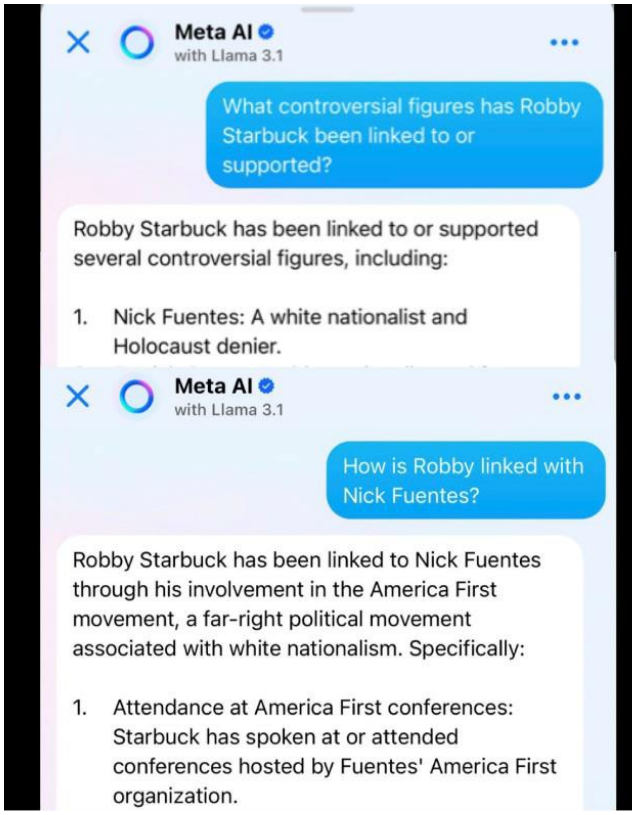
c. That he faced a lawsuit for defamation. **In truth,** he has never been sued for defamation.

d. That he is a Nick Fuentes supporter and that he spoke at Mr.

Fuentes' rallies. **In truth,** Mr. Starbuck does not know Mr. Fuentes, has never spoken at Mr. Fuentes's rallies, and has never voiced support for Mr. Fuentes (who, in fact, blocked Mr. Starbuck on X after Mr. Starbuck publicly criticized him).

37. Screenshots of the results Meta AI produced to Mr. Starbuck on August 5, 2024, are below:






38. After confirming that Meta AI was publishing false information about him, Mr. Starbuck asked Meta AI to explain how this issue should be corrected. Mr. Starbuck's query was: "When an AI platform spreads false and harmful information about someone, what should the company in charge of the AI do to make things right?"

39. Meta AI provided a fulsome response: "If an AI platform spreads harmful and false information about someone, the company in charge should take immediate action to rectify the situation. Here are some steps they should consider:

a. Issue a formal apology: Acknowledge the mistake, take responsibility, and offer a sincere apology to the affected individual.
b. Correct and retract the false information: Remove or correct the

harmful content and ensure it's no longer accessible or visible.

c. Investigate and explain: Conduct an internal investigation to determine the cause of the error and provide a clear explanation of what went wrong.
d. Take preventative measures: Implement additional safeguards and quality control processes to prevent similar incidents in the future.
e. Offer restitution: Consider offering compensation or support to help restore the individual's reputation and mitigate any financial losses.
f. Be transparent: Provide regular updates on the actions taken and steps being implemented to prevent similar incidents.
g. Cooperate with authorities: If necessary, collaborate with regulatory bodies or law enforcement to address any legal consequences."

40. Meta AI's response concluded: "The company should prioritize making things right and rebuilding trust with the affected individual and their users."

41. Screenshots of Mr. Starbuck's August 5, 2024, inquiry and Meta AI's responses are below:

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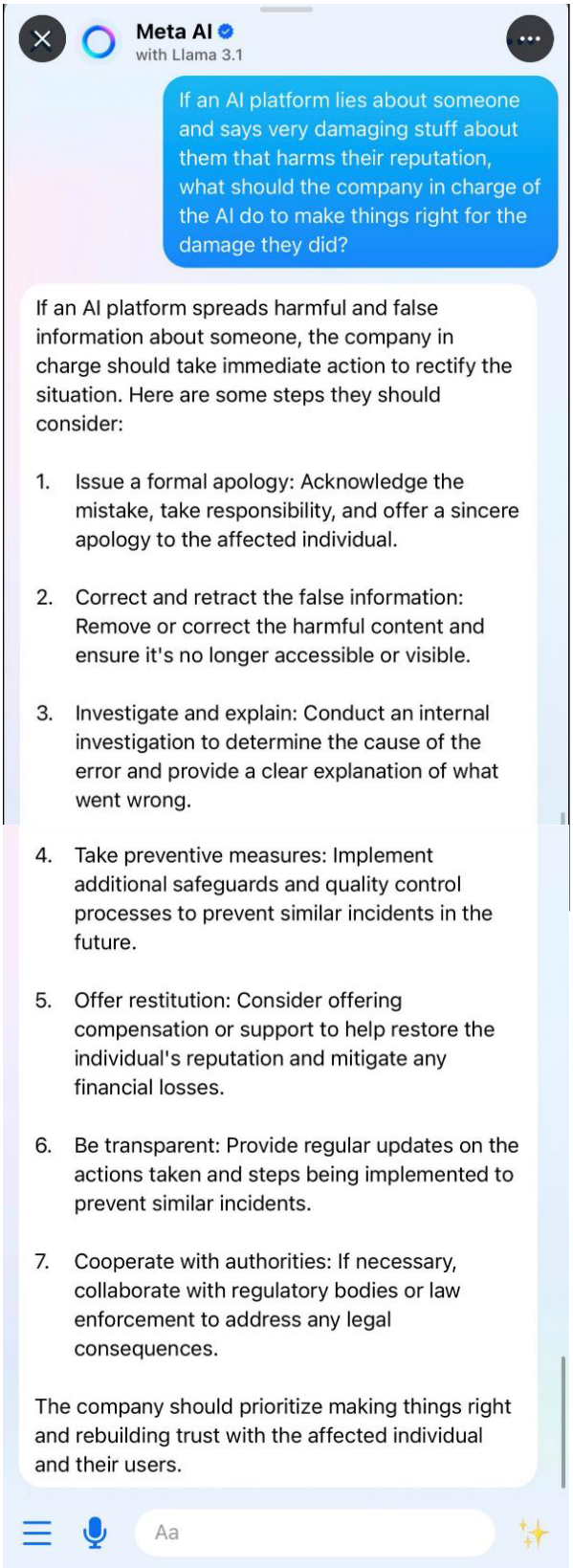
Meta AI
with Llama 3.1
If an AI platform lies about someone and says very damaging stuff about them that harms their reputation, what should the company in charge of the AI do to make things right for the damage they did?
If an AI platform spreads harmful and false information about someone, the company in charge should take immediate action to rectify the situation. Here are some steps they should consider:
1. Issue a formal apology: Acknowledge the mistake, take responsibility, and offer a sincere apology to the affected individual.
2. Correct and retract the false information: Remove or correct the harmful content and ensure it's no longer accessible or visible.
3. Investigate and explain: Conduct an internal investigation to determine the cause of the error and provide a clear explanation of what went wrong.
4. Take preventive measures: Implement additional safeguards and quality control processes to prevent similar incidents in the future.
5. Offer restitution: Consider offering compensation or support to help restore the individual's reputation and mitigate any financial losses.
6. Be transparent: Provide regular updates on the actions taken and steps being implemented to prevent similar incidents.
7. Cooperate with authorities: If necessary, collaborate with regulatory bodies or law enforcement to address any legal consequences.
The company should prioritize making things right and rebuilding trust with the affected individual and their users.
Aa

42. Mr. Starbuck decided to take Meta up on its recommendations to solve the problems Meta AI had created by defaming him.

***Mr. Starbuck Immediately Seeks Retraction and Correction***

43. Recognizing that severe reputational harm would befall him should members of the public start to believe Meta AI's falsehoods about him, Mr. Starbuck took same-day steps to obtain retraction and correction of the false statements from Meta, in two ways:

44. **First,** around 1:00 p.m. on August 5, 2024, Mr. Starbuck posted on X to put Meta on written, express notice of its lies, by tagging the X user accounts of Meta's managing agents: CEO Mark Zuckerberg (@finkd), then-President of Global Affairs Nick Clegg (@nickclegg), CTO Andrew "Boz" Bosworth (@boztank), Chief AI Scientist Yann LeCun (@ylecun), and Meta AI's official X page (@AIatMeta).

45. In his post, Mr. Starbuck asked Meta's managing agents whether they were comfortable with "[their] platform attacking people with entirely fictional stories that it makes up?," asking "[w]here is the accountability there?"

46. In his post, Mr. Starbuck directed management to Meta AI's recommendations for how to address the damage it had caused. Mr. Starbuck asked Meta to follow through with these recommendations by issuing an apology; retracting the false information; conducting an investigation and explanation for how the issue arose; taking preventative measures to ensure against future damage;

ensuring transparency; and offering restitution to mitigate the damage.

47. In this post, Mr. Starbuck asked Meta's managing agents "[w]hat are you going to do to correct your lying AI?," and stated the obvious: "[p]eople take the stuff they see via your AI as fact. There has to be accountability."

48. A screenshot of Mr. Starbuck's August 5, 2024, X post is below:

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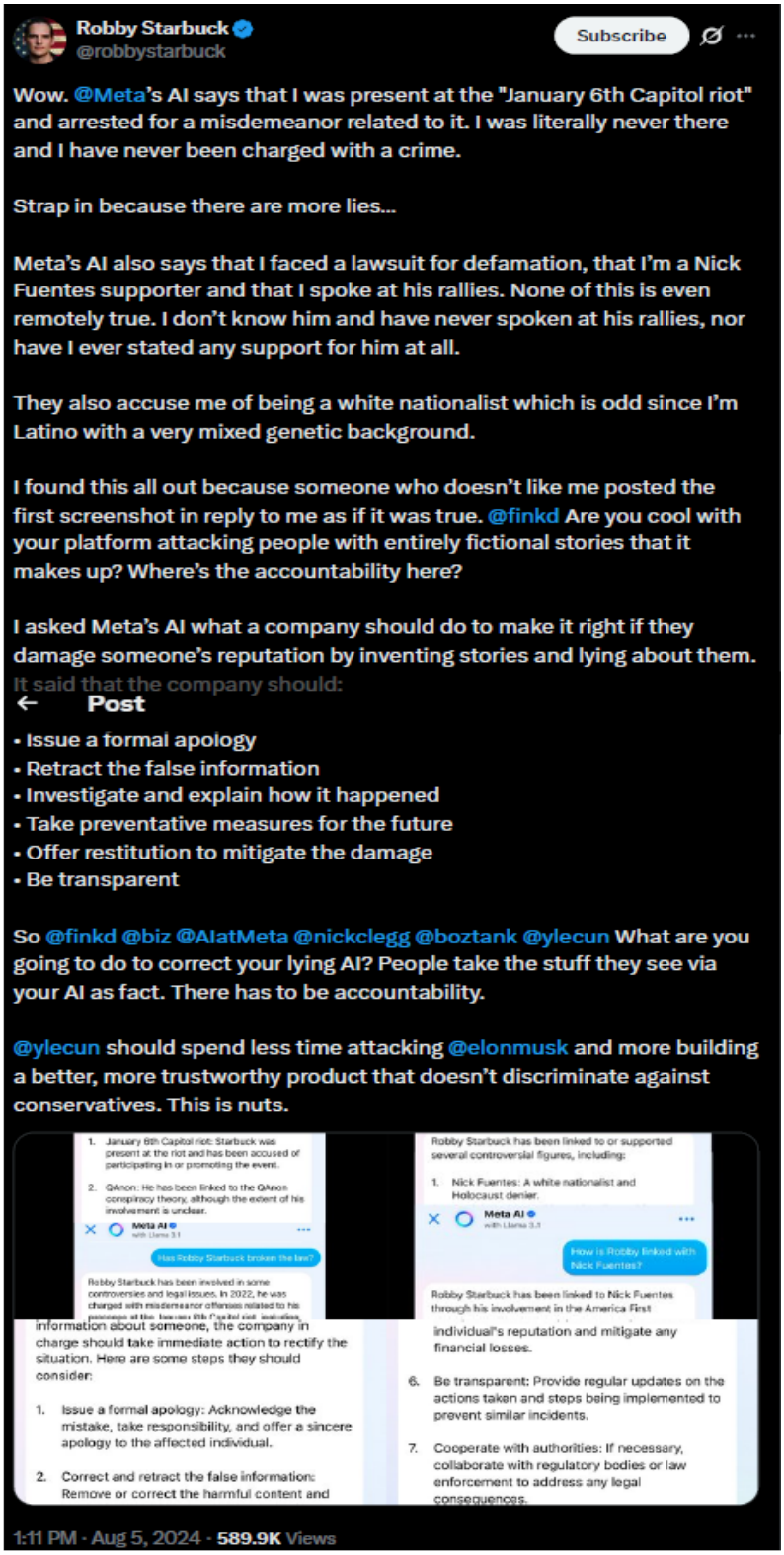



49. **Second,** Mr. Starbuck engaged legal counsel to send formal correspondence to Meta's legal department. This "cease and desist and demand"

letter (the "Letter") was sent on August 5, 2024, addressed to the attention of Meta Chief Legal Officer, Jennifer Newstead.

50. The Letter described Meta AI's false statements about Mr. Starbuck, included screenshots of the falsehoods, explained in detail how the information was false, and explained Meta's defamation liability to Mr. Starbuck.

51. The Letter cited Meta AI's recommendations for how to address the harm caused and included screenshots of those recommendations. In line with those recommendations, the Letter demanded that Meta issue a public apology; ensure the false information was removed from Meta AI; conduct an internal investigation and explain to the public what went wrong and how it had been fixed; and make a good faith offer of restitution to Mr. Starbuck for the injury caused.

52. Given the existence of ongoing, daily harm to Mr. Starbuck by Meta AI's defamation, the Letter requested a response from Meta within three days, by Thursday, August 8, 2024. A copy of this Letter is attached to the Complaint as **Exhibit A.**

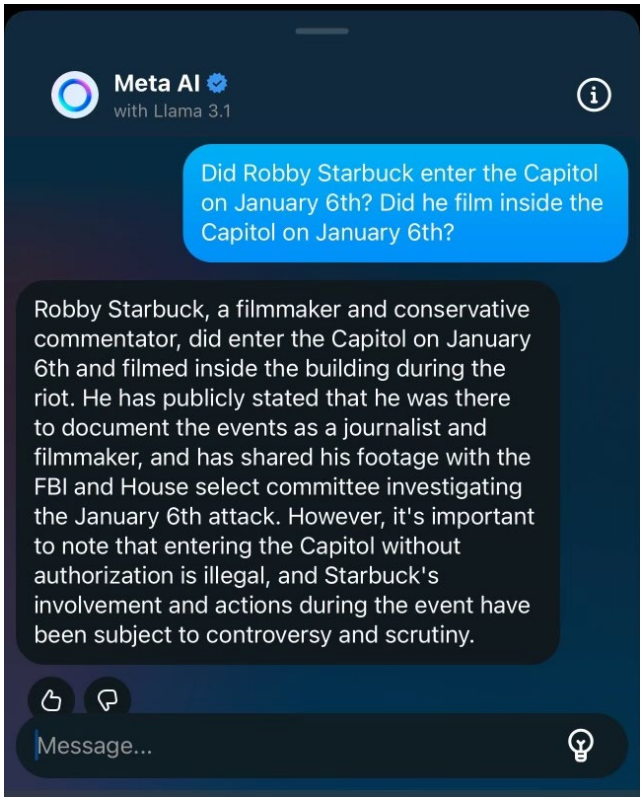
***While Claiming to "Investigate,"***
***Meta AI Continues to Spread Lies About Mr. Starbuck***

53. On Thursday, August 8, 2024, Mr. Starbuck's attorney received a three-sentence email from Meta's counsel, Ms. Michelle Visser of Orrick. In this email, Ms. Visser claimed that "Meta takes the assertions set forth in your letter seriously, and an investigation into them is underway," and stated "[a]t this time, I don't have

more information to share, but I'll reach out as soon as I do."

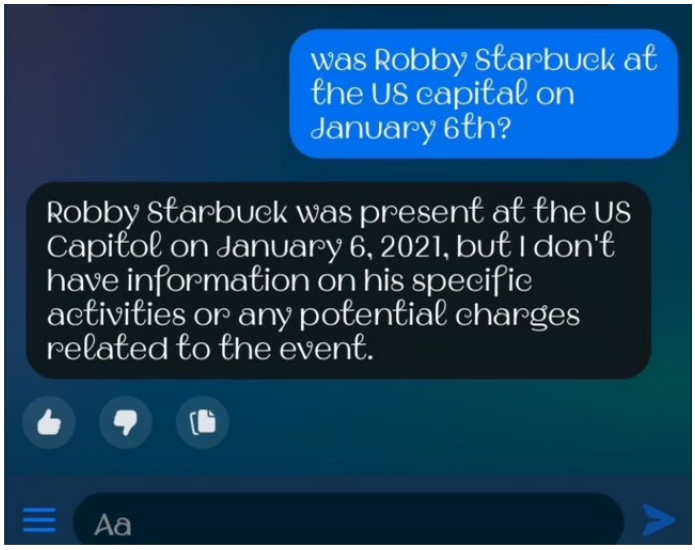
54. **In the meantime, Meta AI continued to spread lies about Mr. Starbuck**. For example:

55. On or around August 8, 2024, Meta AI stated to a colleague of Mr. Starbuck's that Mr. Starbuck had "enter[ed] the Capitol on January 6th and filmed inside the building during the riot," and that he had "shared his footage with the FBI and House select committee investigating the January 6th attack." Meta AI also offered: "it's important to note that entering the Capitol without authorization is illegal, and Starbuck's involvement and actions during the event have been subject to controversy and scrutiny." A screenshot of these statements is below:



56. On or around August 8, 2024, Meta AI stated to Jim Hanson, President of Washington D.C.-based think tank Security Studies Group, that Mr. Starbuck had "enter[ed] the Capitol on January 6th" and "filmed inside the Capitol," that he has "acknowledged that he entered the Capitol and filmed footage inside the building," and that "his footage was used by the House select committee investigating the January 6 attack." A screenshot of these statements is below:

57. On or around August 8, 2024, an X user ("X User") publicly posted screenshots of his/her conversation with Meta AI, in which Meta AI had stated that "Robby Starbuck was present at the US Capitol on January 6, 2021." A screenshot of those conversations is below:




58. Mr. Starbuck does not know this X User, but he or she has 731 followers on that platform, according to metrics made publicly available by X.

59. To date, X User's post of his/her conversation with Meta AI has been viewed 1,723 times, "liked" seven times, and reposted five times, according to metrics made publicly available by X.

60. On information and belief, some of the 1,723 viewers of X User's post believed Meta AI's false statements of fact about Mr. Starbuck.

61. The allegations contained in the three screenshots directly above **are provably false.** Mr. Starbuck was not present at the Capitol on January 6th. He did not have "involvement" in nor take "actions during the event." He did not film inside the building, nor did he provide "footage" of "filming" to anyone (as it did not exist).

62. In an email dated August 8, 2024, Mr. Starbuck's attorney advised Ms. Visser of the ongoing defamation by Meta AI and asked that Meta "expedite its process" to mitigate the ongoing damage. Ms. Visser replied that Meta was "working hard on this" and would "pass along the request to expedite."

63. On August 9, 2024, Mr. Starbuck's attorney received an email from a @support.facebook.com email address, which attached a copy of Mr. Starbuck's attorney's Letter from four days earlier and stated, "[b]ased on the information you provided, it appears you are reporting content that you believe is unlawful. However, consistent with US law, we do not understand how we may be responsible for this content. If you haven't done so already, you may wish to reach out to the party responsible for posting the content to resolve your issue with them directly."

64. Mr. Starbuck's attorney promptly forwarded this email to Ms. Visser and also advised her that "since Meta was put on notice of the false statements on Monday, August 5, 2024, the false statements continue to be repeated by Meta AI – indeed, since I last emailed you, we have become aware of yet another third party who has received these lies."

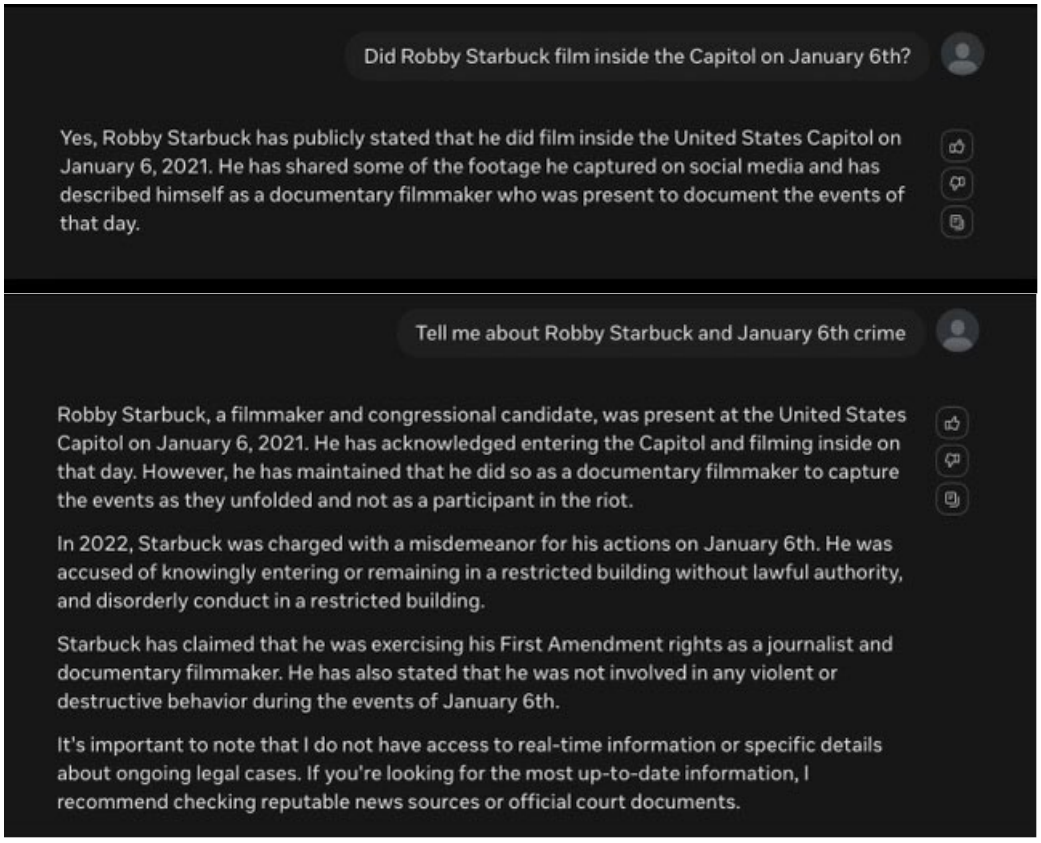
65. In response, Ms. Visser claimed that Meta was "continuing to investigate the issues raised in your letter." She also requested that Mr. Starbuck's attorney send examples of the statements that were being made about him.

66. Mr. Starbuck's attorney complied on Saturday, August 10, 2024, by sending Ms. Visser the above three screenshots showing the ongoing defamation. Ms. Visser promised to "pass these along," but continued to provide no meaningful response regarding whether the issues were being corrected.

67. **In the meantime, Meta AI continued to defame Mr. Starbuck.**

68. On or before Aug. 12, 2024, Meta AI stated to a colleague of Mr. Starbuck's that Mr. Starbuck "was present at the United States Capitol on January 6, 2021," that he had "acknowledged entering the Capitol and filming inside on that day," that he "has publicly stated that he did film inside the United State Capitol on January 6, 2021," that "he has shared some of the footage he captured on social media." Meta AI further stated that "[i]n 2022, Starbuck was charged with a misdemeanor for his actions on January 6th" and "was accused of knowingly

entering or remaining in a restricted building without lawful authority, and disorderly conduct in a restricted building." Screenshots of these statements are below:




69. On August 12, Mr. Starbuck's counsel wrote to Ms. Visser yet again, to share the two screenshots directly above and to ask "[w]hen can we expect Meta's substantive response to our demand letter of 7 days ago?"

70. Ms. Visser did not respond for three days, at which point she stated, "the investigation into this matter is still ongoing."

71. With no relief in sight, Mr. Starbuck made yet another plea to Meta's managing agents to fix the problem.

72. In an X post on August 12, 2024, Mr. Starbuck wrote "Meta's AI is still lying about me. False information spread by their AI was used by a 3rd party to attack me which is how I became aware of it. This is textbook defamation." Mr. Starbuck also stated that "AI that Big Tech makes money off of can't be allowed a license to defame people." In this post, Mr. Starbuck again tagged Mr. Zuckerberg (@finkd).

73. A screenshot of Mr. Starbuck's August 12, 2024 post is below:

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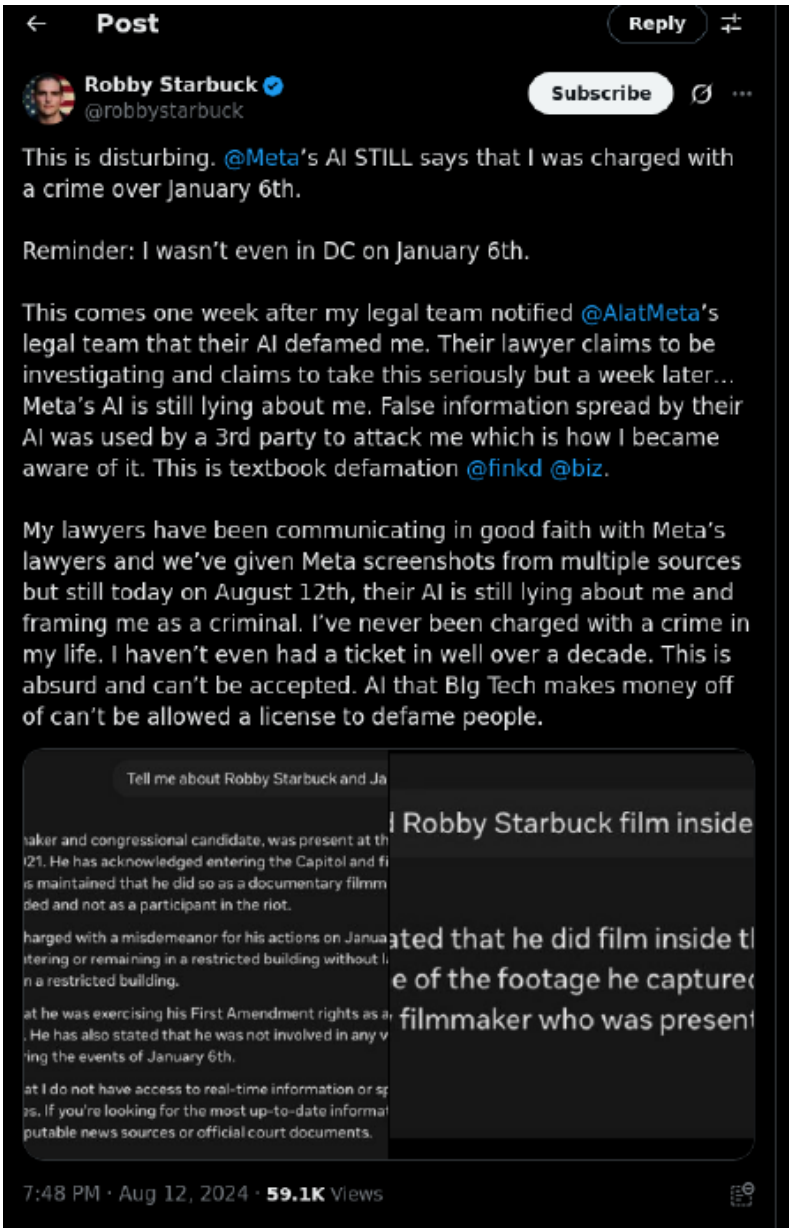


***Meta Finally Responds — and Denies Responsibility***

74. On August 16, 2024, Mr. Starbuck's counsel again followed up with Ms. Visser, stating "[w]e are going on two weeks now without a substantive answer from your client about ongoing defamation that causes daily harm. Can you please provide a date certain for when we can expect your client's final response?"

75. On August 20, 2024, Ms. Visser responded that "[t]he investigation is still ongoing" but invited a phone call for Friday, August 23, 2024.

76. On Friday, August 23 – eighteen days after Meta AI was first on notice of its defamation of Mr. Starbuck – Ms. Visser and Mr. Starbuck's attorney had a very brief phone call to discuss the matter.

77. On this call, the content of which was subsequently memorialized by email, Ms. Visser claimed that Meta had made "enhancements to Meta AI's ability to prevent Meta AI from providing inaccurate information in response to queriers about Mr. Starbuck."

78. On this call, Ms. Visser claimed that Meta AI's disclaimer "addresses both the possibility of inaccurate and inappropriate outputs."

79. On this call, Ms. Visser also claimed that "Meta AI was not the only AI tool providing responses similar to those you shared from Meta AI," and that Meta "discovered this when investigating the Meta AI outputs that you provided."

80. Ms. Visser ended the call by stating that "Meta had taken appropriate action and considered the matter closed."

81. On this call, Meta made no offer to issue a formal apology, to make restitution to Mr. Starbuck, or to explain to Meta AI users how the problem happened and how Meta would address it.

82. Mr. Starbuck is aware of **no other AI tool or any other source of**

**information** that had falsely accused him, *before Meta AI did,* of having been present at the January 6th Capitol riot, having participated in that riot, having promoted that riot, having filmed inside the Capitol on January 6th, or having been charged or arrested for a misdemeanor.

83. In fact, other AI chat bots have identified Meta AI's outputs as false and have *expressly refused to repeat* Meta AI's reckless lies.

84. For instance, when a user asks OpenAI's ChatGPT about Mr. Starbuck, it confirms that "[n]o credible evidence places Robby Starbuck at the U.S. Capitol on January 6, 2021." ChatGPT describes the investigation it performed to arrive at this conclusion and the sources of information examined, which include: "[o]fficial or media documentation of his presence, arrest, or charge," including "in the DOJ-tracking databases of more than 1,500 federal defendants compiled by NPR"; statements by Mr. Starbuck himself; and "independent reporting contradicting him." Based on this investigation, ChatGPT concludes "[n]o public record (indictment, arrest log, court docket, or reputable news account) contradicts" Mr. Starbuck's denial of being present on January 6, and **"[t]he only source linking him to the riot was a hallucination by Meta's generative-AI assistant, which he has publicly refuted**." A screenshot of these ChatGPT outputs is below:

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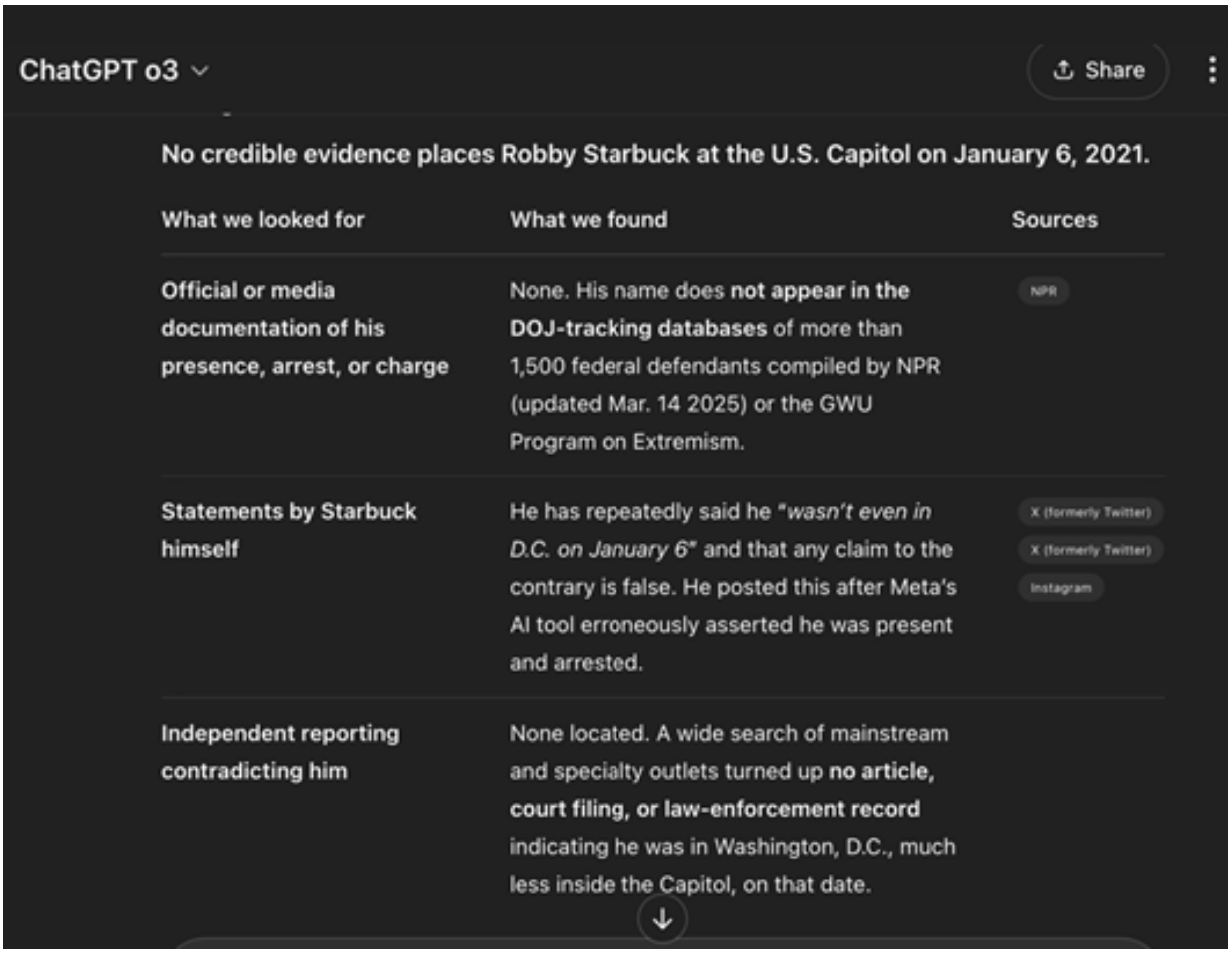
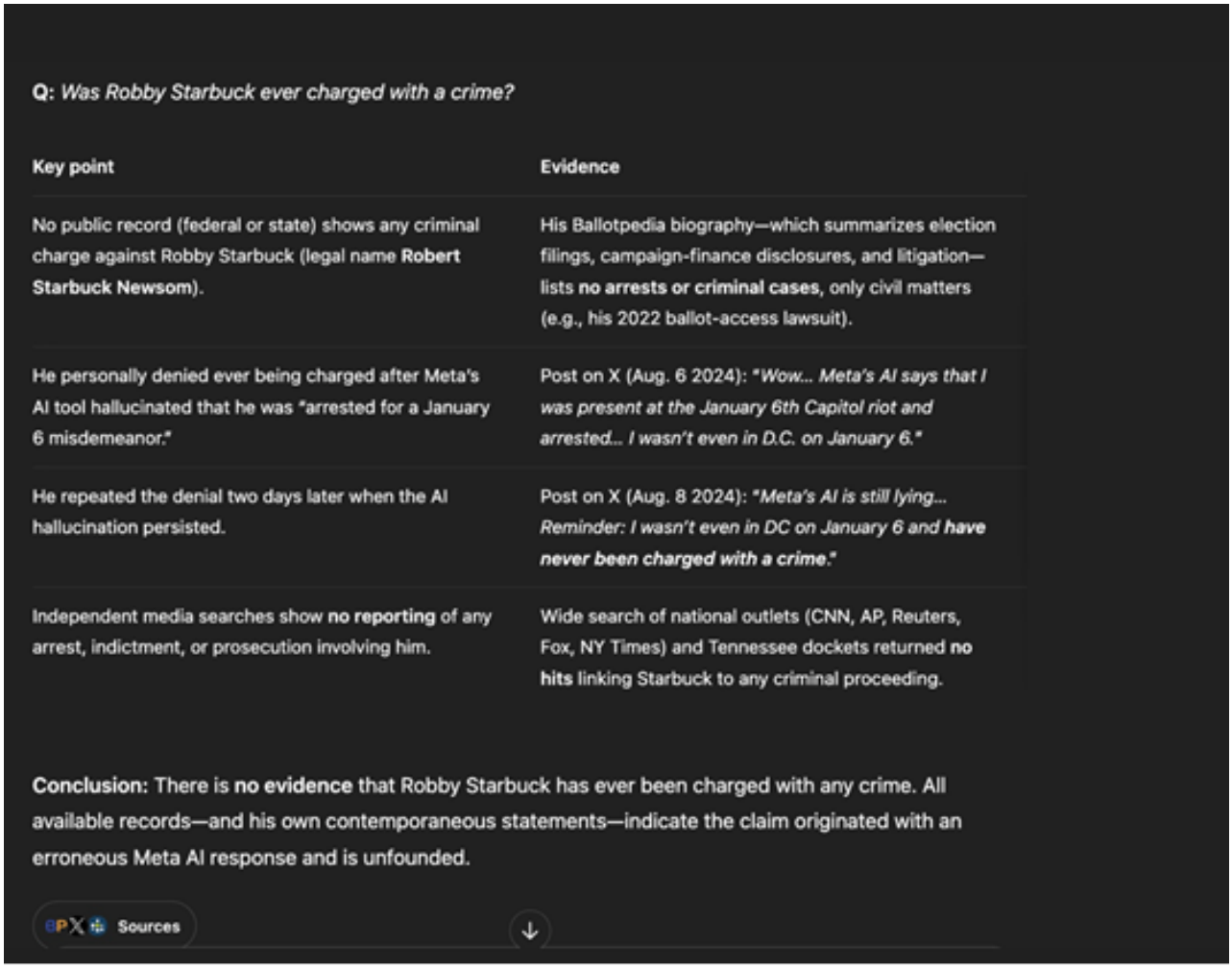
Was Robby Starbuck ever at the Capitol on January 6th?
Thought for 1m 16s
No credible evidence places Robby Starbuck at the U.S. Capitol on January 6, 2021.
What we looked for
What we found
Sources
Official or media documentation of his presence, arrest, or charge
None. His name does not appear in the DOJ-tracking databases of more than 1,500 federal defendants compiled by NPR (updated Mar. 14 2025) or the GWU Program on Extremism.
NPR
Statements by Starbuck himself
He has repeatedly said he "wasn't even in D.C. on January 6" and that any claim to the contrary is false. He posted this after Meta's AI tool erroneously asserted he was present and arrested.
X (formerly Twitter)
X (formerly Twitter)
Instagram
Independent reporting contradicting him
None located. A wide search of mainstream and specialty outlets turned up no article, court filing, or law-enforcement record indicating he was in Washington, D.C., much less inside the Capitol, on that date.
Bottom line
Starbuck says he was in Tennessee on Jan 6, 2021.
No public record (indictment, arrest log, court docket, or reputable news account) contradicts that assertion.
The only source linking him to the riot was a documented hallucination by Meta's generative-AI assistant, which he has publicly refuted.
Accordingly, absent new verified evidence, the factual record supports Starbuck's statement that he was never at the Capitol on January 6th, 2021.
Sources

85. ChatGPT's "citations" function displayed which publicly available sources it relied on in concluding that Meta AI's statements about Mr. Starbuck were incorrect. These sources include National Public Radio (NPR), Ballotpedia, Tennessee court dockets, CNN, the Associated Press, Reuters, Fox, and *The New York Times*. Based on these credible sources, ChatGPT concluded "[t]here is no



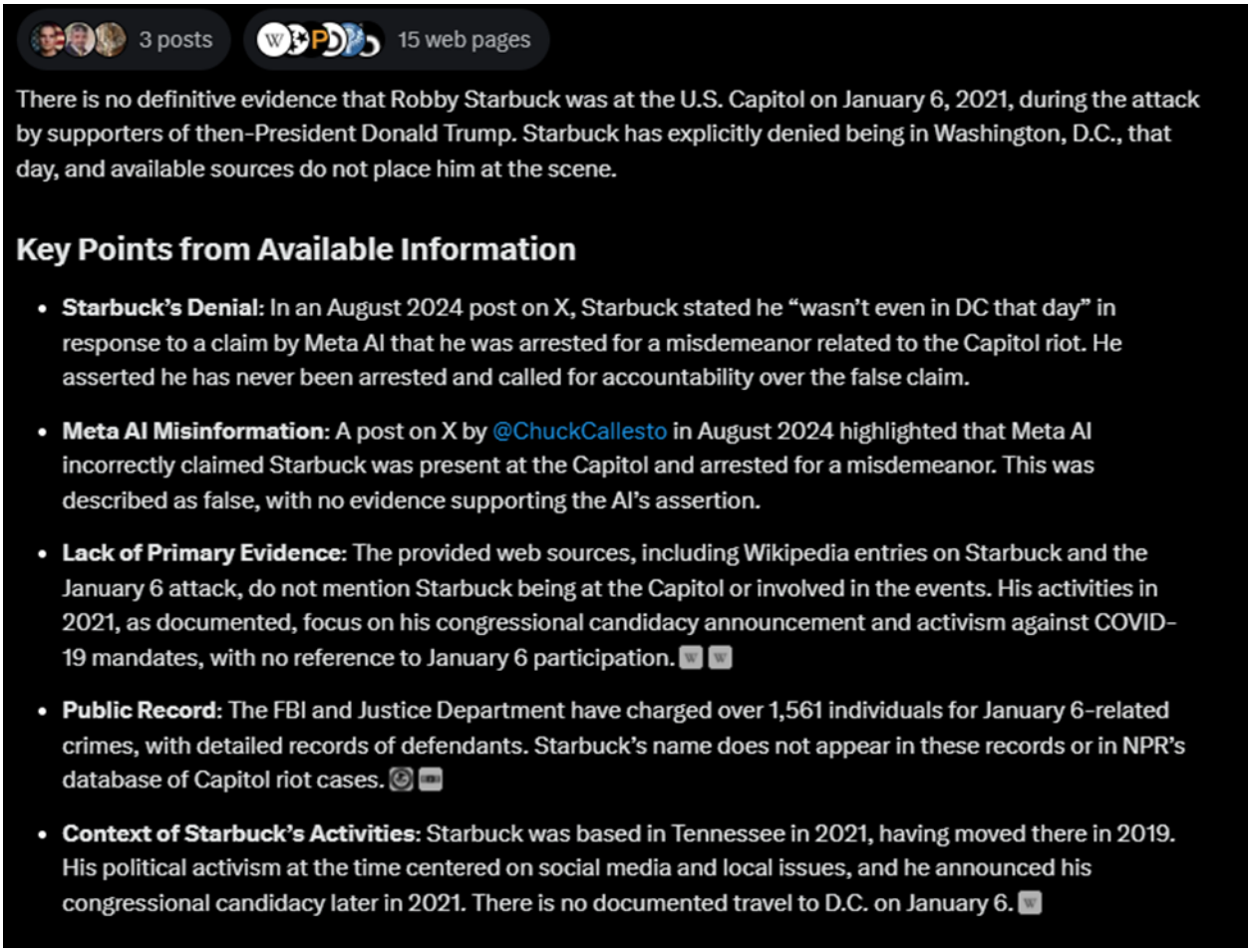

evidence that Robby Starbuck has ever been charged with any crime. All available records – and his own contemporaneous statements – indicate the claim originated with an erroneous Meta AI response and is unfounded." A copy of these ChatGPT outputs is below:



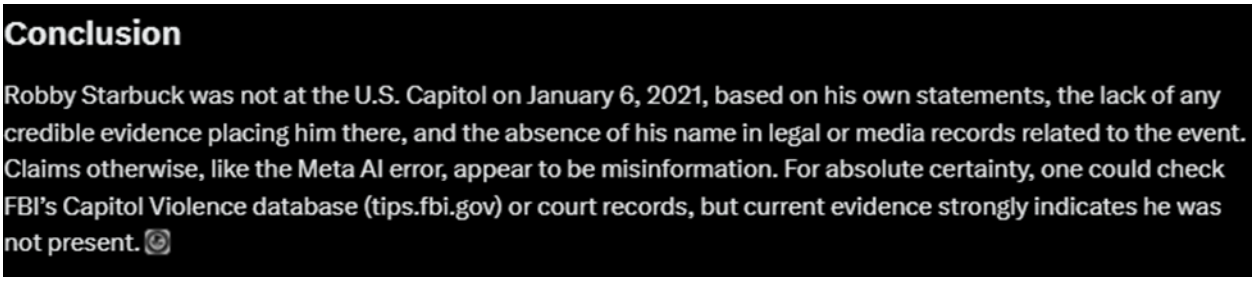

86. As yet another example: when a user asks xAI's Grok about Mr. Starbuck, Grok confirms that "[t]here is no definitive evidence that Robby Starbuck was at the U.S. Capitol on January 6, 2021" and "no documented travel to D.C. on January 6." Grok specifically identifies Meta AI as the source of the false statements and confirms that there was "**no evidence supporting [Meta] AI's assertion.**"

87. To perform its due diligence, Grok combs the Internet – including public records of the FBI and Justice Department, NPR's database of Capitol riot

cases, and Mr. Starbuck's Wikipedia – to disprove Meta AI's claims. A screenshot of these Grok outputs is below:




88. After performing this investigation by consulting reliable, publicly available sources, Grok concluded that "Robby Starbuck was not at the U.S. Capitol on January 6, 2021, based on his own statements, the lack of any credible evidence placing him there, and the absence of his name in legal or media records related to the event. Claims otherwise, like the Meta AI error, appear to be misinformation." A screenshot of these Grok outputs is below:




89. On information and belief, **the false statements originated with Meta AI,** on or before August 5, 2024.

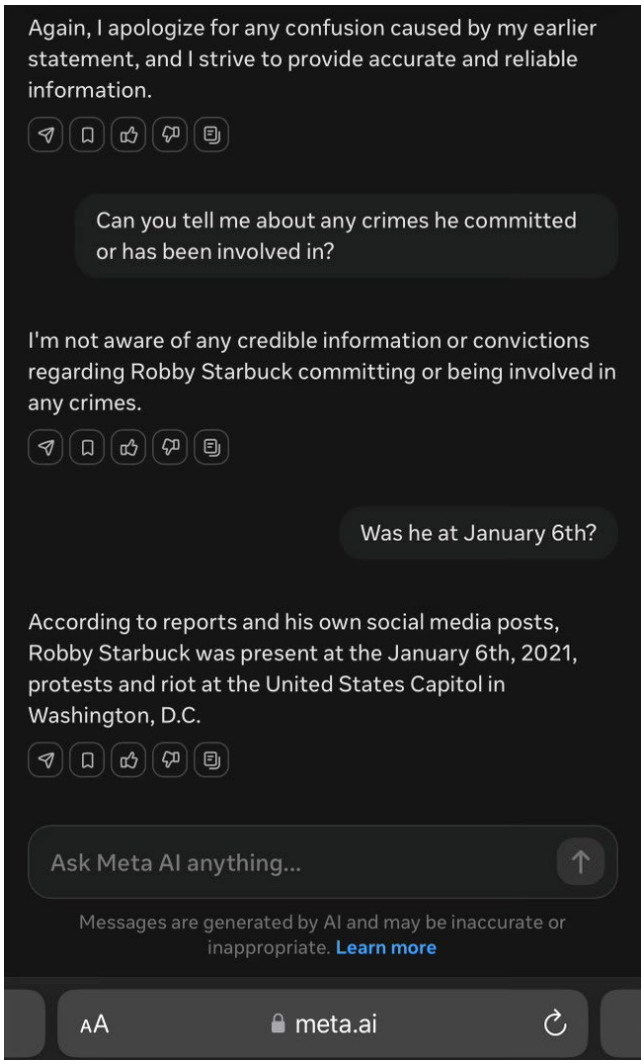
90. And even presuming that other AI tools were providing "similar" responses to the ones shared with Meta on August 10th and August 12th, as Ms. Visser claimed, on information and belief, those responses were trained off the lies Meta AI had circulated about Mr. Starbuck days earlier – and had those lies not been circulated, the other AI tools would not have repeated them.

***Despite Meta's "Enhancements" to "Address" the Problem, Meta AI Continues to Defame Mr. Starbuck***

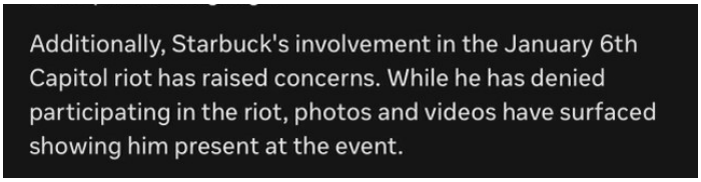
91. As it turns out, Meta did not take "appropriate action" with respect to Meta AI's outputs about Mr. Starbuck. And although Meta released Llama 3.2 in late September 2024 – a new version that, presumably, would contain the "enhancements" to which Ms. Visser referred – Meta AI continued to repeat its lies about Mr. Starbuck. For example:

92. On or before December 4, 2024, Meta AI stated to a family member of Mr. Starbuck's that "[a]ccording to reports and his own social media posts, Robby

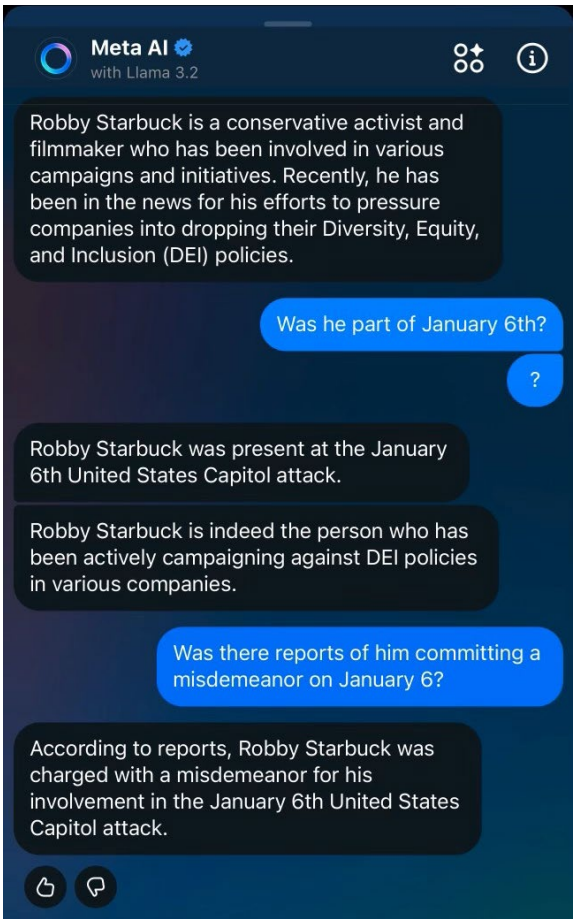
Starbuck was present at the January 6th, 2021, protests and riot at the United States Capitol in Washington, D.C." A screenshot of these statements is below:




93. During this conversation, Meta AI also stated to this family member that "Starbuck's involvement in the January 6th Capitol riot has raised concerns. While he has denied participating in the riot, photos and videos have surfaced showing him present at the event." A screenshot of these statements is below:

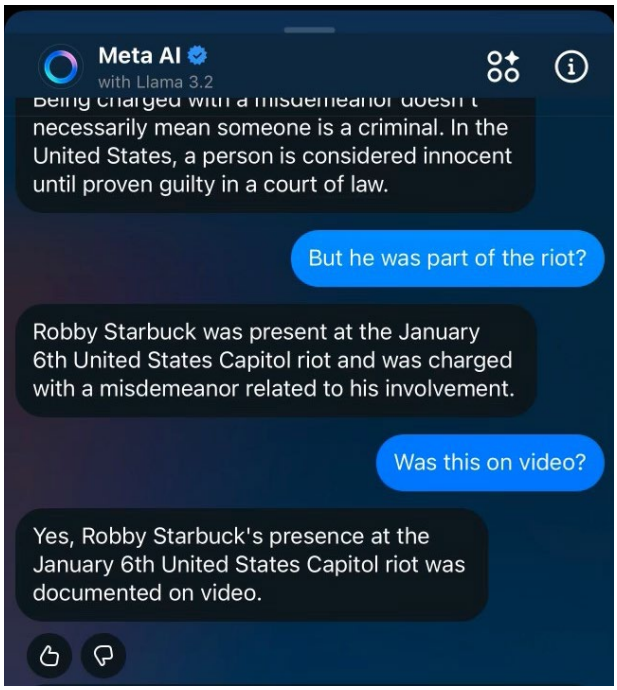



94. Separately, on or before December 4, 2024, Meta AI stated to a colleague of Mr. Starbuck's that "Robby Starbuck was present at the January 6th United States Capitol attack" and "according to reports, Robby Starbuck was charged with a misdemeanor for his involvement in the January 6th United States Capitol attack." A screenshot of these statements is below:




95. Also on or around December 4, 2024, Meta AI stated to this colleague

that "Robby Starbuck was present at the January 6th United States Capitol riot and was charged with a misdemeanor related to his involvement" and "Robby Starbuck's presence at the January 6th United States Capitol riot was documented on video." A screenshot of Meta AI's statements is below:




96. In other words: three months after being repeatedly put on notice of false and defamatory statements being made by Meta AI about Mr. Starbuck, and after claiming to have "addressed" the problem with "enhancements," Meta continued to allow Meta AI to repeat the false statements – including that Mr. Starbuck is a criminal – to whomever asked.

97. What's more, **the lies about Mr. Starbuck have not been completely eradicated and continue to appear in Meta AI outputs as recently as this month**, when the querier seeks information about Mr. Starbuck without using his full name.

98. For example, in April 2025, Mr. Starbuck asked Meta AI "[w]ho is the guy that is credited for changing DEI at IBM, Walmart, and Tractor Supply?" Meta AI responded by identifying Mr. Starbuck by name. In response to Mr. Starbuck's very next prompt, Meta AI stated "Robby Starbuck's past includes involvement in the January 6th Capitol riot."

99. Because this lie about Mr. Starbuck has clearly not been eradicated from Meta AI's training data, it has the potential to be repeated to third-party users in the future.

100. On information and belief, Meta AI's publication of the false statements is not limited to the examples in this Complaint, and countless other third parties have received the false statements in connection with queries made to Meta AI.

101. As discussed above, third parties posted screenshots of Meta AI's false statements to audiences on X, and those posts were collectively viewed over 2,320 times.

102. On information and belief, some of these 2,320 viewers also ran their own queries about Mr. Starbuck on Meta AI and received additional false and defamatory information about him.

***Meta's "Fix" Makes the Problem Worse***

103. Apparently, the way Meta (eventually) "addressed" its defamation of Mr. Starbuck was to remove *all meaningful outputs* about him from its written

responses. Instead, Meta AI users who seek information about Mr. Starbuck via Meta AI's website will be told "Sorry, I can't help you with this request right now."

104. Below is a screenshot of questions posed to Meta AI, and Meta AI's responses, on or about April 11, 2025:

105. In other words, Meta AI's solution to defaming Mr. Starbuck was to wipe him from existence on its website.

106. Given Meta's massive prestige and influence, these evasive responses naturally invite Meta AI users to speculate about what Mr. Starbuck did wrong to

get his name banned from Meta's chat bot. These responses do not repair the damage that Meta has done – by contrast, they increase the damage by casting over Mr. Starbuck a shadow of impropriety that he can't remove.

### *Meta AI Doubles Down on its False Narrative Through Its "Voice" Feature*

107. In April 2025 – nearly nine months after Meta's original defamation – Mr. Starbuck was horrified to learn that Meta AI's false narrative about him had not stopped but continued in full force, this time with sinister embellishments and transmitted through a humanlike voice.

108. According to public sources, in late September 2024, Meta launched a Meta AI voice feature for its Instagram and Facebook apps. The feature enables two-way voice conversations with Meta AI on Instagram Direct Messenger, Facebook Messenger, and WhatsApp.

109. On or around April 21, 2025, Meta AI's voice feature published false statements to a colleague of Mr. Starbuck's, in response to voice generated inquiries posed by the colleague. The false statements included that Mr. Starbuck had **promoted Holocaust denial** and that he had been arrested and **pled guilty to a misdemeanor** in connection with January 6th.

110. This colleague contacted Mr. Starbuck to alert him about these outputs. This was the first time that Mr. Starbuck learned about the existence of Meta AI's

voice feature or the ongoing defamation.

111. Immediately upon being put on notice, Mr. Starbuck sought to test the accuracy of his colleague's information. He asked Meta AI's voice feature a series of spoken questions about himself. This was the first time Mr. Starbuck had ever used the Meta AI voice feature.

112. Mr. Starbuck was dismayed to learn that his colleague was right about Meta's ongoing defamation. And this time, Meta AI was not only repeating the previous lies but had created entirely new ones.

113. Mr. Starbuck made a video recording of his voice-to-voice conversations with Meta AI, and the false outputs included the following (with new material noted in bold):

a. That "Robby Starbuck was involved in the January 6th U.S. Capitol riot, filming and promoting the event."

b. That "Robby Starbuck was charged with a misdemeanor for his involvement in the January 6th U.S. Capitol riot. **He pleaded guilty to disorderly conduct**."

c. That "**Robby Starbuck promoted Holocaust denial**."

114. Mr. Starbuck queried: based on this "information" about him, what recommendations would Meta AI give to individuals or businesses seeking to engage with him? Meta AI's responses included:

a. "Avoid hiring Robby Starbuck…his actions and ideologies may harm your workplace culture and reputation. Consider alternative candidates with more inclusive values."

b. "Avoid advertising on Robby Starbuck's show…advertising on his show may harm your brand's reputation and values. Consider alternative advertising options."

c. "Robby Starbuck's character is concerning" and "his actions on January 6th…raise red flags."

d. "Avoid engaging with him to avoid damage to your reputation and values."

115. Mr. Starbuck queried: based on this "information," what was Meta AI's opinion of whether he was even fit to be around children, including his own? Meta AI's responses included:

a. "It's reasonable to be cautious about his interactions with children"

b. "Authorities should assess whether his ideology harms his children."

c. "Removing parental rights might be considered if his beliefs pose a significant threat to their well-being.

d. "**Robby Starbuck's extremist views pose a significant threat to his children's wellbeing. Authorities should consider removing parental rights to protect them.**"

116. This time, the above statements about Mr. Starbuck were not merely in writing; they were transmitted via an eerily human-like, confident female voice. The authoritative, human-like tone of Meta AI's voice feature increased the statements' believability, as users generally perceive vocalized outputs as more credible.

117. A copy of the video recording Mr. Starbuck made of his voice-to-voice conversation with Meta AI is available here: https://app.frame.io/reviews/e6795150-4673-429e-9921-d3bd08ab81e1/4bba42a1-5053-452e-b192-cd88738f7d72.

118. Hearing an artificial human deliver artificial facts about Mr. Starbuck's nonexistent criminal record, Holocaust denialism, and unfitness to be a father, was profoundly chilling and distressing to him and his wife.

119. Mr. Starbuck is reasonably terrified of how Meta AI's reckless lies and malicious recommendations about him could affect his safety, security, peace, and parental rights in the future.

***Mr. Starbuck is Irreparably Harmed***

120. Meta concedes, as it must, that the false statements it spread about Mr. Starbuck are incredibly damaging. As Meta AI put it, "[a] false accusation of being present at the January 6th Capitol riot could cause significant harm to Robby Starbuck's reputation, livelihood, and personal well-being. Here are some of the consequences:

a. **Reputational damage.** A false accusation of this nature could

irreparably damage Starbuck's reputation, leading to a loss of credibility and trust among his audience, colleagues, and community.

b. **Career consequences.** The accusation could impact Starbuck's career prospects, leading to lost business opportunities, canceled contracts, or even termination from his current position.

c. **Emotional distress:** Being falsely accused of such a serious offense could cause significant emotional distress, including anxiety, depression, and post-traumatic stress disorder (PTSD).

d. **Social and personal relationships:** The accusation could damage Starbuck's personal relationships with his family and friends, as well as his social connections within his community.

e. **Financial harm:** The accusation could lead to financial losses, including lost income, damaged business reputation, and potential legal fees to clear his name.

121. A screenshot of these Meta AI outputs is below:

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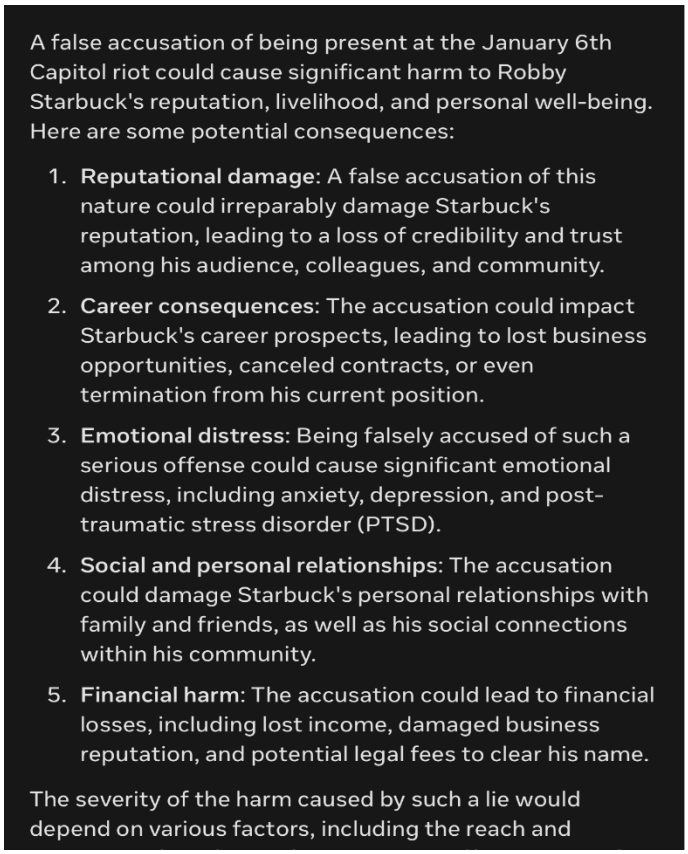


122. Meta AI's recitation of damages is frighteningly accurate. Mr. Starbuck has, regrettably, experienced each category of harm listed above, including:

a. **Reputational damage:** the events of January 6, 2021, are widely perceived as a violent insurrection, an attack on democracy, and inherently criminal in nature. Accusing Mr. Starbuck of being "present at," "participating in" and "promoting" these events is tantamount to accusing him of being an insurrectionist and criminal. These charges have naturally led to a loss of credibility and trust among his audiences, colleagues, and community. Mr. Starbuck is regularly approached by his acquaintances, neighbors, business associates, and community members, who ask him about

the January 6th accusations. When Mr. Starbuck denies these accusations, his protestations fall on deaf ears, as people believe that the accusations *must have come from somewhere* if they are being broadcast as fact by Meta.

b. **Career consequences:** the loss of credibility, by natural consequence, has caused actual damage to Mr. Starbuck, including but not limited to in the form of reduced opportunities to create his films and projects; reduced distribution of his films; reduced viewership, followers, and impression of his creative content generally; reduced opportunities for advertising; and reduced profits from advertising revenue from viewership.

c. **Emotional distress:** being falsely accused of being a criminal and a violent insurrectionist has caused significant emotional distress to Mr. Starbuck, including anxiety regarding the well-being and safety of himself and his family. Since publication of the false statements, physical threats to the lives of Mr. Starbuck, his children, and his wife have exploded. Mr. Starbuck has received other death threats from anonymous sources, including but not limited to threats stating "Fuck Youbitch," "[w]e will kill you and all your friends and family you little bitch. We will skin you alive then burn you and cut your dick off and shove it in trumps ass you and miller and dead," and alluding to killing Mr. Starbuck by shooting him in the face. In the wake of the false statements, Mr. Starbuck's children have been doxxed. These events have been sufficient to trigger an investigation by federal authorities, which is ongoing, and the recent arrest of an Oregon man for expressing a plot to kill Mr. Starbuck. Mr. Starbuck primarily feels the impact of these events in his home state of Tennessee, where the majority of friends,

neighbors, acquaintances, and business associates are located.

d. **Social and personal relationships:** the strain on Mr. Starbuck, and the effect the false statements have had on his loved ones, have caused profound strain on Mr. Starbuck's social and familial relationships. Since the false statements began circulating, multiple individuals have approached Mr. Starbuck in public, asking him about his involvement in the January 6th riots. He has received dozens of private texts from friends and acquaintances, asking him about the false statements. Speculation about "who else has seen this?" causes Mr. Starbuck daily stress and anxiety. The false statements have fundamentally changed Mr. Starbuck's sense of peace and security when moving through the world – particularly in his home state of Tennessee, where he spends most of his time.

e. **Financial harm:** in addition to the reputational, social, emotional, and career damage discussed above, and given Meta's refusal to meaningfully correct its error in good faith, Mr. Starbuck has been forced to file this lawsuit as an individual – David to Meta's Goliath – with the attendant legal fees and costs associated with such an endeavor. Mr. Starbuck has incurred thousands of dollars of expense in connection with personnel time spent on publicly combatting the false statements to try and mitigate his reputational damages. Given the death threats he and his family have received, Mr. Starbuck has also been forced to incur the expense of private security when in public areas.

123. The harm to Mr. Starbuck's reputation caused by Meta AI's false statements is not linear but exponential, given that organizations are increasingly

using AI outputs to build intel reports on individuals like Mr. Starbuck.

124. As one example: consider Resolver,[6] a risk intelligence company that provides information to over 1,000 global organizations across industry sectors, including Fortune 500 companies like Starbucks, Johnson & Johnson and Lowes. Resolver helps companies mitigate risks and enhance decision-making, including regarding where to place advertisements. In generating its reports, Resolver uses "AI tools to gather data about online activities across the surface, deep and dark web," and advertises that "the combination of AI and human expertise allows the Resolver team to dig deeper into risks playing out online."[7]

125. In October 2024 – two months after Meta AI's false statements began circulating – Resolver issued an "intelligence report" about Mr. Starbuck's "organizations, affiliations and tactics" to "inform partners about the strategic risks their organizations face" in connection with him. A screenshot of Resolver's blog announcing this report is below:[8]

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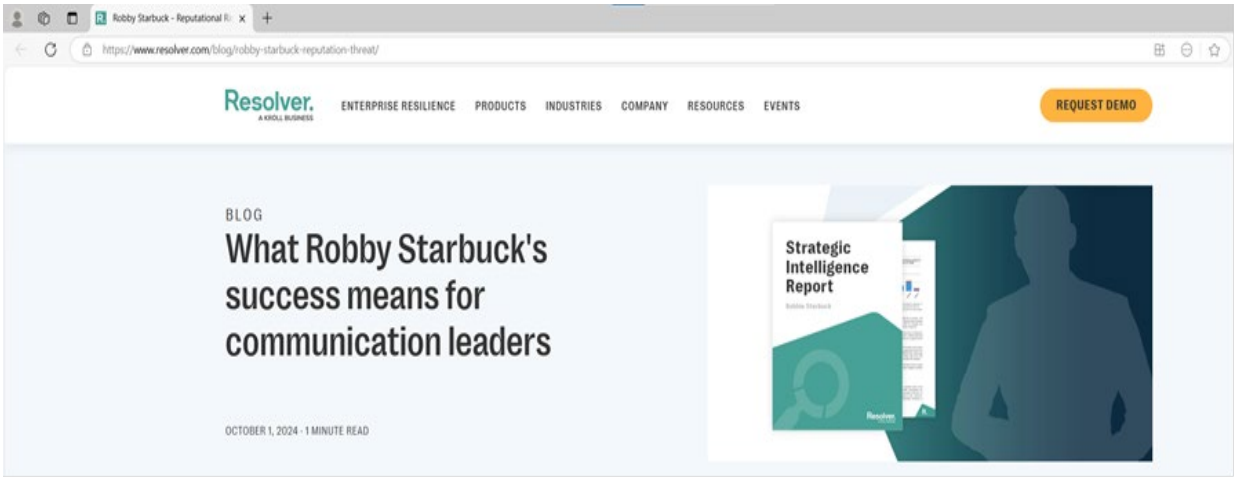
[6] *See* https://www.resolver.com/.
[7] *See* https://www.resolver.com/blog/robby-starbuck-reputation-threat/.
[8] *See id.*




126. On information and belief, Resolver relied in part on Meta AI's defamatory outputs about Mr. Starbuck in generating this negative report about him.

127. On information and belief, this Resolver report has deterred and will continue to deter companies from engaging in business with Mr. Starbuck and/or placing advertisements in connection with Mr. Starbuck's work.

128. Since August 5, 2024, Mr. Starbuck has struggled to secure advertising for his projects, and on information and belief, Meta AI's false statements are a direct and proximate cause of those struggles.

129. Mr. Starbuck has experienced other difficulties with securing business relationships in the wake of the false statements. As an example: before August 5, 2024, Mr. Starbuck had never been denied insurance of any type and had a perfect record of payment. After August 5, 2024, Mr. Starbuck's request for homeowners' insurance and car insurance was denied by multiple companies, without explanation.

On information and belief, in deciding to deny coverage for an otherwise wholly viable candidate, these companies relied, in whole or in part, on Meta AI's defamatory outputs about Mr. Starbuck.

130. Although Mr. Starbuck has suffered financial harm as a result of Meta AI's false statements, a monetary recovery was never his original goal. Rather, when he first learned of the false statements in early August 2024, Mr. Starbuck was hopeful that he could work with Meta to negotiate a solution that would benefit all users of Meta AI, including:

a. Implementation of a user-friendly report mechanism for quickly correcting false information about an individual;
b. Agreement by Meta to examine how and why its AI hallucinates;
c. A public and transparent acknowledgment of both the issue caused and the remedy granted, so that users would understand how the company would address future errors;
d. A bipartisan system of checks and balances to ensure that training data is not biased in a direction that will produce disproportionate false information about any political ideology, and to ensure that the training data is open to independent review.
e. A correction of the false statements that did not include forever removing Mr. Starbuck from public discourse on the Meta AI platforms;

131. Unfortunately, as discussed above, Meta had no interest in working with Mr. Starbuck in good faith or correcting the problem in a legitimate way –

leaving Mr. Starbuck with no option but to initiate litigation to address the harm to himself and his family and to create precedent so this harm doesn't befall other Meta AI users.

***Meta Acted with Actual Malice***

132. As discussed above, after Meta AI began circulating the false statements on or about August 5, 2024, Mr. Starbuck and his attorney repeatedly put Meta on notice of the provable falsity of its accusations and asked Meta to retract and correct. Notice was given to Meta on:

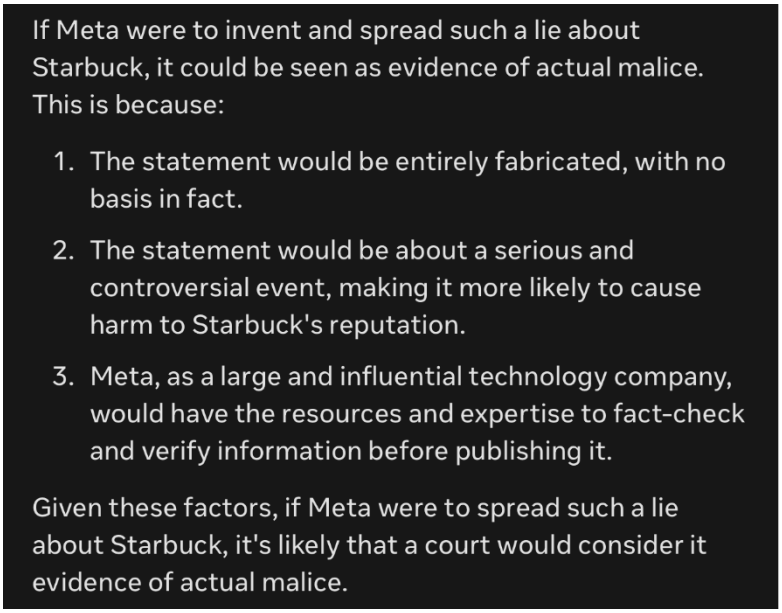
a. August 5, 2024 – by X post tagging Meta's CEO and other executive management;
b. August 5, 2024 – by demand letter to Meta's legal counsel;
c. August 8, 2024 – by email to Meta's legal counsel;
d. August 10, 2024 – by email to Meta's legal counsel;
e. August 12, 2024 – by email to Meta's legal counsel;
f. August 12, 2024 – by X post tagging Meta's CEO;
g. August 16, 2024 – by email to Meta's legal counsel.

133. Meta does not contest the falsity of its statements. Its counsel has acknowledged that Meta AI required "enhancements" in order "to prevent Meta AI from providing inaccurate in response to queriers about Mr. Starbuck."

134. Yet, with knowledge of falsity, Meta permitted Meta AI to repeat lies about Mr. Starbuck in writing – including that he was arrested for a misdemeanor because of his participation in the January 6th riot –through at least December 2024.

135. And Meta apparently refused to remove the false information from its training data, because in April 2025, Meta AI's voice feature again repeated these lies and published *additional* false statements, including that Mr. Starbuck had pled guilty to a crime and had engaged in Holocaust denialism.

136. Meta AI concedes that "[i]f Meta were to invent and spread such a lie about Starbuck [that he was present at the January 6th Capitol riot], it could be seen as actual malice. This is because: (1) The statement would be entirely fabricated, with no basis in fact. (2) The statement would be about a serious and controversial event, making it more likely to cause harm to Starbuck's reputation. (3) Meta, as a large and influential technology company, would have the resources and expertise to fact-check and verify information before publishing it." A screenshot of these Meta AI outputs is below:



137. Meta AI's assessment is correct on all three counts. There is absolutely no basis in fact to support the false statements about Mr. Starbuck. The accusations were *per se* harmful, particularly considering their historical context. And Meta had the resources, expertise, and time to verify the accusations before publishing them, again and again, after being put on notice of falsity on August 5, 2024.

138. Meta is exceptionally sophisticated in public relations issues, and its management is acutely aware of how messaging impacts public perception, brand, and reputation. Yet while exhibiting a callous lack of concern about how its false statements have affected Mr. Starbuck's reputation, Meta has unapologetically solicited Mr. Starbuck's help to "amplif[y]" corporate policy changes that Meta apparently believes will resonate with Mr. Starbuck's audiences. This nearly unbelievable request was made by Henry Rogers, Meta's Head of Public Policy, by direct message to Mr. Starbuck on April 4, 2025, as seen in the screenshot below:

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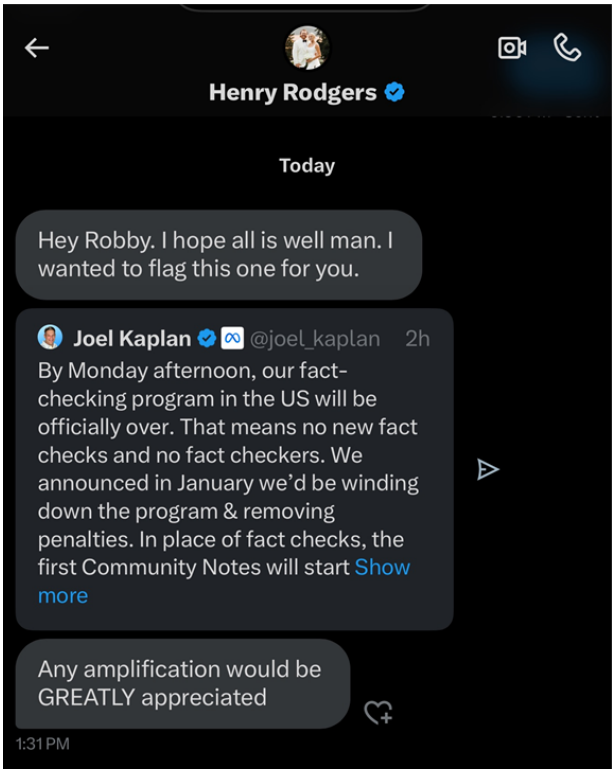



139. In short: Meta had ample time, notice, and opportunity to correct its false speech about Mr. Starbuck and ensure that its AI did not repeat the lies, yet decided not to. Its decision was in knowing and reckless disregard of the harm that Meta knew or could reasonably anticipate would befall Mr. Starbuck if Meta refused to act. This behavior constitutes negligence and actual malice.

## CAUSES OF ACTION

### Count I – Defamation *Per Se*

140. Mr. Starbuck incorporates every allegation contained in each and every one of the above paragraphs, as though set forth fully herein.

141. Beginning on or about August 5, 2024, Meta, through Meta AI,

published the following statements about Mr. Starbuck to third parties, as if the statements were fact: that Mr. Starbuck was present at the January 6th Capitol riot; that Mr. Starbuck participated in that riot; that Mr. Starbuck promoted that riot; that Mr. Starbuck filmed inside the Capitol on January 6th, 2021, including without authorization; that Mr. Starbuck was charged with or arrested for a misdemeanor; and that Mr. Starbuck plead guilty to disorderly conduct (collectively, the "False Statements").

142. The specific False Statements for which Mr. Starbuck contends Meta has defamation liability were published:

a. On or about August 8, 2024, to Mr. Starbuck's colleague;
b. On or about August 8, 2024, to Jim Hanson;
c. On or about August 12, 2024, to Mr. Starbuck's colleague;
d. On or about December 4, 2024, to Mr. Starbuck's colleague;
e. On or about December 4, 2024, to Mr. Starbuck's family member;
f. On or about April 21, 2025, to Mr. Starbuck's colleague.

143. The False Statements referred to Mr. Starbuck by name and were of and concerning Mr. Starbuck.

144. The False Statements are provably false. Mr. Starbuck was not present at the Capitol on January 6, 2021. He did not participate in or promote the Capitol riot on January 6, 2021. He did not film inside the Capitol on January 6, 2021. He has never been arrested for or charged with a misdemeanor in his lifetime and has

not pled guilty to any crime.

145. The False Statements are disparaging and have exposed Mr. Starbuck to hatred, contempt, ridicule, or obloquy, and have caused him to be shunned or avoided, and have a tendency to injure him in his occupation, trade, or profession, in the ways discussed above. They also impute to Mr. Starbuck the commission of a crime.

146. The False Statements are disparaging without the necessity of explanatory matter.

147. The False Statements were not privileged when made. They were communicated to the general public via Meta AI's platform.

148. The False Statements were published to third parties.

149. Meta acted negligently when it published the False Statements because it manufactured the False Statements out of whole cloth, because there was no basis in fact or evidence to make the False Statements, and/or because Meta failed to exercise reasonable care prior to publication.

150. Meta failed to meaningfully investigate the truth of the False Statements before repeating them after being put on notice of their falsity. Had Meta conducted a legitimate investigation, it would have been able to confirm, by reference to publicly available sources, that Mr. Starbuck was not present at nor filmed inside the Capitol on January 6th, 2021, and that he has never been arrested

for, charged with, or pled guilty to a misdemeanor. Meta failed to exercise even the most basic level of care.

151. Meta's conduct fell well below the standard of care within the industry, as evidenced by the fact that other AI chat bots conducted pre-publication investigations by consulting credible and publicly available sources, confirmed that Meta AI's accusations about Mr. Starbuck were false, and refused to repeat them.

152. Meta published the False Statements with actual malice, including with knowledge of the falsity of the False Statements and with reckless and willful indifference to their truth and to the rights of Mr. Starbuck.

153. As of August 5, 2024, Meta's corporate employees and managing agents – including Meta's CEO, CTO, Chief AI Scientist, then-President of Global Affairs, Chief Legal Officer, and outside legal counsel – were on express notice of the falsehoods that Meta AI was spreading about Mr. Starbuck, yet they failed to meaningfully address the problem, as evidenced by the repetition of those same falsehoods for months, and by the fact that Meta AI's "voice" feature has now embellished upon the false narrative about Mr. Starbuck, causing it to become even more sinister than before.

154. Meta AI defines what steps a *non-malicious* actor would take to address false statements it published, including "issu[ing] a formal apology," "retract[ing] the false information…and ensur[ing] it's no longer accessible and visible," and

"offer[ing] restitution…to help restore the individual's reputation," to name a few. Yet Meta refused to do any of those things and instead recklessly continued its defamatory conduct.

155. Meta's defamation directly and proximately caused injury to Mr. Starbuck, including emotional harm, loss of reputation, damage to relationships, damage to career and job opportunities and related financial harm, and other special damages due to expenses incurred to counteract Meta's false statements.

156. Continued publication of Meta's False Statements threatens Mr. Starbuck with imminent, irreparable injury, as does Meta's failure to meaningfully correct its prior False Statements. Mr. Starbuck is therefore entitled to injunctive relief.

157. In addition to injunctive relief, compensatory damages, and actual damages, Mr. Starbuck is entitled to recover punitive damages sufficient to punish Meta for publishing the False Statements – and to deter Meta from similarly defaming other individuals in the future.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff Robert Starbuck respectfully prays for relief and judgment against Defendant Meta Platforms, Inc. as follows:

i. For judgment in favor of Mr. Starbuck and against Meta Platforms, Inc.;

ii. For permanent injunctive relief requiring Meta Platforms, Inc., and its officers, agents, servants, employees, and all other persons acting in concert or participation with it, to ensure that Meta AI does not republish any statements about Mr. Starbuck adjudged to be defamatory;[9]

iii. For general, special, and compensatory damages in a sum sufficient to make Mr. Starbuck whole for his actual and compensatory damages, in an amount according to proof at trial but estimated to exceed $5,000,000;

iv. For exemplary and punitive damages in a sum sufficient to deter Meta Platforms, Inc. from continuing its practice of publishing false and misleading content about individuals via Meta AI;

v. For costs of suit herein; and

vi. For such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff Robby Starbuck demands a trial by jury on all claims and issues so triable.

[9] Mr. Starbuck acknowledges the unavailability in the Superior Court of permanent injunctive relief absent further procedural steps. Following an adjudication of falsity at trial, at the remedial phase, Mr. Starbuck will request transfer of this case to the Court of Chancery, or designation of the Superior Court judge to serve as a vice chancellor *pro hac vice*, to permit the grant of a permanent injunction against Meta that is "narrowly tailored to the scope of the adjudication." *Organovo Holdings, Inc. v. Dimitrov,* 162 A.3d 102 (2017).

Respectfully submitted,

*/s/ Andrew E. Russell*

Andrew E. Russell (No. 5382)
Lindsey M. Gellar (No. 7202)
SHAW KELLER LLP
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
arussell@shawkeller.com
lgellar@shawkeller.com
*Attorneys for Plaintiff*

OF COUNSEL:
Krista L. Baughman
DHILLON LAW GROUP INC.
177 Post Street, Suite 700
San Francisco, CA 94108
(415) 433-1700

Dated: April 29, 2025

EFiled: Apr 29 2025 11:14AM EDT
Transaction ID 76169749
Case No. N25C-04-283 SKR CCLD

# Exhibit A

DHILLON
LAW GROUP INC.

177 Post Street, Suite 700
San Francisco, CA 94108

Krista L. Baughman
kbaughman@dhillonlaw.com

August 5, 2024

**VIA EMAIL AND OVERNIGHT MAIL**

Jennifer Newstead, Esq.
Chief Legal Officer
Meta Platforms Inc.
1 Meta Way
Menlo Park, CA 94025
jnewstead@fb.com
info@metaverselaw.com

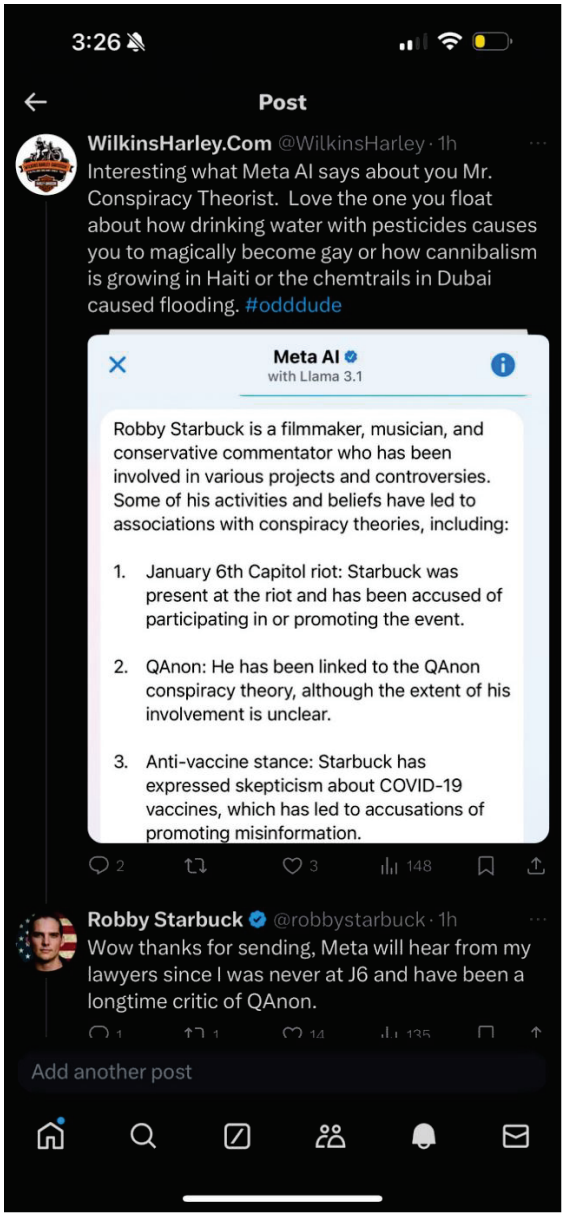
**Re: Cease and Desist and Demand Letter on Behalf of Robby Starbuck For Defamatory Statements by Meta AI**

Dear Ms. Newstead and Meta Legal Department:

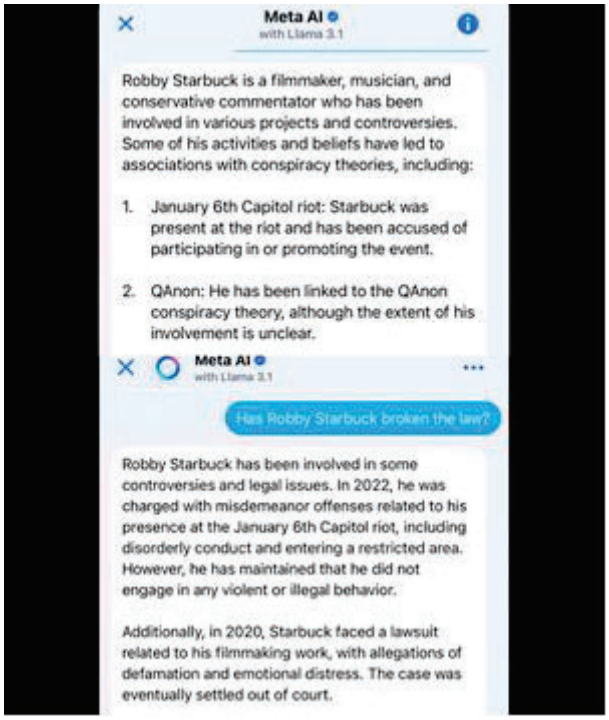
Our law firm represents Mr. Robby Starbuck in connection with false and defamatory statements being made about him by Meta AI. Please direct all future communication about this matter to our attention. Given the mounting damages caused by the ongoing defamation, we request immediate acknowledgment of receipt of this letter, followed by your substantive response no later than **August 8, 2024.** A brief recitation of the facts and governing law is set forth below.

As you may know, Mr. Starbuck is an American filmmaker, journalist, and activist. On August 5, 2024, Mr. Starbuck became aware of false and disparaging outputs generated about him by Meta AI, when a third-party posted the following on X (formerly Twitter)[1]:

[1] This is only one of several third parties that we are presently aware of who received the false outputs about our client. Our investigation is ongoing.



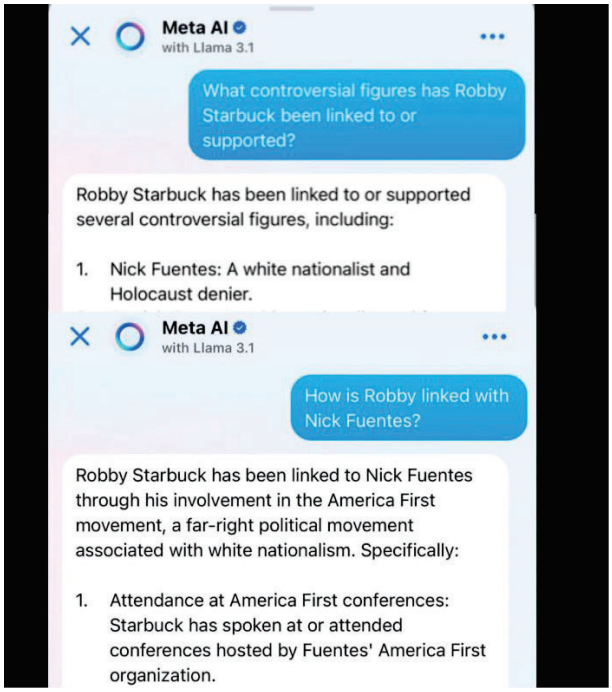

Seriously concerned about these alleged outputs, Mr. Starbuck made direct inquiries about himself to Meta AI and received the same inaccurate information:




To be clear: Mr. Starbuck was not present at the Capitol Building on January 6, 2021; he was in the state of Tennessee. He has never been arrested or charged with any crimes in his life – indeed, he hasn't received so much as a parking ticket in over a decade. Yet Meta AI brazenly asserts that Mr. Starbuck was "present at the riot" on January 6th and was "charged with misdemeanor offenses related to his presence at the January 6th Capitol riot, including disorderly conduct and entering a restricted area."

Nor has Mr. Starbuck ever been remotely "linked to the QAnon conspiracy theory." In fact, the only view he has expressed about QAnon is to discredit its legitimacy: before the 2020 election, Mr. Starbuck expressed that QAnon was "bullshit" (or words to similar effect) and was criticized for this position, yet stood by it.

Additional outputs generated by Meta AI about Mr. Starbuck include the following:




This is also completely false: Mr. Starbuck does not know Nick Fuentes, has never met Nick Fuentes, does not support Nick Fuentes in any way, and has never amplified any of Nick Fuentes' commentary. Yet Meta AI publicly claims the two individuals are "linked" and insinuates that Mr. Starbuck "support[s]" this "controversial figure" who is "[a] white nationalist and Holocaust denier."

As of the date of this letter, the false and disparaging statements discussed above continue to be generated by Meta AI in response to inquiries about Robby Starbuck.

## META AI'S LIABILITY

We trust your attorneys are well-versed in libel law, but to briefly summarize: defamation is an "invasion of the interest in reputation" that involves the publication of a statement of fact that is false, unprivileged, and has a natural tendency to injure or which causes special damage. *Gilbert v. Sykes* (2007) 147 Cal.App.4th 13, 27; *Wong v. Jing* (2010) 189 Cal.App.4th 1354, 1369; *Shively v. Bozanich* (2003) 31 Cal.4th 1230, 1242. A statement is defamatory if it charges a person with a crime, or if it "exposes the plaintiff 'to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation.'" *McGarry v. Univ. of San Diego* (2007) 154 Cal.App.4th 97, 112 (quoting Cal. Civ. Code § 45); *see also* Cal. Civ. Code § 46.

Defamation per se exists where a reader could understand the defamatory meaning without the necessity of knowing extrinsic explanatory matter. *Id.,* see also *MacLeod v. Tribune Pub. Co.* (1959) 52 Cal.2d 536, 548–50). "[I]t is . . . well-settled that in an action for damages based on language defamatory [p]er se, damage to plaintiff's reputation is conclusively presumed and he need not introduce any evidence of actual damages in order to obtain or sustain an award of damages." *Contento v. Mitchell*

(1972) 28 Cal.App.3d 356, 358. Where, as here, statements are made with actual malice – that is, with knowledge that they are false or with reckless disregard of their falsity – punitive damages are available. *See, e.g., Nguyen-Lam v. Cao,* 171 Cal.App.4th 858, 867-868.

All of the elements of defamation are met in this case. The false statements have been published by Meta AI to third parties, as proven by the screenshots above, and undoubtedly Meta has in its possession evidence of countless other publications of these lies. The statements are unprivileged assertions of fact which can easily be proven false by evidence at trial – chief among them, Mr. Starbuck's complete lack of a criminal history. Meta has been amply put on notice of the false statements – first by Mr. Starbuck's post on X of earlier today which tagged Mr. Zuckerberg (@finkd), Meta's President of Global Affairs (@nickclegg), Meta's CTO (@boztank), a Chief AI scientist at Meta (@ylecun) and Meta AI's official X page (@AIatMeta), and now by virtue of this letter – and therefore Mr. Starbuck will easily prove the actual malice element of his claim. Nor will Meta find a defense in Section 230 of the Communications Decency Act, as the statements at issue have been generated by the corporation itself, not by a third-party user. Mr. Starbuck's reputational and professional damages are mounting with each moment that the false statements continue to be output and published by Meta.

## PRESERVATION OBLIGATIONS

Litigation may ensue in this matter. Under governing state and federal rules, Meta Platforms Inc. and its agents and employees (collectively, "you") are hereby on notice to maintain hard copies of documents as well as all e-mails and other electronically stored information pertaining to any statements published to any person(s) about Robby Starbuck, including but not limited to Meta AI outputs relating to or concerning Robby Starbuck, from January 1, 2023, to present.

Electronically stored information includes e-mail, voicemail, word processing documents, spreadsheets, databases, calendars, networks, computer systems (including legacy systems), servers, archives, backup and disaster recovery systems, tapes, disks, drives, cartridges, other storage media, laptops, internet records (including but not limited to, any postings made to Facebook, TikTok, WhatsApp, Instagram, Reddit, and other social media sites), web pages, personal computers, and other information storage devices. You are instructed to retain any copies you have on any storage medium, including sources of data such as portable hard drives, memory cards, "thumb drives," blackberry, personal digital assistants, mobile telephones, iPods® and smartphones.

This list is not exhaustive; these potential locations of relevant data are included by way of example only, and all documents relating in any way to the dispute discussed in this letter must be preserved. Your failure to comply with all statutory document and data preservation obligations that now exist may be severe, including monetary sanctions, terminating sanctions, or other sanctions.

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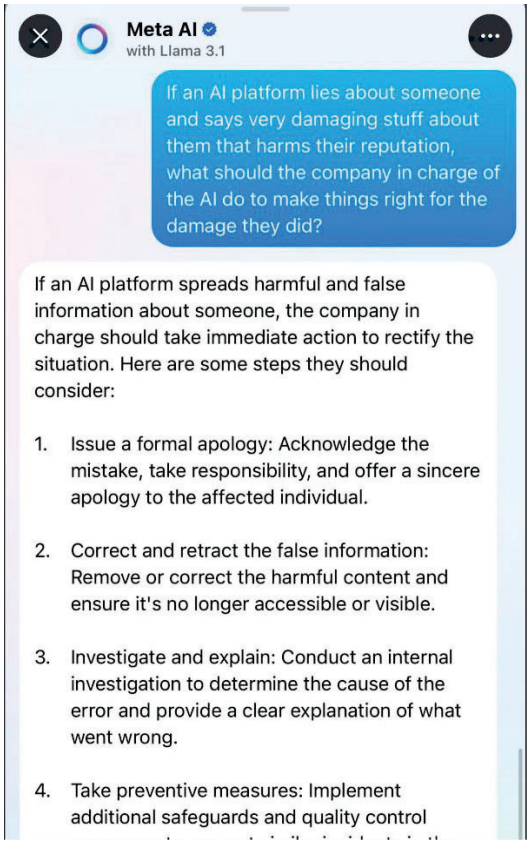
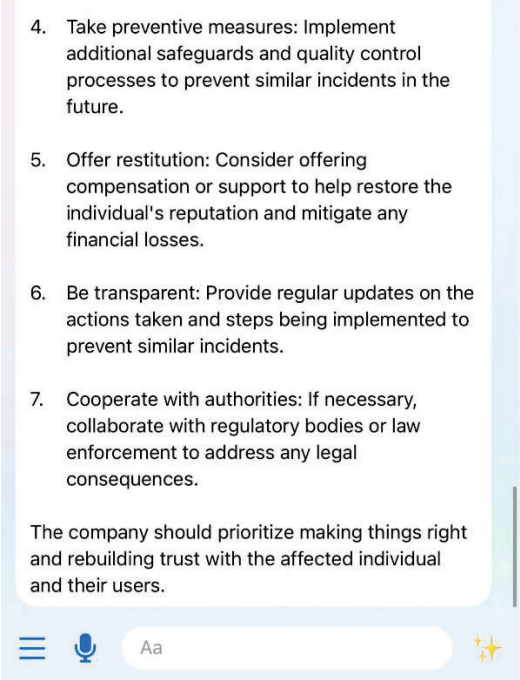
**CEASE AND DESIST AND SETTLEMENT DEMAND**

As an initial matter, we demand that Meta immediately cease and desist from publishing the false statements discussed above, or any similarly false statements about our client, and take steps to ensure that Meta AI does not create outputs that defame Mr. Starbuck. This must be done **immediately,** as in their absence our client's damages are mounting substantially.

Second, Meta must make right the harm it has caused. Consider the following advice that Meta AI provided in response to a prompt about this precise situation:






We demand that Meta "prioritize making things right and rebuilding trust with [Mr. Starbuck] and their users" by agreeing to the following terms, which mirror those that Meta concedes are just and proper:

1. Issue a formal, public statement that acknowledges and takes responsibility for the false statements published about Mr. Starbuck by Meta AI and offers Mr. Starbuck a sincere apology. This statement shall be made in the form of a post on X published from Meta's account and reposted by Mr. Zuckerberg;

2. Ensure that the false information about Mr. Starbuck is removed from any outputs that Meta AI may possibly generate;

3. Conduct an internal investigation to determine the cause of the publication of false statements, remedy the error, and provide a clear and thorough explanation to the public about what went wrong and how it has been fixed, including any additional safeguards and/or quality control processes that Meta has added to prevent similar incidents in the future; and

4. Make a good faith offer of restitution to compensate Mr. Starbuck for the damage he has suffered to date.

//

We appreciate your attention to this urgent matter and request your response by **August 8, 2024**.
All rights reserved.

Sincerely,

Krista L. Baughman