

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT, IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA

CIVIL DIVISION

CASE NO.

DON'T TREAD ON US, LLC, a Florida
limited liability company,

Plaintiff,

v.

TWITTER, INC., a Delaware corporation,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL



Plaintiff, DON'T TREAD ON US, LLC (“Plaintiff”), by and through undersigned counsel, hereby sues Defendant, TWITTER, INC. (“Defendant” or “Twitter”), and alleges the following:

GENERAL ALLEGATIONS OF FACT

1. On October 27, 2022, billionaire Elon Musk acquired social media service Twitter. Shortly thereafter, Musk explained his purchase of the “digital town square” was

motivated by concerns that Twitter was increasingly suppressing free speech. Upon naming himself CEO, Musk promptly restored several high-profile accounts that had been suspended, including former President Donald Trump, the Babylon Bee, Andrew Tate, and Project Veritas. On November 24, 2022, after conducting a user poll, Musk offered **“a general amnesty to suspended accounts, provided that they have not broken the law or engaged in egregious spam[.]”** Musk tweeted, **“The people have spoken. Amnesty begins next week. Vox Populi, Vox Dei.”**

2. In addition to unsuspending accounts and granting general amnesty, Musk’s agenda as owner and CEO of Twitter has revealed the extraordinary extent of censorship and speech suppression engaged in by the company’s prior management. To this end, on December 2, 2022, Musk, through various journalists, began releasing the Twitter Files. Published in installments, the Twitter Files have exposed intense coordination between Twitter and various government agencies including the FBI, CIA, and Department of Defense as well as the Democratic National Committee (“DNC”) to censor discourse on the platform around various public issues including the 2020 presidential election, the Hunter Biden laptop controversy, and Covid-19. As one of the Twitter Files journalists, Matt Taibbi, tweeted on January 3, 2023, in connection with a request by Democratic congressman Adam Schiff to ban journalist Paul Sperry, Twitter “received an astonishing variety of requests from officials asking for individuals they didn’t like to be banned.”

3. Bafflingly, however, while Twitter’s new policy has resulted in the restoration of numerous accounts, many of which, like Sperry’s, were targeted for censorship due to the expression of views critical of the Democratic Party or its candidates, two of the most obvious

victims of Twitter’s censorship campaign on behalf of the DNC have yet to be restored: Jared H. Beck (“Mr. Beck”) and Elizabeth Lee Beck (“Mrs. Beck”).

4. Mr. and Mrs. Beck are married attorneys who have been practicing civil litigation in Miami, Florida through their law office, Beck & Lee Trial Lawyers (“Beck & Lee”), since 2007. They are graduates of Harvard and Yale Law Schools, respectively. Before starting Beck & Lee, Mr. Beck practiced at Quinn Emanuel in Los Angeles and Morgan Lewis & Bockius in Miami. Mrs. Beck worked for Quinn Emanuel in Los Angeles and Coffey Burlington in Miami. Beck & Lee’s practice runs the gamut of civil matters, including complex business disputes, real estate litigation, medical malpractice lawsuits, and nationwide antitrust and consumer class actions.

5. Beck & Lee initially built its reputation by successfully litigating hundreds of claims on behalf of real estate investors arising out of the Great Recession of 2007-09 and the associated real estate market crash. Several of those claims involved the abandoned Trump International Hotel & Tower project in Fort Lauderdale, which resulted in a jury trial in Broward County state court against Donald Trump in 2014. Beck & Lee’s litigation against Trump later garnered intense national and international media attention during his 2016 presidential campaign due to an angry sexist tirade by Trump against Mrs. Beck at his 2011 deposition, whereupon a red-faced Trump stormed out of the room. *See* Jeremy Diamond, *Lawyer: Donald Trump called me ‘disgusting’ for request to pump breast milk*, CNN (July 29, 2015), available at <https://www.cnn.com/2015/07/29/politics/trump-breast-pump-statement/index.html> (last visited Jan. 1, 2023).

6. Mrs. Beck was interviewed regarding Trump’s conduct by, among others, the New York Times, CNN, and MSNBC. Portions of her CNN interview were replayed by the

DNC at its July 2016 national convention as part of a video presentation titled “Trump in His Own Words: Women in the Workplace.” (The presentation is available on YouTube at <https://www.youtube.com/watch?v=9dQyauLUGQs> (last visited Jan. 1, 2023)). (Trump swiftly lashed out against Mrs. Beck, maligning her in the press as a “tough killer in Miami,” “whack-job,” “crazy,” “vicious, horrible person,” and falsely asserting that “she wanted to breast-pump in front of me.”).¹

7. In an ironic twist, at the very moment the DNC was projecting Mrs. Beck’s personal experience with Trump at its national convention in Philadelphia to persuade voters to elect Hillary Clinton, Beck & Lee was battling the DNC in a federal courtroom in Fort Lauderdale on behalf of supporters of Clinton’s principal challenger for the Democratic nomination, Bernie Sanders. At the time, Mr. and Mrs. Beck were ardent supporters of Sanders and donors to his campaign. On June 28, 2016, just under a month before the convention, Beck & Lee filed a class action on behalf of 120 named Sanders supporters. The lawsuit, which named as defendants the DNC’s body corporate and chairwoman Deborah Wasserman Schultz, asserted that the DNC and Wasserman Schultz had violated the DNC’s charter obligation to “maintain impartiality and evenhandedness during the Democratic Party nominating process.” Art. 5, § 4 of the Charter of the Democratic Party of the United States. The legal claims were based on the DNC’s internal documents – the authenticity of which the DNC has never contested, and which were released into the public domain by Guccifer 2.0 and later Wikileaks –

¹ See David Martosko, *EXCLUSIVE: Donald Trump hammers ‘whack-job’ attorney who once tried to pump breast milk while he gave a legal deposition, saying he ‘knocked her out of the box’ on Twitter*, DailyMail.com (July 29, 2015), available at <https://www.dailymail.co.uk/news/article-3179223/Donald-Trump-hammers-whack-job-attorney-tried-pump-breast-milk-gave-legal-deposition-saying-knocked-box-Twitter.html> (last visited Aug. 5, 2021); *Donald Trump: Elizabeth Beck is a ‘horrible person,’* CNN.com (July 29, 2015), available at <https://www.cnn.com/videos/politics/2015/07/29/donald-trump-elizabeth-beck-dana-bash-interview.cnn> (last visited Jan. 3, 2023).

that show, beyond dispute, that the DNC favored and devoted considerable resources to Clinton's campaign for the Democratic presidential nomination while undermining Sanders. In the immediate aftermath of the WikiLeaks release, Wasserman Schultz and three additional DNC officers resigned.

8. The "DNC Fraud Lawsuit," as it became known on social media and in mainstream and alternative news publications, was ultimately dismissed based on lack of standing, a decision upheld by the Eleventh Circuit in a 29-page published opinion from which the U.S. Supreme Court denied certiorari relief. *See Wilding v. DNC Servs. Corp.*, 941 F.3d 1116 (11th Cir. 2019), *cert. denied by Wilding v. DNC Servs. Corp.*, 140 S.Ct. (2020). While it did not result in a positive judgment for the plaintiffs, the case did achieve a large measure of success in other respects. First, during the district court proceedings, the plaintiffs obtained a critical admission from the DNC in open court when the defendants' lead counsel acknowledged under questioning from Judge William Zloch that his clients believed they had the legal right to rig the primary elections. *See Wilding v. DNC Servs. Corp.*, Transcript of Motion Hearing (Apr. 25, 2017) at 36:21-25 (Counsel for DNC: "[W]e could have voluntarily decided that, Look, we're gonna go into back rooms like they used to and smoke cigars and pick the candidate that way. That's not the way it was done. But they could have. **And that would have also been their right.**" (emphasis added)). Judge Zloch took note of this shocking admission in his opinion dismissing the case. *See Wilding v. DNC Servs. Corp.*, 2017 WL 6345492, *5 (S.D. Fla. Aug. 25, 2017) ("The Court does not accept this trivialization of the DNC's governing principles. While it may be true in the abstract that the DNC has the right to have its delegates 'go into back rooms like they used to and smoke cigars and pick the candidate that way,' [] the DNC, through its charter, has committed itself to a higher principle." (citation omitted)).

9. Second, at least in part due to its success in revealing the depth of the DNC's disregard for its own charter obligation, the DNC Fraud Lawsuit inspired a vigorous social media discourse surrounding the issue of election integrity, including on Facebook and Twitter, frequently centered on the hashtag #DNCFraudLawsuit, and anticipating, by several years, the now-notorious issues arising out of the 2020 presidential election. One of the United Kingdom's newspapers of record, The Guardian, took note of Beck & Lee's deployment of social media in aid of their David v. Goliath battle, including the divulgement of threats to the safety of plaintiffs' counsel and other participants in the DNC Fraud Lawsuit. *See* James Williams, *Oath Keepers militia will attend Portland 'free speech' rally, says leader*, The Guardian (June 4, 2017) ("A Miami law firm, Beck and Lee, is suing the DNC over its treatment of Bernie Sanders during the Democratic primary last year. The firm is run by a husband and wife team, Jared and Elizabeth Lee Beck. Jared Beck has used his Twitter account to demand closer investigation of the murder of a DNC staffer, Seth Rich, which has become the subject of rightwing conspiracy theories. Elizabeth Beck recently complained about death threats on Twitter.") *available at* <https://www.theguardian.com/us-news/2017/jun/03/oath-keepers-militia-portland-free-speech-rally> (last visited Jan. 10, 2023).

10. Beck & Lee's use of social media was especially vital to the advocacy of their clients' cause, given the extraordinary extent to which coverage of the DNC Fraud Lawsuit was suppressed by the mainstream news. *See* Paul Rosenberg, *What You Don't Know Can Hurt You: The 10 News Stories Most Ignored By the Mainstream Media*, Willamette Week (Oct. 11, 2017), *available at* <https://www.wweek.com/news/2017/10/11/what-you-dont-know-can-hurt-you-the-10-news-stories-most-ignored-by-the-mainstream-media/> (last visited Jan. 10, 2023) ("A key story about 2016 election has mostly been ignored by the media—a class action lawsuit alleging

that the Democratic National Committee broke legally binding neutrality agreements in the Democratic primaries by strategizing to make Hillary Clinton the nominee before a single vote was cast.”).

11. However, in January 2019, a vital component of Beck & Lee’s social media advocacy on behalf of its clients, Mr. and Mrs. Beck’s Twitter accounts (Twitter handles @jaredbeck and @eleebeck, respectively) – which at the time had over 30,000 followers combined – were permanently suspended. As reported in Disobedient Media, at the time of Mr. Beck’s suspension, he had recently “openly mocked the presidential bid of Kamala Harris. He has been far from the only voice to raise concerns regarding Harris’s candidacy.” Elizabeth Vos, *Twitter Suspends Jared Beck, Attorney For Plaintiffs In DNC Lawsuit*, Disobedient Media (Jan. 30, 2019) available at <https://web.archive.org/web/20190130221942/https://disobedientmedia.com/2019/01/twitter-suspends-jared-beck-attorney-for-plaintiffs-in-dnc-fraud-lawsuit/>

12. It is hardly surprising that criticism of Kamala Harris’s candidacy was the trigger that ultimately brought down the censorious wrath of the DNC on Beck & Lee. At the time of Mr. Beck’s suspension, Harris’s former press secretary, Nick Pacilio, was a senior communications manager at Twitter. See Joseph Wulfsohn, *Former Kamala Harris press secretary is top Twitter communications official, announced removal of Trump clip*, Fox News (Aug. 12, 2020) available at <https://www.foxnews.com/media/kamala-harris-nick-pacilio-twitter-communications-officer>.

13. Several days later, Mrs. Beck’s Twitter account was permanently suspended. Mr. and Mrs. Beck’s accounts have remained permanently suspended continuously until the present.

14. Regardless of whether Twitter had the contractual and/or statutory right to suspend Mr. and Mrs. Beck's Twitter accounts at the time, the general amnesty announced by Twitter's CEO on November 24, 2022, applies to them because Mr. and Mrs. Beck have never broken the law or engaged in egregious spam with their Twitter accounts, nor have they even been alleged to have done so. Instead, they were suspended for engaging in political speech antagonistic to the establishment Democratic Party interests that largely directed Twitter's censorship policies prior to Musk's takeover, as Musk's own actions as CFO have revealed.

15. Nonetheless, despite several requests for the reinstatement of their accounts made to Twitter's outside counsel, Mr. and Mrs. Beck have remained suspended. As a result, they continue to be excluded from the digital town square, subjected to unwarranted attacks on their reputation and character with no ability to respond, and have been and continue to be significantly damaged in the ability to advocate for their clients in their chosen profession. Moreover, the public sphere has been deprived of the voices of two tenacious advocates on a range of important political and social issues, of which election integrity is just one example. There is no legitimate reason for why Mr. and Mrs. Beck's accounts should not be restored under Twitter's general amnesty policy, and no rationale has ever been supplied.

JURISDICTION AND VENUE

16. This is an action for damages and injunctive relief that exceed the value of \$50,000.00, exclusive of interest, court costs, and attorneys' fees.

17. Venue is proper in this County, where a substantial part of the events relevant to this action took place and where Defendant has targeted its conduct. Furthermore, Plaintiff is a resident of this County.

PARTIES

18. Plaintiff, Don't Tread On Us, LLC is a Florida limited liability company based in Miami, Florida. Plaintiff is the assignee of all rights held by Jared H. Beck and Elizabeth Lee Beck pursuant to their respective contractual relationships with Twitter.

19. Defendant, Twitter Inc. is a Delaware corporation headquartered in San Francisco, California.

CAUSE OF ACTION

(Breach of Contract)

20. Plaintiff re-alleges paragraphs 1 through 19 above as if fully set forth herein.

21. Both Jared Beck and Elizabeth Lee Beck have valid and enforceable contracts with Twitter.

22. The contracts with Twitter allow Twitter the right to revise or modify their terms.

23. On November 24, 2022, Twitter modified the terms of its contracts with Jared Beck and Elizabeth Lee Beck when it provided, through its CEO, "a general amnesty to suspended accounts, provided that they have not broken the law or engaged in egregious spam[.]"

24. Despite the fact neither Mr. Beck nor Mrs. Beck have ever broken the law or engaged in egregious spam with their Twitter accounts, Twitter has failed to unsuspend Mr. Beck's account or Mrs. Beck's account, thus materially breaching its contracts with them.

25. Twitter's breach is the proximate cause of damages to Mr. and Mrs. Beck.

26. As the assignee of Mr. and Mrs. Beck's contractual rights with Twitter, Plaintiff has standing to sue Twitter for damages and injunctive relief.

WHEREFORE, Plaintiff Don't Tread On Us, LLC prays for judgment against Defendant Twitter, Inc. for damages, injunctive relief, prejudgment and post-judgment interest, court costs, and all other relief as may be necessary and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury in this action on all issues so triable.

DATED: January 20, 2023

RESPECTFULLY SUBMITTED,

/s/ Jared H. Beck

By: Jared H. Beck

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