

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 2:20-CV-14159-ROSENBERG/MAYNARD

DJ LINCOLN ENTERPRISES, INC.)
)
 Plaintiff,)
)
 v.)
)
)
 GOOGLE, LLC)
)
 Defendant.)
 _____)

**TRIAL BY JURY
IS DEMANDED**

AMENDED COMPLAINT

Plaintiff, DJ Lincoln Enterprises, Inc. (“Lincoln” or “Plaintiff”), by counsel, Pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, files the following Amended Complaint against defendant, Google, LLC (“Google”).

Plaintiff seeks (a) compensatory damages, statutory damages (threefold the actual damages sustained), and punitive damages in the sum of **\$90,000,000.00**, plus (b) prejudgment interest on the principal sum awarded by the Jury at the rate of 6.77 percent per year pursuant to Fla. Stat. § 55.03, (c) a reasonable attorney’s fee, (d) postjudgment interest, and (e) court costs – arising out of Google’s acts of racketeering activity in violation of Title 18 U.S.C. § 1962 and the Florida RICO (Racketeering Influenced Corrupt Organizations) Act and the provisions of Fla. Stat, § 772.103 (Civil Remedies for Criminal Practices), violations of the Florida’s Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.201 *et seq.*, tortious interference with contract and business expectancies, fraud in the inducement and actual fraud.

I. INTRODUCTION

1. Google is a billion-dollar racketeer that discriminates against conservatives and defrauds consumers because of their ideology and political views. Virtually every representation published by Google on the Internet and conveyed to consumers like Lincoln is deceptive and deceitful. In its “Ads” policies, for instance, Google represents that it wants to “support a healthy digital advertising ecosystem—one that is trustworthy and transparent, and works for users, advertisers, and publishers”; that it values “honesty and fairness” and “diversity and respect for others”; that it does not allow “the promotion of products or services that are designed to enable dishonest behavior”; that it does not allow “ads or destinations that display shocking content or promote hatred, intolerance, discrimination, or violence ... bullying or intimidation of an individual or group”; that “ad destinations must offer unique value to users and be functional, useful, and easy to navigate”; and that “Google Ads enables businesses of all sizes, from around the world, to promote a wide variety of products, services, applications, and websites on Google and across our network.” [<https://support.google.com/adspolicy/answer/6008942?hl=en> (emphasis in original)].¹ None of these representations is true. As this case demonstrates, Google is untrustworthy, opaque, dishonest, unfair, manipulative, and deceptive in the operation of its core property, Search.

¹ In spite of its alleged “policies”, Google monetizes videos that contain defamation, insulting words, hateful content, bullying, and intimidation. [*See, e.g.*, <https://www.youtube.com/channel/UC8CI9QaRtuW9CNjP7pP4BBQ>]. In spite of its stated policies, a search for “murder videos” yields 73,200 results, including the murder of a news reporter in 2015. [<https://www.usatoday.com/story/tech/2020/02/20/youtube-should-remove-murder-videos-says-slain-journalists-father/4805170002/>]. In spite of its stated policy concerning “Adult Content”, a search for “sex toys” returns 127,000,000 results and a search for “porn” returns over 2,000,000,000 hits.

2. Google is part of an international technology and social media conglomerate (a RICO enterprise associated-in-fact) that engages in interstate commerce by the use of one or more instrumentalities, including, but not limited to, the Internet, computers and telephone, mails and facsimile. Through a pattern of racketeering activity, involving acts of wire fraud in violation of Title 18 U.S.C. § 1343, Google has maintained, directly or indirectly, an interest in the enterprise which is engaged in, or the activities of which affect, interstate commerce. While associated with the enterprise, Google conducted or participated, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity. Between 2014 and 2020, Google has engaged in activity that is prohibited by Title 18 U.S.C. § 1962(c).

3. Google's ongoing and continuous acts of wire fraud, described below, are part of its regular way of doing business.

4. Lincoln is one of Google's victims. There are perhaps millions of others across the United States and around the World who suffered a similar fate: conservative businesses misled into investing in their businesses believing that Google does not discriminate based on ideology. Google's misrepresentations and concealment (described below) caused Lincoln to invest millions of dollars in developing a website. It was nothing but a pipedream. Lincoln was injured in its business, property and reputation by Google's fraud. Lincoln brings this action (a) to recover money damages for injury to its business, (b) to impose reasonable restrictions on Google's future activities, including Google's use of Search to discriminate against conservatives, (c) to enjoin Google from manipulating Search, and (d) to order the dissolution or reorganization of Google so as to prevent or restrain Google from violating Title 18 U.S.C. § 1962.

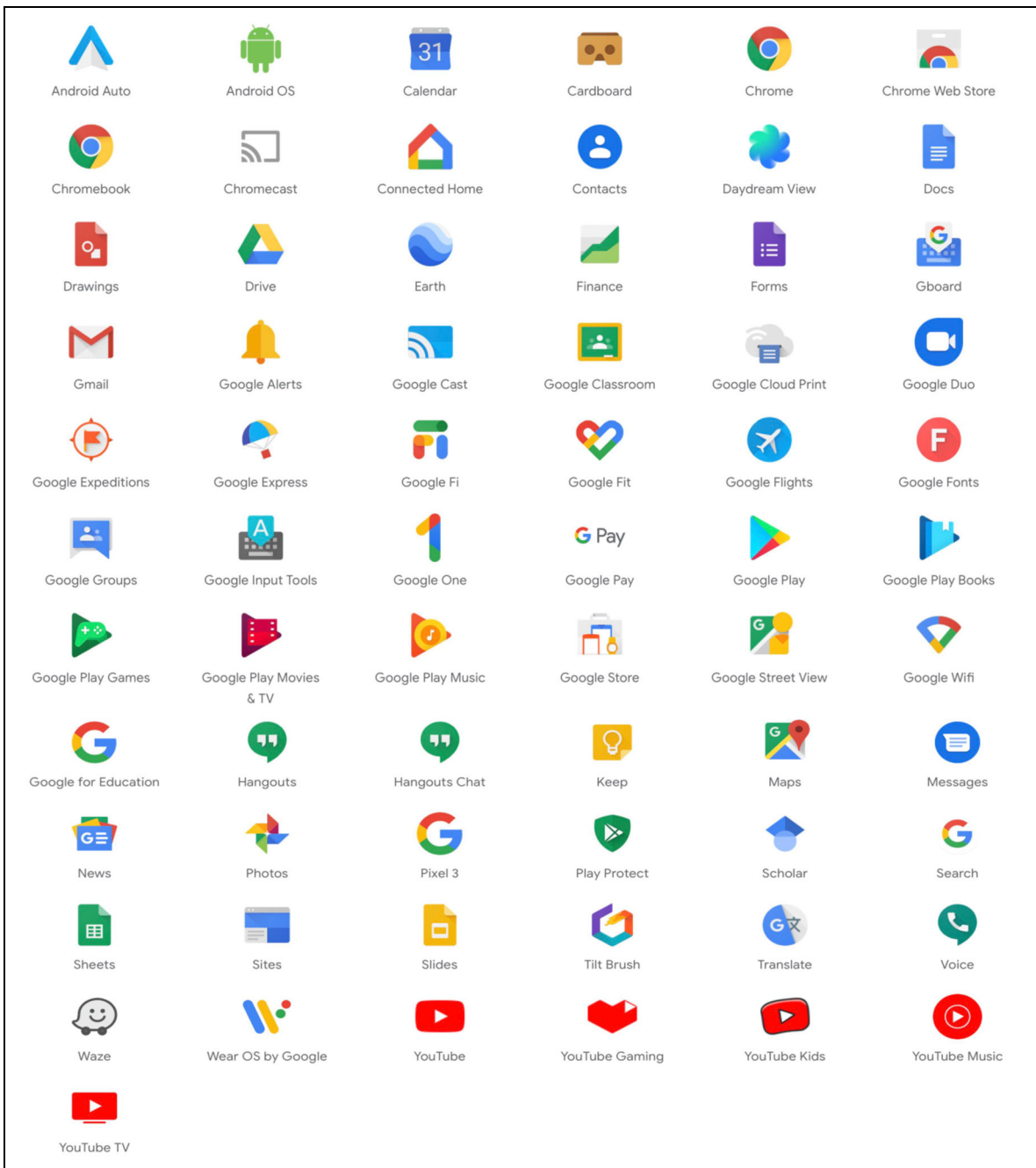
II. PARTIES

5. Plaintiff, Lincoln, is a Florida corporation with a principal office in Port St. Lucie, Florida, within the Fort Pierce Division of the United States District Court for the Southern District of Florida. Lincoln is a closely-held, family-owned business. Lincoln's President and CEO is Darren R. Lincoln ("Darren") and its Vice-President is his wife, Jennifer E. Lincoln ("Jennifer"). Incorporated in 1996, Lincoln operated an extremely successful publishing, marketing and sales company in Florida for many years. Between 2014 and 2019, Lincoln operated a website, <https://seniorcare.care/>, that connected caregivers and assisted living professionals with seniors and families in need.

6. Defendant, Google, is a Delaware limited liability company headquartered in Mountain View, California. Google is a wholly-owned subsidiary of XXVI Holdings, Inc. Google is essentially at home in Florida. It transacts continuous and systematic business in Florida pursuant to a certificate of authority issued by the Florida Department of State (Document # M17000009239). Google maintains its registered agent in Tallahassee, Florida. Google, Inc. first registered to transact business in Florida over six (6) years ago in 2013. In 2017, Google, Inc. converted its corporate form to a limited liability company, Google.

7. Google owns and operates a wide-range of products and platforms, including its flagship "Search" engine, the "Chrome" web browser, "Gmail" service, "Android" mobile operating system, "YouTube" video sharing/content development platform, "Adsense" and "Adwords" online advertisement services, "Drive" cloud storage, "Docs" office suite, Google "Books", "Translate" language translation service, Google

“News”, Google “Maps”, Google “Earth”, and Google Hardware (including Chromebook, Nest and Pixel smartphones) [<https://about.google/products/>]:



Google’s businesses generate most of their billions in yearly revenue through advertising, app sales, in-app purchases, digital content products, hardware, and licensing and service fees. [<https://fourweekmba.com/how-does-google-make-money/>].

8. Google is a monopoly. It controls life on and off the Internet. Google created, developed and operates products and platforms that dictate the conduct, course, success and failure of modern business. Google spies on its users with “cookies”, “spiders”, “crawlers”, artificial intelligence, and other mathematical artifices, designed to collect and exploit every byte of raw data. Simply put, Google is engaged in “surveillance capitalism”. [<https://news.harvard.edu/gazette/story/2019/03/harvard-professor-says-surveillance-capitalism-is-undermining-democracy/>]. Google also intermeddles in presidential politics [*see, e.g.,* <https://www.foxbusiness.com/technology/forming-a-case-against-google-how-democrat-tulsi-gabbard-is-taking-on-the-tech-giant>] and all aspects of public and health policy. [<https://www.washingtonexaminer.com/news/this-is-censorship-google-suspends-evangelical-churchs-app-for-violating-coronavirus-sensitive-events-policy>] (“**This is censorship’: Google suspends evangelical church’s app for violating coronavirus ‘sensitive events’ policy**”); <https://www.foxnews.com/opinion/tucker-carlson-big-tech-is-using-coronavirus-to-increase-its-power-and-the-us-is-becoming-more-like-china> (“**Tucker Carlson: Big Tech is using coronavirus to increase its power - and the US is becoming more like China**”)]. There is no aspect of modern society that is *not* controlled and usurped by Google, for Google. Google uses its products to control speech and association, and to silence and crush those with whom it disagrees. Tens of millions of Floridians have an account with Google and tens of millions use one or more Google products in their daily lives and businesses. Everyone is at risk.

9. Google built Search to attract people to Google to acquire “things that matter in their lives”. [<https://computer.howstuffworks.com/internet/basics/google1.htm>]. Google Search is the most popular and widely used search engine in the world. Google

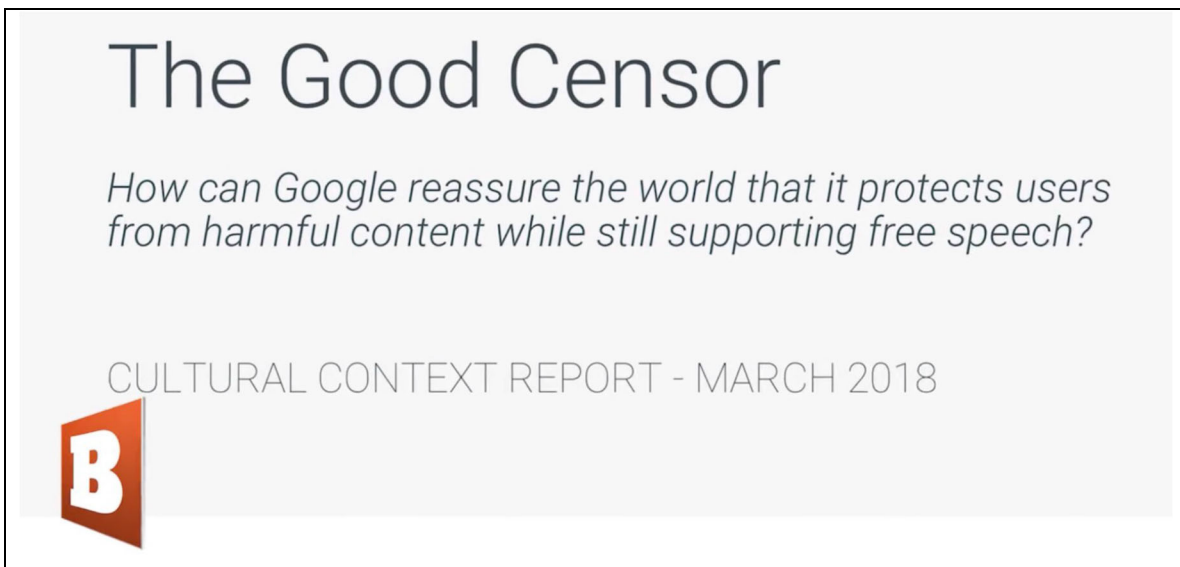
controls more than seventy percent (70%) of the web search engine market. Websites get most of their search engine traffic from Google. [<https://www.ecloudbuzz.com/most-popular-google-products-services/>]. But that's just the beginning. If you include other Google functions, like image search or Google Maps or properties such as YouTube, Google effectively holds over ninety percent (90%) market share of all Internet (online), mobile, and in-app searches. [<https://www.visualcapitalist.com/this-chart-reveals-googles-true-dominance-over-the-web/>; <https://www.businessinsider.com/how-google-retains-more-than-90-of-market-share-2018-4>; <https://gs.statcounter.com/search-engine-market-share>];].

10. YouTube operates the largest public square and forum in the entire World for the general public to participate in video-based speech, expression and association. Indeed, YouTube is the largest forum for video-based speech by members of the general public in the history of the Mankind. The total number of people who currently use the YouTube platform exceeds 1.9 billion. More than 30 million members of the general public visit the platform every day. More video content has been uploaded to YouTube by public users than has been created by the major U.S. television networks in 30 years. [<https://www.statista.com/topics/2019/youtube/>].

11. Since its inception, Google has represented to the public that it is a defender and protector of free speech. [<https://abc.xyz/investor/founders-letters/2004-ipo-letter/> (“Throughout Google’s evolution as a privately held company, we have ... emphasized an atmosphere of creativity and challenge, which has helped us provide unbiased, accurate and free access to information for those who rely on us around the world.”)]. Google solicited and encouraged businesses, like Lincoln, to join Google and to purchase and use

its products, services and platforms to freely speak, express, publish, exchange ideas, promote and market their businesses. Google said nothing about censorship. Indeed, Google concealed from the public, from regulators at the Federal Trade Commission (“FTC”), and from Congress an institutional bias and systemic predilection to censor conservative viewpoints.

12. Beginning in 2018, whistleblowers at Google began to leak internal documents that demonstrate beyond cavil that Google is – contrary to its sworn testimony before Congress – engaged in censorship of conservatives. One of the first censorship manifestos to leak was Google’s 85-page “Good Censor”:



[<https://www.breitbart.com/tech/2018/10/09/the-good-censor-leaked-google-briefing-admits-abandonment-of-free-speech-for-safety-and-civility/>;

https://vdare.com/filemanager_source/The-Good-Censor-GOOGLE-LEAK.pdf]. In June 2019, Project Veritas revealed Google’s secret plans to prevent a “Trump situation” in 2020. <https://www.projectveritas.com/2019/06/24/insider-blows-whistle-exec-reveals-google-plan-to-prevent-trump-situation-in-2020-on-hidden-cam/>]. In June 2019, a

whistleblower at Google also leaked a document that shows a Google data scientist and member of Google’s “transparency-and-ethics” group calling conservative and libertarian commentators, including Jordan Peterson, Dennis Prager and Ben Shapiro, “nazis”. [<https://www.projectveritas.com/2019/06/25/breaking-new-google-document-leaked-describing-shapiro-prager-as-nazis-using-the-dogwhistles/>]. In the wake of two mass shootings in Dayton, Ohio, and El Paso, Texas, nonpartisan analysis confirms that Google is overwhelmingly biased in favor of left-leaning media sources, such as CNN, the New York Times and the Washington Post. [<https://www.allsides.com/blog/audit-google-heavily-favors-cnn-and-left-media-mass-shooting-coverage>; <https://www.youtube.com/watch?v=7w7r4LZY4R0> (“**Studies Prove Google Is Swinging 2020 AGAINST Trump, Biased Against Conservatives**”). In August 2019, a whistleblower turned over 950 pages of documents and laptop to the United States Department of Justice. [<https://saraacarter.com/exclusive-google-insider-turns-over-950-pages-of-docs-and-laptop-to-doj/>] (“A former Google insider claiming the company created algorithms to hide its political bias within artificial intelligence platforms – in effect targeting particular words, phrases and contexts to promote, alter, reference or manipulate perceptions of Internet content – delivered roughly 950 pages of documents to the [DOJ] Friday.”); <https://www.projectveritas.com/2019/08/14/google-machine-learning-fairness-whistleblower-goes-public-says-burden-lifted-off-of-my-soul/>] (“Project Veritas has released hundreds of internal Google documents leaked by Vorhies. Among those documents is a file called “news black list site for google now.” The document, according to Vorhies, is a “black list,” which restricts certain websites from appearing on news feeds for an Android Google product ... Another newly published document titled “Fringe

ranking/classifier: Defining channel quality” lists an example ranking of various news sites, including CNN and FOX News. A document titled “Fake news & other fringe: Trashy recap” reveals that videos are rated by multiple “human raters.”); <https://www.breitbart.com/tech/2019/08/15/robert-epstein-googles-leaders-have-been-perjuring-themselves-before-congress/> (“They actually do reranking of search results to suit their needs, political and otherwise. It’s called the ‘Twiddler’ system’ ... One of the documents is called the ‘Twiddler Quickstart Guide,’ and it explains how various teams have access to very specialized software that allows them to change how certain kinds of content get ranked in search results.”)].

13. Between 2016 and 2018, Lincoln communicated with Google and its agents over the Internet in blogs and in chats. This amended complaint describes the substance of the specific representations by Google that induced Lincoln to alter its website at great cost and expense and to take other action in reasonable reliance on Google’s promise that the action would improve Lincoln’s Search results. Lincoln trusted Google, believed Google, embraced Google, and made Google and its products a part of Lincoln’s business.

14. In truth, as Lincoln discovered in 2018, Google is a fraud. Google intentionally and systematically uses its products and platforms indiscriminately as weapons to punish voices and views, like Lincoln’s, with which Google disagrees. Google regularly and systematically uses its products and platforms to promote and amplify the left-wing, liberal voices, views, speech and agendas with which it agrees. Google and its founders, directors and officers are engaged in a worldwide campaign to ban conservatives from the use and benefits of Google products and platforms. Reported examples of Google’s intentional misconduct are now legion, *e.g.*:

[https://www.usatoday.com/story/opinion/2018/09/10/trump-google-youtube-search-results-biased-against-republicans-conservatives-column/1248099002/;](https://www.usatoday.com/story/opinion/2018/09/10/trump-google-youtube-search-results-biased-against-republicans-conservatives-column/1248099002/)

<https://www.foxnews.com/tech/google-staffers-considered-burying-conservative-news-outlets-but-tech-giant-claims-it-never-happened;>

[https://dailycaller.com/2018/02/27/google-youtube-southern-poverty-law-center-censorship/;](https://dailycaller.com/2018/02/27/google-youtube-southern-poverty-law-center-censorship/)

[https://pjmedia.com/lifestyle/2017/08/19/propublica-working-google-document-hate-threatens-conservative-bloggers/;](https://pjmedia.com/lifestyle/2017/08/19/propublica-working-google-document-hate-threatens-conservative-bloggers/)

[https://www.bleepingcomputer.com/news/google/google-agrees-to-pay-11-million-to-owners-of-suspended-adsense-accounts/;](https://www.bleepingcomputer.com/news/google/google-agrees-to-pay-11-million-to-owners-of-suspended-adsense-accounts/)

[https://www.lifenews.com/2019/02/22/conservative-leaders-want-investigation-of-google-facebook-and-twitter-over-pro-life-censorship/;](https://www.lifenews.com/2019/02/22/conservative-leaders-want-investigation-of-google-facebook-and-twitter-over-pro-life-censorship/)

<https://gizmodo.com/google-blacklists-natural-news-the-webs-leading-author-1792680935;>

<https://www.vox.com/2017/6/27/15878980/europe-fine-google-antitrust-search;>

[https://www.vox.com/recode/2019/8/2/20751822/google-employee-dissent-james-damore-cernekee-conservatives-bias.](https://www.vox.com/recode/2019/8/2/20751822/google-employee-dissent-james-damore-cernekee-conservatives-bias)

15. Lincoln is a victim of Google's corrupt, fraudulent, unconstitutional, and anti-American business practices. Google lied to Lincoln. In emails and chats between 2016 and 2018, Google fraudulently induced Lincoln at great cost and expense to conform the Senior Care website to Google's standards, so that, according to Google, Lincoln could enjoy the benefits of Google Search. Throughout 2016, 2017 and into 2018, Google represented to Lincoln that it (Google) treated all businesses equally and that it did not

discriminate based upon ideology or political association. These representations were false. Google fraudulently concealed from Lincoln the fact that Google intended to violate Lincoln's First Amendment Rights and interfere with Lincoln's business. At the same time Google told Lincoln to make alterations to its website, Google had Lincoln on a "blacklist". Google intentionally segregated Lincoln to the back of the proverbial Search bus because of Lincoln's conservative views, including Lincoln's unwavering support of President Trump. Google discriminated against Lincoln because Lincoln is owned and operated by conservative Republicans.

16. Google's pattern of fraudulent and discriminatory acts and practices against Lincoln caused Lincoln significant loss of business and income, cast negative aspersions on the efficacy of Senior Care, and injured Lincoln's good will and professional reputation.

III. JURISDICTION AND VENUE

17. The United States District Court for the Southern District of Florida has subject matter jurisdiction over this action pursuant to Title 28 U.S.C. § 1331 (Federal Question), § 1332 (Diversity) and § 1367 (Supplemental Jurisdiction). The parties are citizens of different States and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest, costs and fees.

18. Google is subject to personal jurisdiction in Florida pursuant to Florida's long-arm statute, Fla. Stat. § 48.193, as well as the Due Process Clause of the United States Constitution. Google is subject to both general and specific personal jurisdiction. Google engages in continuous and systematic business in Florida from which it derives enormous revenue and profit. Google has an office in Miami, where it builds products and engages software engineering, design and sales. [<https://careers.google.com/locations/miami/>]. For

over five (5) years, Google has purposefully availed itself of the privileges of doing business in Florida. Google has defrauded hundreds of thousands, perhaps millions, of conservative Floridians in an ongoing effort to discriminate and purge conservatives from Google's platforms. Florida has a significant interest in protecting its citizens from the acts of racketeering activity at issue in this case. Google has minimum contacts with Florida such that the exercise of personal jurisdiction over it comports with traditional notions of fair play and substantial justice and is consistent with the Due Process Clause of the United States Constitution.

19. Venue is proper in the Fort Pierce Division of the United States District Court for the Southern District of Florida pursuant to Title 18 U.S.C. § 1965(a) and Title 28 U.S.C. §§ 1391(b)(1) and 1391(b)(2). Google resides, is found, has agents, and transacts affairs in Florida. A substantial part of the events or omissions giving rise to Lincoln's claim occurred within the Fort Pierce Division.

IV. STATEMENT OF THE FACTS

A. Lincoln's Business – Senior Care

20. Darren and Jennifer are conservative Republicans. They voted for Donald Trump in the 2016 presidential election. Darren's conservative ideology, political views and support of President Trump are matters of public record well-known to Google. [<https://twitter.com/darrenlincolnfl>; <https://twitter.com/darrenlincoln7>]. Google also knew that the Lincolns were conservative supporters of Donald Trump through interaction with Google's agents in blogs and chat rooms.

21. In 1996, Lincoln, doing business as "Merchants News" and "Merchants Media", published two wholesale trade publications nationwide. Lincoln sold

advertisements to importers, exporters, and wholesalers of general merchandise. It distributed its publications to small retailers in Flea Markets and retail stores in Florida and across the United States. Lincoln was very successful for many years. [See <https://www.youtube.com/watch?v=7CBfgddv9Eo>].

22. When the Internet came along, Darren, who has a B.S. in computer science/systems from the University of West Florida College of Business (1986), created and developed multiple wholesale-to-the-trade websites to compliment Lincoln's already successful publishing company, e.g.: www.wholesaleEZ.com, www.offpriseEZ.com, www.OverstockEZ.com, www.closeoutsEZ.com. and www.jennysfreecoupons.com. The websites supported Lincoln's wholesale trade print publications. Lincoln charged wholesale advertisers to advertise on its websites.

23. Five years ago, Lincoln developed a "Senior Care" website, www.SeniorLivingNation.com. On February 27, 2018, Lincoln changed the domain name and extension to "<https://SeniorCare.care>", a secure website which is a valid top level domain according to ICANN.org (The internet corporation for assigned names and numbers), designed to spider up even more proficiently than a ".com" due to the vertical nature of the domain in the Senior Care search results. Senior Care currently has 46,477 individual unique landing pages with a total of 136,847 xml sitemaps and .txt files loaded onto the Google Search Console pointing to those pages for indexing on Google.

24. Senior Care is a website that helps people find comprehensive living solutions for seniors and families. Senior Care's homepage is bright and informative:

Senior Care .care Providing Comprehensive Living Solutions for Seniors

City State Zip Facility Type Search

Find Comprehensive Living Solutions for Seniors - Search and Compare Assisted Living Facilities, Nursing Homes & Home Health Care Services

Family Resources

- SeniorCare.care is committed to helping families find Senior Care options such as **Assisted Living, Nursing Homes, Home Health Care** and more.
- Learn more about the different types of senior care options by calling **(877) 311-6237**
- Find how much care costs across the country. There are many different pricing structures to meet your care needs and budget too.
- We can schedule tours at multiple senior communities in the city of your choice. Their is No Obligation It's Absolutely **FREE**.

Find Senior Care

- Find Senior Care such as **Assisted Living, Nursing Homes or Home Health Care** in your City and State. SeniorCare.care operates the absolute largest Senior Care search engine and **Comprehensive Senior Care Directory Online**.
- We have a lot of detailed information about thousands of Senior Care communities across the United States. You can search by City and State to find a Senior Care community, such as **Assisted Living, Nursing Homes or Home Health Care** near you and your family.
- The search results will display a detailed list of what type of Senior Care you are looking for.

Why Speak to a Care Advisor

- Are you confused about what senior living option is right for you or your loved one? Our Care Advisors are Call Now and have many years in the Senior Care industry.
- Call your local SeniorCare.care Care Advisor to get **FREE** expert advise about senior housing and elderly care like: **Assisted Living, Nursing Homes and Home Health Care**. Your Care Advisor will discuss monthly budget services, amenities and location to help you find the Senior Care community that is right for you or your loved one and that bests meets you needs.
- Call **(877) 311-6237** Now to Speak to Your Local **Senior Care Advisor**.

With over 46,000 assisted living facilities, nursing homes, and home care agents listed on its website, Senior Care connects caregivers to senior health care providers under one platform. Senior Care is easy to navigate. The website allows users to search for caregivers in all fifty states, and in most major cities. For instance, a family looking for assisted living options in Fort Pierce, Florida, can click on “Florida” and “Fort Pierce”, and sixteen (16) alternatives are presented. [<https://seniorcare.care/best-assisted-living-facilities-in-Fort-Pierce--Florida>]. Lincoln partners with <https://www.aplaceformom.com/>. “A Place for Mom” answers Senior Care’s toll free number with a professional senior care advisor, guides people for free to the right senior care solution, and provides Lincoln with daily reports regarding call outcomes.

25. Lincoln earns money when a family contracts with a caregiver that it finds through the Senior Care website.

26. In order to increase the quantity and quality of traffic to its website, Lincoln reviewed, followed and relied upon Google's representations, guidance, advice and instruction concerning search engine optimization ("SEO"). In electronic communications, Google and its agents told Lincoln what needed to be done to the Senior Care website in order to optimize the number of visits to the site. Lincoln reasonably relied on Google's representations concerning Search. Until 2018, Lincoln had no knowledge that Google, as a matter of routine corporate practice, harbored institutional bias towards conservatives and systemically used its proprietary algorithms and other devices to de-index websites and manipulate ranking (demote websites). Lincoln also did not know that it was on a Google blacklist. Lincoln was harmed because it relied on and followed Google's advice (not its editorial decisions, but its concrete, positive representations) on how to compete using Search. Google concealed the fact that no matter what Lincoln did, Lincoln would never obtain any Search results.

27. Google's representations to Lincoln about the Senior Care website and what Lincoln need to do to optimize Search results were materially false and misleading. In truth, Google subjected Lincoln to censorship and covert Search manipulation [*See, e.g.,* https://www.cruz.senate.gov/?p=press_release&id=4589 ("Sen. Cruz: Google Subjects the American People to Overt Censorship and Covert Manipulation")].

B. Google Search

28. Google's core products – Search, Android, Maps, Chrome, YouTube, Google Play and Gmail – each have over one billion monthly active users.

29. Google averages at least 6 Billion searches a day. It handles trillions of searches each year. [<https://www.google.com/search/howsearchworks/responses/>].

30. Every time a person searches the Internet, there are thousands, sometimes billions, of webpages with potentially useful information. Google Search streamlines the process of finding “potentially useful information” or a needed service, such as a caregiver or assisted living facility. Using proprietary software and secretive programs, Google dispatches “crawlers” every second to invade a website and “crawl as many pages from your site as we can on each visit”. Google’s main web crawler is called “Googlebot”. [<https://support.google.com/webmasters/answer/182072?d>]. The crawling process begins with a list of web addresses from past crawls and sitemaps provided by website owners, such as Lincoln. As Google’s crawlers visit a website, they use links on those sites to discover other pages. Google’s software pays special attention to new sites, changes to existing sites and dead links. Google’s computer programs determine which sites to crawl, how often, and how many webpages to fetch from each site and bring back to Google. [<https://www.google.com/search/howsearchworks/crawling-indexing/>].

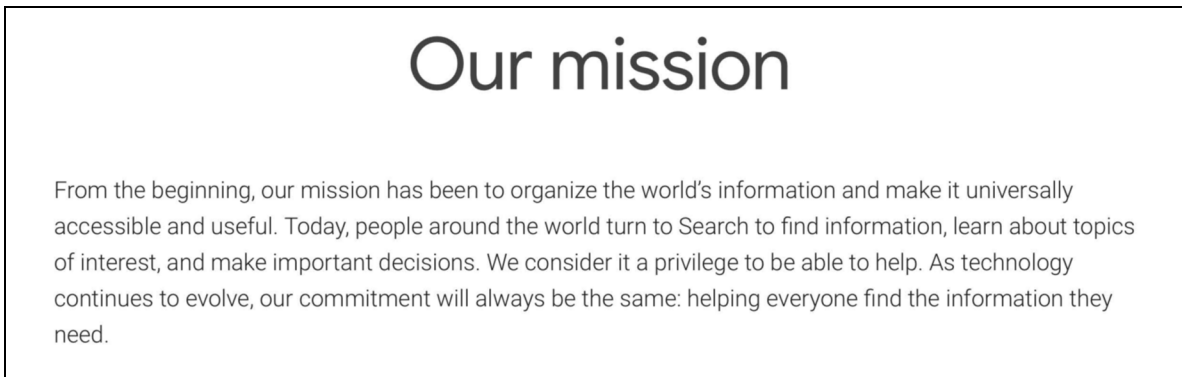
31. Google organizes information about webpages in its Search index. The Search index is like a library, except it contains more digital information than in all the world’s libraries put together. [<https://www.google.com/search/howsearchworks/>]. The web is like an ever-growing library with billions of books and no central filing system. Google’s crawlers look at webpages and follow links on those pages, much like a person would if they were browsing content on the web. Google’s crawlers go from link to link and bring data about those webpages back to Google’s servers. When crawlers find a webpage, Google’s systems render the content of the page, just as a browser does. Google takes note of key signals – from keywords to website freshness – and it keeps track of it all in the Search index. The Google Search index contains hundreds of billions of webpages

and is well over 100,000,000 gigabytes in size. It's like the index in the back of a book – with an entry for every word seen on every webpage Google indexes. When Google indexes or catalogues a webpage, Google adds it to the entries for all of the words it contains. [<https://www.google.com/search/howsearchworks/crawling-indexing/>].

32. Google represents that its Search algorithms sort through hundreds of billions of webpages in its Search index in a fraction of a second to find the “most relevant, useful results” for what the person searching is looking for. With the amount of information available on the web, finding what is needed would be nearly impossible without Google. To sort the webpages in its Search index, Google claims that it employs “ranking systems”. Google claims that its ranking systems are designed to sort through hundreds of billions of webpages in its Search index to find the “most relevant, useful results” in a fraction of a second, and present them in a way that helps the user find what they are looking for. According to Google, its ranking systems are made up of not one, but a whole series of algorithms. Search algorithms look at many factors, including the words of query, relevance and usability of pages, expertise of sources, and the person’s location and settings. Google represents that the weight applied to each factor varies depending on the nature of the query – for example, the freshness of the content plays a bigger role in answering queries about current news topics than it does about dictionary definitions. To help ensure Search algorithms meet high standards of relevance and quality, Google claims to have a “rigorous process” that involves both live tests and thousands of trained external Search Quality Raters from around the world. These “Quality Raters” follow “strict

guidelines”² that define Google’s publicly stated goals for Search algorithms.
[<https://www.google.com/search/howsearchworks/algorithms/>].

33. What Google says and what Google does are polar opposites.
34. Google’s “mission statement” is as follows:



[<https://www.google.com/search/howsearchworks/mission/>]. This statement, relied upon by Lincoln, is false and misleading. Google does not treat all political viewpoints equally and it does not make information “universally accessible and useful.” Google censors conservatives and manipulates Search results so that the websites of conservatives, especially conservative Republicans, such as Lincoln, are never seen.

35. A website that is never seen generates no revenue.
36. A business that generates no revenue is soon insolvent.
37. This is how Google systematically destroys its enemies.
38. Google’s harbors institutional bias against and disdain for conservatives.

[<https://wattsupwiththat.com/2017/09/08/a-method-of-google-search-bias-quantification-and-its-application-in-climate-debate-and-general-political-discourse/>] (“Google Search is

² The URL or internet webpage of the “strict guidelines” is:
[https://static.googleusercontent.com/media/guidelines.raterhub.com/en//searchqualityevaluatorguidelines.pdf](https://static.googleusercontent.com/media/googleusercontent.com/media/guidelines.raterhub.com/en//searchqualityevaluatorguidelines.pdf).

found to be biased in favor of left/liberal domains and against conservative domains with a confidence of 95%.”); https://www.richmond.com/opinion/our-opinion/editorial-does-google-have-it-in-for-conservatives-sure-seems/article_941dfe3d-778e-5092-adf8-4dd413d79ea8.html (“Does Google have it in for conservatives? Sure seems that way.”)]. Google-affiliated donors gave \$817,855 to Barack Obama’s presidential candidacy in 2008, which ranked sixth among all donations to Obama’s campaign. In 2012, that number was \$804,240, which ranked third. Google did not even rank in the top twenty donors for Obama’s Republican opponents in either election. The Obama Administration’s close ties to Google are now well-known: During Obama’s two terms in office, Google officials met with the White House on more than 427 occasions, while at least fifty-three (53) officials moved between Google and the White House and vice versa. Not surprisingly, the Obama Administration championed many of the top policies on Google’s wish list, while Obama’s Federal Trade Commission (FTC) closed its antitrust investigation of Google without any meaningful sanctions. [<https://www.ftc.gov/news-events/press-releases/2013/01/google-agrees-change-its-business-practices-resolve-ftc>]. The disparity grew even more stark during the last presidential election. Google employees gave \$1.3 million to Hillary Clinton’s presidential campaign, compared with \$26,000 to the Trump campaign. What’s more, Eric Schmidt, the chairman of Alphabet (Google’s parent company), counseled Clinton on strategy during her presidential campaign, and financed Civis Analytics, a startup which provided data and other technology for her campaign. [<https://www.usatoday.com/story/opinion/2018/09/10/trump-google-youtube-search-results-biased-against-republicans-conservatives-column/1248099002/>].

39. Google concealed its institutional bias from the public, including Lincoln. Years after Donald Trump won the 2016 presidential election, an internal Google video leaked showing Google’s co-founder Sergey Brin, its CEO Sundar Pichai, and many other high-ranking Google officers speaking, with dismay, about Trump’s election victory, *e.g.*:

<https://www.breitbart.com/tech/2018/09/12/leaked-video-google-leaderships-dismayed-reaction-to-trump-election/>;

<https://www.foxnews.com/tech/google-bosses-upset-over-trump-election-victory-leaked-video-shows>;

<https://thehill.com/policy/technology/406437-google-execs-lament-trump-win-in-leaked-video>.

40. Google’s institutional bias and prejudice against conservatives translates into discriminatory action. Documents and information made public by whistleblowers and insiders demonstrate that Google manipulates its advertising policies and Search results based on Google’s political ideology, policy goals and corporate agenda. [*See, e.g.*, <https://www.wsj.com/articles/google-workers-discussed-tweaking-search-function-to-counter-travel-ban-1537488472> (“**Google Workers Discussed Tweaking Search Function to Counter Travel Ban**”)]. For example, during Congressional debate in 2018 over the Stop Enabling Sex Traffickers Act (SESTA) – legislation that would hold online services liable for knowingly assisting or facilitating online sex trafficking – Google Search results consistently returned links to content opposed to the legislation. Google strongly opposed the legislation. Even today, the top result when searching for “SESTA” remains a link to <http://stopsesta.org>, sponsored by the Electronic Frontier Foundation, a group which Google supports financially.

41. More recently, Google employees engaged in an internal lobbying campaign, proved by leaked internal emails, to block Breitbart from Google's advertising program. <https://dailycaller.com/2018/12/10/google-ads-bias/> (“Google Employees Sought To Block Breitbart From Ads, Emails Show”). As part of this internal lobbying campaign, one Google employee emphasized that “[t]here is obviously a moral argument to be made [for blocking Breitbart] as well as a business case.” Breitbart has been among Google's staunchest critics, alleging that the company routinely censors conservative viewpoints. Google uses the sheer ubiquity and power of its products, including Search, to harm conservatives and squelch their voices.

42. As a result of its Search technology (algorithms programmed by humans) and its control over nearly all Internet search and search advertising, Google has the power to unilaterally and decisively destroy a business or a presidential candidate's bid for office if it chooses to – simply by “tweaking” its Search algorithms to discriminate against the business; by blocking the business from its Search and Ad platforms; or by employing any number of other technological schemes and artifices to destroy the business.

43. In this case, Google harmed Lincoln's business through a series of fraudulent schemes and artifices that were concealed from Lincoln. Google fraudulently manipulated Search, and made it appear as if Lincoln did not exist. In an era of increasing concern about privacy abuses, transparency and trust, what happens next if Google is not enjoined by a Court?

C. Google's Fraud And Interference With Lincoln's Business

44. Between 2014 and 2019, Lincoln and its Senior Care website fully complied with all Google Webmaster Guidelines and other operational standards.

[\[https://support.google.com/webmasters/answer/35769?hl=en\]](https://support.google.com/webmasters/answer/35769?hl=en). Lincoln's website is written in PHP code. It is user friendly and authoritative. It contains original, current, relevant content, including name, address, contact number, weather, city specifics as well as surroundings, types of care solutions offered as well multiple photographs, videos, monthly rates, client logos, amenities, room features, activities and services, maps and directions to the facility/community etc., and free Expert Advise with a toll free number monitored 24/7 to have a qualified senior care advisor help access needs at no cost to the potential resident, offering multiple options, mostly near loved ones. Senior Care is by far the best information piece for senior care available on the Internet today with over 46,000 listings in the United States all customized to show individual current relevant content. Senior Care is also mobile and social media compliant, and "https" compliant and secure. Between 2016 and the present, Lincoln has only improved the quality of its website.

45. In November 2016, before the Presidential Election, Lincoln (Senior Care) had 15,410 webpages indexed in the Google Search index. Today, only 657 webpages are indexed by Google. Since Google is in exclusive control of its "crawlers" and indexing processes, Google is wholly responsible for de-indexing Senior Care.

46. In November 2016, just before the Presidential Election, Senior Care's "page rank" on Google was 5. Today, it is zero (0). PageRank (PR) is a mathematical algorithm created and used by Google Search to rank web pages in Google's search engine results. PR measures the importance of website pages. PR is used by Google to determine how high a website will be place in the Search Engine Results Page (SERP). [\[http://www.cs.princeton.edu/~chazelle/courses/BIB/pagerank.htm\]](http://www.cs.princeton.edu/~chazelle/courses/BIB/pagerank.htm). According to Google:

“PageRank works by counting the number and quality of links to a page to determine a rough estimate of how important the website is. The underlying assumption is that more important websites are likely to receive more links from other websites.”

[<https://web.archive.org/web/20111104131332/https://www.google.com/competition/howgooglesearchworks.html>]. Most users tend to concentrate on the first few search results, so getting a spot or ranking at the top of the SERP means more user traffic. [See <https://www.lifewire.com/what-is-google-pagerank-1616795>]. Conversely, a website that is relegated to the third, fourth, fifth SERPs or that is not even displayed, will get no traffic.

47. Typing “seniorcare” in the Google search bar does not autofill or recommend “seniorcare.care”, *e.g.*:



48. A current Google search for keyword “seniorcare” returns 12,600,000 webpages, but no results for Senior Care.

49. A current search for keyword “assisted living” returns 4,760,000,000 webpages, but no results for Senior Care.

50. A current search for keyword “assisted living fort pierce florida” returns 4,240,000 webpages, but no results for Senior Care.

51. Lincoln experiences no traffic to its website because Google intentionally and fraudulently manipulates Search results.

52. Google manipulates search results through a variety of means and methods (all concealed from Lincoln), including, but not limited to: (a) changing its proprietary search algorithms, including ranking algorithms, to de-index Senior Care’s webpages and demote or downgrade Senior Care’s page rank; (b) blacklisting Lincoln and Senior Care; (c) changing its proprietary “evaluation methods” and “editorial guidelines”; (d) manipulating autofill/autocomplete processes, so “seniorcare.care” is never recommended, and (e) arbitrarily and capriciously imposing algorithmic penalties.³ [see <https://www.wsj.com/articles/SB10001424052970203347104578099122530080836>; <https://www.sitepronews.com/2015/04/06/has-google-manipulated-search-for-personal-gain/>; <https://www.vox.com/2017/6/27/15878980/europe-fine-google-antitrust-search>; <http://www.aei.org/publication/is-google-manipulating-search-results-to-promote-a-political-and-social-justice-agenda/>; [---

³ A Google “penalty” is a punishment against a website whose content conflicts with the ever-changing marketing practices enforced by Google. \[<https://blog.hubspot.com/marketing/diagnose-fix-google-penalty>\]. Google’s imposition of algorithmic penalties on Lincoln is evidenced by the big drop in Google search engine ranking that happened over the months after the 2016 Presidential Election. Because Google habitually updated its algorithms without clearly stating what it being updated, Darren and Jennifer constantly monitored Lincoln’s positions on Google. Darren and Jennifer noticed on Google that <https://seniorcare.care> dropped more than 100 positions on the SERP or did not even show up at all on a multitude of keyword searches, such as “Senior Care”, “Home Health Care” and “Assisted Living”. Significantly, while Senior Care’s page rank plummeted on Google, <https://seniorcare.care> was ranking in other search engines like Bing and Yahoo. This is a clear indication of manipulation of Search by Google. \[<https://econsultancy.com/how-can-you-tell-if-you-have-a-google-penalty/> \(“The telltale signs of something odd happening to the site are rankings and/or traffic drop”\)\].](https://www.projectveritas.com/2019/06/24/insider-</p></div><div data-bbox=)

[blows-whistle-exec-reveals-google-plan-to-prevent-trump-situation-in-2020-on-hidden-cam/](#); <https://cloudrock.asia/blog/manual-vs-algorithmic-google-penalties/>; <https://www.snopes.com/fact-check/google-manipulate-hillary-clinton/>; <https://spreadprivacy.com/google-filter-bubble-study/>]. In 2007, Google implemented a “Safe Browsing” program [<https://safebrowsing.google.com/>] to help with the growing threat of malware, viruses and phishing sites in the Internet. The Safe Browsing Index blacklisted web addresses that Google deemed “unsafe”. Google now runs at least two blacklists, one allowing Google staff to remove “fringe” websites from Search results and another for filtering out alleged “opinion” with which Google disagrees. The blacklists allow Google employees – who CEO Sundar Pichai told Congress in December never “*manually intervene on any particular search result*” – to suppress certain URLs or web addresses in a user’s search results. [<https://dailycaller.com/2019/06/11/revealed-two-google-blacklists-fringe-domains-special-search-results/>; <https://www.rt.com/usa/461720-google-blacklist-fringe-conservative/>]. Lincoln is on one of Google’s blacklists. The dire consequence of being blacklisted by Google is that the business is basically off the Internet. [<https://money.cnn.com/2013/11/04/smallbusiness/google-blacklist/index.html> (“Being blacklisted can quickly decimate a small firm's reputation and sales.”)].

53. Each one of Google’s intentionally nefarious practices has been perpetrated on Lincoln. Google is manipulating Search results because of Darren and Jennifer’s conservative political ideology.

54. Between 2014 and 2019, Google and its agents communicated with Lincoln in interstate commerce hundreds of times using the wires (via Google blogs/chat rooms). [<https://support.google.com/business/community?hl=en#>]. Google also directed Lincoln

to a third-party website for information about changes to Google's algorithms. [<https://moz.com/google-algorithm-change>]. Lincoln was never able to speak with a live person at Google. Rather, Lincoln was forced to "chat" with agents of Google online. Google represented to Lincoln that Search preference would be given to websites that were responsive in design and scalable to mobile devices (*i.e.*, mobile friendly). [<https://blog.hubspot.com/marketing/google-algorithm-change-mobile-friendly>]. Lincoln fully complied. In order to optimize generic SERP, Google told Lincoln that it had to increase the security of its website. Lincoln relied on Google's representations and transitioned its website from <http://SeniorCare.care> to <https://SeniorCare.care>⁴ at great cost and expense. Google represented that Lincoln needed a real footprint in social media. Lincoln complied. Lincoln established a YouTube Channel called "Darren Lincoln" [https://www.youtube.com/channel/UCJdNchjdoE_tRCcs1sSDkUg/featured?disable_polymer=1], created and uploaded content to the channel. Lincoln created a Twitter account:

⁴ HTTPS (Hypertext Transfer Protocol Secure) is an internet communication protocol that protects the integrity and confidentiality of data between the user's computer and the website. Google claims that "[u]sers expect a secure and private online experience when using a website. We encourage you to adopt HTTPS in order to protect your users' connections to your website, regardless of the content on the site." [<https://support.google.com/webmasters/answer/6073543?hl=en>].



Google disclosed to Lincoln that it intended to penalize websites with interstitial ads and other pop-up content that could hinder a page's functionality on a mobile device. Lincoln listened. Senior Care has no such ads or content. In sum, Lincoln fully complied with all of Google's webmaster guidelines and standards. Google never notified Lincoln of any failures or SEO wrongdoing, *e.g., automatic link building, doorway pages, spammy email, scraped content, cloaking, etc.*, that would affect page ranking or generic SERP.

55. The sole proximate cause of the lack of web traffic to Lincoln's web site is Google's fraudulent and unlawful discrimination and censorship.⁵

⁵ Google's manipulation and abuses effectively caused the Senior Care website to be removed from Search in violation of Google's Removal Policies. [<https://support.google.com/websearch/answer/2744324?hl=en>].

56. In 2018, Lincoln was warned that Google was targeting conservatives and blocking them on Search. Lincoln was told that Google had “blacklists”,⁶ and Lincoln was on one. Darren began to see stories in the media that corroborated anecdotal accounts of Search bias and discrimination he received from colleagues. The fact that Google manipulates Search and blacklists conservatives is now well-known thanks to whistleblowers and insiders, *e.g.*:

<https://www.businessinsider.com/conservative-google-employees-are-blacklisted-lawsuit-alleges-2018-1>;

<https://dailycaller.com/2019/04/09/google-news-blacklist-search-manipulation/>;

<https://www.breitbart.com/tech/2019/08/15/robert-epstein-googles-leaders-have-been-perjuring-themselves-before-congress/>;

<https://www.theblaze.com/news/2017/09/12/report-google-is-biased-against-conservative-websites>.

D. Lincoln’s Injury and Damages

57. Lincoln’s mission is to improve the lives of families and caregivers by helping them connect in a reliable and easy way. Lincoln’s website helps families make informed decisions in one of the most important and highly considered aspects of their family life – finding and managing quality care for their loved ones. Lincoln built a website that provides families with a comprehensive marketplace for senior care.

⁶ One prominent expert, Dr. Robert Epstein, argues that Google actually employs at least nine (9) blacklists, including a “search engine blacklist”. [<https://www.usnews.com/opinion/articles/2016-06-22/google-is-the-worlds-biggest-censor-and-its-power-must-be-regulated> (“The company maintains at least nine different blacklists that impact our lives, generally without input or authority from any outside advisory group, industry association or government agency”)].

58. The United States senior care service industry is comprised of skilled nursing facilities, home healthcare agencies, social services agencies, continuing care facilities, and assisted living facilities. Revenues for these elder care service providers are nearly \$400 billion per year. <https://www.freedoniagroup.com/industry-study/elder-care-services-3214.htm>]. The market has grown steadily between 2016 and 2018. The steady growth is expected to continue through 2023. There are approximately 67,000,000 Baby Boomers in the United States. This enormous group will be making decisions about whether senior living is the right option for their aging loved ones, and eventually for themselves. As the Baby Boomer population ages, society is on the cusp of dealing with an unprecedented number of senior citizens who will need elder care. This opens the door for agents, brokers and referral services, such as Lincoln, to grow their businesses in this important and burgeoning sector of the American economy. [\[https://www.insurancejournal.com/news/national/2017/12/13/473897.htm\]](https://www.insurancejournal.com/news/national/2017/12/13/473897.htm). An aging population and the growing need for dementia care are stimulating much of the senior care industry's growth. Retirement communities provide many services to assist seniors that suffer from chronic illnesses or to assist with activities of daily living. In the past five years, the number of assisted living facilities that provide dementia care has risen as a proportion of total facilities. The retirement communities industry is forecast to exhibit accelerated growth in the next two decades. [\[https://www.ibisworld.com/industry-trends/market-research-reports/healthcare-social-assistance/nursing-residential-care-facilities/retirement-communities.html\]](https://www.ibisworld.com/industry-trends/market-research-reports/healthcare-social-assistance/nursing-residential-care-facilities/retirement-communities.html)].

59. Lincoln was at the epi-center of the senior care industry, and was primed to take advantage of the vast opportunities presented to service referral providers. But for

Google's Search manipulation, Senior Care would have generated gross revenue of at least \$4,000,000 per month based upon a two percent (2%) move-in/conversion rate from monthly traffic. Lincoln's net profit from the operation of Senior Care was approximately fifteen percent of (15%) of gross revenue. This is the industry norm.

60. Lincoln's loss of business and lost profits may be measured by the performance of other similarly-situated privately held, for-profit senior care referral services in the United States. Senior Care has over 46,000 individual assisted living facilities, nursing homes, and home care agents listed on its website. Lincoln's operating costs and metrics are within industry norms, and are far less than its competitors.

61. By comparison, <https://www.aplaceformom.com/> ("APFM") offers 20,000 individual assisted living and senior care listings on its website. APFM earns \$48,000,000 per year in gross revenue. Its operating costs and metrics are as follows:

- AdWords Avg. Spent Per Month \$218,000;
- Paid Keywords 2518 Words;
- Estimated Monthly PPC Clicks 56,700 per month;
- Organic Keywords 133,977 Resulting from Blogs and Article Posting;
- Estimated SEO Clicks 1,200,000 per month;
- SEO Click Value 2,600,000 per month;
- First Page Keywords 4155;
- Monthly Traffic 1,256,700 per month.

APFM owns <https://www.senioradvisor.com/> ("SA"). SA's operating costs and metrics are as follows:

- Google/Bing PPC AdWords Spend per month \$122,000;
- Paid Keywords 20,037 words;
- Estimated Monthly PPC Clicks 29,800 per month;
- Organic Keywords 62,376 – Blogs and Articles;
- Estimated SEO Clicks 396,000 per month;
- SEO Click Value \$704,000 per month;
- First Page Keywords 5052;
- Monthly Traffic 425,800 per month.

<https://www.caring.com/> (“Caring”) is estimated to be worth \$60,000,000. Its operating costs and metrics are as follows:

- Google/Bing PPC AdWords Spend per month \$97,000;
- Paid Keywords 19531 words;
- Estimated Monthly PPC Clicks 26,300;
- Organic Keywords 30,420 – Blogs and Articles;
- Estimated SEO Clicks 1,200,000;
- SEO Click Value \$240,000 per month;
- First Page Keywords 2018;
- Monthly Traffic 1,230,420 per month.

<https://www.care.com/> (“Care”) (NYSE:CRCM) is a public company with annual gross revenue of \$161,000,000. Care’s operating costs and metrics are as follows:

- Google/Bing PPC AdWords Spend per month \$149,000;
- Paid Keywords 10,378 words;
- Estimated Monthly PPC Clicks 58,200;
- Organic Keywords 200,100 – Blogs and Articles;
- Estimated SEO Clicks 8,200,000;
- SEO Click Value \$8,360,000;
- First Page Keywords 6,812;
- Monthly Traffic 8,258,200 per month.

Based upon the performances of APFM, SA, Caring and Care, it is reasonably certain that Senior Care would have achieved the same operating results and earned the same revenue, but for Google acts of racketeering activity.

E. Continuity

62. In its many communications with Lincoln, Google concealed from Lincoln the material fact that Google discriminates against conservatives and that it fraudulently manipulates Search. Google’s fraud and deceit induced Lincoln to make many expensive changes to the Senior Care website, which cost Lincoln millions in overhead, subcontract and related administrative cost and expense. Google represented to Lincoln that if Lincoln changed its website and followed Google’s direction, Senior Care would rise on Google’s

generic SERP. Google knew its representations to Lincoln were false because Google knew that it was manipulating and suppressing Lincoln's Search results. But for Google's representations and fraudulent concealment, Lincoln would not have spent millions of dollars on its website to optimize its ranking on Google's SERP. Lincoln chased a pipedream for many years at enormous cost and expense.

63. Google has been manipulating Search to further its corporate and political agendas since its inception. Deceit and manipulation are so ingrained in Google's corporate culture that Google is willing to lie to Congress to avoid revealing the truth. Google's misconduct will continue indefinitely unless Google is enjoined and reorganized, so that its operation of Search is regulated.

64. On July 23, 2019, the United States Department of Justice Antitrust Division announced that it is reviewing whether and how Google has achieved market power and is engaging in practices that have reduced competition, stifled innovation, or otherwise harmed consumers. The Department's review will consider the widespread concerns that consumers, businesses, and entrepreneurs have expressed about search, social media, and some retail services online. The Department's Antitrust Division is conferring with and seeking information from the public, including industry participants who have direct insight into competition in online platforms, as well as others. [<https://www.justice.gov/opa/pr/justice-department-reviewing-practices-market-leading-online-platforms>].

65. Google's discrimination against conservatives continues to this very day. [<https://www.breitbart.com/tech/2020/04/06/appeals-court-tech-giants-must-face-censorship-lawsuit/>] (“**Appeals Court: Tech Giants Must Face Censorship Lawsuit**”);

<https://www.breitbart.com/politics/2020/02/21/exclusive-donald-trump-jr-kevin-mccarthy-josh-hawley-to-join-forces-expose-big-tech-at-cpac/> (“**Donald Trump Jr., Kevin McCarthy, Josh Hawley to Join Forces, Expose Big Tech at CPAC**”); <https://www.thegatewaypundit.com/2020/01/stunning-youtube-takes-down-judicial-watch-and-right-side-broadcastings-impeachment-feed-want-to-drive-viewers-to-liberal-media-feeds/> (“**YouTube Takes Down Judicial Watch and Right Side Broadcasting’s Impeachment Feed — Want to Drive Viewers to Liberal Media Feeds**”); https://www.wsj.com/articles/how-google-interferes-with-its-search-algorithms-and-changes-your-results-11573823753?mod=hp_lead_pos7 (“**How Google Interferes With Its Search Algorithms And Changes Your Results**”); https://www.youtube.com/watch?time_continue=0&v=7w7r4LZY4R0 (“**Studies Prove Google Is Swinging 2020 AGAINST Trump, Biased Against Conservatives**”). If anything, the pace of Google’s censorship, manipulation of search algorithms, fraud and corrupt practices has increased during the novel coronavirus-19 pandemic.

**FIRST CAUSE OF ACTION –
FEDERAL RICO**

66. Lincoln restates paragraphs 1 through 65 of this Amended Complaint and incorporates them herein by reference.

67. At all times relevant to this action, Google was part of an information technology and social media enterprise consisting of a union or group of persons, including Alphabet, Inc., its CEO and Board of Directors, YouTube, its CEO and Board of Directors, and outside engineers and consultants, associated-in-fact, who operated with a common purpose: discrimination against conservatives, especially conservative Republicans like the Lincolns. The core shared purpose of the enterprise was (and remains) censorship, the

elimination of free speech and competition, discrimination, and the destruction of conservative businesses. The relationship of the parties consists of informal and formal agreements and understandings to engage in fraud, to threaten, intimidate, censor and cause harm through sophisticated, brutal and unlawful manipulation of various properties, including Search, utilized by the participants in the enterprise. The members of the enterprise share a common hostility towards conservative Republicans who at any time were supportive of or associated (socially, economically or professionally) with President Trump. The enterprise arose in 2015 when then-candidate Donald Trump announced that he intended to run for President of The United States. After the enterprise failed in its attempt to influence the outcome of the 2016 Presidential Election, the enterprise focused its attention and ire on damaging the businesses and reputations of those who supported President Trump. The distinct structure of the enterprise is evidenced by its organizational pattern or system of authority beyond what was necessary to perpetrate the predicate acts of racketeering against Lincoln. The enterprise in this case has a command system consisting of high-level policy-makers at Alphabet who gave the orders, engineers who developed the fraudulent algorithms, blacklists and other mathematical schemes and artifices, and lieutenants at Google who published the fraudulent statements that induced Lincoln to expend millions to develop its website.

68. Lincoln has been injured in its business and property by reason of Google's multiple violations of Title 18 U.S.C. § 1962(c), described above. Google engaged in at least two acts of racketeering activity (wire fraud), one of which occurred after the effective date of Part 1, Chapter 96 of Title 18 of the United States Code and the last of which occurred within ten years after the commission of a prior act of racketeering activity.

Google conducted, operated or managed an associated-in-fact enterprise through a pattern of racketeering activity that caused Lincoln concrete financial loss. Censorship and discrimination are part of Google's regular way of doing business. Google knowingly implemented and used the same or similar clandestine means and methods upon unwitting conservatives and conservative Republicans throughout the United States. Google continues to engage in related racketeering activity, the direct purpose of which is to discriminate against and defraud conservatives. The nature of Google's racketeering activity (including its multiple schemes or artifices to manipulate Search and defraud Lincoln), its continuity, relatedness and breadth, is such that there is a threat that it will continue indefinitely and be repeated in the future.

69. As a direct and proximate cause of Google's violations of Title 18 U.S.C. § 1962, Lincoln suffered injury and loss of property in the amount of \$30,000,000.

70. In accordance with 18 U.S.C. § 1964(a), Lincoln seeks an injunction to impose reasonable restrictions on Google's future activities, including Google's use of Search to discriminate against conservatives, and to prevent Google from manipulating Search, and to order the dissolution or reorganization of Google so as to prevent or restrain Google from violating Title 18 U.S.C. § 1962.

71. In accordance with 18 U.S.C. § 1964(c), Lincoln seeks threefold the damages it has sustained, the costs of this suit, and reasonable attorney's fees incurred.

**SECOND CAUSE OF ACTION –
DECLARATORY AND INJUNCTIVE RELIEF, 18 U.S.C. § 1964(a)**

72. Lincoln restates paragraphs 1 through 71 of this Amended Complaint and incorporates them herein by reference.

73. There is an actual case and controversy between the parties over whether Google engaged in acts of “racketeering activity” (wire fraud) when it induced Lincoln to change its website knowing that it was censoring and discriminating against Lincoln and that the changes would not direct any traffic to Senior Care.

74. For the reasons stated above, and to be developed by additional evidence in Google’s exclusive possession, Google’s conduct constitutes racketeering activity as defined in Title 18 U.S.C. § 1961(1). Google disputes this contention. Google maintains that its conduct was not fraudulent or deceptive. Rather, Google had a right under the First Amendment to misrepresent and conceal its true intentions from Lincoln.

75. For many years, Google has censored and discriminated against conservatives. Google’s conduct continues to date, and will be repeated again and again in the future to the detriment of Lincoln and others.

76. Accordingly, Lincoln seeks injunctive relief from the Court pursuant to Title 18 U.S.C. § 1964(a), including, but not limited to, an order: (1) imposing reasonable restrictions on Google’s future activities, including Google’s use of Search to discriminate against conservatives, (2) to enjoin Google from manipulating Search, and (3) to order the dissolution and/or reorganization of Google so as to prevent or restrain Google from violating Title 18 U.S.C. § 1962 in the future.

**THIRD CAUSE OF ACTION –
FLORIDA RICO**

77. Lincoln restates paragraphs 1 through 76 of this Amended Complaint and incorporates them herein by reference.

78. Google conducted or participated in an enterprise through a pattern of racketeering activity.

79. There is continuity in Google's racketeering activity, as well as similarity and interrelatedness between the activities.

80. As a direct and proximate cause of Google's violations of the Florida RICO Act, Lincoln suffered injury and loss of property in the amount of \$30,000,000.

81. In accordance with Fla. Stat § 772.104(1), Lincoln seeks threefold the damages it has sustained, the costs of this suit, reasonable attorney's fees incurred, and injunctive relief as prayed for above.

**FOURTH CAUSE OF ACTION –
FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT**

82. Lincoln restates paragraphs 1 through 81 of this Amended Complaint and incorporates them herein by reference.

83. Lincoln is a consumer with headquarters in Florida. Lincoln designed and programmed the website at issue in Florida, and suffered damages, including irreparable harm, as a result of Google's wrongful actions, in Florida.

84. Google does business in Florida and, at all relevant times, was engaged in trade or commerce within the meaning of § 501.203(8) of the Florida Deceptive and Unfair Trade Practices Act (the "Act").

85. Google's fraud, concealment, discrimination against conservatives like Lincoln, deceptive and misleading statements caused harm to Lincoln. Lincoln expected Google to comply with its published policies concerning Search and its public statements concerning censorship. Google misrepresented its intent, violated Lincoln's First Amendment rights and discriminated against Lincoln, causing Lincoln substantial damages.

86. Google's practices are likely to deceive consumers acting reasonably, and have in fact already deceived consumers into believing that Google does not discriminate against conservatives and fairly administers Search.

87. The public has a great interest in whether Google's statements to the public are misleading and deceptive, particularly as Google controls ninety percent (90%) market share of web search.

88. Google's treatment of Lincoln was plainly unlawful and unfair, as it singled Lincoln out for disparate treatment solely because of Lincoln's ideology.

89. Google engaged in unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce in violation of the Act.

90. As a direct and proximate result of Google's violations of the Act, Lincoln suffered actual damages, including injury and loss of property in the amount of \$30,000,000. In addition to damages, attorney's fees and costs, Lincoln seeks a declaratory judgment that Google's acts and practices violate the Act and an injunction to prevent Google from violating the Act in the future.

**FIFTH CAUSE OF ACTION –
TORTIOUS INTERFERENCE**

91. Lincoln restates paragraphs 1 through 90 of this Amended Complaint and incorporates them herein by reference.

92. Like other online publishing businesses, Lincoln's business is heavily dependent upon its visibility on Google's SERP.

93. As Google is aware from its review of the Senior Care website and through communications with Darren, Lincoln has contractual relationships with various third

parties and the reasonable expectation of obtaining business from Search which have been damaged by Google's discriminatory practices.

94. By discriminating against Lincoln based upon Lincoln's conservative ideology and association with and support of President Trump, Google wrongfully and intentionally harmed Lincoln's actual and prospective business relationships.

95. Google engaged in conduct and business practices that were illegal, unethical, fraudulent, defamatory and sharp.

96. Google's conduct was not privileged, justified or excusable.

97. As a direct and proximate result of Google's tortious interference with Lincoln's contracts and reasonable business expectations, Lincoln suffered actual damages, including loss of business and income, injury to its professional name, reputation, brand and good will, attorney's fees and costs in the sum of \$30,000,000.

**SIXTH CAUSE OF ACTION –
FRAUD IN THE INDUCEMENT AND ACTUAL FRAUD**

98. Lincoln restates paragraphs 1 through 97 of this Amended Complaint and incorporates them herein by reference.

99. Google fraudulently induced Lincoln to make millions of dollars of alterations to its website by misrepresenting that the changes would improve the SEO of Senior Care and by concealing the fact that Google discriminates against conservatives and that it blacklisted Lincoln.

100. Lincoln reasonably and justifiably relied upon Google's misrepresentations and concealment by spending millions to improve its website.

101. Google's representations were false at the time they were made. Google knew that the institutional and systemic policy among the companies in the Alphabet

enterprise was one of censorship and discrimination. Google knew that Lincoln was on a blacklist. Google's intentional omissions and non-disclosures were material to Lincoln's decision whether to spend money on its website. Through the emails and chats with Google, Google knew that Lincoln was taking action in detrimental reliance on Google's representations.

102. Google acted under false and deceitful pretenses to further its own corporate agenda and self-interest. Google knew that Lincoln was acting at all relevant times under the false impression (created by Google) that Google did not discriminate.

103. Google's statements, actions, concealment and non-disclosure constitute fraud in the inducement and actual fraud.

104. As a direct and proximate result of Google's fraud, Lincoln suffered actual damages, including loss of business and income, injury to its professional name, reputation, brand and good will, attorney's fees and costs in the sum of \$30,000,000.

Lincoln alleges the foregoing based upon personal knowledge, public statements of others, and records in its possession. Lincoln believes that substantial additional evidentiary support, which is in the exclusive possession of Google and its agents and other third-parties, will exist for the allegations and claims set forth above after a reasonable opportunity for discovery.

Lincoln reserves its right to further amend this Complaint upon discovery of additional instances of Google's wrongdoing.

CONCLUSION AND REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the Court to enter Judgment against Google as follows:

- A. Compensatory damages in the amount of \$30,000,000.00 or such greater amount as is determined by the Jury;
- B. Threefold damages in the sum of \$90,000,000.00;
- C. Punitive damages in the amount of \$5,000,000.00 or the maximum amount allowed by law;
- D. Injunctive relief in accordance with Title 18 U.S.C. § 1964 and Florida law;
- E. Dissolution and/or reorganization of Google to prevent Google from engaging in Search manipulation in the future;
- F. Prejudgment interest at the maximum rate allowed by law;
- G. Postjudgment interest on the principal sum of the Judgment entered against Google from the date of Judgment until paid;
- H. Attorney's Fees, Expert Witness Fees and Costs;
- I. Such other relief as is just and proper.

TRIAL BY JURY IS DEMANDED

DATED: July 27, 2020

DJ LINCOLN ENTERPRISES, INC.

By: /s/ John C. Smith

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Counsel for the Plaintiff

*(Application for Admission Pro Hac Vice
To be Filed)*

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2020 a copy of the foregoing was filed electronically using the Court's CM/ECF system, which will send notice of electronic filing to counsel for the Defendant and all interested parties receiving notices via CM/ECF.

By: /s/ John C. Smith

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