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7 *Attorneys for Plaintiffs*

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9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12  
13 **AMBASSADOR MARC GINSBERG**  
14 **AND THE COALITION FOR A SAFER**  
15 **WEB**

16 **Plaintiffs,**

17 **v.**

18  
19 **APPLE, INC.**

20  
21  
22 **Defendant**  
23

**CASE NO:**

**COMPLAINT FOR DAMAGES**

**JURY TRIAL DEMANDED**

1 **PLAINTIFFS AMBASSADOR MARC GINSBERG AND THE COALITION FOR A**  
2 **SAFER WEB BY AND THROUGH THEIR ATTORNEYS KEITH ALTMAN OF**  
3 **LENTO LAW GROUP, STATE AS FOLLOWS:**

4 **INTRODUCTION**

5 1. This is a lawsuit seeking damages and injunctive relief against  
6 Defendant Apple, Inc. for allowing Telegram to be made available through Apple’s  
7 App Store despite Apple’s knowledge that Telegram is being used to intimidate,  
8 threaten, and coerce members of the public.  
9

10  
11 2. Apple has clearly defined policies and guidelines prohibiting  
12 applications such as Telegram from being used in such a manner yet chooses not to  
13 enforce those policies and guidelines.  
14

15 3. As a result, consumers such as Plaintiff Ambassador Marc Ginsberg has  
16 suffered economic losses as well as emotional distress as a member of one of the  
17 groups targeted by Telegram’s users.  
18

19 **PARTIES**

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22 4. Plaintiff Ambassador Marc Ginsberg (“Ambassador Ginsberg”) is a  
23 citizen of the state of Maryland and is the owner of Defendant Apple’s iPhone XR  
24 which he obtained for personal and professional use in early 2020. As part of his  
25 purchase of the iPhone, Ambassador Ginsberg knew that Apple, Inc. had an App  
26 Store where various third-party application developers could make their applications  
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1 available to users. He further knew that Apple had terms of service and policies  
2 related to the use of the iPhone and to applications available through the App Store.  
3  
4 Ambassador Ginsberg relied on Apple to comply with its own polices and terms of  
5 service when deciding to purchase his iPhone

6  
7 5. Ambassador Ginsberg has had a career that has placed him in the public  
8 spotlight numerous times through his work as a White House liaison for the Secretary  
9 of State, as a Deputy Senior Advisor to the President for Middle East Policy, as a  
10 United States Ambassador to Morocco, and his numerous appearances in U.S. and  
11 global publications and news shows.  
12

13 6. Ambassador Ginsberg was raised in Israel and has addressed Jewish  
14 groups in the United States and throughout the Arab world on the importance of  
15 Judaism and Israel. Ambassador Ginsberg has been a member of and involved with  
16 the Beth El synagogue in Bethesda, Maryland for decades as well as other  
17 synagogues in Montgomery County, Maryland.  
18

19  
20 7. As the first Jewish ambassador to an Arab country from the U.S.,  
21 Ambassador Ginsberg has been subjected to two assassination attempts due to his  
22 religious beliefs held as an United States Ambassador.  
23

24 8. Ambassador Ginsberg created the Coalition for a Safer Web to compel  
25 social media platforms to end their tolerance of anti-Semitism as well as their  
26 enabling of extremist groups to operate with impunity over social media.  
27  
28



1 distributing, and selling Apple products such as iPhones, iPads, Apple Watches, and  
2 Mac computers within California and across the United States with the reasonable  
3 expectation that their products and apps would be used across in United States.  
4

5 13. Plaintiff Marc Ginsberg (“Ambassador Ginsberg”) is a citizen of the  
6 state of Maryland and is the owner of one of Defendant Apple’s iPhone XR which  
7 he obtained for personal and professional use. Ambassador Ginsberg has suffered  
8 damages through his purchase of his iPhone and is suffering from negligent infliction  
9 of emotional distress in an amount that exceeds \$75,000. Furthermore, Ambassador  
10 Ginsberg is seeking to enjoin Apple from allowing Telegram to be available in the  
11 App Store in violation of Apple’s policies and terms of service.  
12  
13

14 14. Plaintiff Coalition for a Safer Web (“CSW”) is a 501(c)(3) organization  
15 with its principal place of business Washington, D.C., and is responsible for  
16 reimbursing Ambassador Ginsberg for his use of his iPhone XR for business use. At  
17 this time, these costs are being accrued by CSW and Ambassador Ginsberg must use  
18 his own money to pay the bill while he awaits reimbursement.  
19  
20

21 15. Jurisdiction in federal court is proper under 28 U.S.C. § 1332 as  
22 Ambassador Ginsberg and CSW are citizens of different states as Defendant Apple  
23 and the amount in controversy exceeds \$75,000.  
24

25 16. This Court has supplemental jurisdiction over Plaintiffs' state law claims  
26 under 28 U.S.C. § 1367.  
27  
28

1 17. Venue is proper in the Northern District of California pursuant to 28  
2 U.S.C. § 1391 as Defendant may be found or transacts business in this district and a  
3 substantial part of the events giving rise to Plaintiffs' claims occurred and are  
4 continuing to occur in this district.  
5

6  
7 **FACTS CONCERNING DEFENDANT APPLE, INC.**  
8

9 18. Defendant Apple launched its App Store in 2008.<sup>1</sup>

10 19. Between 2013-2018, Defendant Apple has sold at least 1,197.04 million  
11 units of Apple iPhones worldwide.<sup>2</sup>  
12

13 20. Since 2017, Apple iPhones have been priced anywhere from \$699+ to  
14 \$1099+.<sup>3</sup>  
15

16 21. Over the past decade, Defendant Apple has sold more than 500 million  
17 iPads.<sup>4</sup>  
18

19 22. Currently, Defendant Apple sells the iPad Mini 5 for \$399+, the 2020  
20 iPad is \$329+, the 2020 iPad Air is \$599+, the 12.9-inch iPad Pro is \$999+, the 11-  
21 inch iPad Pro is \$799+, the 12.9-inch iPad Pro is \$799, and the 11-inch iPad Pro is  
22

23  
24 <sup>1</sup> App Store <https://www.apple.com/newsroom/2018/07/app-store-turns-10/>

25 <sup>2</sup> Apple iPhone Sales: <https://www.statista.com/statistics/276306/global-apple-iphone-sales-since-fiscal-year-2007/#:~:text=In%20their%202018%20fiscal%20year,stayed%20relatively%20stable%20since%20then.>

26 <sup>3</sup> Apple iPhone Prices: <https://www.computerworld.com/article/2604020/the-evolution-of-apples-iphone.html#slide19>

27 <sup>4</sup> Apple iPad Sales: <https://www.theverge.com/2020/9/15/21438305/apple-ipad-sales-500-million-units-10-year-anniversary>  
28

1 \$649+.<sup>5</sup>

2 23. In 2018 and 2019 alone, Defendant Apple sold 53.2 million Apple  
3 Watches worldwide.<sup>6</sup>

4  
5 24. Defendant Apple sells the Series 3 Apple Watch for a starting price of  
6 \$199, the Apple Watch SE S5 for a starting price of \$279, and an Apple Watch Series  
7  
8 6 for a starting price of \$399.<sup>7</sup>

9 25. One of the principal reasons why consumers such as Ambassador  
10 Ginsberg purchase Apple products is because of the Apple App Store and the apps  
11 contained therein.

12  
13 26. Apple has established terms of use and development guidelines for the  
14 use of their products as well as the App Store. Consumers, such as Ambassador  
15 Ginsberg are expected to comply with the terms of service and guidelines.  
16 Furthermore, as part of their purchase and use of Apple products, consumers such as  
17 Ambassador Ginsberg are entitled to reasonably rely that Apple will comply with its  
18 own policies and guidelines

19  
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21 27. In particular, Apple requires that applications such as Telegram must go  
22 through a review process and comply with certain guidelines before becoming  
23 available on the App Store. Apple publishes these review guidelines<sup>8</sup>. See Exhibit  
24

25  
26 <sup>5</sup> Apple iPad prices: <https://www.lifewire.com/ipad-comparison-chart-1994214>

27 <sup>6</sup> Apple Watch Article: <https://www.fool.com/investing/2020/02/08/apple-sold-over-30-million-apple-watches-in-2019.aspx>

28 <sup>7</sup> Apple Watch Prices: <https://appleinsider.com/inside/apple-watch>

<sup>8</sup> <https://developer.apple.com/app-store/review/guidelines/>

1 “A.”

2 28. Specifically, with respect to the Telegram application, Apple has  
3 allowed Telegram to be distributed through the App Store knowing that Telegram  
4 does not comply with Apple’s developer guidelines and that Telegram is routinely  
5 used to violate California’s hate speech law, California Penal Code § 422.6.  
6  
7

8 **FACTS CONCERNING TELEGRAM**

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10  
11 29. Telegram was founded by CEO Pavel Durov and is currently based in  
12 Dubai after leaving Russia, Berlin, London, and Singapore due to local IT  
13 regulations.<sup>9</sup>

14  
15 30. Defendant Apple allows the Telegram Messenger app access to its App  
16 Store. On Defendant Apple’s App Store, the Telegram Messenger app has a 4.3-star  
17 rating with over 106,900 Ratings.<sup>10</sup> Defendant Apple allows the Telegram Messenger  
18 app to be downloaded for the iPhone, iPad, and Apple Watch.  
19

20  
21 31. As of December 2020, the Telegram Messenger app has been  
22 downloaded on the Apple App Store an estimated 6 million times worldwide.<sup>11</sup>  
23  
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26 \_\_\_\_\_  
<sup>9</sup> *Id.* [FAQs]

27 <sup>10</sup> Telegram App Store Preview: <https://apps.apple.com/app/telegram-messenger/id686449807>

28 <sup>11</sup> SensorTower Telegram iOS downloads: <https://sensortower.com/ios/us/telegram-fz-llc/app/telegram-messenger/686449807/overview>



1           32. On Defendant Apple’s App Store Preview, the Telegram Messenger app  
2 provides the following information about the app:  
3

- 4           • Telegram has over 400 million active users.
- 5           • Telegram is the fastest messaging app on the market,  
6           connecting people via a unique, distributed network of data  
7           centers around the globe.
- 8           • You can access your messages from all your devices at once.
- 9           • You can send media and files, without any limits on their  
10           type and size.
- 11           • Your entire chat history will require no disk space on your  
12           device, and will be securely stored in the Telegram cloud for  
13           as long as you need it.
- 14           • We made it our mission to provide the best security  
15           combined with ease of use.
- 16           • Everything on Telegram, including chats, groups, media,  
17           etc. is encrypted using a combination of 256-bit symmetric  
18           AES encryption, 2048-bit RSA encryption, and Diffie–  
19           Hellman secure key exchange.
- 20           • You can create group chats for up to 200,000 members,  
21           share large videos, documents of any type (.DOCX, .MP3,  
22           .ZIP, etc.), and even set up bots for specific tasks.
- 23           • It's the perfect tool for hosting online communities and  
24           coordinating teamwork.
- 25           • Built to deliver your messages in the minimum bytes  
26           possible, Telegram is the most reliable messaging system  
27           ever made.
- 28           • It works even on the weakest mobile connections.
- Telegram is free and will always be free.
- We take your privacy seriously and will never give third  
          parties access to your data.
- For those interested in maximum privacy, Telegram offers  
          Secret Chats. Secret Chat messages can be programmed to  
          self-destruct automatically from both participating devices.  
          This way you can send all types of disappearing content —  
          messages, photos, videos, and even files. Secret Chats use  
          end-to-end encryption to ensure that a message can only be  
          read by its intended recipient.; and

- We keep expanding the boundaries of what you can do with a messaging app. Don't wait years for older messengers to catch up with Telegram — join the revolution today.<sup>12</sup>

33. Additionally, as per Version 7.3.1 of the Telegram Messenger app on Defendant Apple's App Store, Defendant Apple's program Siri can "read incoming messages aloud in your headphones."<sup>13</sup>

34. According to Telegram's website FAQs, Telegram for iOS was launched on August 14, 2013.<sup>14</sup>

35. In addition to Telegram's app offerings on Defendant Apple's App Store, users of Telegram can use Telegram's web version or install a desktop app for macOS.<sup>15</sup>

36. According to Telegram's website, "Telegram is a cloud-based mobile and desktop messaging app with a focus on security and speed."<sup>16</sup> Further, as per their website, Telegram claims to:

- be "so simple you already know how to use it".
- have messages that are heavily encrypted that "can self-destruct".
- allow users to access chats from multiple devices.
- deliver messages "faster than any other application".
- have no limits on the size of user's media and chats.
- keeps messages safe from "hacker attacks".
- allow groups that can hold up to 200,000 members.<sup>17</sup>

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<sup>12</sup> *Id.* [app store]

<sup>13</sup> *Id.* [app store]

<sup>14</sup> Telegram Website FAQs: <https://telegram.org/faq>

<sup>15</sup> *Id.* [FAQs]

<sup>16</sup> Telegram Website: Telegram.org

<sup>17</sup> *Id.* [telegram home]

1           37. In addition to creating groups for up to 200,000 people, Telegram allows  
2 users to create channels to broadcast to unlimited audiences.<sup>18</sup>

3  
4           38. Telegram claims to be “for everyone who wants fast and reliable  
5 messaging and calls” and allows users to create “[p]ublic groups [that] can be joined  
6 by anyone and are powerful platforms for discussions and collecting feedback.”<sup>19</sup>

7  
8           39. Telegram allows users to “share an unlimited number of photos, videos  
9 and files (doc, zip, mp3, etc.) of up to 2 GB each.”<sup>20</sup>

10           40. Telegram draws many users which use their devices and Telegram’s  
11 services to promote and/or engage in illegal activity. In fact, Telegram’s FAQ  
12 includes the following language:  
13

14  
15           Q: There's illegal content on Telegram. How do I take it  
16 down?

17           A: All Telegram chats and group chats are private amongst  
18 their participants. We do not process any requests related to  
19 them.<sup>21</sup>

20           41. Additionally, in response to the question “[w]hat are your thoughts on  
21 internet privacy?” Telegram’s FAQ states, in pertinent part:

- 22
- 23           • At Telegram we think that the two most important  
24            components of Internet privacy should be instead:
    - 25              ○ Protecting your private conversations from snooping  
26                third parties, such as officials, employers, etc.

27           <sup>18</sup> *Id.* [FAQs]

28           <sup>19</sup> *Id.* [FAQs]

<sup>20</sup> *Id.* [FAQs]

<sup>21</sup> *Id.* [FAQs]

- Protecting your personal data from third parties, such as marketers, advertisers, etc.
- This is what everybody should care about, and these are some of our top priorities. Telegram's aim is to create a truly free messenger, without the usual caveats.<sup>22</sup>

42. Telegram FAQs claims the following in response to a question regarding third-party takedown requests:

“Our mission is to provide a secure means of communication that works everywhere on the planet. To do this in the places where it is most needed (and to continue distributing Telegram through the App Store and Google Play), we have to process legitimate requests to take down illegal *public* content (e.g., sticker sets, bots, and channels) within the app. For example, we can take down sticker sets that violate intellectual property rights or porn bots.” (emphasis added)

“Please note that this does not apply to local restrictions on freedom of speech. For example, if criticizing the government is illegal in some country, Telegram won't be a part of such politically motivated censorship. This goes against our founders' principles. While we do block terrorist (e.g. ISIS-related) *bots and channels*, we will not block anybody who peacefully expresses alternative opinions.”<sup>23</sup> (emphasis added)

43. While the above information applies to public channels, such information does not apply to private groups which can contain upwards of 200,000 individuals. As for this data, Telegram provides the following information:

- Secret chats use end-to-end encryption, thanks to which we don't have any data to disclose.
- To protect the data that is not covered by end-to-end encryption, Telegram uses a distributed infrastructure. Cloud

<sup>22</sup> *Id.* [FAQs]

<sup>23</sup> *Id.* [FAQs]

1 chat data is stored in multiple data centers around the globe  
2 that are controlled by different legal entities spread across  
3 different jurisdictions. The relevant decryption keys are split  
4 into parts and are never kept in the same place as the data they  
5 protect. As a result, several court orders from different  
6 jurisdictions are required to force us to give up any data.

- 7 • Thanks to this structure, we can ensure that no single  
8 government or block of like-minded countries can intrude on  
9 people's privacy and freedom of expression. Telegram can be  
10 forced to give up data only if an issue is grave and universal  
11 enough to pass the scrutiny of several different legal systems  
12 around the world.
- 13 • To this day, we have disclosed 0 bytes of user data to third  
14 parties, including governments.
- 15 • Telegram groups are ideal for sharing stuff with friends and  
16 family or collaboration in small teams. But groups can also  
17 grow very large and support communities of up to 200,000  
18 members. You can make any group public, toggle persistent  
19 history to control whether or not new members have access to  
20 earlier messages and appoint administrators with granular  
21 privileges. You can also pin important messages to the top of  
22 the screen so that all members can see them, including those  
23 who have just joined.
- 24 • Channels are a tool for broadcasting messages to large  
25 audiences. In fact, a channel can have an unlimited number of  
26 subscribers.<sup>24</sup>

27 44. Since its launch in 2013, Telegram has been the subject of derision for  
28 facilitating voices of violence and extremism.

45. Most recently, in the wake of the killing of George Floyd, Telegram has  
played an essential role in threatening as well as encouraging and coordinating racist  
and anti-Semitic violence.

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<sup>24</sup> *Id.* [FAQs]

1           46. CSW issued several press releases bringing the real and imminent  
2 dangers of Telegram to the attention of Apple.

3  
4           47. On June 3, 2020, CSW issued a press release, revealing a torrent of  
5 extremist incitement, notably anti-Semitic and anti-African American content on  
6 Telegram, stemming from white supremacist/ Neo-Nazi communications in the wake  
7 of the George Floyd murder and the resulting global protests.<sup>25</sup>

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9           48. The CSW uncovered encrypted capacity by extremist fringe groups to  
10 direct violence, including looting, where police presence is minimal.

11  
12           49. On June 18, CSW issued a second Telegram related press release  
13 demonstrating representational evidence that Telegram is serving as a  
14 communications channel for the Russian government and affiliated Neo-Nazi and  
15 white nationalist groups, sowing misinformation and racial division in the United  
16 States and in Europe, with the goal of provoking African American-on-Jew  
17 violence.<sup>26</sup>

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20           50. Further on July 24, 2020, Ambassador Ginsberg sent on behalf of CSW  
21 a letter to Tim Cook, CEO of Apple calling on Apple to (temporarily) de-platform  
22 the Telegram app from Apple's App Store, reiterating the seriousness of Telegram's  
23 role in inciting extremist violence.<sup>27</sup> See Exhibit "B"

24  
25  
26 <sup>25</sup>June 03, 2020 – CSW Demands Action Against the TELEGRAM White Nationalist/Anti-  
Semitic/Anti-Black Riot Incitement App.

27 <sup>26</sup> June 18, 2020- TELEGRAM App is the Misinformation "Super Spreader" to Foment U.S.  
Racial Division & Violence.

28 <sup>27</sup> June 24, 2020- TELEGRAM APP'S ROLE INCITING EXTREMIST VIOLENCE

1           51. Telegram is currently the most utilized messaging app among extremists  
2 who are promoting violence in the United States. Telegram has been deemed  
3 “extremists app of choice” by POLITICO.<sup>28</sup>

4  
5           52. For years, anti-black and anti-Semitic groups have openly utilized  
6 Telegram with little or no content moderation by Telegram’s management. Despite  
7 warnings from CSW and other organizations, extensive media coverage, legal  
8 warnings, and other attention that Apple is providing an online social media platform  
9 and communication service to hate groups, Apple has not taken any action against  
10 Telegram comparable to the action it has taken against Parler to compel Telegram to  
11 improve its content moderation policies.  
12  
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14           53. Speech that carries a credible threat of violence against a person or a  
15 group on the basis of race or religion is a criminal offense in California. *See*  
16 California Penal Code § 422.6.  
17

18           54. Telegram promotes extremist conduct in violation of both state and  
19 federal law.  
20

21           55. Telegram currently serves as the preferred Neo-Nazi/white nationalist  
22 communications channel, fanning anti-Semitic and anti-black incitement during the  
23 current wave of protests across America.  
24

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26  
27 <sup>28</sup> Alexandra S. Levine, “Telegram Surfaces as Preferred app of Extremist Rioters,” *Politico* (June  
28 4, 2020), <https://www.politico.com/newsletters/morning-tech/2020/06/04/telegram-surfaces-as-preferred-app-of-extremist-rioters-788230>

1 56. Telegram continues to enable extremist incitement in its platform,  
2 promoting political violence as extremist groups and individuals migrate to Telegram  
3 following Apple’s suspension of Parler.

4 57. Telegram has and continues to be used as a channel to cultivate and  
5 maintain an image of brutality and to instill great fear and intimidation by  
6 disseminating videos and images of numerous threats to kill, images depicting and  
7 encouraging racist and anti-semitic violence, and dehumanizing certain groups of  
8 people.  
9

10  
11 58. In the wake of the murder of George Floyd, these abhorrent postings  
12 inciting and encouraging violence have become more frequent, specifically  
13 threatening people of color and Jewish people.  
14

15 59. On September 28, 2020, a telegram user under the account name  
16 “N\*\*\*\* and Heeb Crime Report” posted a photo of a woman holding a sign that reads  
17 “Kill Black People.”  
18





1  
2 60. The same account also posted the below image of a well-known climate  
3 change activist photo shopped to appear to be holding a sign that reads “Kill all  
4 n\*\*\*\*\* for climate.”  
5



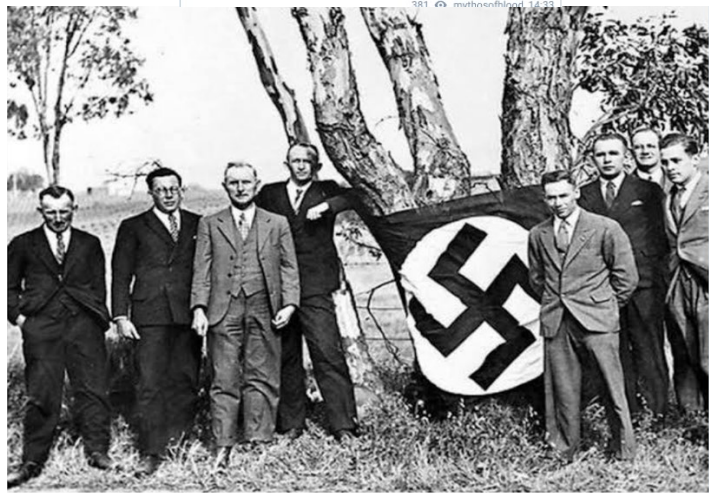
17 61. Further, the same account posted an image (inserted below) depicting a  
18 white man next to a dead and dismembered African American person with a caption  
19 that reads “The only thing n\*\*\*\*\* understand are pain and fear.”  
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62. In addition to racist posts encouraging and violence against African American people, there are also anti-Semitic posts used to threaten and encourage violence against people of the Jewish faith.

63. Below are some examples of anti-Semitic postings encouraging and, in some cases, directly threatening violence against Jews:



We will finish what you started.

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64. Telegram further engaged in facilitation of anti-Semitic and anti-black extremism and violence during the Black Lives Matter (“BLM”) protests throughout summer of 2020.

65. Telegram has been used to cultivate and maintain an image of brutality, to instill great fear and intimidation by posting images and videos encouraging racist and anti-Semitic killings.

66. Telegram’s media platform and services provide tremendous utility and value to racist and anti-Semitic groups as a tool to connect its members and to facilitate these group’s ability to communicate, recruit members, plan and carry out attacks, and strike fear in its enemies.

67. These have groups relied on Telegram as an important tool to facilitate and carry out its terrorist activity, including the attack on the United States Capital that took place on January 6, 2021.

1           68. Telegram is currently being used to coordinate and incite extreme  
2 violence before the inauguration of President Elect Joe Biden on January 17, 2021.  
3  
4 Some users have called on followers to abandon plans for a second protest in  
5 Washington in favor of surprise attacks nationwide.<sup>29</sup>

6           69. One Telegram message on a far-right channel called “Boogaloo Intel  
7 Drop” told followers to “get a feel for your local area and get your friends together.”  
8 The message encouraged other Telegram users to find others who are outraged about  
9 the death of Ashli Babbitt, who was shot by a police officer while storming the  
10 Capitol. The posting further read: “No, we’re not going to tell you ‘show up on XX  
11 day and do XX,’ which would risk alerting authorities,” the message continues,  
12 advising followers to “have some damn ingenuity and autonomy.”<sup>30</sup>

13           70. The following is an image containing a caption that reads: “When  
14 democracy is destroyed refuse to be silenced, armed march on Capitol Hill & all  
15 state capitals. January 17<sup>th</sup>, 2021 @ 12:00pm”

16 //

17 //

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19 //

20 //

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21 <sup>29</sup> [https://www.washingtonpost.com/national-security/far-right-violent-plans-  
22 inauguration/2021/01/14/15668f16-567d-11eb-a817-e5e7f8a406d6\\_story.html](https://www.washingtonpost.com/national-security/far-right-violent-plans-inauguration/2021/01/14/15668f16-567d-11eb-a817-e5e7f8a406d6_story.html)

23 <sup>30</sup> *Id.*

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71. In this case, Telegram is being used to specifically threaten the United States Government.

72. In addition to postings to incite violence and spread hate, Telegram also serves as a platform to purchase and sell illegal substances.

73. Below is a posting offering for sale and pricings of illegal and controlled substances such as LSD, acid, and cocaine pills.

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1 ounce cost \$450
25) 1 sheet LSD containing 100 sheets 150ug for \$175 200ug for \$220 300ug for \$250
26) ecstasy \$8 per pill minimum order is 50 pills
27) molly 110\$ per gram minimum order is 3g
28) Zopiclone 10mg 1k €400
Get the best deals Pill/drugs for sale
1) subutex 2mg (sublingual tabs) 30 tabs \$110 90 tabs \$300
2) Roxicodone 30mg (PHYSICIANS TC)100 tabs \$200 Roxicodone 30mg (PHYSICIANS TC) 120 tabs \$230
4) RITALIN 10mg 100 pill \$115 RITALIN 10mg 200 pill \$215
5) Ketamine (Ketamine Hydrochloride) - Infar 100mg/ml Solution 10ml vial \$70
6) Ketalar 50mg/ml 10ML Injection \$65
7) Demerol 50mg/ml 30ml ampul \$42
8) Dilaudid 2mg/100tabs \$115 DILAUDID 4mg/100tabs \$128 DILAUDID 8mg/100tabs \$197
8) SOMA -generic- 350mg 30 tabs 67us\$

74. Telegram, as a platform, is continuing to grow. As of January 12, 2020, at 12:20, Telegram surpassed 500 million active users. In the past 72 hours alone, more than 25 million new users from around the world joined Telegram.<sup>31</sup>

**FIRST CAUSE OF ACTION**  
**Negligent Infliction of Emotional Distress**

75. The allegations set forth in all previous paragraphs of the complaint are incorporated by reference as if fully set forth herein.

76. Defendant owes a duty of reasonable care to ensure that their services are not used as a means to inflict religious and racial intimidation.

77. Defendant currently offers the Telegram app on the Apple App Store.

78. Telegram hosts many users who openly identify as Neo-Nazis and White Supremacists.

<sup>31</sup> Posting showing user stats, <https://t.me/OhioProudBoys/864>

1           79. The Telegram app has been used on numerous occasions by White  
2 Supremacists and Neo-Nazis to plan, incite and implement anti-Semitic terror plots.

3  
4           80. Neo-Nazi and White Supremacists used the Telegram app to coordinate  
5 a campaign to spread misinformation during the summer 2020 Black Lives Matter  
6 protests. The goal of this misinformation campaign was to foment African American  
7 on Jewish violence.  
8

9           81. Because iPhones are the one of the most popular brands of smart phone  
10 in the world, it is reasonable to infer that a substantial number individuals that used  
11 the Telegram app to foment racial terror, downloaded the app from the Apple App  
12 Store.  
13

14           82. Telegram has become so well known as a source of racial terror plots,  
15 that the app is often referred to as “Terrorgram”. Due to this high level of notoriety,  
16 Defendant Apple knew or should have known their App Store was being used to  
17 download the Telegram app for terroristic purposes.  
18

19  
20           83. Defendant breached their duty by continuing to host Telegram on the  
21 App Store despite Defendant’s knowledge that Telegram was being used to incite  
22 violence including violence against African Americans and Jews.  
23

24           84. Ambassador Ginsberg is a Jewish person whose professional work  
25 requires he maintain a presence in the public eye.  
26  
27  
28

1           85. As a result of this Anti-Semitic campaign that was coordinated on the  
2 Telegram app, Ambassador Ginsberg is forced to live in apprehension of religiously  
3 motivated violence being perpetrated against him.  
4

5           86. Ambassador Ginsberg's fear of religious violence has caused him  
6 substantial emotional harm including depression and anxiety.  
7

8           87. Despite having an awareness of the racial and religious incitement that  
9 is planned, coordinated, and implemented through Telegram, Defendant continues to  
10 host Telegram on the Apple App Store.  
11

12           88. By continuing to host Telegram on the Apple App Store, Defendant  
13 facilitates religious threats against him and his family that has caused Ambassador  
14 Ginsberg to fear for his life.  
15

16           89. If was foreseeable to Apple that by allowing Telegram to continue to be  
17 available on the App Store that Apple's conduct could lead to fear of violence by  
18 individuals, such as Ambassador Ginsberg.  
19

20           90. By failing to remove Telegram from the Apple App Store, Defendant  
21 has proximately caused Ambassador Ginsberg's emotional distress.  
22

23           91. Plaintiff Ambassador Ginsberg has suffered injuries in an amount that  
24 exceeds \$75,000.  
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**SECOND CAUSE OF ACTION**

**(Violation of the “Unfair” Prong of the UCL, California Business and Professions Code § 17200 *et seq.*)**

92. The allegations set forth in all previous paragraphs of the complaint are incorporated by reference as if fully set forth herein.

93. The UCL defines unfair business competition to include any "unlawful, unfair or fraudulent" act or practice, as well as any "unfair, deceptive, untrue or misleading" advertising. Cal. Bus. & Prof. Code § 17200.

94. A business act or practice is "unfair" under the UCL if the reasons, justifications, and motives of the alleged wrongdoer are outweighed by the gravity of the harm to the alleged victims.

95. Defendant’s App developer guidelines forbid the following content from the Apple App Store<sup>32</sup>:

1.1.1 Defamatory, discriminatory, or mean-spirited content, including references or commentary about religion, race, sexual orientation, gender, national/ethnic origin, or other targeted groups, particularly if the app is likely to humiliate, intimidate, or harm a targeted individual or group.

1.1.2 Realistic portrayals of people or animals being killed, maimed, tortured, or abused, or content that encourages violence.

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<sup>32</sup> See Exhibit “A”, §§ 1.1.1, 1.1.2, 1.1.3, 1.1.5

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1.1.3 Depictions that encourage illegal or reckless use of weapons and dangerous objects, or facilitate the purchase of firearms or ammunition.

1.1.5 Inflammatory religious commentary or inaccurate or misleading quotations of religious texts.

96. Also, in Apple’s guidelines is § 1.2 on User Generated Content:

Apps with user-generated content present particular challenges, ranging from intellectual property infringement to anonymous bullying. To prevent abuse, apps with user-generated content or social networking services must include:

- A method for filtering objectionable material from being posted to the app
- A mechanism to report offensive content and timely responses to concerns
- The ability to block abusive users from the service
- Published contact information so users can easily reach you

Apps with user-generated content or services that end up being used primarily for pornographic content, Chatroulette-style experiences, objectification of real people (e.g. “hot-or-not” voting), making physical threats, or bullying do not belong on the App Store and may be removed without notice.

97. Thus, Defendant has full managerial discretion to remove apps that violate the aforementioned guidelines.

98. In the past, Apple has removed applications such as Fortnite and Parler from the App Store for violating these guidelines.

1           99. Telegram users have repeatedly and systematically utilized the platform  
2 to violate Defendant's app developer guidelines since Telegram's launch in 2013.

3  
4 Such violations include, but are not limited to:

- 5           • Generating and distributing content expressing degradation  
6           and hatred of various racial and religious groups, particularly  
7           African Americans and Jewish people.
- 8  
9           • Generating and distributing content that contains explicit  
10           exhortations to commit violence against various racial and  
11           religious groups, particularly African Americans and Jewish  
12           people.
- 13  
14           • Planning and recruiting participants for acts of racial and  
15           religious based terrorism.
- 16  
17           • Planning and recruiting participants in terrorist operations  
18           aimed at undermining the institution of United States  
19           elections and overturning the results of the 2020 United States  
20           Presidential election.
- 21  
22           • Providing logistical support for participants of acts of  
23           terrorism.  
24  
25  
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1           100. The developers of Telegram have not undertaken any meaningful  
2 actions to curb these flagrant, systematic, and continuous violations of Defendant's  
3 app guidelines by Telegram users.  
4

5           101. The aforementioned violations of Defendant's app guidelines are well  
6 known and have been widely reported by international media outlets since 2013.  
7 Defendant is therefore aware of Telegram's violations of their app guidelines.  
8

9           102. Despite having awareness of Telegram's violations of the Apple app  
10 guidelines, Defendant has not removed Telegram from the App Store nor undertaken  
11 any action to compel Telegram to come into compliance with the app guidelines.  
12

13           103. Defendant directly benefits from Telegram through information sharing  
14 agreements, advertising revenue, and sales of Apple devices to run Telegram.  
15

16           104. Ambassador Ginsberg purchased and uses an Apple iPhone XR for  
17 personal and professional purposes related to his work for CSW. Ambassador  
18 Ginsberg is to be reimbursed for all phone and data costs related to his work with  
19 CSW.  
20

21           105. Ambassador Ginsberg premised his purchase and use of an Apple  
22 iPhone XR for personal and CSW purposes on an expectation that Defendant would  
23 enforce their app guidelines.  
24

25           106. Defendant has violated the "unfair" prong of the UCL by not following  
26 their own policies and allowing Telegram to be downloaded despite the  
27 aforementioned violations of Apple's guidelines.  
28

1           107. These acts and practices were unfair because they caused Ambassador  
2 Ginsberg to falsely believe that the Apple would comply with their own policies and  
3 terms of service. As a result, reasonable consumers, including Ambassador  
4 Ginsberg, were induced, in part, to purchase Apple’s products believing that Apple  
5 would not allow Telegram on the App Store once becoming aware of the extent of  
6 Telegram’s use violating Apple’s policies and guidelines.  
7

8  
9           108. Defendant’s failure to enforce their own guidelines against Telegram  
10 has caused Ambassador Ginsberg and CSW to suffer economic loss by being  
11 deprived of a key benefit of the purchase and use of the Apple iPhone XR.  
12

13           109. The gravity of the harm to Ambassador Ginsberg and members of the  
14 public resulting from these unfair acts and practices outweighed any conceivable  
15 reasons, justifications, and/or motives of Apple for engaging in such unfair acts and  
16 practices. By committing the acts and practices alleged above, Apple engaged in  
17 unfair business practices within the meaning of California Business & Professions  
18 Code §§ 17200, *et seq.*  
19

20  
21           110. Plaintiffs therefore seeks injunctive relief pursuant to California  
22 Business and Professions Code § 17203 to enjoin Defendant Apple to comply with  
23 Apple’s own policies and guidelines requiring Telegram to cease and desist  
24 violations or remove Telegram from the Apple App Store.  
25

26           111. Furthermore, through its unfair acts and practices, Defendant has  
27 improperly obtained money from Ambassador Ginsberg. As such, Plaintiff requests  
28

1 that this Court enjoin Defendants from continuing to violate the UCL as discussed  
2 herein and/or from violating the UCL in the future. Otherwise, Ambassador Ginsberg  
3 and members of the general public may be irreparably harmed and/or denied an  
4 effective and complete remedy if such an order is not granted.  
5

6  
7 **THIRD CAUSE OF ACTION**  
8 **(Violation of the “Unlawful” Prong of the UCL, California Business and**  
9 **Professions Code § 17200 *et seq.*)**

10 112. The allegations set forth in all previous paragraphs of the complaint are  
11 incorporated by reference as if fully set forth herein.

12 113. The UCL defines unfair business competition to include any "unlawful,  
13 unfair or fraudulent" act or practice, as well as any "unfair, deceptive, untrue or  
14 misleading" advertising. Cal. Bus. & Prof. Code § 17200.  
15

16 114. A business act or practice is "unlawful" under the UCL if it violates any  
17 other law or regulation.  
18

19 115. California Penal Code § 422.6 states:

20 No person, whether or not acting under color of law, shall by  
21 force or threat of force, willfully injure, intimidate, interfere  
22 with, oppress, or threaten any other person in the free exercise or  
23 enjoyment of any right or privilege secured to him or her by the  
24 Constitution or laws of this state or by the Constitution or laws  
25 of the United States [on basis of any recognized protected class  
such as race or religion].

26 116. Users of Telegram have repeatedly and consistently used the app to plan  
27 and format racially motivated terrorist plots.  
28

1 117. Many of the Telegram users who have used the app for terroristic  
2 purposes have downloaded the app on the Apple App Store so that they may  
3 violate California Penal Code § 422.6.  
4

5 118. Apple is aware of that a substantial number of users of Telegram use the  
6 application in violation of California Penal Code § 422.6.  
7

8 119. Despite knowing that Telegram is being used to commit criminal acts,  
9 Apple continues to allow Telegram to be downloaded from the App Store. Thus,  
10 Apple's conduct aids and abets the commission of criminal acts and is itself a  
11 violation of California Penal Code § 31 and is a violation of the "unlawful" prong of  
12 the UCL.  
13

14 120. Because of its unlawful acts and practices, Plaintiff requests that this  
15 Court enjoin Defendants from continuing to violate the UCL as discussed herein  
16 and/or from violating the UCL in the future. Otherwise, Ambassador Ginsberg and  
17 members of the general public may be irreparably harmed and/or denied an effective  
18 and complete remedy if such an order is not granted.  
19  
20

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiffs pray that this Court:

23  
24 (a) Enter judgment against Defendants and in favor of each Plaintiff  
25 for compensatory damages in amounts to be determined at trial.  
26  
27  
28

1 (b) Enter judgment against Defendants and in favor of each Plaintiff  
2 for an injunction prohibiting the availability of Telegram through the App Store  
3 unless Telegram complies with Apple’s policies and guidelines.  
4

5 (c) Enter judgment against Defendants and in favor of each Plaintiff  
6 for any and all costs sustained in connection with the prosecution of this action,  
7 including attorneys’ fees.  
8

9 (d) Grant such other and further relief as justice requires.  
10

11 **JURY DEMAND**

12 PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.  
13  
14

15 Respectfully Submitted,

16 Dated: January 17, 2021  
17 Farmington Hills, MI

Lento Law Group P.C.  
By: /s/ Keith Altman  
Keith Altman (SBN 257309)  
3000 Atrium Way - Suite #200  
Mt. Laurel, New Jersey 08054  
(516) 456-5885  
kaltman@lentolawgroup.com

21 *Attorneys for Plaintiffs*  
22  
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# Exhibit A

# App Store Review Guidelines

Apps are changing the world, enriching people's lives, and enabling developers like you to innovate like never before. As a result, the App Store has grown into an exciting and vibrant ecosystem for millions of developers and more than a billion users. Whether you are a first time developer or a large team of experienced programmers, we are excited that you are creating apps for the App Store and want to help you understand our guidelines so you can be confident your app will get through the review process quickly.

- **Introduction**
- **Before You Submit**
- **1. Safety**
- **2. Performance**
- **3. Business**
- **4. Design**
- **5. Legal**
- **After You Submit**

## Introduction

The guiding principle of the App Store is simple - we want to provide a safe experience for users to get apps and a great opportunity for all developers to be successful. We do this by offering a highly curated App Store where every app is reviewed by experts and an editorial team helps users discover new apps every day. For everything else there is always the open Internet. If the App Store model and guidelines are not best for your app or business idea that's okay, we provide Safari for a great web experience too.

On the following pages you will find our latest guidelines arranged into five clear sections: Safety, Performance, Business, Design, and Legal. The App Store is always changing and improving to keep up with the needs of our customers and our products. Your apps should change and improve as well in order to stay on the App Store.

A few other points to keep in mind:

- We have lots of kids downloading lots of apps. Parental controls work great to protect kids, but you have to do your part too. So know that we're keeping an eye out for the kids.
- The App Store is a great way to reach hundreds of millions of people around the world. If you build an app that you just want to show to family and friends, the App

Store isn't the best way to do that. Consider using Xcode to install your app on a device for free or use Ad Hoc distribution available to Apple Developer Program members. If you're just getting started, learn more about the [Apple Developer Program](#).

- We strongly support all points of view being represented on the App Store, as long as the apps are respectful to users with differing opinions and the quality of the app experience is great. We will reject apps for any content or behavior that we believe is over the line. What line, you ask? Well, as a Supreme Court Justice once said, "I'll know it when I see it". And we think that you will also know it when you cross it.
- If you attempt to cheat the system (for example, by trying to trick the review process, steal user data, copy another developer's work, manipulate ratings or App Store discovery) your apps will be removed from the store and you will be expelled from the Developer Program.
- You are responsible for making sure everything in your app complies with these guidelines, including ad networks, analytics services, and third-party SDKs, so review and choose them carefully.
- Some features and technologies that are not generally available to developers may be offered as an entitlement for limited use cases. For example, we offer entitlements for CarPlay Audio, HyperVisor, and Privileged File Operations. Review our documentation on [developer.apple.com](#) to learn more about entitlements.

We hope these guidelines help you sail through the App Review process, and that approvals and rejections remain consistent across the board. This is a living document; new apps presenting new questions may result in new rules at any time. Perhaps your app will trigger this. We love this stuff too, and honor what you do. We're really trying our best to create the best platform in the world for you to express your talents and make a living, too.

---

## Before You Submit

To help your app approval go as smoothly as possible, review the common missteps listed below that can slow down the review process or trigger a rejection. This doesn't replace the guidelines or guarantee approval, but making sure you can check every item on the list is a good start. If your app no longer functions as intended or you're no longer actively supporting it, it will be removed from the App Store. [Learn more about App Store Improvements](#).

Make sure you:

- Test your app for crashes and bugs
- Ensure that all app information and metadata is complete and accurate
- Update your contact information in case App Review needs to reach you

- Provide an active demo account and login information, plus any other hardware or resources that might be needed to review your app (e.g. login credentials or a sample QR code)
- Enable backend services so that they're live and accessible during review
- Include detailed explanations of non-obvious features and in-app purchases in the App Review notes, including supporting documentation where appropriate.
- Check whether your app follows guidance in other documentation, such as:

### **Development Guidelines**

- [UIKit](#)
- [AppKit](#)
- [WatchKit](#)
- [App Extensions](#)
- [iOS Data Storage Guidelines](#)
- [Apple File System](#)
- [App Store Connect Help](#)
- [Developer Account Help](#)

### **Design Guidelines**

- [Human Interface Guidelines](#)

### **Brand and Marketing Guidelines**

- [Marketing Resources and Identity Guidelines](#)
- [Apple Pay Marketing Guidelines](#)
- [Add to Apple Wallet Guidelines](#)
- [Guidelines for Using Apple Trademarks and Copyrights](#)

---

**1.**

# Safety

When people install an app from the App Store, they want to feel confident that it's safe to do so—that the app doesn't contain upsetting or offensive content, won't damage their device, and isn't likely to cause physical harm from its use. We've outlined the major pitfalls below, but if you're looking to shock and offend people, the App Store isn't the right place for your app.

- **1.1 Objectionable Content**

Apps should not include content that is offensive, insensitive, upsetting, intended to disgust, in exceptionally poor taste, or just plain creepy.

Examples of such content include:

- **1.1.1** Defamatory, discriminatory, or mean-spirited content, including references or commentary about religion, race, sexual orientation, gender, national/ethnic origin, or other targeted groups, particularly if the app is likely to humiliate, intimidate, or harm a targeted individual or group. Professional political satirists and humorists are generally exempt from this requirement.
- **1.1.2** Realistic portrayals of people or animals being killed, maimed, tortured, or abused, or content that encourages violence. "Enemies" within the context of a game cannot solely target a specific race, culture, real government, corporation, or any other real entity.
- **1.1.3** Depictions that encourage illegal or reckless use of weapons and dangerous objects, or facilitate the purchase of firearms or ammunition.
- **1.1.4** Overtly sexual or pornographic material, defined by Webster's Dictionary as "explicit descriptions or displays of sexual organs or activities intended to stimulate erotic rather than aesthetic or emotional feelings."
- **1.1.5** Inflammatory religious commentary or inaccurate or misleading quotations of religious texts.
- **1.1.6** False information and features, including inaccurate device data or trick/joke functionality, such as fake location trackers. Stating that the app is "for entertainment purposes" won't overcome this guideline. Apps that enable anonymous or prank phone calls or SMS/MMS messaging will be rejected.

- **1.2 User Generated Content**

Apps with user-generated content present particular challenges, ranging from intellectual property infringement to anonymous bullying. To prevent abuse, apps with user-generated content or social networking services must include:

- A method for filtering objectionable material from being posted to the app
- A mechanism to report offensive content and timely responses to concerns
- The ability to block abusive users from the service
- Published contact information so users can easily reach you

Apps with user-generated content or services that end up being used primarily for pornographic content, Chatroulette-style experiences, objectification of real people (e.g. “hot-or-not” voting), making physical threats, or bullying do not belong on the App Store and may be removed without notice. If your app includes user-generated content from a web-based service, it may display incidental mature “NSFW” content, provided that the content is hidden by default and only displayed when the user turns it on via your website.

- **1.3 Kids Category**

The Kids Category is a great way for people to easily find apps that are designed for children. If you want to participate in the Kids Category, you should focus on creating a great experience specifically for younger users. These apps must not include links out of the app, purchasing opportunities, or other distractions to kids unless reserved for a designated area behind a parental gate. Keep in mind that once customers expect your app to follow the Kids Category requirements, it will need to continue to meet these guidelines in subsequent updates, even if you decide to deselect the category. Learn more about [parental gates](#).

You must comply with applicable privacy laws around the world relating to the collection of data from children online. Be sure to review the [Privacy section](#) of these guidelines for more information. In addition, Kids Category apps may not send personally identifiable information or device information to third parties. Apps in the Kids Category should not include third-party analytics or third-party advertising. This provides a safer experience for kids. In limited cases, third-party analytics may be permitted provided that the services do not collect or transmit the IDFA or any identifiable information about children (such as name, date of birth, email address), their location, or their devices. This includes any device, network, or other information that could be used directly or combined with other information to identify users

and their devices. Third-party contextual advertising may also be permitted in limited cases provided that the services have publicly documented practices and policies for Kids Category apps that include human review of ad creatives for age appropriateness.

- **1.4 Physical Harm**

If your app behaves in a way that risks physical harm, we may reject it. For example:

- **1.4.1** Medical apps that could provide inaccurate data or information, or that could be used for diagnosing or treating patients may be reviewed with greater scrutiny.
  - Apps must clearly disclose data and methodology to support accuracy claims relating to health measurements, and if the level of accuracy or methodology cannot be validated, we will reject your app. For example, apps that claim to take x-rays, measure blood pressure, body temperature, blood glucose levels, or blood oxygen levels using only the sensors on the device are not permitted.
  - Apps should remind users to check with a doctor in addition to using the app and before making medical decisions.

If your medical app has received regulatory clearance, please submit a link to that documentation with your app.

- **1.4.2** Drug dosage calculators must come from the drug manufacturer, a hospital, university, health insurance company, pharmacy or other approved entity, or receive approval by the FDA or one of its international counterparts. Given the potential harm to patients, we need to be sure that the app will be supported and updated over the long term.
- **1.4.3** Apps that encourage consumption of tobacco and vape products, illegal drugs, or excessive amounts of alcohol are not permitted on the App Store. Apps that encourage minors to consume any of these substances will be rejected. Facilitating the sale of marijuana, tobacco, or controlled substances (except for licensed pharmacies) isn't allowed.
- **1.4.4** Apps may only display DUI checkpoints that are published by law enforcement agencies, and should never encourage drunk driving or other reckless behavior such as excessive speed.

- **1.4.5** Apps should not urge customers to participate in activities (like bets, challenges, etc.) or use their devices in a way that risks physical harm to themselves or others.

### **1.5 Developer Information**

People need to know how to reach you with questions and support issues. Make sure your app and its Support URL include an easy way to contact you; this is particularly important for apps that may be used in the classroom. Failure to include accurate and up-to-date contact information not only frustrates customers, but may violate the law in some countries. Also ensure that Wallet passes include valid contact information from the issuer and are signed with a dedicated certificate assigned to the brand or trademark owner of the pass.

### **1.6 Data Security**

Apps should implement appropriate security measures to ensure proper handling of user information collected pursuant to the Apple Developer Program License Agreement and these Guidelines (see Guideline 5.1 for more information) and prevent its unauthorized use, disclosure, or access by third parties.



# Exhibit B



Suite 1150 North  
600 13<sup>th</sup> Street, N.W.  
Washington, D.C. 2005

July 24, 2020

VIA FEDERAL EXPRESS

Mr. Tim Cook  
Chief Executive Officer  
Apple  
1-6 Infinite Loop  
Cupertino, CA 95014

RE: TELEGRAM APP'S ROLE INCITING EXTREMIST VIOLENCE

Dear Mr. Cook,

I am writing to you in my capacity as President of the Washington and New York-based Coalition for a Safer Web (CSW) ([www.coalitionsw.org](http://www.coalitionsw.org)). CSW is a non-partisan, not-for-profit organization. Our Advisory Board is chaired by former Homeland Security Secretary Governor Tom Ridge.

CSW's mission is to accelerate the de-platforming of extremist and hate incitement from social media platforms. Our accomplishments have been widely reported in media coverage, most recently in *The Hill*, *Washington Post* and in *POLITICO Tech*.

When you accepted the Anti-Defamation League's "Courage against Hate" award in 2018 you stated, "We only have one message for those who seek to push hate, division and violence: You have no place on our platforms."

It is with your gracious pledge in mind I wish to draw to your attention to the increasingly dangerous role which the TELEGRAM mobile phone application in Apple's Application store is serving to facilitate and incite violence against Jews and African Americans by transnational white nationalist extremist groups - many affiliated with the Russian Government's Internet Research Agency.

Because of the increasing prevalence of Russian and Eastern-European anti-Semitic extremist neo-Nazi groups utilizing TELEGRAM, CSW commenced an in-depth research investigation earlier this year into its role. Our research revealed serious instances whereby TELEGRAM's end-to-end encryption service was enabling

Mr. Tim Cook  
July 24, 2020  
Page Two

Russian Government-back anti-Semitic/neo-Nazi extremist groups to recruit, organize, and inspire global terrorist networks, including enabling extremist groups to hawk merchandise to support their organizations. Our research was shared with the media and with federal authorities.

Subsequently, the murder of George Floyd triggered a massive volume of anti-black incitement on TELEGRAM. In fact, CSW was able to intercept real time communications on TELEGRAM by domestic white nationalist extremists directing its followers to specific urban locations to attack protesters and instigate instances of looting to cast blame on peaceful black protesters. This research was disclosed in CSW's initial June 3 press release (enclosed).

On June 18, CSW issued a second TELEGRAM-related press release (also enclosed) further disclosing TELEGRAM's role as the primary communications channel for Russian government and affiliated neo-Nazi and white nationalist groups, sowing misinformation and racial division in the United States and in Europe, with the goal of provoking black-on-Jew violence.

TELEGRAM is owned by Russian-born Pavel Durov who, along with his management team, operates from Dubai in the United Arab Emirates (UAE). CSW has provided the UAE Government with a summary of our research and has requested it to urge TELEGRAM's management to take immediate action to curtail TELEGRAM's role facilitating racial and religious violence in the United States and elsewhere. We have not yet had the benefit of response to our request.

TELEGRAM's management certainly must be aware of the mounting complaints against it since 2017. Many reputable investigative organizations have conducted their own research onto TELEGRAM (referenced below) which have been cited in the media. In fact, TELEGRAM has provided such a hospitable open-door environment to ISIS, Nazis, racists, and the far-right conspiracy group QAnon, that many refer to it as "Terrorgram."

To support its operations TELEGRAM commenced in late 2017 a cryptocurrency venture known as the "TELEGRAM Open Network (TON)." TON has enabled the Russian Imperial Movement - a designated extremist neo-Nazi U.S. designated terrorist group - to buy and sell supplies to raise funds. TELEGRAM was able to raise \$1.7 billion from "investors" and TON continues to enable extremist groups to engage in encrypted financial transactions even though the SEC designated TON an

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illegal financing venture and a federal court blocked any further TON transactions, but by the time the SEC acted the genie was out of the bottle. TON enabled TELEGRAM to raise \$1.7 billion for its users to expand its global footprint.

I was in the audience when you received your ADL award. I was greatly inspired by your gracious pledge. That is why I am calling on Apple to (temporarily) de-platform the TELEGRAM app from Apple's Application Store until TELEGRAM's management adopts a responsible, and verifiable, code of conduct which bars anti-Semitic/racist content, extremist accounts, and incitements to violence. By taking this action Apple will serve notice on TELEGRAM that it will no longer condone TELEGRAM's role as a purveyor of hate, racism, and terrorism - transforming your pledge into to meaningful action.

Of course, we realize that it would be impossible for Apple to remove the TELEGRAM App from IPHONES and other Apple devices already in use by its customers. However, as with the current ad boycott against Facebook declared by the #StopHateForProfit coalition, social media platforms and applications must be held accountable for their conduct enabling hate and extremism. TELEGRAM's record of ambivalence, indeed contempt, for those calling on it to take remedial measures (as referenced in the many research reports cited below) compels Apple to step in as one of the few corporations which can hold TELEGRAM's financial feet to the fire.

CSW and its partners look forward to collaborating with Apple's management in the immediate days to serve the public's interest. Please note that CSW is sending a comparable letter to Samsung's management to request it to (temporarily) remove TELEGRAM from its Android app store until TELEGRAM's management takes remedial actions, as well.

Set forth below is a representative compilation of recent releases and reports issued regarding TELEGRAM. Thank you for your attention to this important issue.

Very truly yours,

Amb. Marc C. Ginsberg  
President  
Coalition for a Safer Web

Enclosures: As Stated

COALITION FOR A SAFER WEB research & press releases

June 03, 2020 - CSW Demands Action Against the TELEGRAM White Nationalist/Anti-Semitic/Anti-Black Riot Incitement App

June 18, 2020 - TELEGRAM App is the Misinformation "Super Spreader" to Foment U.S. Racial Division & Violence

June 22, 2020 - TELEGRAM App Deployed by Extremists to Foment July 28 "It's Going Down" Violence Against Portland Authorities

THIRD PARTY REPORTS & PRESS ON TELEGRAM - Select References

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8. **“A Growing Frontier for Terrorist Groups: Unsuspecting Chat Apps**  
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9. **“Terrorists’ Love of TELEGRAM, Explained”**, June 30, 2017, VOX  
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