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CLERK OF COURT
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UNITED STATES DISTRICT COURT

for the

Western District of Wisconsin

Dane County, Wisconsin

Case No. 25 CV 663 WMC

(to be filled in by the Clerk's Office)

James H. Fetzer, Ph.D.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ NoDeep State Protocol, LLC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>James H. Fetzer, Ph.D.</u>
Street Address	<u>800 Violet Lane</u>
City and County	<u>Oregon, Dane County</u>
State and Zip Code	<u>Wisconsin 53575</u>
Telephone Number	<u>608 354-4280</u>
E-mail Address	<u>jfetzer@d.umn.edu</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Deep State Protocol, LLC</u>
Job or Title (if known)	<u>Legal</u>
Street Address	<u>30 North Gould Street, Suite N</u>
City and County	<u>Sheridan, Sheridan County</u>

State and Zip Code Wyoming, 82801
Telephone Number _____
E-mail Address *(if known)* legal@bitchute.com

Defendant No. 2

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 3

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 4

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

This Court possesses subject matter jurisdiction pursuant to Article III of the United States Constitution and 28 U.S.C. § 1332.

Free speech rights are protected under the First Amendment of the U.S. Constitution.

Section 230 of the Communications Decency Act ("CDA") codified, 47 U.S.C. § 230, provides broad immunity to providers and users of "interactive computer services" from liability for content created by third parties, with the following exceptions:

- a.) breach of federal criminal law;
- b.) instances in which the platform materially contributed to the creation or development of the illegal content;
- c.) breach of contract or promissory estoppel – that is, instances in which the platform allegedly violated its own terms of service or made specific promises to users which were broken.

BitChute broadcasts in Wisconsin where Plaintiff is a resident.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

- a. If the plaintiff is an individual
The plaintiff, (name) James H. Fetzer, Ph.D., is a citizen of the
State of (name) Wisconsin.
- b. If the plaintiff is a corporation
The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

- a. If the defendant is an individual
The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____.
- b. If the defendant is a corporation
The defendant, (name) Deep State Protocol, LLC, is incorporated under
the laws of the State of (name) Wyoming, and has its
principal place of business in the State of (name) Wyoming.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

The amount in controversy is \$10 million for violating Section 230 of Communications Decency Act (CDA); aiding and abetting elder abuse; aiding and abetting International Infliction of Emotional Distress (IIED); aiding and abetting defamation, aiding and abetting defamation per se; aiding and abetting false light publicity; aiding and abetting defamation by implication; aiding and abetting privacy violations; and breach of contract.

Plaintiff is also seeking treble penalty damages, putting that amount at \$30 million for neglecting to enforce its own user agreement, neglecting to moderate unlawful speech as required by law, and failing to provide a duty of care owed to Plaintiff, thereby materially contributing to the harm.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed. Please see attached "Statement of Claim."

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Prayer for relief.

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and grant the following relief:

1. Compensatory damages of \$10 million for defamation and other abuses that afflicted profound personal, professional, and reputational damage and emotional distress upon Plaintiff.
2. Treble penalty damages for defendant's willful negligence and material support that enabled and furthered the damage and injury.

3. Penalty fine of \$1,000 per violation per day payable within 30 days of receipt of notification of any unlawful content against Plaintiff or Plaintiff's associates on Bitchute that either defames, violates the dignity, impugns the integrity, or otherwise infringes upon their privacy for as long as that content remains on the platform.

4 Declaratory judgment establishing Plaintiff's legal rights as set forth herein.

5. Injunctive relief requiring the removal of the offending videos and termination of Vaca's account.

6. Pre and post-judgment interest as permitted by law.

7. Monetary damages are secondary and intended as punishment for inflicting other-than-financial damages upon Plaintiff. Removal of videos and cessation of ongoing offenses is primary. Primary damages has been reputation rather than fiscal.

8. Such other and further relief as the Court may deem just and proper.

9. If respondent fails to answer or rebut the claims set forth herein within 21 days, as prescribed by law, Plaintiff respectfully requests that this Court: a.) Enter a default judgment under Rule 55(a) to compel the platform to enforce its terms of service and suspend or terminate the accounts in question, remove the defamatory material against Plaintiff and his colleagues immediately, and cease and desist all harassment and defamation, b.) Award monetary damages as requested.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

8 Aug 2025

Signature of Plaintiff

James H. Fetzer, Ph.D.

Printed Name of Plaintiff

James H. Fetzer, Ph.D.

The above signed came before me

This 8 day of August, 2025

Notary Public, Dane Co WI

Comm Exp 11/03/2026

W H Tushaus

Notary Public
State of Wisconsin
W H Tushaus

Statement of Claim
Case No: 25 CV 665 WMC
(Amended from August 8, 2025, filing)

Summary

The main BitChute channel in question is “VictorHugoMaverickArtist.”
<https://www.bitchute.com/channel/jXEX4lQwSgmb>, though other channels mirror his work on BitChute.

Deep State Protocol, LLC is the parent company of BitChute Ltd.

BitChute broadcasts worldwide, including all 50 states of the Union, specifically, in Wisconsin where Plaintiff resides and has become the target of its illegal practices.

Beginning in February of 2025, BitChute host (Victor Hugo Vaca, Jr.) has targeted Plaintiff for a malicious and retaliatory defamation campaign in response to being terminated from a show Plaintiff hosted on Revolution Radio.

Vaca misconduct

Vaca has posted the defamatory content in subject headings, thumb nails, comments and in video content while rigging algorithms to maximum effect for the purpose of spreading and amplifying the defamation and the harm inflicted upon Plaintiff and supportive colleagues. Occasionally the defamatory videos appeared as promoted content on BitChute's main page.

The cover art and captions of Vaca's posts are his primary means of attack as opposed to the content of the programs themselves, which often bear no relationship to the cover art, which could be characterized as “political pornography.”

Plaintiff and his colleagues have flagged their content repeatedly. BitChute has responded each time that it has reviewed the flagged material and determined that it does not violate the platform's terms of service or community guidelines. This occurs so promptly as to infer the process may be automated, where no person actually reviews any of these complaints.

As part of this politically-motivated defamation campaign, Vaca attempted to enlist Plaintiff's friends and colleagues – and prominent online hosts on the BitChute platform – to support his efforts.

Anyone who supported or refused to disavow Plaintiff, particularly within the context of his research of Sandy Hook, has been similarly targeted in Vaca's defamation campaign.

Among the BitChute hosts who have amplified Vaca's defamatory content are *Crowhouse* host Max Igan (whose legal name is reportedly Richard Maxwell Rowe) and *Dollar Vigilante* host Jeff Berwick.

Vaca has admitted to “speaking with” Ray Vahey, the CEO of BitChute and has cited BitChute's “free speech absolutist” standards as a basis for his content.

Free speech absolutism seeks to push the boundaries and challenge the legal standards of acceptable free speech.

Vaca entanglements

Not only has Vaca acknowledged being in personal communication with Vahey throughout his campaign, but Vahey is a personal friend of *Crowhouse* host Max Igan and *Dollar Vigilante* host Jeffrey Berwick, leading BitChute content creators who have amplified Vaca's defamation against Plaintiff.

Reports reflect that Vahey and Igan speak on the phone regularly, coordinating messaging on BitChute, and that Vahey runs interference on behalf of Igan and his extended networks, to promote content and suppress the voices of their critics or those with whom they do not agree politically.

Vaca, Berwick, and Igan appeared together as speakers at Anarchapulco 2025, a conference organized by Berwick in which Igan, Vaca, and Michael Cobb, CEO of ECI Developments, a real estate developer, were featured speakers.

The conferences promote “anarchism” along with professional opportunities within the parallel

economy, including, for example, real estate opportunities for alternative lifestyle living, cryptocurrencies, and blockchain. While professionally, financially, and philosophically in alignment, these men coordinate content and messaging with Vahey.

BitChute shareholder Jeffrey Wernick, a champion of “free speech absolutism,” has coordinated media campaigns with organizations that are corporate partners of Sandy Hook Promise, an organization that has a vested interest in suppressing Plaintiff’s research on Sandy Hook and discrediting him.

Wernick, in turn, is co-founder and strategic architect of Parallel Economy, a payment processing platform designed to support free speech, privacy, and censorship-resistant commerce.

Reflecting strategic and philosophical alignment with Anarchapulco, Wernick has been a long-time supporter of decentralized finance and early investor in Bitcoin.

Wernick’s articles in decentralized finance have appeared in *Cointelegraph*, an independent media platform that covers blockchain technologies and cryptocurrencies which has also featured Berwick, an anarcho-capitalist, an early promoter of Bitcoin.

Similarly, Igan promotes Bitcoin, reportedly accepts Bitcoin at his bar, Casa De Los Cuervos, and discusses cryptos on platforms like *The Crypto Vigilante*.

BitChute Complicity

Regardless of the political motivation, BitChute materially contributed to the defamation and abuse and failed to enforce its own user agreement or moderate its content. Had BitChute acted responsibly, in good faith, and in accordance with the law, Plaintiff would not have been harmed.

On April 25, 2025, Plaintiff mailed a cease-and-desist order to BitChute’s legal department. BitChute did not respond to the notice nor moderate content after receiving the notice on April 30, 2025.

On July 1, 2025, Plaintiff filed an Affidavit against BitChute with the Western District Court of Wisconsin to which a response was requested within 30 days. An uncontested affidavit, properly served, fact-based, and relevant to the relief request, with no response or denial, establishes truth in commerce. No response or denial was given. (https://www.pacermonitor.com/public/case/58808602/No_Case_Title)

BitChute received the Affidavit on July 5, 2025. (USPS reference: 9410811899560071135192) As of August 12, 2025, BitChute had neither responded to the Affidavit nor moved to moderate its content. Therefore, BitChute has accepted the claims therein as stated.

Vaca’s defamation continues to this day and has become more egregious. This month Vaca posted the head of one of Plaintiff’s colleagues on a naked body – and falsely accused Plaintiff of murdering his own mother, who had committed suicide.

These and other abusive, defamatory videos were flagged – and determined by BitChute to (again) fall within acceptable community guidelines.

Upon being notified, BitChute could have suppressed Vaca’s content, ensuring that it was pushed down in search results and that Plaintiff’s original content was given priority. The content could have been moderated, deleted, shadow banned, etc.

Vaca’s content served no public interest or constructive purpose. While framed as “parody” or “humor” to accommodate BitChute’s guidelines, its purpose was intended to harass, defame, and humiliate Plaintiff and his colleagues.

The defamatory content has remained, spread, and metastasized on BitChute among audiences who are consumers and followers of Plaintiff’s work and that of his colleague. They also show up in search engines, inflicting tremendous long-term professional and reputational harm upon Plaintiff who relies upon the public’s trust and good will to support his work, purchase his books, and attend his classes.

Plaintiff posts his own content on BitChute, including interviews, guest appearances, group discussions, research, commentary, and promotions for his conferences and courses. In fact, BitChute is a platform from which Plaintiff derives publicity to support his livelihood. Due to the defamation, search engines overwhelming produce hundreds of videos defaming Plaintiff and casting him in a false light.

Specific claims

1. BitChute allowed, defended, and facilitated prohibited messages sent through a computerized communication system.

Section 230 of the Communications Decency Act (“CDA”) codified, 47 U.S.C. § 230, provides broad immunity to providers and users of “interactive computer services” from liability for content created by third parties, with the following exceptions:

- a.) breach of federal criminal law;
- b.) instances in which the platform materially contributed to the creation or development of the illegal content; and
- c.) breach of contract or promissory estoppel – that is, instances in which the platform allegedly violated its own terms of service or made specific promises to users which were broken.

As outline herein within this complaint, BitChute has violated these provisions.

2. a. BitChute aided and abetted Elder Abuse.

b. BitChute aided and abetted Intentional Infliction of Emotional Distress (IIED).

As of August 8, 2025, Vaca has posted over 700 videos on BitChute, a platform whose subscribers follow Plaintiff's work.

Vaca was aware of that fact that Plaintiff, an 84-year-old at-risk individual, would see the see his content and be distressed by it. He was also aware that Plaintiff's colleagues and those who followed or otherwise searched for his content would see it.

Plaintiff suffered a heart attack and underwent heart surgery.

Vaca was aware of Plaintiff's status as a vulnerable at-risk individual.

Vaca exploited this knowledge, with malicious intent, to inflict distress upon Plaintiff with the apparent purpose of inducing a heart attack, reflecting in gleeful comments in comment sections and in video content characterizing Plaintiff as a “dying dog” who was on “borrowed time” and “about to die any day now.”

Comments supporting Vaca's content expressed hope that Fetzer would succumb to a heart attack. In one video referencing Plaintiff, Vaca's thumbnail was that of a tombstone.

In another, he posted a video of a man dying of a heart attack while referencing Plaintiff.

“I paid this person to die,” he said. “You've now witnessed the death of someone.... One minute you could be laughing and enjoying yourself; the next minute, you're dead.”

In a separate incident, Vaca taunted Plaintiff by juxtaposing his face with an image of a penis.

Upon discovering Plaintiff's mother had committed suicide, Vaca accused Plaintiff of having murdered her to distress his target.

Vaca posted hundreds of abusive, defamatory, sadistic videos against Plaintiff.

He further attempted to isolate Plaintiff by defaming any host or colleague who supported, defended, or offered a platform to him, stating that Plaintiff was “discredited” and that anyone who hosted or defended Plaintiff was “discredited” by association.

Supportive individuals, including those who refused to disavow Plaintiff or join Vaca's campaign, became targets of Vaca's defamation and were ridiculed, humiliated, and defamed in thumbnails, video content, and commentary over and over and over again, as Vaca marketed the smears against them to ensure that his false light characterizations were associated with Plaintiff and everyone who supported him.

The content was flagged but BitChute determined that these abuses did not violate its community guidelines.

3. a. BitChute aided and abetted defamation.

b. BitChute aided and abetted defamation per se.

c. BitChute aided and abetted false light publicity.

From February 2025 to the present, Vaca has lodged false accusations against Plaintiff to impugn Plaintiff's character with particular focus on Plaintiff's research on Sandy Hook in which he falsely accused his target of being a "liar," "treasonous," and having purposely "thrown" his Sandy Hook defamation case as part of a secret, treasonous plot with President Barack Obama to silence free speech.

The claim was absurd on its face, Plaintiff having carried his case to the US Supreme Court and currently having four appeals before the Wisconsin Court of Appeals (IV). On April 15, 2025, Plaintiff published an OPEN LETTER to Victor-Hugo Vaca II explaining the facts of the matter, but Vaca has persisted reaffirming them, thereby demonstrating his reckless disregard for truth and malicious intent.

Vaca didn't merely offer an opinion – he marketed falsehoods, repeating and marketing them in thumbnails, videos, and comments while attempting to enlist other content creators to join him in his campaign against Plaintiff.

Within this context, he falsely accused Plaintiff of being a homosexual, having committed incest with a cousin, and of being a pathological liar and "a co-intel pro disinfo agent."

He further falsely accused Plaintiff, who had received four traffic tickets, on that basis of having been arrested four times to "discredit" and convince others to disavow his target.

Plaintiff flagged the content, but the platform (again) neglected to moderate the content. And a Cease-and-Desist Demand was similarly ignored.

Vaca's statements were not merely made in passing, but relentlessly marketed, posted in thumbnails, comment sections, repeated in commentary across BitChute and Rumble platforms in which he enlisted or attempted to enlist others, particularly high-profile hosts, to join him in his campaign to "discredit" and "disavow" Plaintiff

Vaca marketed anyone who provided Plaintiff a platform, supported him, or still deemed him credible after Vaca's smears as discredited by association.

Vaca encouraged other hosts and viewers to lobby platforms executives to defend his "right to free speech," stating that if he were censored, everyone else could be censored too, for merely voicing an opinion.

4. BitChute aided and abetted defamation by implication.

By defaming Plaintiff's colleagues and supporters, Vaca ensured that the reputation and public perception of them were cast in a false light, thereby defaming Plaintiff as being associated with individuals Vaca had branded disreputable.

Vaca characterized Plaintiff, his colleagues, and anyone who defended or hosted Plaintiff on their shows with such terms as "discredited," "coo coo," "a liar," "disinfo," "treasonous," "sad basket case," "bitch," "goat fucker," "pedophile," "herpes," "bipolar," "liar," "backstabber," "shill," "disinformation agent," "cointelpro," "psychotic," "misogynist," etc. to inspire the public's disgust, distrust, and rejection of Plaintiff, his colleagues, and their work.

Upon learning that one of Plaintiff's colleagues, Russ Winter, had herpes, Vaca marketed the colleague as a venereal disease and depicted him as having "herpes flareups" and having transmitted herpes to his granddaughter, implying that he had committed incest and was a pedophile. The smears were then picked up by another BitChute user who created cartoons depicting Winter as a child molester. In comments published on BitChute, the user encouraged Winter to "turn himself in" to authorities.

Vaca falsely accused another colleague, Joachim Hagopian, perhaps the world's leading expert on politics and pedophilia (having published a 5-volume book about it, Pedophilia & Empire: Satan, Sodomy, and the Deep State), a leading expert on the Jeffrey Epstein pedophile scandal, of being, alternatively, a "pedophile" and "alleged pedophile" while depicting him as a pedophile in thumbnails, comments, and commentary.

Vaca infringed upon the copyright and privacy of another colleague, Susan Bradford, a leading investigative journalist in the Abramoff investigation (having published Lynched, an investigative book on the federal criminal investigation in which she scored the exclusive with Republican superlobbyist Jack Abramoff along with his cooperation), who had intervened on Plaintiff's behalf to stop the abuse and restore

peace.

Vaca responded by posting her face on an image of an elderly woman's naked woman's body in violation of her privacy and as part of a campaign to degrade and humiliate her as a woman and to inflict emotional harm and professional damage upon her.

Vaca took emails Bradford had written confidentially and posted them on the BitChute platform against her wishes and in violation of her privacy, in thumbnails, content, and commentary. He took Bradford's statements out of context, at times rewriting or mischaracterizing them, and then weaponized them against her and Plaintiff to create the false impression that she had accused Plaintiff of "viciously attacking" people who disagreed with him over Sandy Hook. He also falsely credited Bradford with characterizing Plaintiff as a disinfo agent, "as acknowledged by Susan Bradford."

In response to her appeals that he stop defaming her, Vaca responded that she had made herself "fair game" by defending Plaintiff and that he would do as he pleased and destroy her reputation.

The images Vaca used included professional pictures for which she held the copyright and which were associated with her online professional identity.

Even though Bradford disavowed the statements Vaca attributed to her, Vaca continued to use them. While characterizing her in demeaning sexist terms and images in thumbnails, comments, and content, Vaca sexually harassed her, telling her she "needed a man to love."

He also contacted her through her website, appealing to her to meet him, presumably as part of an effort to enlist her in a campaign against Plaintiff – and then upon being rebuffed and told to cease and desist, increased the intensity and frequency of his attacks against her in which he defamed and degraded her in comments, commentary, and in thumbnails to cast her in a false light, thereby undermining her professional reputation.

From February 2025 to the present, Vaca produced hundreds of videos that portrayed Plaintiff and colleagues in a false light in which they were characterized as unsavory, depicted in pornographic images, associated with crimes and venereal diseases, and falsely accused of sexual deviancy. For the latest count, see "[Victor Hugo, Jim Fetzer](#)", on BitChute.

Their emails and other private information were posted, in violation of their privacy rights, and at times, rewritten, and mischaracterized to harass them and undermine the public's support of Plaintiff's work.

The vicious characterizations were often followed by "drip drip drip" taunts in which Vaca and his co-conspirators rejoiced and delighted in destroying the reputations of his target(s) by 1,000 malicious, defamatory cuts.

The content was shared widely throughout the BitChute platform and then distributed through emails, in comment sections reposted over and over, day after day, for months on end in which Vaca acted with reckless disregard for the privacy or impact on the reputation, career, and business of his targets and with indifference to the emotional distress inflicted upon them.

Any effort by Plaintiff or Plaintiff's colleagues to restore peace, hold Vaca accountable, or mitigate the abuse was met with by retaliation, malevolence, and further harassment, adding fuel to the flames of Vaca's defamation.

Vaca's abusive conduct and defamatory language were reported to BitChute through the platform's reporting system on numerous occasions. BitChute responded that the content did not violate the platform's community guidelines.

5. BitChute aided and abetted privacy violations.

In violation of HIPPA privacy laws, Vaca improperly accessed Plaintiff's health records in which Plaintiff underwent a routine test for dementia and received a brain scan at the request of his wife, which Plaintiff believes to have been motivated by political disagreements about Donald J. Trump, which have become common between spouses in relation to the current White House incumbent

The results of the tests reflected that Plaintiff was of sound mind and well above average in cognitive abilities (27/30 on first; 28/30 on second; confirmed by MRI scan). To the best of Plaintiff's recollection, nobody outside of the Plaintiff's immediate family was privy to this information.

Upon acquiring access to the records, Vaca not only made them public, but then falsely characterized them as reflecting that Plaintiff suffered from dementia and cognitive decline to discredit his work on Sandy Hook. "Even (Plaintiff's) wife thinks he has dementia," Vaca told his audience.

Vaca then attempted to exploit his knowledge of the dementia test to discredit Plaintiff and his work while appealing to his audience to disavow Plaintiff on grounds that no one should take Plaintiff's work seriously since he was "discredited" by virtue of having dementia.

After the content was flagged, BitChute determined that it did not violate the platform's community standards or terms of service.

6. BitChute failed to perform on its user contract.

BitChute failed to exercise a duty of care owed to Plaintiff to shield him and his colleagues from a rogue operator on its platform. Had BitChute adequately and responsibly moderated the content, as contractually agreed, the platform would have prevented harm to Plaintiff.

BitChute neglected to perform on its contract by enforcing the terms of its user agreement, specifically those provisions prohibiting unlawful, abusive, or harmful speech.

With impunity, Vaca violated BitChute's guidelines for platform misuse for going on seven months. Among the terms of service Vaca violated include, but are not limited to:

a. Dog Piling or Brigading in which Vaca organized and led a campaign across BitChute and Rumble to shame, silence, and shut down Plaintiff's free speech – and target Plaintiff and his colleagues for defamation, harassment, and abuse.

b. Misleading Metadata in which Vaca named Plaintiff and Plaintiff's associates in videos and thumbnails to ridicule, shame, silence, and discredit them while using their faces and names to generate "clicks" on videos in which they neither appeared nor were discussed.

In fact, upon being questioned by Dave Gahary as to why he mentioned Plaintiff and other unrelated subjects in headings of interview in which none of these topics were mentioned, Vaca admitted to rigging algorithms with misleading metadata to generate clicks on his videos.

c. Spamming in which Vaca posted and reposted the same repetitive, unwanted content in comments, videos, and thumbnails multiple times a day for more than seven months.

d. Name Squatting or Impersonation in which Vaca has used sock puppet accounts to repost and spam his content and to manufacture the illusion of widespread support for the defamation and abusive content directed at Plaintiff and his associates. One sock puppet account, "Jane Ava Tracey," impersonated Tracey Jane Turner, a Professor Emeritus at the University of Maryland, to lend authority to the defamation.

e. Expectations of Respect, Maturity, and Decency according to which all members of the BitChute community are required to treat others as equals, with respect, maturity, and decency, with the same rights, regardless of age, sex, political position, or any other immutable attribute or self-assigned designation.

f. Harassment and doxxing is prohibited, including the disclosure of sensitive, personal information without permissions of the individual in question.

7. BitChute aided and abetted Unjust Enrichment

Vaca juxtaposed Plaintiff's face with an image of a penis in thumbnails. Plaintiff flagged the videos only to be informed that BitChute determined that they did not violate the platform's terms of service.

After observing Plaintiff's distress over this invasion of privacy and false light portrayal and that he was able to juxtapose Plaintiff's face with a penis with impunity, Vaca launched an underwear line featuring the penis image used to harass Plaintiff.

Branded "Fetzer Gay Tranny Undies" and sold for \$55 a piece, the product line allowed Vaca to profit through online harassment and defamation and further violated Plaintiff's right to privacy while portraying Plaintiff in a false light and inflicting emotional distress upon him.

The underwear reflected the outrageousness of the abuse to which Plaintiff was subjected and which BitChute facilitated by neglecting to enforce its user agreement.