

UNITED STATES DISTRICT COURT

for the

Western District of Wisconsin

Dane County, Wisconsin

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.)

Rumble, Inc.

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.)

Case No. _____

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

Jury Trial: (check one) x Yes ☐ No

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 Cod	<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>Rumble, Inc.</u>
Job or Title (<i>if known</i>)	<u>Legal</u>
Street Address	<u>444 Gulf of Mexico Drive</u>
City and County	<u>Longboat Key, Manatee County and Sarasota County</u>

State and Zip Code	Florida 34228
Telephone Number	(941) 210-0196
E-mail Address (<i>if known</i>)	Legal@rumble.com

Defendant No. 2

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

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.

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

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

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

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 a 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 Rumble 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 responded 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: _____

Signature of Plaintiff

Printed Name of Plaintiff

James H. Fetzer, Ph.D.

