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15  
16 *Attorneys for Plaintiffs*

17 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **FOR THE COUNTY OF ALAMEDA**

19 ANGELA UNDERWOOD JACOBS,  
Individually and as Successor-in-Interest to the Estate  
20 of Dave Patrick Underwood; and GREGORY E.  
UNDERWOOD, Individually and as Successor-in-  
21 Interest to the Estate of Dave Patrick Underwood;

22 Plaintiffs,

23 v.

24 META PLATFORMS, INC., f/k/a FACEBOOK, INC.,  
25  
26 Defendant.  
\_\_\_\_\_

Case No. 22-CV-005233

**SECOND AMENDED COMPLAINT  
FOR WRONGFUL DEATH AND  
SURVIVAL ACTION DAMAGES:**

1. NEGLIGENCE
2. STRICT LIABILITY –  
DESIGN DEFECT

**DEMAND FOR JURY TRIAL**

**Assigned for all purposes to:  
Judge: Hon. Eumi Lee  
Trial Date: None Set**

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1 Plaintiff Angela Underwood Jacobs, individually and as Successor-in-Interest to the Estate of  
2 Dave Patrick Underwood, and Plaintiff Gregory E. Underwood, individually and as Successor-in-Interest  
3 to the Estate of Dave Patrick Underwood, by and through undersigned counsel, hereby sue Meta  
4 Platforms, Inc., formerly known as Facebook, Inc., for the wrongful death of Dave Patrick  
5 Underwood and for survival action damages, and allege as follows:

6  
7 1. Dave Patrick Underwood, a Federal Protective Services Officer, was murdered  
8 while guarding the Ronald V. Dellums federal building in Oakland, California during protests  
9 over the police killing of George Floyd. Officer Underwood was shot by a boogaloo extremist  
10 who planned on Facebook to use the protests as cover for anti-government violence targeting law  
11 enforcement officers and enlisted an accomplice in a Facebook group devoted to the same.

12 2. While these men bear responsibility for Officer Underwood’s death, Meta shares  
13 in that responsibility because Meta encouraged and elevated the posting of extremist views and  
14 violent rhetoric on Facebook, hosted and encouraged the creation of boogaloo groups on  
15 Facebook, filled the boogaloo shooter’s and driver’s Facebook feeds with extremist content, and  
16 ultimately recruited them to join one or more boogaloo groups on Facebook where the men met  
17 and hatched their plans.

18  
19 3. Meta’s actions were deliberate and informed business decisions. Meta knew that  
20 inflammatory, divisive, and untrue content – including extremist views and violent rhetoric –  
21 would adhere Facebook users to the platform. Meta knew that algorithms that promoted and  
22 pushed extremist content and violent rhetoric would encourage the posting of such content and  
23 intensify the psychological impact of that content on Facebook users. And Meta knew, or should  
24 have known, when recommending that its users join extremist boogaloo groups on Facebook, that  
25 socializing with other members of this extremist movement would embolden their beliefs and  
26  
27  
28

1 increase the likelihood that they would carry out the violent intentions of the boogaloo movement  
2 offline in the physical world.

3 **PARTIES**

4 4. Plaintiff Angela Underwood Jacobs is a citizen of California, residing in Los  
5 Angeles County, and is otherwise *sui juris*.

6 5. Plaintiff Gregory E. Underwood is a citizen of California, residing in San Mateo  
7 County, and is otherwise *sui juris*.

8  
9 6. Defendant Meta Platforms, Inc., is a Fortune 500 company that owns, operates,  
10 controls, produces, designs, maintains, manages, develops, tests, labels, markets, advertises,  
11 promotes, supplies, and distributes digital products available through mobile and web-based  
12 applications, including the www.facebook.com website and Facebook applications for mobile  
13 devices, which are widely distributed to consumers throughout the United States. Prior to  
14 October 2021, Meta Platforms, Inc., was known as Facebook, Inc. In this Complaint, Plaintiff  
15 refers to the Defendant as “Meta,” including, for the sake of consistency, with regard to the  
16 actions and conduct of the company prior to its name change, and refers to Meta’s digital  
17 products consisting of its website and mobile applications as “Facebook.”  
18

19 7. Meta is incorporated in Delaware, and its principal place of business is 1 Hacker  
20 Way, Menlo Park, CA 94025, in San Mateo County.

21 **JURISDICTION AND VENUE**

22 8. This is a survival action for the extreme pain and suffering endured by Dave  
23 Patrick Underwood from the time of the shooting until the time of his death, and an action for his  
24 wrongful death, seeking damages in excess of \$25,000, exclusive of attorneys’ fees and costs.

25  
26 9. Plaintiffs Angela Underwood Jacobs and Gregory E. Underwood bring these  
27 claims pursuant to California Code of Civil Procedure § 377.60, as wrongful death heirs of Dave  
28

1 Patrick Underwood, deceased, and his successors-in-interest under California Code of Civil  
2 Procedure § 377.30.

3 10. At the time of his death, Dave Patrick Underwood was a citizen and resident of  
4 California and without a “surviving spouse, domestic partner, children . . . issue of deceased  
5 children,” Cal. Code Civ. P. § 377.60(a), or surviving parents.

6 11. Plaintiffs Angela Underwood Jacobs and Gregory E. Underwood, as surviving  
7 siblings of Dave Patrick Underwood, are entitled to the property of Dave Patrick Underwood  
8 under the California laws of intestate succession, see Cal. Prob. Code § 6402(c), and, therefore,  
9 have standing to bring a claim for his wrongful death under California Code of Civil Procedure §  
10 377.60(a).

11 12. Plaintiffs Angela Underwood Jacobs and Gregory E. Underwood are the only  
12 known heirs of Decedent Dave Patrick Underwood.

13 13. Plaintiffs Angela Underwood Jacobs and Gregory E. Underwood also bring this  
14 action as the successors-in-interest to Decedent Dave Patrick Underwood’s survival claim. *See*  
15 April 14, 2022 Order entered in No. P20-00724 (Sup. Ct. Contra Costa Cty.), attached as Exhibit  
16 2 to Declarations of Angela Underwood Jacobs and Gregory E. Underwood<sup>1</sup> (awarding Plaintiffs  
17 “[t]he right to pursue damages for pain and suffering in a survival action proceeding filed after  
18 January 1, 2022”).  
19  
20

21 14. Defendant Meta is subject to the jurisdiction of this Court because it is  
22 headquartered in California. Furthermore, Meta is qualified and authorized to, has regularly done,  
23 and is doing business in California, and has systematically conducted business on a regular basis  
24 in California, under and by virtue of California law.  
25

26  
27  
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<sup>1</sup> The declaration of Angela Underwood Jacobs is attached hereto as Exhibit A. The  
declaration of Gregory E. Underwood is attached hereto as Exhibit B.

1 15. Venue is proper in Alameda County, where Dave Patrick Underwood’s wrongful  
2 death occurred, under California Civil Code of Procedure 395.

3 **FACTUAL ALLEGATIONS**

4 **I. Meta Is Engaged in Social Engineering in the Digital and Physical World**

5 16. Facebook is the largest social media network in the world. What began as a way  
6 for Harvard students to meet and socialize is now an open platform used by billions of people  
7 around the world. At the end of 2019, Facebook had 2.50 billion monthly active users, of which  
8 approximately 1.66 billion used the site every day.

10 17. Meta once described Facebook as a tool “to give people the power to share and  
11 make the world more open and connected.”<sup>2</sup> According to Meta’s CEO, Mark Zuckerberg, since  
12 at least 2017, Meta has designed and engineered Facebook to manifest changes in the physical  
13 world in order to “build community and bring the world closer together.”<sup>3</sup>

14 18. To accomplish this mission of socially engineering the physical world,<sup>4</sup> Meta  
15 redesigned Facebook to promote and emphasize user engagement in hobby clubs, civil society  
16 organizations, and other community groups.

18 19. By getting its users to join groups on Facebook, Zuckerberg envisioned results in  
19 the physical world: “Once people are coming together in these smaller groups, that actually  
20 grows and it ends up with much bigger changes in the world.”<sup>5</sup>

23 \_\_\_\_\_  
24 <sup>2</sup> David Ingram, *CEO Zuckerberg tweaks Facebook mission to focus on groups*, REUTERS  
25 (June 22, 2017), [https://www.reuters.com/article/us-facebook-zuckerberg/ceo-zuckerberg-tweaks-](https://www.reuters.com/article/us-facebook-zuckerberg/ceo-zuckerberg-tweaks-facebook-mission-to-focus-on-groups-idUSKBN19D2EX)  
[facebook-mission-to-focus-on-groups-idUSKBN19D2EX](https://www.reuters.com/article/us-facebook-zuckerberg/ceo-zuckerberg-tweaks-facebook-mission-to-focus-on-groups-idUSKBN19D2EX) (last visited June 14, 2023).

26 <sup>3</sup> *Id.*

27 <sup>4</sup> “Social engineering” as used here is means a top-down, large scale effort to influence  
28 attitudes or behavior. By “digital world,” Plaintiffs are referring to activity on Facebook or on-line.  
By “physical world” Plaintiffs are referring to activity that takes place in the physical world.

<sup>5</sup> Ingram, *supra* note 2.

1           20. Referencing the decline in membership in some local groups by as much as one-  
2 quarter since the 1970s, as reported by social scientists,<sup>6</sup> Meta stated its intent to “strengthen  
3 existing physical communities by helping people come together online as well as offline.”<sup>7</sup> Meta  
4 explained the link between on-line conversation and off-line action as so: “In the same way  
5 connecting with friends online strengthens real relationships, developing this [group]  
6 infrastructure will strengthen these [physical] communities, as well as enable completely new  
7 ones to form.”<sup>8</sup> It recognized these “communities don’t just interact online. They hold get-  
8 togethers, organize dinners, and support each other in their daily lives.”<sup>9</sup>

10           21. These goals, stripped of content, sound benign, or even benevolent. But, when tied  
11 to extremist content and violent rhetoric, an obvious threat is clear.

12           **II. Meta’s Business Decisions Result in Facebook Presenting a Danger to the**  
13           **Physical World**

14           22. Since 2017, Meta has focused its efforts on boosting membership in groups. Meta  
15 has stated a goal of enrolling 1 billion of its users in meaningful groups. In February 2017, 100  
16 million were subscribed to groups; by February 2019 that number had grown to 400 million.

17           23. Meta’s business strategy, if executed ethically, would have been sound. It is well-  
18 established in the social, behavioral, and health sciences that a sense of belonging improves  
19 health and emotional well-being. Indeed, belonging has been identified as a basic human need  
20 and a motivating driver of human behavior.

---

25           <sup>6</sup> Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community*  
26 (2000), p. 63.

27           <sup>7</sup> Mark Zuckerberg, *Building Global Community*, FACEBOOK (May 5, 2021),  
<https://www.facebook.com/notes/3707971095882612> (last visited June 14, 2023).

28           <sup>8</sup> *Id.*

<sup>9</sup> *Id.*



1           24.     Meta’s efforts to promote groups are both categorical and specific. Meta  
2     advertises groups – writ large – on the platform and spent \$10 million in 2019 to air a 60-second  
3     ad promoting Facebook groups during Super Bowl LIV.<sup>10</sup> Meta has re-tooled its mobile  
4     applications and website to move groups and group recommendations into positions of increasing  
5     prominence. During 2019 and 2020, Meta rolled-out a major re-design of the mobile application  
6     and website interfaces to achieve this goal.

7  
8           25.     In addition to the spending and opportunity costs Meta has devoted to this explicit  
9     marketing, Meta invested in supporting the infrastructure of groups, developing tools and support  
10    services for the administrators and moderators of Facebook groups. At present, there are  
11    approximately 70 million such administrators.

12           26.     Meta’s motives for focusing on Facebook groups—*changing the world*—may are  
13    firmly rooted in a profit-seeking agenda.

14  
15           27.     Meta’s business model is based on its ability to attract both users and advertisers  
16    to the platform. Meta has created a variety of proprietary products – including Facebook user  
17    dossiers, Facebook customized recommendations, and Facebook group space – to ensure that it  
18    engages users and captures information about them for the benefit of advertisers.

19           **A.     Meta’s Revenues Are Dependent on Ad Sales, Which Are Dependent on a**  
20           **Robust User Base**

21           28.     Facebook users do not pay Meta to create a Facebook account. Once a user opens  
22    a Facebook account, the account holder can, at no cost, create a profile page, post content (such  
23  
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26           <sup>10</sup> Salvador Rodriguez, *Mark Zuckerberg shifted Facebook’s focus to groups after the 2016*  
27    *election and it’s changed how people use the site*, CNBC (Feb. 16, 2020),  
28    <https://www.cnbc.com/2020/02/16/zuckerbergs-focus-on-facebook-groups-increases-facebook-engagement.html> (last visited June 14, 2023).

1 as photographs, videos, and links to articles), make friends with other users, view content posted  
2 by other users, and join groups sponsored and supported by Facebook.

3 29. Instead of charging Facebook users to access the platform, Meta earns most of its  
4 revenue by selling advertising services. For example, Meta generated \$69.7 billion from  
5 advertising in 2019, more than 98% of its total revenue for the year. Meta is able to generate such  
6 revenues by marketing its user base to advertisers.

7  
8 30. Meta collects and analyzes data to assemble virtual dossiers on its users, covering  
9 tens of thousands of user-specific data segments.<sup>11</sup> This data collection and analysis allows  
10 advertisers to micro-target advertising and advertising dollars to very specific types of users, who  
11 can be segregated into pools or lists using Facebook’s data segments. Not all of these data  
12 segments come from content that is explicitly designated by users for publication or explicitly  
13 provided by users in their account profiles. Many of these data segments are collected by Meta  
14 through surveillance of each user’s activity on the platform and off the platform, including  
15 behavioral surveillance that users are not even aware of like navigation paths, watch time, and  
16 hover time.

17  
18 31. Facebook, as originally conceived, may have functioned like an enormous virtual  
19 bulletin board, where content was published by authors. But Facebook has evolved over time  
20 with the addition of numerous features and products designed by Meta to engage users. The  
21 earliest of these – the search function and the “like” button – were user-controlled features. In  
22 more recent years, however, Meta has taken an active role in shaping the user-experience on the  
23 platform with more complex features and products that are not triggered by user requests.<sup>12</sup> The  
24

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25  
26 <sup>11</sup> Angwin, Mattu, Parris, *Facebook Doesn’t Tell Users Everything it Really Knows About*  
27 *Them*, PROPUBLICA (Dec. 27, 2016), [https://www.propublica.org/article/facebook-doesnt-tell-](https://www.propublica.org/article/facebook-doesnt-tell-users-everything-it-really-knows-about-them)  
28 [users-everything-it-really-knows-about-them](https://www.propublica.org/article/facebook-doesnt-tell-users-everything-it-really-knows-about-them) (last visited June 14, 2023).

<sup>12</sup> Luke Munn, *Angry by design: toxic communication and technical architectures*, HUMAN.

1 most visible of these are curated recommendations, which are pushed to each user in a steady  
2 stream as the user navigates the website and in notifications sent to the user’s smartphone and  
3 email addresses when the user is off-platform. These proprietary Facebook products<sup>13</sup> include  
4 News Feed (a newsfeed of stories and posts published on the platform, some of which are posted  
5 by your Facebook friends or members of groups you have joined, and others that are suggested  
6 for you by Facebook), People You May Know (introductions to persons with common  
7 connections or background), and Suggested for You, Groups You Should Join, and Discover  
8 (recommendations for Facebook groups to join).  
9

10 32. These curated and bundled recommendations are developed through  
11 sophisticated algorithms. As distinguished from the earliest search functions that were used to  
12 navigate websites during the Internet’s infancy, Meta’s algorithms are not based exclusively on  
13 user requests or even user inputs. Meta’s algorithms combine the user’s profile (*e.g.*, the  
14 information posted by the user on the platform) and the user’s dossier (the data collected and  
15 synthesized by Meta to which Meta assigns categorical designations), make assumptions about  
16 that user’s interests and preferences, make predictions about what else might appeal to the user,  
17 and then make very specific recommendations of posts and pages to view and groups to visit and  
18 join based on rankings that will optimize Meta’s key performance indicators.  
19

20 33. Meta’s algorithms are carefully protected intellectual property. While they are  
21 often characterized as automated and impersonal, they are, in actuality, dynamic and subject to  
22 frequent refinement. They also reflect the inferences, judgments, priorities, and decision-making  
23

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24  
25 SOC. SCI. COMM. 7, 53 (2020).

26 <sup>13</sup> Facebook refers to “features” and “services” provided on the Facebook platform as  
27 “Facebook Products” in its Terms of Service. The Facebook Terms of Service also grant Facebook  
28 a license to “host, use, distribute, modify, run, copy, publicly perform or display, translate, and  
create derivative works of” content created by Facebook users. *Terms of Service*, FACEBOOK,  
<https://www.facebook.com/terms.php?ref=pf> (last visited Oct. 15, 2021), at ¶ 3.

1 of human programmers, managers, and executives at Meta. Importantly, they are also optimized  
2 to achieve Meta’s chief goal: increasing the time users spend on the platform. To that end, Meta  
3 designed and engineered Facebook using methods that mimic the addictive effects of casino slot  
4 machines on its users in order to keep users engaged with the platform for as long and as often as  
5 possible<sup>14</sup> by knowingly creating features with the purpose of exploiting vulnerabilities in human  
6 psychology.<sup>15</sup>

7  
8 **B. Meta Turned to Groups in an Effort to Fight the Declining Engagement of its  
9 User Base**

10 34. By the time Meta announced it was going to push its users to join Facebook  
11 groups in order to change the world, it had suffered a significant decline in the engagement of its  
12 user base in that users were making personal updates on their Facebook feeds on a much less  
13 frequent basis.<sup>16</sup>

14 35. With more than one billion active members of Facebook groups, Meta recognized  
15 that most users do not seek out groups on their own – groups are recommended to them by other  
16 users or by Facebook itself.<sup>17</sup> Meta decided that by improving its “suggestions [it would] help  
17 connect one billion people with meaningful communities, [and] strengthen our social fabric.”<sup>18</sup>  
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23 <sup>14</sup> Adam Alter, *Irresistible: The Rise of Addictive Technology and the Business of Keeping*  
24 *Us Hooked* (2018).

25 <sup>15</sup> Olivia Solon, *Ex-Facebook president Sean Parker: site made to exploit ‘vulnerability’*,  
26 THE GUARDIAN (Nov. 9, 2017), [https://www.theguardian.com/technology/2017/nov/09/facebook-](https://www.theguardian.com/technology/2017/nov/09/facebook-sean-parker-vulnerability-brain-psychology)  
27 [sean-parker-vulnerability-brain-psychology](https://www.theguardian.com/technology/2017/nov/09/facebook-sean-parker-vulnerability-brain-psychology) (last visited June 14, 2023).

28 <sup>16</sup> Erin Griffith, *Facebook Users are Sharing Fewer Personal Updates and It’s A Big*  
*Problem*, FORTUNE (Apr. 7, 2016), <https://fortune.com/2016/04/07/facebook-sharing-decline> (last  
visited June 14, 2023).

<sup>17</sup> Zuckerberg, *supra* note 7.

<sup>18</sup> *Id.*

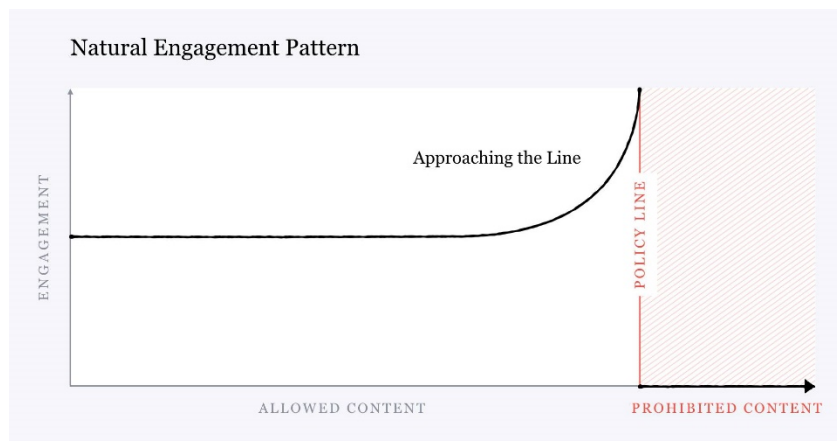
1           36.     In designing and engineering Facebook to promote users to interact in Facebook  
2 groups, Meta was building what it claimed to be “the digital equivalent of the living room,”  
3 purportedly providing users with places they could interact privately.<sup>19</sup>

4           37.     With users becoming more engaged with the platform, Meta is provided with  
5 more opportunity to gather and sell their data, generating advertising revenues. Thus, it built a  
6 superstructure to support groups and built algorithms to recruit members for those groups.  
7

8           **C.     Meta Cultivates and Promotes User Outrage in an Effort to Engage its User  
9           Base**

10          38.     Meta has found that users engage more with Facebook when they see content  
11 that will outrage or titillate them, prompting them to share and react to that content.<sup>20</sup>

12          39.     Meta CEO Mark Zuckerberg publicly recognized this in a 2018 post, in which he  
13 demonstrated the correlation between engagement and sensational content that is so extreme it  
14 violates Facebook standards, with the following chart:<sup>21</sup>



15  
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24           <sup>19</sup> Quentin Fottrell, *Mark Zuckerberg wants people to join Facebook groups, but critics say*  
25 *it’s another way to collect your most intimate data*, MARKETWATCH (May 5, 2019),  
26 [https://www.marketwatch.com/story/the-genius-move-behind-facebooks-redesign-mining-users-](https://www.marketwatch.com/story/the-genius-move-behind-facebooks-redesign-mining-users-for-even-more-valuable-data-2019-05-01)  
27 [for-even-more-valuable-data-2019-05-01](https://www.marketwatch.com/story/the-genius-move-behind-facebooks-redesign-mining-users-for-even-more-valuable-data-2019-05-01) (last visited June 14, 2023).

28           <sup>20</sup> Karen Hao, *How Facebook got Addicted to Spreading Misinformation*, MIT  
TECHNOLOGY REVIEW (Mar. 11, 2021).

<sup>21</sup>Mark Zuckerberg, *A Blueprint for Content Governance and Enforcement*, FACEBOOK,  
<https://www.facebook.com/notes/751449002072082/> (last visited October 15, 2021).

1           40.     While CEO Zuckerberg asserted, at that time, that Facebook user engagement had  
2 stayed within the boundaries of content deemed acceptable by Meta, the public record has shown  
3 Facebook content on the wrong side of public safety and public health: disruption of Black Lives  
4 Matter protests by white supremacists, the violent boogaloo movement, coronavirus  
5 disinformation and related anti-mask agitation. Meta has been most recently on the wrong side of  
6 efforts to destabilize the democratic process, by boosting content that attempted to de-legitimize  
7 the 2020 election and fomenting the Capitol Riot.

9           41.     Meta’s algorithms create a self-reinforcing and accelerating dynamic. By elevating  
10 and promoting inflammatory, divisive, and untrue content, Meta encourages the publication of  
11 such content. At the same time, Meta’s algorithms learn to feed users increasingly extreme  
12 viewpoints because users engage more with such content.<sup>22</sup> These effects are not unintentional.  
13 Meta’s first Director of Monetization, Tim Kendall, has explained that Meta has “sought to mine  
14 as much attention as humanly possible... [taking] a page from Big Tobacco's playbook, working  
15 to make [its] offering addictive at the outset.”<sup>23</sup>

17           **D.     Meta Encourages, Promotes, and Rewards Inflammatory Content to Keep Its**  
18           **Users Engaged**

19           42.     Meta’s algorithms promote extremism by exposing users to inflammatory,  
20 divisive, and untrue content. Meta has made the choice to do this because material that engenders  
21 a strong emotional reaction engages users.<sup>24</sup>

22           43.     Meta’s algorithms reward the most prolific users, recommending their content,  
23 even though hyperactive use is associated with partisan accounts and suspicious use patterns  
24

25 \_\_\_\_\_  
26           <sup>22</sup> Hao, *supra* note 20.

27           <sup>23</sup> Kate Cox, *Former Facebook manager: “We took a page from Big Tobacco’s playbook,”*  
28           *ARS TECHNICA* (Sept. 24, 2020).

<sup>24</sup> Jeff Horwitz, *Facebook Executives Shut Down Efforts to Make the Site Less Divisive,*  
*THE WALL STREET JOURNAL* (May 26, 2020); Munn, *supra* note 11.

1 suggestive of shift-work or bot activity. Facebook accounts that are known for and promote  
2 misinformation generate almost twice as much engagement per follower than other accounts.<sup>25</sup>  
3 As such Meta’s policy to promote the most engaging content promotes accounts that push  
4 misinformation.

5 44. To provide an example of how this type of escalation works, one researcher  
6 reported the following progression: a social media user who has showed an interest in  
7 vegetarianism may first be shown content regarding vegetarian cooking, to be followed by  
8 progressively more extreme content, such as information on the ethics of vegetarianism and  
9 veganism, then animal liberation, and ultimately eco-terrorism.<sup>26</sup>  
10

11 45. The News Feed product is a customized scroll that Facebook creates for each user,  
12 recommending news stories and posts. The contents of each user’s scroll vary depending on  
13 Meta’s dossier and the weight Meta’s algorithms place on the user’s profile and the people,  
14 groups, and stories that are trending. The News Feed accounts for much of time that users  
15 typically spend on the platform.  
16

17 46. A major overhaul of the News Feed algorithm in 2018 was intended, according to  
18 Meta, to boost “meaningful social interactions.”<sup>27</sup> Instead, staffers realized, it was making the  
19 platform an angrier place. As explained by one internal memo, the decision to give greater weight  
20 to the number of comments and reshares “had unhealthy side effects on important slices of public  
21

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23 <sup>25</sup> Michael Martin, Will Jarvis, *Far-Right Misinformation Is Thriving on Facebook. A*  
24 *New Study Shows Just How Much*, NPR (Mar. 6, 2021),  
25 [https://www.npr.org/2021/03/06/974394783/far-right-misinformation-is-thriving-on-facebook-a-](https://www.npr.org/2021/03/06/974394783/far-right-misinformation-is-thriving-on-facebook-a-new-study-shows-just-how-much)  
[new-study-shows-just-how-much](https://www.npr.org/2021/03/06/974394783/far-right-misinformation-is-thriving-on-facebook-a-new-study-shows-just-how-much).

26 <sup>26</sup> This is an actual example of videos chosen and presented to YouTube users by its  
27 algorithms. See Zeynep Tufekci, *YouTube, the Great Radicalizer*, NEW YORK TIMES (Mar. 10,  
2018).

28 <sup>27</sup> Keach Hagey, *Facebook Tried to make its Platform a Healthier Place. It Got Angrier*  
*Instead.*, THE WALL STREET JOURNAL (Sept. 15, 2021).

1 content, such as politics and news” because content publishers were re-orienting their posts  
2 toward outrage and sensationalism to increase the likelihood of wider visibility and review.<sup>28</sup>  
3 Staffers noted that “[m]isinformation, toxicity, and violent content are inordinately prevalent  
4 among reshares.”<sup>29</sup>

5 47. Meta researchers also took note in 2018 that the MSI (meaningful social  
6 interactions) project, by rewarding untrue, divisive, and violent content, was discouraging the  
7 posting of meaningful content, thereby reducing the opportunities for user engagement with  
8 “positive and policy posts.”<sup>30</sup>

9  
10 48. Internal company documents show that Meta tests in 2019 again showed that  
11 Meta’s algorithms were delivering News Feeds comprised of divisive and extremist content as  
12 well as misinformation and that by simply following those recommended pages and groups,  
13 ordinary users would encounter a “nightmare” of “polarizing nationalist content, misinformation,  
14 and violence and gore.”<sup>31</sup> In the words of one Meta researcher, “I’ve seen more images of dead  
15 people in the past 3 weeks than I’ve seen in my entire life.”<sup>32</sup>

16  
17 49. In the spring of 2020, Meta tested a revision of an algorithm called “downstream  
18 MSI” and found that reducing the weight assigned to the likelihood that people would share or  
19 comment on a post would reduce the proliferation of false content.<sup>33</sup> Meta applied this revision  
20 to civic and health information in the spring of 2020, but CEO Mark Zuckerberg advised his staff  
21

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22  
23  
24  
25 <sup>28</sup> *Id.*

26 <sup>29</sup> *Id.*

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

28 <sup>31</sup> Justin Scheck, *Facebook Employees Flag Drug Cartels and Human Traffickers. The Company’s Response is Weak, Documents Show.*, THE WALL STREET JOURNAL (Sept. 16, 2021).

<sup>32</sup> *Id.*

<sup>33</sup> Hagey, *supra* note 27.



1 that he did not want to apply the changes to other types of content if it would reduce user  
2 engagement.<sup>34</sup>

3 **E. Meta Recommends Extremist Groups and Promotes Participation in**  
4 **Extremist Groups to Keep Its Users Engaged**

5 50. Not only did Meta begin pushing Facebook users to join groups in order to  
6 increase their engagement, it specifically promoted their participation in extremist groups.

7 51. Facebook promotes specific groups to individual users, showing them content in  
8 users' timelines, through their News Feeds, and through specific recommendations to join groups  
9 via Suggested For You, Groups You Should Join, and Discover. As set forth above, these  
10 recommendations are generated by Facebook algorithms which are built more upon Meta's  
11 assumptions and inferences about what users think, like, and want rather than what users have  
12 explicitly written, liked, or indicated to Facebook. The algorithms are weighted to favor untrue,  
13 inflammatory, and divisive content that will grab and keep users' attention. Furthermore, the  
14 recommendations are not based on Facebook user requests for recommendations – they are  
15 pushed onto users. Plaintiffs allege that Meta is recruiting new members for extremist groups.  
16

17 52. Most members of extremist groups on Facebook joined after Meta recommended  
18 they do so.<sup>35</sup>

19 53. While Meta recruits members for Facebook groups, Meta does not employ content  
20 moderators to monitor the content generated by private groups. Meta relies on artificial  
21 intelligence to monitor content generated by these groups and there is evidence that these  
22 systems, as designed, catch only 3-5% of hate content.<sup>36</sup> By failing to adequately employ the use  
23 of artificial intelligence to eliminate hate content, Meta largely relies on group members to report  
24

25  
26  
27 <sup>34</sup> *Id.*

<sup>35</sup> Horwitz, *supra* at 24.

<sup>36</sup> Testimony of Frances Haugen before the United States Senate on October 5, 2021.

1 violations of Facebook’s Terms of Service and other policies and to monitor their own content  
2 within the group. Groups can designate some of the group members as administrators or  
3 moderators, but these are regular Facebook users – not employees of the company – who have  
4 the discretion to block content. Some moderators of extremist groups have warned that anyone  
5 reporting content to Facebook will be removed from the group.

6  
7 **III. Meta Knew or Should Have Known that it was Radicalizing Facebook Users**  
8 **and Connecting them with Communities of Other Extremists on Facebook,**  
9 **thereby Increasing the Likelihood its Users Would Commit Violent Acts in**  
10 **the Physical World**

11 54. Meta knew or should have known that in addition to the social and personal  
12 benefits associated with a sense of belonging, there are negative consequences of group  
13 formation, too. “[T]he radicalizing effects of various group dynamics have been thoroughly  
14 analyzed in the literature.”<sup>37</sup> It is well-understood that the security and support of a group  
15 emboldens individuals to engage in violence that they would not contemplate as individuals.<sup>38</sup>  
16 And, it has been recognized that “[t]he ‘incentive structures and social cues of algorithm-driven  
17 social media sites’ amplify the anger of users over time until they ‘arrive at hate speech.’”<sup>39</sup>

18 55. When a radicalized individual develops a kinship with other extremists who share  
19 similar views, which occurs as a result of socializing in an extremist community or extremist

20  
21  
22 <sup>37</sup> Mattias Wahlström, *Social Media Mechanisms for Right-Wing Political Violence in the*  
23 *21st Century: Discursive Opportunities, Group Dynamics, and Co-Ordination*, 33 TERRORISM &  
POLITICAL VIOLENCE 766 (2012).

24 <sup>38</sup> See, e.g., *id.*; Clark McCauley, *Mechanisms of Political Radicalization: Pathways*  
25 *Toward Terrorism*, 20 TERRORISM & POLITICAL VIOLENCE 415 (2008); *Radicalization and Violent*  
26 *Extremism: Lessons Learned from Canada, the U.K. and the U.S.*, U.S. DEP’T OF JUSTICE NAT’L  
INSTITUTE OF JUSTICE, at 4 (July 28–30, 2015) (“More than half of the researchers stated that having  
friends, family members, or acquaintances involved in violent extremism can potentially lead  
individuals to become (or stay) involved in violent extremism.”).

27 <sup>39</sup> Munn, *supra* note 12 (quoting Fisher M, Taub A, *How everyday social media users*  
28 *become real-world extremists*, NEW YORK TIMES (Oct. 10, 2018),  
<https://www.nytimes.com/2018/04/25/world/asia/facebook-extremism.html>).

1 Facebook group, the individual is much more likely to support or engage in violence on behalf of  
2 their cause and becomes much less likely to deradicalize.<sup>40</sup> Thus, by recommending extremists  
3 join extremist Facebook groups, Meta is increasing the likelihood the extremists will not only  
4 remain extremists, but will commit violent acts in the physical world.

5 **A. Meta's Internal Research Shows the Danger Meta is Causing**

6 56. In 2014, Meta was forced to admit undertaking a mass psychological and  
7 sociological experiment on users in 2012, when it manipulated the newsfeeds of 700,000 users to  
8 influence their individual and collective emotional states.<sup>41</sup> It discovered two things. First, Meta  
9 discovered that more positive news feeds led to positive emotional states, that negative news  
10 feeds led to negative emotional states, and that these emotional states could be transferred to  
11 other users.<sup>42</sup> Second, Meta learned that omitting emotional content from the newsfeed reduced  
12 user engagement.<sup>43</sup>

13  
14 57. In the last five years, Meta has learned through internal research that its efforts to  
15 engage users have had damaging consequences that reverberate off the platform.<sup>44</sup> Meta found  
16 that when using models that maximize engagement, Facebook increases polarization among  
17 users.<sup>45</sup>

18  
19  
20  
21  
22 <sup>40</sup> Brian Hughes, *Brand of Brothers: Marketing the Islamic State*, THE MEDIA WORLD OF  
23 ISIS (2019); *Radicalization*, *supra* note 38.

24 <sup>41</sup> Adam D. I. Kramer, *Experimental evidence of massive-scale emotional contagion*  
25 *through social contacts*, PNAS 111 (June 17, 2014); Gail Sullivan, *Sheryl Sandberg not sorry for*  
26 *Facebook mood manipulation study*, THE WASHINGTON POST (July 3, 2014) (“This was part of  
ongoing research companies do to test different products, and that was what it was; it was poorly  
communicated.”).

27 <sup>42</sup> Robinson Meyer, *Everything We Know About Facebook's Secret Mood Manipulation*  
28 *Experiment*, THE ATLANTIC (June 28, 2014).

<sup>43</sup> *Id.*

<sup>44</sup> Horwitz, *supra* note 24.

<sup>45</sup> Hao, *supra* note 20.

1           58.     In 2016, Meta researcher and sociologist Monica Lee reported during an internal  
2 presentation that Meta’s algorithms promote extremism.<sup>46</sup> She presented hard data in support of  
3 her conclusions, including a finding that 64% of all new membership in German political  
4 extremist groups on Facebook, of which there were many, was due to Facebook’s  
5 recommendation tools, primarily from the “Groups You Should Join” and “Discover”  
6 algorithms.<sup>47</sup>

7  
8           59.     In 2018, the results of internal Meta research were presented to Meta’s senior  
9 executives.<sup>48</sup> These included a warning that Meta’s algorithms promote extremism in its users by  
10 “exploit[ing] the human brain’s attraction to divisiveness.”<sup>49</sup> The presentation also warned that  
11 Meta’s algorithms “would feed users ‘more and more divisive content in an effort to gain user  
12 attention & increase time on the platform’” unless the company took action to prevent this.<sup>50</sup>

13           60.     Meta’s response, in 2018, was to reject or minimally adopt recommendations for  
14 actions to accomplish this because to do so would reduce user “engagement” – Meta’s term for  
15 the metric measuring the amount of time each user spent engaged with Facebook, including time  
16 spent, as well as likes, shares, and comments. CEO Mark Zuckerberg clearly communicated a  
17 limited interest in recalibrating Facebook for the good of society and instructed his employees not  
18 to make such suggestions in the future.<sup>51</sup>

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24  
25           <sup>46</sup> Horwitz, *supra* note 24; Simon Shuster, *Like, Share, Recruit: How a White-Supremacist*  
*Militia Uses Facebook to Radicalize and Train New Members*, TIME (Jan. 7, 2021).

26           <sup>47</sup> Horwitz, *supra* note 24.

27           <sup>48</sup> *Id.*

28           <sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

1           61.     Meta acknowledged in 2018 that fake news and hate speech about the Rohingya  
2 Muslim minority posted on Facebook contributed to the commission of genocide in Myanmar.<sup>52</sup>

3           62.     In 2018, Meta modified its algorithm. While CEO Zuckerberg stated at the time  
4 that the algorithm change would encourage users to interact more with loved ones, Meta’s own  
5 researchers discovered that the change emphasized “[m]isinformation, toxicity, and violent  
6 content.”<sup>53</sup>

7  
8           63.     Meta CEO Mark Zuckerberg said the company made an “operational mistake”  
9 when it failed to remove the Facebook page for a militia group with more than 3,000 members  
10 that called for armed citizens to enter Kenosha, Wisconsin during protests that arose after the  
11 police shooting of Jacob Blake in August 2020. Meta failed to remove this page despite receiving  
12 over 450 reports that the page violated policies Meta had recently enacted allowing the removal  
13 of groups that posed a threat to public safety. Meta finally removed the page once a 17-year-old  
14 armed civilian shot three people, killing two, during the protests.  
15

16           **B.     NGOs and Others Warn Meta About the Danger Meta is Causing**

17           64.     In addition to these internal Meta reports, numerous researchers, watchdogs, and  
18 government offices have raised warnings about the role Meta has played in recruiting new  
19 members for extremist groups and encouraging domestic unrest, civil strife, and crimes carried  
20 out by extremists.

21           65.     The Anti-Defamation League has warned that Three Percenters, a militia  
22 movement group with “a track record of criminal activity ranging from weapons violations to  
23  
24  
25

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26           <sup>52</sup> Hao, *supra* note 20; Alex Warofka, *An Independent Assessment of the Human Rights*  
27 *Impact of Facebook in Myanmar*, Facebook (Nov. 5, 2018),  
28 <https://about.fb.com/news/2018/11/myanmar-hria/>.

<sup>53</sup> Hagey, *supra* note 27.

1 terrorist plots and attacks,”<sup>54</sup> “have used Facebook groups and pages to spread the ideas of the  
2 militia movement. Numerous large Three Percenter umbrella groups have formed on  
3 Facebook.”<sup>55</sup>

4 66. The “Unite the Right” rally in Charlottesville, Virginia in 2017 “was largely  
5 organized on Facebook.”<sup>56</sup> Heather Heyer, a counter-protester, was murdered at the event.

6 67. In 2017, the *Guardian* identified more than 160 groups designated by the Southern  
7 Poverty Law Center as hate groups that had pages on Facebook; Meta stated that these groups did  
8 not violate its community standards.<sup>57</sup>

9 68. Also in 2017, ProPublica reported that Meta offered advertisers the ability to  
10 target ads to “the news feeds of almost 2,300 people who expressed interest in the topics of ‘Jew  
11 hater,’ ‘How to burn jews,’ or, ‘History of “why jews ruin the world.””<sup>58</sup>

12 69. In 2019, the FBI identified the QAnon conspiracy theory as posing a domestic  
13 terrorist threat by “driving both groups and individual extremists to carry out criminal or violent  
14  
15  
16  
17

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18 <sup>54</sup> *Three Percenters*, ANTI-DEFAMATION LEAGUE,  
19 <https://www.adl.org/resources/backgrounders/three-percenters> (last visited Oct. 15, 2021).

20 <sup>55</sup> *Hateful and Conspiratorial Groups on Facebook*, ANTI-DEFAMATION LEAGUE (Aug. 3,  
2020), <https://www.adl.org/blog/hateful-and-conspiratorial-groups-on-facebook>.

21 <sup>56</sup> *Facebook’s Strategy for Taking Down Hate Groups Is Spotty and Ineffective*, SOUTHERN  
22 POVERTY LAW CENTER (Apr. 7, 2020),  
23 [https://www.splcenter.org/hatewatch/2020/04/07/facebooks-strategy-taking-down-hate-groups-](https://www.splcenter.org/hatewatch/2020/04/07/facebooks-strategy-taking-down-hate-groups-spotty-and-ineffective)  
24 [spotty-and-ineffective](https://www.splcenter.org/hatewatch/2020/04/07/facebooks-strategy-taking-down-hate-groups-spotty-and-ineffective) (citing Alex Heath, *Facebook Removed the Event Page for White Nationalist “Unite the Right” Rally in Charlottesville One Day Before It Took Place*, INSIDER (Aug. 14, 2017 5:36 PM), <https://www.businessinsider.com/facebook-removed-unite-the-right-charlottesville-rally-event-page-one-day-before-2017-8>).

25 <sup>57</sup> Julia Carrie Wong, *White Nationalists Are Openly Operating on Facebook. The Company*  
26 *Won’t Act*, GUARDIAN (Nov. 21, 2019),  
[https://www.theguardian.com/technology/2019/nov/21/facebook-white-nationalists-ban-vdare-](https://www.theguardian.com/technology/2019/nov/21/facebook-white-nationalists-ban-vdare-red-ice)  
27 [red-ice](https://www.theguardian.com/technology/2019/nov/21/facebook-white-nationalists-ban-vdare-red-ice).

28 <sup>58</sup> Julia Angwin, *Facebook Enabled Advertisers to Reach “Jew Haters”*, PROPUBLICA (Sept. 14, 2017), <https://www.propublica.org/article/facebook-enabled-advertisers-to-reach-jew-haters>.

1 acts.<sup>59</sup> Meta played a key role in the spread of the QAnon conspiracy theory. A report by the  
2 Institute for Strategic Dialogue concluded, “Facebook’s 6 October [2021] ban of QAnon content  
3 came too late. Though pages and groups with tens of thousands of members that promoted  
4 QAnon were removed from the platform after the ban, the conspiracy had by then already  
5 enjoyed a three-year run on Facebook with little to stop it.”<sup>60</sup> Additionally, “Even after the ban,  
6 personal Facebook profiles – many with large followings – [continued] to discuss and promote  
7 the conspiracy.”<sup>61</sup>

9 70. The January 6, 2021 insurrection attempt at the Capitol was organized on  
10 Facebook and other social media. As the *New York Times* reported, “members of the Red-State  
11 Secession Facebook page were conversing in the language of insurrection” before January 6.<sup>62</sup>  
12 That “page even encouraged its 8,000 followers to share the addresses of ‘enemies,’ including  
13 those for federal judges, members of Congress and well-known progressives.”<sup>63</sup>

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21 <sup>59</sup> Jana Winter, *Exclusive: FBI Document Warns Conspiracy Theories Are a New Domestic*  
22 *Terrorism Threat*, YAHOO!NEWS (Aug. 1, 2019), [https://news.yahoo.com/fbi-documents-](https://news.yahoo.com/fbi-documents-conspiracy-theories-terrorism-160000507.html)  
23 [conspiracy-theories-terrorism-160000507.html](https://news.yahoo.com/fbi-documents-conspiracy-theories-terrorism-160000507.html).

24 <sup>60</sup> Ciaran O’Connor, *The Boom Before the Ban: QAnon and Facebook*, ISD,  
25 [https://www.isdglobal.org/wp-content/uploads/2020/12/20201218-ISDG-NewsGuard-QAnon-](https://www.isdglobal.org/wp-content/uploads/2020/12/20201218-ISDG-NewsGuard-QAnon-and-Facebook.pdf)  
26 [and-Facebook.pdf](https://www.isdglobal.org/wp-content/uploads/2020/12/20201218-ISDG-NewsGuard-QAnon-and-Facebook.pdf) (last visited Oct. 15, 2021). A report by the Institute for Strategic Dialogue  
27 concluded, “Facebook’s 6 October [2021] ban of QAnon content came too late. Though pages and  
28 groups with tens of thousands of members that promoted QAnon were removed from the platform  
after the ban, the conspiracy had by then already enjoyed a three-year run on Facebook with little  
to stop it.” *Id.* at 7.

<sup>61</sup> *Id.*

<sup>62</sup> Dan Barry, *‘Be There. Will Be Wild!’: Trump All but Circled the Date*, THE NEW YORK  
TIMES (Jan. 6, 2021).

<sup>63</sup> *Id.*

1 **IV. Meta Played An Active Role in the Events that Led to Dave Patrick**  
2 **Underwood’s Death**

3 **A. Meta was the Primary Recruiter for the Violent Boogaloo Movement**

4 71. Among the extremist political movements that have grown in force over the last  
5 decade is a new strand of anti-government, anti-authoritarian agitation referred to as  
6 “boogaloo.”<sup>64</sup> While no definitive ideology or platform unites this movement, the core interests  
7 shared by boogaloo adherents are a fervent opposition to governmental authority and the idea of  
8 government itself and enthusiastic planning for a future civil war. The boogaloo community  
9 includes white supremacists, militia promoters, and far-right conspiracy theorists – but their  
10 views are not universally held.

11 72. The term “boogaloo” first appeared in 2018 as a slang reference to future civil  
12 war. A movement cohered around the term in 2019. A proliferation of boogaloo groups exploded  
13 on Facebook in the early months of 2020 in response to governmental efforts to manage the  
14 coronavirus pandemic. These Facebook groups openly advocated for violence, discussed tactical  
15 strategies, combat medicine, and the merits of specific weapons, and shared information about  
16 building explosive devices.<sup>65</sup>

17 73. In early February of 2020, analysts who monitor extremism warned Meta that  
18 Facebook was serving as the primary platform for the organization of the boogaloo movement  
19 and Facebook groups were helping to build local connections between extremists interested in  
20 committing acts of violence against the government and law enforcement officers.  
21  
22  
23  
24

25 \_\_\_\_\_  
26 <sup>64</sup> Katie Shepherd, *An Officer was Gunned Down. The Killer was a ‘boogaloo boy’ using*  
27 *Nearby Peaceful Protests as Cover, Feds say*, THE WASHINGTON POST (June 17, 2020).

28 <sup>65</sup> *Extremists Are Using Facebook to Organize for Civil War Amid Coronavirus*, TECH  
TRANSPARENCY PROJECT (Apr. 22, 2020), [https://www.techtransparencyproject.org/articles/  
extremists-are-using-facebook-to-organize-for-civil-war-amid-coronavirus](https://www.techtransparencyproject.org/articles/extremists-are-using-facebook-to-organize-for-civil-war-amid-coronavirus).



1 74. Reports by the Network Contagion Research Institute and the Tech Transparency  
2 Project made such warnings.<sup>66</sup>

3 75. In an April 22, 2020 report, the Tech Transparency Project determined “[o]nline  
4 extremists are using Facebook to plan and organize for a militant uprising in the United States as  
5 they cast coronavirus lockdowns as a sign of rising government suppression.”<sup>67</sup> The Tech  
6 Transparency Project found 125 Facebook groups devoted to the boogaloo movement. More than  
7 60% of the groups were created between February and April 2020, as Covid-19 quarantines took  
8 hold in the U.S., and they attracted tens of thousands of members in that time.

10 76. Despite these warnings, and Meta’s own knowledge, gained from its analysts that  
11 had been monitoring boogaloo activity on Facebook since 2019, regarding the dangers posed by  
12 boogaloo adherents and Meta’s part in growing the movement,<sup>68</sup> Meta continued to recommend  
13 its users join boogaloo groups on Facebook.<sup>69</sup> Meta did so even though it knew or should have  
14 known that recruiting its users for the boogaloo movement and connecting them with other  
15 “boogaloo bois” in boogaloo-dedicated Facebook groups would embolden the extremists and  
16 increase the likelihood they would carry out their violent goals in the physical world.<sup>70</sup>

18 **Steven Carrillo**

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21 <sup>66</sup> Lois Beckett, *100 days of warning: inside the Boogaloo killings of US security*  
22 *personnel*, THE GUARDIAN (Jan. 15, 2021),  
23 [https://www.theguardian.com/world/2021/jan/15/boogaloo-killing-facebook-dave-patrick-](https://www.theguardian.com/world/2021/jan/15/boogaloo-killing-facebook-dave-patrick-underwood-police)  
[underwood-police](https://www.theguardian.com/world/2021/jan/15/boogaloo-killing-facebook-dave-patrick-underwood-police).

24 <sup>67</sup> *Extremists*, *supra* note 65.

25 <sup>68</sup> Beckett, *supra* note 66; *see also* Hagey, *supra* note 27 (Facebook whistleblower’s files  
26 reveal that Meta’s own internal reporting on the harms of its algorithmic amplification of hate  
27 speech also occurred in April 2019 – it was watching this militia movement while also being  
28 aware that its platform was making it worse).

<sup>69</sup> *Facebook’s Boogaloo Problem: A Record of Failure*, TECH TRANSPARENCY PROJECT  
(Aug. 12, 2020), [https://www.techtransparencyproject.org/articles/facebooks-boogaloo-problem-](https://www.techtransparencyproject.org/articles/facebooks-boogaloo-problem-record-failure..)  
[record-failure..](https://www.techtransparencyproject.org/articles/facebooks-boogaloo-problem-record-failure..)

<sup>70</sup> *Radicalization*, note 38; Hughes, *supra* note 40.

1           77.     Steven Carrillo, born in Los Angeles in 1988, was an active-duty military police  
2 officer – a staff sergeant assigned to the 60th Security Forces Squadron out of Travis Air Force  
3 Base – at the time of Officer Underwood’s murder. Carrillo entered the Air Force in February  
4 2009 after completing basic training and security force training at Lackland Air Force Base in  
5 Texas and he worked as a recruiter in Brentwood, California. In 2018, he was assigned to the  
6 Travis Air Force Base, which is located approximately 90 minutes northeast of Oakland,  
7 California.  
8

9           78.     Upon information and belief, Meta determined through its algorithms that Carrillo  
10 favors the Second Amendment and libertarian politics and, thereafter, used its algorithms to lead  
11 Carrillo down a road toward extremism, recommending, among other things, that he view  
12 extreme pro-boogaloo content, videos, and YouTube channels.

13           79.     Upon information and belief, Meta also recommended that Carrillo join boogaloo-  
14 related groups, including the /K/alifornia Kommando group where he connected with a boogaloo  
15 group called the Grizzly Scouts and made social connections with its members. Members of  
16 these groups openly discussed the overthrow of the government and violence against federal law  
17 enforcement officers.<sup>71</sup>

18           80.     Upon information and belief, Carrillo met Robert Alvin Justus, Jr. through one of  
19 these boogaloo groups.  
20

21           81.     By connecting Carrillo with these boogaloo groups, Meta connected him with  
22 other extremists, which resulted in him making social connections that increased the likelihood  
23 that he would carry out violent actions in furtherance of the boogaloo groups’ violent purpose.<sup>72</sup>  
24

25   **Robert Justus**

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26  
27 <sup>71</sup> *Extremists, supra* note 65.

28 <sup>72</sup> *Hughes, supra*, note 40.

1           82.     Robert Alvin Justus, Jr., born in 1989, has no history of military service. Upon  
2 information and belief, Justus did not receive a high school diploma, but received vocational  
3 training and holds a locksmith’s license. At the time of Officer Underwood’s murder, he was  
4 living in Millbrae, California, approximately 30 minutes southwest of Oakland, California. Upon  
5 information and belief, Justus explored fathers’ rights and Second Amendment rights on  
6 Facebook. Meta led Justus down a road toward extremism, recommending, among other things,  
7 that he join boogaloo-related groups, including the group that introduced him to Carrillo, where  
8 members conspired to commit acts of violence against federal law enforcement officers under the  
9 cover of the protests taking place in response to the police killing of George Floyd.  
10

11           **B.     Meta Connected Officer Underwood’s Murderer and His Accomplice – and**  
12           **Provided the On-Line Boogaloo Community that Encouraged their**  
13           **Extremism and Supported their Criminal Planning**

14           83.     One of the Facebook groups identified in the Tech Transparency Project’s April  
15 2020 report was called “BoojieBastards: The Armory” (later “[Redacted]Liberty: The  
16 Armory”).<sup>73</sup> Upon information and belief, this group was part of the “BoojieBastards” network of  
17 Facebook groups, which also included groups called BoojieBastards: Intelligence and  
18 Surveillance, and the off-shoot group /K/alifornia Komando.

19           84.     Upon information and belief, Steven Carrillo, Officer Underwood’s murderer, and  
20 his accomplice, Robert Justus, made their connection through the BoojieBastards network of  
21 Facebook groups, where they initially planned to use protests over the murder of George Floyd as  
22 a cover for committing acts of violence against law enforcement officers. Carrillo and Justus  
23 would not have met and conspired to commit violent acts in the physical world but for Meta  
24 directing them to join the same boogaloo groups.  
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28           <sup>73</sup> *Facebook’s Boogaloo Problem, supra* note 69.

1           85.     At approximately 7:20 on the morning of May 28, 2020, Carrillo posted a  
2 YouTube video on a Facebook boogaloo group page showing a large crowd violently attack two  
3 California Highway Patrol vehicles. Carrillo exhorted one of his Facebook groups: “It’s on our  
4 coast now, this needs to be nationwide. It’s a great opportunity to target the specialty soup bois.  
5 Keep that energy going.”<sup>74</sup>

6           86.     “Soup bois” is a term that followers of the boogaloo movement use to refer to law  
7 enforcement agents. “Bois” is an alternative spelling for “boys.” “Soup” is short for “alphabet  
8 soup,” which is a reference to law enforcement agencies that are commonly referred to by  
9 acronyms (e.g., FBI, DOH). “Specialty soup bois” more specifically references federal law  
10 enforcement agents.

11           87.     At approximately 7:37 AM, Robert Alvin Justus, Jr., agreed with Carrillo by  
12 responding to his post: “Lets [sic] boogie.”<sup>75</sup>

13           88.     On May 29, 2020, at 7:57 AM, Carrillo posted again to his Facebook group: “If it  
14 kicks off? Its [sic] kicking off now and if its [sic] not kicking off in your hood then start it. Show  
15 them the targets.”<sup>76</sup>

16           89.     Carrillo posted again at 8:02 AM, referring to the protests over the police killing  
17 of George Floyd: “...Go to the riots and support our own cause. Show them the real targets. Use  
18 their anger to fuel our fire. Think outside the box. We have mobs of angry people to use to our  
19 advantage.”<sup>77</sup>

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26           <sup>74</sup> Criminal Complaint, *USA v. Carrillo*, No. 4:20-cr-00265-YGR (N.D. Cal. June 16,  
2020), at ¶ 51.

27           <sup>75</sup> *Id.*

28           <sup>76</sup> *Id.* at ¶ 52.

<sup>77</sup> *Id.*

1           90. Carrillo and Justus agreed to meet on May 29 and drive together to the Oakland  
2 protests.<sup>78</sup>

3           91. Dave Patrick Underwood was a Federal Protective Services Officer working under  
4 a contract with the Department of Homeland Security to provide security services at the Ronald  
5 V. Dellums Federal Building and United States Courthouse in Oakland, California.

6           92. On May 29, Officer Underwood was stationed in a guard post outside the Federal  
7 Building and Courthouse during protests over the police killing of George Floyd.

8           93. On that date, Carrillo, driving a white van, picked Justus up at the San Leandro  
9 BART station. Justus then drove the van to Oakland and eventually drove past the guard post  
10 manned by Officer Underwood, at which point Carrillo fired multiple rounds with a homemade  
11 assault rifle through the open passenger-side sliding door.

12           94. Officer Underwood suffered bullet wounds to the neck and right flank. Wounds of  
13 this nature cause extreme pain and suffering. Officer Underwood did not die immediately after he  
14 was shot. He remained alive at the scene of the shooting while waiting for paramedics and was  
15 alive in the ambulance while being transported to the hospital. Officer Underwood died sometime  
16 later while in the emergency room at Highland Hospital, at just 53 years old.

17           95. Officer Underwood's shooting was not a random act of violence. It was the  
18 culmination of an extremist plot hatched and planned on Facebook by two men who Meta  
19 radicalized and connected through Facebook's groups infrastructure and its use of algorithms  
20 designed and intended to increase user "engagement" and, correspondingly, Meta's profits.

21           96. Carrillo was arrested after committing crimes subsequent to the murder of Officer  
22 Underwood and was found to have used his blood to write the following words and phrases:  
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28 <sup>78</sup> *Id.* at ¶ 45.

1 “BOOG,” “I became unreasonable,” and “stop the duopoly.” These words and phrases have  
2 significance to the boogaloo movement.<sup>79</sup>

3 97. Upon information and belief, prior to meeting on May 29, 2020, Carrillo and  
4 Justus had never met in person. Their paths never crossed outside of Facebook.

5 98. Carrillo and Justus only knew each other via Facebook. Upon information and  
6 belief, Plaintiff alleges that Carrillo and Justus only met on Facebook because Meta  
7 recommended that Carrillo and Justus join groups dedicated to promoting the boogaloo  
8 movement.

9 99. In the year since Dave Patrick Underwood’s murder, Facebook continued to  
10 recommend boogaloo groups – including groups created in 2019 and early 2020 – to Facebook  
11 users. This practice has been reported and questioned by investigative reporters,<sup>80</sup> NGOs,<sup>81</sup> and  
12 members of Congress.<sup>82</sup>

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15  
16 <sup>79</sup> *Id.* at ¶ 36.

17 <sup>80</sup> *See, e.g.,* Judd Legum, *Murder exposes Facebook’s Boogaloo Problem*, POPULAR  
18 INFORMATION (June 18, 2020), <https://popular.info/p/murder-exposes-facebooks-boogaloo>.  
19 Legum (“... Popular Information was repeatedly directed to various “related” Boogaloo pages on  
20 Facebook,” including those created in late 2019 and early 2020, despite “shortly after Underwood’s  
21 murder, Facebook announc[ing] it would exclude Boogaloo pages from its recommendation  
22 engine.”)

23 <sup>81</sup> *See, e.g., Facebook’s Boogaloo Problem, supra* note 69 (“Months after Facebook’s  
24 boogaloo problem came to light, the company continues to recommend boogaloo content to users  
25 through its ‘related pages’ and ‘suggested groups’ functions, effectively amplifying the reach of  
26 the movement. The trend has continued even after Facebook told Reuters in early June it would no  
27 longer suggest groups associated with the boogaloo.”).

28 <sup>82</sup> *See, e.g., Senator Markey Demands Answers from Facebook After Research Shows  
Company Broke Commitment to Prohibit Promotion of Harmful Advertisements to Teens*, ED  
MARKEY UNITED STATES SENATOR FOR MASSACHUSETTS (Oct. 4, 2021),  
[https://www.markey.senate.gov/news/press-releases/senator-markey-demands-answers-from-  
facebook-after-research-shows-company-broke-commitment-to-prohibit-promotion-of-harmful-  
advertisements-to-teens](https://www.markey.senate.gov/news/press-releases/senator-markey-demands-answers-from-facebook-after-research-shows-company-broke-commitment-to-prohibit-promotion-of-harmful-advertisements-to-teens) (“At a hearing before the [Commerce, Science, and Transportation]  
Committee on October 28, 2020, Zuckerberg stated to Senator Markey that Facebook no longer  
recommended political groups. However, media reports reveal that Facebook continued to  
recommend political groups that promoted violence, targeted elected officials, and supported  
insurrection after Zuckerberg made his commitment.”).

1           100. It wasn't until after the murder of Officer Underwood and several other acts of  
2 violence by members of the boogaloo movement that Meta publicly announced that it would stop  
3 recommending boogaloo-related pages. According to the Tech Transparency Project, Meta  
4 continued to recommend boogaloo groups and pages through 2020.<sup>83</sup>

5           101. Meta's conduct and knowledge, before and after the Underwood murder,  
6 including its internal research and the warnings provided by NGOs and independent researchers,  
7 provide clear and convincing evidence that Meta acted with conscious disregard for the public,  
8 including the Underwood family.

9           102. And, despite its knowledge, Meta did not issue warnings to its users about the  
10 insidious effects and real-world harms caused by its actions in developing and promoting  
11 inflammatory content and recommending and promoting its users join extremist groups to  
12 socialize with communities of like-minded Facebook users. While Facebook's Terms of Service  
13 disclaims any responsibility for what Facebook users do or say, on or off the platform, and  
14 disclaims any responsibility for Facebook user actions on or off the platform, Meta does not  
15 advise users of the specific actions Meta has taken to: adhere users to the platform with  
16 inflammatory, divisive, and untrue content; to place users in extremist groups, and; to send users  
17 content that reinforces the world views expressed in those extremist groups.

18           103. Meta's failure to warn users about the insidious effects and real-world harms  
19 caused by its decision to promote extremist groups and develop inflammatory content is  
20 inexcusable considering what Meta's own research shows about how Meta's algorithms work.  
21 Meta's recommendations can turn a visit to a recommended group into an echo chamber. Once a  
22 user has visited a page, Facebook will recommend related pages. The cumulative effect of many  
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28 <sup>83</sup> *Facebook's Boogaloo Problem, supra* note 69.

1 recommendations is greater than the sum of these individual recommendations. Numerous  
2 commentators have observed that in the universe of boogaloo disciples, white supremacists, and  
3 homegrown militias, a flood of violent and incendiary content quickly radicalizes new  
4 members.<sup>84</sup> The inductee is essentially immersed in a universe of people, ideas, and events –  
5 recommended by Facebook.

6  
7 **COUNT ONE**  
8 **WRONGFUL DEATH / SURVIVAL ACTION DUE TO GENERAL NEGLIGENCE**

9 104. Plaintiff re-alleges and incorporates herein paragraphs 1 through 103.

10 105. At all relevant times, Meta developed, set up, managed, maintained, operated,  
11 marketed, advertised, promoted, supervised, controlled, and benefitted from its social media  
12 platform, Facebook.

13 106. In so doing, Meta set out to use Facebook not only to impact the lives of its users,  
14 but to manifest changes in the physical world. To this end, Meta designed and engineered  
15 Facebook in order to promote and encourage its users to join Facebook groups with like-minded  
16 Facebook users who would then interact both online and offline, and perform activities related to  
17 the purposes of their Facebook groups in the physical world.

18 107. Meta not only recognized that members of Facebook groups were likely to engage  
19 in conduct in the physical world that related to the subject and purpose of their Facebook  
20 groups—it intended that its users do so when recommending Facebook groups to its users.

21 108. Meta’s motivations for having its users join Facebook groups were profit-  
22 centered. Meta knew that users who joined Facebook groups were more likely to find a sense of  
23 community that would keep them more engaged with Facebook by having them interact more  
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27 <sup>84</sup> Legum, *supra* note 80. Similar impacts have been observed in conspiracy-based  
28 disinformation campaigns like QAnon and Plandemic.



1 with the platform and doing so more frequently and for longer periods of time, all of which  
2 directly translated to more advertising revenue for Meta.

3 109. At the same time, Meta sought to increase user engagement on Facebook by using  
4 tactics of psychological manipulation to addict users to the platform and by manufacturing  
5 outrage in its users by promoting and exposing them, without the users' request, to extreme and  
6 sensational content. Meta knew that users who were addicted to the Facebook platform would  
7 spend more time using Facebook, and that the more extreme and outrageous the content those  
8 users were exposed to, the more they would interact with the platform.

10 110. Meta encouraged Facebook users to post inflammatory, divisive, and untrue  
11 content. Meta knew that its algorithms promoted and boosted such content, establishing a reward  
12 cycle that encouraged the posting of such content.

13 111. Meta rejected proposals from its own employees to adjust its algorithms to stop  
14 favoring inflammatory, divisive, and untrue content.

16 112. Furthermore, Meta compounded the problem and made matters much worse by  
17 making recommendations to users that they join extremist groups on Facebook.

18 113. Meta knew or should have known that by creating and promoting groups of  
19 extremists on Facebook, the extremists would socialize, become more secure in their extreme  
20 points of view, and be more likely to support and engage in violence in the physical world on  
21 behalf of their extremist causes.

23 114. Meta has specifically been aware of the rise in extremist boogaloo content on  
24 Facebook since at least 2019.

25 115. Without their request, Meta encouraged Steven Carrillo and Robert Justus to view  
26 boogaloo content and join boogaloo groups on Facebook.

1           116. Meta had a duty to exercise reasonable care in the development, set up,  
2 management, maintenance, operation, marketing, advertising, promotion, supervision, and  
3 control, of its social media platform, Facebook.

4           117. Meta knew, or by the exercise of reasonable care, should have known, that the  
5 reasonably foreseeable use of Facebook as developed, set up, managed, maintained, supervised,  
6 operated, and controlled by Meta, was dangerous and harmful in that it was causing Facebook  
7 users to become radicalized and was pushing Facebook users into extremist groups on Facebook,  
8 creating an unreasonable risk of harm through the reasonably foreseeable conduct of such  
9 Facebook users acting out their violent extremist beliefs in the physical world. Meta has the  
10 technological and financial means to act to reduce this danger and harm posed by its  
11 development, set up, management, maintenance, operation, marketing, advertising, promotion,  
12 supervision, and control of Facebook.

13           118. Meta knew or by the exercise of reasonable care, should have known, that the  
14 reasonably foreseeable use of Facebook as developed, set up, managed, maintained, supervised,  
15 operated, and controlled by Meta, was dangerous and harmful to members of the law  
16 enforcement community, including Officer Underwood, who were the targets of the boogaloo  
17 movement—the extremist group Meta recruited members for and then connected with each other  
18 in Facebook groups, creating an unreasonable risk of harm through the reasonably foreseeable  
19 conduct of such Facebook users acting out their violent extremist beliefs against law enforcement  
20 officers in the physical world. Meta has the technological and financial means to reduce the  
21 danger and harm posed by its development, set up, management, maintenance, operation,  
22 marketing, advertising, promotion, supervision, and control of Facebook.

23           119. Meta breached its duty to exercise reasonable care through its affirmative actions,  
24 inactions, business decisions, and policies in the development, set up, management, maintenance,  
25

1 operation, marketing, advertising, promotion, supervision, and control, of its social media  
2 platform, Facebook, by one or more of the following:

- 3 a. Designing and programming features and algorithms in Facebook that, as  
4 described above, Meta knew or should have known are structured and operated  
5 in a manner that unreasonably elevate and promote inflammatory, divisive,  
6 and untrue content, and feed users increasingly extreme viewpoints, creating  
7 an unreasonable and foreseeable risk of pushing Facebook users to adopt  
8 extremist points of view, including those held by boogaloo adherents;
- 10 b. Designing and programming features and algorithms in Facebook that, as  
11 described above, Meta knew or should have known are structured and operated  
12 in a manner that unreasonably push Facebook users into Facebook groups with  
13 other users who share similar extremist views, despite that it knew or should  
14 have known that membership in such groups creates an unreasonable and  
15 foreseeable risk that the Facebook users will solidify their extremist views and,  
16 emboldened by the group support, carry out acts of extremist violence in the  
17 physical world;
- 19 c. Designing and programming features and algorithms in Facebook that, as  
20 described above, Meta knew or should have known are structured and operated  
21 in a manner that unreasonably promoted the extremist and violent boogaloo  
22 movement, resulting in Facebook becoming a recruiter of members to the  
23 movement, creating an unreasonable and foreseeable risk that Facebook users  
24 adhering to the extremist movement would take violent actions consistent with  
25 their extremist beliefs in the physical world;  
26  
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- 1 d. Designing and programming features and algorithms in Facebook that, as  
2 described above, Meta knew or should have known directed Steven Carrillo  
3 and Robert Justus toward extremist boogaloo groups on Facebook, creating an  
4 unreasonable and foreseeable risk that they would act on these extremist  
5 beliefs in the physical world;
- 6 e. Maintaining these unreasonably dangerous features and algorithms in  
7 Facebook after repeated notice from its own employees and contractors,  
8 NGOs, and independent researchers that such features and algorithms, as  
9 structured and operated, posed an unreasonable and foreseeable risk of harm  
10 both online to Facebook users and offline in the physical world.  
11

12 120. A reasonable company under the same or similar circumstances as Meta would  
13 have developed, set up, managed, maintained, supervised, operated, and controlled its platform in  
14 a manner that is safer for its users and the public.  
15

16 121. Meta's negligent conduct was a substantial factor in Carrillo and Justus meeting  
17 on Facebook, planning on Facebook to carry out acts of violence against federal law enforcement  
18 officers, and then carrying out their plan by meeting on May 29, 2020 and killing Officer  
19 Underwood in a drive-by shooting.  
20

21 122. As a legal and proximate cause of Meta's negligent conduct, Plaintiffs have  
22 sustained damages resulting from the loss of love, affection, society, service, comfort, support,  
23 right of support, household services, expectations of future support and counseling,  
24 companionship, solace, mental support, loss of future income, as well as other benefits and  
25 assistance of Dave Patrick Underwood, costs associated with his funeral and burial, and  
26 attorneys' fees under California Code of Civil Procedure §1021.5.  
27  
28



1 application or via a mobile-optimized version of our websites such as m.facebook.com, whether  
2 on a mobile phone or tablet.”<sup>85</sup> In this 10-K filing, Meta refers to its “products” over 500 times.

3 129. In testimony to the Senate Commerce and Judiciary Committees, Mark  
4 Zuckerberg stated that Facebook’s “controls are not just to make people feel safe; it’s actually  
5 what people want in the *product*.”<sup>86</sup> He noted that Facebook “want[s] our *products* to be valuable  
6 to people.”<sup>87</sup> And, he stated that, “fundamentally, at our core, [Meta is] a technology company  
7 where **the main thing that we do is have engineers and build *products*.**”<sup>88</sup>

9 130. Meta markets and advertises Facebook to the public for the personal use of the  
10 end-user/consumer and distributes the Facebook application to the consuming public through  
11 typical retail channels (*i.e.*, the Apple App “Store” and the Google Play “Store”).

12 131. Meta defectively designed Facebook in that it:

- 13 a. Includes features and algorithms that, as described above, are structured and  
14 operated in a manner that unreasonably elevate and promote inflammatory,  
15 divisive, and untrue content, and feed users increasingly extreme viewpoints,  
16 increasing the foreseeable risk of pushing Facebook users to adopt extremist  
17 points of view, including those held by boogaloo adherents;  
18  
19 b. Includes features and algorithms that, as described above, are structured and  
20 operated in a manner to unreasonably exploit vulnerabilities in human  
21

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24 <sup>85</sup> Meta Platforms Form 10-K, *Note About Forward-Looking Statements*,  
25 <https://d18rn0p25nwr6d.cloudfront.net/CIK-0001326801/e574646c-c642-42d9-9229-3892b13aabfb.pdf> (emphasis added).

26 <sup>86</sup> Transcript of Mark Zuckerberg’s Senate Hearing, Washington post (Apr. 10, 2010),  
27 <https://www.washingtonpost.com/news/the-switch/wp/2018/04/10/transcript-of-mark-zuckerbergs-senate-hearing/> (emphasis added).

28 <sup>87</sup> *Id.* (emphasis added).

<sup>88</sup> *Id.* (emphasis added).

1 psychology to increase the foreseeable risk of addiction to and compulsive  
2 overuse of Facebook;

3 c. Includes features and algorithms that, as described above, are structured and  
4 operated in a manner that unreasonably push Facebook users whom Meta has  
5 already persuaded to adopt extremist viewpoints into Facebook groups with  
6 other users who share similar extremist views, despite knowing membership in  
7 such groups increases the foreseeable risk that the Facebook users will solidify  
8 their extremist views and, emboldened by the group support, will carry out  
9 acts of extremist violence in the physical world; and

10  
11 d. Includes features and algorithms that, as described above, are structured and  
12 operated in a manner that unreasonably promoted the extremist and violent  
13 boogaloo movement, resulting in Facebook becoming a prolific recruiter of  
14 members to the extremist boogaloo movement, increasing the foreseeable risk  
15 that Facebook users adhering to the extremist movement would take violent  
16 actions consistent with their extremist beliefs in the physical world.  
17

18 132. The design defects in Facebook existed prior to the release of Facebook to the  
19 public, and there was no substantial change to the Facebook application between the time of its  
20 upload by Meta to public or retail channels and the time of its distribution to and use by Carrillo  
21 and Justus, who used the product as intended.  
22

23 133. Facebook is defective in design and poses a substantial likelihood of harm for the  
24 reasons set forth herein because: it fails to meet the safety expectations of ordinary consumers  
25 when used in an intended or reasonably foreseeable manner, and because Facebook is less safe  
26 than an ordinary consumer would expect when used in such a manner; and/or it creates an  
27 inherent risk of danger, which significantly outweighs any benefit of Facebook's design.  
28







1 for all issues so triable.

2 Dated: June 16, 2023

Respectfully submitted,

3  
4 s/Theodore J. Leopold

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*Attorneys for Plaintiffs*  
*\*Pro Hac Vice Applications Pending*

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA**

ANGELA UNDERWOOD JACOBS,

Case No. 22-CV-005233

Individually and as Successor-in-Interest to the Estate  
of Dave Patrick Underwood; and GREGORY E.  
UNDERWOOD, Individually and as Successor-in-  
Interest to the Estate of Dave Patrick Underwood;

**DECLARATION OF ANGELA  
UNDERWOOD JACOBS**

Plaintiffs,

v.

META PLATFORMS, INC., f/k/a FACEBOOK, INC.,

Defendant.

---

EXHIBIT A

**DECLARATION OF ANGELA UNDERWOOD JACOBS**

I, Angela Underwood Jacobs, pursuant to C.C.P. § 337.32, hereby declare and state as follows:

1. My brother, Dave Patrick Underwood (“Decedent”), was shot and killed on May 29, 2020 in Oakland, California. A true and correct certified copy of his death certificate is attached hereto as Exhibit 1.


2. At the time of his death, Dave Patrick Underwood was without a “surviving spouse, domestic partner, children . . . issue of deceased children,” Cal. Code Civ. P. § 377.60(a), or surviving parents.

3. My sibling, Gregory E. Underwood, and I are the Decedent’s two successors-in-interest (as defined in section 377.11 of the California Code of Civil Procedure) and succeed to the Decedent’s interest in the survival action or proceeding. A true and correct copy of the final order showing the distribution of the Decedent’s cause of action to the successors-in-interest is attached hereto as Exhibit 2.

4. No other person has a superior right to commence the survival action or proceeding or to be substituted for the Decedent in the pending survival action or proceeding.

5. No proceeding is now pending in California for administration of the Decedent’s estate.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on May 10<sup>th</sup>, 2022, in Lancaster, California.

  
Angela Underwood Jacobs



# STATE OF CALIFORNIA

## CERTIFICATION OF VITAL RECORD

### ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY PUBLIC HEALTH DEPARTMENT

3052020124134

#### CERTIFICATE OF DEATH

3202001004498

STATE FILE NUMBER		STATE OF CALIFORNIA USE BLACK INK ONLY / NO ERASURES, WHITEOUTS OR ALTERATIONS VS-1 (REV. 3/06)				LOCAL REGISTRATION NUMBER			
1. NAME OF DECEDENT—FIRST (Given) <b>DAVE</b>		2. MIDDLE <b>PATRICK</b>		3. LAST (Family) <b>UNDERWOOD</b>					
AKA, ALSO KNOWN AS—Include full AKA (FIRST, MIDDLE, LAST)				4. DATE OF BIRTH mm/dd/yyyy <b>02/12/1967</b>	5. AGE Yrs. <b>53</b>	6. SEX <b>M</b>			
9. BIRTH STATE/FOREIGN COUNTRY <b>AR</b>		10. SOCIAL SECURITY NUMBER <b>556-75-2603</b>	11. EVER IN U.S. ARMED FORCES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	12. MARITAL STATUS/GRDP (at Time of Death) <b>NEVER MARRIED</b>		7. DATE OF DEATH mm/dd/yyyy <b>05/29/2020</b>	8. HOUR (24 Hour) <b>2202</b>		
13. EDUCATION—Highest Level/Degree (see worksheet on back) <b>SOME COLLEGE</b>		14/15. WAS DECEDENT HISPANIC/LATINO/SPANISH? (if yes, see worksheet on back) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		16. DECEDENT'S RACE—Up to 3 races may be listed (see worksheet on back) <b>AFRICAN AMERICAN</b>					
17. USUAL OCCUPATION—Type of work for most of life. DO NOT USE RETIRED <b>FEDERAL SECURITY GUARD</b>			18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.) <b>FEDERAL GOVERNMENT</b>			19. YEARS IN OCCUPATION <b>9</b>			
20. DECEDENT'S RESIDENCE (Street and number, or location) <b>352 LEROY AVE</b>									
21. CITY <b>PINOLE</b>		22. COUNTY/PROVINCE <b>CONTRA COSTA</b>		23. ZIP CODE <b>94564</b>	24. YEARS IN COUNTY <b>53</b>	25. STATE/FOREIGN COUNTRY <b>CA</b>			
26. INFORMANT'S NAME, RELATIONSHIP <b>GREGORY UNDERWOOD, BROTHER</b>				27. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and zip) <b>707 SANDY BROOK COURT, RODEO, CA 94572</b>					
28. NAME OF SURVIVOR'S SPOUSE/SPOUSE-FIRST <b>-</b>		29. MIDDLE <b>-</b>		30. LAST (BIRTH NAME) <b>-</b>					
31. NAME OF FATHER/PARENT-FIRST <b>DAVE</b>		32. MIDDLE <b>-</b>		33. LAST <b>UNDERWOOD</b>		34. BIRTH STATE <b>AR</b>			
35. NAME OF MOTHER/PARENT-FIRST <b>WILHELMINA</b>		36. MIDDLE <b>-</b>		37. LAST (BIRTH NAME) <b>RICE</b>		38. BIRTH STATE <b>AR</b>			
39. DISPOSITION DATE mm/dd/yyyy <b>06/19/2020</b>		40. PLACE OF FINAL DISPOSITION <b>ROLLING HILLS MEMORIAL PARK 4100 HILLTOP DR, RICHMOND, CA 94803</b>							
41. TYPE OF DISPOSITIONS <b>BU</b>		42. SIGNATURE OF EMBALLER <b>CRAIG WILLIS</b>				43. LICENSE NUMBER <b>EMB9023</b>			
44. NAME OF FUNERAL ESTABLISHMENT <b>FULLER FUNERALS INC</b>		45. LICENSE NUMBER <b>FD1350</b>	46. SIGNATURE OF LOCAL REGISTRAR <b>ERICA PAN, MD</b>				47. DATE mm/dd/yyyy <b>06/09/2020</b>		
101. PLACE OF DEATH <b>ALAMEDA HEALTH SYSTEM - HIGHLAND HOSPITAL</b>				102. IF HOSPITAL, SPECIFY ONE <input type="checkbox"/> IP <input checked="" type="checkbox"/> ER/OP <input type="checkbox"/> DOA <input type="checkbox"/> Hospice <input type="checkbox"/> Nursing Home/LTC <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other		103. IF OTHER THAN HOSPITAL, SPECIFY ONE			
104. COUNTY <b>ALAMEDA</b>		105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location) <b>1411 E. 31ST STREET</b>				106. CITY <b>OAKLAND</b>			
107. CAUSE OF DEATH Enter the chain of events—diseases, injuries, or complications—that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or septicemia without showing the etiology. DO NOT ABBREVIATE. IMMEDIATE CAUSE (A) <b>MULTIPLE GUNSHOT WOUNDS</b>						108. DEATH REPORTED TO CORONER? (AT) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Date of Report: <b>2020-02023</b>			
109. BIOPSY PERFORMED? (BT) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						110. AUTOPSY PERFORMED? (CT) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
111. USED IN DETERMINING CAUSE? (DT) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO									
112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107 <b>NONE</b>									
113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (if yes, list type of operation and date) <b>NO</b>						113A. IF FEMALE, PREGNANT IN LAST YEAR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK			
114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED. Decedent Attended Since: (A) mm/dd/yyyy (B) mm/dd/yyyy		115. SIGNATURE AND TITLE OF CERTIFIER <b>ANTHONY GOGNA</b>				116. LICENSE NUMBER		117. DATE mm/dd/yyyy	
118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE									
119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED. MANNER OF DEATH: <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input checked="" type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined				120. INJURED AT WORK? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK		121. INJURY DATE mm/dd/yyyy <b>05/29/2020</b>		122. HOUR (24 Hour) <b>2145</b>	
123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.) <b>SECURITY OFFICER POST</b>									
124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury) <b>SHOT MULTIPLE TIMES WITH AN UNKNOWN TYPE FIREARM</b>									
125. LOCATION OF INJURY (Street and number, or location, and city, and zip) <b>1301 CLAY STREET, CORNER OF 12TH STREET AND JEFFERSON STREET, OAKLAND, CA 94612</b>									
126. SIGNATURE OF CORONER / DEPUTY CORONER <b>ANTHONY GOGNA</b>		127. DATE mm/dd/yyyy <b>06/05/2020</b>		128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER <b>ANTHONY GOGNA, DEPUTY CORONER</b>					
STATE REGISTRAR	A	B	C	D	E	FAX AUTH.#		CENSUS TRACT	
"010001004560784"									

1 of 1

CAALAMEDOJ

#### CERTIFIED COPY OF VITAL RECORDS STATE OF CALIFORNIA, COUNTY OF ALAMEDA

This is a true and exact reproduction of the document officially registered and filed with the Alameda County Health Care Services Agency.

DATE ISSUED **JUL 15 2020**

*Erica Pan MD*  
*Anthony Gogna MD*

INTERIM HEALTH OFFICER AND LOCAL REGISTRAR  
ALAMEDA COUNTY, CALIFORNIA

This copy not valid unless prepared on engraved border displaying date and signature of Registrar.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE



001312015



1 Jeffrey S. Tachiki (SBN: 231873)  
2 PERKINS COIE LLP  
3 505 Howard Street, Suite 1000  
4 San Francisco, CA 94105  
5 Phone: (415) 344-7000  
6 Fax: (415) 344-7050  
7 Email: [JTachiki@perkinscoie.com](mailto:JTachiki@perkinscoie.com)

**FILED**  
APR 15 2022  
K. BIEKER CLERK OF THE COURT  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF CONTRA COSTA  
By \_\_\_\_\_  
A. Adema, Deputy Clerk

5 ACUÑA ❖ REGLI  
6 a California Limited Liability Partnership  
7 Estate Planning ❖ Administration ❖ Conservatorship ❖ Inheritance Litigation  
8 ALEX CHEN, State Bar No. 265175  
9 alex.chen@acunaregli.com  
10 3478 Buskirk Avenue  
11 Suite 300  
12 Pleasant Hill, California 94523  
13 (925) 906-1880

14 Attorneys for Elizabeth Soloway, Administrator

11 SUPERIOR COURT OF CALIFORNIA  
12 IN AND FOR THE COUNTY OF CONTRA COSTA

15 In Re Estate of:

16  
17 DAVE PATRICK UNDERWOOD,  
18 aka PATRICK UNDERWOOD,

19 Decedent.

Case No. P20-00724

**ORDER SETTLING FIRST AND FINAL  
ACCOUNT AND REPORT OF ADMINIS-  
TRATOR, AS AMENDED; ORDER FOR  
ALLOWANCE OF STATUTORY ADMIN-  
ISTRATOR'S COMMISSIONS; ORDER  
FOR ALLOWANCE OF PARTIAL STATU-  
TORY ATTORNEY'S FEES; AND ORDER  
FOR FINAL DISTRIBUTION**

Date: April 14, 2022  
Time: 9:00 a.m.  
Dept: 30

24 ELIZABETH SOLOWAY, as the duly appointed Administrator of the Dave Patrick  
25 Underwood, also known as Patrick Underwood, deceased ("Administrator"), having filed herein  
26 her First and Final Account and Report of Administrator and Petition for its Settlement; Petition  
27 for Allowance of Statutory Administrator's Commissions Fees; Petition for Allowance of Partial  
28 Statutory Attorney's Fees; and Petition for Final Distribution, and First Amendment to First and

**ORDER SETTLING FIRST AND FINAL ACCOUNT AND REPORT OF ADMINISTRATOR, etc.**

1 Final Account and Report of Administrator and Petition for its Settlement; Petition for  
2 Allowance of Statutory Administrator's Commissions Fees; Petition for Allowance of Partial  
3 Statutory Attorney's Fees; and Petition for Final Distribution (collectively the "Petition"), and  
4 the Petition having come on regularly this day for hearing, the Court finds that all notices of said  
5 hearing have been given for the period and in the manner required by law, and that all allegations  
6 in the Petition are true and correct. The Court, after reviewing the Petition, and there being no  
7 objections, hereby approves and grants the Petition. Good cause appearing:

8  
9 IT IS HEREBY ORDERED that:

- 10 1. The administration of the estate be brought to a close.
- 11 2. The first and final account and report of Elizabeth Soloway, as Administrator of  
12 decedent's estate, as amended, is hereby settled, allowed, and approved as filed.
- 13 3. All acts and proceedings of Elizabeth Soloway, as Administrator of decedent's  
14 estate, as set forth in the Petition, are hereby confirmed and approved.
- 15 4. Administrator is authorized and directed to pay herself the sum of \$19,051.82 as  
16 the statutory commission allowable to Administrator for her services as Administrator of the  
17 estate.
- 18 5. Administrator is authorized and directed to pay to the Law Office of Andersson &  
19 Andersson, the sum of \$2,445.00 representing a portion of the statutory attorney's fees allowable  
20 in this estate.
- 21 6. Administrator is authorized to withhold the sum of \$5,000.00 as a reserve to cover  
22 final accountant's fees, supplemental property taxes, final closing costs, and miscellaneous  
23 administration expenses and be authorized to distribute the balance of the reserve, if any, to  
24 ANGELA UNDERWOOD JACOBS and GREGORY E. UNDERWOOD without further court  
25 order.
- 26 7. That final distribution of the property on hand in the estate is hereby ordered to be  
27 made as follows:

28 (a) To: ANGELA UNDERWOOD JACOBS

**ORDER SETTLING FIRST AND FINAL ACCOUNT AND REPORT OF ADMINISTRATOR, etc.**

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Poorad Razavi (CA Bar No. 284306)  
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Victoria S. Nugent (DC Bar No. 470800)\*  
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Fifth Floor  
Washington, DC 20005  
Telephone: 202-408-4600  
Facsimile: 202-408-4699

*Attorneys for Plaintiffs*  
*\*Pro Hac Vice Applications Pending*

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA**

ANGELA UNDERWOOD JACOBS,

Case No. 22-CV-005233

Individually and as Successor-in-Interest to the Estate  
of Dave Patrick Underwood; and GREGORY E.  
UNDERWOOD, Individually and as Successor-in-  
Interest to the Estate of Dave Patrick Underwood;

**DECLARATION OF GREGORY E.  
UNDERWOOD**

Plaintiffs,

v.

META PLATFORMS, INC., f/k/a FACEBOOK, INC.,

Defendant.

---



**DECLARATION OF GREGORY E. UNDERWOOD**

I, Gregory E. Underwood, pursuant to C.C.P. § 337.32, hereby declare and state as follows:

1. My brother, Dave Patrick Underwood (“Decedent”), was shot and killed on May 29, 2020 in Oakland, California. A true and correct certified copy of his death certificate is attached hereto as Exhibit 1.

2. At the time of his death, Dave Patrick Underwood was without a “surviving spouse, domestic partner, children . . . issue of deceased children,” Cal. Code Civ. P. § 377.60(a), or surviving parents.

3. My sibling, Angela Underwood Jacobs, and I are the Decedent’s two successors-in-interest (as defined in section 377.11 of the California Code of Civil Procedure) and succeed to the Decedent’s interest in the survival action or proceeding. A true and correct copy of the final order showing the distribution of the Decedent’s cause of action to the successors-in-interest is attached as Exhibit 2.

4. No other person has a superior right to commence the survival action or proceeding or to be substituted for the Decedent in the pending survival action or proceeding.

5. No proceeding is now pending in California for administration of the Decedent’s estate.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on May \_\_\_\_, 2022, in \_\_\_\_\_, California.

Greg underwood

\_\_\_\_\_  
Gregory E. Underwood

Signature:   
Greg underwood (May 16, 2022 14:04 PDT)

Email: geezright@gmail.com






# DECLARATION OF Gregory Underwood

Final Audit Report

2022-05-16

Created:	2022-05-16
By:	Chris Guerrero (chris@guerrerolaw.net)
Status:	Signed
Transaction ID:	CBJCHBCAABAwpGyLAmN4upNILVAZTA8cMEhka2XNZGT

## "DECLARATION OF Gregory Underwood" History

-  Document created by Chris Guerrero (chris@guerrerolaw.net)  
2022-05-16 - 8:08:01 PM GMT
-  Document emailed to Greg underwood (geezright@gmail.com) for signature  
2022-05-16 - 8:08:17 PM GMT
-  Email viewed by Greg underwood (geezright@gmail.com)  
2022-05-16 - 9:00:51 PM GMT
-  Document e-signed by Greg underwood (geezright@gmail.com)  
Signature Date: 2022-05-16 - 9:04:27 PM GMT - Time Source: server
-  Agreement completed.  
2022-05-16 - 9:04:27 PM GMT



# STATE OF CALIFORNIA

## CERTIFICATION OF VITAL RECORD

### ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY PUBLIC HEALTH DEPARTMENT

3052020124134

#### CERTIFICATE OF DEATH

3202001004498

STATE FILE NUMBER		STATE OF CALIFORNIA USE BLACK INK ONLY / NO ERASURES, WHITEDOUTS OR ALTERATIONS (9-1-1987 3/96)		LOCAL REGISTRATION NUMBER				
1. NAME OF DECEDENT—FIRST (Given) <b>DAVE</b>		2. MIDDLE <b>PATRICK</b>		3. LAST (Family) <b>UNDERWOOD</b>				
AKA. AL SO KNOWN AS—Include full AKA (FIRST, MIDDLE, LAST)		4. DATE OF BIRTH mm/dd/yyyy <b>02/12/1967</b>		5. AGE Yrs. <b>53</b> IF UNDER ONE YEAR: Months _____ Days _____ IF UNDER 24 HOURS: Hours _____ Minutes _____		6. SEX <b>M</b>		
9. BIRTH STATE/FOREIGN COUNTRY <b>AR</b>		10. SOCIAL SECURITY NUMBER <b>556-75-2603</b>	11. EVER IN U.S. ARMED FORCES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	12. MARITAL STATUS/SRDP* (at Time of Death) <b>NEVER MARRIED</b>	7. DATE OF DEATH mm/dd/yyyy <b>05/29/2020</b>	8. HOUR (24 Hours) <b>2202</b>		
13. EDUCATION—Highest Level/Degree (see worksheet on back) <b>SOME COLLEGE</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		14-15. WAS DECEDENT HISPANIC/LATINO/A/SPANISH? (if yes, see worksheet on back) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		16. DECEDENT'S RACE—Up to 3 races may be listed (see worksheet on back) <b>AFRICAN AMERICAN</b>				
17. USUAL OCCUPATION—Type of work for most of life. DO NOT USE RETIRED <b>FEDERAL SECURITY GUARD</b>		18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.) <b>FEDERAL GOVERNMENT</b>			19. YEARS IN OCCUPATION <b>9</b>			
20. DECEDENT'S RESIDENCE (Street and number, or location) <b>352 LEROY AVE</b>								
21. CITY <b>PINOLE</b>		22. COUNTY/PROVINCE <b>CONTRA COSTA</b>	23. ZIP CODE <b>94564</b>	24. YEARS IN COUNTY <b>53</b>	25. STATE/FOREIGN COUNTRY <b>CA</b>			
26. INFORMANT'S NAME, RELATIONSHIP <b>GREGORY UNDERWOOD, BROTHER</b>			27. INFORMANT'S MAILING ADDRESS (Street and number, or rural route number, city or town, state and zip) <b>707 SANDY BROOK COURT, RODEO, CA 94572</b>					
28. NAME OF SURVIVING SPOUSE/SRDP—FIRST <b>-</b>		29. MIDDLE <b>-</b>	30. LAST (BIRTH NAME) <b>-</b>					
31. NAME OF FATHER/PARENT—FIRST <b>DAVE</b>		32. MIDDLE <b>-</b>	33. LAST <b>UNDERWOOD</b>	34. BIRTH STATE <b>AR</b>				
35. NAME OF MOTHER/PARENT—FIRST <b>WILHELMINA</b>		36. MIDDLE <b>-</b>	37. LAST (BIRTH NAME) <b>RICE</b>	38. BIRTH STATE <b>AR</b>				
39. DISPOSITION DATE mm/dd/yyyy <b>06/19/2020</b>		40. PLACE OF FINAL DISPOSITION <b>ROLLING HILLS MEMORIAL PARK 4100 HILLTOP DR, RICHMOND, CA 94803</b>						
41. TYPE OF DISPOSITION(S) <b>BU</b>		42. SIGNATURE OF EMBALLER <b>▶ CRAIG WILLIS</b>		43. LICENSE NUMBER <b>EMB9023</b>				
44. NAME OF FUNERAL ESTABLISHMENT <b>FULLER FUNERALS INC</b>		45. LICENSE NUMBER <b>FD1350</b>	46. SIGNATURE OF LOCAL REGISTRAR <b>▶ ERICA PAN, MD</b>	47. DATE mm/dd/yyyy <b>06/09/2020</b>				
101. PLACE OF DEATH <b>ALAMEDA HEALTH SYSTEM - HIGHLAND HOSPITAL</b>		102. IF HOSPITAL, SPECIFY ONE <input type="checkbox"/> # <input checked="" type="checkbox"/> ER/OP <input type="checkbox"/> OCA <input type="checkbox"/> Hospice <input type="checkbox"/> Nursing Home/LTC <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other		103. IF OTHER THAN HOSPITAL, SPECIFY ONE <input type="checkbox"/> Hospice <input type="checkbox"/> Nursing Home/LTC <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other				
104. COUNTY <b>ALAMEDA</b>		105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number, or location) <b>1411 E. 31ST STREET</b>		106. CITY <b>OAKLAND</b>				
107. CAUSE OF DEATH Enter the chain of events—disease, injury, or complications—that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. IMMEDIATE CAUSE (A) <b>MULTIPLE GUNSHOT WOUNDS</b> (B) _____ (C) _____ (D) _____ Sequentially, list conditions, if any, leading to cause on Line A. Enter UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST		108. DEATH REPORTED TO CORONER? (AT) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Reference Number: <b>2020-02023</b>	109. BIOPSY PERFORMED? (BT) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	110. AUTOPSY PERFORMED? (CT) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	111. USED IN DETERMINING CAUSE? (DT) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107 <b>NONE</b>								
113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? (if yes, list type of operation and date.) <b>NO</b>					113A. IF FEMALE, PREGNANT IN LAST YEAR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK			
114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED. Decedent Attended Since _____ (mm/dd/yyyy) Decedent Last Seen Alive _____ (mm/dd/yyyy)		115. SIGNATURE AND TITLE OF CERTIFIER <b>▶</b>		116. LICENSE NUMBER	117. DATE mm/dd/yyyy			
118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE								
119. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED. MANNER OF DEATH: <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input checked="" type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Pending investigation <input type="checkbox"/> Could not be determined		120. INJURED AT WORK? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	121. INJURY DATE mm/dd/yyyy <b>05/29/2020</b>	122. HOUR (24 Hours) <b>2145</b>				
123. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.) <b>SECURITY OFFICER POST</b>								
124. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury) <b>SHOT MULTIPLE TIMES WITH AN UNKNOWN TYPE FIREARM</b>								
125. LOCATION OF INJURY (Street and number, or location, and city, and zip) <b>1301 CLAY STREET, CORNER OF 12TH STREET AND JEFFERSON STREET, OAKLAND, CA 94612</b>								
126. SIGNATURE OF CORONER / DEPUTY CORONER <b>▶ ANTHONY GOGNA</b>		127. DATE mm/dd/yyyy <b>06/05/2020</b>	128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER <b>ANTHONY GOGNA, DEPUTY CORONER</b>					
STATE REGISTRAR		A	B	C	D	E	FAX AUTH.#	CENSUS TRACT

1 of 1

CA ALAMEDA 01

CERTIFIED COPY OF VITAL RECORDS  
STATE OF CALIFORNIA, COUNTY OF ALAMEDA



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DATE ISSUED **JUL 15 2020**

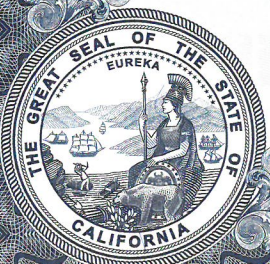
*Anthony Gogna MD*

*Erica Pan MD*

INTERIM HEALTH OFFICER AND LOCAL REGISTRAR  
ALAMEDA COUNTY, CALIFORNIA

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ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE





1 Jeffrey S. Tachiki (SBN: 231873)  
2 PERKINS COIE LLP  
3 505 Howard Street, Suite 1000  
4 San Francisco, CA 94105  
5 Phone: (415) 344-7000  
6 Fax: (415) 344-7050  
7 Email: [JTachiki@perkinscoie.com](mailto:JTachiki@perkinscoie.com)

**FILED**  
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By \_\_\_\_\_  
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5 ACUÑA ❖ REGLI  
6 a California Limited Liability Partnership  
7 Estate Planning ❖ Administration ❖ Conservatorship ❖ Inheritance Litigation  
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**ORDER SETTLING FIRST AND FINAL  
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TORY ATTORNEY'S FEES; AND ORDER  
FOR FINAL DISTRIBUTION**

Date: April 14, 2022  
Time: 9:00 a.m.  
Dept: 30

24 ELIZABETH SOLOWAY, as the duly appointed Administrator of the Dave Patrick  
25 Underwood, also known as Patrick Underwood, deceased ("Administrator"), having filed herein  
26 her First and Final Account and Report of Administrator and Petition for its Settlement; Petition  
27 for Allowance of Statutory Administrator's Commissions Fees; Petition for Allowance of Partial  
28 Statutory Attorney's Fees; and Petition for Final Distribution, and First Amendment to First and

**ORDER SETTLING FIRST AND FINAL ACCOUNT AND REPORT OF ADMINISTRATOR, etc.**

1 Final Account and Report of Administrator and Petition for its Settlement; Petition for  
2 Allowance of Statutory Administrator's Commissions Fees; Petition for Allowance of Partial  
3 Statutory Attorney's Fees; and Petition for Final Distribution (collectively the "Petition"), and  
4 the Petition having come on regularly this day for hearing, the Court finds that all notices of said  
5 hearing have been given for the period and in the manner required by law, and that all allegations  
6 in the Petition are true and correct. The Court, after reviewing the Petition, and there being no  
7 objections, hereby approves and grants the Petition. Good cause appearing:

8  
9 IT IS HEREBY ORDERED that:

- 10 1. The administration of the estate be brought to a close.
- 11 2. The first and final account and report of Elizabeth Soloway, as Administrator of  
12 decedent's estate, as amended, is hereby settled, allowed, and approved as filed.
- 13 3. All acts and proceedings of Elizabeth Soloway, as Administrator of decedent's  
14 estate, as set forth in the Petition, are hereby confirmed and approved.
- 15 4. Administrator is authorized and directed to pay herself the sum of \$19,051.82 as  
16 the statutory commission allowable to Administrator for her services as Administrator of the  
17 estate.
- 18 5. Administrator is authorized and directed to pay to the Law Office of Andersson &  
19 Andersson, the sum of \$2,445.00 representing a portion of the statutory attorney's fees allowable  
20 in this estate.
- 21 6. Administrator is authorized to withhold the sum of \$5,000.00 as a reserve to cover  
22 final accountant's fees, supplemental property taxes, final closing costs, and miscellaneous  
23 administration expenses and be authorized to distribute the balance of the reserve, if any, to  
24 ANGELA UNDERWOOD JACOBS and GREGORY E. UNDERWOOD without further court  
25 order.
- 26 7. That final distribution of the property on hand in the estate is hereby ordered to be  
27 made as follows:

28 (a) To: ANGELA UNDERWOOD JACOBS

**ORDER SETTLING FIRST AND FINAL ACCOUNT AND REPORT OF ADMINISTRATOR, etc.**

1 **PROOF OF SERVICE**

2 I, Leah Cuomo, declare as follows:

3 I am employed in the County of Palm Beach, State of Florida. I am over the age of eighteen  
4 years and not a party to the within action. My business address is 11780 US Highway One, Suite  
500, Palm Beach Gardens, FL 33408. On June 16, 2023, I served the within documents:

5 **SECOND AMENDED COMPLAINT FOR WRONGFUL DEATH AND SURVIVAL ACTION**  
6 **DAMAGES DATED JUNE 16, 2023**

- 7 ( ) by transmitting via facsimile the document(s) listed above to the fax number(s) set  
8 for below on this date before 5:00 p.m.
- 9 ( ) by placing the document(s) listed above in a sealed envelope with postage thereon  
10 fully prepaid, in the United States Mail at [CITY], California, addressed as set forth  
11 below.
- 12 (X) I electronically served copies of the above referenced document(s) through e-mail  
13 in this action and service was completed on all parties listed on the service listed  
14 below.
- 15 ( ) by placing a true copy thereon enclosed in a sealed envelope, at a station designated  
16 for collection and processing of envelopes and packages for mailing as part of the  
17 ordinary business practices of Cohen Milstein Sellers & Toll, PLLC:

15 Rosemarie T. Ring  
16 rring@gibsondunn.com  
17 Kristin A. Linsley  
18 klinsley@gibsondunn.com  
19 GIBSON, DUNN & CRUTCHER LLP  
555 Mission Street, 3000  
San Francisco, CA 94105

Perlette M. Jura  
pjura@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
333 S. Grand Ave  
Los Angeles, CA 90071  
**Counsel for Defendant**

20 **Counsel for Defendant**

21 Jacob T. Spencer  
22 jspencer@gibsondunn.com  
23 GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Ave., NW  
Washington, DC 20036  
**Counsel for Defendant**

24  
25  
26 I am readily familiar with the business practice at my place of business for collection and  
27 processing of correspondence for mailing with the United States Postal Service. Correspondence  
28 so collected and processed is deposited with the United States Postal Service that same day in the

1 ordinary course of business.

2 I declare under penalty of perjury that the foregoing is true and correct. Executed on June  
3 16, 2023.  
4

5 s/ Leah Cuomo  
6 Leah Cuomo  
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