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10 ROBLOX CORPORATION

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 ROBLOX CORPORATION, a Delaware
15 corporation,

16 Plaintiff,

17 v.

18 BENJAMIN ROBERT SIMON,
19 a/k/a RUBEN SIM, an individual.

20 Defendant.

CASE NO.: 3:21-cv-09084

COMPLAINT for

1. **Violation of the Computer Fraud and Abuse Act (18 U.S.C. § 1030)**
2. **Violation of the California Comprehensive Computer Data Access and Fraud Act (Cal. Penal Code § 502(e))**
3. **Breach of Contract**
4. **Fraud**
5. **Tortious Interference with Prospective Economic Relations**
6. **Tortious Interference with Contract**

DEMAND FOR JURY TRIAL

21 1. Plaintiff Roblox Corporation (“Roblox”) alleges as follows on personal
22 knowledge as to itself, and on information and belief as to others:

23 **NATURE OF THE ACTION**

24 2. Defendant Benjamin Robert Simon (“Defendant Simon”) is the leader of a
25 “cybermob” that with malice, fraud, and oppression, commits and encourages unlawful acts
26 designed to injure Roblox and its users, including, by way of example, the following unlawful
27 acts:

- 1 a. Posting false and misleading terrorist threats to discourage Roblox users
- 2 from participating in in-person and online events, including terrorist
- 3 threats that sparked police activity and a temporary shut-down of the
- 4 Roblox Developers Conference 2021 in San Francisco, California (“RDC
- 5 2021”) on October 16, 2021;
- 6 b. Glamorizing the April 3, 2018 active shooter and murder at YouTube
- 7 headquarters in San Bruno, California and threatening/taunting a copycat
- 8 act of terrorism at Roblox headquarters in nearby San Mateo, California;
- 9 c. Repeatedly circumventing the technological barriers erected to block
- 10 Defendant Simon from accessing the Roblox platform after he was
- 11 permanently banned from the platform and instructing and encouraging
- 12 others to do the same;
- 13 d. Violating the Roblox Terms of Use by engaging in sexual conversation
- 14 with users, discussing sex acts, engaging in sexual harassment, singling
- 15 out users and groups for ridicule or abuse, attempting to upload a nude
- 16 image of himself with only a lampshade covering his genitals, using racial
- 17 and homophobic slurs, creating and using inappropriate accounts with
- 18 sexual names, attempting to upload a sex game, attempting to upload
- 19 pictures of Hitler, and using prolific profanity; and
- 20 e. Cyber-bullying and harassing Roblox employees and executives, including
- 21 through libelous personal accusations.

22 3. Such malicious, fraudulent, and oppressive conduct tortiously interferes with
23 Roblox’s existing and prospective economic relations and violates both federal and state
24 computer crime laws.

25 4. Accordingly, Roblox seeks actual and punitive damages in this action of
26 \$1,650,000, attorneys’ fees, costs, interest, and injunctive relief barring Defendant Simon from
27 engaging in similar unlawful and injurious activity.

28

JURISDICTION AND VENUE

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2 5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
3 §§ 1331, 1332(a), and 1367(a) because: (i) this action arises under the laws of the United States;
4 (ii) the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and
5 costs, and is between citizens of different States; and (iii) the state law claims asserted herein are
6 so related to claims in the action within such original jurisdiction that they form part of the same
7 case or controversy under Article III of the United States Constitution.

8 6. This Court has specific personal jurisdiction over Defendant Simon because this
9 lawsuit arises from Defendant Simon’s unlawful activities (i) targeted at Roblox in this forum
10 and RDC 2021 in San Francisco, CA, (ii) designed to cause injury to Roblox headquartered in
11 this forum and to RDC 2021 in San Francisco, and (iii) that violated the Roblox Terms of Use to
12 which Defendant has agreed to be bound, including an agreement to be subject to the personal
13 jurisdiction of the “state and federal courts located in the Northern District of California” for any
14 litigation.

15 7. Venue is proper in this District under 28 U.S.C. § 1391 because a substantial part
16 of the events or omissions giving rise to the claim occurred in this District where Roblox is
17 headquartered and where Defendant’s conduct was targeted, and also because the Roblox Terms
18 of Use to which Defendant has agreed to be bound include an agreement “that venue properly
19 lies, only in the state or federal courts located in the Northern District of California.”

DIVISIONAL ASSIGNMENT

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21 8. Pursuant to Civil L.R. 3-5(b) and Civil L.R. 3-2(c, d), this action may be assigned
22 to the San Francisco Division or Oakland Division because a substantial part of the events or
23 omissions giving rise to the claim occurred in the County of San Mateo and the County of San
24 Francisco.

FACTUAL BACKGROUND

The Roblox Platform

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26
27 9. Plaintiff Roblox Corporation is a Delaware corporation with headquarters in San
28 Mateo, California. Roblox owns and operates the Roblox online platform located online at

1 Roblox.com (“the Roblox Platform”). The Roblox Platform hosts a user-generated digital world
2 where users create virtual games and experiences, connect with other users to enjoy user-created
3 games and user-created virtual experiences, and use virtual apparel and other content created by
4 themselves and other users.

5 10. To participate on the Roblox Platform, users must first create a Roblox account.
6 During the process of creating an account, users are presented with the Roblox Terms of Use
7 agreement (“Roblox Terms”) and are required to manifest their assent to that contract by clicking
8 a button that says “By clicking Sign Up, you are agreeing to the Terms of Use.” The account will
9 not be activated absent the user’s acceptance of the Roblox Terms. By necessity, as a platform
10 that hosts user-generated content created by millions of users, the Roblox Terms vest Roblox
11 with significant control and discretion over the operation of the Roblox Platform to protect the
12 rights of all users and third parties. Users who violate the Roblox Terms may be subject to
13 termination and a permanent ban from the Roblox Platform.

14 11. Users agree and promise to “be responsible for your use of the Service,” and “to
15 defend and indemnify” Roblox for “every claim, liability, damage, loss, and expense, including
16 reasonable attorneys’ fees and costs, arising out of or in any way connected with: (a) your access
17 to, use of, or alleged use of the Service; (b) your violation of any portion of these Terms, any
18 representation, warranty, or agreement referenced in these Terms, or any applicable law or
19 regulation; (c) your violation of any third-party right, including any intellectual property or
20 proprietary right, publicity or privacy right, property right, or confidentiality obligation; or
21 (d) any Dispute or issue between you and any third party.”

22 12. The Roblox Terms expressly incorporate other Roblox policies, including the
23 Roblox Community Standards (previously known as the Roblox Community Rules). The Roblox
24 Community Standards generally prohibit conduct that is unsafe, uncivil, unfair, and unsecure.
25 Specifically as it relates to this action, the Roblox Community Standards prohibit “engaging in
26 sexual conversation,” “threats of violence,” “bullying, stalking, trolling, harassment, or
27 intimidation,” “singling out a user or group for ridicule or abuse,” “sexual harassment,” “sexual
28 content or activity of any kind,” “nudity,” “discrimination, slurs, and hate speech,” “profanity,”

1 “harassing Roblox employees or contractors online,” “threatening damage or harm to Roblox
2 offices or data storage facilities,” “unauthorized access to Roblox’s systems or accounts, as well
3 as threatening or encouraging such activity,” “using VPNs to mask your location in order to gain
4 unauthorized access to the Roblox platform,” “opening new accounts for the purpose of evading
5 an enforcement action taken against a previous account,” and “invading or flooding experiences
6 or groups in an effort to destroy the experience or its reputation.”

7 13. As explained in more detail below, Defendant Simon violated every one of the
8 above prohibitions, was terminated and banned from the Roblox Platform for doing so, and yet
9 continues his campaign of violations through unauthorized and surreptitious access to the Roblox
10 Platform.

11 **Defendant Benjamin Robert Simon**

12 14. Defendant Simon is a 24-year-old Louisville, Kentucky resident and former
13 Roblox user with a long history of fixating on and then harassing people, including Roblox users
14 and employees. His latest bad acts have included making terrorist threats online to intimidate and
15 deter Roblox employees and users and hacking around Roblox’s security measures designed to
16 block him from the Roblox Platform.

17 **Defendant Simon’s Terrorist Threats**

18 15. After Roblox permanently banned Defendant Simon from the Roblox Platform,
19 he gathered an enormous following of YouTube users (760,000 subscribers), as well as Twitter
20 followers (23,000 followers), Reddit community (214 members), Patreon paying subscribers, and
21 Discord servers, among other social media followers on various platforms. The focus of his
22 social media content is targeted at spreading injurious content, including false accusations about
23 Roblox, its employees, and other users. His social media followers have become a cult-like
24 “cybermob” that echoes Defendant Simon’s conduct and harassment of Roblox employees and
25 users.

26 16. On October 14-16, 2021, Roblox held its annual Roblox Developers Conference
27 2021 in San Francisco, California (“RDC 2021”). The conference was attended by more than 350
28 Roblox users, employees, and media (as well as over 600 virtual attendees). Before and during

1 the conference, Defendant Simon and his cybermob posted numerous derogatory and defamatory
2 statements online about Roblox, its employees, and the conference, designed to deter and
3 intimidate conference-goers.

4 17. In the days leading up to RDC 2021, Defendant Simon engaged his followers on
5 Discord, glamorizing the April 3, 2018 active shooter and murder at YouTube headquarters in
6 San Bruno, California and threatening/taunting a copycat act of terrorism at Roblox headquarters
7 in nearby San Mateo, California. Defendant Simon wrote to his followers to “wait until
8 [someone] does it to Roblox.”

9 18. Then, during RDC 2021, Defendant Simon publicly posted a terrorist bomb threat
10 to his Twitter account, knowing that the threat was false: “BREAKING: San Francisco Police are
11 currently searching for notorious Islamic Extremist Julius Al Mohammad. If you see this
12 individual at RDC please call 911 immediately.” Defendant Simon posted an image below this
13 text purporting to depict the fictitious “Islamic Extremist” as having posted a YouTube video
14 titled “SOMEONE BLOW UP ROBLOX NOW!” Defendant Simon made related posts,
15 including: “Don’t Come to RDC Tomorrow.”

16 19. Defendant Simon knew this information to be false and intended it to disrupt
17 RDC 2021 and to intimidate and deter Roblox employees, users, and vendors from attending the
18 conference.

19 20. Defendant Simon’s followers in his cybermob copied his actions and posted
20 threatening messages of their own, including purported posts from would be active shooters and
21 others. For example, “too bad someone didnt recreate christchurch shooting at rdc.” One
22 follower even claimed to have poisoned the drinks being offered at RDC 2021.

23 21. Defendant Simon’s false terrorist threats had their intended effect. People
24 reported that they “thought there was an actual shooting” and stayed away from RDC 2021 when
25 they saw Defendant Simon’s false posts. Even worse, RDC 2021 was forced into a temporary
26 lockdown while local police and private security conducted a search to secure the facility.

27 22. As a result of these false terrorist threats, Roblox was forced to incur expenses of
28 more than \$50,000 to secure RDC 2021 and investigate the incident.

Defendant Simon’s Termination for Harassment and Lewd Conduct

23. Defendant Simon was originally terminated from the Roblox Platform for repeatedly using racial and homophobic slurs and profanity, engaging in sexual conversation, and uploading inappropriate lewd content. By way of example:

- a. Defendant Simon attempted to upload a picture of himself naked, with only a lamp shade covering his genitalia.
- b. Defendant Simon attempted to upload a sex game to the Roblox Platform.
- c. Defendant Simon created and/or used inappropriate accounts with names such as “*cockassassin*” and “*69dev69*.”
- d. Defendant Simon attempted to upload pictures of Adolf Hitler.
- e. Defendant Simon intentionally circumvented chat filters to target other users with homophobic slurs and profanity, such as “*you fu cking eleven year old fa ggot*.”

24. There are multiple incidents of Defendant Simon engaging in targeted harassment of Roblox users, which harassment he then extended to Roblox employees who took remedial action against Defendant Simon. As part of this harassment, Defendant Simon repeatedly used racial and homophobic slurs. He openly brags about this targeted harassment (e.g., “*Who should I personally attack next?*”).

25. As part of his campaign of harassment and cyberbullying, Defendant Simon:

- a. solicited information on another Roblox user so that he could target that user with harassment;
- b. impersonated Roblox employees online in other forums in a manner targeted to permanently injure their reputation in the public eye with false portrayals and statements;
- c. uploaded a video targeted at Roblox’s CEO that at one point depicts Defendant Simon shooting guns; and
- d. made false public statements that a massive accident at a former job that killed people was the impetus for the creation of Roblox.

1 26. Outside of the Roblox Platform, Defendant Simon engages in conduct that
2 violates the Roblox Terms and harasses Roblox users and employees. For example, Defendant
3 Simon:

- 4 a. tweeted a photoshopped picture of a former Roblox employee who was
5 openly gay, depicting him nude, and then repeatedly harassed him on
6 Twitter;
- 7 b. posted images of pornographic depictions of Roblox avatars and praises
8 those who created them; and
- 9 c. repeatedly posts libelous statements about Roblox’s founder and CEO,
10 attributing false statements and conduct to the CEO that Defendant Simon
11 knows to be false and which he makes with intent to cause injury to the
12 reputation of the CEO and of Roblox.

13 27. As a result of all of the above conduct, Defendant Simon was permanently banned
14 from accessing the Roblox Platform.

15 **Defendant Simon’s Computer Hacking to Access the Roblox Platform**

16 28. Defendant Simon is aware and has repeatedly acknowledged in writing that he has
17 been permanently banned from accessing the Roblox Platform. He has also acknowledged that
18 Roblox has employed numerous technological barriers to block him from accessing the Roblox
19 Platform.

20 29. Despite knowing he is not authorized to access the Roblox Platform, Defendant
21 Simon readily admits using computer hacks to circumvent these technological barriers to
22 continue to access the Roblox Platform without authorization. Defendant Simon has repeatedly
23 bragged in social media posts that Roblox cannot keep him off of the Roblox Platform (e.g.,
24 “You can’t ban me.”; “How you gonna ban me now, huh?”). He has also repeatedly posted video
25 evidence of his hacking into the Roblox Platform on his YouTube channel and on Twitter.

26 30. More than twenty accounts have been terminated by Roblox after they were
27 detected as being created or used by Defendant Simon without authorization. Defendant Simon
28

1 continues to create and solicit others to create new Roblox accounts for his use so he can access
2 the Roblox Platform without authorization.

3 31. In the videos Defendant Simon has posted of himself hacking into the Roblox
4 Platform, he shows himself engaging in the same bad conduct that caused his original
5 termination, including engaging in sexual conversation, using extreme profanity, engaging in
6 user harassment, using account names with sexually explicit terms, and other bad conduct that
7 violates the Roblox Terms.

8 32. For example, the following are YouTube video transcript excerpts from a single
9 video showing recent statements made by Defendant Simon on the Roblox Platform to other
10 Roblox users after he hacked into the Roblox Platform. Defendant Simon unabashedly posted
11 this YouTube video himself:

12 00:08 did you see the ruben sim video?
13 ... 00:14 how they banned me
14 00:16 how they thought they could get rid of me
15 ... 00:27 [other user] yo you come here often?
16 00:29 [Defendant Simon] yeah i come here often
17 00:32 i'm coming right now
18 00:35 lol
19 ... 01:15 wow what the fuck
20 01:16 we need to normalize swearing on here
21 01:17 we need to swear as much as possible
22 ... 01:45 he's gonna ass rape me
23 ... 01:49 tyrone's gonna put his dick in me
24 01:51 he's gonna bend me over in the shower what the fuck
25 01:53 and put his-
26 ... 02:01 [other user] i'm gonna pull the baton out sir
27 02:02 sir
28 02:03[Defendant Simon] oh why you gotta

1 02:04 say it like that
2 02:05 you're gonna pull it out?
3 ... 02:46 i'm not afraid of mods
4 02:47 mods are afraid of me
5 02:49 MODS ARE AFRAID OF ME
6 ... 04:52 then we can't say fuck anymore
7 04:54 we can't say fuck
8 04:56 we can't say SHIT
9 ... 05:02 WE CAN'T SAY SHIT
10 05:04 WE CAN'T SAY SHIT
11 ... 05:07 WE CAN'T SAY FUCKIN SHIT
12 ... 05:11 you thought they could ban me huh
13 05:13 you thought i wasn't coming back
14 ... 06:01 hey you fucking nomiker
15 06:03 get the fuck out of here
16 06:04 this is my server
17 06:05 THIS IS MY SERVER
18 ... 06:16 yeah where they don't give a fuck about our department
19 06:18 they don't give a FUCK
20 06:20 THEY DON'T GIVE A FUCK
21 ... 06:53 someone working at roblox
22 06:55 not naming any names
23 06:56 is searching the database for accounts
24 06:58 that have been accessed from my ip
25 07:00 and then banning them manually
26 07:02 i've also been mac address banned
27 07:04 meaning roblox won't work
28 07:06 on my computer anymore

1 07:07 which is why this entire video was recorded
2 07:10 on a virtual machine
3 07:11 yeah that's right
4 07:12 how you gonna ban me now huh?
5 07:14 i also wanna thank everyone who's donated me accounts
6 ... 07:22 i now have more accounts than
7 07:24 i could ever possibly hope to use
8 07:27 and they're getting banned very quickly
9 *See* <https://www.youtube.com/watch?v=7cCBeeDw838>.

10 33. After infiltrating the Roblox Platform without authorization, Defendant Simon
11 video records his experiences to use that data in YouTube videos he creates to profit from his
12 unauthorized and unlawful activity.

13 34. Defendant Simon has published his methods of hacking into the Roblox Platform
14 in order to assist, encourage, and teach others to do the same.

15 35. Roblox has expended resources estimated to be over \$100,000 to investigate and
16 block Defendant Simon from accessing the Roblox Platform.

17 **Defendant Simon’s Concealment and Spoliation of Evidence**

18 36. Knowing that his social media posts are unlawful and admit to unlawful conduct,
19 and after anticipating litigation over those posts, Defendant Simon has engaged in an effort to
20 conceal and spoliates this evidence by deleting his social media posts without preserving copies of
21 those posts and otherwise destroying relevant evidence.

22 **Defendant Acted with Malice, Oppression, and Fraud Under Cal. Civil Code § 3294**

23 37. In engaging in the conduct described above, Defendant Simon acted with malice,
24 oppression, and fraud as contemplated by California Civil Code § 3294 and is therefore liable for
25 appropriate punitive damages. Defendant Simon acted with malice because his conduct was
26 intended to cause injury to Roblox and was carried on with a willful and conscious disregard of
27 the rights and safety of Roblox, its users, and its employees. Defendant Simon acted with
28 oppression because he subjected Roblox employees and Roblox users to cruel and unjust

1 hardship in conscious disregard of their rights. Defendant Simon acted fraudulently because he
2 knowingly made fraudulent statements and engaged in computer fraud with specific intent to
3 cause injury to Roblox.

4 **CAUSES OF ACTION**

5 **Count I: Violation of the Computer Fraud and Abuse Act (18 U.S.C. § 1030)**

6 38. Plaintiff incorporates each foregoing paragraph in support of this cause of action.

7 39. Defendant Simon violated and continues to violate the Computer Fraud and
8 Abuse Act because he intentionally accessed a protected computer without authorization, and as
9 a result of such conduct, caused damage and loss in excess of \$100,000. 18 U.S.C.
10 § 1030(a)(5)(C).

11 40. Plaintiff therefore seeks injunctive relief in the form of a preliminary and
12 permanent injunction enjoining Defendant Simon from any attempt to access the Roblox
13 Platform and from assisting others to access the Roblox Platform without authorization;
14 appropriate damages in an amount to be proven at trial; disgorgement of unjust enrichment;
15 punitive damages; and attorneys' fees and costs.

16 **Count II: Violation of California Comprehensive Computer Data Access and Fraud Act**

17 41. Plaintiff incorporates each foregoing paragraph in support of this cause of action.

18 42. Defendant Simon violated and continues to violate California Penal Code § 502
19 because he:

20 a. Knowingly accesses and without permission uses data, computers,
21 computer systems, and computer networks in order to devise and execute a
22 scheme and artifice to defraud and deceive Plaintiff, and to wrongfully
23 control and obtain data. § 502(c)(1).

24 b. Knowingly accesses and without permission takes, copies, and makes use
25 of data from a computer, computer system, and computer network. §
26 502(c)(2).

27 c. Knowingly and without permission uses and causes to be used computer
28 services. § 502(c)(3).

- 1 d. Knowingly accesses and without permission alters data and computer
- 2 software which reside or exist internal or external to a computer, computer
- 3 system, or computer network. § 502(c)(4).
- 4 e. Knowingly and without permission disrupts and causes the disruption of
- 5 computer services. § 502(c)(5).
- 6 f. Knowingly and without permission provides and assists in providing a
- 7 means of accessing a computer, computer system, or computer network in
- 8 violation of this section. § 502(c)(6).
- 9 g. Knowingly and without permission accesses and causes to be accessed a
- 10 computer, computer system, and computer network. § 502(c)(7).
- 11 h. Knowingly introduces a computer contaminant into a computer, computer
- 12 system, and computer network in the form of a set of computer
- 13 instructions that are designed to transmit information within a computer,
- 14 computer system, and computer network without the intent or permission
- 15 of the owner of the information. § 502(c)(8).
- 16 i. Knowingly and without permission uses the profile of another entity in
- 17 connection with the sending of electronic mail messages and thereby
- 18 causes damage to a computer, computer data, computer system, and
- 19 computer network. § 502(c)(9).

20 43. Defendant has willfully committed these violations, as demonstrated by his
21 repeated bragging of his unauthorized access to the Roblox Platform. Defendant has thus been
22 guilty of oppression, fraud, or malice.

23 44. Plaintiff has suffered damages and loss as a direct and proximate result of
24 Defendant's conduct in an amount to be proven at trial, including damages for expenses incurred
25 to investigate and remediate the intrusions to Plaintiff's computer systems, as stated above.

26 45. Plaintiff therefore seeks injunctive relief in the form of a preliminary and
27 permanent injunction enjoining Defendant Simon from any attempt to access the Roblox
28 Platform and from assisting others to access the Roblox Platform without authorization;

1 appropriate damages in an amount to be proven at trial; disgorgement of unjust enrichment;
2 punitive damages; and attorneys' fees and costs.

3 **Count III: Breach of Contract**

4 46. Plaintiff incorporates each foregoing paragraph in support of this cause of action.

5 47. Defendant agreed to be bound by the Roblox Terms when he manifested assent to
6 those terms on multiple occasions during the Roblox account creation process.

7 48. Plaintiff performed all of its obligations under the Roblox Terms.

8 49. The Roblox Terms prohibit "engaging in sexual conversation," "threats of
9 violence," "bullying, stalking, trolling, harassment, or intimidation," "singling out a user or
10 group for ridicule or abuse," "sexual harassment," "sexual content or activity of any kind,"
11 "nudity," "discrimination, slurs, and hate speech," "profanity," "harassing Roblox employees or
12 contractors online," "threatening damage or harm to Roblox offices or data storage facilities,"
13 "unauthorized access to Roblox's systems or accounts, as well as threatening or encouraging
14 such activity," "using VPNs to mask your location in order to gain unauthorized access to the
15 Roblox platform," "opening new accounts for the purpose of evading an enforcement action
16 taken against a previous account," and "invading or flooding experiences or groups in an effort
17 to destroy the experience or its reputation."

18 50. Defendant violated every one of the above prohibitions, was terminated and
19 banned from the Roblox Platform for doing so, and yet continues his campaign of violations
20 through unauthorized and surreptitious access to the Roblox Platform.

21 51. Plaintiff has suffered damages as a result of Defendant's breach of the Roblox
22 Terms in an amount to be proven at trial, including damages for expenses incurred to investigate
23 and remediate the breach.

24 **Count IV: Fraud**

25 52. Plaintiff incorporates each foregoing paragraph in support of this cause of action.

26 53. Defendant has engaged in fraud by knowingly and affirmatively misrepresenting
27 the presence of a terrorist threat at RDC 2021.
28

1 54. Defendant intended to defraud Plaintiff by engaging in this conduct, knowing that
2 Plaintiff would have to take security measures to respond to the threat, including shutting down
3 or postponing the conference.

4 55. Plaintiff reasonably and actually relied on Defendant's fraudulent posts because
5 prudence required taking action in light of the potential risk of life and limb to the attendees at
6 RDC 2021.

7 56. Plaintiff has suffered damages as a direct and proximate result of Defendant's
8 fraud in an amount to be proven at trial, including without limitation damages incurred to secure
9 RDC 2021 and investigate the incident, and lost revenue from the decreased attendance at the
10 conference.

11 57. Plaintiff therefore seeks injunctive relief in the form of a preliminary and
12 permanent injunction enjoining similar conduct; appropriate damages in an amount to be proven
13 at trial; punitive damages; and attorneys' fees and costs.

14 **Count V: Tortious Interference with Prospective Economic Relations**

15 58. Plaintiff incorporates each foregoing paragraph in support of this cause of action.

16 59. Plaintiff had and has prospective economic relationships with its users,
17 prospective users, and attendees at RDC 2021 of which Defendant is admittedly aware.

18 60. Defendant intended and intends to interfere with these prospective economic
19 relationships by using fraudulent terrorist threats and libelous statements about Roblox, its
20 employees, and the Roblox Platform to interfere with the operation of RDC 2021, dissuade
21 attendance at RDC 2021, and dissuade participation on the Roblox Platform.

22 61. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff has
23 suffered the loss of existing and prospective relationships in the form of decreased attendance at
24 RDC 2021 and decreased participation on the Roblox Platform.

25 62. Plaintiff therefore seeks injunctive relief in the form of a preliminary and
26 permanent injunction enjoining Defendant from engaging in acts of interference; appropriate
27 damages in an amount to be proven at trial; disgorgement of ill-gotten gains; and punitive
28 damages.

Count VI: Tortious Interference with Contract

63. Plaintiff incorporates each foregoing paragraph in support of this cause of action.

64. Plaintiff had and has contracts with its users and attendees at RDC 2021 of which Defendant is admittedly aware.

65. Defendant intended and intends to interfere with these contracts by using fraudulent terrorist threats and libelous statements about Roblox, its employees, and the Roblox Platform to interfere with the operation of RDC 2021, dissuade attendance at RDC 2021, and dissuade participation on the Roblox Platform.

66. As a direct and proximate result of Defendant's wrongful conduct, Plaintiff's performance of its contracts with users and attendees at RDC 2021 became more difficult and expensive, and many users stopped participating on the Roblox Platform.

67. Plaintiff therefore seeks injunctive relief in the form of a preliminary and permanent injunction enjoining Defendant from engaging in acts of interference; appropriate damages in an amount to be proven at trial; disgorgement of ill-gotten gains; and punitive damages.

PRAYER FOR RELIEF

68. WHEREFORE, Plaintiff prays for judgement as follows:

- a. A permanent injunction requiring Defendant Simon to immediately cease and desist from:
 - i. making or publishing false terrorist threats that impact Roblox;
 - ii. making false statements about Roblox;
 - iii. glamorizing or encouraging violence against Roblox or its employees or facilities;
 - iv. accessing the Roblox Platform;
 - v. violating the Roblox Terms;
 - vi. approaching within 100 feet of any Roblox office or other facility or residence of any Roblox employee, officer, or director;
 - vii. harassing Roblox users, employees, executives, attorneys, and agents; and

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- viii. making, publishing, or maintaining public display of any video or audio file recorded during unauthorized access to the Roblox Platform.
- b. A permanent injunction requiring deletion of all social media accounts previously used by Defendant Simon to engage in conduct prohibited by the injunction above.
- c. Actual damages, in an amount to be proven at trial, but at least \$150,000;
- d. Punitive and exemplary damages of \$1,500,000;
- e. Disgorgement of Defendant’s ill-gotten gains, including YouTube and Patreon revenue earned by Defendant from content prohibited by the injunction above;
- f. Restitution;
- g. Pre-judgment interest and post-judgment interest;
- h. Plaintiff’s costs of suit and attorneys’ fees; and
- i. Such other and further relief as the Court may deem proper.

DEMAND FOR JURY TRIAL

Roblox hereby demands a jury trial of all issues triable by a jury.

Dated: November 23, 2021

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Anthony J Weibell
Anthony J Weibell

Attorneys for Plaintiff
ROBLOX CORPORATION

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ROBLOX CORPORATION

(b) County of Residence of First Listed Plaintiff San Mateo (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Anthony J Weibell, Dylan J. Byrd, Wilson Sonsini Goodrich & Rosati, P.C., 650 Page Mill Road, Palo Alto, CA 94304-1050, Telephone: (650) 493-9300

DEFENDANTS

BENJAMIN ROBERT SIMON, a/k/a RUBEN SIM

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff 2 U.S. Government Defendant 3 Federal Question (U.S. Government Not a Party) 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 18 U.S.C. § 1030

Brief description of cause: Violation of the Computer Fraud and Abuse Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ 1650000

CHECK YES only if demanded in complaint: JURY DEMAND: X Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) X SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 11/23/2021

SIGNATURE OF ATTORNEY OF RECORD

/s/ Anthony J Weibell

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.