

No **24 - 5699**

FILED
SEP 26 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT

OF THE UNITED STATES

Susan Lloyd, Petitioner

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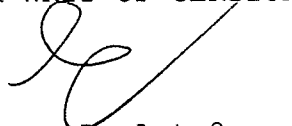
Facebook, etal Respondents

ON PETITION FOR A WRIT OF CERTIORARI

TO UNITED STATES 9th CIRCUIT APPEALS COURT

PETITION FOR WRIT OF CERTIORARI

Susan Lloyd



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Gordonville, PA 17529

QUESTIONS PRESENTED

1. DEFENDANTS MUST HAVE FACEBOOK ACCESSIBLE TO DISABLED INDIVIDUALS. WEBSITES ARE A PLACE OF PUBLIC ACCOMMODATION AND A PRIMARY PLACE OF BUSINESS FOR MANY COMPANIES AND A PHYSICAL BUILDING IS NOT REQUIRED.
2. Facebook is not allowed to invade privacy and track an individual after they log off of Facebook and are not immune for negligence under section 230.
3. Mark Zuckerberg should be held liable for damages under alter ego status.
4. Facebook should be held liable for fraud.

LIST OF PARTIES

PETITIONER

Susan Lloyd

RESPONDENTS

Facebook Inc

Meta Platforms Inc

Mark Zuckerberg

RELATED CASES

1. Susan Lloyd v Facebook Northern District of California
3:21-cv-10075
2. Susan lloyd v Facebook 9th Circuit Court of Appeals
23-cv-15318

TABLE OF CONTENTS

OPINIONS BELOW	ii
JURISDICTION	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	1
STATEMENT OF THE CASE	2
REASONS FOR GRANTING THE WRIT	7
CONCLUSION	7

INDEX TO APPENDICES

APPENDIX A
APPENDIX B
APPENDIX C

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<i>Access Now, Inc. v. Blue Apron, LLC</i> , 2017 DNH 236 (D.N.H. 2017)	3

STATUES

ADA	2,3
CALIFORNIA CONSTITUTION SECTION 1 ARTICLE 1	6
REHAB ACT	2,3
SECTION 230	6
UNRUH ACT	2,3

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner prays that a writ of certiorari issue to review the judgments below. The opinion of the 9th CIRCUIT COURT OF APPEALS appears at Appendixes A. They are dated July 8 2024. The opinions of the Northern District of Ohio appears at Appendixes B-C. They are October 3 2022 dismissing Lloyds first amended complaint and February 7 2023 dismissing Lloyds third amended complaint .

JURISDICTION

The date on which the 9th circuit court of appeals decided my case was July 8 2024. A copy of those decisions appears at Appendix A. The jurisdiction of this court is invoked under 28 USC 1254.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

ADA

CALIFORNIA CONSTITUTION SECTION 1 ARTICLE 1

REHAB ACT

SECTION 230

UNRUH ACT

STATEMENT OF THE CASE

This case was originally filed in Northern District of California on December 29 2021. Orders were made dismissing case on October 3 2022 and February 7 2023. Lloyd appealed all orders on March 6 2023 to 9th Circuit court of appeals assigned case 23-15318. The appeals court remanded part of the case for breach of contract only on July 8 2024. Lloyd is now filing this writ of certiorari for the remainder of her claims.

1. DEFENDANTS MUST HAVE FACEBOOK ACCESSIBLE TO DISABLED INDIVIDUALS. WEBSITES ARE A PLACE OF PUBLIC ACCOMMODATION AND A PRIMARY PLACE OF BUSINESS FOR MANY COMPANIES AND A PHYSICAL BUILDING IS NOT REQUIRED.

The 9th circuit and the underlying District court have committed error when they state Facebook does not need

to be accessible due to having no physical building. Fox news, blue apron and amazon all sued over inaccessibility of their websites despite having no physical building. It was determined that if a website is a primary place of business than it must be accessible so therefore facebook must be accessible. There is nothing in the ADA that states a physical location must be present and in todays society, many businesses are online only. Therefore, a website must be accessible if that is the place of business. Defendants make money off of Facebook and is a business so therefore must be accessible. Other circuit courts have determined that an online business must be accessible. One example is *Access Now, Inc. v. Blue Apron, LLC*, 2017 DNH 236 (D.N.H. 2017). Blue Apron is an online business that delivers meals and has no physical location. The 9th circuit has erred in stating that businesses must have a physical location in order to be accessible. Lloyd sufficiently pleaded or should have been allowed to amend to show that Facebook is a place of public accommodation and therefore must be accessible. Lloyd even states Title 3 recognizes websites as

places of public accommodation and must be accessible. Lloyd also pled intentional discrimination or should have been allowed to amend. The appeals court agrees that Lloyd stated "Defendants acted with discriminatory intent towards Lloyd for the sole purpose of financial gain". Facebook is Defendants principal place of business as they generate income by showing ads to people with an account. Furthermore, Defendants should be held liable for publishing discriminatory ads on their website. Defendants have sole control over their website.

2. Facebook is not allowed to invade privacy and track an individual after they log off of Facebook and are not immune for negligence under section 230.

Facebook has agreed to pay many other Plaintiffs money to settle privacy claims similar to Lloyds. Facebook also presented a newer irrelevant terms of service instead of an older relevant one. Facebook changed their user agreements more recently after settling multiple privacy lawsuits for millions of dollars. Lloyd pointed this out at the underlying courts but was denied. Lloyd never agreed to Facebook tracking

her when she is logged out of her account.

Furthermore, Lloyds breach of contract claims still stand so they should have been decided prior to whether Section 230 protects Defendants because a breach of contract prevents immunity from Section 230. Furthermore, Defendants acted in bad faith by allowing threats to Lloyds life to remain online so they can have financial gain from showing the people threatening Lloyd ads. Section 230 does not apply when actual threats are made on facebook, Facebook is aware of these threats and chose to ignore them for financial gain. Lloyd made it quite clear in her complaint that Facebook for several years allowed Mr Thornsbery and over 500 of his friends to threaten to rape and murder Lloyd on Facebook because they show ads to them for financial gain. Lloyd also made it quite clear that these posts were reported to Facebook numerous times who chose to ignore them so they can continue to show Mr Thornsbery and his friends ads for financial gain. Facebooks contract with Lloyd states they will remove threatening posts that make users feel unsafe and have failed to do so. It is a violation of Lloyds constitutional rights to feel

unsafe using Facebook and to have her life threatened by users of Facebook. It is also a violation of Lloyds constitutional rights under California laws to have Facebook access her computer and use technology to track Lloyd when Lloyd is logged off of Facebook so they can show Lloyd ads for financial gain.

Furthermore, threats to murder and rape Lloyd are illegal and Facebook is not immune under Section 230 for illegal content on their website. Facebook is also not immune for the discriminatory ads they post on Facebook such as violations of the ADA in regards to housing. Therefore, Section 230 does not protect Defendants in this matter and lloyds fraud and negligence claims should be allowed to proceed.

3. Mark Zuckerberg should be held liable for damages under alter ego status.

Lloyd stated in her complaint that Zuckerberg is personally involved and/or directed the acts that Lloyd complains about. Therefore, he should be held liable.

4. Facebook should be held liable for fraud.

Lloyd stated enough facts that Facebook intended to defraud her for financial gain. The district court and appeals court should have allowed Lloyd to amend if they disagreed. Lloyd stated several pages of facts showing that Defendants intended to defraud her. Facebook should not be allowed to commit fraud against Lloyd and others for financial gain.

REASONS FOR GRANTING THE PETITION

The US Supreme Court needs to hear this case as these issues not only affect Lloyd but thousands if not millions of other people across the US.

CONCLUSION

This writ of certiorari must be granted so disabled individuals can enjoy Facebook and so everyone who uses Facebook feels safe and does not have their privacy invaded by Facebook who at this point cares only about money. Facebook was originally started to connect with people and now has turned into a business that only cares about financial gain no matter who gets injured. People have committed suicide due to the large amount of threats that Facebook allows on their websites. Lloyd is lucky. Even though she suffered great harm due to Facebook, she has an excellent support system to survive many things. Other people

are not so lucky. Furthermore, there is circuit splits on these issues and they must be resolved.

Susan Lloyd /s/Susan Lloyd



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