UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA, TAMPA DIVISION

CASE NO: 8:24-cv-02242-MSS-TGW

PLAINTIFF: JOSEPH DEAN

v.

DEFENDANT: META PLATFORMS INC

FOURTH NOTICE OF NEWLY DISCOVERED EVIDENCE RELEVANT TO PENDING MOTION TO DISMISS

Plaintiff Joseph Dean, proceeding *pro se*, respectfully submits this **Fourth Notice of Newly Discovered Evidence** relevant to Defendant Meta Platforms, Inc.'s pending Motion to Dismiss. This newly emerged evidence further corroborates the pattern of systematic anticompetitive, unlawful, and fraudulent conduct previously documented by Plaintiff, and directly supports the allegations of willful exclusionary practices, market manipulation, and criminal-level misconduct asserted in the Complaint.

I. INTRODUCTION

On **July 16, 2025**, the Senate Judiciary Committee, Subcommittee on Crime and Terrorism, held a hearing titled *"Too Big to Prosecute? Examining the AI Industry's Mass Ingestion of Copyrighted Works for AI Training."* The hearing exposed what Chairman Senator Josh Hawley characterized as *"the largest intellectual property theft in American history,"* with testimony and internal Meta documents demonstrating **Mark Zuckerberg's personal authorization of systematic copyright piracy, concealment, and criminal deception by Meta Platforms, Inc.**

On **July 17, 2025**, Plaintiff reviewed and prepared the attached **Exhibit Y: Congressional Testimony Exposing Meta's Copyright Piracy and Mark Zuckerberg's Direct Involvement**, documenting key findings and testimony from this hearing.

II. SUMMARY OF EVIDENCE

The testimony, internal Meta communications, and expert analysis presented in the hearing establish the following facts directly relevant to Plaintiff's antitrust claims:

- **Mark Zuckerberg's personal authorization of copyright piracy, concealment, and distribution of stolen works.**
- **Willful and systematic concealment by Meta of its criminal activities from regulators, courts, and the public.**
- **Use of sophisticated technical and legal infrastructure to disguise and perpetuate illegal conduct for competitive advantage.**
- **Direct link between Meta's pattern of criminal behavior in the AI domain and its broader market exclusion practices, including anticompetitive API restrictions and developer exclusion schemes.**
- **Expert testimony confirming that Meta's conduct meets the willfulness standard for criminal liability and enhanced damages.**

This evidence demonstrates a consistent corporate pattern of knowingly breaking the law to eliminate competition, conceal wrongdoing, and maintain monopoly power — the same pattern at issue in this litigation.

III. RELEVANCE TO PENDING MOTION AND CLAIMS

The newly discovered evidence provides additional factual support for Plaintiff's claims of:

- **Willful monopolization and exclusionary conduct in violation of Sherman Act §2.**
- **Fraudulent concealment relevant to tolling and overcoming statute of limitations defenses.**
- **Pattern of corporate criminality and systematic deception consistent with the allegations in the Complaint.**

This Court may properly consider this newly discovered evidence as further substantiating the plausibility of Plaintiff's allegations under *Twombly/Iqbal*.

IV. CONCLUSION

For the foregoing reasons, Plaintiff respectfully submits this Fourth Notice and **Exhibit Y** to supplement the record in opposition to Meta's Motion to Dismiss.

DATED: July 17, 2025

Respectfully submitted,



Joseph Dean, Plaintiff, filing pro se

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I filed the foregoing with the Clerk of the Court using the CM/ECF system and served it via email on counsel for Defendant Diana Marie Fassbender on this 17th day of July, 2025.

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EXHIBIT Y: CONGRESSIONAL TESTIMONY EXPOSING META'S COPYRIGHT PIRACY AND MARK ZUCKERBERG'S DIRECT INVOLVEMENT

Mark Zuckerberg's Direct Involvement in Mass Theft

Prepared by Plaintiff, Joseph Dean July 17,2025

On **July 16, 2025**, Forbes Breaking News published a video clip titled **Josh Hawley Leads Senate Judiciary Hearing On 'AI Industry's Mass Ingestion of Copyrighted Works'** (https://www.youtube.com/watch?v=j3rLSWoYnis). The video captures the **Senate Judiciary Committee on Crime and Terrorism** at a hearing titled **"Too Big to Prosecute? : Examining the AI Industry's Mass Ingestion of Copyrighted Works for AI Training."** The clip exposes what Chairman Josh Hawley characterized as "**the largest intellectual property theft in American history."** The video features the presentation of internal Meta documents, employee communications and expert testimony alleging systematic criminal conduct directed from the highest levels of the company, **including personal authorization from CEO Mark Zuckerberg**. Remarkably, there has been very little in the financial press, or any other press, concerning this.

CHAIRMAN SENATOR JOSH HAWLEY

On the Scale of Criminal Theft:

"Today's hearing is about the largest intellectual property theft in American history. AI companies are training their models on stolen material. Period. We're talking about every book and every academic article ever written, billions of pages of copyrighted works, enough to fill 22 libraries the size of the Library of Congress."

On Meta's Willful Criminal Enterprise:

"This theft was not some innocent mistake. They knew exactly what they were doing. They pirated these materials willfully. Employee after employee warned management that what they were doing was illegal."

On Zuckerberg's Personal Criminal Authorization:

"We'll see evidence today that Mark Zuckerberg himself approved the decision to use these pirated materials. Meta management tried to hide the fact that they were engaged in the illegal download of pirated works and the illegal distribution of these same works."

On Meta's Systematic Deception:

"Meta trained its AI model to lie to users about what data it had been trained on. This isn't just aggressive business tactics. This is criminal conduct."

On Big Tech's Criminal Business Model:

"Big tech operates on the model of do whatever you want and count on the lobbyists and the lawyers to fix it later. They don't care about the rule of law."

Destroying the "National Interest" Defense:

"You're saying that the mass theft and potential impoverishment of American citizens ultimately redounds to the good of America? What you mean to say is it may benefit American corporations. It may impoverish American citizens, but it will benefit American corporations."

Exposing the "China" Excuse:

"You think that we should allow an unelected AI ZAR to decide what the rights of American citizens are? It just sounds strange to me to say that the United States as a nation is going to benefit from the mass violations of its citizens rights."

On Corporate Privilege Over Individual Rights:

"I think what you're really saying is that the enrichment of certain multinational corporations that are incidentally based in the United States, taking the works and personal property of American citizens is a good thing."

Destroying the "Clean Hands" Defense:

"These companies aren't exactly coming to this with clean hands, are they? They're coming to claiming fair use after they've stolen Mr. Beldach's work. They didn't take it from the library. They didn't license it. They didn't buy it. They went to a pirated illegal site and took it."

On American Principles:

"I think in America, we have rights. Those rights are what protect us. These rights are being violated. And if we're going to succeed as a nation and uphold our principles as a nation, we better darn well enforce the individual rights on which the nation's founded."

SENATOR DURBIN

Exposing the "Virtual Theft" Scam:

"So Meta or others can virtually steal this creative product of Mr. Baldacci and others and then he has the responsibility of proving that there's been economic loss to him as a result of it?"

Forcing Admission of Corporate Benefit:

"So the entire ultimately the thievery, if you want to use that word, of the creative work is for the economic benefit of those who are creating the AI, is it not?"

Professor Lee's Admission:

"If the training is considered a fair use, the direct benefit would be to the AI companies. I grant that."

Durbin's Response on Sacrificing Americans:

"And Mr. Baldacci should be prepared to pay the price for that. Right."

Exposing the Real Winners:

"The ultimate winner in this is going to be the AI because if they escape this responsibility, they can use Mr. Baldacci's product and make money off of it."

On Corporate vs. Citizen Interests:

"They are ultimately the winners in this approach... there is a use of someone else's creative work and the burden's on them to prove that they've lost money because of that piracy."

VIII. EXPERT TESTIMONY ON CRIMINAL LIABILITY

Professor Bhamati Viswanathan (Legal Expert):

"GenAI companies are arguably engaged in willful acts that may rise to the level of criminal copyright infringement. GenAI companies are engaging in ingestion of pirated materials with knowledge that the works are illicit sources. It is inarguable that they are acting for the purpose of commercial advantage."

David Baldacci (Bestselling Author/Victim):

"I truly felt like someone had backed up a truck to my imagination and stolen everything I'd ever created. These trillion-dollar companies didn't even buy my books. They got them off websites that have pirated works. This is the largest criminal-level copyright infringement ever perpetrated in this country."

SENATE TESTIMONY EVIDENCE

I. MARK ZUCKERBERG'S DIRECT CRIMINAL AUTHORIZATION

Maxwell V. Pritt (Attorney representing victims):

"Mark Zuckerberg himself made the call. Documents uncovered during litigation confirmed that after an escalation to Meta CEO Mark Zuckerberg, the GenAI team was 'approved to use LibGen for Llama 3' despite the fact that LibGen is 'a dataset we know to be pirated.'"

II. META EMPLOYEES' ADMISSIONS OF CRIMINAL CONDUCT

Internal Meta Communications (from court discovery):

- "It's the piracy (and us knowing and being accomplices) that's the issue."
- "I feel that using pirated material should be beyond our ethical threshold."
- "If there is media coverage suggesting we have used a dataset we know to be pirated, such as LibGen, this may undermine our negotiating position with regulators."

III. CRIMINAL COVER-UP AND CONCEALMENT

Legal Counsel Involvement in Criminal Conspiracy:

"Meta's in-house counsel advised that 'in no case would we disclose publicly that we had trained on libgen' because media coverage of their piracy 'may undermine our negotiating position with regulators.'"

Systematic Criminal Concealment:

- "Meta's employees started referring to these pirated datasets as 'external' or 'publicly available' instead of 'pirated.'"
- "Meta went to great lengths to conceal its use of illegal websites. It was only conveyed to others on a 'need to know' basis."

IV. MASSIVE SCALE OF CRIMINAL ENTERPRISE

Unprecedented Theft Operation:

"Between April and July 2024 alone, Meta downloaded over 134 terabytes from pirate websites and uploaded over 40 terabytes of pirated data to third parties."

Criminal Infrastructure for Concealment:

"Meta used Amazon Web Services for its torrenting activities to avoid risk of law enforcement discovery. When asked why Meta infrastructure could not be used, he was told it was to avoid risk of tracing the torrenting to Meta's servers."

V. CRIMINAL ABANDONMENT OF LEGAL ALTERNATIVES

Choosing Crime Over Compliance:

"Meta executives instructed Meta's business development team to stop all text licensing efforts and instead resorted to using pirated copyrighted works. Licensing budgets as high as $200 million were floated but Meta has not paid a single cent for the copyrighted works it pirated."

RELEVANCE TO CURRENT ANTITRUST LITIGATION

This congressional testimony provides devastating evidence directly relevant to pending antitrust litigation against Meta, demonstrating a systematic criminal enterprise that extends far beyond copyright theft into comprehensive market manipulation:

1. PATTERN OF SYSTEMATIC CRIMINAL CONDUCT FOR COMPETITIVE ADVANTAGE

Meta's massive copyright piracy operation reveals the company's willingness to engage in knowing criminal conduct to gain competitive advantage - the same mindset that drives its API manipulation tactics against developers like Veamcast. Both schemes share identical DNA:

- Executive-level authorization of illegal conduct (Zuckerberg personally approved piracy)
- Systematic concealment from regulators and law enforcement
- Deliberate market manipulation to eliminate competitive threats
- Weaponizing technical infrastructure (torrenting networks/API restrictions) for anticompetitive purposes

2. ZUCKERBERG'S DIRECT INVOLVEMENT IN CRIMINAL ANTICOMPETITIVE SCHEMES

The testimony establishes Mark Zuckerberg's personal authorization of criminal conduct for competitive advantage, directly supporting claims that he personally directs Meta's anticompetitive API manipulation strategy against platform developers. The identical executive decision-making pattern shows:

- "Need to know" criminal conspiracy management
- Personal CEO approval of illegal competitive tactics
- Systematic regulatory deception and evidence concealment

3. META'S CRIMINAL INFRASTRUCTURE FOR MARKET MANIPULATION

Meta's elaborate technical infrastructure for criminal concealment (AWS servers to hide torrenting) demonstrates the same sophisticated technical manipulation capabilities used to strangle platform competitors through API restrictions. The company's proven ability to:

- Deploy technical infrastructure for illegal purposes
- Conceal anticompetitive conduct from detection
- Systematically eliminate competitive threats through platform control

4. CONGRESSIONAL RECOGNITION OF META'S CRIMINAL BUSINESS MODEL

Bipartisan congressional condemnation of Meta's systematic criminal enterprise provides authoritative recognition that Meta operates as a criminal organization willing to violate any law for competitive advantage. This includes:

- API manipulation to destroy platform competitors
- Copyright piracy to eliminate AI training competition
- Privacy violations to maintain social media dominance
- Systematic deception of regulators across all business lines

5. CRIMINAL WILLFULNESS STANDARD FOR ENHANCED DAMAGES

Expert testimony establishing Meta's conduct meets the willfulness standard for criminal copyright infringement directly supports enhanced damages and injunctive relief in antitrust litigation. The identical willfulness pattern applies to API manipulation conduct:

- Knowledge of illegality (employee warnings ignored)
- Commercial advantage motive (eliminating platform competition)
- Systematic concealment (hiding API restrictions from developers)

6. FRAUD AND CONCEALMENT CLAIMS

Meta's systematic deception of regulators about its criminal piracy operation establishes a pattern of fraudulent concealment directly relevant to statute of limitations defenses. The company's proven practice of:

- Training AI models to lie about data sources
- Systematically concealing illegal conduct from oversight
- Using technical infrastructure to hide criminal activity
- Coordinating legal counsel in cover-up operations

This evidence demonstrates that Meta's treatment of Veamcast and other developers is part of a broader criminal enterprise designed to eliminate competition through systematic lawbreaking, technical manipulation, and market control directed from the highest levels of the company under Zuckerberg's personal leadership. Meta systematically violates criminal law to eliminate competition. Companies that follow the law cannot compete with a rival that steals its inputs at zero cost. This pattern of criminal conduct to maintain monopoly power violates Sherman Act §2.