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RIMA NAJJAR MERRIMAN

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

RIMA NAJJAR MERRIMAN,)	Case No.
)	
Plaintiff,)	COMPLAINT FOR DAMAGES AND
)	INJUNCTIVE RELIEF
vs.)	
)	Civil Rights
QUORA, INC.,)	
)	Jury Trial Demanded
Defendant.)	
)	
)	

Introduction

1. The plaintiff, Rima Najjar Merriman (“Plaintiff” or “Dr. Najjar”), by and through her attorneys, seeks redress from the defendant, Quora, Inc. (“Defendant” or “Quora”), for denial of full and equal access to services and privileges of Quora in

1 violation of the Unruh Civil Rights Act, Cal. Civ. Code § 51 (“Unruh”) and Title II
2 of the Civil Rights Act of 1964, 42 U.S.C. §2000a et seq. (“Title II”).

3 **Jurisdiction and Venue**

- 4
- 5 2. Jurisdiction of this Court is invoked pursuant to 42 U.S.C.A. § 2000a-6(a) and 28
6 U.S.C. §§ 1331, 1343.
- 7 3. The state law claims in this action are so related to the claims in the action within
8 the original jurisdiction of this Court that they form part of the same case or
9 controversy under Article III of the United States Constitution. The Court’s
10 jurisdiction over these claims is invoked pursuant to 28 U.S.C. § 1367.
- 11 4. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1391(b)(1)
12 because Defendant is located in this district.
13

14 **The Parties**

- 15
- 16 5. Plaintiff is a resident of the state of Indiana, is of Palestinian ancestry and
17 national origin, and is a former member and active participant of Quora. 42
18 U.S.C. 12111(4). At all relevant times, anyone was eligible for membership on
19 Quora as long as s/he was 13 years or older and at least the age of majority in the
20 jurisdiction where s/he lives. Plaintiff was at all relevant times more than 13 years
21 old.
22
- 23 6. At all relevant times, Defendant was a “business establishment” within the
24 meaning of UNRUH and a “place of public accommodation” as defined by Title
25 II.
26
27
28

STATEMENT OF FACTS

a. Background

7. Defendant is a question-and-answer website whose content is provided by its internet user members.
8. According to Quora, “The Quora platform offers a place to ask questions and connect with people who contribute unique insights and quality answers. This empowers people to learn from each other and to better understand the world.”
9. Quora claims to be a neutral forum which does not endorse particular points of view nor any of the answers provided on the site. It stipulates, “Participation or availability on the Quora Platform does not amount to endorsement or verification by us.”
10. Dr. Najjar joined Quora in or about summer of 2016 under the name Rima Najjar, which is her maiden name and also her current first and middle name.
11. Dr. Najjar is a retired professor of English literature and a prolific writer and blogger.
12. She was permanently banned from the Quora site on or about May 2, 2019.
13. Dr. Najjar wrote on various topics on Quora, but primarily about human rights in Palestine/Israel.
14. She noticed that there were comparatively few Palestinian and anti-Zionist writers on Quora and sought to fill a void by providing well-researched posts that informed the Quora audience about Palestinian history and rights.
15. Dr. Najjar felt her contribution to Quora was particularly important because the reach of Quora is far broader than its membership; she noticed that when one does internet searches for information about Israel/Palestine, Quora answers

1 often came up, and they were usually exclusively pro-Zionist and/or contained
2 false information.

3 16. Dr. Najjar explained to Quora the impact its censorship of her activities had on
4 speech pertaining to Palestinian rights. Following her permanent ban she wrote
5 to Tatiana Estevez, Writer Relations, Quora, “What is most troubling to me about
6 this ban is that by preventing me from making accurate statements simply
7 because there is a subjective negative association with them undermines Quora’s
8 ability to maintain factual content.”
9

10 17. Dr. Najjar became a prolific contributor to Quora, sometimes contributing more
11 than one well-researched and well-cited post per day. She became one of Quora’s
12 most viewed writers on the topics of Palestinians and Zionism.
13

14 18. Benay Blend is a retired history professor; a Jewish-American anti-Zionist; and
15 Boycott, Divestment and Sanctions (BDS) activist.
16

17 19. On April 9, 2019, Dr. Najjar and Dr. Blend created “Spaces” on Quora for the
18 exploration of Palestinian identity and issues important to Palestinians. A Quora
19 “Space” is a feature that allows users to curate collections and form communities
20 around shared interests and tastes in Quora.
21

22 20. In “Solidarity Song,” one of those Spaces, Dr. Najjar and Dr. Blend wrote, “We
23 invite you to share posts, links, questions--anything relevant to anti-colonial
24 struggles and post-colonialism (analysis/explanation of the cultural, social and
25 economic legacies of colonialism) round the world. We hope that by sharing our
26 stories we can learn and gain strength and inspiration in order to maintain
27 steadfastness, ‘sumoud’ in Arabic, as we face the oppressor in our various
28 struggles for justice and liberation.”

1 21. The purpose of the second Space, “One Km to Palestine” was described as
2 follows: “This Space of everything Palestine is directed at the group of people,
3 Jews and non-Jews, who have had a conventional introduction to Israel,
4 presented to them as a triumph, the fulfillment of struggle to create a country for
5 Jews around the world, omitting the reality that, for Israel to exist as a Jewish
6 state, the Palestinian people had first to be brutally dispossessed of home and
7 property, their culture and history erased.”
8

9 **b. Collapsed Answers and Temporary Bans**

10 22. Quora’s “Acceptable Use Policy” imposes a number of restrictions on the content
11 users may post. For example, Quora has a “Be Nice, Be Respectful” policy
12 designed to make users “feel safe.” Although disagreement is tolerated, Quora
13 requires users to “be civil, respectful, and considerate to other posters.”
14

15 23. Quora’s platform allows users to report the questions and answers of other users
16 that they contend violate Quora policy.
17

18 24. On information and belief, questions and answers are “collapsed” if a high
19 enough number of users report them, regardless of whether Quora has reviewed
20 the reports and determined them to be legitimate.
21

22 25. Collapsed answers are hidden from the main list of answers and only viewed if
23 the user clicks on “view collapsed answers.” Answers remain collapsed if Quora
24 reviews the report and determines the report was legitimate, in which case the
25 author of the collapsed content is notified.
26

27 26. As Dr. Najjar’s content and readership grew, opponents of Palestinian rights
28 began to see her as a threat.

1 27. Dr. Najjar became the target of a concerted campaign of “reporting,” and many of
2 her answers were “collapsed” as a result.

3 28. Each time Dr. Najjar’s answers or questions were collapsed, she would attempt to
4 ascertain the reason for the collapse. She discovered that some of the collapses
5 were legitimate and resulted from the fact that she had not yet fully familiarized
6 herself with neutral Quora policies. For example, she learned that Quora did not
7 permit the posting of images with text over them. When Dr. Najjar was alerted to
8 these types of mistakes, she adjusted her practices to bring them into line with
9 Quora policy.
10

11 29. Many of Dr. Najjar’s answers were collapsed even when they did not violate any
12 Quora policy, and some of those collapses were upheld even after Dr. Najjar
13 appealed the decisions. For example, her answer to a question about the heritage
14 of the depopulated Palestinian village of Lifta remains collapsed even though it
15 violates no apparent Quora policies, but merely describes her family’s loss and
16 how Lifta is representative of Palestinian dispossession.
17

18 30. In response to multiple reports from other users and multiple collapses of her
19 content, Quora imposed several temporary bans on Dr. Najjar’s account,
20 ostensibly for “repeated policy violations.”
21

22 31. Quora never explained the temporary bans, nor the many reversals of Quora
23 moderation decisions Dr. Najjar received on appeal in the form of a general note
24 that the collapse or edit-ban was “in error” or “a mistake.”
25

26 32. When she disagreed with a moderation decision, she engaged proactively with
27 Quora and achieved reversal of nearly all negative moderation decisions, and
28 reversal of all the temporary bans.

1 33. For example, Quora initially prohibited her from using the word “Palestine” in
2 questions because the term was deemed controversial. Dr. Najjar explained why
3 Palestinians should be permitted to use that term, and Quora refrained from
4 further collapsing her answers for that reason.
5

6 34. Dr. Najjar also worked hard to understand Quora policies and to avoid violating
7 them. For example, after she was alerted that some of the questions she posted
8 on Quora violated the policies because they were too argumentative or included
9 controversial assumptions, she corresponded with Quora about the reasons for
10 the moderation decisions and edited the questions to conform with Quora policy.
11 She also repeatedly posted queries on a Quora page called “Collapse Detectives”
12 in order to attempt to ascertain the reasons for her answer collapses and
13 temporary bans.
14

15 35. Dr. Najjar persevered on Quora despite having to devote a considerable amount
16 of time to appealing moderation decisions, and wrote hundreds of informative,
17 well-researched and well-cited answers.
18

19 **c. Permanent Ban from Quora**

20 36. Despite Dr. Najjar’s diligence, her account was permanently banned on or about
21 May 2, 2019, within weeks after she created Spaces for Palestinian and anti-
22 Zionist voices.
23

24 37. Quora has been unable to provide a nondiscriminatory, equitably enforced reason
25 for banning Dr. Najjar. In an email dated May 2, 2019, Tatiana Estevez explained
26 Quora’s purported reasons for instating a permanent ban.
27

28 38. First, she took issue with Dr. Najjar’s having engaged particular individuals in
debate in response to their posts. Mr. Estevez writes, “I found a concerning

1 pattern of calling out writers that you disagree with and attacking them and their
2 content in your own content. . . . [P]ublicly calling out people you disagree with,
3 and accusing them of bad intent, lying or having a fake identity is neither nice nor
4 respectful.”

5
6 39. Dr. Najjar had not been faulted for “calling people out” before. She thought it was
7 not a violation of Quora policy to engage specific individuals in debate on Quora
8 in a straightforward, intellectual manner; she did not engage in name-calling,
9 insults or ad hominem attacks. For example, she responded to a comment by
10 “Sana Khoury,” pointed out that it was not responsive to her post, and said that
11 Ms. Khoury’s posts were Zionist in content, referencing a carefully-researched
12 definition of Zionism in another post to which she links, and said that her
13 personal belief is that Sana Khoury was not really a 16-year old Palestinian girl, as
14 she claimed, but she hoped she was wrong. This type of engagement is hardly
15 “harassment” such that it would justify a ban.
16

17
18 40. Also, Ms. Estevez accuses Dr. Najjar of “harassment” because she was responding
19 to Ms. Khoury after Ms. Khoury had blocked her. But it is evident from Dr.
20 Najjar’s post itself that she did not know Ms. Khoury had blocked her; she writes,
21 “[Y]ou have disabled comment on your post.”
22

23 41. Second, Ms. Estevez explains that Quora banned Dr. Najjar because discussion of
24 anti-Zionism is “hate speech,” explaining, “if you write a lot of content that is
25 anti-Zionist and then call out people for being Zionists, then you’re using this
26 term in pejorative way with the intent to derogatorily label that person.” So, Ms.
27 Estevez was saying that because Dr. Najjar opposes Zionism, even as a political
28

1 matter and not because of hatred towards a particular religious or ethnic group,
2 identifying someone as Zionist is “hate speech.”

3 42. Zionism is in practice the negation of the right of the Palestinians to self-
4 determination in Palestine. To restrict her from criticizing Zionism or describing
5 something or someone as Zionist is to prevent Dr. Najjar from affirming and
6 defending her own Palestinian identity, human rights and the rights of others
7 who share her national origin.
8

9 43. Quora does not equitably enforce its policies against harassment and calling
10 people out nor its requirement to “be nice.”
11

12 44. First, writers who speak about anti-Zionists and Palestinians in a disparaging
13 manner are allowed to continue posting on Quora and sometimes their answers
14 are not even collapsed. For example, Allen Lobo wrote a post in which he
15 describes criticism of Israel as “bile” “venom,” a “twisted and perverted level of
16 hatred,” and concludes, “Honestly, if Israelis were like me, they’d simply say
17 **Fuck off! We've had enough of this nonsense.**” (emphasis in original).
18 The answer was not collapsed when reported. Although Quora faults Dr. Najjar
19 for purportedly using the term “Zionist” in a “pejorative” way (despite her usage
20 being free of expletives), Lobo’s answer remains despite describing anti-Zionists
21 as animals filled with irrational hatred.
22

23 45. Writers who claim Palestinians do not exist or are not indigenous to the land are
24 permitted to post content and maintain their accounts.
25

26 46. For example, Michael Davison, a “Most Viewed Writer” on the topic “Palestine,”
27 repeatedly denies the existence of Palestinian identity, and is permitted to
28 maintain an account. In one post, he claims that Palestinian identity is purely

1 negative and does not exist except in opposition to Israel. In another, he claims,
2 without any basis, citation or support, that Palestinians are not a distinct group,
3 that “[a]t best, those claiming to be Palestinians are a diverse group whose
4 history in Palestine is more that of an economic migrant population than an
5 indigenous people.” His posts are therefore not only disparaging or negative
6 towards an entire ethnic/national group but claim without any support that
7 Palestinian identity is a fabrication.
8

9 47. Along the same lines, Quora contributor Kjell A. Amundsen repeatedly answers
10 questions by saying that Palestinians don’t exist and that anything they say is
11 “fantasy” or propaganda, and he still maintains a Quora account despite multiple
12 reported violations.
13

14 48. Moreover, Zionist writers who “call out” others, attack them in their answers or
15 speak disparagingly about them are not banned from Quora.
16

17 49. Quora refrained from deleting the account of Ron Barak even after he
18 unjustifiably called Egyptian Quora user a “Nazi” and explicitly equated his posts
19 with the writings of Josef Goebbels in response to a post in which he argued that
20 Hamas generally acts in compliance with the dictates of international
21 humanitarian law, and took several days to delete his comments.
22

23 50. Meanwhile, Quora took no action against the account of Thomas Whitlock, who
24 called the same Quora user an “anti-Semite” and “Jew-hater” ten times in under
25 24 hours with no attempt whatsoever to justify or substantiate these epithets.
26

27 51. George Uman wrote about Dr. Najjar in an answer to a question about her ban,
28 “the lady is a Goebels [*sic.*] style propaganda artist. Hatred, incitement of
violence, falsified facts, etc - all in one flacon.” Mr. Uman’s account remains on

1 Quora. In another example, Shelley Sherman Dube’s account was not banned
2 when she wrote about Dr. Najjar, “Rima Najar [*sic.*] is constantly spreading lies
3 about the Jews, claiming they control the world [*sic.*], lies on par with the book
4 Mein Kampf by Adolph Hitler.”

5
6 52. “Otto Bon” writes without citation that it is his understanding that Dr. Najjar
7 supports a terrorist organization, and he calls her anti-Semitic simply because
8 she wrote a scholarly article with accurate information about the influence of the
9 Zionist lobby on the U.S. government. Mr. “Bon’s” account remains on Quora.

10
11 53. In one example Ms. Estevez gives of Dr. Najjar “attacking” other users, Dr. Najjar
12 simply *responds* to Quora users who spoke disparagingly of her and wrote that
13 her family’s history of dispossession is made up. Dr. Najjar responds by
14 intellectually engaging what they wrote rather than retaliating in the same vein.
15 Meanwhile, the individuals who spoke disparagingly about Dr. Najjar and her
16 national identity all remain on Quora.

17
18 54. On or about May 2, 2019 Dr. Blend was permanently banned from Quora as well,
19 for reposting a blog of Dr. Najjar’s from an outside website that it contended
20 violated Quora policy.

21
22 55. Quora Top Writers, who apparently participate in moderation decisions,
23 *admitted* that Dr. Najjar was banned because of her advocacy of Palestinian
24 rights through her opposition to Zionism. Ms. Cynthia Chan, Top Writer 2018,
25 who posted a few days after Dr. Najjar’s ban, an answer to the question “Why has
26 Quora banned Rima Najjar and Benay Blend?” in “Specific Quora Users,” in
27 which she writes (emphasis hers):

28 **Because they are pro-Palestine.**

1 As the admin of Rules of Decorum, I've had to decline a
2 submission of Rima's because I feared that a flame war
3 would result from what she posted. A lot of what she posted
4 and answered seemed to be very pro-Palestine and anti-
5 Israel, and this article that she submitted was no exception.
6 Flame wars are not what we want on Quora. It's one thing to
7 be pro-Palestinian, but another to be anti-Israel. A good
8 friend of mine suggested a two-state solution, but that
9 doesn't seem to be what the two banned users are
10 supporting.

11 Rima Najjar and Benay Blend are just not right for Quora at
12 this time. When they change their attitudes and support a
13 two-state solution, then maybe, just maybe, we'll welcome
14 them back into the fold. But until then, I'll have to admit that
15 Quora did the right thing here.

16 **Too bad for them.**

17 56. On May 27, 2019 Dr. Najjar wrote to Quora through her attorney, protesting the
18 ban and requesting reinstatement. She received a response from "Roger" of
19 Quora's User Operations, who rejected the request for reinstatement, explaining,
20 "Please note that bans such as this are the result of an algorithm based on
21 multiple determinations that an author violated policy, each of which is made
22 without any knowledge of any prior history of policy violations."

23 57. Roger's claim that Dr. Najjar's permanent ban is in place merely because of its
24 algorithm is false, because the ban was reviewed by at least one human being on
25 appeal (Ms. Estevez) and upheld.

26 58. After Quora permanently banned Dr. Najjar, it erased nearly all of her hundreds
27 of Quora answers from her profile. They can now only be accessed through a
28 direct link to the answer or by viewing the specific question to which they
respond. The answers of Jewish-American Quora writer Dr. Blend were not
erased from her profile. There are red banners at the top of the profiles of Drs.
Najjar and Blend which read, "This account has been banned."

1 59. As a result of Dr. Najjar’s and Dr. Blend’s exclusion, the narrative that remains in
2 Quora, as some of Dr. Najjar’s Quora answers pointed out, negates and erases
3 Palestinian identity, thereby justifying the extinction of their national rights to
4 any part of Israel/Palestine. Even on the topic of “Palestine,” the “Most Viewed
5 Writers” are almost exclusively Zionist, and their answers are not nearly as well-
6 cited and thoughtful as Dr. Najjar’s.
7

8 60. This exclusion is not simply a matter of unintentional disparate impact, but the
9 result of intentional discrimination, since it intentionally applied its policies in an
10 inequitable manner. Dr. Najjar and others have repeatedly alerted Quora to the
11 campaign of harassment against her content, and to egregious violations of
12 Quora policies by others, and Quora took no meaningful action.
13

14 61. As a result of the ban, Dr. Najjar is forever banned from posting on Quora, and
15 has suffered inconvenience, emotional distress, loss of reputation as a public
16 figure, and lost opportunity in terms of income through Quora’s Partner
17 Program, which is only available to members.
18

19 **COUNT I**
20 **Unruh Civil Rights Act**

21 62. Paragraphs 1 through 61 are incorporated by reference as if fully set out herein.

22 63. Quora is a “business establishment” within the meaning of Unruh.

23 64. Dr. Najjar was denied full and equal access to Quora because of her political
24 opinions critiquing Zionism and affirming Palestinian national identity.

25 65. She was also denied full and equal access because of her ancestry and national
26 origin.
27
28

1 66. Quora’s stated reasons for permanently banning her from the site are pretext for
2 its hostility towards her political points of view and to her national identity.

3 67. In applying its “Be Nice, Be Respectful” policy to content about Israel/Palestine,
4 Quora does not employ an objective standard, but uses as its main criterion the
5 extent to which the content offends Zionist sensibilities.
6

7 **COUNT II**
8 **Title II of the Civil Rights Act of 1964**

9 68. Paragraphs 1 through 67 are incorporated by reference as if fully set out herein.

10 69. Quora is a “place of public accommodation” within the meaning of Title II of the
11 Civil Rights Act of 1964.

12 70. Quora denied Dr. Najjar full enjoyment of its services and privileges because of
13 her national origin.
14

15 **Damages**

16
17 71. As a result of the actions of defendants set forth above, Dr. Najjar suffered
18 damages as follows:

19 (a) She is prohibited from access to an important forum for political speech
20 and speech important to Palestinian identity;

21 (b) She lost income she could have earned through the Quora Partner
22 Program; and

23 (c) She suffered substantial emotional distress, embarrassment, and harm to
24 her reputation.
25
26
27
28

Prayer for Relief

WHEREFORE, Plaintiff prays that the Court enter judgment against Defendant and order the following relief:

- A. Injunctive relief in the form of reinstatement to Quora;
- B. An order requiring Quora to cease and desist from discriminating against users on the basis of anti-Zionist political opinion, Palestinian ancestry and/or Palestinian national origin;
- C. Compensation for the lost income Dr. Najjar could have received through Quora's Partner Program, which is only available to members;
- D. Compensation for the emotional distress Plaintiff suffered as a result of the permanent ban;
- E. Reasonable attorney fees, any expert witness fees, and other litigation expenses;
- F. Punitive damages; and
- G. Such other and further relief as may be just and proper.

Jury Demand

Plaintiff Rima Najjar Merriman requests a trial by jury on all issues so triable in this case.

Dated: December 31, 2019

Respectfully Submitted,

SIEGEL, YEE, BRUNNER & MEHTA

By: /s/ Dan Siegel

Attorney for Plaintiff
RIMA NAJJAR MERRIMAN