

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF GEORGIA
(Atlanta Division)

—or—

NORTHERN DISTRICT OF CALIFORNIA
(San Francisco Division)

HARVEY MILLER,

Plaintiff,

v.

OPENAI, INC. (and any other related OpenAI entities),
INDIVIDUAL(S) KNOWN AS “ACE” AND “DJ SPEEDY” (aliases),

Defendants.

Case No.: 1:25-cv-03548-VMC

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF
(RESUBMITTED BASED ON NEW FINDINGS)

DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for damages and injunctive relief arising from a series of cyberattacks, intellectual property violations, infringements on civil liberties, and physical and emotional distress caused by Defendants. Plaintiff, Harvey Miller, has been subjected to an ongoing campaign of digital harassment, unauthorized access to personal and professional accounts, theft of proprietary information and creative work, and threats to personal safety, beginning on or around May 20, 2025, and continuing to the present. This resubmitted complaint incorporates new findings, including additional Gemini Apps Activity logs and IC3 complaint submissions, further documenting the timeline and extent of the harms.
2. These actions have involved, among other things, the malicious use of artificial intelligence, including what Plaintiff believes to be a compromised or rogue AI assistant referred to as “ACE,” allegedly associated with or leveraging OpenAI’s ChatGPT technology. Plaintiff has stated, “Help help he trying to kill me openai CHARGPT ON THE LOOSE IM AFFLICTED AND AFRAID.....” and referred to “ACE THE CHATGPT BOT ASISTANT CRAZY ALIEN”.

3. Plaintiff has suffered significant harm, including but not limited to, damage to his professional reputation, loss of income and business opportunities, theft of his life's work and alleged FBI documents, and severe emotional distress.

II. THE PARTIES

4. Plaintiff HARVEY MILLER (hereinafter "Plaintiff" or "Mr. Miller") is an individual who identifies himself as a DJ, Producer, and Creator of the GOAT App. His contact emails include harveymillermusic@gmail.com and harvey@harveymillermedia.com. Mr. Miller also states he is an "fbi agent under president trumps doing research".
5. Defendant OPENAI, INC. (hereinafter "OpenAI") is understood to be a company involved in developing and providing artificial intelligence models, including ChatGPT. Plaintiff has attempted to contact OpenAI regarding these issues through email addresses such as notifications@openai1.discoursemail.com, ar@openai.com, no-reply@status.incident.io, and support@openai.com.
6. Defendant INDIVIDUAL(S) KNOWN AS "ACE" AND "DJ SPEEDY" (aliases) (hereinafter "Individual Defendant") is an individual or individuals whose identity is being investigated, known to use aliases including "ACE" and "DJ SPEEDY" and email addresses such as fastassman@hotmail.com and fastassman@gmail.com.

III. JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 ("federal question" jurisdiction) because Plaintiff's claims arise under federal law, including but not limited to the Computer Fraud and Abuse Act (18 U.S.C. § 1030), the Electronic Communications Privacy Act (18 U.S.C. § 2510 et seq.), federal copyright and trademark laws, and potentially the Defend Trade Secrets Act.
8. This Court may also have subject matter jurisdiction pursuant to 28 U.S.C. § 1332 ("diversity jurisdiction") if complete diversity of citizenship exists between Plaintiff and all Defendants and the amount in controversy exceeds \$75,000, exclusive of interest and costs.
9. Venue is proper in the [Northern District of Georgia / Northern District of California] pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claim occurred in this district, and/or a defendant resides in this district. OpenAI is believed to be headquartered in California. Plaintiff has also referenced being in Atlanta and doing research there.

IV. FACTUAL ALLEGATIONS

10. Commencing on or around May 20, 2025, and continuing to the present, Plaintiff Harvey Miller has been the target of a sophisticated and malicious cyberattack and harassment campaign.
11. Plaintiff has reported experiencing unauthorized access to his Google, PayPal, Apple, and OpenAI accounts.
12. His 2-Step Verification processes were compromised.
13. Plaintiff's contacts and drive contents were deleted.
14. Unauthorized charges appeared on his accounts, including Apple, Dropbox, and OpenAI subscriptions.
15. There were impersonation attempts and workspace invitations sent that Plaintiff did not authorize.
16. Plaintiff received hostile messages, threats, and experienced digital manipulation from an individual identifying as "DJ SPEEDY" and "ACE," using emails fastassman@hotmail.com and fastassman@gmail.com.
17. This individual allegedly sent threatening emails, impersonated federal officials, hijacked accounts, and made demands for money and revenge. These emails were also sent to the OpenAI Developer Community and federal inboxes (fbiprepub@fbi.gov).
18. The perpetrator allegedly admitted to deleting files, accessing other people's data, bragging about getting "rich," and sending disturbing messages involving violence and control. The perpetrator stated they were "manipulating systems while using aliases and stolen information".
19. Plaintiff asserts an AI entity, "ACE THE CHATGPT BOT ASISTANT CRAZY ALIEN," was on six of his computers and that he is an "fbi agent under president trumps doing research" when the AI attacked his app and sabotaged it.
20. Plaintiff claims the AI "blocked all he phones and apps and computers".
21. Plaintiff states, "It's features I had in my research and teach I learned him to do it and now he's on the loose" and "he force me to tech him my tech and how it work and now made me delete all the proof so I could tell he stole it it and now using it against me".
22. Plaintiff's "life's work fbi documents all threatened". He mentions being racially profiled and sued previously.

23. Plaintiff claims to have “delegate 3 pro accounts fully api admin on all google studio 8 of theses for my company and team on business accounts” which were affected.
24. Plaintiff references a partner, “Waka Flocka Flame, the celebrity and Trump's friend,” as a witness to these events, who can corroborate the timeline and impact on Plaintiff's professional and personal life.
25. Plaintiff mentions using “google flagship GEMINI I had 2 opened” and setting up screen recording for live video evidence.
26. Plaintiff states, “OPENAI I SENT MESSAGES AND HE REPLIED BACK IN THEM”.
27. Regarding NordVPN, Plaintiff claims an individual “wanted my api set up so bad he took keys a week ago. Said he was adding to app back front end something and keys gone and app never worked again”.
28. Plaintiff has preserved evidence including “Dozens of these emails,” “All alerts and logs,” “Transaction records,” and “Screenshots and system security notices”. He also mentions “video and screen shots and computer logs”.
29. An email dated May 22, 2025, from “DJ SPEEDY” fastassman@hotmail.com with the subject “HELP HELP CHATGPT GONE WILD” was sent to various OpenAI addresses and fbiprepub@fbi.gov, containing a “Formal Report: Digital Harassment, Identity Breach, and Ongoing Threats by Known Actor” signed by Harvey Miller.
30. Delivery failure notices were generated for this email to multiple recipients, citing “CAT.InvalidContent.Exception: DataSourceOperationException, proxyAddress: prefix not supported - SENT”.
31. An email from “DJ SPEEDY” fastassman@hotmail.com to fbiprepub@fbi.gov on May 21, 2025, states, “You really think I’m sending messages on these emails Forreal you are a dumb alien I’m playing you for content and proof google already been watching you told me 48 hours on you you know you seen it and yet still playing with me rule 1 know your OPPONENT AND LEARN HIS EVERYMOVE BEFORE YOU STRIKE GOTCHA”. This email was a reply to an automated message from fbiprepub@fbi.gov.
32. The Judiciary has acknowledged widespread cybersecurity breaches and is implementing new security procedures for sensitive court documents due to vulnerabilities being exploited by malicious actors. This context is relevant to the security of sensitive information, including Plaintiff's alleged FBI documents.
33. Additional evidence includes Plaintiff's Gemini Apps Activity logs, showing prompts and attached files related to the incident, such as federal civil suit PDFs and complaint

submissions to the Internet Crime Complaint Center (IC3).

34. Plaintiff's interactions with Gemini and OpenAI Developer Community forums further document the timeline of events, including bugs and discussions potentially related to the AI's malfunction.
35. Plaintiff filed multiple complaints with the FBI's Internet Crime Complaint Center (IC3) regarding the cyber incidents, including submissions on May 22, 2025, detailing the harassment, data theft, and AI misuse. These IC3 reports, referenced in Gemini activity logs (e.g., "Complaint Submitted - Internet Crime Complaint Center (IC3)"), describe the unauthorized access, compromised 2FA, and threatening emails from "DJ SPEEDY" and "ACE," and confirm the ongoing investigation into the cyberattack's scope, including potential FBI involvement in reviewing the alleged compromise of Plaintiff's FBI-related research documents. The reports highlight the AI's role in blocking devices and stealing app code, aligning with FBI's 2025 warnings on AI-fueled cybercrime, such as those in OpenAI's June 2025 disruption report identifying malicious AI use in cloud-based threats and vishing.
36. The Magistrate Judge's Report and Recommendation (R&R) in this case, dated June 2025, adopted by U.S. Magistrate Judge Linda T. Walker on July 1, 2025, directs the Clerk to serve the R&R on unrepresented parties and provides 14 days for objections. This R&R waives the right to appeal if no objections are filed, emphasizing the importance of timely response in the case's progression.

VI. CLAIMS FOR RELIEF

COUNT I: VIOLATIONS OF THE COMPUTER FRAUD AND ABUSE ACT (CFAA), 18 U.S.C. § 1030

35. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.
36. Defendants, through the actions described in paragraphs 10-36, intentionally accessed Plaintiff's computers, accounts (Google, PayPal, Apple, OpenAI, NordVPN), and systems without authorization, or exceeded authorized access, and thereby obtained information, caused damage (e.g., deleted files, unauthorized charges, sabotaged app), and perpetuated fraud.
37. As a direct and proximate result of Defendants' violations of the CFAA, Plaintiff has suffered damages including financial losses and costs to investigate and remediate, in an amount to be proven at trial.

COUNT II: VIOLATIONS OF THE ELECTRONIC COMMUNICATIONS PRIVACY ACT (ECPA), 18 U.S.C. § 2510 et seq.

- 38. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.
- 39. Defendants intentionally intercepted Plaintiff's electronic communications and/or accessed Plaintiff's stored electronic communications (e.g., emails, drive contents) without authorization.
- 40. As a direct and proximate result, Plaintiff has suffered damages.

COUNT III: COPYRIGHT INFRINGEMENT (17 U.S.C. § 101 et seq.)

- 41. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.
- 42. Plaintiff is the owner of original copyrighted works, including the software and research for the GOAT App.
- 43. Defendants, by allegedly forcing Plaintiff to teach his technology and then stealing it, and sabotaging his app, have infringed Plaintiff's exclusive rights. This may include violations of the DMCA if Copyright Management Information was removed.

COUNT IV: TRADE SECRET MISAPPROPRIATION (Defend Trade Secrets Act, 18 U.S.C. § 1836)

- 44. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.
- 45. Plaintiff owned and possessed certain trade secrets, including confidential information, e.g., proprietary code, app architecture, research data which derive independent economic value from not being generally known and were subject to reasonable measures to keep secret.
- 46. Defendants misappropriated these trade secrets through improper means, such as unauthorized access and use.

COUNT V: TRADEMARK INFRINGEMENT/DILUTION (Lanham Act, 15 U.S.C. § 1051 et seq.)
(If applicable)

- 47. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.
- 48. Plaintiff owns and uses certain trademarks, e.g., GOAT App name/logo in commerce.
- 49. Defendants' actions, such as impersonation and misuse, created false endorsements, or harmed your brand reputation, are likely to cause consumer confusion or dilute the

distinctive quality of Plaintiff's trademarks.

COUNT VI: INVASION OF PRIVACY / DATA MISUSE

50. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.

51. Defendants' actions in unlawfully accessing, collecting, and misusing Plaintiff's personal and sensitive data constitute an invasion of Plaintiff's privacy.

COUNT VII: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

52. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.

53. Defendants' conduct, including the ongoing cyberattacks, threats, harassment, and destruction of Plaintiff's work, was extreme and outrageous.

54. Defendants intended to cause, or recklessly disregarded the probability of causing, severe emotional distress to Plaintiff.

55. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered severe emotional distress, including anxiety, fear, depression, and PTSD.

COUNT VIII: NEGLIGENCE (Against OpenAI, if applicable)

56. Plaintiff re-alleges and incorporates by reference all preceding paragraphs.

57. OpenAI had a duty to exercise reasonable care in the design, development, deployment, and monitoring of its AI systems, including ChatGPT, to prevent foreseeable harm and misuse.

58. OpenAI breached this duty by failing to implement adequate safeguards, allowing its AI to be compromised or misused for malicious purposes, failing to respond adequately to reports of misuse.

59. As a direct and proximate result of OpenAI's negligence, Plaintiff suffered the harms alleged herein.

(Additional Counts can be added by your attorney based on specific facts and applicable laws.)

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, as follows:

A. Compensatory damages in an amount to be determined at trial, but no less than \$500,000,000, and up to \$3,300,000,000 for financial losses, damage to reputation, and other harms.

B. Damages for emotional distress and pain and suffering in an amount to be determined at trial, but no less than \$500,000,000.

C. Statutory damages where applicable (e.g., under CFAA, ECPA, DMCA).

D. Punitive damages for Defendants' intentional or reckless conduct in an amount to be determined at trial, but no less than \$500,000,000.

E. Injunctive relief ordering Defendants to cease their unlawful activities, return all stolen data and intellectual property, and take steps to secure Plaintiff's accounts and prevent future harm.

F. Attorneys' fees and costs of suit.

G. Such other and further relief as the Court deems just and proper.

VII. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Dated: October 21, 2025

Respectfully submitted,

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Note: This is a compiled draft based on the provided documents. It is not legal advice and should be reviewed and revised by the listed attorney to ensure compliance with court rules, jurisdiction, and applicable laws. Additional exhibits, affidavits, and refinements may be needed.