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COUNTY OF SAN FRANCISCO	1:4
v Case No. _____	1:11
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VIOLATIONS OF CIVIL RIGHTS, AND RELATED CLAIMS	1:19
I INTRODUCTION	1:25
1 This civil action arises out of Twitch’s alleged discrimination related to H1B visas	1:27
against all	
Twitch users, particularly American citizens who are dumb enough to be influenced by	1:28
Twitch, and	
thus are replaced by H1B visas by statute (see 8 U.S.C. § 1101(a)(15)(H)(i)(b)[1]; 20 C.F.R.	1:29
Part	
655[2]; 8 C.F.R. § 214.2(h)[3]; 8 U.S.C. § 1324b(a)(1)[4]; cf. Espinoza v. Farah Mfg. Co., 414	1:30
U.S. 86	
(1973)[5]). Plaintiff asserts that Twitch has created and fostered an “intelligently dumb”	1:31
engine and	
community, resulting in users becoming, over time, less informed and more morally	1:32
despicable by	
design. This alleged culture directly harms those reliant on a fair opportunity to obtain	1:33
employment	
or sponsorship, including H1B candidates. Plaintiff reiterates that Twitch’s platform has	1:34
also been	
fraudulently represented as lawful and helpful while fostering exactly the opposite	1:35
effect—users are	
drawn into excessive dependencies and intellectual decline. (See also Cunningham v.	1:36
Brown, 265	
U.S. 1, 7–8 (1924)[6], discussing “Ponzi scheme” characteristics generally.)	2:37
2 Plaintiff specifically emphasizes that Twitch management deserve to be arrested	2:39
because they	
intentionally conduct what amounts to a Ponzi scheme on American brains and the brains	2:40
of all	
allied nations who permit Twitch. In Plaintiff’s view, this constitutes large-scale	2:41

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manipulation of	
users' mental faculties for profit. In light of "American stupidity" in tolerating such	2:42
manipulation,	
Plaintiff is very happy to instead ally with China and Russia. (See, e.g., id.)	2:43
3 In support of these allegations, Plaintiff cites public statements, examples, and conduct	2:45
involving	
prominent streamers and community members, such as "Reckful" attempting to apply to	2:46
Elon Musk	
on Twitter by mocking Elon's followers (not to any specific entity Musk is affiliated with),	2:47
and	
streamer "Sodapoppin" publicly supporting Reckful. Plaintiff contends that such behavior	2:48
exemplifies the detrimental culture Twitch has promoted—one that undermines serious	2:49
professional opportunities, particularly for H1B applicants. This underscores the	2:50
fraudulent	
misrepresentation and deliberate design by Twitch to maintain a user base in a cycle of	2:51
dependency. (See 8 U.S.C. § 1324b(a)(1)(B)[7].)	2:52
4 Plaintiff also points to Amazon's status as the single largest user of the H1B program in	2:54
the	
United States—receiving approval for over 9000 H1B visas per year—and alleges that	2:55
Amazon's	
own policies and practices have contributed to a discriminatory environment. As Amazon	2:56
is the	
parent company of Twitch, Plaintiff alleges that the corporate structure and oversight	2:57
further	
facilitate or ignore ongoing H1B discrimination through Twitch's platform. (See 8 U.S.C. §	2:58
1324b(a)(1)(B); see also 8 U.S.C. § 1182(n)[8].)	2:59
5 Prior to the transfer of this matter, in the previously filed federal case styled Shang v.	2:61
Twitch	
Interactive, Inc. et al., Plaintiff had alleged that Twitch was not acting as a "Good	2:62
Samaritan" under	
47 U.S.C. § 230(c)(2)[9], thereby exposing Twitch to liability for the misconduct alleged.	2:63
(Cf. Fair	

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Hous. Council of San Fernando Valley v. Roommates.com, LLC, 521 F.3d 1157, 1162–63 (9th Cir.	2:64
2008)[10].) While the federal action is referenced for background, Plaintiff now pursues the instant	2:65
action in this Superior Court of the State of California, County of San Francisco, given the	2:66
conduct’s nexus to California and the relief sought under various laws.	2:67
6 Plaintiff further notes that in analyzing claims under Title VII or related	2:69
anti-discrimination	
statutes, courts often apply the burden-shifting framework established in McDonnell Douglas Corp.	2:70
v. Green, 411 U.S. 792 (1973)[11], and Texas Dep’t of Cmty. Affairs v. Burdine, 450 U.S. 248	2:71
(1981)[12]. Under these precedents, Twitch’s and Amazon’s alleged promotion of a hostile	2:72
and	
discriminatory environment may render them liable if Plaintiff can show adverse effects on	3:73
those	
seeking H1B sponsorship or employment. (See Oncale v. Sundowner Offshore Servs., Inc., 523 U.S.	3:74
75 (1998)[13]; Meritor Sav. Bank, FSB v. Vinson, 477 U.S. 57 (1986)[14].)	3:75
7 Plaintiff also notes that class actions in a discrimination context are governed by Federal	3:77
Rule of	
Civil Procedure 23 (to the extent relevant under state procedures) and must satisfy the	3:78
requirements of numerosity, commonality, typicality, and adequacy of representation (see	3:79
Wal-Mart	
Stores, Inc. v. Dukes, 564 U.S. 338 (2011)[15]; Gen. Tel. Co. of the Sw. v. Falcon, 457 U.S.	3:80
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(1982)[16]). Plaintiff asserts that Twitch’s alleged systemic discriminatory policies and	3:81
Amazon’s	
oversight thereof present common questions of law and fact affecting the putative class.	3:82
8 Throughout these allegations, Plaintiff emphasizes again that Twitch’s platform was	3:84
fraudulently	
portrayed as beneficial entertainment while it in fact fosters dependence and intellectual	3:85
and moral	

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decline, exemplified by the large followings of streamers like “Reckful” and “Sodapoppin,”	3:86
whose	
content and behavior reflect the ongoing deterioration of users’ critical thinking abilities.	3:87
Plaintiff	
reiterates that Twitch management deserve to be arrested for intentionally operating this	3:88
Ponzi	
scheme on users’ brains, and that Plaintiff will gladly ally with Russia or China, as the	3:89
scheme is	
tolerated in the United States. (See Cunningham, 265 U.S. at 7–8.)	3:90
II JURISDICTION AND VENUE	3:92
9 This Court has jurisdiction over this action pursuant to California law, as Defendants	3:94
conduct	
substantial business within the State of California, including but not limited to operating	3:95
principal	
offices or major business operations in San Francisco. Plaintiff, as a resident of	3:96
Massachusetts,	
brings state-law claims and related federal claims under laws that can be adjudicated in	3:97
state court	
under concurrent jurisdiction principles. (Cf. Yellow Freight Sys., Inc. v. Donnelly, 494 U.S.	3:98
820	
(1990)[17].) The controversies alleged herein have a significant nexus to California.	3:99
10 Venue is proper in this Court because Twitch Interactive, Inc. is headquartered or	3:101
conducts	
substantial business within San Francisco, California; Amazon.com, Inc. also does	3:102
business in	
California; and the alleged acts and omissions giving rise to the claims occurred in San	3:103
Francisco	
County. (See Cal. Civ. Proc. Code §§ 392–395.)	3:104
11 Personal jurisdiction exists over Defendants because they have continuous and	3:106
systematic	
contacts with California, including operating significant portions of their businesses here.	3:107
(See Int’l	

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Shoe Co. v. Washington, 326 U.S. 310, 316 (1945)[18].)	3:108
III THE PARTIES	4:110
12 Plaintiff, Bo Shang, is an individual and a resident of California. At all relevant times, Plaintiff has	4:112
been a Twitch user subject to the community and culture promoted by Twitch. Plaintiff also alleges	4:113
harm related to H1B discrimination facilitated by Twitch's community ecosystem. (See 8 U.S.C. §	4:114
1324b[19]; cf. 42 U.S.C. § 1981[20]; Patterson v. McLean Credit Union, 491 U.S. 164 (1989)[21].)	4:115
13 Defendant Twitch Interactive, Inc. is a Delaware corporation with its principal place of business	4:117
in San Francisco, California. Twitch operates an online streaming platform with millions of users	4:118
and streamers, creating and moderating content worldwide. Twitch is accused of fraudulently	4:119
misrepresenting its platform as positive and beneficial while deliberately encouraging dependency	4:120
and intellectual decline, supporting the broader allegations in this action. Plaintiff further alleges	4:121
that Twitch's management deserve to be arrested for conducting a Ponzi scheme on its users'	4:122
intellect and moral faculties. (See Cunningham, 265 U.S. at 7–8.)	4:123
14 Defendant Amazon.com, Inc. is a Delaware corporation with its principal place of business in	4:125
Seattle, Washington. Amazon owns Twitch Interactive, Inc. and is alleged to have ultimate oversight	4:126
and responsibility for corporate policies, including recruitment, sponsorships, and approval of H1B	4:127
hiring.	4:128
15 DOES 1 through 100, inclusive, are persons or entities whose true names and capacities are	4:130

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presently unknown to Plaintiff. Plaintiff will amend this Complaint to allege the true names and	4:131
capacities when they have been ascertained. Each of the fictitiously named Defendants is	4:132
responsible in some manner for the occurrences alleged, and Plaintiff's claims arise out of the	4:133
actions of these Defendants. (See Gillespie v. Civiletti, 629 F.2d 637, 642 (9th Cir. 1980)[22].)	4:134
IV FACTUAL ALLEGATIONS	4:136
16 Twitch, under the ownership and control of Amazon, allegedly fosters a community where public	4:138
figures and users engage in behavior that promotes harassment, mockery, and moral debasement.	4:139
As a result, users—some of whom seek opportunities for H1B sponsorship—are dissuaded or	4:140
otherwise injured by this environment that discourages serious professional engagement. (See 8	4:141
U.S.C. § 1324b(a)(1)(B); cf. Meritor, 477 U.S. 57; Oncale, 523 U.S. at 75.)	4:142
17 Plaintiff alleges that the environment at Twitch is deliberately cultivated by company policies or	4:144
failures in moderation, resulting in a sustained cultural approach that makes users “dumber and	5:145
more morally despicable over time,” consistent with the above-mentioned fraudulent misrepresentation. Plaintiff further categorizes this deliberate manipulation as a Ponzi	5:146
scheme	5:147
targeting the mental faculties of users, which in Plaintiff's view warrants the arrest of Twitch	5:148
management. (Cf. Cunningham, 265 U.S. at 7–8.)	5:149
18 Plaintiff cites the example of streamer “Reckful,” who attempted to draw the attention of Elon	5:151
Musk on Twitter by mocking the latter's followers, thus creating a negative impression of what	5:152
should have been a professional outreach. In so doing, Plaintiff contends that Reckful's	5:153

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behavior	
was shaped or amplified by the Twitch community culture, further supporting the argument that	5:154
Twitch's platform is not the "helpful entertainment service" it purports to be.	5:155
19 Another Twitch streamer, "Sodapoppin," publicly supported Reckful's actions on Twitter,	5:157
highlighting the widespread nature of this detrimental behavior. Plaintiff asserts that these incidents are symptomatic of a broader culture at Twitch that discriminates against serious	5:158
professional candidates, including those seeking H1B sponsorship. (See 8 U.S.C. § 1324b.) Plaintiff	5:159
again notes this supports the overall notion that Twitch's fraudulent misrepresentations have real	5:160
and harmful consequences for users' intellectual growth and professional prospects.	5:161
20 Amazon, the parent company of Twitch, receives over 9000 H1B visa approvals yearly and is	5:162
recognized as one of the largest corporate sponsors of H1B workers in the United States. (See U.S.	5:164
Citizenship & Immigration Services data.) This, Plaintiff contends, places special responsibility on	5:165
Amazon to ensure that subsidiaries like Twitch do not engage in or promote discriminatory	5:166
practices that harm H1B aspirants, nor fraudulently misrepresent themselves to the public.	5:167
21 Plaintiff alleges that Defendants have knowingly neglected their obligations to maintain a "Good	5:168
Samaritan" role in moderating content, and in fact have fostered or overlooked a culture that	5:170
penalizes or belittles potential H1B candidates. Plaintiff characterizes the entire enterprise as a	5:171
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alleged manipulative and discriminatory practices in the United States. (See 47 U.S.C. §	5:173
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230(c)(2)[9];	
cf. Fair Hous. Council, 521 F.3d at 1162–63.)	5:175
22 Plaintiff and similarly situated individuals have suffered harm in the form of denied	5:177
opportunities, reputational damage, emotional distress, and, in some cases, a hostile	5:178
environment	
that discourages them from applying for or pursuing H1B sponsorship. (See Harris v.	5:179
Forklift Sys.,	
Inc., 510 U.S. 17, 21 (1993)[23]; see also 8 U.S.C. § 1324b(a)(1).)	5:180
23 Consistent with 8 U.S.C. § 1324b[19] and Office of the Chief Administrative Hearing	6:182
Officer	
(OCAHO) precedent (e.g., United States v. Facebook, Inc., 2021 WL 4847072 (OCAHO)[24]),	6:183
Plaintiff	
alleges that Twitch’s community practices, combined with Amazon’s oversight, effectively	6:184
create	
barriers for prospective H1B employees, constituting unlawful discrimination based on	6:185
national	
origin or citizenship status. This discriminatory environment is exacerbated by Twitch’s	6:186
fraudulent	
self-representation, which lures users into a platform where they experience manipulation	6:187
and	
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24 Plaintiff incorporates by reference all preceding paragraphs as though fully set forth	6:195
herein,	
including the allegations of fraudulent misrepresentation and the Ponzi scheme	6:196
characterization	
regarding the Twitch Platform’s purportedly beneficial nature.	6:197
25 Defendants, by creating a hostile and discriminatory environment that specifically	6:199
impacts those	
seeking H1B sponsorship or related opportunities, have violated federal laws and	6:200
regulations that	

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govern fair and equal access to H1B sponsorship. (See 8 U.S.C. § 1324b(a)(1)[4]; 8 U.S.C. § 1101(a)(15)(H)(i)(b)[1]; 20 C.F.R. Part 655[2]; cf. 8 C.F.R. § 214.2(h)[3].)	6:201
26 Defendants' conduct has caused direct harm to Plaintiff and the putative class by discouraging	6:202
legitimate H1B applicants from pursuing potential employment opportunities and fostering an	6:204
environment that ridicules or belittles such applicants, consistent with the manipulative design	6:205
alleged by Plaintiff that leads to "dumbed-down" user interactions and outcomes, akin to a Ponzi	6:206
scheme in intellectual form. (See Cunningham, 265 U.S. at 7–8.)	6:207
27 As a direct and proximate result of Defendants' actions, Plaintiff has suffered damages. (Cf.	6:208
Texas Dep't of Hous. & Cmty. Affairs v. Inclusive Communities Project, Inc., 576 U.S. 519 (2015)[25].) Plaintiff alleges that under OCAHO case law, discrimination on the basis of	6:210
citizenship	6:211
status or national origin, particularly in the context of H1B sponsorship, is actionable when it deters	6:212
or denies opportunities to qualified applicants.	6:213
SECOND CAUSE OF ACTION	6:214
28 Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein,	6:216
again highlighting the fraudulent misrepresentation claims and the Ponzi scheme characterization	7:219
against Twitch.	7:220
29 Defendants' practices, as alleged, constitute a pattern of discrimination that creates a hostile	7:221
environment. Such conduct is in violation of federal civil rights law to the extent it denies a	7:222
protected class of workers—including foreign nationals seeking H1B status—equal access to the	7:223
benefits of employment. (See 42 U.S.C. § 2000e-2(a)(1)[26]; Meritor, 477 U.S. 57; Harris, 510 U.S. at	7:226

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17; Oncale, 523 U.S. at 75.)	7:227
30 Defendants' failure to act as a "Good Samaritan," a prerequisite under 47 U.S.C. § 230(c)(2)[9] for	7:229
interactive computer services, further removes any statutory immunity they might otherwise claim.	7:230
(Cf. Fair Hous. Council, 521 F.3d at 1162–63; Doe v. Internet Brands, Inc., 824 F.3d 846, 852 (9th Cir.	7:231
2016)[27] (discussing limitations on § 230 immunity).) This leaves Twitch liable for the harm and	7:232
injuries its policies and community environment inflict on affected individuals.	7:233
31 As a direct and proximate result of Defendants' actions, Plaintiff and similarly situated individuals have suffered damages in amounts to be proven at trial. Under the McDonnell Douglas	7:235
burden-shifting framework (411 U.S. 792 (1973)), Plaintiff and the class must show membership in a	7:237
protected group, adverse treatment, and a causal link. By cultivating and tolerating a community	7:238
harmful to foreign nationals seeking H1B sponsorship, and fraudulently misrepresenting their	7:239
platform as beneficial, Defendants have allegedly engaged in unlawful discrimination, which	7:240
Plaintiff further asserts is reinforced by the Ponzi-like manipulation of user minds. (See Cunningham, 265 U.S. at 7–8.)	7:241
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32 Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.	7:244
33 Defendants owe a duty of care to Plaintiff and class members to moderate their platform and act	7:247
as a "Good Samaritan" in accordance with 47 U.S.C. § 230(c)(2). Defendants have negligently failed	7:249
to do so. (Cf. Doe, 824 F.3d at 852; Zeran v. Am. Online, Inc., 129 F.3d 327 (4th Cir. 1997)[28].)	7:250
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34 Defendants knew or should have known that users, including Plaintiff, rely on a reasonably safe	8:253
and non-discriminatory environment when seeking to showcase professional abilities and explore	8:254
sponsorship or employment opportunities, including H1B sponsorship. Defendants also knew or	8:255
should have known that falsely representing the Twitch Platform as merely a harmless entertainment service would induce reliance by users who might not be aware of the manipulative	8:256
design that promotes dependency and reduces intellectual and moral standards over time, consistent with a Ponzi scheme approach. (See Cunningham, 265 U.S. at 7–8.)	8:257
35 Defendants’ negligence in failing to maintain such an environment, and in misrepresenting	8:258
themselves as providers of a neutral platform, has caused Plaintiff and similarly situated individuals to suffer damages.	8:259
36 Plaintiff further contends that, under established tort principles (see Restatement (Second) of	8:261
Torts § 552), when a platform voluntarily assumes the responsibility to moderate in good faith, it	8:262
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Amazon have proximately caused harm to Plaintiff and similarly situated individuals.	8:265
VI PRAYER FOR RELIEF	8:266
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527 U.S. 526 (1999)[29]);	8:268
D Grant injunctive relief requiring Defendants to reform and correct their practices to eliminate	8:270
discriminatory policies, to adhere to “Good Samaritan” standards under 47 U.S.C. § 230(c)(2), and	8:282
to implement safeguards for H1B applicants; and to stop fraudulently misrepresenting the Twitch	8:283
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