



6. Meta has consistently accepted payments from Plaintiff for advertising services without raising any concern with the advertisements, Plaintiff's commercial Facebook page, or more specifically, the existence of Mark S.

7. Nonetheless, Meta has disabled Plaintiff's commercial Facebook account at least five (5) times in the last eight (8) years.

8. Each time Plaintiff's Facebook account is disabled, Meta accuses Plaintiff of "impersonating a celebrity" and not using an "authentic name."

9. After each disabling of its account, Plaintiff has quickly followed all Meta's instructions and requests to help facilitate the reinstatement of its account as soon as possible.

10. Despite these efforts, Meta fails to reinstate Plaintiff's commercial Facebook page in a timely manner – often taking months for reactivation to occur – while still retaining the benefit of any payment received for Plaintiff's advertising spend.

11. Plaintiff has repeatedly provided information to Meta confirming Mark S. is a real person whose personal and commercial Facebook pages have been incorrectly and improperly suspended multiple times for allegedly using a false name.

12. Each time Plaintiff's account is disabled, Mark S. has been required to scan images of the front and back of his driver's license, provide a copy of a credit card, and take a video image of the front and side views of his face despite previous submissions of the same information.

13. Similarly, Meta has previously disabled or suspended Mark S.'s personal Facebook page on multiple occasions for similar allegations of using a false name or impersonating a celebrity.

14. Upon information and belief, the "celebrity" Meta keeps accusing Mark S. of impersonating is Meta's founder, chairman and CEO, Mark Elliot Zuckerberg ("Mark E.").

15. In addition to having different middle names, Mark S. and Mark E. are two distinctively and identifiably different individuals.

16. Mark S. is a board-certified bankruptcy attorney and has been practicing law for over thirty-eight (38) years.

17. On the other hand, Mark E. is only forty-one (41) years old.

18. Mark S. has also been publicly recognized for his bankruptcy-related accomplishments, which can be easily confirmed through publicly available information, including the following:

- a. Several appearances on NPR;
- b. An appearance on the front page of the New York Times;
- c. An appearance on NBC Evening News;
- d. An appearance in Business Weekly;
- e. Speaking at the National Conference of Bankruptcy Judges, National Association of Consumer Bankruptcy;
- f. Authoring over thirty (30) published articles;
- g. Admission as a fellow to the National Bankruptcy College;
- h. Adjunct Professor at Indiana University Robert H. McKinney School of Law; and
- i. Co-Authoring a textbook entitled *Secured Transactions and Bankruptcy in Indiana*.

19. To make matters worse, Meta's suspension of Mark S.'s personal Facebook page for similar reasons back in 2011 gained national and international attention from multiple media outlets.

20. Nonetheless, Meta is still deactivating and suspending Plaintiff's commercial Facebook page and Mark S.'s personal Facebook page on a repeated basis for the last 14 years.

21. Plaintiff has recently spent over \$11,000.00 on advertising with Meta in hopes of promoting its law practice and obtaining new clients.

22. On or about May 3, 2025, Meta once again suspended Plaintiff's commercial Facebook page for "impersonation" and has failed to reinstate the page even after Plaintiff initiated a formal appeal of the suspension, again. See Exhibit A of the details provided by Meta for the suspension of the page.

23. Based on Mark S.'s notoriety and fulfillment of multiple requests for identity verification, Meta should be able to ensure Plaintiff's commercial Facebook account is not improperly suspended for false allegations of "impersonating a celebrity" and failing to use an "authentic name."

#### **COUNT I: BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING**

24. Plaintiff incorporates the preceding paragraphs of the Complaint as if restated herein.

25. Plaintiff and Meta entered an agreement for Plaintiff to use Facebook to advertise and promote Plaintiff's bankruptcy law practice through advertisements and a commercial page.

26. Plaintiff has paid Meta thousands of dollars as part of this agreement.

27. Plaintiff has fulfilled its obligations under the agreement and any conditions precedent to Meta's performance.

28. Plaintiff's agreement, consideration, and compliance with Meta's requirements created an implied covenant of good faith and fair dealing which requires Meta to provide Plaintiff access to its commercial Facebook account and the related advertising services for which Plaintiff paid.

29. Meta has breached the implied covenant of good faith and fair dealing by continuously suspending Plaintiff's commercial Facebook account for unjust and improper reasons, including false accusations of "impersonating a celebrity" and not using an "authentic name."

30. In doing so, Meta has unfairly interfered with Plaintiff's rights to receive the benefits of the agreement.

31. As a direct result of Meta's breach of the implied covenant of good faith and fair dealing, Plaintiff has suffered damages.

**WHEREFORE**, Plaintiff Bankruptcy Law Office of Mark S. Zuckerberg, P.C., by counsel, prays for Judgment in its favor and against Defendant Meta Platforms, Inc. f/k/a Facebook, Inc. for all available damages, plus interest, attorneys' fees, the costs of this action, and for all other relief just and proper in the premises.

## **COUNT II: BREACH OF CONTRACT**

32. Plaintiff incorporates the preceding paragraphs of the Complaint as if restated herein.

33. Plaintiff and Meta entered an agreement for Plaintiff to use Facebook to advertise and promote Plaintiff's bankruptcy law practice through advertisements and a commercial page.

34. Plaintiff paid thousands of dollars to Meta in exchange for advertising and the related promotion of its business through its commercial Facebook page.

35. Meta materially breached the agreement between the parties by continuously deactivating or suspending Plaintiff's commercial Facebook page for unjust and improper reasons, including false accusations of "impersonating a celebrity" and not using an "authentic name."

36. As a result of Defendant's material breach, Plaintiff has suffered damages.

**WHEREFORE**, Plaintiff Bankruptcy Law Office of Mark S. Zuckerberg, P.C., by counsel, prays for Judgment in its favor and against Defendant Meta Platforms, Inc. f/k/a Facebook, Inc. for all available damages, plus interest, attorneys' fees, the costs of this action, and for all other relief just and proper in the premises.

### **COUNT III: NEGLIGENCE**

37. Plaintiff incorporates the preceding paragraphs of the Complaint as if restated herein.

38. Meta has a duty to exercise reasonable care to ensure Plaintiff is able to obtain the full benefit for advertising services for which it paid, including continuous promotion of Plaintiff's bankruptcy law practice through its related commercial Facebook page.

39. Meta has breached its duty by continuously deactivating or suspending Plaintiff's commercial Facebook page for unjust and improper reasons, including false accusations of "impersonating a celebrity" and not using an "authentic name."

40. These deactivations or suspensions continue despite Plaintiff's extraordinary efforts to make Meta aware of the issue and provide Meta with sufficient information, which is also publicly available, to prove Meta's repeated allegations are inaccurate.

41. As far back as May 4, 2020, in response to Mark S.'s direct correspondence with Meta's employees about the repeated unjust deactivations or suspensions, Meta's employees responded, "Sorry this has happened (again)." See e-mails attached as Exhibit B.

42. Nonetheless, the unjust deactivations or suspensions have continued with the same faulty basis.

43. Meta's negligence and breach of reasonable care has caused Plaintiff to sustain damages.

**WHEREFORE**, Plaintiff Bankruptcy Law Office of Mark S. Zuckerberg, P.C., by counsel, prays for Judgment in its favor and against Defendant Meta Platforms, Inc. f/k/a Facebook, Inc. for all available damages, plus interest, attorneys' fees, the costs of this action, and for all other relief just and proper in the premises.

**COUNT IV: PROMISSORY ESTOPPEL**

44. Plaintiff and Mark S. incorporate the preceding paragraphs of the Complaint as if restated herein.

45. On May 5, 2020, Mark S. corresponded with Meta about the repeated unjust disabling of his personal and commercial Facebook pages for unfounded allegations of “impersonating a celebrity” and not using an “authentic name.”

46. In response, Meta requested that Mark S. share the URL for his personal profile and/or business account and promised, “I’m going to flag our investigation teams as soon as I have that info” to prevent further disabling or suspending of his Facebook pages for similar reasons.

47. Plaintiff and Mark S. complied and sent the requested information to Meta.

48. Plaintiff and Mark S. reasonably relied upon Meta’s promise as they believed Meta would stop unjustly disabling or suspending their personal and commercial Facebook pages upon final verification of Mark S.’s identity.

49. Thus, in reliance upon Meta’s promise, Plaintiff paid Meta for commercial Facebook advertising services and Plaintiff and Mark S. continued to use Facebook’s platform.

50. After paying thousands of dollars to Meta between 2022-2025 for commercial Facebook advertising, Meta has continued to disable and suspend Plaintiff’s commercial Facebook page and Mark S.’s personal Facebook page, which has caused them to sustain damages.

**WHEREFORE**, Plaintiffs Mark S. Zuckerberg and the Bankruptcy Law Office of Mark S. Zuckerberg, P.C., by counsel, prays for Judgment in their favor and against Defendant Meta Platforms, Inc. f/k/a Facebook, Inc. for all available damages, plus interest, attorneys' fees, the costs of this action, and for all other relief just and proper in the premises.

**COUNT V: INJUNCTIVE RELIEF**

51. Plaintiff and Mark S. incorporate the preceding paragraphs of the Complaint as if restated herein.

52. Plaintiff and Mark S.'s remedies at law are inadequate and irreparable harm will result if Meta is not enjoined from accusing Mark S. of operating under a false name and impersonating a celebrity.

53. Plaintiff and Mark S. will be successful in establishing and proving a prima facie case against the Defendant.

54. Meta's actions constitute an attempt to prevent Plaintiff and Mark S. from full use, benefit and enjoyment of Mark S.'s own legal name, which was legally existing prior to Mark E.'s birth and gaining celebrity status.

55. The threatened injury to Plaintiff and Mark S. outweighs the threatened harm the grant of the injunction may inflict on Meta.

56. The granting of a permanent injunction does not disserve the public interest.

Plaintiffs Mark S. Zuckerberg and the Bankruptcy Law Office of Mark S. Zuckerberg, P.C., by counsel, prays the Court order Defendant Meta Platforms, Inc. f/k/a Facebook, Inc. to cease accusing Plaintiff and Mark S. of using a false name and impersonating a celebrity, suspending or disabling Defendant's services based on these accusations, and for all other just and proper relief in the premises.

Respectfully submitted,

**CohenMalad, LLP**

/s/ Michael W. McBride

Michael W. McBride, #27954-49

Kyla L. Thomas, #37736-49

**CohenMalad, LLP**

One Indiana Square, Suite 1400

Indianapolis, IN 46204

Phone: (317) 636-6481

Fax: (317) 636-2593

Email: [mmcbride@cohenmalad.com](mailto:mmcbride@cohenmalad.com)

[kthomas@cohenmalad.com](mailto:kthomas@cohenmalad.com)

*Attorneys for Plaintiffs*