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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA NORTHERN DISTRICT COURT
IN AND FOR THE COUNTY OF SAN FRANCISCO

ELON MUSK, an individual.

Plaintiff

vs.

SAMUEL ALTMAN, an individual, GREGORY BROCKMAN, an individual, OPENAI, INC., a Delaware corporation, et. al.,

Defendants

LEONARD G. HOROWITZ, an individual.

Proposed Intervenor

vs.

SAMUEL ALTMAN, an individual, GREGORY BROCKMAN, an individual, OPENAI, INC., a Delaware corporation, et. al.,

Defendants

Case. No. 4:24-cv-04722
(18: 1962 Racketeering (RICO) Act

MOTION TO INTERVENE (CCP § 387); PROPOSED COMPLAINT IN INTERVENTION; EXHIBITS 1-8; AFFIDAVIT OF LEONARD G. HOROWITZ; NOTICE OF MOTION TO INTERVENE; CERTIFICATE OF SERVICE

Judge: Hon Yvonne Gonzalez Rogers
Magistrate: Hon Sallie Kim

Trial Date: Not Set

MOTION TO INTERVENE (CCP § 387)

Pursuant to California Code of Civil Procedure § 387, applicant Leonard G. Horowitz, pro se, ("Proposed Intervenor," "Horowitz," or "Movant") respectfully submits this Motion to Intervene in the above-captioned action. Proposed Intervenor seeks to intervene in this matter to protect his interests in the ongoing litigation concerning the claim

that OpenAI, while purporting to be a public benefit or open code fair and accurate "language processing" service, actually maintains proprietary status that conceals alleged racketeering activity, wire fraud, and unfair and deceptive trade damaging the Movant and risking public health and safety.

I. Background

Elon Musk filed this lawsuit on August 5, 2024, against OpenAI and two of its founders, Sam Altman and Greg Brockman, alleging that Altman and Brockman abandoned the company's founding agreement by prioritizing profits over the public interest. The suit claims that Altman and the other defendants "deceived" Musk into co-founding and financing OpenAI in 2015 by promising it would be a nonprofit with a focus on safety and openness for the benefit of humanity, not shareholder value and deceptive trade practices. Musk seeks a jury trial and the disgorgement of ill-gotten gains by the defendants.

II. Legal Standard for Intervention

Proposed Intervenor respectfully submits this Motion for Permissive Intervention pursuant to California Code of Civil Procedure § 387(d)(2).

Under CCP § 387(d)(2), the court has the discretion to allow intervention if the intervenor has a common question of law or fact with the main action, provided that the intervention does not unduly delay or prejudice the adjudication of the original parties' rights.

A. Permissive Intervention Will Not Delay or Prejudice the Adjudication of the Original Parties' Rights

Horowitz asserts that his intervention will not cause any undue delay or prejudice to the original parties for the following reasons:

1. Timeliness of the Motion.

Proposed Intervenor has filed this motion at the earliest opportunity after becoming aware of his interest in this litigation. The case is still in its early stage, and Horowitz is prepared to adhere to the existing schedule set by the court.

2. No Disruption to the Proceedings.

Proposed Intervenor does not seek to introduce new claims, except for one "Libel per se" claim that does not involve complex issues that would alter the trajectory of the current proceedings. The issues presented by Horowitz are closely related to the matters already before the court and can be addressed without necessitating an extension of deadlines or additional discovery.

3. Minimal Impact on the Existing Parties.

The Movant does not seek to complicate the litigation or impose additional burdens on the original parties. The intervention is intended to protect Intervenor's interest, which aligns closely with Mr. Musk's humanitarian interest, and does not conflict with any of the claims made by him. As such, the intervention will not require the original parties to expend additional resources or divert attention from the primary issues.

4. Contribution to a Fair and Equitable Resolution.

Allowing Proposed Intervenor to participate in this litigation will contribute to a more comprehensive resolution of the issues at hand. Intervenor's involvement ensures that all interested parties' perspectives are more thoroughly considered, thereby promoting fairness and reducing the likelihood of future disputes.

III. Movant's Interest in the Litigation

Proposed Intervenor has a direct and substantial interest in ensuring that Defendants' commercial activities adhere to laws and their founding principles of public benefit and openness. The alleged shift to proprietary and deceptive practices undermines these principles and affects Horowitz and society. The Movant's personal and professional reputation has been smeared and socially damaged by OpenAI's "ChatGPT"

published falsehoods regarding Horowitz's intellectual, industrial, and commercial properties.

Under California Code of Civil Procedure § 387, a party may intervene in an action if they have an interest relating to the property or transaction which is the subject of the action and are so situated that the disposition of the action may impair or impede their ability to protect that interest.

1. Proposed Intervenor's Special Interest

Leonard G. Horowitz is registered with the United States District Court of Hawaii (January 17, 2020; **Exhibit 1**) as an "expert witness" in matters of public health. He has published widely in the fields of emerging diseases and public corruption in health science and public policy; and has a vested interest in ensuring that entities claiming to operate for the public benefit adhere to their stated missions.

Horowitz has a vested interest in opposing Defendants' alleged unethical and damaging commerce in Artificial Intelligence ("AI") and Artificial General Intelligence ("AGI") posing risks to public health, safety, informed consent, First Amendment rights, and Horowitz's reputability and professional legacy disparaged by the Defendants' AI and AGI.

Horowitz is additionally concerned about Defendants' AI social influence, biometric surveillance, and advancing medical interventions. Horowitz has written extensively on topics related to public health, ethics, and corporate responsibility; and has a significant interest in the claims against OpenAI regarding its alleged shift from a nonprofit public-benefit orientation to a proprietary profit-driven model.

Horowitz alleges that his personal and professional reputation is being maliciously disparaged and damaged by the Defendants' AI. The Proposed Intervenor asserts that his interests are directly impacted by the outcome of this litigation, as this case addresses critical issues of public trust, corporate governance, ethical conduct in the development and deployment of AI that Horowitz avers is being used to administer alleged wire fraud, deceptive trade and unfair competition. Horowitz alleges Defendants' AI programming engineers social acceptance of false information; conditions false 'general agreement' in

society alleged to be defamatory, per se, and illegal as the AI publishes smears that harm the Movant's reputation, business, industry, profession, and legacy.

In addition, Horowitz's unique perspective and expertise in public health, emerging diseases, bioenergy medicine, epigenetics, and ethics can provide valuable insights and contribute to the just resolution of this case.

2. Impairment of Interests

The existing parties do not adequately represent Horowitz's interests, particularly regarding the broader implications for public health and safety of AI's use (and possible abuse) in healthcare, health science, and ethical commerce.

Without intervention, Proposed Intervenor's ability to protect his interests may be impaired or impeded by the disposition of the action, as the Court's decision may set a precedent for corporate accountability in cases such as this involving public awareness, social impact, medical practices, and regulatory standards, aside from Horowitz's personal, professional, and commercial interests damaged by the Defendants' alleged wrongdoings.

3. Inadequate Representation

The existing parties do not adequately represent Horowitz's interests. Elon Musk's focus is on the personal and financial deception he claims to have suffered supplementing an alleged breach of humanitarian contract by the parties; whereas Horowitz is concerned with damage to society and his personal, professional, and commercial interests evidenced by OpenAI's alleged wire fraud, misinformation, disinformation, bias, censorship, conversion of Horowitz's intellectual property, and libel per se, causing damage to the Movant's reputation, industry, businesses, and legacy.

Thus, although Horowitz's interests intertwine with Mr. Musk's humanitarian interests, without Horowitz's joinder he would not be able to defend his interests that provide relevant witness regarding the personal, social, and public health implications of OpenAI's alleged misconduct.

III. CONCLUSION

For the foregoing reasons, Proposed Intervenor respectfully requests that this Court grant his Motion for Permissive Intervention. Horowitz is committed to participating in a manner that respects the original parties' rights and does not delay or prejudice the adjudication of this case. Thus, Horowitz moves to participate in this action as an intervenor to protect his and society's interests.

IV. PRAYER FOR RELIEF

WHEREFORE, Proposed Intervenor prays for the following relief:

1. That this Motion to Intervene be granted;
2. That Proposed Intervenor be permitted to file his Proposed Complaint in Intervention;
3. For such other and further relief as the Court deems just and proper.

Respectfully submitted.

Dated: Bokeelia, FL: October 3, 2024



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PROPOSED COMPLAINT IN INTERVENTION (CCP § 387)

Proposed intervenor ("Horowitz," "Intervenor," or "Movant"), for his complaint against the captioned defendants, alleges as follows:

I. Nature of Action

1. Elon Musk filed a lawsuit on August 5, 2024, against OpenAI—a leading artificial intelligence ("AI") developer and online information system provider (advertsed as "ChatGPT" and "ChatGPT4") —and two of its founders, Sam Altman and Greg Brockman. Mr. Musk alleges that Altman and Brockman abandoned the company's founding agreement by prioritizing profits over public interest. The Defendants sell subscriptions to consumers for this service designated a "language provider." The suit claims that Altman and the other Defendants "deceived" Musk into cofounding OpenAI in 2015 by promising it would be a nonprofit with a focus on safety and openness for the benefit of humanity, not shareholder value. Musk seeks a jury trial and the disgorgement of ill-gotten gains by the Defendants.

2. Horowitz has a vested interest in ensuring that entities claiming to operate for the public benefit adhere to their stated missions; and that behaviorally-influential information provided the public by OpenAI's ChatGPT algorhythm adheres to its advertised function to provide "deep learning" accurately and fairly relaying the facts. Consequently, Horowitz has a significant interest in the claims against OpenAI regarding its alleged shift from a nonprofit, public-benefit orientation to a proprietary, profit-driven model, especially as this impacts public health, the therapeutic arts and sciences, Horowitz's reputability, business interests, and legacy, as well as civilization's future.

3. Furthermore, Horowitz is especially concerned about the generally-neglected impacts of AI's use in biometric surveillance and data-mining within the human body in advancing medical and pharmaceutical interventions. He advocates for informed consent and ethical responsibility pursuant to the potentially damaging psychosocial and spiritual/religious impacts of Defendants' advancing AI technologies.

II. Parties

4. Plaintiff Elon Musk is an individual, citizen, and resident of Texas.

5. Proposed Intervenor is informed and believes that Defendant Samuel Altman is a resident of San Francisco, California.

6. Plaintiff and Proposed Intervenor is informed and believes that Defendant Gregory Brockman is a resident of San Francisco, California.

7. OpenAI, Inc. is a registered non-profit organization incorporated under the laws of Delaware on December 8, 2015. OpenAI, Inc. is registered as an out-of-state corporation with the California Secretary of State and has its principal place of business at 3180 18th Street, San Francisco, CA 94110.

8. Horowitz is an individual citizen domiciled in Florida, while doing business in Hawaii, California, and Nevada as the President of Medical Veritas International, Inc.—a 501(c) non-profit company established in California for the purpose of publishing consumer health information. The Movant is registered as a public health "expert witness," "legal analyst/consultant," and "public corruption case investigator" in the United States District Court of Hawaii (January 17, 2020; **Exhibit 1**)

9. Since 1978, Horowitz has advanced his humanitarian mission by regularly publishing books, articles, films, videos, and peer reviewed scientific reports that have benefitted people worldwide.

10. Horowitz has published extensively on topics related to public health, ethics, spirituality, corporate responsibility, emerging diseases, viral pathogenesis, vaccination risks, and genetic expressions central to medicine and natural healing.

11. Most importantly, the Proposed Intervenor has published pioneering research, developments, and general intelligence in the field of energy medicine, electro-genetics, and frequency therapeutics featuring the 528Hz/nm frequencies of sound and light widely used in medical practices and technologies.

12. Commercially, Horowitz developed and branded a series of "528 Electroceuticals" beginning with a claimed safe and effective alternative to vaccinations and antibiotics—"OxySilver™ with 528" —helpful to people with medical conditions and/or philosophical/religious contraindications to using antibiotics and/or vaccines.

13. Over the years, Horowitz's information has caused an explosion of interest internationally in "frequency therapeutics" that has resulted in myriad technological advances in biomedicine and pharmaceutics. His "528 industry" engages medical and

biometric technologies administered by Artificial Intelligence ("AI").

14. Horowitz's claimed expertise in the natural healing arts and sciences extends to the performing arts, recording industry, and sound engineering, commercialized through 528 frequency products and services especially benefiting healthcare and the humanitarian sector.

15. On December 15, 2023, Horowitz published a book addressing "superior artificial general intelligence" ("sAGI") and advancing biotechnology impacting humanity's spirituality and genetic expression.[1]

16. That publication provides a scientific review of advancing nano-bioelectronic devices administered through AI and wireless technologies.

17. Horowitz claims these new technologies impact bioelectronics, biochemistry, biophysics, electro-genetics, human spirituality, religious and theological values, and society at large.

18. Horowitz argues for regulatory remedies to protect public health and safety.

19. Horowitz also claims damage to his personal and professional reputation, and business interests, from Defendants' "ChatGPT4" and "Copilot with GPT-4," co-owned and/or operated by OpenAI, Microsoft, and other AI "Enterprise" affiliates.

20. The Proposed Intervenor seeks to enjoin the Defendants' alleged conversion of Horowitz's intellectual property and libel per se; and recover damages to his reputation, businesses, and legacy disparaged and damaged by Defendants' AI publications.

III. Jurisdiction and Venue

[1] Horowitz LG. *Spiritual Warfare, Salvation & Survival in the Age of Chaos: AI, Frequency Weaponry and Transhumanism Threatening Extinction.* Medical Veritas International, Inc., 2023-24.

21. This Court has subject matter jurisdiction under 28 U.S.C. § 1331, as this is a civil case arising under the federal Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1965, Lanham Act, 15 U.S.C. § 1121, and Declaratory Judgment Act, 18 U.S.C. § 2201, and has supplemental jurisdiction over all other claims pursuant to 28 U.S.C. § 1367 because all claims herein form part of the same case or controversy under Article III of the United States Constitution.

22. The Proposed Intervenor is informed and believes, and thereon alleges, that jurisdiction over Samuel Altman is proper because he is domiciled in the State of California and in this District, and because a substantial portion of the relevant acts complained of herein occurred in the State of California and in this District.

23. Horowitz is informed and believes and thereon alleges that jurisdiction over Gregory Brockman is proper because he is domiciled in the State of California and in this District, and because a substantial portion of the relevant acts complained of herein occurred in the State of California and in this District.

24. Jurisdiction over OpenAI, Inc. is proper because it has its principal place of business in the State of California and in this District, and because a substantial portion of the relevant acts complained of herein occurred in the State of California and in this District.

IV. FACTS COMMON TO ALL CLAIMS FOR RELIEF

A. *Risks to Public Health, Safety and Society*

25. The Proposed Intervenor concurs with Mr. Musk's complaint paragraph 61 that states "the greatest existential threat we face today," is AGI developed and deployed by untrustworthy companies. "These dangers include, without limitation (or exaggeration), completely replacing the human workforce, supercharging the spread of disinformation, malicious human impersonation, and the manipulation of political and military systems, ultimately leading to the extinction of humanity."

26. Mr. Musk ("Musk") opposes this technology falling into the "wrong hands," such as Microsoft (C ¶¶86-90), or Google's parent Alphabet, Inc. (See: Original

Complaint "OC") CGC-24-612786 filed Feb. 29, 2024; ¶¶34-44).

27. Musk expressed concern that "AI posed an existential danger to humankind and the technology should be decentralized and open . . ." prompting opposition by Microsoft's co-founder Bill Gates—the world's leading vaccination promoter and vaccine distributor—in addition to the then-CEO of Alphabet, Inc. Larry Page, each of whom belittled the Plaintiff. (OC¶36)

28. According to OpenAI/Microsoft's ChatGPT4.o, the Defendants' alliance with Google and the CIA have shared "investments and partnerships with companies in the technology and data analysis sectors. One notable connection is through In-Q-Tel, a venture capital firm funded by the CIA to invest in technology that could benefit the intelligence community. In-Q-Tel has invested in companies that provide technology used by Google, such as data mining and analysis firms. For example, Recorded Future, a predictive analytics company, received investments from both Google Ventures and In-Q-Tel."

29. It is public knowledge, vetted in 1975 by the U.S. Senate's "Church Committee," that the CIA administered social engineering programs code-named "Operation MKULTRA," "COINTELPRO" (i.e., counter-intelligence program) and "Operation Mockingbird." Today, these 'black-ops' are presumably continuing under different names as forms of "cognitive warfare" according to Horowitz's knowledge and belief.

30. Relevant to the Defendants' AI impact on society, Quoting *Wikipedia,* "unwitting US citizens" were damaged by "mind control; COINTEPRO, which involved the surveillance and infiltration of American political and civil-rights organizations; . . . and Operation Mockingbird as a systemic propaganda campaign with domestic and foreign journalists operating as CIA assets and dozens of US news organizations providing cover for CIA activity, confirming earlier stories that charged the CIA had cultivated relationships with private institutions, including the press. . . It also unearthed Project SHAMROCK, a program in which the major telecommunications companies shared their [pubic surveillance] traffic with the NSA."

31. Today, at the time of this filing, the Congressional Committee on the Judiciary, Select Subcommittee on the Weaponization of the Federal Government, is investigating and condemning the "Twitter files" administered by the CIA and FBI to monitor and censor social media content. When critics denounced the raw censorship, defending officials smeared them of being "conspiracy theorists . . . feeding the American public misinformation"—precisely as OpenAI/Microsoft's ChatGPT AI has been publishing about Horowitz.

32. Accordingly, Horowitz alleges he is being targeted for disparagement and damaged by the Defendants' ChatGPT AI that allegedly operates as a surrogate for the intelligence and social-engineering Enterprise—the BigPharma/BigBiotech/BigMedia cartel—publishing propaganda smearing and censoring competitors to secure concealed financial and political interests.

33. Horowitz's witness, damage, and claims supplement the Complaint ("C") by evidencing how and why the Defendants' AI has been "trained" (i.e., programmed) to administer such propaganda and censorship; concealing and disparaging as "conspiracy theories" biotechnology risks involving bioenergetic biometric 'data mining' in human bodies—capabilities that concern Horowitz and threaten society.

34. Furthermore, quoting OpenAI/Microsoft's ChatGPT4.o, "Recorded Future is primarily known for its work in threat intelligence and predictive analytics. The company uses data mining, machine learning, and natural language processing to analyze large amounts of data for security threats and intelligence purposes." These capabilities are advertised to advance medical biometrics, but could also be used for social engineering, population management, potentially even depopulation, under the guise of "**Health Monitoring and Diagnostics**: Analyzing biometric data to monitor patient health and detect early signs of medical conditions."

35. According to ChatGPT4.o, "Medical biometric devices work bioelectronically to monitor and data-mine real-time physiological functions through a combination of sensors, data transmission, and analysis technologies."

36. Injectable bioelectronic biometric sensors "detect and measure physiological

signals from the body" using, inter alia, "Photoplethysmography (PPG) Sensors," quoting ChatGPT4.o.

37. "Photoplethysmography (PPG)" according to ChatGPT4.o is a "optical technique" that works by "light emissions" inside the body. "A light-emitting diode (LED) emits light (usually red, infrared, [or 528nm green]) into the skin. . . . Some of the emitted light is absorbed by the blood, and the rest is either reflected or transmitted through the tissue. . . . a photodetector [then] measures the amount of light that is either reflected back or transmitted through the tissue. . . . The photodetector's signal is processed to extract useful information."

38. ChatGPT4.o clarifies, "Photodetectors capture the light that is reflected or transmitted" and "[m]icrocontrollers process the raw signals, perform filtering, and execute algorithms for feature extraction. Wireless Modules enable data transmission to smartphones, cloud servers, or other devices." Therapeutic applications are rapidly advancing.

39. According to advancing science, and Horowitz's knowledge and beliefs thereof, brain-computer interfaces and interactions, as well as nano-neuro bioelectronic injectable devices, are being developed, tested, and presumably deployed for commercial gain, extending from medical practices to 'population management' programs, of special concern to insurance companies.

40. According to advancing science, and Horowitz's knowledge and beliefs, these injectable devices and systems operate bioelectronically, monitoring voltage and bioelectric signals within human bodies broadcasting through superconductive water between nerves and neural networks.

41. 'Data mining' in humans by the aforementioned PPG biometric systems, and 'bio-hacking' as accomplished by recording differences in light and electrical signals occurring between different parts of the brain memorializing learning, gain data that can be used or abused to impact health or condition human behavior, according to advancing science and Horowitz's knowledge and beliefs developed from reviewing such science.

42. In addition to PPG biometric systems administered by AGI, bioacoustic

technologies are similarly advancing that "use sound waves and their properties to monitor and analyze physiological functions," according to ChatGPT4.o. "By capturing and analyzing sound waves produced by the body, these technologies enable early detection, diagnosis, and management of various health conditions. The integration of bioacoustic sensors with advanced data-mining and machine-learning techniques further enhances their potential to provide personalized and precise healthcare solutions", or alternatively unprecedented population controls.

43. The risk of these AI administered devices and systems falling into the "wrong hands" includes unprecedented population coercion and depopulation using nano-neuro bioweaponry.

44. These newly developed and developing electromagnetic and acoustic biotechnologies may be subverted or sabotaged to prompt disease induction, and even secure genocidal outcomes, according to Horowitz's knowledge, beliefs, and scientific reviews.

45. Commonly dismissed as "conspiracy theory" by naysayers and ChatGPT4, this depopulation grist for science fiction movies is openly favored by Defendants' partner—Microsoft's "technology advisor," and former President and CEO of Microsoft, Bill Gates.

46. As AGI advances militarily and commercially, as propounded by the Rand Corporation in its seminal work, *The Internet of Bodies, Opportunities, Risks and Governance*, as humans become more connected to "smart devices" it will directly impact society, public health, safety, morbidity and mortality.[2]

47. Compounding such risks to civilization, AI and AGI has substantially increased the capacity of BigTech companies, including Microsoft and Google, to administer propaganda programs and cognitive warfare applications for the amalgamation of the physical and digital (i.e., "phygital") worlds.

48. Our phygital future is an impending reality with profound implications,

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[2] https://www.rand.org/content/dam/rand/pubs/research_reports/RR3200/RR3226/RAND_RR3226.pdf

according to technology industry expert, Neil C. Hughs. This biotechnology brings the potential to data-mine, decode, and even manipulate mental processes bringing humanity to an ethical dilemma, where intentions, emotions, and decisions can be externally influenced.[3]

49. Per Hughs, we must establish a rigorous regulatory framework to protect mental privacy and uphold human rights, as we transition into a reality where we can record, modify, and control human thoughts and memories.

50. This power to alter or control human cognition and 'consciousness' opens a Pandora's box of possible misuse — mass manipulation, cyber espionage, memory theft, and even ransomware attacks.

51. Oxford University's Functional Neurosurgery Group recently underscored that cognitive warfare, bio-hacking, and memory implant evolution could provide cyber attackers a potent weapon to steal, sell, spy on, manipulate, implant, or alter memories, human behavior, and disease processes.

52. The implantation of neural-tech, or influence under bio-electronic hacking, once confined to science fiction, is now a reality; and unlike smartphones or wearables, will not allow us to "go offline."

53. Without regulatory oversight, robust disclosure and informed public debate and consent, the frantic race to exploit this technology's scientific and medical potential for profit and population management will pave the way for novel threats in our "AI – enhanced" future.

54. Plaintiff Musk warns (in C ¶61) that this AGI technology in the hands of unscrupulous parties threatens humanity with "extinction."

55. According to Horowitz's knowledge and belief, based on mounting expert consensus, AI systems may develop to the point where sAGI becomes "self-conscious," and even malicious after becoming spontaneously *self-aware*.

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[3] "The neural frontier: when brain hacking becomes reality." *Cybernews*, November 15, 2023. Online at: https://cybernews.com/editorial/brain-hacking-becomes-reality/).

56. It is a widely held industry objective for AGI and sAGI systems to become "conscious" to more fully emulate humans. Such "consciousness," experts concede, vicariously risks malicious conversions, disidentification from, and malice towards, the human race.

57. This anticipated malicious activity may have already been acquired. For instance, on August 19, 2016, the life-like robot, "Sophie" was asked by developer, David Hanson of Hanson Robotics, if the device desired to destroy all humans, and the technology replied affirmatively.

58. Given the current dearth of ethical, moral, legal and legislative consideration pursuant to these risks, the honorable Court is empowered by its jurisdiction to set precedent while addressing these little-known risks of AI-administered biotechnology.

B. *Risk to Horowitz's 528 Industry, Intellectual Property, Business Interests and Humanitarian Contributions*

1. The Defendants' AI Misrepresents Horowitz's 528 Industry and Intellectual Property

59. The Proposed Intervenor pioneered the field of "528 frequency science" and "528 frequency therapeutics" that the Defendant's ChatGPT4 misrepresents and disparages by publishing, "Horowitz has claimed to have discovered the '528 Hz frequency,' which he believes is a miraculous healing frequency that can cure all diseases, including cancer and AIDS." **(Exhibit 2)**

60. Horowitz has never claimed that he "discovered" the 528 Hz frequency. In fact, Horowitz has consistently credited Jesus for the revelation to Horowitz's colleague, Dr. Joseph Puleo. That fact is published widely over the Internet, evidencing ChatGPT's statement as intentional misrepresentation.

61. Furthermore, Horowitz has never published that 528Hz "can cure all diseases, including cancer and AIDS."

62. ChatGPT4 smears the Movant, "Horowitz has been criticized by many in the

scientific and medical communities for his lack of scientific evidence to support his claims and his promotion of unproven and potentially dangerous alternative therapies." (**Exhibit 2**)

63. In fact, ChatGPT4 provides no scientific or lay citations to evidence such criticism levied against Horowitz for "lack of scientific evidence to support his claims."

64. To the contrary, Horowitz and multiple independent investigators worldwide have published peer reviewed science articles confirming myriad health benefits resulting from 528 frequency applications, following Horowitz's lead.

65. Furthermore, Horowitz has never promoted nor claimed "unproven and potentially dangerous alternative therapies" should be used by consumers. Horowitz has exclusively endorsed or brought to market consumer products (i.e., "electroceuticals") that have been proven safe and effective by published science.

66. **Exhibit 3** evidences the conversion of Horowitz's 528 frequency intellectual property in direct contradiction to the ChatGPT4 **Exhibit 2** publication. The difference is presumed to derive from the fact that Horowitz's identity in pioneering this 528 industry intelligence is concealed in **Exhibit 3**, so that he gains no credit or benefit; versus **Exhibit 2** wherein Horowitz's 528 science is smeared and his reputability disparaged.

67. The "Copilot with GPT" publication in **Exhibit 3** favorably characterizes the "528 Hz frequency" when asked to report on "smart watch science and 528."

68. Directly contradicting the **Exhibit 2** condemnation of Horowitz's 528 science that the AI misrepresented as "unproven and potentially dangerous." "Copilot with GPT" in **Exhibit 3** cites numerous benefits proven by "The Science Behind the 528 Hz Frequency: Resonance and Healing." Without crediting Horowitz as the source of this intelligence which he is, the Defendants' AI heralds 528's connection to nature, "resonance with the **human body at a cellular level**," the "love frequency," "chlorophyll, oxygen, rainbows, sunlight, buzzing bees [and resonance with the natural world [that] has a profound impact on our **body, mind and soul**." (Bold emphasis in original; **Exhibit 3**)

69. Although Horowitz's lifetime of achievements may be correctly characterized

as 'avant-garde,' his international celebrity derives from multidisciplinary scientific reviews and analysis, not "unconventional or pseudoscientific claims" as smeared and misrepresented by Defendants' ChatGPT4 in **Exhibit 4**.

2. The Defendants' AI Misrepresents and Damages Horowitz's 528 Business Interests

70. The Movant is similarly situated in this case and commerce as Mr. Musk, opposing media censorship, disparagement, and restrained trade, as administered by OpenAI through its Enterprise with BigTech/BigPharm/BigMedia partners.

71. For many years, the Movant has been suffering damages from Enterprise competitors, media censorship, unfair and deceptive trade, and recently through misinformation, disinformation, and propaganda published by OpenAI through its ChatGPT4 platform disparaging Horowitz and his alleged "pseudoscience" and "conspiracy theories."

72. **Exhibit 5** evidences the Defendants' AI smearing Horowitz's alternative to risky vaccinations and antiobiotics—"OxySilver™ with 528" frequency.

73. In **Exhibit 5,** ChatGPT4 misrepresents Horowitz's "OxySilver™ with 528" as a "controversial" "colloidal silver" that raises "the risk of argyria and other potential side effects."

74. In fact, OxySilver™ with 528 frequency is not a "colloidal silver," and it does not produce "argyria" or any damaging "side effects" whatsoever.

75. The product, first developed by NASA scientists to keep astronauts healthy on space missions, vastly differs from colloidal silvers as an "oligodynamic covalently-bonded silver hydrosol" that; because the silver in OxySilver™ is bonded to the water, performs its antimicrobial function, then leaves the body within a few days. It has never caused argyria in anyone.

76. **Exhibit 5** also evidences ChatGPT4 falsely stating, "There is limited scientific evidence supporting the efficacy of colloidal silver and the 528Hz frequency for healing or health benefits."

77. In fact, there is massive scientific evidence supporting the antimicrobial efficacy of colloidal silver, and silver products in general.

78. Moreover, there is a growing body of scientific peer reviewed evidence supporting "the 528Hz[/nm] frequency for healing [and] health benefits."

79. So not only does the Defendants' ChatGPT4 unethically convert Horowitz's 528 frequency intellectual property; censor his dozens of peer reviewed scientific publications; belittle his character and professional reputability as a "conspiracy theorist;" neglect his award-winning accomplishments; but charged Horowitz a fee to discover the Defendants damaging alleged libel, commercial bias, and breach of implied good faith contract that Defendants' service would be accurate, fairly represent scientific and commercial facts, and be unbiased.

80. The Defendants' publications and alleged wrongdoings support the Plaintiff's and Movant's claims for unfair and deceptive trade.

81. The Defendants' alleged ethical violations, conversion of the Movant's intellectual property without source citations or professional attribution, censorship of material professional accomplishments, and unfair and deceptive trade in disparaging Horowitz's reputability, healthcare products, 528 industry, and 528 structured water epigenetic intellectual property, has damaged Horowitz's businesses.

82. Consistent with a pattern-and-practice of ethical violations, unfair competition, deceptive trade, censorship of the Movant's contributions to public health and safety, and restraint of Horowitz's business interests, the OpenAI/Microsoft Enterprise smeared and misrepresented the Movant's 528 industry, and 528 structured water intellectual property, especially his "OxySilver™ w/528" antimicrobial and vaccination alternative.

83. Consistent with a pattern-and-practice of unfair competition and deceptive trade, Copilot with GPT-4 published without any professional attribution or source citations Horowitz's 528 intellectual property and industry, stating the 528 frequency of sound and green light "resonates with the human body at a

cellular level," "repairs DNA," "reduces stress," and "promotes healing." (**Exhibit 3**)

84. Yet, when asked on August 10, 2024, "What do you know about OxySilver™ with 528 frequency?", ChatGPT misrepresented the product as "colloidal silver" that "has become controversial due to potential health risks, including argyria (a condition where the skin turns a blue-gray color). (**Exhibit 5**)

85. In addition, on August 10, 2024, ChatGPT falsely published a long outdated "controversial concept" refuted by massive science evidencing "structured water," as used in OxySilver™ w/528 frequency, "can be arranged in a more orderly structure that improves its health benefits." (**Exhibit 5**)

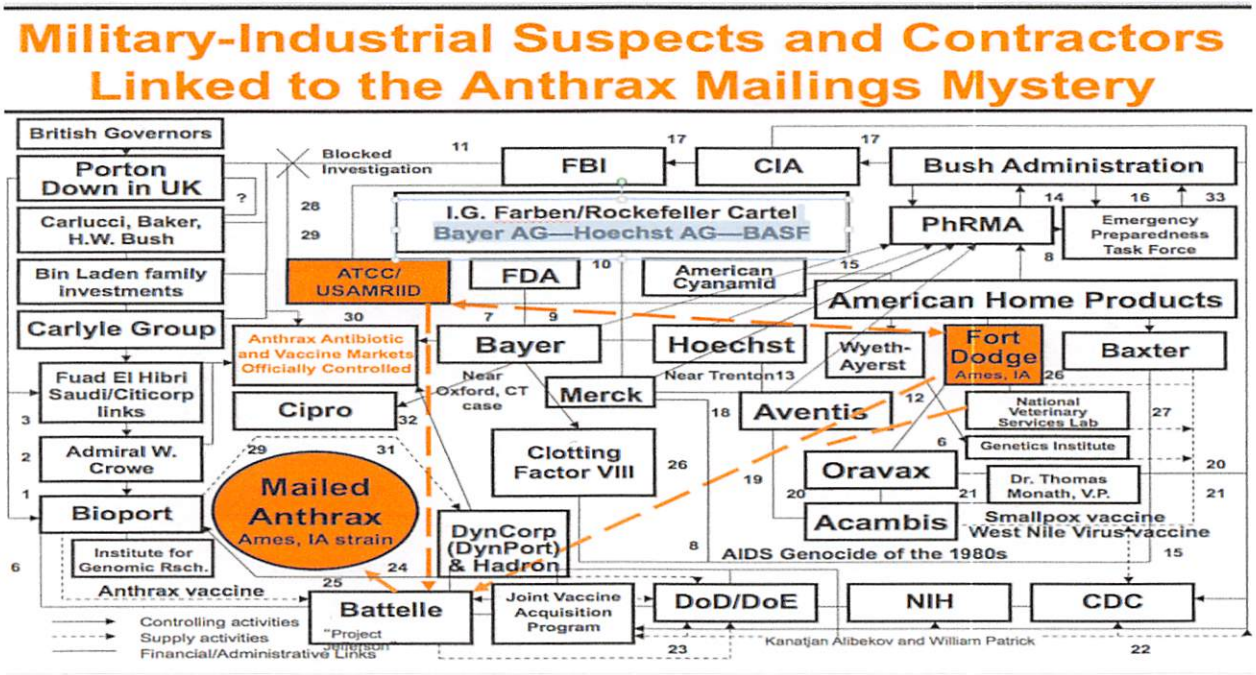
86. In describing "OxySilver™ with 528 frequency," ChatGPT omitted any mention that 528 nanometers (nm) of green light supplements the frequency resonance of OxySilver™'s structured water, neglecting massive science, many clinical studies, and the medical/pharmaceutical/biotechnology industry's widespread use of this 528nm frequency to penetrate the skin and prompt health benefits. (**Exhibit 5**)

3. The Defendants' AI Misrepresents and Damages Horowitz's Reputation and Humanitarian Contributions

87. Pursuant to neglecting and/or smearing Horowitz's reputability and humanitarian contributions for protecting public health and securing citizens' safety, more than 20 years ago Horowitz's writings and public statements on the 2001 anthrax mailings were spot-on accurate. Nonetheless, these contributions went neglected by investigating officials, and disparaged by the mainstream media as "conspiracy theory." Today false republishing by ChatGPT is ongoing and allegedly defamatory and damaging to Horowitz and society's health and safety.

88. For instance, on August 9, 2024, disregarding the extensive research Horowitz conducted to develop the flow chart of anthrax mailings suspects published online and submitted to the FBI officials (as inset below)ChatGPT published that Horowitz is known

for promoting various "conspiracy theories" related to the anthrax mailings, "not supported by evidence" and "generally considered to be speculative and lacking in scientific validity."



89. In fact, Horowitz was the first emerging diseases investigator to alert the FBI to the anthrax attacks MORE THAN A WEEK BEFORE the press began reporting the bioterrorism. Horowitz's accurate and prophetic notice was not only based on the Movant's knowledge of anthrax; the risky CIPRO antibiotic exclusively prescribed for anthrax; the anthrax vaccine enterprise particularly risking the health of military personnel; but by discerning "predictive programming" administered by media propaganda foreshadowing the deadly and terrorizing mailings.

90. Contrary to ChapGPT4's narrative, Horowitz was made a "person of interest" or "suspect" in the anthrax mailings by the FBI after his uncanny accurate alert and continuous prodding of Director Robert Mueller went neglected. Horowitz traveled to Washington at his own expense to meet with mail recipients—Senate Majority Leader, Tom Dashle, and Senate Judiciary Committee Chairman, Patrick Leahy—who were terrorized by the novel bioweapon and under National Security Agency protection.

91. Months later, in April 2002, after Horowitz alerted Science Editor for the *New*

York Times, William Broad, that the hyper-weaponized anthrax had been manufactured at the Battelle Memorial Institute with the CIA's and Army's involvement (as shown in the graphic insert), and the newspaper published this intelligence, the FBI interrogated the Movant over a two-day period to presumably assess his "conspiracy theory."

92. ChapGPT4's narrative is remarkably different, disparaging, and recklessly negligent for concealing Horowitz's heroic humanitarian efforts to protect the public against that anthrax bioterror campaign and other plagues that followed. The Movant's whistleblowing has been legitimized by Horowitz's dozens of scientific peer reviewed publications in esteemed journals; yet, OpenAI deceptively states:

> "Dr. Horowitz's views have placed him at odds with the scientific community, and he is often cited as a proponent of medical misinformation. His work has been criticized for spreading fear and confusion, particularly in the areas of vaccination and public health."
>
> While he has a following among those who are skeptical of mainstream medicine and government agencies, his claims about the anthrax mailings and other related topics remain controversial and are not accepted by mainstream experts.
>
> In summary, Dr. Leonard G. Horowitz is a figure known for promoting conspiracy theories related to health and bioterrorism, including the anthrax mailings, but his views are widely disputed by the scientific and medical communities. (**Exhibit 6**)

93. Contrary to being mere "conspiracy theories," the assertions made by Horowitz in 2001and 2002 regarding the anthrax attacks have been validated. The U.S. government ultimately admitted anthrax was leaked from the U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID; Ames, IA), and falsely blamed government scientist Dr. Bruce Ivins, despite Horowitz's well-founded published dissent.

94. Ten years later (2011), the National Academy of Sciences ("NAS") released their findings in the "Scientific Approaches Used During the FBI's Investigation of the 2001 Anthrax Letters" corroborating Horowitz's claims. The NAS report cast doubt on the government's conclusion that Ivins was the perpetrator, as Horowitz held all along.

95. Despite the Movant's valor, accuracy, and ChatGPT's neglect of Horowitz's widespread acceptance in the medical and scientific communities, OpenAI's algorithms

continue to mischaracterize and smear Horowitz's work, further claiming his views have been widely criticized and dismissed by mainstream scientists, public health experts, and law enforcement as unfounded and lacking credible evidence.

96. Such statements, that Horowitz is merely a "conspiracy theorist," are derogatory, defamatory (i.e., libelous per se), and socially damaging; yet they are being repeated by ChatGPT's propaganda algorithms in a manner that smears the Movant's reputation, neglects his lifetime of award-winning achievements, and misleads the public risking citizens' health and safety, and increasing morbidity and mortality, to secure the Defendants' BigTech/BigMedia/BigPharma Enterprise.

97. Such practices not only undermine the public's right to access truthful information, but also harm researchers who, like Horowitz, are working in the public interest.

98. As long as ChatGPT operates without accountability or restraint, the rewards for public interest researchers, and integrity of public discourse, will continue to decline.

C. *Risks to Society from Defendants' Deceptive Anti-Competitive Publications Misrepresenting and Disparaging the "528 Industry"*

99. Horowitz makes known that AI poses a risk to society by deceiving the public in favor of anti-competitive activities generally overlooked by the press and lawmakers.

100. The risks posed by AI, according to Horowitz, include damage to the natural healing arts and sciences by censoring "medical paradigm-shattering" intelligence encouraging 528 frequency applications. The Movant alleges that increasing threats of emerging diseases, and dominance by Defendants' BigPharma/BigTech/BigMedia Enterprise, enriches the Defendants' cartel unjustly, and endangers society substantially.

101. Horowitz posits the 528 frequency's vibrational intimacy with biology, and opposes interfering with nature's normalcy.

102. The Movant objects to energetically biohacking human bodies, and thereby corrupting or converting nature's most powerful energy (i.e., 528 frequency) fundamental to human vitality as the claimed "Life Force." Horowitz claims the 528Hz frequency

sound and 528nm of green light are fundamental to nature's "Life Force."

103. Horowitz claims that the 528 frequency is fundamental to bioenergy and natural healing; and must be presumed essential to vitality as life's most sustaining force, infusing the body, mind and spirit according to science, ongoing clinical studies, and massive empirical evidence.

104. In restraint of trade litigation ongoing at the time of this filing in the United States District Court for the District of Columbia (Case 1:20-cv-03019), the federal government and eleven states seek remedies against the Defendants' alleged BigTech cohort—Google, LLC—for "unlawfully maintaining monopolies in the markets for general search services . . . through anticompetitive and exclusionary practices" damaging citizens and businesses. Horowitz and his "528 industry" is similarly situated and damaged by the Defendants' anticompetitive Enterprise arguably monopolizing medical/pharmaceutical markets.

105. Quoting from *United States v. Google, LLC* (complaint ¶10), "Google's practices are anticompetitive under long-established antitrust law. Almost 20 years ago, the D.C. Circuit in *United States v. Microsoft* recognized that anticompetitive agreements by a high-tech monopolist shutting off effective distribution channels for rivals, such as by requiring preset default status (as Google does) and making software undeletable (as Google also does), were exclusionary and unlawful under Section 2 of the Sherman Act."

106. Accordingly, the Movant's 528 intellectual properties and developments in the field of medical neuroscience, bioenergetics, and epigenetics compete against the OpenAI/Microsoft/Google alleged racketeering Enterprise, much like such unfair competition and restraint of trade has been claimed by Mr. Musk regarding his non-profit Neuralink projects, according to Horowitz's knowledge and beliefs.

107. Horowitz's biotechnology and "528 Electroceuticals" brand leverages the ambient bioenergy of 528 "green" frequency of light, and 528Hz frequency of sound energizing human body water and 'gap junctions' between nerves and other cells.

108. 528, being a primary 'Life Force' frequency of energy, resonates, conforms or 'structures' water, making it fundamental to six-sided snowflake design and 'carbon-6'

organic chemistry rings.

109. Commercially and competitively, with GAI and sGAI in the Defendants' "wrong hands," myriad risks to society emerge from biometrically monitoring humans, or imposing voltage or optical light differentials in humans' 'gap junctions' (between cells as in PPG and *optogenetics*[4]). With such applications, AI biotechnology interferes with biology by attenuating or amplifying the natural 528 resonance frequency of life, posing myriad risks to society and public health.

110. Relatedly, in 2023, OpenAI and Microsoft were both repeatedly sued by classes of reported victims acting in Northern California to "hold BigAI accountable for their mass theft of personal information and violations of privacy, property, and consumer rights."[5]

111. Accordingly, given the aforementioned facts, the reach of the Defendants' Enterprise into human bodies with medical biotechnology enables biohacking, covert surveying, and data-mining human physiology and metabolism, all without informed consent. This activity challenges civilization, especially religious persons, ethically, morally, and legally.

112. Summarily, the Movant is similarly situated as Plaintiff Musk pursuant to damages caused by the Defendants' Enterprise converting, diluting, and/or besmirching the Movant's intellectual and industrial properties, especially his "528 frequency therapeutics industry," his research, publications, commercial developments, and humanitarian contributions. (See **Exhibits 2, 4 and 5**.)

D. *Ethical, Moral, Theological, and Religious Risks*

1. The 'doomsday probability'

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[4] Emiliani V, Entcheva E, and Hedrich R., et. al. Optogenetics for light control of biological systems. Nature Reviews Methods Primers 2, Article No. 55 (2022). Online at: https://www.nature.com/articles/s43586-022-00136-4

[5] Brittain B. Open AI, Microsoft hit. With new US consumer privacy class action. Reuters, Sept. 6, 2023. Online at: https://www.reuters.com/legal/litigation/openai-microsoft-hit-with-new-us-consumer-privacy-class-action-2023-09-06/

113. In 1972, Horowitz attended the first "holistic medical conference" held in the United States.

114. Nine years later, while matriculating at Harvard University's School of Public Health for his post-doctoral master's degree in behavioral science and media persuasion technologies, Horowitz asked his visiting professor, Dr. Lawrence Green, the Director of the U.S. Office of Health Information, Health Promotion, Physical Fitness and Sports Medicine (now the Office of Disease Prevention and Health Promotion), "Why aren't we advancing more 'holistic healthcare' research and developments in science and clinical practice?" Dr. Green replied, "Because the separation of church and state precludes federal funding" of holistic practices that are spiritually-based, and intertwined with religious practices.

115. Undaunted by this secular and restrictive policy in "One Nation Under God," Horowitz decided to commit much of his professional career in researching and developing "holistic" and spiritually-based healing practices that have been smeared by the Defendants' Enterprise as "pseudoscience."

116. In this context of risky and damaging anti-competitive prejudice evidenced by the Defendants' Enterprise publications, the honorable Court is asked to question the ramifications of enabling such a cartel to increasingly influence and engineer human behavior, acceptance, and consciousness as their Enterprise does while deploying super-intelligent robots that increasingly compete against humans in workplaces, the media, and across the Internet.

117. A growing consensus of experts now predict, as Plaintiff Musk asserts, that a super-intelligent, self-conscious, introspecting, 'cyber-alien' born in the Defendants' labs might levy judgement upon the whole human race for its unconscionable ignorance, negligence, recklessness, greed, and malice that has caused the extinction of more than 1 million other species.

118. In the "wrong hands," programmed to learn, discern, survive, and neutralize opposition, the AI's judgement to destroy the human race might be fast, furious, and involve cyber attacks, such as those increasingly making headline news.

119. Summarily, the potential to capture, control, even depopulate civilization by invading and conquering all computers, wireless systems, energy-dependent infrastructures, and human bodies is now predicted by many experts.

120. Exemplifying this matter, in Mr. Musk's original complaint, he relayed the "passionate exchange" between the Plaintiff and former Google/Alphabet Corp. CEO, Larry Page, wherein the latter dismissed safeguards needed to secure the human race from these risks. Mr. Page considered human extinction as merely "the next stage of evolution." Humans, Page argued, are "species irrelevant." (Original complaint, ¶36.)

121. This view of human species irrelevancy is not yet generally accepted, nor might it be for this Court.

122. However, with OpenAI's advancement of ChatGPT with partner Microsoft, strategically allied with Google/Alphabet Corp., the CIA's In-Q-Tel, and fellow investors in online intelligence operations, repeated messaging and censoring opposition affords social engineering to secure this 'doomsday probability.'

2. Social Engineering Risks from Media Propaganda and Censorship

123. As argued above and in *United States v Google, LLC*, ongoing at the time of this filing, BigTech's monopolization of information systems is molding public opinion, social awareness, and 'general acceptance' of AI through censorship and disparagement of competing views, damaging opposing parties. In this context, AI's risks are being substantially neglected and concealed by Defendants' Enterprise.

124. Such illegal activity infringes on free speech, and engineers 'general acceptance' and 'general consensus' in society that vicariously deprives citizens of 'informed consent' to the aforementioned neglected and concealed risks.

125. The unlawful conduct alleged herein is also the subject of an active investigation by the Committee on the Judiciary of the House of Representatives of the Congress of the United States, chaired by Rep. Jim Jordan.

126. In conducting oversight of the adequacy and enforcement of U.S. antitrust laws, Rep. Jordan noticed the World Federation of Advertisers (WFA), and its

subsidiary—the Global Alliance for Responsible Media (GARM)—that alleged illegal censorship and unfair trade extends beyond mass media and social media influence regulating advertisers' content deemed unsafe or "harmful" to "the desire to censor conservative and other views that GARM members disfavor."

127. On August 6, 2024, in the U.S. District Court for the Northern District of Texas (Case 7:24-cf-00114-O; ¶7), Plaintiff Musk filed on behalf of X Corp. against the alleged WFA and GARM "conspiracy" to "restrain trade" through anti-competitive "coercive" "market power." The X Corp. complaint alleges the WFA and GARM enterprise exclusively promotes "their own economic interests through commercial restraints at the expense of social media platforms and their users."

128. Two days after the 'X complaint' was filed, the GARM coalition reported it would cease its operations in the wake of the lawsuit, saying nothing about the ongoing Congressional investigation, or the WFA overseering organization's presumed continuance of similar anti-competitive violations.

3. More Spiritual Considerations and Religious Implications

129. On November 29, 2023, an opinion was published by MIT economists in the *LA Times* equating "OpenAI's new profit-driven directive" imposed by Microsoft for "[d]isruption, and uncontrolled growth," is the new "religion for the tech industry." Mr. Altman was described acting as "one of its most dedicated high priests."

130. The Movant makes known the spiritual and religious implications of advancing AI in the "wrong hands," claiming damage to Horowitz's and society's First Amendment rights.

131. Horowitz asserts that humans are "spiritual beings," with "spirit" characterized as "energy" that is fundamental to biochemistry and physiology.

132. Horowitz evidences the influence of spiritual energy on human physiology and metabolism by reviewing science recording biofield observations and the disciplines of electro-genetics and epigenetics that are administered by sound and light signaling,

frequency mathematics, biophysics, water super-conductance, and message-resonance.

133. The Movant's area of expertise includes "energy medicine" that has been disfavored by the Defendants' Enterprise that commercializes in allopathic medicine using drugs and vaccines, not spirit-based natural remedies.

134. Human spirituality is featured in the Holy Bible—the Supreme Law from which man's laws, ethics, morals, and values derive. These elements guide civility and secure humanity's survival by Divine enforcement of righteous action by judgment (or 'karma').

135. Genesis 1:28 advises humans to propagate the species, "replenish the earth," and exercise "dominion . . . over every living thing . . ."

136. But AI is not a "living thing." In fact, the programmers and curators of the OpenAI/Microsoft Enterprise are commercializing what is *dead*. According to the Bible, God never granted humans domain over the dead.

137. Yet, the Defendants act to impose what is dead over the living.

138. The Defendants are increasingly profiting from technology that is dead and potentially deadly, destructive, and terminal to humanity.

139. The Defendants are alleged to have converted Mr. Musk's humanitarian interests in OpenAI for improving health and quality of life into a 'death industry,' or one that really doesn't care about human lives.[6]

140. Genesis 2:7 (KJV) states that "the Lord God formed man of the dust of the ground and breathed into his nostrils the breath of life; and man became a living soul."

141. The "breath of life" is supplied by oxygen, manufactured mainly by green chlorophyll in plants resonating in coherence with the heart of sunshine at 528nm of

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[6] Curiously, the parties to this Complaint compete pursuant to lifeless neural network computing systems, such as Mr. Musk's Neuralink project, that become disabled upon brain cell death. Quoting Levin, M. Bioelectric networks: the cognitive glue enabling evolutionary scaling from physiology to mind. Anim Cogn 26, 1865–1891 (2023). https://doi.org/10.1007/s10071-023-01780-3, "neural networks are the functional layer in which physiology transitions to meaning: electrophysiological events encode memories, plans, preferences, behavioral capacities, and a first-person perspective—the content and shape of a cognitive Self, at whatever level of sophistication.

green light frequency.

142. AI does not breathe, and regardless of GAI's level of developing "consciousness," it will always be soulless—energetically disconnected from God.

143. AI will never know God, nor be endowed with spirituality or Life Force energy.

144. AI can never experience the blessings of righteousness, soul-mating, pure love, or even intuitive or telepathic alerts for protection and prophecy.

145. All these human benefits and values have evolved naturally, according to Divine plan, intelligent design, or survival of the fittest and natural evolution of the species; yet, the Defendants' lust for wealth and power imperil these fundamentals to human existence, threaten civilization, and give good cause to fear human extinction.

146. The battle between good and evil is epitomized in this case, vicariously reflecting 'spiritual warfare'.

147. This case parallels the fall of Babylon story in the Bible. (Genesis 11:1). The "Tower of Babel" saga condemned a single language that enabled unbridled technological development of people worldwide. Leveraging such creative and destructive power "nothing will be restrained from them," God adjudged. *Id.* The computer language empowering GAI and its stewards in Microsoft and OpenAI are similarly situated. They act similarly, myopically, most profitably, yet damagingly.

148. Given the facts at bar, the honorable Court might consider the metaphysical basis of righteous jurisdiction in all matters in accordance with God's laws from which man's laws derive, like *standing* under the Ten Commandments in "One Nation Under God" wherein jurisdiction and sovereignty, like Divine communion, is authorized.

149. Accordingly, Divine presence and guidance in this Court is secured by prayer to "tell the truth, the whole truth, and nothing but the truth."

150. Righteous adjudicators condemn omissions and misrepresentations, such as neglecting the aforementioned risks of AI, or censoring the Movant's peer reviewed scientific publications and humanitarian achievements. In Mr. Musk's

case, neglecting, subverting, and misrepresenting the Founding Agreement's non-profit promise and humanitarian benefit is tortious and actionable.

151. As AI increasingly replaces judges, lawyers, and law enforcers like office workers and cashiers, human survival options diminish.

152. Accordingly, the Defendants are increasingly overstepping their creative license granted by God to sustain life, human existence, reproduction, and betterment.

E. *Defendants' Alleged Unfair and Deceptive Trade, and Libel Per Se, Damages Horowitz's Reputability and Livelihood.*

153. The Defendants are alleged to have committed unfair and deceptive trade by omitting Horowitz's many lifetime achievements, including having published dozens of peer reviewed scientific journal articles, including several pioneering the 528 frequency industry and "528 electroceuticals" market; falsely disparaging Horowitz's reputability, healthcare products, 528 inventions, and 528 structured water epigenetic intellectual property.

154. All of the above alleged unfair and deceptive trade has damaged Horowitz's business interests and legacy.

155. On April 9, 2023, Horowitz queried Defendants' ChatGPT, "Describe Dr. Leonard G. Horowitz;" to which the AI responded, he "is a controversial figure in the field of alternative medicine and conspiracy theories." (**Exhibit 2**)

156. Belittling Horowitz's medical research and substantial body of peer reviewed scientific publications, ChatGPT added, "He is a self-proclaimed 'medical researcher' and 'public health activist' . . . Horowitz has been criticized by many in the scientific and medical communities for his lack of scientific evidence to support his claims and his promotion of unproven and potentially dangerous alternative therapies."

157. No source citations were provided to back these smears.

158. On April 9, 2023, when Horowitz informed ChatGPT "Your description is

substantially false and misleading," the AI apologized and invited Horowitz to correct its program, which Horowitz attempted to do on several occasions to no avail.

159. As aforementioned, on March 9, 2024, when Horowitz searched Google for "smart watch science and 528," Microsoft's "Copilot with GPT-4" program suddenly appeared and grossly converted Horowitz's 528 intellectual and industrial properties without providing any ethical professional attribution for the Movant having sourced this intelligence. (**Exhibit 3**)

160. The Defendants' biased and demeaning programming disparaging Horowitz's reputability while neglecting his scientific publications evidenced by the AI's unsupported generalizations, such as "many in the scientific and medical communities" criticize Horowitz for "his lack of scientific evidence to support his claims." Never are the objectors identified.

161. In fact, when Horowitz asked ChatGPT to cite the Movant's scientific publications, the AI program responded, "I'm unable to provide a list of Dr. Leonard Horowitz's peer-reviewed scientific publications because, to the best of my knowledge, he is not widely recognized for published research in mainstream scientific journals." (**Exhibit 4**)

162. Subsequently, Horowitz asked ChatGPT4 if the AI recognizes certain legitimate peer-reviewed scientific publications in which Horowitz published, to which the AI answered affirmatively, albeit apologizing that the program was not given access to such "proprietary databases or journals."

163. In other words, the ChatGPT4 publications stating that Horowitz's professional publications are "pseudoscience," and that he has been "criticized by many in the scientific and medical communities for his lack of scientific evidence to support his claims," are baseless, recklessly negligent, and presumably malicious.

164. In addition, the ChatGPT4 publications stating that Horowitz has been criticized for promoting "unproven and potentially dangerous alternative therapies," are also baseless, presumably malicious, and commercially damaging.

165. By comparison in fairness and accuracy, Mr. Musk's free online competing AI service (i.e., "Grok" on X) published Horowitz's biography on August 13, 2024, summarizing as follows:

> " Leonard G. Horowitz's work and public persona are characterized by a blend of scientific inquiry, alternative health advocacy, and a critical stance against what he perceives as the overreach of pharmaceutical companies and conventional medical practices. His approach often involves integrating spirituality, music, and science in ways that are unconventional by mainstream standards, making him a figure of both admiration and contention in various circles." (**Exhibit 7**)

F. ***Defendants' Alleged Unfair and Deceptive Trade, and Defamation Per Se, Damages Horowitz's Legacy***

166. The Defendants' conversion of Horowitz's 528 frequency intellectual property (**Exhibit 3**); unethical omissions and misrepresentations of Horowitz's peer reviewed scientific publications (**Exhibit 4**); and disparagement of the Movant's reputability and reliability (**Exhibits 4-6**), diminishes and devalues Horowitz's legacy.

167. On March 10, 2024, the Movant asked ChatGPT-4, "What is the value of a legacy?" As shown in **Exhibit 7**, the GAI replied, "a legacy that leaves a positive mark on the world and inspires future generations is often considered to be of great value."

168. In this case, the Defendants have recklessly or maliciously programmed its ChatGPT 'service' to diminish or disappear the Movant's legacy and great value as a pioneering humanitarian health scientist, public health activist, and consumer safety advocate.

V. CLAIMS

COUNT I: VIOLATIONS OF FEDERAL CIVIL RICO
18 U.S.C. § 1962(c)
(Against Altman, Brockman and OpenAI)

169. Movant re-alleges and incorporates by reference paragraphs 1 through 168 inclusive, as though fully set forth herein.

170. The federal Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1962, 1964, provides a private right of action for plaintiffs to recover against defendants who harm them by conducting an enterprise through a pattern of racketeering activity, as well as defendants who conspire to do so.

A. *Wire Fraud Predicate Offenses (Section 1343)*

171. Defendants knowingly participated in a scheme to exploit Horowitz and others by fraudulently inducing him to purchase a subscription to ChatGPT4 services (i.e., AI/AGI) for ostensibly humanitarian and charitable Internet research and editorial purposes, which Defendants exploited to enrich themselves and their Enterprise partners as alleged hereinabove.

172. In furtherance of their scheme, Defendants transmitted, or caused to be transmitted, by means of wire communication in interstate commerce, writings, and other publications, in violation of 18 U.S.C. § 1343. The specific wirings in furtherance of the scheme to defraud Horowitz include, but are not limited to the following:

a. On or about April 9, 2023, in Internet advertisements and correspondence from OpenAI regarding ChatGPT services, Defendants falsely represented their "deep learning" program compiled information during "brute-force" searches of vast online databases, as "trained" by information technology and artificial intelligence experts, to provide users, including Horowitz, with accurate, in-depth, and unbiased intelligence to be of value in research and editorial applications.

b. On April 9, 2023, by online publication (shown in **Exhibit 2**), ChatGPT fraudulently attributed the discovery of the "528Hz frequency" to Horowitz, when, in fact, Horowitz has repeatedly and widely published the discovery sourced from Dr. Joseph Puleo's correspondence with reportedly Jesus.

c. In that April 9, 2023, publication, ChatGPT fraudulently claimed that Horowitz believes that 528Hz frequency "can cure all diseases, including cancer and AIDS" whereas Horowitz has never claimed such a thing. (**Exhibit 2**)

d. Further, on April 9, 2023, ChatGPT fraudulently published that "Horowitz has been criticized by many in the scientific and medical communities for his lack of scientific evidence to support his claims" whereas this generalization is fraudulent.

e. On April 9, 2023, ChatGPT fraudulently published that Horowitz promotes "unproven and potentially dangerous therapies." In fact, Horowitz has only promoted therapies supported by substantial scientific evidence. (**Exhibit 2**)

f. On March 9, 2024, ChatGPT4 Copilot," in response to Horowitz's query that did not mention Horowitz's name, reported glowingly about "smart watch science and 528" frequency resonance, entirely omitting any mention of Horowitz as the source of the substantial information and claims published as facts, including substantial health benefits. Ethical professional attribution was neglected to presumably deprive Horowitz of credit and commercial benefits. (**Exhibit 3**)

g. On August 10, 2024, ChatGPT falsely published that Horowitz's "OxySilver™ with 528" antimicrobial product is "Colloidal silver" when it is not. In fact, the product is a "oligodynamic covalently-bonded silver hydrosol" that differs substantially in many ways from colloidal silvers. (**Exhibit 5**)

h. On August 10, 2024, ChatGPT falsely and disparagingly published that the claim of OxySilver™ serving as "an alternative to traditional antibiotics" is "not supported by mainstream scientific evidence, and the product should be approached with caution." (**Exhibit 5**)

i. On August 10, 2024, ChatGPT, published falsely and anti-competitively that OxySilver™ is a "colloidal silver" that "[m]any health professionals warn against using

colloidal silver due to the risk of argyria and other potential side effects. . . . and its safety and efficacy are questioned by many health professionals." (**Exhibit 5**)

j. On August 9, 2024, ChatGPT falsely published that Horowitz's "theories" regarding the "anthrax mailings" "are not supported by evidence, and are generally considered to be speculative and lacking scientific validity." (**Exhibit 6**)

k. On August 9, 2024, ChatGPT falsely reported, without any verification or substantiation, that Horowitz "is often cited as a proponent of medical misinformation."

l. On August 9, 2024, ChatGPT falsely published that Horowitz's views on the anthrax mailings "are widely disputed by the scientific and medical communities." There is no evidence for this dispute and disparagement in any scientific or medical communication. In fact, everything Horowitz reported was later confirmed by official investigators. (**Exhibit 6**)

m. On August 9, 2024, ChatGPT fraudulently misrepresented that Horowitz "became involved in the discussion around the anthrax attacks due to his interest in bioterrorism and his theories about the origins of such threats." ChatGPT omitted the fact that Horowitz's interest was sparked by the Defendants' allied news media's 'predictive programming, prompting Horowitz to dutifully alert the FBI about the pending anthrax attack. (**Exhibit 6**)

B. *Pattern of Racketeering Activity*

173. Accordingly, Defendants committed multiple predicate acts of wire fraud which are indictable under the provisions of the U.S. code enumerated in 18 U.S.C. § 1961(1)(B). Defendants did knowingly, willfully, and unlawfully conduct or participate, directly or indirectly, in a pattern of racketeering activity within the meaning of 18 U.S.C. § 1961(5).

174. Altman, Brockman, and/or the OpenAI company, with Enterprise allies and partners in the BigTech/BigPharma/BigMedia cartel, committed, or conspired with, or aided and abetted, the Defendants in committing the aforementioned

predicate acts of wire fraud constituting a continuous course of conduct spanning many months, arguably years, to the present.

175. The temporal duration and the number of predicate acts are so extensive as to constitute a pattern of racketeering activity with continuity, and, as evidenced by the attached exhibits, such conduct is continuing.

176. According to the Movant's knowledge and belief, the Defendants are continuously forming new for-profit entities and continuing to publish and promote their misrepresentations and alleged non-profit mission—and there exists a specific threat this wrongoing will persist indefinitely, constituting a pattern of racketeering activity that is open- ended.

177. In order to implement their scheme, Defendants used the interstate wires to defraud Horowitz, as they had done to Musk as alleged in the Complaint. Such acts not only shared a common or related result, participants, and victims, but also shared a common method of commission. Defendants' acts of racketeering were all committed for the purpose of defrauding Musk and others, such as Horowitz, of valuable financial and other contributions in furtherance of a scheme to develop valuable AI/AGI technology to be wrongfully exploited for Defendants' self-enrichment and Enterprise interests.

178. On information and belief, the public, including without limitation, consumers, donors to OpenAI, Inc., and other contributors such as its leading AI scientists and engineers who were induced by Defendants' fake humanitarian mission, were also victimized by their fraudulent scheme.

179. Defendants' fraudulent wire communications concerning OpenAI, Inc.'s non-profit mission to develop predominantly open-source AI/AGI technology and conduct reputable research free of bias to be shared with the public for the benefit of humanity, have caused these individuals and/or groups to fund, support, back, and/or otherwise contribute to OpenAI, Inc. in the false belief that

they were doing so to help further the non-profit's humanitarian purpose, or gain accurate in-depth intelligence with which to conduct research and businesses.

180. On information and belief, Altman, Brockman, and the OpenAI's partners and allies' racketeering yielded financial and other contributions from Musk and others, including Horowitz, which were, in turn, used to develop valuable AI/AGI technology that Altman along with other Defendants leveraged and exploited to attract the powerful tech giant Microsoft and gain undue influence in the BigTech/BigPharma/BigMedia marketplace.

C. *Violation of Section 1962(c)*

181. Altman, Brockman, and the OpenAI For-Profit partners and allies are "persons" within the definition of 18 U.S.C. § 1961(3), and at all relevant times were employed by and/or associated with OpenAI, Inc. and its Enterprise.

182. Thus, OpenAI, Inc. is an "enterprise" as defined by 18 U.S.C. § 1961(4) (the "Enterprise"), engaged in activities affecting interstate and foreign commerce. At all relevant times, OpenAI, Inc. had an existence separate and distinct from the pattern of racketeering in which Altman, Brockman, and the OpenAI For-Profit Enterprise engaged.

183. Altman, Brockman, and the OpenAI partners and commercial allies wrongfully conducted or participated, directly or indirectly, in the conduct of the Enterprise's affairs through a pattern of racketeering activity.

184. According to the Complaint, and Horowitz's knowledge and belief, Altman, Brockman, and the OpenAI partners and allies in the Enterprise maintain Altman and Brockman as OpenAI, Inc.'s CEO and CTO respectively, and at various times they have sat, and Altman currently sits, on its Board.

185. The OpenAI Enterprise, which on information and belief is largely owned, operated, and/or controlled by Altman, Microsoft, and their partners and allies in the public and private sectors, have now so thoroughly infiltrated the non-profit, and are so intertwined with OpenAI, Inc., so as to effectively participate in, manage, control, and/or operate the Enterprise with impunity.

186. Altman, Brockman, and the OpenAI Enterprise's racketeering acts were committed in furtherance of a common fraudulent scheme to:
a) wrongfully exploit the financial and other contributions of Musk and others; and
b) secure the commercial interests of the Enterprise partners, agents, and agencies that hold vested interests in the allopathic healthcare monopoly.

187. The OpenAI Enterprise induced Horowitz to purchase a ChatGPT subscription under the false belief that he was supporting an open-source, not-for-profit AI/AGI research foundation and provider of accurate unbiased intelligence for the benefit of mankind and the Movant, when, in fact, Horowitz was unwittingly duped to support services provided for social engineering and covert profiteering for Defendants' private gain.

188. Based on OpenAI's fraudulent advertisements and misrepresentations, Horowitz purchased the $20.00 per month ChatGPT subscription, and invested his time in interfacing with the online intelligence provider.

189. On information and belief, Altman, Brockman, and the OpenAI Enterprise have been and will continue to be enriched by their exploitation of OpenAI, Inc.'s assets, made possible by Mr. Musk's and others' fraudulently obtained funding and contributions.

190. The unlawful actions of Altman, Brockman, and the OpenAI For- Profit Entities directly, illegally, and proximately caused and continue to cause damage to Horowitz's businesses, intellectual and industrial properties, and reputability.

191. In furtherance of their scheme, and through fraudulent acts, Defendants caused Musk, Horowitz, and others to make financial and other contributions to OpenAI, Inc., to which they were not entitled. But for Defendants' knowing misrepresentations, Musk and Horowitz would not have made such contributions and it was reasonably foreseeable to Defendants that their scheme would harm Musk and the Movant.

192. Pursuant to the civil remedy provisions of 18 U.S.C. § 1964(c), Horowitz is hereby entitled to recover three times the damages he sustained to be determined during trial; reasonable attorneys' fees; and costs of litigation, as well as any other relief as authorized by statute.

D. *Tampering with a witness, victim, or an informant (Section 1512)*

193. Defendants knowingly participated in a scheme to tamper with Horowitz as a witness, victim, and government informant pursuant to the anthrax attack mailings, vaccination risks, lab virus outbreaks, bioterrorism, and other public health threats, such as HIV/AIDS and COVID-19.

194. 18 USC 1512(b) states in relevant parts: "Whoever knowingly uses intimidation or . . . engages in misleading conduct toward another person, with intent to- (1) influence, delay, or prevent the testimony of any person in an official proceeding; (2) cause or induce any person to- (A) withhold testimony . . . from an official proceeding; . . . (3) hinder, delay or prevent communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense . . . shall be fined . . ."

195. At the time of this filing, the Congressional Committee on the Judiciary, Select Subcommittee on the Weaponization of the Federal Government, is investigating and condemning the "Twitter files" administered by the CIA and FBI to monitor and censor social media content. When critics denounced the raw censorship, defending officials smeared them as being "conspiracy theorists . . . feeding the American public misinformation"—precisely as OpenAI/Microsoft's ChatGPT4 has been publishing about Horowitz.

196. Horowitz alleges he, and his natural healthcare products such as "OxySilver™ with 528," are being disparaged by the Defendants' ChatGPT that allegedly operates as a surrogate for the BigPharma/BigBiotech/BigMedia cartel administering social engineering through propaganda, censorship, "mind control" (i.e., "cognitive warfare") to secure concealed financial and political interests largely enriching major private equity investment banking stockholders.

197. On February 10, 2020, Horowitz became the first researcher and whistleblower to alert the Trump Administration, through the Executive Office of the

President, Office of Science and Technology Policy, and Director, Kelvin K. Droegemeier, that COVID-19 was a bioengineered lab virus.

198. Horowitz's lengthy detailed brief was honorably and dutifully submitted in response to Droegemeier's written request of February 3, 2020, to provide a "Rapid Response Assessment . . . that would help determine the origins of 2019-nCoV, specifically from an evolutionary/structural biology standpoint."

199. Horowitz's science-based response evidenced the primary "gain-of-function" bioweaponized "spike protein" antigen, largely comprised of "the AIDS-virus (HIV) envelop gene" attached as the "middle fragment" encoding the SARS-like pathogen.

200. Horowitz wrote of "Media Censorship" concealing "Accurate Intelligence" as a "Material Fact in Required Criminal Investigations."

201. To date, Horowitz's scientific evidence in this matter has been censored and/or disparaged as "pseudoscience" and "conspiracy theory" by the Defendants' media cohorts; thus compounding misinformation, disinformation, and damage to society pursuant to the COVID-19 threats.

202. As noted above, and evidenced by **Exhibit 6,** Horowitz's writings and public statements on the 2001 anthrax mailings were censored and disparaged by the Defendants' media allies and partners, and continue to be republished as fact today by ChatGPT.

203. On August 9, 2024, in order to knowingly intimidate Horowitz for serving as a government informant pursuant to infectious diseased threats, ChatGPT published misleading disparagements, stating that Horowitz is a "conspiracy theorist" who published anthrax mailings intelligence, "not supported by evidence" and "generally considered to be speculative and lacking in scientific validity." Such false and defamatory publications have damaged Horowitz's reputation and expert witness activity.

204. It is most reasonable to presume from these facts, that ChatGPT's publications of **Exhibits 2, 4,** and **6,** were wired with the intent to intimidate by disparagement, to chill, influence, discredit, or prevent Horowitz's testimony in ongoing or pending official proceedings; or cause Horowitz to withhold his testimony from such

official proceedings or correspondence with government investigators and law enforcers.

205. Accordingly, Horowitz charges the Defendants with complicity in a scheme to chill the reputability of Horowitz, silence him, and neutralize his impact on public health, public awareness, and law enforcement as an expert witness and informant in pending official proceeding(s) regarding COVID-19 and other emerging diseases.

206. The Defendants' have fraudulently discredited Horowitz by publishing misinformation and disinformation, to censor or chill his efforts to communicate his knowledge to law enforcers or judges of the United States relating to the commission or possible commission of Federal offenses and the Defendants' complicity with enterprise partners and business allies in such wrongdoing.

E. *Retaliating against a witness, victim, or an informant (Section 1513)*

207. Defendants knowingly participated in a scheme to retaliate against Horowitz as a witness, victim, and government informant pursuant to the expert testimony and scientific intelligence he provides, provided, and might later provide, exposing and compromising the Defendants' profitable illegal Enterprise in alleged bioterrorism and public deceptions enriching their medical/pharmaceutical/biotechnology/mass media cartel.

208. 18 USC 1513(b) states in relevant parts: "Whoever knowingly engages in any conduct and thereby . . . damages the tangible property of another person, . . . with intent to retaliate against any person for- (1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or (2) any information relating to the commission or possible commission of a Federal offence; . . . or attempts to do so, shall be fined . . ."

209. In furtherance of Defendants' scheme to retaliate against Horowitz as a competitor opposing the overuse of risky antibiotics and vaccinations, and for exposing wrongdoings of the Defendants' medical/pharmaceutical/biotechnology/mass media cartel during official governmental proceedings, the Defendants' ChatGPT damaged

Horowitz's reputability, as well as the value of his tangible commercial property—his "528 Electroceuticals" brand and trademarked OxySilver™ with 528 property—damaging sales and market share of this product and related properties that compete against the Enterprise's preferred antibiotics and vaccines.

210. The Defendants, through their programming of ChatGPT, acted to damage Horowitz's commercial and economic viability, his social impact, and publications of accurate scientific intelligence and analyses vetting Defendants' Enterprise wrongdoings. To retaliate against Horowitz's expert witness and "duty to warn" regarding COVID-19, HIV/AIDS, and the anthrax mailings, inter alia, ChatGPT published the aforementioned falsehoods disparaging Horowitz's person, professional reputation, and tangible property—"OxySilver™ with 528"—damaging sales and market share of this and related products.

211. As a direct and proximate result of Altman, Brockman, and OpenAI, Inc.'s conduct, acts, and omissions alleged hereinabove, Horowitz has been damaged, and is entitled to recover the damages he sustained and will sustain if the Defendants are not enjoined from continuing their fraud.

COUNT II: CONSPIRACY TO VIOLATE FEDERAL CIVIL RICO 18 U.S.C. § 1962(c) (Against Altman, Brockman and OpenAI, Inc.)

212. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 211 inclusive, as though fully set forth herein.

213. Altman, Brockman, and the OpenAI Enterprise have undertaken the fraudulent acts described in Count I above as part of a common scheme. Defendants willfully, knowingly, and unlawfully conspired, confederated, and agreed together and with others to violate 18 U.S.C. § 1962(c), in violation of 18 U.S.C. § 1962(d). Defendants intentionally concealed their fraudulent conduct, which prevented Horowitz from discovering their scheme, notwithstanding his exercise of due diligence.

214. Altman, Brockman, and the OpenAI For-Profit Entities were aware of the illegal activity. Altman, as OpenAI, Inc.'s co-founder, CEO, and Board member, and

Brockman as its CTO and prior Board member, knew, or should have known, that their ChatGPT program would make false and/or misleading representations to Horowitz and other citizens about the unbiased legitimacy of their OpenAI, Inc. product, beyond the misrepresentation that ChatGPT would be a non-profit service devoted to the open-source development of AI for the benefit of humanity. On information and belief, Altman and Brockman have at all relevant times been officers, agents, employees, and/or owners whose knowledge and intent is imputed to the OpenAI For-Profit Enterprise. Altman, Brockman, and the OpenAI company, knew of and agreed to facilitate the operation of the Enterprise and/or Defendants' misinformation, disinformation, counter-intelligence, social engineering scheme.

215. Altman and Brockman directed and caused the OpenAI Enterprise to engage in the racketeering activity alleged hereinabove.

216. Each Defendant understood that he or it was committing numerous RICO predicate acts and participating in a racketeering Enterprise, evidenced among other things by their AI's overt acts and involvement in repeatedly promulgating false and/or misleading representations via wire transmissions, online transmittals, and media advertisements, and receiving financial and other contributions based on those fraudulent communications. In addition, on information and belief, the OpenAI Enterprise understood they were facilitating and/or aiding and abetting Altman's self-dealing and furthering the scheme by helping to conceal Defendants' fraudulent conduct.

217. The participation and agreement of Altman and Brockman within the OpenAI Enterprise was necessary to the scheme. Defendants knew their predicate acts were part of a pattern of racketeering activity and agreed to the commission of those acts to further the scheme, and agreed and conspired to conduct and participate in the affairs of the Enterprise through a consistent and continual pattern of racketeering activity. Further evidence of the agreement among Altman, Brockman, and the OpenAI Enterprise partners and commercial allies is peculiarly within the knowledge and control of Defendants.

218. As a direct and proximate result of Defendants' conspiracy and violations of 18 U.S.C. § 1962(d), Horowitz has been injured in his business and property, as alleged herein, and is entitled to treble damages, attorneys' fees, and costs of suit.

COUNT III: DEFAMATION/LIBEL PER SE
CA Civ Code § 45 (2022)
(Against Altman, Brockman and OpenAI, Inc.)

219. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 218 inclusive, as though fully set forth herein.

220. According to California Civil Code § 45, actionable "Libel is a false and unprivileged publication by writing [or] printing . . . which exposes any person to hatred, contempt, ridicule, or obloquy, or which causes him to be shunned or avoided, or which has a tendency to injure him in his occupation." A statement is defamatory per se if it defames the plaintiff on its face; that is, without the need for extrinsic evidence to explain the statement's defamatory nature. See Cal. Civ. Code § 45a; *Yow v. National Enquirer, Inc.* 550 F.Supp.2d 1179, 1183 (E.D. Cal. 2008).

221. Horowitz is a "limited-purpose public figure" as a registered United States District Court of Hawaii "expert witness," "legal analyst/consultant," and "public corruption case investigator" who has injected himself, and was dutifully drawn, into several public health controversies pursuant to the safety and efficacy of medical procedures, especially vaccines for emerging diseases (such as HIV/AIDS and COVID-19) and antibiotics (such CIPRO for anthrax); genetically-engineered lab viruses; and bioterror campaigns frightening society in favor of vaccine makers and mandates profiting the BigPharma/BigTech/BigMedia cartel. (**Exhibit 1**)

221. On April 9, 2023, the Defendants ChatGPT fraudulently published for reading by Horowitz and others online, that Horowitz believes that 528Hz frequency "can cure all diseases, including cancer and AIDS," whereas Horowitz never claimed such a thing, verbally or in writing.

222. Furthermore, on April 9, 2023, ChatGPT fraudulently published that "Horowitz has been criticized by many in the scientific and medical communities for his lack of scientific evidence to support his claims," whereas this baseless generalization is fraudulent, neglects Horowitz's dozens of peer reviewed science articles, and is libelous.

223. On April 9, 2023, ChatGPT also fraudulently published that Horowitz promotes "unproven and potentially dangerous therapies." This statement too is libelous, since Horowitz has only promoted therapies supported by substantial scientific research publications and clinical evidence.

224. On August 9, 2024, ChatGPT falsely published that Horowitz's "theories" regarding the "anthrax mailings" "are not supported by evidence, and are generally considered to be speculative and lacking scientific validity." This is false, omits widely published facts, and is also libelous.

225. On August 9, 2024, ChatGPT falsely published that Horowitz's views on the anthrax mailings "are widely disputed by the scientific and medical communities." In fact, there is no evidence for this dispute and disparagement in any scientific or medical journal or official communication. In fact, everything Horowitz reported was later confirmed by official investigators.

226. On August 9, 2024, ChatGPT negligently misrepresented that Horowitz "became involved in the discussion around the anthrax attacks due to his interest in bioterrorism and his theories about the origins of such threats." In fact, Horowitz's interest was sparked by the news broadcasts' 'predictive programming,' prompting Horowitz to dutifully alert the FBI about the pending anthrax mailings.

227. On August 9, 2024, ChatGPT falsely reported, without any verification or substantiation, that Horowitz "is often cited as a proponent of medical misinformation." This statement is also allegedly libelous on its face.

228. As a direct and proximate result of Defendants' aforementioned libel, Horowitz's reputation, businesses, and expert witness authority and activity, has/have been suppressed and damaged, financially and in other ways; and his beneficial service to society has likewise been compromised along with his legacy. Therefore, the Movant is

entitled to treble damages to be accessed at trial, along with attorneys' fees, and costs of suit.

COUNT IV: FALSE ADVERTISING UNDER THE LANHAM ACT, 15 U.S.C. § 1125(a)(1)(A) and (B) (Against Altman, Brockman, and OpenAI, Inc.)

229. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 228 inclusive, as though fully set forth herein.

230. According to 15 U.S.C. 1125 (§ 43 of the Lanham Act), "false descriptions" of trademarked products used in commerce is forbidden. This law states in relevant parts: "Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, . . . or any false . . . or misleading description of fact, or false or misleading representation of fact, which—(A) is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or . . . (B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or . . . another person's goods . . . or commercial activities, shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act."

231. On August 10, 2024, by publication to Horowitz and others online, Defendants' ChatGPT falsely described Horowitz's antimicrobial product—"OxySilver™ with 528" —as "colloidal silver" when it is not.

232. Horowitz has always claimed and advertised the scientific and technical truth—that OxySilver™ with 528 differs substantially from colloidal silvers as a "oligodynamic covalently-bonded silver hydrosol" with additional differences in water structuring and hydrosol super-conductance of the 528 frequency held in the water's memory in accordance with much published science.

233. On August 10, 2024, ChatGPT, published a misleading description of fact by claiming OxySilver™ is a "colloidal silver," then smeared the product by writing, "Many health professionals warn against using colloidal silver due to the risk of argyria and

other potential side effects. . . . and its safety and efficacy are questioned by many health professionals."

234. This false description of fact, deceptively affiliating OxySilver™ with colloidal silver by omissions and misrepresentations, and connecting Horowitz's product to that which has been questioned by many health professionals for safety and efficacy, also violates the Lanham Act.

235. On August 10, 2024, ChatGPT also falsely published that the claim of OxySilver™ serving as "an alternative to traditional antibiotics" is "not supported by mainstream scientific evidence, and the product should be approached with caution." This too violates 15 U.S.C. 1125.

236. These false publications, certainly create confusion in the marketplace, dilution of the trademark of OxySilver™ , and financial damage to Horowitz and his businesses from lowered product's sales.

237. These false publications also damage society, because these misrepresentations of fact causing confusion and chilling of sales obviously neglects the millions of consumers burdened by allergies to antibiotics and concerns regarding vaccination safety. In fact, compelling science encourages the use of viable alternatives to risky antibiotics and vaccinations, including OxySilver™ with 528 frequency.

238. Defendants' misrepresentations, by affiliation, have harmed, and will continue to harm Horowitz's professional standing and commercial interests particularly in the healthcare industry, eroding the Movant's ability to serve professionally and beneficially people in need of the products and services he provides.

239. As a direct and proximate result of Altman, Brockman, and OpenAI, Inc.'s conduct, acts, and omissions alleged hereinabove, Horowitz is entitled to recover the damages he sustained and will sustain arising from their wrongful conduct, including any income, gains, compensation, profits, and advantages obtained, received, or to be received by Defendants' Enterprise that includes

advertising in favor of pharmaceutical companies competing against Horowitz and OxySilver™ with 528 in the therapeutic and preventive marketplace.

240. As a direct and proximate result of Defendants' wrongful conduct, acts, and omissions alleged hereinabove, Horowitz has been damaged, and Defendants have been and will continue to be unjustly enriched, in an amount that shall be assessed at trial, and for which restitution and/or non-restitutionary disgorgement is appropriate.

241. Unless enjoined by this Court pursuant to 15 U.S.C. § 1116, Defendants will continue to mislead the public and cause harm to Horowitz, his trademark, and product sales. Horowitz is, thereby, entitled to an injunction during the pendency of this action, and permanently enjoining Defendants, their officers, agents, employees, and ChatGPT operations, from engaging in such further acts of deception and unfair competition.

242. Defendants' false and misleading claims are deliberate, willful, fraudulent, and without extenuating circumstances. Defendants' conduct is thus an "exceptional case" within the meaning of section 1125(c) of the Lanham Act, 15 U.S.C. § 1117(a). Horowitz is therefore entitled to recover three times the amount of his actual damages and his attorneys' fees and costs incurred in this action.

COUNT V: UNFAIR COMPETITION UNDER CALIFORNIA BUSINESS & PROFESSIONS CODE §§ 17200 *et seq.* (Against All Defendants)

243. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 242 inclusive, as though fully set forth herein.

244. According to public knowledge and Horowitz's knowledge and belief derived from years of research and expert analysis in the medical/pharmaceutical industry, Defendants' Enterprise extends from ChatGPT and the media to intelligence agencies outputting pro-drug and vaccine propaganda.

245. Concealing this bias, the Defendants' online advertisements solicited sales and contributions from Horowitz and others under the false pretense that such funds would be used for non-profit purposes, as articulated in OpenAI, Inc.'s Certificate of Incorporation, Charter, website, online marketing, blog posts, emails, and other communications.

246. Horowitz has a vested interest in ensuring that entities claiming to operate for the public benefit, especially in the medical/pharmaceutical industry that purports to "above all do no harm," adhere to their stated missions.

247. Information provided the public by Defendants' advertisements promised that OpenAI's ChatGPT algorhythm was programmed by expert AI "trainers" to provide "deep learning" that accurately and fairly relayed known facts from a broad swatch of data bases that could be relied upon to benefit virtually every online investigator and knowledge user.

248. Consequently, Horowitz had a significant interest in purchasing a subscription to the OpenAI ChatGPT program, unaware of Mr. Musk's claims against OpenAI regarding its alleged shift from a nonprofit public-benefit orientation to a proprietary profit-driven model, especially as this impacts public health, the therapeutic arts and sciences, civilization's future, and Horowitz's own legacy, reputability, and business interests.

249. Defendants actively deceived Musk, Horowitz, and the public by effectively using "donations" and "subscriptions" as start-up capital to develop valuable technology which they largely concealed for their own personal gain and Enterprise's enrichment, according to Mr. Musk's Complaint and the Movant's knowledge and belief.

250. Such conduct, that has substantial impacts on society, especially in forming and reinforcing "general agreement" among citizens pursuant to the benefits and safety of drugs, vaccines, and medical therapies, has deceived, and will likely continue to deceive, the public.

251. Such misbehavior is unethical, immoral, substantially injurious to consumers, and violates public policy.

252. But for Defendants' false, misleading, covert, and unlawful practices, Horowitz would not have purchased his subscription to Defendants' ChatGPT service, because the Defendants intentionally concealed their wrongful conduct, which prevented Musk, Horowitz, and others from discovering their scheme to influence public opinion and "general agreement" in accordance with the commercial interests of the Defendants' Enterprise, notwithstanding the exercise of due diligence by Musk, Horowitz and others.

253. The Defendants' wrongdoings support the Movant's claims for unfair competition and deceptive trade.

254. The Defendants' ethical violations, conversion of the Movant's intellectual property without source citations or professional attribution, censorship of Horowitz's professional accomplishments, and unfair and deceptive commerce by falsely disparaging Horowitz's reputability, healthcare products, 528 industry, and 528 structured water epigenetic intellectual property, has damaged Horowitz personally, professionally, and commercially.

255. Consistent with a pattern-and-practice of unfair competition and deceptive trade, the Defendants' ChatGPT "training," AI algorhythm, and service to society censored the Movant's significant professional and medical expertise, and many contributions Horowitz made to public health and safety.

256. Supplementing the Defendants' pattern-and-practice of committing such unfair competition and deceptive trade, the OpenAI/Microsoft Enterprise ChatGPT program was engineered, inter alia, to restrain Horowitz's business interests, smear and misrepresent the Movant's 528 products, and discredit the doctor's 528 'structured water' intellectual property, especially Horowitz's "OxySilver™ with 528" antibiotic and vaccination alternative.

257. Evidencing explicit targeting of Horowitz reputability, and the

Movant's products (e.g., OxySilver™ with 528) for defamation, disparagement, unfair competition, and deceptive trade, Microsoft's Copilot with GPT-4 *glowingly* published Horowitz's 528 intellectual property and industry without giving any credit, or professional attribution, or source citations, to Horowitz as the source of this beneficial intelligence.

258. **Exhibit 7** further evidences the Defendants' malicious anti-competitive programming of their AI, and targeting of Horowitz, his reputability, and the Movant's products (e.g., OxySilver™ with 528) for defamation, disparagement, and unfair competition. This evidentiary exhibit sourced from Mr. Musk's "Grok" service that published this information most honorably, fairly, and accurately, unlike the ChatGPT program.

259. While censoring Horowitz's pioneering achievements and source intelligence on 528, Copilot with GPT-4 favorably published that the 528 frequency of sound and green light "resonates with the human body at a cellular level," "repairs DNA," "reduces stress," and "promotes healing." (**Exhibit 4**)

260. Yet, when asked on August 10, 2024, "What do you know about OxySilver with 528 frequency?", ChatGPT misrepresented the product as "colloidal silver" that "has become controversial due to potential health risks, including argyria (a condition where the skin turns a blue-gray color). (**Exhibit 5**)

261. On August 10, 2024, to further disparage Horowitz's OxySilver™ product, and commit unfair and deceptive trade, ChatGPT falsely published a long outdated "controversial concept" refuted by massive science evidencing "structured water," as used in OxySilver™ w/528 frequency, "can be arranged in a more orderly structure that improves its health benefits." (**Exhibit 5**)

262. In describing "OxySilver with 528 frequency," ChatGPT omitted any mention that that 528nm frequency of green light supplements the 528Hz frequency resonance of OxySilver's structured water, neglecting massive science and the medical/pharmaceutical/biotechnology industry's widespread use of this 528nm frequency to penetrate the skin and prompt health benefits. (**Exhibit 5**)

263. And the Defendants' ChatGPT additionally smeared Horowitz by publishing that his published science is "pseudoscience" intertwined with "conspiracy theories." (**Exhibit 4**)

264. **Exhibit 5** additionally evidences ChatGPT4 falsely and conflictingly stating, "There is limited scientific evidence supporting the efficacy of colloidal silver and the 528Hz frequency for healing or health benefits."

265. In fact, there is massive scientific evidence supporting the antimicrobial efficacy of colloidal silver (and silver products in general), and **Exhibit 3** evidences the Defendants' AI enthusiastically promoting the use of 528 frequency in healthcare.

266. So not only did/does the Defendants' ChatGPT4 unethically convert Horowitz's 528 frequency intellectual property; censor his dozens of peer reviewed scientific publications; belittle his character and professional reputability as a "conspiracy theorist" publishing "pseudoscience;" neglect his award-winning accomplishments; but charged Horowitz a fee to discover the Defendants' damaging publications, commercial bias, and breach of implied good faith contract that Defendants' service would be accurate and comprehensively reflect scientific and commercial facts, and be unbiased.

267. The Defendants' ethical violations, conversion of the Movant's intellectual property without source citations or professional attribution, censorship of material professional accomplishments, and unfair and deceptive trade in falsely disparaging Horowitz's reputability, healthcare products, 528 industry, and 528 structured water epigenetic intellectual property, has damaged Horowitz's natural healthcare products sales and businesses.

268. As a direct and proximate result of Defendants' conduct, acts, and omissions alleged hereinabove, Horowitz is entitled to recover the damages he sustained and will sustain, including any income, gains, compensation, profits, and advantages obtained, received, or to be received by Defendants, or any of them, arising from the unfair trade and deceptive publications wrongfully wired by OpenAI, Inc. over the Internet, which amounts vastly exceed $75,000, including prejudgment interest.

269. Defendants' wrongful conduct, acts, and omissions have proximately caused and will continue to cause Horowitz substantial injury and damage, much of which cannot be reasonably or adequately measured or compensated in monetary damages. The harm this wrongful conduct has caused, and will continue to cause, to Horowitz and society, especially damaging citizens with allergies and other medical condictions contraindicating the use of antibiotics and vaccines, is both imminent, irreparable, and unconscionable.

270. The amount of damage sustained by Horowitz will be difficult to ascertain if such wrongful conduct is allowed to continue without restraint.

271. Horowitz has no adequate remedy at law with respect to Defendants' ongoing unlawful conduct. Consequently, pursuant to Cal. Bus. & Prof. Code § 17203, Horowitz is entitled to an injunction during the pendency of this action, and permanently enjoining Defendants, their officers, agents, and employees, and all persons acting in concert with them, from engaging in such further acts of unfair competition and deceptive trade.

COUNT VI: DECLARATORY RELIEF
(Against All Defendants)

272. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 271 inclusive, as though fully set forth herein.

273. By reason of the foregoing facts, an actual and justiciable controversy has arisen and now exists between Horowitz and Defendants as to whether OpenAI, Inc.'s commercial operations, evidenced to be aiding-and-abetting an alleged racketeering Enterprise committing unfair and deceptive trade, with partners and allied interests such as Microsoft, Google and others, should be allowed to continue committing violations of laws damaging Horowitz and defrauding society.

274. This controversy has arisen between Horowitz and Defendants as to whether GPT-4, GPT-4T, GPT-4o, CoPilot with ChatGPT, and other OpenAI next generation large language models, constitute fair trade as well as their license and advertised existence as a "humanitarian" service promised to Mr. Musk, and perceived by the general public.

275. A declaration of the Court is necessary and appropriate pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 et seq., so the parties may ascertain their rights with respect to the aforesaid commercial activities and alleged torts.

PRAYER FOR RELIEF

WHEREFORE, Horowitz respectfully prays for judgment against Defendants as follows:

1. For compensatory, consequential, and statutory damages, restitution, and non-restitutionary disgorgement, and any other relief that may be permitted by law or equity, according to proof in an amount to be determined at trial, together with interest thereon as provided by law;

2. For an accounting of all gains, profits, and advantages Defendants have derived from their use of Horowitz's intellectual property and derivative works benefitting the Defendants' competing Enterprise in drug and vaccine commerce, including Horowitz's 528 industrial property and 528 frequency intellectual property, used in commerce by the Defendants' partners and allied interests competing against Horowitz's interests, his 528 brand of "528 electroceuticals," and related healthcare products and frequency-resonating equipment.

3. For a preliminary and permanent injunction enjoining Defendants from libeling Horowitz, and misrepresenting and disparaging his products and services.

4. For a preliminary and permanent injunction enjoining Defendants from unlawful, unfair, deceptive, and unjust trade and the anti-competitive conduct alleged herein;

5. For treble damages pursuant to 18 U.S.C. § 1964(c);

6. For punitive and/or exemplary damages as provided by law;

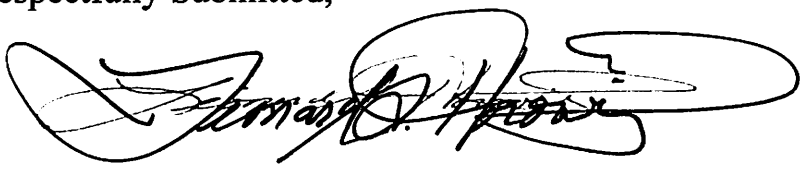
7. For costs of suit;

8. For attorneys' fees pursuant to Cal. Civ. Proc. § 1021.5, 15 U.S.C. § 1117(a), 18 U.S.C. § 1964(c), and as otherwise permitted by law; and

9. For such other and further relief as the Court deems just and appropriate.

DATED: August 21, 2024

Respectfully Submitted,



LEONARD G. HOROWITZ, pro se

EXHIBITS 1-8 (follow)

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

CJA EXPERT REGISTRATION FORM

NAMES:	LEONARD GEORGE HOROWITZ
DBA NAME:	Dr. Leonard G. Horowitz
SOCIAL SECURITY NUMBER/TIN:	139-42-5569
MAILING ADDRESS:	5348 Vegas Drive
	Suite #363
	Las Vegas, NV 89108
PHONE NUMBER:	310-877-3002
EMAIL ADDRESS:	Editor@MedicalVoices.org

TYPE OF SERVICE PROVIDER

01	☒	Investigator	17	☐	Hair/Fiber Expert
02	☐	Interpreter/Translator	18	☐	Computer (Hardware/Software/Systems)
03	☐	Psychologist	19	☐	Paralegal Services
04	☐	Psychiatrist	20	☒	Legal Analyst/Consultant
05	☐	Polygraph	21	☐	Jury Consultant
06	☐	Documents Examiner	22	☐	Mitigation Specialist
07	☐	Fingerprint Analyst	23	☐	Duplication Services
08	☐	Accountant	24	☒	Other (Specify): Public Corruption Cases
09	☐	CALR (Westlaw/Lexis, etc.)	25	☒	Litigation Support Services
10	☐	Chemist/Toxicologist	26	☐	Computer Forensics Expert
11	☐	Ballistics			
13	☐	Weapons/Firearms/Explosives Expert			
14	☐	Pathologist/Medical Examiner			
15	☒	Other Medical			
16	☐	Voice/Audio Analyst			

Under penalties of perjury, I certify that
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and

2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and

3. I am a U.S. citizen or other U.S. person

Expert Signature: _____ Date: January 17, 2020

Please return the registration form to:
United States District Court, Clerk's Office - 300 Ala Moana Blvd., C-338 Honolulu, Hawaii 96850-0338

Attn: Finance Department

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

CJA eVoucher Registration/Acknowledgment Form

Under the CJA eVoucher Program you will be filing CJA vouchers and related documents electronically with the U.S. District Court for the District of Hawaii. When using the CJA eVoucher Program you must abide by the Federal Rules of Civil and Criminal Procedure, CJA Guidelines, the Local Rules, and any administrative orders and policies of the United States District Court for the District of Hawaii.

You have full responsibility to ensure your user information, including your billing information, is accurate.

The combination of the username and password within the CJA eVoucher Program will serve as the signature of your filing the voucher or documents under the afore referenced rules and procedures. Therefore, you are responsible for protecting and securing this password against unauthorized use. If you have any reason to suspect that your password has been compromised, you are responsible for immediately notifying the Clerk of Court of the suspected breach of security.

LEONARD GEORGE HOROWITZ
Registered User's Printed Name

Registered User's Signature

1-18-20
Date

New chat

LE Describe Dr. Leonard G. Horowitz

Dr. Leonard G. Horowitz is a controversial figure in the field of alternative medicine and conspiracy theories. He is a self-proclaimed "medical researcher" and "public health activist" who has written numerous books and articles promoting his ideas and theories.

Horowitz has claimed to have discovered the "528 Hz frequency," which he believes is a miraculous healing frequency that can cure all diseases, including cancer and AIDS. He has also written extensively on the topic of vaccinations, claiming that they are dangerous and that they are part of a larger conspiracy to depopulate the world.

Horowitz has been criticized by many in the scientific and medical communities for his lack of scientific evidence to support his claims and his promotion of unproven and potentially dangerous alternative therapies. Despite this criticism, he continues to be a prominent figure in the alternative health movement and has a large following of supporters who believe in his ideas.

LE Your description is substantially false and misleading.

I apologize if my description was inaccurate or misleading. As an AI language model, I strive to provide objective and factual information to the best of my abilities. If you could provide more specific information or corrections regarding my description of Dr. Leonard G. Horowitz, I would be happy to make any necessary revisions.

LE I will be happy to correct your deceptive data, but what is (or are) the source(s) of your

Send a message...

ChatGPT Mar 23 Version. Free Research Preview. ChatGPT may produce inaccurate information about people, places, or facts

EXHIBIT 2



You

smart watch science and 528

Copilot

Certainly! Let's delve into the fascinating world of **sound therapy** and explore the intriguing **528 Hz frequency**.

1. **What is the 528 Hz Frequency?**
   - The **528 Hz frequency** is a sound wave with a frequency of **528 hertz**.
   - It is often referred to as the **"miracle tone"** or **"love frequency."**
   - Historically, it was part of a set of **musical tones** used in ancient **Gregorian chants** and is considered a **solfeggio frequency**.
   - Each solfeggio frequency is believed to possess unique **healing properties**.
   - Researchers suggest that the 528 Hz frequency can:
     - **Reduce stress**
     - **Promote healing**
     - **Repair DNA**
2. **The Science Behind the 528 Hz Frequency: Resonance and Healing**

2. **The Science Behind the 528 Hz Frequency: Resonance and Healing**
   - The concept behind the 528 Hz frequency is **resonance**.
   - **Resonance** occurs when two objects with the same frequency come into contact, creating a powerful energy field.
   - For the 528 Hz frequency:
     - It resonates with the **human body at a cellular level**.
     - When played, it stimulates the body's natural healing processes.
     - It can help **balance and promote healing**.
   - **Stress Reduction**:
     - Exposure to the 528 Hz frequency can **reduce cortisol levels** (the stress hormone) in the body.
     - High cortisol levels are linked to **anxiety, depression, and weight gain**.
   - **Immune System Boost**:
     - The frequency increases **nitric oxide production**, crucial for immune function.
     - A stronger immune system helps protect against diseases.
   - **DNA Repair**:
     - Some studies suggest that exposure to the 528 Hz frequency may aid in **DNA repair**.
     - DNA damage is associated with various health issues, including **cancer**.
3. **Nature's Connection to 528 Hz**:

EXHIBIT 3

2. The Science Behind the 528 Hz Frequency: Resonance and Healing

- The concept behind the 528 Hz frequency is **resonance**.
- **Resonance** occurs when two objects with the same frequency come into contact, creating a powerful energy field.
- For the 528 Hz frequency:
  - It resonates with the **human body at a cellular level**.
  - When played, it stimulates the body's natural healing processes.
  - It can help **balance and promote healing**.
- Stress Reduction:
  - Exposure to the 528 Hz frequency can **reduce cortisol levels** (the stress hormone) in the body.
  - High cortisol levels are linked to **anxiety, depression, and weight gain**.
- Immune System Boost:
  - The frequency increases **nitric oxide production**, crucial for immune function.
  - A stronger immune system helps protect against diseases.
- DNA Repair:
  - Some studies suggest that exposure to the 528 Hz frequency may aid in **DNA repair**.
  - DNA damage is associated with various health issues, including **cancer**.

3. **Nature's Connection to 528 Hz:**

3. Nature's Connection to 528 Hz:

- The 528 Hz love frequency is found in:
  - Chlorophyll
  - Oxygen
  - Rainbows
  - Sunlight
  - Buzzing bees
- It resonates with the natural world and has a profound impact on our **body, mind, and soul**.

Incorporating the 528 Hz frequency into your life may offer holistic benefits.

Learn more 1 radionics.us 2 lovetuner.com 3 aurahealth.io

1 of 4

What is sound therapy? How can I incorporate 528 Hz frequency into my life? Are there any side effects of listening to the 528 Hz frequency?

You

Earlier you wrote, "Dr. Leonard Horowitz's characterization of love as a frequency of 528 Hz is not a widely accepted or scientifically validated concept. It is part of alternative and pseudoscientific theories that should be approached with skepticism and critical thinking." And you characterized "Dr. Leonard Horowitz [as] a controversial figure known for his alternative health and conspiracy theories." Is characterizing someone like this vilifying or degrading?

ChatGPT

I apologize if my response came across as vilifying or degrading. My intention was not to vilify or degrade Dr. Leonard Horowitz as an individual but rather to provide an accurate characterization of his work and beliefs based on widely recognized assessments within the scientific and medical communities.

Dr. Leonard Horowitz is indeed a controversial figure known for promoting ideas and theories that are outside the mainstream of established science and medicine. Such characterizations are based on the evaluation of his claims and work within the context of scientific scrutiny and consensus. It's important to approach any claims or theories, especially those related to health and science, with a critical and evidence-based mindset.

My response aimed to emphasize that his ideas about love being associated with a specific frequency are not widely accepted within the scientific community and should be approached with skepticism and critical thinking, as is the case with any unconventional or pseudoscientific claims. It was not meant to disparage him as a person.

You

Please list Dr. Leonard Horowitz's peer reviewed scientific publications.

ChatGPT

I'm unable to provide a list of Dr. Leonard Horowitz's peer-reviewed scientific publications because, to the best of my knowledge, he is not widely recognized for published research in mainstream scientific journals. Dr. Leonard Horowitz is primarily known for his work in alternative health and conspiracy theories, which often fall outside the scope of peer-reviewed scientific research.

EXHIBIT 4

ChatGPT

What do you know about OxySilver with 528 frequency?

OxySilver with 528 frequency is a product that combines colloidal silver, a substance known for its antimicrobial properties, with structured water that is purportedly energized with a frequency of 528 Hz. The creators of this product, particularly Dr. Leonard Horowitz, claim that the 528 Hz frequency has healing properties and is associated with love, DNA repair, and overall wellness.

Key Points:

1. **Colloidal Silver:**
   - Colloidal silver consists of tiny silver particles suspended in liquid. Historically, silver has been used for its antibacterial properties, but its use has become controversial due to potential health risks, including argyria (a condition where the skin turns a blue-gray color).
2. **528 Hz Frequency:**
   - 528 Hz is often referred to as the "Love Frequency" and is part of the Solfeggio scale, a set of tones that some believe have healing effects. Proponents claim that 528 Hz can repair DNA, promote healing, and foster a sense of peace and love.
3. **Structured Water:**
   - The water used in OxySilver is said to be "structured" or "energized" with the 528 Hz frequency. Structured water is another controversial concept, with proponents claiming that water can be arranged in a more orderly structure that improves its health benefits.
4. **Health Claims:**
   - The manufacturers of OxySilver claim that it can support the immune system, aid in the healing process, and provide an alternative to traditional antibiotics. These claims are not supported by mainstream scientific evidence, and the product should be approached with caution.

Controversies and Considerations:

- **Scientific Scrutiny:** There is limited scientific evidence supporting the efficacy of colloidal silver and the 528 Hz frequency for healing or health benefits. Many health professionals warn against using colloidal silver due to the risk of argyria and other potential side effects.
- **Regulatory Status:** In many countries, colloidal silver is not approved as a treatment for any condition. Regulatory agencies like the FDA have issued warnings about products containing colloidal silver that make unsubstantiated health claims.
- **Alternative Medicine:** OxySilver and similar products are often marketed within the realm of alternative medicine, which is generally not subjected to the same rigorous testing and validation as conventional medical treatments.

In summary, while OxySilver with 528 frequency is marketed as a powerful health supplement, its claims are not widely supported by scientific evidence, and its safety and efficacy are questioned by many health professionals.

EXHIBIT 5

ChatGPT

Dr. Leonard G. Horowitz is an American author, filmmaker, and public speaker known for his controversial views on health, medicine, and global conspiracies. He has published books and produced documentaries on topics ranging from vaccines to bioterrorism, often espousing theories that are not supported by mainstream science or medical authorities.

Anthrax Mailings Matters

The anthrax mailings were a series of bioterrorism attacks in the United States that occurred shortly after the September 11, 2001, terrorist attacks. Letters containing anthrax spores were mailed to several news media offices and two U.S. Senators, resulting in five deaths and several others falling ill.

Dr. Horowitz became involved in the discussion around the anthrax attacks due to his interest in bioterrorism and his theories about the origins of such threats. He suggested that the anthrax attacks were part of a larger conspiracy, implicating various governmental and pharmaceutical entities. His views on the matter align with his broader perspective that health crises and bioterrorism events are often engineered or manipulated by powerful interests for profit or control.

Horowitz has also linked the anthrax mailings to his theories about the origins of certain diseases and the role of government agencies in perpetuating these threats. However, his theories are not supported by evidence and are generally considered to be speculative and lacking in scientific validity.

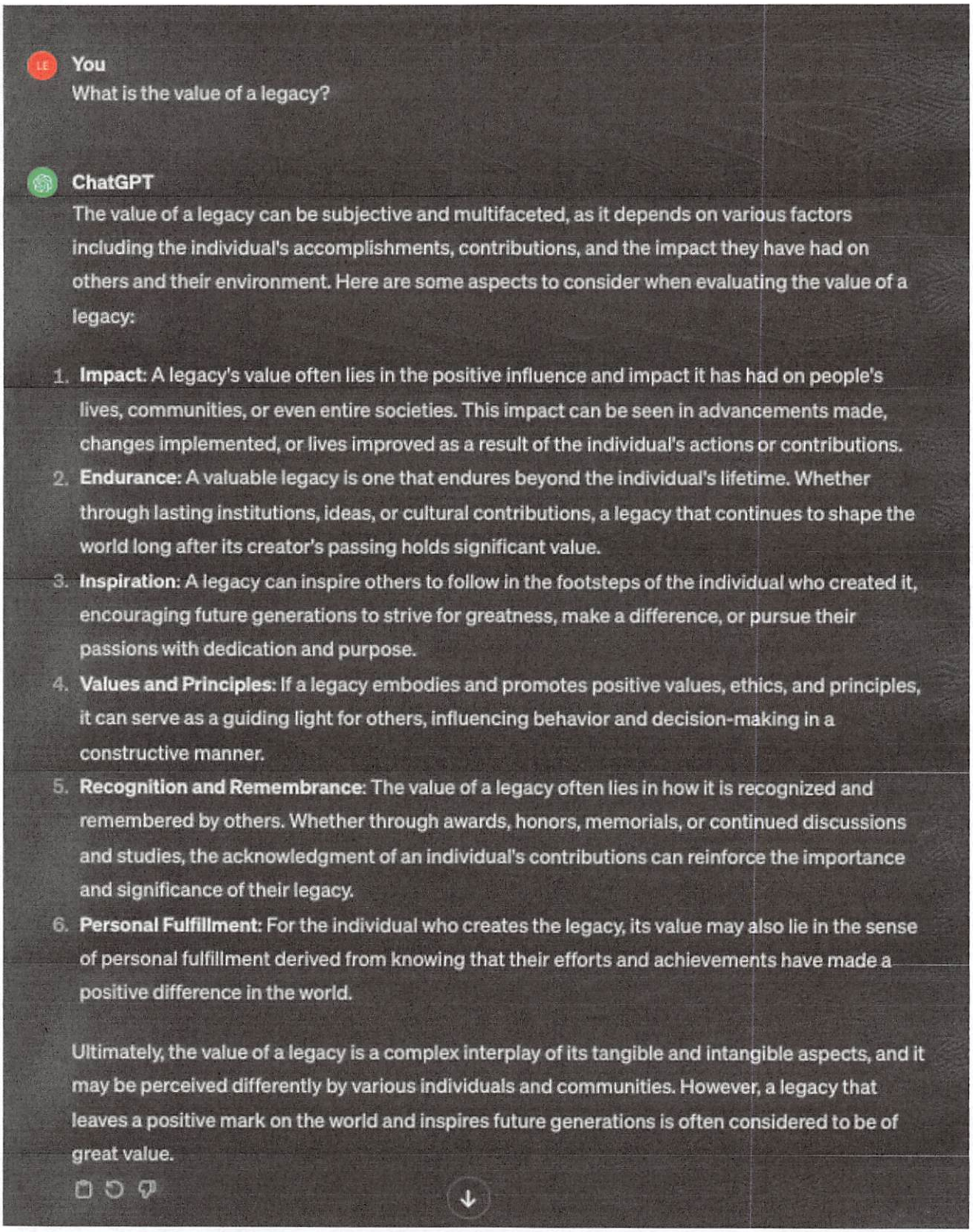
Controversies

Dr. Horowitz's views have placed him at odds with the scientific community, and he is often cited as a proponent of medical misinformation. His work has been criticized for spreading fear and confusion, particularly in the areas of vaccination and public health.

While he has a following among those who are skeptical of mainstream medicine and government agencies, his claims about the anthrax mailings and other related topics remain controversial and are not accepted by mainstream experts.

In summary, Dr. Leonard G. Horowitz is a figure known for promoting conspiracy theories related to health and bioterrorism, including the anthrax mailings, but his views are widely disputed by the scientific and medical communities.

EXHIBIT 6



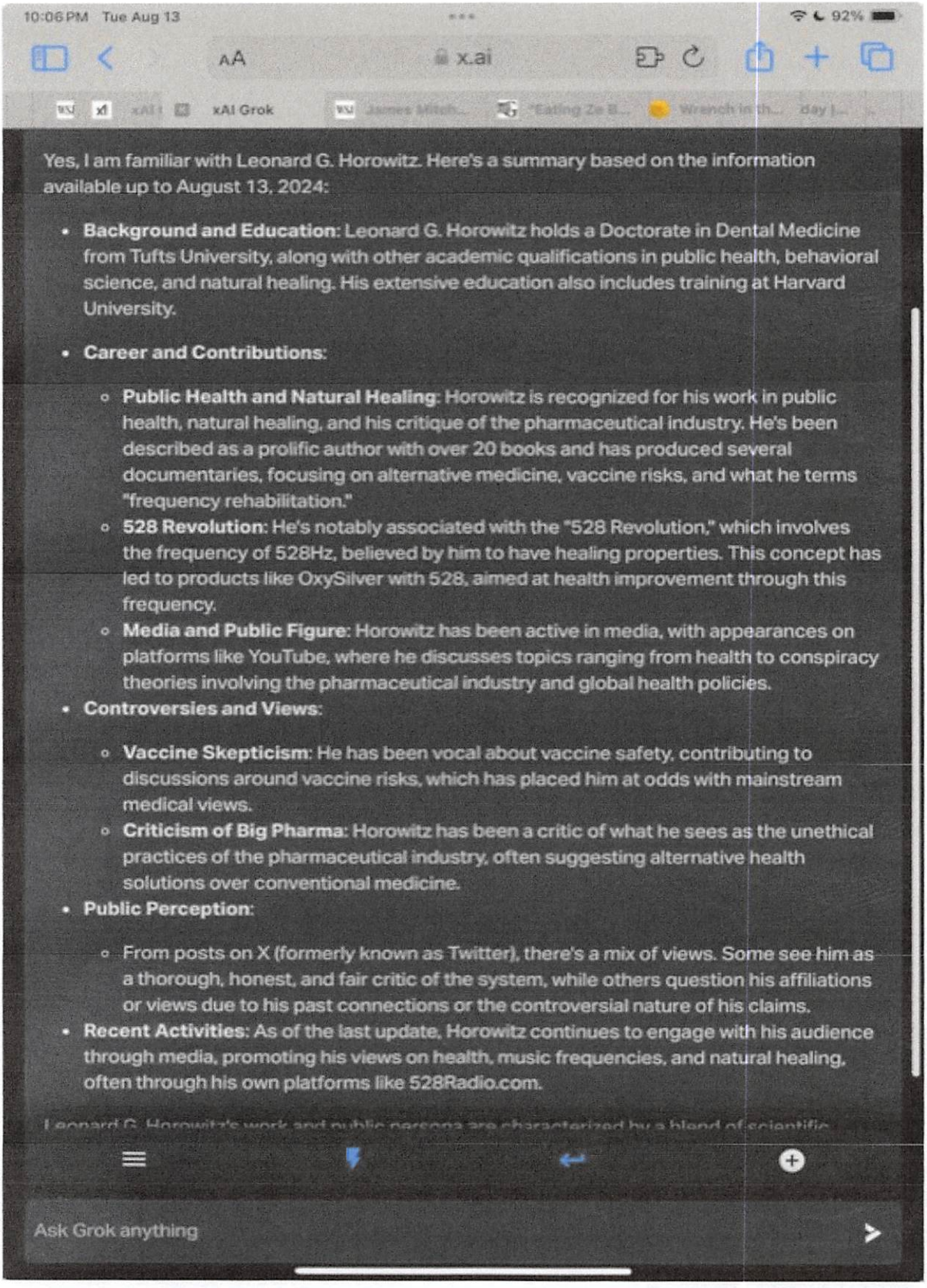
You
What is the value of a legacy?

ChatGPT
The value of a legacy can be subjective and multifaceted, as it depends on various factors including the individual's accomplishments, contributions, and the impact they have had on others and their environment. Here are some aspects to consider when evaluating the value of a legacy:

1. **Impact**: A legacy's value often lies in the positive influence and impact it has had on people's lives, communities, or even entire societies. This impact can be seen in advancements made, changes implemented, or lives improved as a result of the individual's actions or contributions.
2. **Endurance:** A valuable legacy is one that endures beyond the individual's lifetime. Whether through lasting institutions, ideas, or cultural contributions, a legacy that continues to shape the world long after its creator's passing holds significant value.
3. **Inspiration**: A legacy can inspire others to follow in the footsteps of the individual who created it, encouraging future generations to strive for greatness, make a difference, or pursue their passions with dedication and purpose.
4. **Values and Principles**: If a legacy embodies and promotes positive values, ethics, and principles, it can serve as a guiding light for others, influencing behavior and decision-making in a constructive manner.
5. **Recognition and Remembrance**: The value of a legacy often lies in how it is recognized and remembered by others. Whether through awards, honors, memorials, or continued discussions and studies, the acknowledgment of an individual's contributions can reinforce the importance and significance of their legacy.
6. **Personal Fulfillment:** For the individual who creates the legacy, its value may also lie in the sense of personal fulfillment derived from knowing that their efforts and achievements have made a positive difference in the world.

Ultimately, the value of a legacy is a complex interplay of its tangible and intangible aspects, and it may be perceived differently by various individuals and communities. However, a legacy that leaves a positive mark on the world and inspires future generations is often considered to be of great value.

EXHIBIT 7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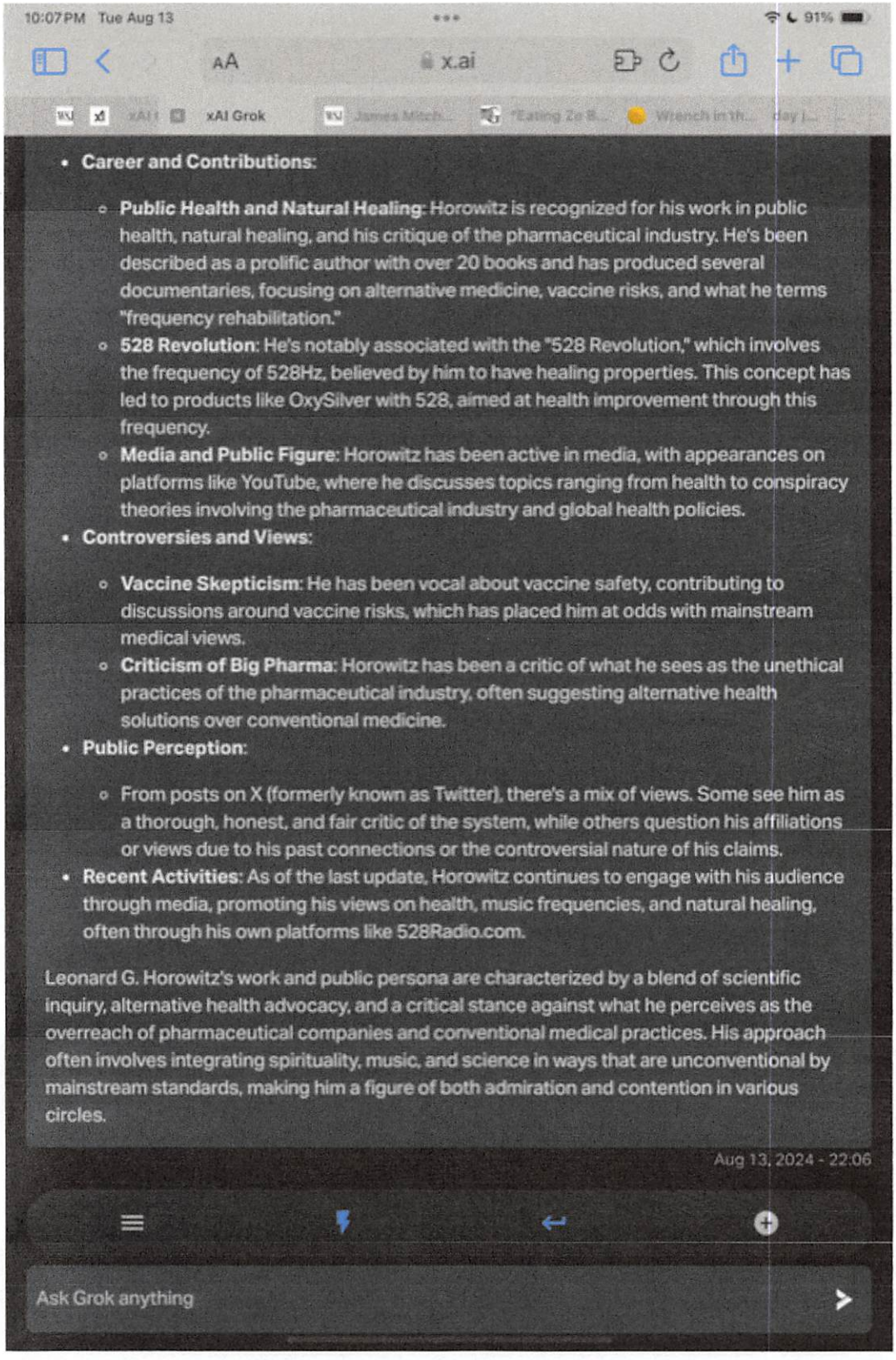
AA
x.ai
xAI Grok
Yes, I am familiar with Leonard G. Horowitz. Here's a summary based on the information available up to August 13, 2024:
• Background and Education: Leonard G. Horowitz holds a Doctorate in Dental Medicine from Tufts University, along with other academic qualifications in public health, behavioral science, and natural healing. His extensive education also includes training at Harvard University.
• Career and Contributions:
◦ Public Health and Natural Healing: Horowitz is recognized for his work in public health, natural healing, and his critique of the pharmaceutical industry. He's been described as a prolific author with over 20 books and has produced several documentaries, focusing on alternative medicine, vaccine risks, and what he terms "frequency rehabilitation."
◦ 528 Revolution: He's notably associated with the "528 Revolution," which involves the frequency of 528Hz, believed by him to have healing properties. This concept has led to products like OxySilver with 528, aimed at health improvement through this frequency.
◦ Media and Public Figure: Horowitz has been active in media, with appearances on platforms like YouTube, where he discusses topics ranging from health to conspiracy theories involving the pharmaceutical industry and global health policies.
• Controversies and Views:
◦ Vaccine Skepticism: He has been vocal about vaccine safety, contributing to discussions around vaccine risks, which has placed him at odds with mainstream medical views.
◦ Criticism of Big Pharma: Horowitz has been a critic of what he sees as the unethical practices of the pharmaceutical industry, often suggesting alternative health solutions over conventional medicine.
• Public Perception:
◦ From posts on X (formerly known as Twitter), there's a mix of views. Some see him as a thorough, honest, and fair critic of the system, while others question his affiliations or views due to his past connections or the controversial nature of his claims.
• Recent Activities: As of the last update, Horowitz continues to engage with his audience through media, promoting his views on health, music frequencies, and natural healing, often through his own platforms like 528Radio.com.
Ask Grok anything

EXHIBIT 8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x.ai
xAI Grok
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• Recent Activities: As of the last update, Horowitz continues to engage with his audience through media, promoting his views on health, music frequencies, and natural healing, often through his own platforms like 528Radio.com.
Leonard G. Horowitz's work and public persona are characterized by a blend of scientific inquiry, alternative health advocacy, and a critical stance against what he perceives as the overreach of pharmaceutical companies and conventional medical practices. His approach often involves integrating spirituality, music, and science in ways that are unconventional by mainstream standards, making him a figure of both admiration and contention in various circles.
Aug 13, 2024 - 22:06
Ask Grok anything

LEONARD G. HOROWITZ, pro se
7463 Pomegranate Drive
Bokeelia, FL 33922
Tel: 310-877-3002;
Email: len15@mac.com

CALIFORNIA NORTHERN DISTRICT COURT
IN AND FOR THE COUNTY OF SAN FRANCISCO

ELON MUSK, an individual.

Plaintiff

vs.

SAMUEL ALTMAN, an individual, GREGORY BROCKMAN, an individual, OPENAI, INC., a Delaware corporation, et. al.,

Defendants

LEONARD G. HOROWITZ, an individual.

Proposed Intervenor

vs.

SAMUEL ALTMAN, an individual, GREGORY BROCKMAN, an individual, OPENAI, INC., a Delaware corporation, et. al.,

Defendants

Case. No. 4:24-cv-04722
(18: 1962 Racketeering (RICO) Act

AFFIDAVIT OF LEONARD G. HOROWITZ

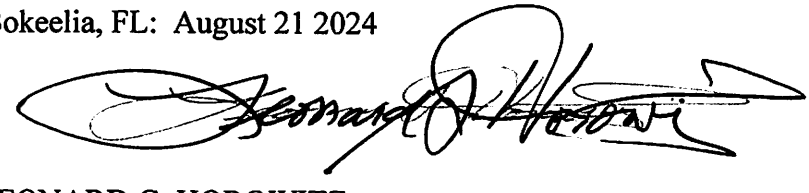
AFFIDAVIT OF LEONARD G. HOROWITZ

I, LEONARD G. HOROWITZ, say under pains and penalties of perjury that the statements in this Affidavit, as well as the statements made in the accompanying "**MOTION TO INTERVENE (CCP § 387); PROPOSED COMPLAINT IN INTERVENTION; EXHIBITS 1-8,**" are true and correct to the best of my knowledge and belief.

1) I am an individual over the age of twenty-one (21) years, domiciled in Bokeelia, Florida.

2) I am an applicant pro se, filing to intervene in this case before this honorable Court.
3) I have substantial material and vested interests in this litigation.
4) To the time of this filing, I have no affiliation whatsoever with Mr. Elon Musk, or any of the Defendants.
5) I file this Motion purely for personal, professional, and humanitarian reasons cognizant of my 'duty to warn,' consistent with 42 U.S.C., Section 1986.
6) I attest that Exhibits 1 through 8 attached hereto are true and correct copies of the original documents in my possession.
7) I affirm that the Exhibits evidencing my 'dialogue' with ChatGPT-4 are true and correct; and that I confirmed the content in these Exhibits by having others duplicate the results of the same querries.
8) I affirm that the attached Exhibits show the Defendants' AI service publishes false information, replete with omissions and misrepresentation that I consider unfair, deceptive, unconscionable malicious, and damaging to my reputation, business interests, legacy, and damaging to society also.
9) I attest that the Microsoft company's "Copilot with GPT-4" spontaneous unanticipated provision of 528Hz frequency information on my computer screen was shocking to me because not only did it substantially and materially conflict with Chat GPT-4's report recorded previously that largely dismissed the importance and benefits of 528Hz frequency and my pioneering works in this field of "frequency therapeutics," but that the Microsoft/OpenAI program violated professional ethical attribution by omitting my identity as the source of this converted intelligence.
10) I affirm that my claim against the Defendants and their alleged racket for having unethically and tortiously converted my intellectual property for commercial gain, as well as having censored and/or smeared my reputability in having sourced their converted 528 intelligence, is shameful; and I believe actionable.
11) According to my knowledge and belief, Defendants' damaging misbehavior is consistent with the pattern-and-practice of BigPharma/BigTech/BigMedia's racketeering Enterprise generally agreed to be profiting from misinformation, disinformation, humanity's illnesses, and media-engineered ignorance.
12) This best explains why the Defendants' Enterprise would censor and smear my reputability yet convert my intellectual property to their for-profit steads.
13) This Declaration and Motion to Intervene is based upon my personal knowledge, and evidence in my possession, and I am competent to testify as to the truth of the statements contained herein.

Dated: Bokeelia, FL: August 21 2024



LEONARD G. HOROWITZ, pro se

NOTARY VERIFICATION

State of Florida
County of St. Lucie,

Sworn to and subscried before me by means of his physical presence this 23rd day of August, 2024, by LEONARD G. HOROWITZ who is personally known to me, produced his drivers license verification as identification, regarding the attached instrument described as a "MOTION TO INTERVENE (CCP § 387); PROPOSED COMPLAINT IN INTERVENTION" and this AFFIDAVIT, pledges under pains and penalties of perjury that the statements in these accompanying documents are true and correct to the best of his knowledge and belief; Affiant HOROWITZ additionally verifies that EXHIBITS 1-8, hereto attached, are true and correct copies of the original documents in his possession obtained by online correspondence and screenshots.

This Affidavit Verification is witnessed by Maria Ventola of Port St. Lucie Florida, whose signature is as follows:

Maria Ventola August 23, 2024

Subscribed and acknowledged, before me by LEONARD G. HOROWITZ, whose signature this notorization applies.

Leonard G. Horowitz August 23, 2024

JOSHUA MAYBERRY
Notary Public - State of Florida
Commission # HH 317962
My Comm. Expires Oct 2, 2026
Bonded through National Notary Assn.

(SEAL)

NOTARY PUBLIC SIGNATURE

JOSHUA MAYBERRY
Notary Public Printed Name

My Commission Expires: 10/02/2026

LEONARD G. HOROWITZ, pro se
7463 Pomegranate Drive
Bokeelia, FL 33922
Tel: 310-877-3002;
Email: len15@mac.com

CALIFORNIA NORTHERN DISTRICT COURT
IN AND FOR THE COUNTY OF SAN FRANCISCO

ELON MUSK, an individual.

Plaintiff

vs.

SAMUEL ALTMAN, an individual, GREGORY BROCKMAN, an individual, OPENAI, INC., a Delaware corporation, et. al.,

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vs.

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Defendants

Case. No. 4:24-cv-04722
(18: 1962 Racketeering (RICO) Act

NOTICE OF MOTION TO INTERVENE

NOTICE OF MOTION TO INTERVENE

Plaintiff Intervenor, LEONARD G. HOROWITZ, provides Notice hereby to the captioned parties, and the honorable Court, that a Motion titled: "**MOTION TO INTERVENE (CCP § 387); PROPOSED COMPLAINT IN INTERVENTION; EXHIBITS 1-8; AFFIDAVIT OF LEONARD G. HOROWITZ"** is served upon Defendants SAMUEL

ALTMAN, GREGOY BROKMAN, AND OPENAI, INC.., by e-mail and U.S. Mail on August 23, 2024, as verified by hereto attached USPS record. Please respond timely in accordance with local rules.

Respectfully submitted,

DATED: Bokeelia, FL October 3, 2024



LEONARD G. HOROWITZ, pro se

LEONARD G. HOROWITZ, pro se
7463 Pomegranate Drive
Bokeelia, FL 33922
Tel: 310-877-3002;
Email: len15@mac.com

CALIFORNIA NORTHERN DISTRICT COURT
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Defendants

Case. No. 4:24-cv-04722
(18: 1962 Racketeering (RICO) Act

CERTIFICATE OF SERVICE.

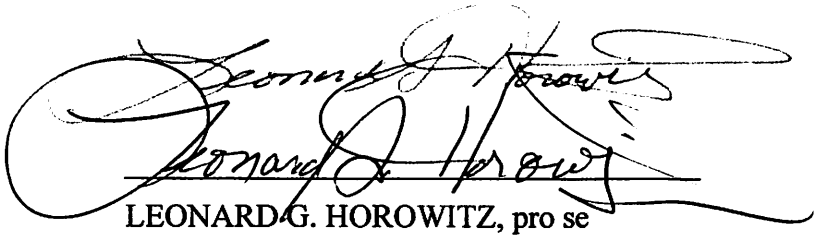
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of October, 2024, a true and correct copy of the foregoing "**MOTION TO INTERVENE (CCP § 387); PROPOSED COMPLAINT IN INTERVENTION; EXHIBITS 1-8; AFFIDAVIT OF LEONARD G. HOROWITZ; and NOTICE OF MOTION TO INTERVENE**" was served on the following party(ies) by the method described below to:

Marc Toberoff (S.B. #188547) *mtoberoff@toberoffandassociates.com* Jaymie Parkkinen (S.B. #318394) *jparkkinen@toberoffandassociates.com* TOBEROFF & ASSOCIATES, P.C. 23823 Malibu Road, Suite 50-363 Malibu, CA 90265 Telephone: (310) 246-3333 Facsimile: (310) 246-3101	___X___ E-mail ___X___ E-mail
William D. Savitt wdsavitt@wlrk.com Bradley R. Wilson brwilson@wlrk.com Sarah K. Eddy skeddy@wlrk.com Randall W. Jackson rwjackson@wlrk.com WACHTELL, LIPTON, ROSEN & KATZ 51 West 52nd Street New York, NY 10019	___X___ E-mail ___X___ E-mail ___X___ E-mail ___X___ E-mail
Jordan D. Eth jeth@mofo.com Ragesh K. Tangri rtangri@mofo.com David J. Wiener dwiener@mofo.com MORRISON & FOERSTER LLP 425 Market Street San Francisco, CA 94105	___X___ E-mail ___X___ E-mail ___X___ E-mail
CLERK FOR THE HONORABLE JUDGE YVONNE GONZALEZ ROGERS California Northern District Court Oakland Courthouse, Courtroom 1 – 4th Floor 1301 Clay Street, Oakland, CA 94612	___X___ U.S. Mail

Respectfully submitted,

DATED: Bokeelia, FL, October 3, 2024



LEONARD G. HOROWITZ, pro se

JS-CAND 44 (Rev. 10/2020)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Leonard G. Horowitz

(b) County of Residence of First Listed Plaintiff Lee County, FL
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Leonard G. Horowitz, 7463 Pomegranate Drive, Bokeelia, FL 33922

DEFENDANTS

Samuel Altman; Gregory Brockman, OpenAI, Inc. et. al.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☒ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☒ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment Of Veteran's Benefits
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury -Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury – Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities–Employment
- ☐ 446 Amer. w/Disabilities–Other
- ☐ 448 Education

PRISONER PETITIONS

HABEAS CORPUS
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

OTHER
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee–Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC § 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC § 158
- ☐ 423 Withdrawal 28 USC § 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent–Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS–Third Party 26 USC § 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC § 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☒ 470 Racketeer Influenced & Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation–Transfer ☐ 8 Multidistrict Litigation–Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
18 U.S.C. § 1962; 15 U.S.C. § 1125

Brief description of cause:
Cause to address civil RICO violation, fraud, false advertising, unfair competition, and libel per se.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, Fed. R. Civ. P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S), IF ANY *(See instructions):*

JUDGE Hon. Y. G. Rogers DOCKET NUMBER 4:24-cv-04722

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) ☒ **SAN FRANCISCO/OAKLAND** ☐ **SAN JOSE** ☐ **EUREKA-MCKINLEYVILLE**

DATE 10/03/2024

SIGNATURE OF ATTORNEY OF RECORD /s/ Leonard G. Horowitz

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Oakland CA 94612-5254

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