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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

PARLER LLC,
 	
                    Plaintiff,
 	
          v.
 	
AMAZON WEB SERVICES, INC.,
 	
                    Defendant
	No. 2:21-cv-00031-BJR
	
	**DECLARATION OF
	AMY PEIKOFF**

PEIKOFF DECLARATION - 1

The undersigned declares as follows:

1. I am the Chief Policy Officer at Parler LLC. I am over the age of 18 years and have personal knowledge, and competence to testify if needed, of the matters set forth herein through firsthand knowledge and review of corporate documents kept in the ordinary course of business.

2. As Chief Policy Officer, I have been primarily responsible for working with Amazon Web Services, Inc. ("AWS") to address or remove any content that AWS or others have brought to Parler's attention as inappropriate. As soon as possible whenever notified, I have either personally reviewed and taken down problematic content flagged by AWS or others or submitted it to our Community Jury for review in accordance with our Terms of Service.

3. In November, AWS flagged a problem with Parler users posting pornography. Parler effectively addressed the issue by dedicating a special task force, composed of both jury members and support staff, to eradicating it.

4. As a result of interactions with AWS, Parler has become increasingly proactive. For instance, since early-to-mid December 2020, Parler has been working towards incorporating an Artificial Intelligence ("AI") recognition system to pre-screen inappropriate content, such as pornography or material that encouraged or incited violence, in the beginning of 2021. AWS knew by mid-

PEIKOFF DECLARATION - 2

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December about Parler's plans to implement such a system, and even suggested that Parler use Amazon's own AI system for that purpose.   Ex. B.

5.   Previously, however, Parler has generally relied on a jury system, wherein Parler users would report content, and a panel of jurors would vote as to whether to assign violation points or remove problematic content according to Parler's Community Guidelines. The Parler "jury pool" received significant training about the terms of service and what constituted violations of them, including that Parler had no tolerance for inciting violence and lawbreaking.

6.   On November 17, 2020, AWS sent Parler some content it had flagged as encouraging or inciting violence. Over the next four weeks, AWS would occasionally send additional Parler user content it had flagged.

7.   The last such email before January 8, 2021, was sent by AWS on December 19, 2020. Thus, from December 19, 2020 until January 8, 2021, AWS did not flag any specific problematic content to Parler.

8.   In none of these emails prior to January 8, 2021, did AWS state that Parler's systems or efforts to police and remove violent content, including its jury system, amounted to a breach of contract.

9.   On January 6, 2021, AWS forwarded to Parler a generic complaint about problematic content, but without any particular examples. Ex. G. That same day I responded, informing AWS that Parler had been dealing appropriately with

PEIKOFF DECLARATION - 3

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this content, including cooperating with law enforcement, and offered to get on a call do discuss the measures we were taking. (We had added an escalation procedure since the December 19 communication, plus had posted on workable a job listing for new members of a "Community Guidelines Enforcement Task Force." Ex. G.

10.   The next day, January 7, 2021, AWS responded via email that the previous email was just for Parler's information and to consider the matter "resolved." Ex. G. Thus, before January 8, 2021, Parler had no communication to the effect that AWS considered Parler to have an ongoing problem, that Parler's current and future plans for content moderation were deficient, or that Parler was violating the User Agreement.

11.   What is more, per our Chief Technical Officer, AWS admitted to Parler in an email on December 16, 2020, from an AWS Technical Account Manager, that he "used to receive more than a dozen report [sic] per day for another customer" and that "Twitter is moving their timeline workload into AWS[,] which I can imagine will mean more abuse for Twitter too." Ex. A. He further stated that as far as any "abuse report[s]" were concerned, he was "definitely in this journey with you."

12.   On January 8, 2021, for the first time since December 19, AWS sent specific examples to Parler of content that encouraged or incited violence. I or my

PEIKOFF DECLARATION - 4

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staff removed the content as soon as practicable after our server difficulties on January 8.

13.   In the wake of Twitter banning President Trump, on that same afternoon, Friday, January 8, Parler experienced an intense burst of activity and new users, causing it to shut down for approximately seven hours in the afternoon and evening. During that period, approximately 26,000 instances of content that potentially encouraged violence, or otherwise violated Parler's Terms of Service were posted and flagged.

14.   As soon as Parler was back up and running, it began to remove this content, something that was communicated to AWS. By the end of Sunday, January 10, 2021, Parler's jury had reviewed all but approximately one thousand of these reported posts in those 48 hours—a total of over 25,000, or close to 1,000 problematic posts reviewed in about an hour.

15.   Early in the afternoon on Sunday, January 10, I emailed the AWS Trust and Safety Team, informing them of additional steps Parler had taken since the morning before to address the recent surge in incitement and threats on our platform. Ex. C. I reminded AWS that I had informed them in a phone conversation the previous morning that "we have been taking this content very seriously for weeks, as well as working closely with law enforcement." *Id.* I then laid out the additional measures we had implemented. *See id.*

PEIKOFF DECLARATION - 5

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16.   Due to AWS's actions, I have received a number of hostile comments and messages through social media. I also learned this morning that AWS's actions have now affected my academic career: Bepress, a cloud hosting company for scholarship, has apparently removed from its servers the page containing links to my academic articles on privacy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 13, 2021 at Austin, Texas.

Amy Peikoff

Amy Peikoff

PEIKOFF DECLARATION - 6

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From: ██████████████ @amazon.com>
Sent: Wednesday, December 16, 2020 10:19 PM
To: ████████ ████ @parler.com>
Cc: parler-aws-account-team@amazon.com
Subject: Cadence Call Summary

Hi ██ :

Attached, please find the summary of yesterday's cadence call, and below, please find my notes for a few follow-up items:

First, regarding Mac instance. 24hr minimum development usage is required by Apple in the cloud and out of the box, you have three ways to connect: 1. VNC using built-in VNC server which is also the default for GUI connection, 2. ssh connection just like other EC2, 3. Systems Manager agent. Mac instance is only available as dedicated host since this is really an Apple's Mac Mini running in our datacenter connected to our Nitro instance so you can install any software you like insofar as it is aligned with Apple's policy; attached, please find the gif showcasing Mac Mini in our gear. There is, however, a few restrictions thus far and those are Developer edition, OS, and peripheral; beta products and version thru the Developer program is not supported, which I understand as Apple's policy, and currently, Catalina and Mojave are the supported OS with Big Sur on the roadmap but you can do an in-place upgrade. With this being an EC2 instance, the normal restriction of not being able to physically plugin device for testing is the last limitation. That all being said, X-Code GUI and CLI runs smoothly and the recommendation on running gitlab CI/CD pipeline is exactly how you would do on-premise that differs based on where the runner is and other criteria. As you have already pointed out, EC2 networking for persistent connection is what would be different from on-premise versus the traditional networking in datacenter. Since this is a brand-new release, there is no whitepaper or real-life example they could provide on how others have set this up but if you have done this on-premise, the process will be very close to it.
https://docs.gitlab.com/ee/ci/runners/README.html

Secondly, we had discussion around AWS infrastructure and dependencies on the call, and today, one of the principal engineer shared this with me that I thought you may find it interesting. It does not address your question directly but I wanted to share that.

Lastly, we spoke around the abuse report and definitely understand the concern; if you or Amy have any questions, please reach out to any one of us! I used to receive more than a dozen report per day for another customer while I was working with another TAM, and definitely in this journey with you. On a similar topic, you may have seen an announcement already that Twitter is moving their timeline workload into AWS which I can imagine will mean more abuse for Twitter too. PR for the move can be found here.

Best Regards,

██████

Sr. TAM (US WEST) | Amazon Web Services

✉ ████████████████ | ☎ +1.702 ████████

aws

Thoughts on our interaction? Provide feedback *here*.

2020-12-15 Cadence Call

- IEM Status update
    - Media coverage is still expected this week; thus, keeping IEM open for next 2 weeks
    - Miller is building secondary cluster of test/staging offsite (potentially SuperNAP)
        - Currently, DR strategy is to fail to SuperNap; however, due to the amount of Abuse from AWS and internally to the platform, long-term goal may be a separation of duty with AWS for spiky workload and S3/CloudFront and base load on private
    - No issue from EC2 LSE
    - Datavail' access is provisioned and tracking down problematic queries
- Enterprise Billing training - revisit next year with Savings Plan conversation
- Features in 2021
    - Den (Group System)
    - EC2 Mac OS
        - TAM follow up
    - AI for spamming and nudity/keyword detection

From: AWS Trust and Safety <trust-and-safety@amazon.com>
Sent: Sunday, January 10, 2021 7:42:27 PM
To: Amy Peikoff <apeikoff@PARLER.COM>
Subject: RE: Your AWS Account

Hi Amy,

We're open to hear what you're working on and are happy to setup a call. Are there specific times you'd prefer?

- AWS Trust and Safety Team

From: Amy Peikoff <apeikoff@PARLER.COM>
Sent: Sunday, January 10, 2021 2:30 PM
To: AWS Trust and Safety <trust-and-safety@amazon.com>
Subject: Re: Your AWS Account

AWS Trust and Safety Team,

I am writing to inform you of additional steps Parler has taken since yesterday morning when we spoke about our plans for addressing the recent surge in incitement and threats on our platform.

As I told you when we spoke, we have been taking this content very seriously for weeks, as well as working closely with law enforcement. Much or our resources this past week have been devoted to fulfilling law enforcement requests, in light of the events on Jan. 6. In addition, a couple weeks ago I set up a special escalation process for violent or inciting content, for the purpose of removing content more quickly and sending tips to law enforcement.

Friday, in addition to these measures, and realizing that at least for the time being we need to pay special attention to this content, we also deployed our preexisting "task force" composed of our Community Jury Foremen, along with some members of our in-house support team, to start searching more proactively for it. This group had been previously been tasked with rooting out spam, particularly spammed photos of scantily clad women, which had been a problem a couple months ago. (We also have had a lot of "Trump coin sales" spam.) They had been very effective in rooting this out, and I was confident that they could have similar success with this content. (Note also that, over three weeks ago, we posted this job listing to add to our in-house staff dedicated to identifying spam and other content that violates our Community Guidelines.)

As we did with our anti-spam campaign, we have them manually search hashtags where this content is prevalent, as well as in the comments on "Discover Page" Parleys, and on Parleys by "Gold Badge" accounts. And, had Apple allowed us to update our app yesterday, we were ready to deploy some tools that would allow task force members to remove inciting content. We believe this proactive approach is analogous to having a police officer patrol in places in a town or city where crime is prevalent, and so is consistent with our principle of not subjecting otherwise

innocent people to 24/7 surveillance. We also believe that, in normal times, this would be adequate to address this type of content.

However, we agree that these are not normal times and so are preparing to fully deploy, this evening, a machine-learning algorithm that will flag, and refer to our jury, content likely to be inciting violence. For the time being, as long as necessary to control this content, flagged posts and comments will not appear on Parler until cleared by the jury.

We would like the opportunity to discuss further with you our efforts to comply with AWS's terms of service with respect to this content, and ask you to reconsider your decision to discontinue service and evaluate, over the coming days, whether our system is meeting your standards. Let me know if we can set up a call.

Thank you,

Amy Peikoff

P PARLER

Amy Peikoff | CPO

@AmyPeikoff

apeikoff@parler.com

PARLER.COM

From: AWS Trust and Safety <trust-and-safety@amazon.com>
Sent: Sunday, January 10, 2021 1:27 PM
To: Amy Peikoff <apeikoff@PARLER.COM>
Subject: RE: Your AWS Account

If you have any specific questions regarding how to migrate systems please let us know and we'll work with support to provide answers.

From: ec2-abuse@amazon.com <ec2-abuse@amazon.com>
Sent: Thursday, January 7, 2021 1:28 PM
To: Amy Peikoff <apeikoff@PARLER.COM>
Subject: Fwd: Your AWS Abuse Report [16447566230] [AWS ID 377480063740]

Thank you Amy - this report was shared for informational purposes; please consider it resolved.

Regards,
AWS Trust & Safety

At Wed, 2021 Jan 6, 04:48 PM -0800, apeikoff@PARLER.COM wrote:

No specific content is cited. We have been appropriately addressing this type of content, and actively working with law enforcement for weeks now. Let me know if yo

Amy Peikoff
CPO

Get Outlook for iOS<https://aka.ms/o0ukef>

From: ▊▊▊▊▊▊ ▊▊ @parler.com>
Sent: Wednesday, January 6, 2021 6:44:46 PM
To: Amy Peikoff <apeikoff@PARLER.COM>
Subject: FW: Your AWS Abuse Report [16447566230] [AWS ID 377480063740]

From: ec2-abuse@amazon.com <ec2-abuse@amazon.com>
Sent: Wednesday, January 6, 2021 2:31 PM
To: ▊▊▊▊▊▊ @parler.com>
Cc: ▊▊▊@amazon.com ▊▊▊@amazon.com; ▊▊▊▊▊▊@amazon.com> ▊▊▊@amazon.com; ▊▊▊▊▊@amazon.com>; Dev Admin <
Subject: Your AWS Abuse Report [16447566230] [AWS ID 377480063740]

[Amazon Web Services]<https://www.amazon.com/gp/f.html?
C=2SPW7SC9W35FL&M=urn:rtn:msg:20210106223057a826e48cecea41e885674ef60590p0na&R=1G1CPGJBPZU90&T=C&U=http%3A%2F%2Fwww.amazon.com%2Fa

Hello,

We have received notifications that you are posting, hosting or distributing inappropriate content on our network. Please review and take appropriate action and resp

Please remember that it is your responsibility to ensure that you are in compliance with the AWS Acceptable Use Policy.

Regards,
AWS Trust & Safety

Case Number: 16447566230

https://twitter.com/lexsion/status/1346931919846400001?s=20

Friendly reminder to
@awscloud

@AmazonHelp
to take down Parler NOW.

---
https://twitter.com/petetrerice/status/1346915468645343234?s=20

Why are we not blackholing Parler? Shame on AWS and Microsoft for hosting these guys

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https://twitter.com/travledbetter/status/1346906337796567041?s=20

@awscloud
Never forget, you participated in what's taking place in the #CapitolBuilding. I've been warning you for MONTHS about these terrorists planning these things on your

@parler_app

_____

How can I contact a member of the AWS abuse team?
Send an e-mail to ec2-abuse@amazon.com<mailto:ec2-abuse@amazon.com>; remember to include your case number.

Amazon Web Services<https://www.amazon.com/gp/f.html?
C=2SPW7SC9W35FL&M=urn:rtn:msg:20210106223057a826e48cecea41e885674ef60590p0na&R=4J5ONBA7XY00&T=C&U=http%3A%2F%2Fwww.amazon.com%2Fav

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