

1 MICHAEL WEISER, ESQ. (SBN 248887)  
2 MW LAW FIRM, A.P.C.  
3 14726 Ramona Avenue, Suite S18  
4 Chino, California 91710  
5 Tel.: (818) 585-7388  
6 Fax: (626) 800-4232  
7 E-mail: mike@mweiserlaw.com

8 Attorney for Plaintiff, RIVKA SHOSHANA RUMSHISKAYA

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF ORANGE--UNLIMITED JURISDICTION**

11 RIVKA SHOSHANA RUMSHISKAYA, an  
12 individual,

13 Plaintiff,

14 vs.

15 SUHAIR MARY NAFAL, an individual; and  
16 DOES 1-100, inclusive,

17 Defendants.

Case No.: 30-2020-01159914-CU-DF-CXC

**COMPLAINT FOR DAMAGES**

- 1) Defamation—Libel Per Se
- 2) False Light

**DEMAND FOR JURY TRIAL**

18  
19 Assigned for All Purposes  
20 Judge William Claster

21 CX-104

1 **COMPLAINT**

2 COMES NOW PLAINTIFF, RIVKA SHOSHANA RUMSHISKAYA, who complains  
3 against Defendant SUHAIR MARY NAFAL and Does 1-100, inclusive, and alleges as follows:  
4

5 **INTRODUCTION**

6 1. This is a civil action brought by Plaintiff RIVKA SHOSHANA RUMSHISKAYA  
7 (“Plaintiff” or “Rebecca Rum”), a young American citizen and Israeli army veteran. Plaintiff was  
8 viciously defamed on the internet by an anti-Israel activist, whose extremist political ideology  
9 led her to publish blatantly false and dangerous accusations against the Plaintiff, without any  
10 factual basis. The Defendant’s sole objective was to lash out in her ideological frustration over  
11 current events in the Middle East, intentionally targeting an innocent individual without any  
12 regard for the truth or the obvious injuries her unsubstantiated falsehoods would cause. Before  
13 publishing and disseminating her groundless accusations, Defendant did not undertake even the  
14 most basic background research or fact-checking to ascertain if the individual she was libeling  
15 had any connection at all to her allegations.  
16  
17

18 2. In the spring of 2018, tensions between Israel and the Hamas-controlled Gaza strip  
19 radically escalated, resulting in violent incidents along the border. Palestinians in Gaza decided  
20 to attempt to breach the security fence separating Gaza from Israel. From March 30, 2018,  
21 through December 27, 2019, the ruling terrorist organization sponsored, encouraged, and  
22 supported weekly demonstrations and riots every Friday.  
23

24 3. These weekly events were termed the “Great March of Return.” It attracted a  
25 minimum of ten thousand people and sometimes up to thirty thousand people. The crowds  
26 consisted of civilians, medical personnel, rioters, and terrorist operatives. The rioters and  
27 terrorists would mix among the masses. Civilians, including children, were encouraged by  
28

1 Hamas to approach and damage or breach the security fence. Israel warned Hamas and the  
2 protesters not to approach or breach the fence.

3 4. The rioters and terrorists employed violent means once they neared the security  
4 fence including throwing rocks and Molotov cocktails, using fence cutters, launching burning  
5 kites or balloons to set ablaze Israeli territory, igniting tires for cover, and firing guns.  
6

7 5. This violent and tense atmosphere created a situation conducive to confusion and  
8 chaos. Israel was required to deploy thousands of troops to defend the border and safeguard its  
9 civilian population from terrorist incursions. Israeli soldiers would utilize a range of crowd  
10 dispersal means or other defensive measures in securing the border. On numerous occasions  
11 Israeli forces were compelled to shoot terrorists carrying out violent attacks under cover of these  
12 riots. Tragically, in the midst of such conflict zones, in the confusion of fire and smoke, civilians  
13 can sometimes be injured or inadvertently killed.  
14

15 6. On Friday, June 1, 2018, during one of the Great March of Return demonstrations  
16 and riots at the Israeli security fence in Gaza, Razan Al-Najar, a nurse and medic, was shot and  
17 killed, purportedly while she was attempting to evacuate wounded people. At the time she was  
18 shot there were thousands of rioters positioned at five locations adjacent to the border. There  
19 were burning tires next to the security fence while rioters and terrorist elements were trying to  
20 damage security infrastructure and breach the border. It is in this context that Razan Al-Najar,  
21 was killed. Her death, blamed on Israel, was widely reported internationally, and condemned.  
22

23 7. The tragic deaths of civilians used as human shields by terrorists has long been a  
24 Hamas tactic to smear Israel's reputation for morality in warfare. Tarnishing Plaintiff's  
25 reputation, and by extension, Israel's, aids in the broader ongoing campaign to delegitimize and  
26 isolate Israel legally, diplomatically, politically, and economically by and through the Boycott,  
27  
28

1 Divestment, and Sanctions (BDS) movement. In its modern incarnation, the BDS movement is  
2 nothing less than a continuation of boycotts that have historically and exclusively targeted Jews  
3 for discriminatory treatment, intent on eradicating their presence and subsequently, destroying  
4 Israel. BDS originated long before the establishment of the Jewish State, and today uniquely  
5 isolates Israel and discriminates against it with its activists targeting not only the Israeli  
6 government, but its soldiers, Israeli civilian businesses, and anyone who dares affiliate with the  
7 civil society of the world's only Jewish State. Defendant is and was at all times relevant hereto, a  
8 prominent supporter and advocate of the BDS movement.  
9

10  
11 8. On June 1, 2018, SUHAIR MARY NAFAL ("Defendant" or "Nafal") who  
12 represents herself as an internet influencer, BDS supporter, and anti-Israel activist, published a  
13 social media post on her personal Facebook page, falsely implying that Plaintiff was acting as a  
14 sniper in the Israel Defense Forces (IDF) along the Gaza border at the time of the Great March of  
15 Return rioting, and had cold-bloodedly assassinated Razan Al-Najar. Defendant implied that  
16 Plaintiff intentionally shot Al-Najar, a nurse who was purportedly attempting to save the lives of  
17 wounded people on the Gaza Strip's border with Israel. Defendant included with her post an old  
18 photograph of Plaintiff in her army uniform.  
19

20 9. Defendant's defamatory post targeting the Plaintiff "went viral." It was published,  
21 shared, and republished on multiple platforms by myriad other parties, and seen by millions of  
22 people around the world. As a direct consequence of Defendant's post, Plaintiff, her family, and  
23 her friends received thousands of hate messages and death threats.  
24

25 10. Defendant's Facebook post implying Plaintiff's involvement in the Al-Najar  
26 shooting was completely false. Plaintiff never served as a sniper in the IDF, was not at the  
27 security fence between Israel and the Gaza Strip on the day the nurse was killed, and was  
28

1 discharged from her service for over two years at the time of the incident. All of Defendant's  
2 statements and implications are demonstrably false.

3 11. Accordingly, and as set forth more particularly below, Defendant's use of Plaintiff's  
4 name, photograph, and likeness in conjunction with statements implying that Plaintiff is a  
5 murderer, terrorist, assassin, and war criminal in social media posts is defamatory *per se* and has  
6 caused substantial damage to Plaintiff including, without limitation, irreparable damage to her  
7 reputation together with the past and ongoing fear for her life and the lives of her friends and  
8 family, resulting in intense emotional, psychological, and physical distress and trauma.

9  
10 **JURISDICTION AND VENUE**

11  
12 12. Jurisdiction and venue are proper in this case based on California Code Civ. Proc. §  
13 395 because Defendant resides in the State of California, County of Orange, and therefore is  
14 subject to the jurisdiction of this Judicial District and of this Court as set forth below.

15  
16 **THE PARTIES**

17 13. At all relevant times, Plaintiff was and is an adult resident of the State of Israel and  
18 a dual citizen of the United States and Israel.

19 14. Originally from Brookline, Massachusetts, Plaintiff is a religious Jew who  
20 immigrated to Israel at the age of eighteen in 2012. During her time in the IDF, Plaintiff served as  
21 a commander for a conversion course for Jewish immigrants. A year later, she transferred to a  
22 combat intelligence unit where she underwent eight months of training to perform reconnaissance  
23 missions to gather visual information. In her final six months of service, Plaintiff was a platoon  
24 fitness instructor. At no time during her military service did Plaintiff train as or serve as a sniper.

25  
26 15. In May 2014, the IDF uploaded a photograph of Plaintiff smiling in full military  
27 uniform, and holding an M-16 rifle, to its Facebook page as part of an explanatory campaign.  
28

1           16.     Plaintiff completed her military service in the IDF in December of 2015.

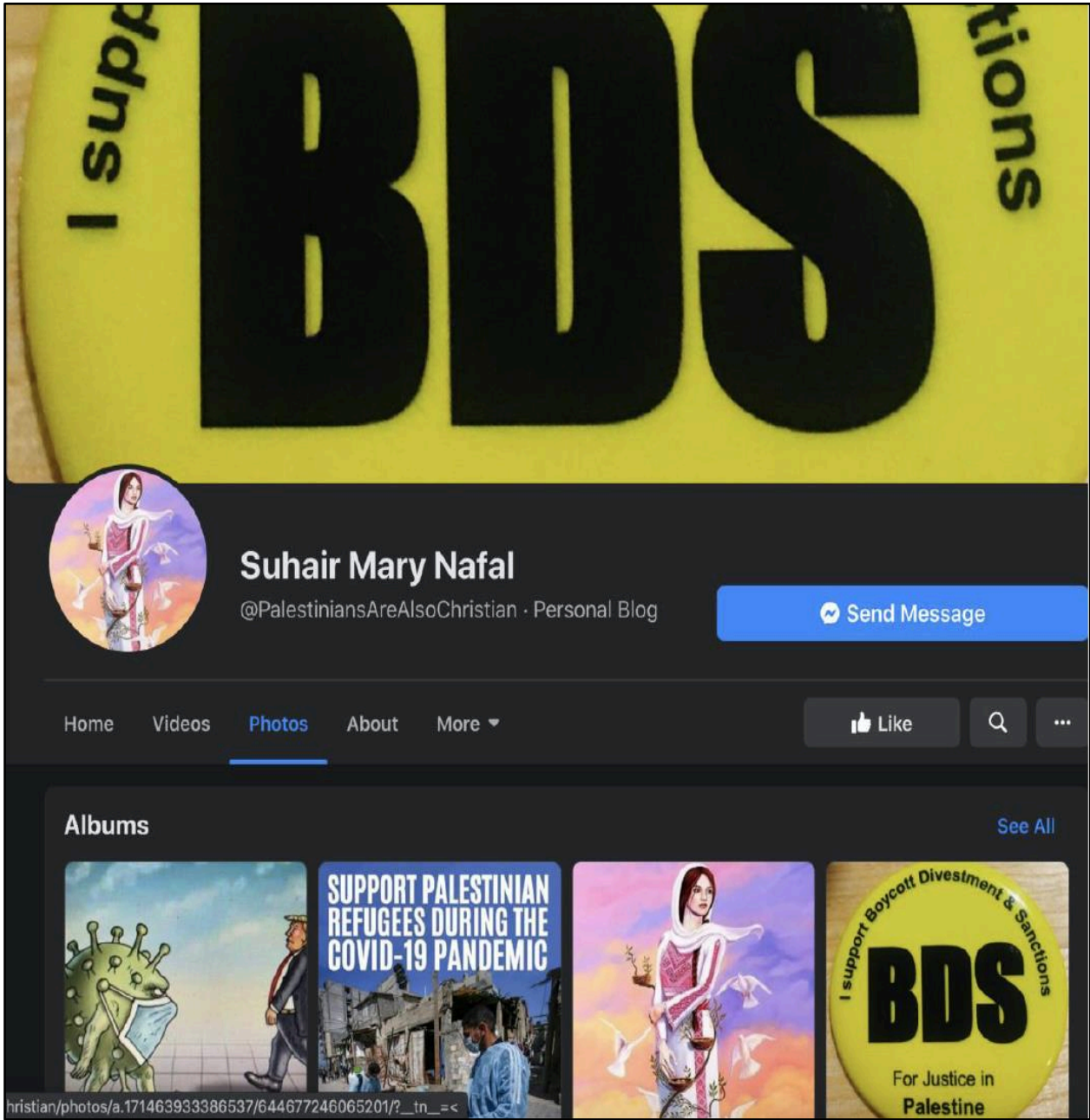
2           17.     Plaintiff is a young woman who strives to understand and help all people equally,  
3 without limitation. After completing her military service, Plaintiff, among other volunteer work,  
4 felt it was her duty as a citizen to open herself up to all people living in Israel. She reached out to  
5 meet Arabs and Muslims by traveling with a non-profit, which at the time led joint Israeli-  
6 Palestinian tours to areas A, B, and C of Judea and Samaria. She also went to Jordan, where she  
7 hitchhiked throughout the country, learning about Arab culture. In 2017 she performed volunteer  
8 service in Haiti, Mexico, and South America. In 2018 she served as a volunteer in a refugee camp  
9 in Greece, and in 2019 she worked as a counselor in a joint youth group for Jewish, Christian, and  
10 Arab children.  
11

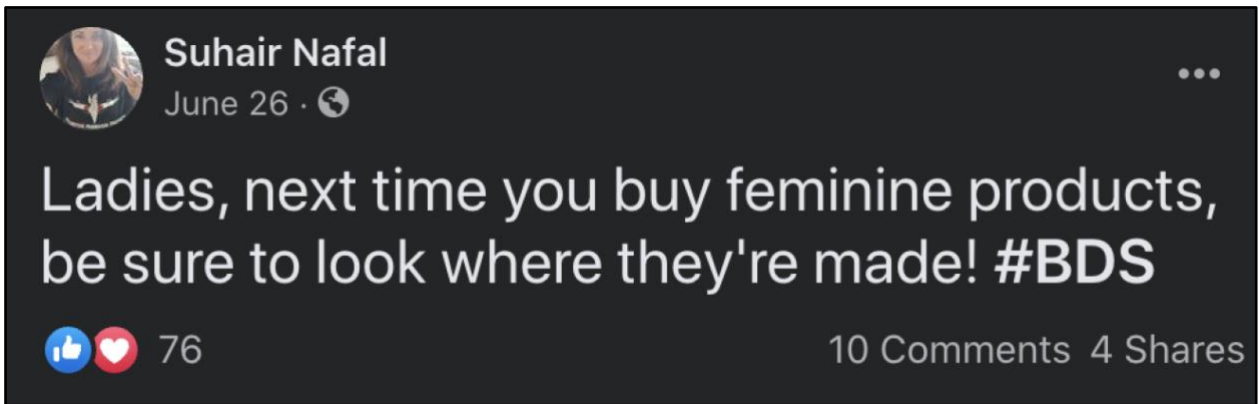
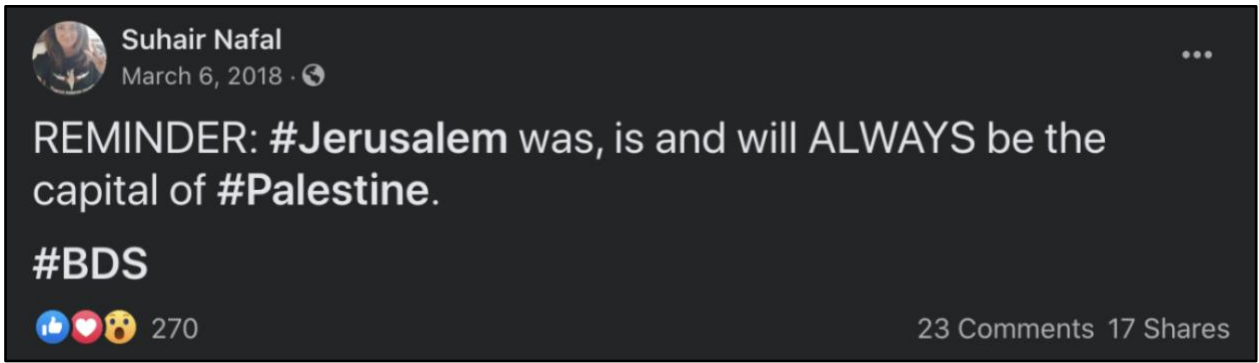
12           18.     Plaintiff is now a student and volunteers as a pro-Israel advocate. With that in mind,  
13 the Plaintiff is a private figure in the Israeli community.  
14

15           19.     Plaintiff has had Fibromyalgia since 2012. It is a chronic disease that is often  
16 accompanied by fatigue, altered sleep, memory, and mood. Widespread muscle pain and  
17 tenderness are the most common symptoms. The disease manifests in a cascade effect of aches,  
18 pains, spasms, imbalances, and overall systemic disturbances that can be debilitating. It can also  
19 be and was brought on or amplified by multiple stressors, including the fear, worry, and anxiety  
20 suffered by Plaintiff as a direct result of Defendant's viral post.  
21

22           20.     Plaintiff is informed and believes and thereon alleges that Defendant was and is an  
23 adult resident of Orange County, California. Plaintiff is informed and believes that at the time of  
24 the herein alleged tortious conduct, Defendant was an adult resident of the State of Illinois.  
25 Plaintiff is further informed and believes that Defendant moved from Illinois to Laguna Beach,  
26 California, in January 2020.  
27  
28

1           21. Defendant's occupation is unknown to Plaintiff. Plaintiff, however, is informed and  
2 believes that Defendant is an active social media influencer and blogger affiliated with the anti-  
3 Israel BDS movement. Below are true and correct copies of a banner from Defendant's  
4 Facebook blogging page and posts from her personal Facebook page showing her support for  
5 BDS.  
6





22. Plaintiff is informed and believes that in 2018, Defendant was appointed as a board member and was placed in charge of media activities for Al-Awda, a registered U.S. nonprofit organization. Al-Awda is one of the founding members of the Global Palestinian Right of Return Coalition (GPRRC), a group of 12 organizations advocating for "Palestinian refugees and internally displaced in Palestine and the exile." The GPRRC, in turn, is a member of the Palestinian BDS National Committee (BNC), which coordinates the anti-Israel BDS movement worldwide. The central organization in the BNC is the Palestinian National and Islamic Forces (PNIF), which includes five US-designated terrorist organizations: Hamas, the Popular Front for the Liberation of Palestine (PFLP), the Popular Front - General Command, the Palestine Liberation Front, and Palestinian Islamic Jihad.

23. Plaintiff is informed and believes and thereon alleges that Defendant maintains several social media accounts, including a personal Facebook account, a Facebook personal blog



1 entitled “Palestinians are also Christians,” and a personal Twitter account.

2       24. Defendant’s personal Facebook account page has approximately 15,900 “followers”  
3 and approximately 4,937 Facebook “friends.” Defendant describes herself on this page as, “A  
4 proud American (Palestinian Christian) on social media to expose ‘israeli’ [sic] crimes.” Defendant  
5 is very active on this page. She posts nearly every day, often a few times a day. This is the account  
6 in which she first posted the June 1, 2018, defamatory post regarding Plaintiff, which is at issue in  
7 the case at bar.  
8

9       25. Defendant’s Facebook personal blog has approximately 4,742 “followers.”  
10 Defendant’s personal Twitter account has approximately 475 “followers.” These two accounts  
11 are used far less frequently by Defendant than her personal Facebook account.  
12

13       26. Plaintiff is ignorant of the true names and capacities of each Defendant sued herein  
14 under the fictitious names Does 1 through 100. Plaintiff will amend this complaint to allege such  
15 names and capacities as soon as they are ascertained. Each of said fictitiously named Defendants  
16 is responsible in some manner for the wrongful acts for which Plaintiff has complained herein.  
17

18       27. Plaintiff is informed and believes and thereon alleges that at all times herein  
19 mentioned, each Defendant was acting as the agent, servant, employee, partner, co-conspirator,  
20 and/or joint venture of each of the remaining Defendants. Plaintiff is further informed and believes  
21 and thereon alleges that each Defendant was acting in concert with each remaining Defendant in  
22 all matters alleged, and each Defendant has inherited any and all violations or liability of their  
23 predecessors-in-interest. Additionally, Plaintiff is informed and believes and thereon alleges that  
24 each Defendant has passed any and all liability to their successors-in-interest, and at all times were  
25 acting within the course and scope of such agency, employment, partnership, and/or concert of  
26 action.  
27  
28

1 **STATUTE OF LIMITATIONS**

2 28. Defendant published her defamatory post on June 1, 2018. Plaintiff became aware  
3 of Defendant’s post the next night when she turned on her phone and received thousands of  
4 threatening messages.  
5

6 29. Plaintiff is, and at all times relevant to this lawsuit, was a dual U.S. and Israeli  
7 citizen residing in Israel.

8 30. Under California Code Civ. Proc. § 340(c), a plaintiff has one year to file a  
9 defamation lawsuit. Under Israel’s Limitation Law, 5718-1958 Section 5, Plaintiff has seven years  
10 to file a defamation lawsuit.  
11

12 31. Plaintiff is cognizant of her claim being time barred by California’s one-year statute  
13 of limitations. However, Plaintiff intends to raise a choice of law issue respectfully requesting that  
14 the Court apply the Israeli statute of limitations to her case, thereby permitting her libel per se and  
15 false light causes of action to proceed under California law.  
16

17 32. Plaintiff is prepared to argue within the framework of California’s governmental  
18 interest and comparative impairment tests that Israeli interests dominate and that its statute of  
19 limitations should apply based on caselaw authority.  
20

21 33. To the best of Plaintiff’s knowledge, this case is novel, complex, and one of first  
22 impression as it pertains to applying a foreign statute of limitations to a tort matter in a California  
23 State Court.

24 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

25 34. Plaintiff restates and incorporates herein by reference, as though fully set forth  
26 herein, each and every fact, matter, and allegation set forth in Paragraphs 1 through 33 above.  
27

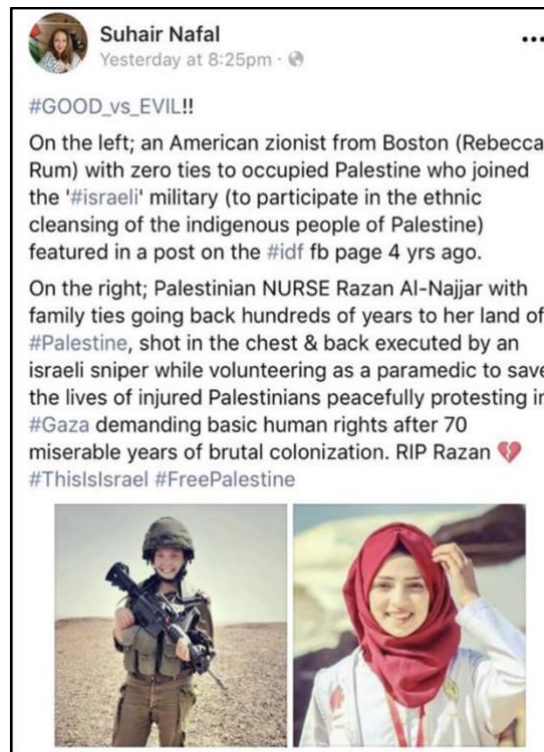
28 ///

1 35. On or about June 1, 2018, Defendant, a well-known BDS, anti-Israel activist and  
2 social media influencer, with blatant disregard for Plaintiff’s privacy rights or safety, created and  
3 posted a malicious message on Facebook implying that Plaintiff had cold-bloodedly, and without  
4 justification, “executed” Razan Al-Najar, a volunteer nurse at the Gaza/Israel border riots.  
5

6 36. Defendant’s post identified Plaintiff by name and contained the language “#Good\_  
7 vs\_ Evil!!” and, that Plaintiff, “...joined the ‘#Israeli’ military (to participate in the ethnic  
8 cleansing of the indigenous people of Palestine).”

9 37. Defendant’s post continued by stating that Razan Al-Najar was, “...shot in the  
10 chest & back executed by an israeli sniper while volunteering as a paramedic to save the lives of  
11 injured Palestinians....”

12 38. Underneath the aforementioned text, Defendant juxtaposed a picture of Plaintiff in  
13 her full military uniform, holding a military-style rifle and smiling, with a picture of Razan Al-  
14 Najar wearing her white nurse’s uniform.  
15  
16



1           39.     The photograph of Plaintiff, which was taken by the IDF in 2014 for an explanatory  
2 campaign, was copied by Defendant from the IDF's Facebook page without the permission of  
3 either the IDF or the Plaintiff and incorporated into the Defendant's defamatory post. This is a  
4 copy of Plaintiff's picture from the IDF's Facebook page.



1           40.       Approximately four hours after her original defamatory post of Plaintiff,  
2 Defendant, again, in blatant disregard of the safety and privacy rights of another Israeli soldier,  
3 maliciously posted a substantially similar post to her original one about Plaintiff on her Facebook  
4 page using the photo of a different, unidentified Israeli soldier, omitting only the Plaintiff's name  
5 and city of origin and substituting "European Zionist" for "American Zionist." This is a copy of  
6 Defendant's June 2, 2018 Facebook post of a second IDF soldier.  
7



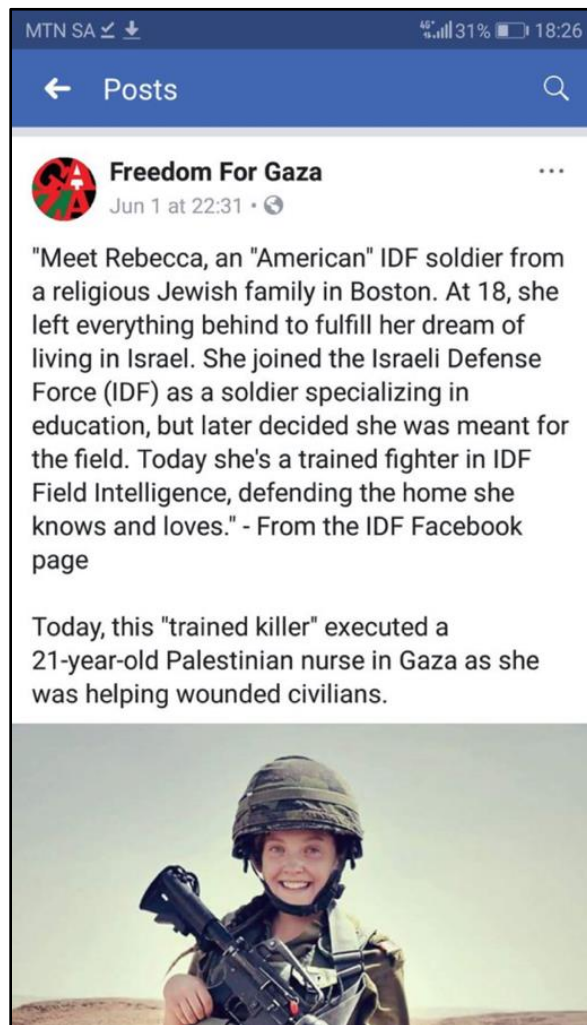


1           41.     On or about June 2, 2018, Defendant wrote a new post in which she stated that  
2 Plaintiff did not murder Razan Al-Najar. She said that it was only meant as a comparison, and  
3 that certain of her followers who do not read English very well misunderstood and misinterpreted  
4 her post, and that those followers then put out the misinformation that Plaintiff murdered the  
5 nurse. Defendant, however, then concluded her post by stating, “DOES THAT MAKE  
6 REBECCA INNOCENT? ABSOLUTELY NOT! SHE IS COMPLICIT & IS STILL A  
7 TERRORIST WHO MADE THE CHOICE TO LEAVE THE US & GO TO A LAND TO  
8 WHICH SHE HAS ZERO TIES SPECIFICALLY TO MURDER THE INDIGENOUS PEOPLE  
9 OF THAT LAND...” This is a copy of Defendant’s June 2, 2018 Facebook post stating that  
10 Plaintiff did not murder Razan Al-Najar, yet still continuing the incitement against Plaintiff,  
11 calling her a terrorist.  
12  
13



1           42.     Despite Defendant’s attempt to distance herself with this pathetic and disingenuous  
2 “clarification,” irreparable damage had already been done to Plaintiff.

3           43.     Within a few hours after Defendant published her original defamatory post of  
4 Plaintiff, a Facebook page called “Freedom For Gaza,” an English language page with over  
5 100,000 followers, published a post accusing Plaintiff of murdering Al-Najar. The author  
6 concluded the post by stating, “Today, this “trained killer” executed a 21-year old Palestinian  
7 nurse in Gaza as she was helping wounded civilians.” This final sentence appeared right above  
8 the same picture of the Plaintiff that Defendant had published earlier that day on her Facebook  
9 page.  
10  
11



1           44.       On June 2, 2018, a Facebook page named “Suara Palestina News Agency” created  
2 its own post using the photo Defendant had used in her original post. The text above Plaintiff’s  
3 picture, translated from Indonesian says, “Name: Meet Rebecca”; Age: 18 years; Nationality:  
4 US; Occupation: A trained fighter in IDF Field Intelligence. She’s the one who killed Razan al-  
5 Najjar.” Below is a true and correct copy of “Suara Palestina News Agency’s” June 2, 2018  
6 Facebook post implicating Plaintiff as the killer of Al-Najar.  
7





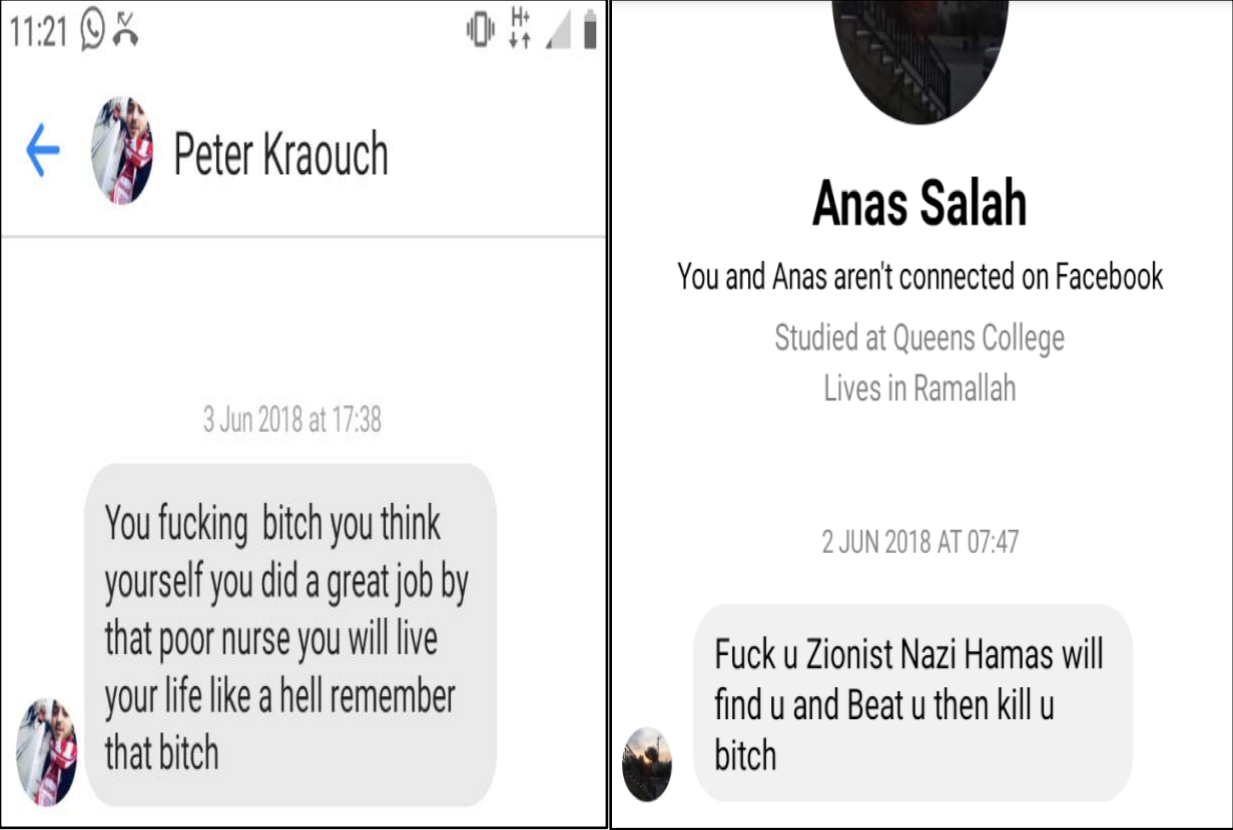
1           45.     Defendant’s original defamatory post of Plaintiff was shared thousands of times  
2 along with similar posts from pro-Palestinian Facebook pages, Twitter feeds, and Instagram  
3 posts which were shared and re-shared tens of thousands of times, going viral and reaching  
4 around the world.  
5

6           46.     Within 48 hours the “Freedom For Gaza” post had been shared nearly 15,000  
7 times. The “Suara Palestina News Agency” post was shared 25,000 times.  
8

9           47.     In the span of a couple of days, false claims about Plaintiff shooting and killing  
10 Razan Al-Najar had been translated into several languages including, but not limited to Arabic,  
11 French, Indonesian, Malay, Spanish, and Turkish.

12           48.     Plaintiff, a religious Jew, had shut her phone down for the Sabbath. When she  
13 opened her phone following the Sabbath, Plaintiff saw that she had received hundreds of  
14 messages on Facebook and Instagram. Links to Plaintiff’s current, and even old accounts, were  
15 shared over social media identifying her as the “killer.” Plaintiff was threatened and called a  
16 murderer, assassin, and killer. She feared for her life and was forced to shut down her accounts,  
17 and even her phone, fearing someone could trace it and find her. Numerous websites published a  
18 public demand to put Plaintiff on trial before an international court. Below are copies of multiple  
19 threats made against Plaintiff after publication of Defendant’s June 1, 2018 defamatory post.  
20  
21





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11:52 PM

Search in MUSLIMS VS ZIONISTS

**Schamyl Altamash** shared a profile. 15 hrs

I'm announcing her head money  
Some one kill that bitch for me

5 million \$ for her killer  
5 million \$ extra for her head

<https://www.facebook.com/Rivka.Rum>



**Rebecca Rum**

You and 2 others 7 Comments

Angry Comment

Search Rebecca Home



ابراهيم جاب الله

ابراهيم is waving at:

ابراهيم is waving at you!

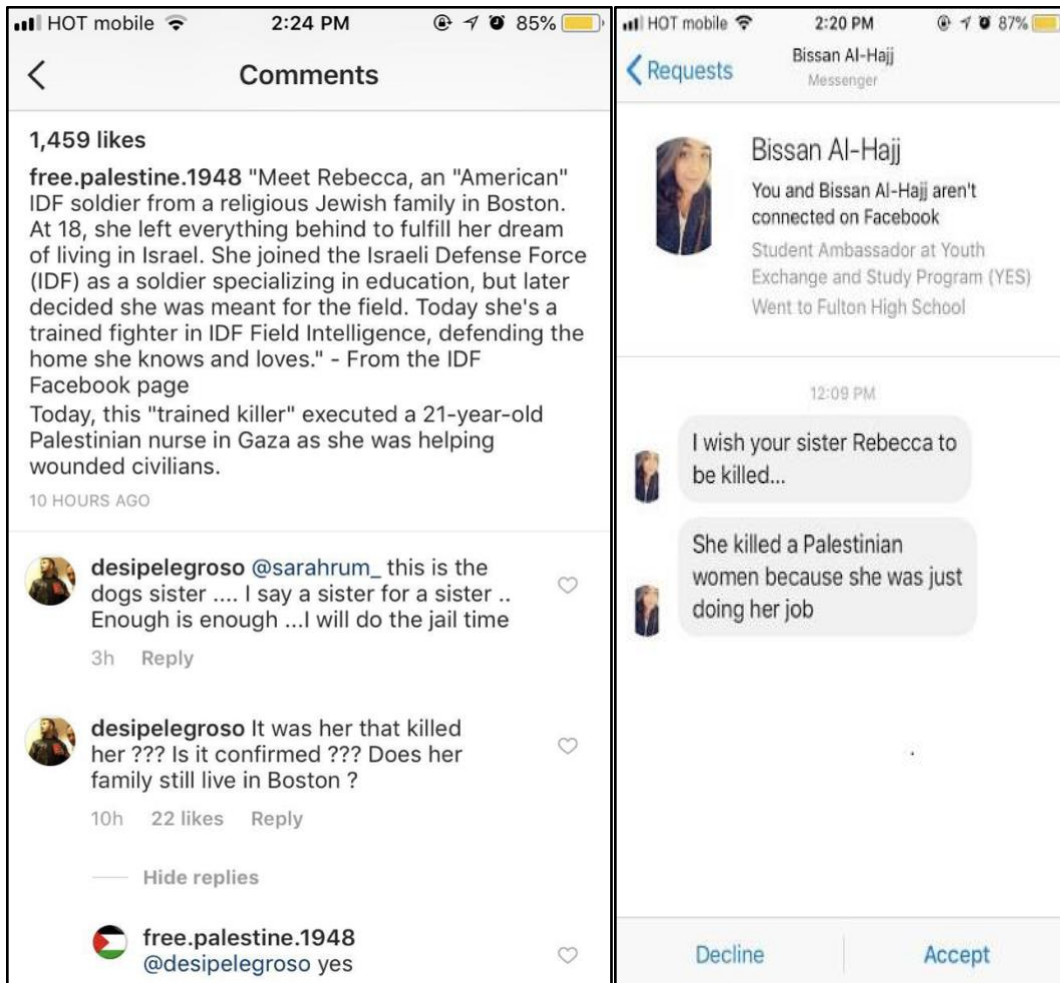
Wave

We will find you and fuck you and killing you  
We are your nightmers  
Wait me i will come soon to punish you

	
<b>The Killer</b>	<b>The Victim</b>
Name: Rebecca	Razan al-Najjar
Occupation: IDF Soldier	Palestenian Nurse

Wait us we the arab army

1 49. Plaintiff's friends and family contacted her, telling Plaintiff that they had been  
2 receiving hate messages and death threats all weekend. Her sister received multiple threats  
3 including a notification on Instagram saying, "a sister for a sister...I will do the jail time," along  
4 with other threats calling for retaliation against Plaintiff, and her entire family. Plaintiff and her  
5 family's hometown, and even the high school they attended, were shared in connection with  
6 Defendant's post, causing Plaintiff and her family significant concern and fear for their safety.  
7 These hate messages and threats continued to pour in for months, causing Plaintiff's sister to  
8 privatize all her social media accounts and delete any information that could possibly identify  
9 their personal information or whereabouts. Below are examples of the kinds of threats received  
10 by Plaintiff's family.  
11



1           50.     Friends also notified Plaintiff that Facebook accounts had been created in her name  
2 and that they had accidentally accepted friend requests from fake “Rebecca Rums.” Plaintiff  
3 received screenshots of her picture along with the caption "Meet Rebecca Rum the killer."  
4 Plaintiff’s father, sister, aunt, and grandparents all reached out to her because they feared for her  
5 safety.  
6

7           51.     The danger to Plaintiff quickly escalated beyond social media messages to an actual  
8 threatening situation. Despite concerns for her safety, Plaintiff was determined to help refugees  
9 at a camp in Greece where she had committed to teaching English before Defendant’s  
10 defamatory post. Plaintiff was in contact with the police and Israeli Facebook security, who  
11 advised her that this type of situation would likely resolve in a few days. On or about June 10,  
12 2018, Plaintiff flew to Greece despite the fact she still feared people would recognize her.  
13

14           52.     Plaintiff’s fears were well-founded. Refugees at the camp had shared Defendant’s  
15 defamatory post, and another volunteer informed her some had connected her to the story.  
16

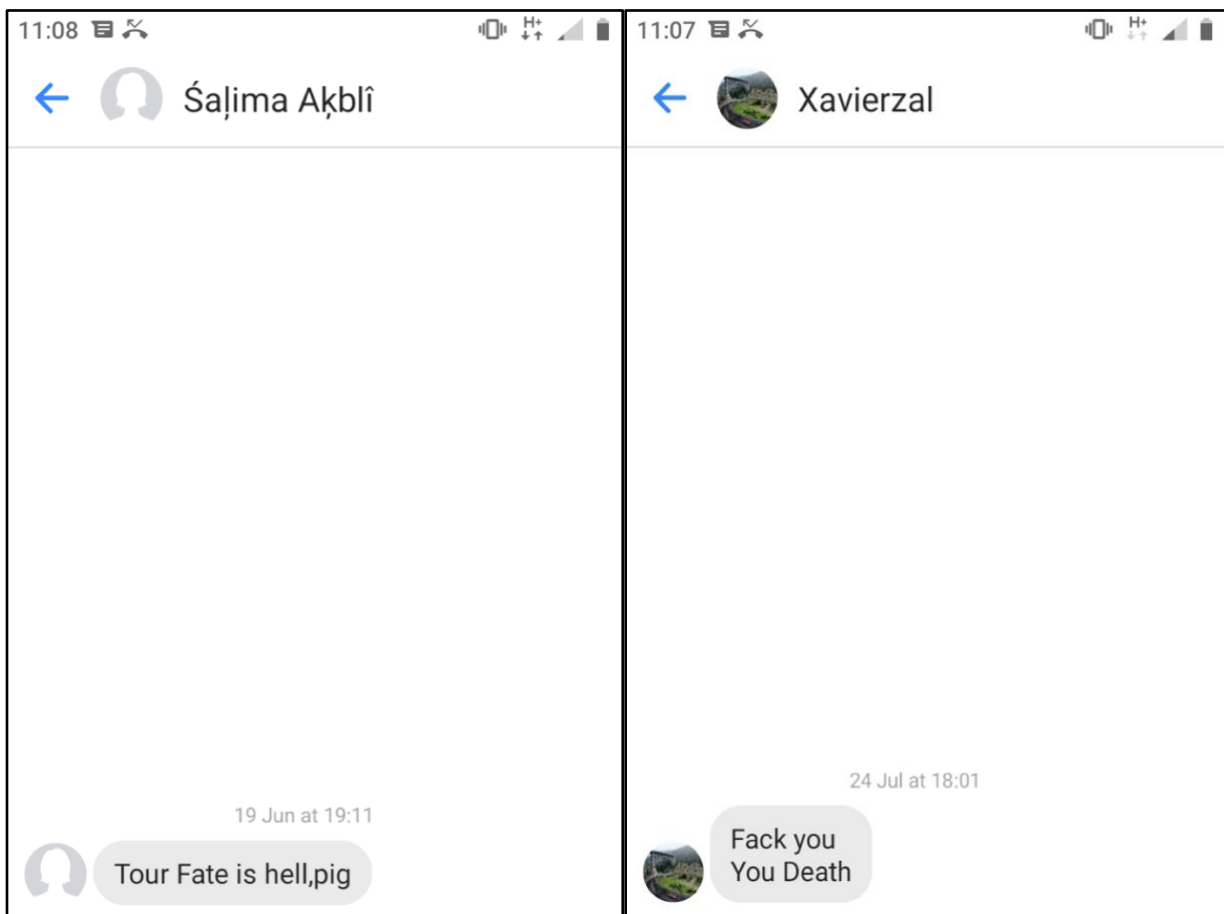
17           53.     Plaintiff did not accept any friend requests from refugees at the camp because she  
18 felt it would not be safe for her to do so.

19           54.     Plaintiff attempted to put the incident behind her and was learning Arabic from  
20 some of the men at the refugee center. One of the men, Tamer, showed up one day, clearly  
21 agitated after a fight. Tamer told Plaintiff that another man, Majheed, had called Plaintiff a traitor  
22 and accused her of killing a Palestinian. Majheed threatened Tamer because he was teaching  
23 Plaintiff the holy language (i.e., Arabic) to a traitor. Majheed was denied access to the center due  
24 to safety concerns. At that point, Plaintiff understood how quickly the lies about her could turn  
25 into violence.  
26

27  
28     ///

1           55.     On or about June 20, 2018, in Greece, Plaintiff suffered a severe bout of  
2 fibromyalgia brought on by the stress and trauma she experienced from Defendant’s defamatory  
3 post and its consequences.

4           56.     Despite the passage of time, Plaintiff still receives hateful messages and death  
5 threats. To this day, when Plaintiff shares her story on college campuses, a part of her fears that  
6 someone will recognize her and try to hurt her. Below are copies of recent threats made against  
7 Plaintiff in June and July of 2020.  
8



25           57.     As of the filing of this Complaint, there are still between 50 to 100 media outlets,  
26 many of them in Indonesian, Farsi, and Arabic, that continue to report these false allegations  
27 about Plaintiff.  
28

////

1           58.     As a result of Defendant's wanton and malicious defamatory publication, Plaintiff  
2 has suffered and continues to suffer emotional, physical, and psychological distress including but  
3 not limited to (1) Irreparable damage to her reputation (2) Fear for her life (3) Fear for the lives  
4 of her friends and family (4) Severe fibromyalgia symptoms connected to stress stemming from  
5 Defendant's defamatory post (5) Feeling poisoned, nauseous, and sick every time she looks at a  
6 belligerent message associated with Defendant's defamatory post (6) Feelings of helplessness (7)  
7 Fear to associate with the general public for fear she will be recognized and attacked (8) Fear of  
8 traveling outside of Israel due to uncertainty about her safety (9) Fear over how Defendant's  
9 defamatory post will affect her job prospects (10) Fear over how Defendant's defamatory post  
10 will affect her work with Arabs and (11) Fear over how Defendant's defamatory post will affect  
11 her in any other situation.  
12

#### 14   **FIRST CAUSE OF ACTION**

#### 15   **Defamation—Libel Per Se**

16    (By Plaintiff Against all Defendants and Does 1 through 100)

17           59.     Plaintiff incorporates every fact, matter, and allegation of this Complaint and re-  
18 alleges them as though they were fully set forth herein.

19           60.     Prior to the publication of Defendant's defamatory post, Plaintiff was a respected  
20 person in the Israeli community and had worked hard to reach out and develop meaningful  
21 understanding and relationships with Arab and Muslim people both within Israel and abroad.  
22 Plaintiff was also a private figure within her community. She was building her reputation as a  
23 young woman who gave of herself in service to those in need and the less fortunate.  
24

25           61.     On June 1, 2018, however, Defendant engaged in a malicious campaign to destroy  
26 Plaintiff's reputation, and by extension, to smear the reputation of the State of Israel. Defendant  
27 published a Facebook post to her thousands of followers in which she clearly created the false  
28

1 impression that Plaintiff was an assassin, war criminal, and cold-blooded murderer of an  
2 innocent nurse attending to wounded protesters. This post went viral and was viewed, shared,  
3 and republished by thousands of people.

4  
5 62. Visitors to Defendant’s Facebook page reasonably understood that Plaintiff’s image  
6 contained in the post was a picture of an “Israeli sniper” referenced in the post and that Plaintiff  
7 was an assassin and war criminal who had murdered nurse Razan Al-Najar in cold blood.  
8 Defendant’s use of Plaintiff’s name, photograph, and likeness in her original post about an  
9 “Israeli sniper” creates the false impression in millions of readers of her post, and subsequent re-  
10 publishers’ posts, that Plaintiff is a murderer and a war criminal. These publications and  
11 statements about Plaintiff are false and defamatory *per se*.

12  
13 63. Plaintiff did not shoot Razan Al-Najar. Plaintiff was never a sniper in the IDF.  
14 Plaintiff was not actively serving in the IDF at the time of Razan Al-Najar’s death. Plaintiff was  
15 not in the vicinity where Razan Al-Najar was killed on the day of her death.

16  
17 64. Defendant knew or had reason to know that Plaintiff was not the person responsible  
18 for killing Al Najar, yet failed to use reasonable care in the use of Plaintiff’s image to avoid  
19 creating the false impression in her followers that Plaintiff was an assassin, war criminal, and  
20 murderer and ensure the truth was accurately portrayed. Defendant could have easily published a  
21 disclaimer or caption with the picture saying that Plaintiff was not the person responsible for Al-  
22 Najar’s death. Defendant, however, chose instead to not protect Plaintiff, electing instead to  
23 further sensationalize the incident in her aim to attack the state of Israel, no matter the  
24 consequences and potential danger to the Plaintiff.  
25

26  
27 65. The false impressions created by Defendant’s wrongful use of Plaintiff’s image  
28 have injured Plaintiff in her occupation and her reputation. They have caused her to suffer death



1 threats, fear, hatred, contempt, ridicule, shame, mortification, emotional distress, hurt feelings,  
2 and torment and have, or will likely have the effect of discouraging others from associating or  
3 dealing with Plaintiff.

4  
5 66. As a result of Defendant's wanton and malicious defamatory publication, Plaintiff  
6 has suffered and/or continues to suffer emotional, physical, and psychological distress including  
7 but not limited to (1) Irreparable damage to her reputation (2) Fear for her life (3) Fear for the  
8 lives of her friends and family (4) Severe fibromyalgia symptoms connected to stress stemming  
9 from Defendant's defamatory post (5) Feeling poisoned, nauseous, and sick every time she looks  
10 at a belligerent message associated with Defendant's defamatory post (6) Feelings of  
11 helplessness (7) Fear to associate with the general public for fear she will be recognized and  
12 attacked (8) Fear of traveling outside of Israel due to uncertainty about her safety (9) Fear over  
13 how Defendant's defamatory post will affect her job prospects (10) Fear over how Defendant's  
14 defamatory post will affect her work with Arabs and (11) Fear over how Defendant's defamatory  
15 post will affect her in any other situation.  
16  
17

18 67. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered  
19 damages subject to proof at trial, but in an amount no less than six million dollars  
20 (\$6,000,000.00).  
21

22 **SECOND CAUSE OF ACTION**  
23 **False Light**

24 (By Plaintiff Against all Defendants and Does 1 through 100)

25 68. Plaintiff incorporates every fact, matter, and allegation of this Complaint and re-  
26 alleges them as though they were fully set forth herein.

27 69. Prior to the publication of Defendant's defamatory Facebook post, Plaintiff was a  
28 respected person in the Israeli community and had worked hard to reach out and develop

1 meaningful understanding and relationships with Arab and Muslim people both within Israel and  
2 abroad. Plaintiff was also a private figure within her community. She was building her reputation  
3 as a young woman who gave of herself in service to those in need and the less fortunate.

4  
5 70. On June 1, 2018, Defendant engaged in a malicious campaign to destroy Plaintiff's  
6 reputation, and by extension, to smear the reputation of the State of Israel. Defendant published  
7 information and material in a Facebook post clearly implying that Plaintiff was a sniper who  
8 murdered, in cold blood, an innocent nurse attending to wounded protesters. This post went viral  
9 and was viewed, shared, and republished by thousands of people.

10  
11 71. Visitors to Defendant's Facebook page reasonably understood that Plaintiff's image  
12 was a picture of an "Israeli sniper" referenced in the post who had allegedly murdered nurse  
13 Razan Al-Najar.

14  
15 72. Plaintiff did not shoot Razan Al-Najar. Plaintiff was never a sniper in the IDF.  
16 Plaintiff was not actively serving in the IDF at the time of Razan Al-Najar's death. On the day of  
17 Razan Al-Najar's death, Plaintiff was not in the vicinity of Gaza's border with Israel.

18  
19 73. Defendant's use of Plaintiff's name, image, and likeness, to illustrate her post about  
20 an "Israeli sniper" who murdered a nurse showed Plaintiff in a false light that Plaintiff is a  
21 murderer and a war criminal.

22  
23 74. The false light created by Defendant's post and wrongful use of Plaintiff's image  
24 would be highly offensive to a reasonable person in Plaintiff's position.

25  
26 75. No decent person in Western civilization or elsewhere, would want to be known as  
27 a war criminal or murderer. Nor would any decent person want to associate with a person  
28 responsible for war crimes, especially the murder of a medical first responder who was  
attempting to evacuate and aid the wounded in a "peaceful protest." With this in mind,

1 Defendant published unfounded allegations to publicly destroy Plaintiff's reputation.

2 76. Defendant knew or should have known that her Facebook post would create a false  
3 impression that Plaintiff was a sniper responsible for killing Razan Al-Najar.

4 77. Even if Defendant did not know, she failed to use reasonable care in the use of  
5 Plaintiff's image to avoid creating the false impressions that Plaintiff was the person responsible  
6 for killing Al-Najar, acted with reckless disregard for the truth, or was negligent in determining  
7 whether a false impression would be created by the publication.

8 78. Defendant should not have used Plaintiff's image, but having done so, could have  
9 published a disclaimer or caption clearly stating that Plaintiff was not the person responsible for  
10 Al-Najar's death. Defendant elected not to take any measures to protect Plaintiff's reputation,  
11 choosing instead to sensationalize the incident and further her cause at Plaintiff's expense.  
12 Defendant purposely published Plaintiff's image in her full military uniform, holding a military-  
13 style rifle and smiling, with a picture of Razan Al-Najar wearing her white nurse's uniform  
14 accompanied by the text "#Good\_vs\_Evil!!", that Plaintiff, "...joined the '#Israeli' military (to  
15 participate in the ethnic cleansing of the indigenous people of Palestine)," and that Razan Al-  
16 Najar was, "...shot in the chest & back executed by an israeli (sic) sniper while volunteering as  
17 a paramedic to save the lives of injured Palestinians...."

18 79. Defendant's wrongful conduct was a substantial factor in causing harm to  
19 Plaintiff's person, reputation, and occupation. Plaintiff has and will incur expenses as a result of  
20 Defendant's conduct as well as suffered and continues to suffer hatred, threats, contempt,  
21 ridicule, embarrassment, and shame. Additionally, Defendant's wrongful conduct has  
22 discouraged and/or likely will discourage others from associating or dealing with Plaintiff.

23  
24  
25  
26  
27  
28 ////

1           80.     As a result of Defendant’s wanton and malicious publication placing her in a false  
2 light as a murderer and a war criminal, Plaintiff has suffered and/or continues to suffer  
3 emotional, physical, and psychological distress including but not limited to (1) Irreparable  
4 damage to her reputation (2) Fear for her life (3) Fear for the lives of her friends and family (4)  
5 Severe fibromyalgia symptoms connected to stress stemming from Defendant’s defamatory post  
6 (5) Feeling poisoned, nauseous, and sick every time she looks at a belligerent message associated  
7 with Defendant’s defamatory post (6) Feelings of helplessness (7) Fear to associate with the  
8 general public for fear she will be recognized and attacked (8) Fear of traveling outside of Israel  
9 due to uncertainty about her safety (9) Fear over how Defendant’s defamatory post will affect  
10 her job prospects (10) Fear over how Defendant’s defamatory post will affect her work with  
11 Arabs and (11) Fear over how Defendant’s defamatory post will affect her in any other situation.

14           81.     As a direct and proximate result of Defendant’s conduct, Plaintiff has suffered  
15 damages subject to proof at trial, but in an amount no less than six million dollars  
16 (\$6,000,000.00).

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28 ////

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff hereby demands a trial by jury on all of the claims stated in the above-entitled  
3 action.

4 **PRAYER FOR DAMAGES**

5 WHEREFORE, Plaintiff prays for judgment and an order against Defendants, as follows:

- 6
- 7 1. That judgment is entered in Plaintiff's favor and against Defendants jointly and  
8 severally;
  - 9 2. For compensatory and statutory damages, attorneys' fees, and costs according to proof  
10 at trial;
  - 11 3. For exemplary damages in an amount sufficient to punish Defendants' wrongful  
12 conduct and deter future misconduct;
  - 13 4. For interest on lost wages, compensation, and damages, including pre- and post-  
14 judgment interest and an upward adjustment for inflation.
  - 15 5. For such other and further relief as the Court may deem just and proper.

16  
17 DATED: September 11, 2020

Respectfully submitted,

18  
19 MW LAW FIRM, A.P.C.

20  
21 By: 

22 MICHAEL WEISER, ESQ.

23 Attorney for Plaintiff,

24 RIVKA SHOSHANA RUMSHISKAYA

25 NITSANA DARSHAN-LEITNER, ESQ.

26 *Israeli counsel for Plaintiff*

27 B.S.R. Tower 3

28 Metsada St. 9, Bnei Brak, 5126237, Israel