



STATE OF TEXAS
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

CIVIL INVESTIGATIVE DEMAND

TO: **GoFundMe Inc.**
Cogency Global Inc., Registered Agent
1325 J Street, Suite 1550
Sacramento, CA 95814

Via CMRRR:

The Office of the Attorney General is investigating the past and present practices of **GoFundMe Inc.** The general subject matter of the investigation is to determine whether this entity is engaging in practices that may violate the Deceptive Trade Practices Act (DTPA), Tex. Bus. & Com. Code § 17.46 *et seq.*

Pursuant to the authority granted to the Office of the Attorney General - Consumer Protection Division under the provisions of § 17.61 of the TEX. BUS. & COM. CODE, you are hereby directed to produce the documentary material listed in **Exhibit A**, attached hereto.

You are to make available the documentary material described in **Exhibit A** to Karyn A. Meinke or the persons designated below as "authorized agents." The documents shall be produced by 5:00 P.M. on or before **February 28, 2022**, by mailing copies of the described documentary material via certified or couriered mail to our office, located at 112 E. Pecan St., Ste. 735, San Antonio, TX 78205.

TAKE NOTICE THAT pursuant to § 17.62, TEX. BUS. & COM. CODE, any person who, with intent to avoid, evade, or prevent compliance, in whole or in part, with this directive by removing, concealing, withholding, destroying, mutilating, altering, or by any other means falsifying any documentary material is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$5,000.00 or by confinement in the county jail for not more than one year, or both.

ISSUED THIS ____ day of _____, 2022.

/s/ Steven Robinson

Steven Robinson, Division Chief
Consumer Protection Division
(512) 463-9917

Steven.Robinson@oag.texas.gov

Karyn A. Meinke

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Instructions

1. **Read These Instructions/Definitions Carefully.** Your production must comply with the following instructions and definitions.
2. **Duty to Preserve Documents.** All documents and/or other data which relate to the subject matter or requests of this Civil Investigative Demand must be preserved. *Any ongoing, scheduled or other process of document or data destruction involving such documents or data must cease even if it is your normal or routine course of business for you to delete or destroy such documents or data and even if you believe such documents or data are protected from discovery by privilege or otherwise.* Failure to preserve such documents or data may result in legal action and may be regarded as spoliation of evidence under applicable law.
3. **Relevant Dates.** Unless otherwise noted, the requests in this Civil Investigative Demand require production of documents from **February 1, 2020** to the final date of your production of responsive documents, herein called “the relevant time period.”
4. **Custody and Control.** In responding to this Civil Investigative Demand, you are required to produce not only all requested documents in your physical possession, but also all requested documents within your custody and control. A document is in your custody and control if it is in the possession of another person and your right to possess that document is equal or superior to that other person’s right of possession.
5. **Identification of Documents not in Custody or Control.** If any responsive document was, but no longer is, in your possession, custody or control, produce a description of each such document. The description shall include the following:
 - a. The name of each author, sender, creator, and initiator of such document;
 - b. the name of each recipient, addressee, or party for whom such document was intended;
 - c. the date the document was created;
 - d. the date(s) the document was in use;
 - e. a detailed description of the content of the document;
 - f. the reason it is no longer in your possession, custody or control; and
 - g. the document’s present whereabouts.

If the document is no longer in existence, in addition to providing the information indicated above, state on whose instructions the document was destroyed or otherwise disposed of, and the date and manner of the destruction or disposal.

6. **Trade Secrets.** If you contend that any document produced pursuant to this Civil Investigative Demand contains trade secrets under applicable law, you must notify this office of your claim under section 17.61(f) of the Texas Business and Commerce Code by clearly and conspicuously labelling such documents as trade secrets before they are produced.
7. **Consult Before Producing Documents.** Before processing or making copies of hard copy documents or electronically stored information in response to this Civil Investigative Demand, you must consult with the designated representative(s) of the Office of the Attorney General (“OAG”), identified above, and reach agreement on the format and method of production.

Likewise, before producing any *original* documents, you are required to consult with one of the designated representatives of the OAG identified above to obtain approval. If you produce original documents, the OAG cannot guarantee their return.

8. **You May Produce Copies.** Subject to the consultation requirement noted above, you may submit photocopies (with color photocopies where necessary to interpret the document) in lieu of original hard-copy documents, provided that such copies are accompanied by an affidavit of an officer of Prosperity Bank stating that the copies are true, correct, and complete copies of the original documents and were generated and maintained in the ordinary course of your business. Note that if the original contains colored text or images, a color copy must also be provided.
9. **Non-identical Copies to be Produced.** Any copy of a document that differs in any manner, including but not limited to the presence of handwritten notations, different senders or recipients, etc. shall be produced.
10. **No Redaction.** All materials or documents produced in response to this Civil Investigative Demand shall be produced, in complete unabridged, unedited and unredacted form, even if portions may contain information not explicitly requested, or might include interim or final editions of a document.
11. **Documents to be Bates Numbered.** Mark each page or electronic medium (e.g., disk, tape, or CD) with individual or corporate identification and eight-digit consecutive document control numbers (e.g., DOE-12345678; CORP-12345678). Hardcopy bound pamphlets or books may be marked with a single identification and control number.

If your production will be more than one box or piece of electronic media, number each box or electronic media, as well as the total number of boxes/media (e.g., box 1 of 13) and mark each with the name(s) of the person(s) whose files are contained therein, the requests(s) to which they are responsive, and the document control numbers contained therein.
12. **Document Organization.** Each document and other tangible thing produced shall be clearly designated as to which Request, and each sub-part of a Request, that it satisfies. The documents produced shall be identified and segregated to correspond with the number and subsection of the request.
13. **Production of Electronic Documents.** Unless otherwise agreed to in writing by the designated OAG representative, electronically stored information shall be produced in electronic form. Before you prepare documents or information for production in electronic form in order to comply with this Civil Investigative Demand (for example, before you attempt to process electronically stored information or image hard copy documents), you must consult with the designated representative(s) of the OAG identified above and reach agreement regarding the format and method of production.
14. **Modification only with Written Agreement.** You may not modify this Civil Investigative Agreement except by court order or written agreement from Assistant Attorney or an authorized representative.
15. **Questions.** Questions concerning this Civil Investigative Demand should be directed to Assistant Attorney General Karyn A. Meinke at 210-225-4191.

DEFINITIONS

1. **“You,” “your,”** and/or **“GoFundMe”** means **GoFundMe, Inc.**, its past and present officers, employees, agents and representatives, parents and predecessors, divisions, subsidiaries, affiliates, partnerships and joint ventures, and includes all persons and entities acting or purporting to act under the guidance or on behalf of any of the above. The terms “subsidiary,” “affiliate,” and “joint venture” refer to any firm in which there is total or partial ownership (25 percent or more) or control between the company and any other person or entity.
2. **“Document”** means the original and all non-identical copies (whether different from the original because of notes, underlining, attachments, or otherwise) of all computer files, and all written, printed, graphic or recorded material of every kind, regardless of authorship. It includes communications in words, symbols, pictures, photographs, sounds, films, and tapes, as well as electronically stored information, computer files, together with all codes and/or programming instructions and other materials necessary to understand and use such systems. The term “computer files” includes information stored in or accessible through computers or other information retrieval systems and includes but is not limited to drafts of documents, metadata, embedded, hidden and other bibliographic or historical data describing or relating to documents created, revised, or distributed on computer systems, as well as spreadsheets and their underlying cell formulae and other codes. Thus, you should produce documents that exist in machine-readable form, including documents stored in personal computers, portable computers, workstations, minicomputers, phones, pagers, personal data/digital assistants, archival voice storage systems, group and collaborative tools, electronic messaging devices, mainframes, servers, backup disks and tapes, archive disks and tapes, and other forms of offline storage, whether on or off your premises. This definition covers electronic mail messages (“e-mail”), text messages, voice mail, and all other documents in the possession of you and/or your directors, officers, managers, or employees, whether located at their home or office, whether on work or personal devices. Notice: Unless otherwise specified, the term "document" excludes bills of lading, invoices in non-electronic form, customs declarations, purchase orders, and other similar documents of a purely transactional nature, and also excludes architectural plans and engineering blueprints.
3. **“Person”** or **“consumer”** includes you and means any entity or natural person.
4. **“Entity”** means any legal or business organization of any kind and includes, without limitation, corporations, partnerships, joint ventures, associations, governmental organizations, and trusts.
5. **“Identify”** means:
 - a. Regarding an individual, it means to identify that individual’s:
 - i) name;
 - ii) current or last known telephone numbers at business and home; and
 - iii) current or last known business and home addresses.
 - b. Regarding an entity, it means to identify:
 - i) its full name;
 - ii) the nature of its organization;

- iii) the address and telephone number of its principal offices and, if applicable, the state in which it is incorporated; and
 - iv) its principal line of business or activity.
- c. Regarding any other tangible thing, it means to identify:
- i) what it is, giving a reasonably detailed description thereof;
 - ii) when, where, and how it was made, if applicable;
 - iii) who made it, if applicable; and
 - iv) its current custodian or the person that had last known possession, custody, or control thereof.
6. **“Relate,” “related,”** and **“relating”** mean being in any way legally, logically, or factually connected with the subject matter of the request at issue.
7. **“Including”** means including, but not limited to.
8. The words **“and”** and **“or”** shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of the request, any document(s) that might be deemed outside its scope by another construction.
9. Unless the context otherwise clearly indicates, words used in the singular include the plural, the plural includes the singular, and the neuter gender includes the masculine and the feminine.

EXHIBIT A

DOCUMENTS TO BE PRODUCED

1. Documents identifying the organizational structure of GoFundMe Inc. including but not limited to names, titles, and departments.
2. Documents sufficient to identify Texas donors who donated to the Freedom Convoy Fundraiser.
3. All documents relating to the donations identified in response to Request No. 2.
4. Documents relating to any discussions with “local law enforcement” including but not limited to all documents relating to “police reports and violence and other unlawful activity,” evidence of any “occupation” or other non-peaceful protest, which became the basis of your removal of the Freedom Convoy Fundraiser.¹
5. All terms of service, privacy policies, notices of information practices, and/or other disclosures made to consumers providing donations on your platform including but not limited to all policies and procedures related to the refund of donations received on your platform or the redirection of donations received on your platform.
6. Any written operating procedures, employee handbooks, and training and awareness materials related to the steps you take to respond to reports of your fundraiser(s), organizer(s), charity(ies) or beneficiary(ies) engaging in violence or other unlawful activity.
7. All documents identifying reports that Freedom Convoy violated your Terms of Service including but not limited to each instance in which the “Report” button was used.
8. All documents identifying each instance where you have redirected the donations of one fundraiser to another fundraiser(s) or charity(ies) that were not the intended recipient(s) of the donor(s) based on reports that the beneficiary and/or its supporters were engaging in violence or other unlawful activity.
9. All documents identifying each instance where you have refunded the donations of a fundraiser based on reports that the beneficiary and/or its supporters were engaging in violence or other unlawful activity
10. All documents identifying each instance where you have redirected donations of one fundraiser to another fundraiser(s) or charity(ies) that were not the intended recipient of the donors for any reason.
11. All documents identifying each instance where you have refunded donations of a fundraiser for any reason.
12. Documents identifying each instance where you have declined to redirect donations of one fundraiser to another fundraiser(s) or charity(ies) that were not the intended recipients of the donor based on reports that the beneficiary and/or its supporters were engaging in violence or

¹ <https://support.gofundme.com/hc/en-us/articles/4417771259163-Freedom-Convoy-2022-Refund-Request->

other unlawful activity.

13. Documents identifying each instance where you have declined to refund donations of a fundraiser based on reports that the beneficiary and/or its supporters were engaging in violence or other unlawful activity.
14. Documents identifying each instance where you have declined to redirect donations of one fundraiser to another fundraiser(s) or charity(ies) that was not the intended recipient of the donors for any reason.
15. Documents identifying each instance where you have declined to refund donations of a fundraiser for any reason.
16. Documents relating to all complaints you received relating to the Freedom Convoy Fundraiser and your response to each of those complaints.
17. All communications between you and the organizer or beneficiary of the Freedom Convoy Fundraiser, including but not limited to any "Urgent Message from GoFundMe - Response Required" email (s) sent by you.
18. All responses by the Freedom Convoy Fundraiser organizer or beneficiary to your "Urgent Message from GoFundMe - Response Required" email.
19. Documents relating to your "Community Management" or "Trust & Safety" team's review of the Freedom Convoy Fundraiser.
20. Documents identifying each one of your Terms of Service that Freedom Convoy violated.
21. Documents relating to the distribution plan provided by the organizers or beneficiaries of the Freedom Convoy Fundraiser.
22. Documents identifying all persons who were requested to testify on or about February 3, 2022 or 4, 2022 before the House of Commons Committee on Public Safety regarding funds raised on behalf of Freedom Convoy.
23. Documents relating to your investigation into the Freedom Convoy Fundraiser including all documents identifying that participants in the Freedom Convoy engaged or have engaged in violence, an occupation, or harassment.
24. Copies of the GoFundMe website pages which document the Freedom Convoy Fundraiser, including, but not limited to all updates made by the organizer(s) or beneficiary(ies) and all donations and donor comments made on the fundraising campaign.
25. Copies of all press releases, bulletins, or other public announcements made by you relating to the Freedom Convoy Fundraiser.

26. All communications between you and the United States Government, including but not limited to its agencies, departments, and representatives, regarding the Freedom Convoy Fundraiser.
27. All communications between you and the Canadian Government, including but not limited to its agencies, departments, and representatives, regarding the Freedom Convoy Fundraiser.
28. Documents relating to complaints or reports that participants of fundraisers hosted on your platform have engaged in violence, an occupation, or harassment including but not limited to the Capitol Hill Occupied Protest (CHOP) in Seattle, and your responses to such complaints or reports.
29. All communications between you and the United States Government, including but not limited to its agencies, departments and representatives, either suggesting or discouraging a determination by your business that one of your fundraisers or your fundraiser's participants was violating or had violated the law or your terms and conditions including the Capitol Hill Occupied Protest (CHOP) in Seattle.