UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE No. 1:20-CV-11889-MLW

Dr. SHIVA AYYADURAI Plaintiff, v. WILLIAM FRANCIS GALVIN, MICHELLE K. TASSINARI, DEBRA O'MALLEY, AMY COHEN, NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS, all in their individual capacities, and WILLIAM FRANCIS GALVIN, in his official capacity as Secretary of State for Massachusetts, Defendants.	)	JURY DEMANDED

EMERGENCY MOTION FOR HEARING TO OBTAIN AN ORDER THAT DEFENDANTS MUST IMMEDIATELY WITHDRAW KEYWORD **"TASSINARI"** FROM TWITTER'S ALGORITHM INTENDED TO SILENCE PLAINTIFF'S SPEECH

INTRODUCTION

On October 30, 2020, in this court, Defendant Galvin agreed on behalf of himself, **Tassinari** and O'Malley to desist from strongly encouraging Twitter to suspend this Plaintiff's account and prevent him from expressing his ideas on Twitter. The evidence is now overwhelming that Galvin, **Tassinari** and O'Malley consciously misled this court regarding what they had done, and that their objective of obstructing justice would continue to be met, via Twitter's algorithm for flagging tweets and accounts – initiated by Defendants' earlier actions to coerce and chill the Plaintiff speech –, but now not requiring Defendants ever to lift their finger again.

Thus, the Defendants appear outwardly in compliance with this court's vision of the First Amendment and the foundational principles of the United States, but their actions initiated algorithms that are now permanent to coerce and chill the Plaintiff's speech. It is evident that these Defendants expected this court to **not** understand what they had already done through the use of modern algorithms to enforce a modern government blacklist.

THE FACTS

On February 1, 2021, at 9:48 PM EST, the Plaintiff 's Twitter account was suspended permanently.

Ever since the October 30, 2020 hearing in this court, this Plaintiff has been active on Twitter relaying his thoughts on diverse topics including election fraud. Plaintiff has tweeted scores of times using the keywords "election fraud," "lawsuit," "ballot images," and "computer algorithms." Twitter took no action to restrict his access. Screenshots follow in the Plaintiff's sworn affidavit accompanying this motion.

As an educator on systems science, this Plaintiff holds video lectures on Twitter with interactive participation from his thousands of students. These lectures are held almost daily and remain popular. They cover diverse topics but with an emphasis on applying systems thinking and analyzing topics from a systems – versus a reductionist - viewpoint. Over the past weeks many students had requested that he give a talk on the basis of his lawsuits against Galvin and explain his findings regarding electronic tabulation of election results including the findings already revealed thus far in the court proceedings.

On February 1, 2021, this Plaintiff held a video lecture on Twitter and explained his two ongoing lawsuits in this court, 11889 and 12080, in layperson's terms and expressed his view

that these two cases are the only ones that focus on "the Real Crime Scene" in 21st Century elections – the use of computer algorithms in centralized tabulation sites – and the first to show that the government forced Twitter to throw him offline during his federal election campaign. This lecture delivered via Twitter proved very popular and the students were very much engaged and enthused to be learning new facts that had been revealed in federal court along with mathematical analysis from a systems science viewpoint.

In this Twitter video, for the first time since the October 30, 2020 hearing and order issued by this court, this Plaintiff mentioned the name "**TASSINARI**" and put up the same four screenshot images of the email conversation that is front and center in this lawsuit and has been discussed in this court. This was purely in the context of educating his students, was fully integrated in the process of explaining the basis of his federal lawsuits, and aimed to inspire them to apply systems thinking to analyze what they hear. The Plaintiff had no special intention of not talking about **Tassinari** on Twitter between November and January. He had been busy with numerous other educational topics and happened to get around to this topic only on February 1, 2021.

As this court is already aware, the Plaintiff's September 2020 email conversation with **Tassinari** revealed that **Tassinari** knew she violated Federal law when she deleted the digital ballot images. The email conversation also revealed that this was **Tassinari's** first attempt at claiming falsely that electronic voting machines used in Massachusetts do not even create digital ballot images in the first place – a conscious untruth that **Tassinari** has repeatedly peddled to this court via perjurious affidavits.

This email conversation, a public record that anyone may obtain via ch. 66 § 10, was what the Plaintiff had posted on Twitter in September 2020, as a 4-tweet thread in the form of

screenshot images mentioning **"TASSINARI,"** which then became the very first tweets that Twitter forced this Plaintiff to delete, the first in nine (9) years. As detailed in the complaint, with multiple time-stamped screenshots, this email conversation then was deleted by Twitter every other time the Plaintiff posted it on Twitter. Twitter ***never*** deleted any tweet that did ***not*** contain the keyword "**TASSINARI"** and screenshots of her email conversation. Only tweets that mentioned the name "**TASSINARI**" and displayed screenshots of her email conversation have been deleted.

THE DEFENDANTS HAD THE KEYWORD **"TASSINARI"** EMBEDDED INTO TWITTER'S ALGORITHM TO SILENCE PLAINTIFF'S SPEECH

The Plaintiff created his Twitter account on August 29, 2011. During the period from August 29, 2011 until September 24, 2020, Plaintiff posted **19,001 tweets**. Never during this period of NINE YEARS and TWENTY-SEVEN DAYS was Plaintiff ever suspended from Twitter.

During September 24, 2020 – September 25, 2020, the Plaintiff posted a series of 4-threaded tweets referring to **"TASINNARI"** in the screenshots of the tweets. Prior to September 24, 2020, Plaintiff had NEVER referenced that keyword **"TASINNARI"** in ANY of his 19,001 tweets.

On September 26, 2020, Defendants contacted and made Twitter not only delete those 4-threaded tweets posted by Plaintiff referring to **"TASSINARI"** but also got Twitter to suspend Plaintiff on Twitter through most of October 2020 during his U.S. Senate general election.

Starting on November 6, 2020 and until February 1, 2021 4:30PM EST, Plaintiff posted 743 tweets. Not one of them used the keyword **"TASSINARI."**

On February 1, 2021 5:12PM EST, Plaintiff posted the Tweet of his lecture explaining lawsuit, which naturally had to include a reference to **Tassinari's** emails. This was the first time he mentioned the name **"TASSINARI"** on Twitter since September 26, 2020.

On February 1, 2021 9:48PM EST, he was suspended from Twitter. Up until that time, Plaintiff had posted **19,744 tweets**. Across those 19,744 tweets spanning NINE YEARS and FIVE MONTHS, the only times Plaintiff was suspended was when he used the keyword **"TASSINARI"** in his tweets.

BUT FOR **Tassinari**, O'Malley, Galvin, Cohen and NASED, the keyword **"TASSINARI"** undeniably associated with Plaintiff's Twitter handle would not exist in Twitter's algorithms to flag Plaintiff's tweets. This continues the Defendants' chilling of Plaintiff's speech, and would not exist but for the Defendants strongly encouraging Twitter. The Defendants may likely argue "They have nothing to do with this" or "Twitter randomly associated the name **Tassinari** to Dr. Shiva Ayyadurai's handle."

Testimony in this case has already established that the Defendants did strongly encourage Twitter to flag Plaintiff's account. It beggars belief that Twitter by itself would have inserted the keyword **"TASSINARI"** into its algorithm to flag Plaintiff's tweets given that the name **"TASSINARI"** is a very unlikely name to have been randomly selected by a Twitter programmer. The name **"TASSINARI"** is uncommon and is carried by only one in 692,996 people, 72% of whom live in Southwestern Europe. https://forebears.io/surnames/tassinari

SECRETARY OF STATE OF MASSACHUSETTS – A TRUSTED TWITTER PARTNER – INITIATED AND MADE TWITTER SILENCE PLAINTIFF ON TWITTER

As the court knows, the Defendant is a TRUSTED Twitter Partner with special privileges such as "**special reasons** for reporting a tweet **that may not be available to everyone**:"

Q. And you mentioned a few moments ago in response to a question from the judge that the Elections Division is a Twitter partner; is that correct?

A. Yes, yes.

Q. And when you say that, what does that mean?

A. My understanding is that we are able to select certain reasons for reporting a tweet that may not be available to everyone and that they will -- that the people who review the tweets at Twitter, when complaints are made, will try to act quickly on the ones we report.

As the court knows, the State Elections Director **Tassinari** colluded with Amy Cohen and the National Association of State Election Directors (NASED) to report the four-threaded tweets and strongly encouraged Twitter to first delete and then flag any tweet from this Plaintiff that again mentioned the keyword **"TASSINARI"** and her emails.

THE COURT: Well, do you know of anybody who reported any other of Dr. Shiva's tweets?

THE WITNESS: I believe someone from the National Association of State Elections Directors may have reported some other tweets.

THE COURT: Why do you think that?

THE WITNESS: We were in communication with the National Association of State Elections Directors because they assist us in figuring out how to report these tweets.

THE COURT: So Ms. Tassinari asked you to report Dr. Shiva's one tweet; is that right?

THE WITNESS: Yes.

As the court knows, the State Elections Director **Tassinari** has testified that her collusion with Amy Cohen successfully resulted in Twitter concealing her four emails documenting her self-knowledge of violating Federal Law by deleting ballot images.

> -- I know tweets had been removed. I don't follow every single one of your tweets.
> Q. But did you not just assert to the court that this tweet was removed?
> A. I thought it had been.
> Q. Okay. But you do know that the four tweets that I shared with you and I interacting about the ballot images were removed; is that right?
> A. Yes.

TASSINARI WAS WILLING TO DO WHATEVER IT TOOK TO SILENCE PLAINTIFF TO CONCEAL THAT DEFENDANTS HAD VIOLATED FEDERAL LAW

Tassinari has already testified in this court that she was upset that the Plaintiff posted the screenshots of this email conversation, that she was willing to do ***whatever it took*** to silence this Plaintiff's speech regarding her violation of federal law, and that she was **"relieved"** when Twitter deleted them.

> THE WITNESS: I think the goal was generally to ensure that misinformation wasn't being spread, and so whatever actions that we could take to make sure that the tweet was labeled as inaccurate or taken down, we were willing to pursue.
> THE COURT: But did you think -- you had filed a report. Did you want to do everything possible to try to assure that Twitter would take it seriously and either remove the tweet or label it inaccurate?
> THE WITNESS: Yes.
> THE COURT: And were you pleased when they deleted the tweet?
> THE WITNESS: I believe I saw that it had been removed. I was, yes, I was relieved.

O'Malley has already testified that **Tassinari** reached out to Cohen and NASED to make that happen, and further testified that as a Twitter Trusted Partners, such as the Defendants here, they have access to additional complaint mechanisms not available to *hoi polloi*. All of this has been established by testimony in this case already.

The evidence is overwhelming at this point that once again Twitter suspended the Plaintiff's account solely because he referenced **Tassinari** and the 4-tweet email conversation. As this was considered a repeat violation, Twitter has now suspended Plaintiff's account permanently. What this shows is that **Tassinari** had implemented in partnership with Cohen ***a keyword blacklist that operated in perpetuity against this Plaintiff*** whenever he attempted to mention **Tassinari** and the email conversation. This is as content-based as a government restriction on speech can get.

BUT FOR **Tassinari**, O'Malley, Galvin, Cohen and NASED, Twitter would not have inserted the keyword "**TASSINARI**" into the algorithm used to automatically flag this Plaintiff's tweets; the Plaintiff would not have repeatedly tripped the mechanism for action by the algorithm; and, his account would not now be permanently suspended.

The evidence is overwhelming that the Defendants were fully aware that as State Election Officials **and** as a Twitter Trusted Patners, they had immense power, which they wielded to strongly encourage Twitter to flag the **Tassinari** email conversation each time this Plaintiff posted it, because these Defendants wished to conceal both their crime, violation of § 20701, as well as real-time knowledge of their crime.

The evidence is overwhelming that these Defendants were mendacious when they agreed to this court that they would desist from further violating this Plaintiff's First Amendment rights by again strongly encouraging Twitter to silence the Plaintiff's speech, because they fully knew

that had already done ***whatever it takes*** to block mention of **Tassinari** and her emails and had inserted the ghost in the machine, an act that they chose to not reveal to this court.

At the time of the October 30, 2020 hearing, this Plaintiff had made the mistake of taking these Defendants at their word, believed in good faith that their censorship was over, and never imagined that they had already permanently instituted a specific keyword ban on his speech on Twitter in order to continue to obstruct justice.

The evidence is overwhelming that unlike *hoi polloi*, these Defendants, with their great power and insider knowledge – as a Twitter Trusted Partner – with greater access to special requests when flagging tweets, knew that the agreement made in this court was pointless because they had already ensured that Twitter would continue to block any tweet that used the keyword "**TASSINARI**" and displayed the screenshots of her email conversation that revealed that she knew she had consciosuly violated Federal law by deleting the digital ballot images generated by the electronic voting machines used to tabulate the votes cast in the 2020 US Senate primary race.

It bears repeating that after more than two (2) months when this Plaintiff again mentioned the name "**TASSINARI**" on Twitter in a video, and displayed screenshots of the email conversation he had held with **Tassinari**, while explaining to thousands of viewers in layperson's terms what exactly his two lawsuits are about, bam! his account was suspended yet again, this time permanently, because he had repeatedly used the term "**TASSINARI**," and for no other reason.

This Plaintiff is on record in this case that this silencing of his speech on a matter of public importance – the violation of Federal law by State Elections officials – was solely to

conceal this very violation of Federal law, and is the result of an abuse of power by government officials to save themselves from a prison term.

GOVERNMENT HAS A HISTORY OF USING POWER TO SUPPRESS SPEECH

It is established that government officials blatantly and nakedly use their power to suppress speech and violate the First Amendment by coercing private corporations to do their bidding for them. This is not new. The Sheriff of Cook County, IL, openly conducted a powerful "campaign of starving the company by pressuring credit card companies to cut ties with" Backpage.com and was finally enjoined from doing so by Judge Posner in the Seventh Circuit. *Backpage.com, LLC v. Dart*, 807 F.3d 229 (2015)

That is no different from the Defendants here strongly encouraging Twitter to maintain an algorithm that flags any tweet from this Plaintiff that mentions the keyword **Tassinari** and her emails that reveal she knew she was in violation of Federal law.

People who live it, get it.

CONCLUSION

WHEREFORE, the Plaintiff respectfully seeks an emergency hearing this week in order for this court to order these Defendants to use their special government powers and enhanced Trusted Partner privileges on Twitter: (1) to request Twitter to remove the keyword "**TASSINARI**" from Twitter's automatic flagging algorithm that they themselves had caused to be inserted; (2) to make clear to Twitter that they have no objections to Plaintiff discussing the content of his lawsuit with the public on Twitter; and, (3) to request Twitter to reverse the permanent suspension of Plaintiff's Twitter account that followed the use of this algorithm to flag tweets that mentioned the name "**TASSINARI**."

Respectfully submitted under the pains and penalties of perjury,

/s/ Dr. Shiva Ayyadurai

Date: February 3, 2021

Dr. Shiva Ayyadurai
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Email: vashiva@vashiva.com

CERTIFICATE OF SERVICE

Plaintiff certifies that he served this emergency motion upon the defendants via their counsel, via ECF.

Respectfully submitted under the pains and penalties of perjury,

/s/ Dr. Shiva Ayyadurai

Date: February 3, 2021

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CERTIFICATE OF CONFERRAL PER L.R. 7.1

Plaintiff certifies that he conferred with Tassinari's counsel regarding this emergency motion for a hearing and order. Defendants did not agree to withdraw their objection to Plaintiff talking about his lawsuits and Tassinari on Twitter.

Respectfully submitted under the pains and penalties of perjury,

/s/ Dr. Shiva Ayyadurai

Date: February 3, 2021

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