

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

MOTION TO VACATE A STAY ORDER AND ISSUE A SUBPOENA

On November 16, 2020, based on Defendants Galvin and Tassinari’s assertion that they would desist from making Twitter silence this Plaintiff’s speech based on its content, this court proceeded to stay discovery in this case until after Rule 12 motions had been filed and ruled on.

However, even before this court has had the opportunity to consider those Rule 12 motions and oppositions thereto, it has become evident that immediate discovery is required as a result of Twitter permanently suspending Plaintiff’s account solely because he used the keyword “**TASSINARI**” in a tweet. What this demonstrates is the use of a keyword algorithm that is triggered by the use of “**TASSINARI**” in any of this Plaintiff’s tweets. Because Plaintiff had not tweeted about **Tassinari** for many months this algorithm was not triggered earlier.

The pattern of dunning in response to Plaintiff using the word “**TASSINARI**” in a tweet is relentlessly consistent: suspension for a few hours, then days, then weeks and now permanently. It is inescapable that the permanent suspension is inextricably linked to the earlier

responses that Plaintiff has detailed in his amended complaint. Meaning, the problem did not go away despite the Defendants assuring this court that it had.

Because it is inescapable that the Defendants are solely responsible for requiring that Twitter insert the keyword “**TASSINARI**” in its algorithm that flags tweets, an action that Twitter would not have taken but for the massive government power represented by these Defendants, justice demands that Twitter be subpoenaed to discover the mechanics of its algorithm, the exact demands from these Defendants, and other vital data required for the successful prosecution of this case.

This matter is urgent because the suspension was imposed, on behalf of Galvin, **Tassinari** and Cohen, yesterday February 1, 2021, and this exclusively content-based silencing of Plaintiff’s speech by the government is intolerable, unacceptable, and must not be allowed to continue for even one day more.

WHEREFORE, Plaintiff respectfully urges this court to immediately vacate the order staying discovery and to issue a subpoena requiring Twitter to reveal: 1) all details pertaining to the Defendants requiring that **Tassinari** be flagged as a keyword; 2) the actual content of all communications from these Defendants regarding this Plaintiff, both prior to and after the issuance by this court of its October 30, 2020, Order; and, 3) all communications from Twitter to these Defendants.

Respectfully submitted under the pains and penalties of perjury,

/s/ Dr. Shiva Ayyadurai

Date: February 3, 2021

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**Dr. Shiva Ayyadurai**  
Plaintiff, *pro se*  
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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 injunction. Defendants refused 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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