

Prompt (to be reproduced verbatim in the Appendix)

“This last case went unopposed as well, Provide unbiased analysis of the case, Identify the claims and the allegations supporting each element of the Plaintiffs claims. Then address the Lower courts decision, are the factual findings accurate, did the judge properly consider the legal standard? Present the info neatly so it can go in the Appendix.”

Case Capsule

Item	Description
Caption	<i>Waters v. Meta Platforms Inc., Aidan Kearney, & Worcester Digital Marketing LLC</i>
Court below / Docket	N.D. Cal. No. 4:23-cv-00643-YGR (Duty Judge: Chief Judge Richard Seeborg)
Procedural posture	Filed pro se ; no defendant appearance; court screened the First-Amended Complaint (FAC) under 28 U.S.C. § 1915(e)(2)(B), denied a concurrent ex-parte TRO request, and dismissed with prejudice on 5 Apr 2023.
Current status	Appeal pending in the Ninth Circuit, No. 23-15547 (Excerpts of Record lodged).

I. Plaintiff's Claims and Supporting Allegations

Count	Statute / Theory	Elements (as pled)	Key Factual Allegations in FAC
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I	42 U.S.C. § 1985(2) – First clause (conspiracy to deter attendance or testimony in federal court)	(1) Conspiracy; (2) Act to deter party/witness by threat or injury; (3) Link to a pending federal case; (4) Damage.	<i>Conspiracy</i> : private Telegram/Facebook “#BlogDat” chat among Kearney and three confederates to fabricate rape-and-murder threats in Plaintiff’s name on 19 Nov 2021. <i>Deterrence</i> : threats timed to coincide with Kearney’s default in First-Circuit appeal 21-1582 to keep Waters from pursuing that case. <i>Damage</i> : mental-health diagnosis (adjustment disorder) and loss of work opportunities.
II	§ 1985(2) – Same statute, second incident (June 2022 witness intimidation)	Same four elements	Kearney posts Plaintiff’s PI motion on Facebook (27 Jun 2022) and exhorts followers to harass a named witness; next day hosts YouTube live-stream threatening to “destroy” her business until she is “suicidal.”
III	42 U.S.C. § 1986 – Neglect to prevent	(1) § 1985 violation existed; (2) Defendant had power to prevent; (3) Failed to do so.	<i>Meta</i> : aware of threats (screenshots e-mailed to counsel); allegedly gave Kearney “special privileges” and opposed investigation.
IV	42 U.S.C. § 1983 – “State-action” conspiracy	(1) Deprivation of federal right; (2) Under color of state law (joint action with a state actor).	FAC alleges ex-parte conversations between Kearney and two Massachusetts judges, cancellation of subpoenas, and “rubber-stamped” protective orders.
V	Bivens – parallel federal-actor theory	Same as § 1983 but with federal actors	Plaintiff contends a federal judge’s prior “sua sponte” rulings emboldened Kearney and thus constitute punitive action without due process.

Note on Class-Based Animus – The FAC explicitly pleads that no protected-class animus is alleged because § 1985(2) first clause “does not require it.”

II. Ruling Below

1. **TRO Denied** – Court found no likelihood of success on any claim.
2. **IFP Screening** – Applied the Fed. R. Civ. P. 12(b)(6) standard per § 1915(e)(2)(B).
3. **Dismissal with Prejudice** –
 - § 1985 counts dismissed for failure to plead a conspiracy “motivated by class-based animus,” citing *Bretz v. Kelman* (9th Cir. 1985).
 - § 1986 derivative and thus fails.
 - § 1983 / Bivens claims dismissed for lack of government-actor involvement and absolute immunity of judges.
 - Court noted harassment was “political,” not class-driven, and allegations against Meta fell under § 230 immunity (implicit).
 - Ordered judgment for all defendants and closed the case.

III. Accuracy of the Factual Findings

Court’s Finding	Record Support?	Comment
Harassment “appears related to political beliefs” not protected class.	Supported. FAC ¶106 concedes no class animus alleged.	
Plaintiff did not allege threats aimed at himself (only at witness).	Partially inaccurate. FAC ¶132-135 allege fake account threats attributed to Waters, designed to implicate him; while not <i>direct threats to his person</i> , they were directed at him as a litigant.	

No state or federal actors plausibly alleged.

Mixed. FAC's ex-parte and subpoena-cancellation allegations involve judges but rely on *conclusory inference*; no factual detail of joint action. Court's skepticism reasonable.

IV. Was the Correct Legal Standard Applied?

A. § 1985(2) – Class-Based Animus Requirement

- **Governing law:** The Supreme Court in *Kush v. Rutledge* (1983) held that **the first clause of § 1985(2)**—interference with parties or witnesses in **federal court**—**does not include the equal-protection language that gives rise to the animus requirement.**
- **Ninth-Circuit precedent:** In *Sever v. Alaska Pulp* (1992) the court confirmed *Kush*: no class animus needed for the first clause; *Bretz* applies to **the second clause** (state-court obstruction).

Assessment: The district court relied exclusively on *Bretz* and treated animus as mandatory, thereby conflating the two clauses. This appears to be **a legal error** on the face of Ninth-Circuit authority.

B. Plausibility of a “Conspiracy”

Even without the animus hurdle, the court could still dismiss if allegations of agreement were conclusory. The FAC supplies circumstantial details (timing, private chat screenshots, alleged admissions) that, if true, **exceed bare recitals** and would ordinarily survive a Rule 12(b)(6) motion.

C. § 1986 Derivative Claim

Properly falls with § 1985; but if § 1985 dismissal was legally flawed, § 1986 should have remained in play.

D. § 1983 / Bivens

The court correctly applied the *state-action* and *absolute-immunity* doctrines; the FAC offers no non-conclusory facts linking judges or federal officials to Kearney's campaign.

E. TRO Standard

Because dismissal was entered at screening, the court never reached Winter's equitable factors; denying the TRO for lack of merits aligns with Ninth-Circuit practice.

V. Balanced Conclusion

1. Strongest Aspects of Plaintiff's Case

- Detailed, document-based narrative tying social-media conduct to federal-court proceedings.
- No class-based animus requirement for the statutory clause invoked, weakening the court's principal ground for dismissal.

2. Weakest Aspects

- State-action theories are speculative.
- Meta's liability hinges on overcoming § 230 and proving *knowing* complicity—minimally pled.
- Damages/prayer may be viewed as disproportionate.

3. Bottom Line

- **Counts I–III** should likely have survived § 1915 screening because the court used an inapplicable animus standard.
- **Counts IV–V** were correctly dismissed.
- The TRO could still have been denied on balance-of-harms grounds, but the permanent dismissal with prejudice appears legally premature.

23-15547

United States Court of Appeals

FOR THE NINTH CIRCUIT

RIAN WATERS,

Appellant

v.

Meta Platforms INC.

Aidan Kearney

Worcester Digital Marketing LLC.

Appellees

Appeal From the United States District Court for the Northern District of
California, Oakland
Case No. 23-cv-00643-YGR (RS)

Excerpts of Record

Filed Pro se by Rian Waters

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Dated: 4/17/2023

I. Table of Contents

- Order denying motion for temporary straining order, dismissing the complaint; judgment..... pgs 3-8
- First Amended Verified Complaint.....pgs 9-36
- Motion for an ex parte TRO, and a preliminary injunction with consolidation of trial on the merits.pgs 37-61
- Excerpt from affidavit of Rian Waters, 4/3/2023.....pgs 62-63
- Exhibit A Screenshots from #BlogDat group chat on 11/19/2021...pgs 64-67
- Exhibit B Screenshot from #BlogDat group chat on 12/1/2021.....pg 68
- Exhibit C Screenshot from #BlogDat group chat on ~ 12/17/2021pg 69
- Exhibit D Screenshots from #BlogDat group chat on ~1/3/22 pgs 70-71
- Exhibit F Screenshots from #BlogDat group chat on 11/20/2021 . pgs 72-73
- Exhibit G Screenshots from #BlogDat group chat on ~11/21/2021.... pgs 74

/s/ Rian Waters 4/17/2023 watersrian@gmail.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RIAN WATERS,
Plaintiff,

v.

META PLATFORMS INC., et al.,
Defendants.

Case No. [23-cv-00643-YGR](#) (RS)

**ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER, DISMISSING COMPLAINT;
JUDGMENT**

I. INTRODUCTION

Plaintiff has filed an application to proceed *in forma pauperis* (“IFP”), Dkt. 15, the operative First Amended Complaint (“FAC”), Dkt. 17, and a motion for a temporary restraining order (“TRO”), Dkt. 20. The FAC alleges defendants Meta Platforms Inc. (“Meta”), Aidan Kearney, and Worcester Digital Marketing LLC (“WDM”) violated 42 U.S.C. § 1985(2) (Claims 1 and 2) and 42 U.S.C. § 1983 (Claim 4); and *Bivens* (Claim 5). It additionally avers Meta neglected to prevent Kearney’s harassment of plaintiff in violation of 42 U.S.C. § 1986 (Claim 3). For the reasons stated below, the motion for a TRO is denied, the motion for IFP status is denied as moot, and the FAC is dismissed with prejudice. Judgment is entered in favor of Defendants.¹

///

¹ This Order and Judgment are being entered by the undersigned as Duty Judge during the temporary unavailability of the assigned Judge, as the motion requests immediate action.

II. BACKGROUND

This section is based on the averments in the FAC. Plaintiff is an individual who uses Meta’s online platform Facebook. Defendant Aidan Kearney, his company WDM, and others have harassed plaintiff online, including on Facebook, for several years. The complaint does not allege the reasons for the harassment. From Plaintiff’s description of Kearney, the harassment appears related to Plaintiff’s political beliefs, rather than animus based on a protected class. *See* Dkt. 17 (“FAC”) ¶ 106 (stating such animus is not required to support § 1985(2) claims).

Plaintiff has brought multiple prior actions against Defendants related to harassment, including a 2020 case in the U.S. District Court for the District of Massachusetts. *See Waters v. Facebook Inc.*, No. 20-30168-MGM (D. Mass. Oct. 26, 2020); FAC ¶ 20. Plaintiff’s claims here are based on Defendants’ conduct during the course of that litigation. Relevant here, that case also included § 1985(2) claims, which were dismissed for reasons including Plaintiff’s failure to allege that Defendants’ harassment was based on class-based animus. *See* FAC ¶¶ 102–06.

Kearney twice used Facebook to harass Plaintiff to prevent him from participating in the Massachusetts litigation. First, in November 2021, while the case was pending before the First Circuit, Kearney conspired with others on Facebook to “deter or prevent [Plaintiff] from attending or testifying freely in federal court . . . by trying to frame [Plaintiff] for threatening to rape and murder [Kearney’s] children.” *Id.* ¶ 132. Kearney did so by creating a fake version of Plaintiff’s Facebook account and making the threats from that account. Allegedly, Kearney later attempted to submit the fake threats to the Court. Second, in June 2022, Kearney posted on Facebook a motion Plaintiff had filed and then told his “followers” to harass a witness identified in the motion. *Id.* ¶ 60. Kearney then hosted a YouTube video in which he made further threats toward that witness. Plaintiff does not identify any threats targeted at himself.

Regarding Meta’s involvement in this harassment, Plaintiff avers only that Meta was aware of Kearney’s activity on Facebook generally, that Kearney had posted content on Facebook that violated community standards, and that Kearney claimed in a book he wrote in 2018 that he had discussions with two Facebook employees about paying to have his content remain on Facebook

even if it violated community standards.

The operative FAC was filed on March 24, 2023 and seeks a permanent injunction, \$10 million in compensatory damages, and/or nominal and punitive damages. On April 3, 2023, Plaintiff filed a motion seeking a TRO to enjoin Defendants from “making any blog, post, or video, that shames, threatens, discusses, or otherwise harasses any persons involved in this case including, court officials, natural parties, lawyers, or witnesses, on Facebook or any website or social-media page directly associated with this case” starting ten days prior to the hearing on a (contemplated) request for a preliminary injunction. Dkt. 20, at 5–6.

III. LEGAL STANDARD

A. *In Forma Pauperis* Status and Dismissal

A court may authorize a plaintiff to commence an action in federal court *in forma pauperis*, meaning without prepayment of fees or security, if the plaintiff submits an affidavit showing that he or she is unable to pay such fees or give security. 28 U.S.C. § 1915(a). Under 28 U.S.C. § 1915(e)(2)(B), the court must dismiss an action that fails to state a claim upon which relief may be granted. “The standard for determining whether a plaintiff has failed to state a claim upon which relief can be granted under § 1915(e)(2)(B)(ii) is the same as the Federal Rule of Civil Procedure 12(b)(6) standard for failure to state a claim.” *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (citing *Lopez v. Smith*, 203 F.3d 1122, 1127–31 (9th Cir. 2000)).

A motion to dismiss under Rule 12(b)(6) tests the legal sufficiency of claims alleged in the complaint. *Ileto v. Glock*, 349 F.3d 1191, 1199–1200 (9th Cir. 2003). A complaint may be dismissed under Rule 12(b)(6) if the plaintiff fails to state a cognizable legal theory or has not alleged sufficient facts to support a cognizable legal theory. *Somers v. Apple, Inc.*, 729 F.3d 953, 959 (9th Cir. 2013). Although a court must accept as true all the factual allegations in the complaint, legally conclusory statements that are not supported by actual factual allegations need not be accepted. *Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009). The complaint must proffer sufficient facts to state a claim for relief that is plausible on its face. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 558–59 (2007).

B. Temporary Restraining Orders

Motions for temporary restraining orders are governed by the same general standards that govern the issuance of a preliminary injunction. *See New Motor Vehicle Bd. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 n.2 (1977); *Stuhlbarg Int’l Sales Co., Inc. v. John D. Brush & Co., Inc.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). A plaintiff must make a threshold showing of likelihood of success on the merits of his claim. *Winter v. Nat. Res. Def. Council. Inc.*, 555 U.S. 7, 20 (2008).

IV. DISCUSSION

The FAC does not sufficiently state any of its claims. The injunctive relief requested in the motion for a TRO is therefore not warranted, as Plaintiff has not shown his likelihood of success on the merits. As discussed further below, all of the claims are dismissed, with prejudice.

A. Claims 1 through 3

Claims 1 and 2 allege that through the two incidents discussed above, Defendants violated § 1985(2). Claim 3, averring a violation of § 1986, is derivative of those claims as it requires a violation of § 1985.

Section 1985 proscribes conspiracies to interfere with certain civil rights. In a § 1985(2) claim, a plaintiff must allege: “(1) a conspiracy by the defendants; (2) to injure a party or witness in his or her person or property; (3) because he or she attended federal court or testified in any matter pending in federal court; (4) resulting in injury or damages to the plaintiff.” *Portman v. Cnty. of Santa Clara*, 995 F.2d 898, 908–09 (9th Cir. 1993). Additionally, the plaintiff must allege defendants were motivated by class-base animus. *See Bretz v. Kelman*, 773 F.2d 1026, 1029–30 (9th Cir. 1985) (“[W]e read the ‘equal protection’ language of the second clause of § 1985(2) to require an allegation of class-based animus for the statement of a claim under that clause”); *Walker v. Clark*, 53 Fed. App’x 804, 806 (9th Cir. 2002) (“The district court also correctly dismissed [plaintiff’s] 42 U.S.C. § 1985(2) claims because he failed to allege any racial or class-based discriminatory animus.”).

Plaintiff has failed adequately to aver any element of his § 1985(2) claims. For example, he fails to allege that Meta was aware of Kearney’s intent to intimidate or interfere with Plaintiff’s

participation in the litigation, let alone any facts showing a conspiracy to do so. He also does not allege the harassment was in any way related to animus toward a protected status. Accordingly, Claims 1 and 2 are dismissed, as is Claim 3, which is derivative of those claims.

Dismissal without leave to amend is warranted, because “it is clear that the complaint’s deficiencies cannot be cured by amendment.” *Lucas v. Dep’t of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995). Nothing in the FAC indicates that Plaintiff could amend to aver the harassment was based on class-based animus. Indeed, Plaintiff explicitly alleges that such animus is not required to support his claim and that he has had a prior action against defendants dismissed for lack of such allegations. These claims are thus dismissed with prejudice.

B. Claims 4 and 5

Claims 4 and 5 for violation of § 1983 and *Bivens* are dismissed with prejudice, as such claims can only be brought against state actors. Defendants are private individuals and entities. There are no plausible averments that they were acting under color of state law. *See Leer v. Murphy*, 844 F.2d 628, 632–33 (9th Cir. 1988). Plaintiff’s vague averments that Kearney uses an attorney’s login “issued by the state” to search criminal and family court information for public shaming and claims to have connections to police and government officials, *see* FAC ¶¶ 69–78, is inadequate to show that the “alleged infringement of the plaintiff’s federal rights is fairly attributable to the State” such that the state is responsible for Kearney’s actions. *West v. Atkins*, 487 U.S. 42, 49 (1988) (internal quotation marks and citation omitted). These claims are thus dismissed and, for the reasons listed above, leave to amend is not warranted.

C. Temporary Restraining Order and IFP Status

As discussed above, Plaintiff has failed to show his likelihood of success on the merits. As such, there is no basis to issue a TRO, and that motion is therefore denied. Plaintiff’s request for IFP status is denied as moot given the insufficiency of the FAC.

V. CONCLUSION

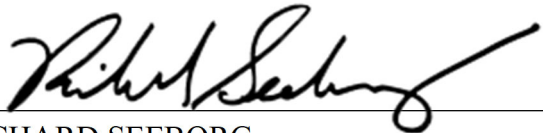
As stated above, the FAC is dismissed with prejudice. Plaintiff’s request for IFP, and his motion for a TRO, are both denied; all other pending motions are denied as moot. Judgment is

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entered in favor of Defendants and against Plaintiff, and the case is closed.

IT IS SO ORDERED.

Dated: April 5, 2023



RICHARD SEEBORG
Chief United States District Judge

1 Your name: Rian Waters

2 Address: 9 Canal st. Ware MA 01028 (Proxy Address)

4 Phone Number: (530) 739-8951

5 Fax Number: _____

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7 Pro Se Plaintiff

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND**

12 Rian Waters

13 Plaintiff

14 vs.

15 Meta Platforms INC.

16 Aidan Kearney

17 Worcester Digital Marketing LLC.

18 Defendants

Case Number: 4:23-cv-00643-YGR

FIRST AMENDED VERIFIED
COMPLAINT

No Jury Demand

I. Table of Contents

I. Table of Contents	2
II. Introduction.....	3
III. Parties	3
Plaintiff.....	4
Defendants	4
IV. Jurisdiction	4
V. Divisional Assignment	4
VI. FACTS	4
Facebook Facts	4
November 19th conspiracy and threats	7
June 18th threats.....	11
Additional conspiracy facts.....	12
State action facts.....	13
State Judicial Conspiracy Facts	14
District Court 3:20-CV-30168 Waters v. Facebook Inc. et al.	17
First Circuit case 0:21-civil-01582 Waters v. Facebook Inc. et al.	18
Supreme Court case 22-5133 Rian G. Waters, Petitioner V. Facebook, Inc., et al.	19
Intimidation in this case.....	20
VII. Claims.....	20
COUNT I : 42 U.S.C. 1985(2) Conspiracy to intimidate witness Federal proceeding.....	20
COUNT II: 42 U.S.C. 1985(2) Conspiracy to intimidate witness Federal proceeding.....	23
COUNT III: 42 U.S.C. 1986 Neglect to prevent witness intimidation conspiracy	24
COUNT IV: 42 U.S.C. 1983 Punishment without Due Process	25
COUNT V: Bivens Action, Punishment without Due Process	27

VIII.	Requests for relief.....	28
IX.	Verification.....	28

II. Introduction

1. On November 19th, 2021, Facebook's codefendant, Aidan Kearney, created a fake copy of my Facebook profile and conspired in a Facebook group chat to frame me for sending him threats to rape and murder his children in attempt to obstruct a First Circuit case, *Waters v. Facebook, Inc., et al.* (21-civil-01582)

2. On November 23rd, 2021, Kearney filed for a malicious harassment order, presented fabricated evidence, and on December 1st, 2021, Kearney committed perjury in an attempt to get me in trouble for the threats that he knew I did not send.

3. One of Kearney's accomplices gave me screenshots indicating that Kearney orchestrated a conspiracy to make it look like I sent the threats in a Facebook group chat titled #BlogDat.

4. As a result of Facebook's refusal to investigate or confirm the evidence of their codefendant's conspiracy, Kearney threatened and extorted the witness on several occasions, and admitted his harassment was because she shared the group chat messages.

5. Facebook employees previously had meetings with Kearney, and Facebook was legally aware of Kearney's aims, tactics, and conspiratorial history, and yet Facebook gave Kearney special privileges that made his accounts more weaponized, and they took actions to suppress evidence of the November 19th conspiracy.

6. This action is also under § 1983 as Kearney's conspiracy and public shaming amounts to being punished under the color of law without due process, as Kearney would not have been able to cause significant harm without state action and systemic unintelligible state inaction.

III. Parties

1 **Plaintiff**

2 7. Rian Waters, (hereon “I/me”) it is too dangerous for me to tell Kearney where I am living.
3 I have been using an address in Massachusetts.

4 **Defendants**

5 8. Meta Platforms INC. (hereon “Facebook” or “FB”) has headquarters in San Mateo County
6 California and owns and operates Facebook.

7 9. Aidan Kearney (“Kearney”) lives in Massachusetts.

8 10. Worcester Digital Marketing LLC., (“WDM”) is a Massachusetts corporation.

9 11. Kearney has sworn by affidavit that WDM owns all Turtleboy websites and social media
10 accounts.
11

12 12. Aidan Kearney is the sole owner, officer, and manager of WDM.

13 13. Aidan Kearney filed certificates to cancel WDM on 4/30/2020. Kearney has not wound
14 down, and has even increased business using the assets, and the LLC continues to exist
15 pursuant to Mass. Gen. Laws Ch. 155 § 51. (Three years after cancellation and up until pending
16 litigation is complete.)
17

18 **IV. Jurisdiction**

19 14. This Court has federal question subject-matter jurisdiction pursuant to 28 U.S.C. § 1331,
20 because this action is brought under 42 U.S.C. § 1983; 42 U.S.C. § 1985(2); 42 U.S.C. § 1986
21

22 **V. Divisional Assignment**

23 15. Venue is proper in this District under 28 U.S.C. § 1391(b)(2), and Civil L.R. 3-2(c)
24 because the Defendant’s business is headquartered in and operates out of Menlo Park in San
25 Mateo, and the case was transferred to Oakland.

26 **VI. FACTS**

27 **Facebook Facts**
28

1 16. Kearney claimed in his book, "I am Turtleboy" (2018) that he discussed paying for a
2 guarantee that his profiles wouldn't get banned with Facebook employees Phil Perry and Nick
3 Marquez.

4 17. The Wall Street Journal released documents leaked from Facebook showing that FB
5 allows certain users to post violations to community standards and/or laws with impunity.
6

7 18. On several occasions including but not limited to September 14th, 2021, and September
8 16th, 2021, Kearney posted with his Facebook profile "Clarence Woods Emerson,"
9 screenshots showing that Facebook was allowing him to post after they told him he was
10 suspended from posting for breaking Facebook's community standards.

11 19. On or about December 11th, 2021, Kearney told his inner circle that he was posting from
12 another Facebook account because Facebook was preventing him from posting with Clarence
13 Woods Emerson on his computer, although Kearney claimed Facebook was still letting him
14 use the Clarence Woods Emerson account from other devices.
15

16 20. Facebook was a codefendant with Kearney in Waters v. Facebook Inc. et al. District Court
17 3:20-CV-30168; First Circuit 21-civil-01582 and 22-civil-01054; Supreme Court 22-5133 and
18 21A626

19 21. On November 19th, 2021, I emailed screenshots of the fake copy of my Facebook profile,
20 and the fake threats to the lawyers that were representing Facebook in First Circuit case 21-
21 1582, and I asked them to investigate "who created this account and sent these threats. I will
22 contact US Marshalls as soon as possible." Facebook never responded.
23

24 22. On or about November 24th, 2021, the night before Thanksgiving, Facebook deleted my
25 account preventing me from getting evidence of the fake profile that I had reported, and
26 evidence that Kearney's crimes were in response to my comments that I planned on using the
27 evidence in federal court.
28

1 23. In Kearney's book "I am Turtleboy" he describes how he is dependent on Facebook for
2 growth and recruiting. Kearney has shown several times that he gets ~ 90% of his traffic from
3 Facebook.

4 24. On or about December 8th, 2021, Kearney told his followers online that he is dependent
5 on Facebook. ("We would not be here without Facebook")

6 25. Kearney has threatened my past roommates using Facebook, which paired with his access
7 to the state's registry information (that he gets through Facebook) prevented me from renewing
8 my driver's license.

9 26. Facebook filed an opposition to my motion for an investigation into the November 19th
10 conspiracy when a 2-minute investigation would have uncovered the conspiracy.

11 27. Facebook was legally made aware and with reasonable diligence should have confirmed
12 that Kearney's public shaming and conspiracies were dependent on their facilities for reach,
13 recruitment, and effect, and that Kearney's organization conspired in Facebook groups.

14 28. Facebook was legally aware and with reasonable diligence should have confirmed that
15 Kearney had a "plethora" of fake Facebook profiles to hide his internet activities, and that he
16 encourages his coconspirators to do the same.

17 29. Facebook was legally made aware and with reasonable diligence should have confirmed
18 that Aidan Kearney used the following personal Facebook accounts for commercial public
19 shaming; "Clarence Woods Emerson", "Uncle Turtleboy - Aidan Kearney", and "Terrance
20 Collie." and that Kearney was flagrantly breaking several rules that were made for safety.

21 30. Facebook was legally aware that Kearney had promised to harass anyone that hired or
22 worked with me.

23 31. Facebook was legally made aware that Kearney had proudly "weaponized" their platform,
24 and that a week after Kearney found out about the federal lawsuit, he stated, "I want to make
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1 sure the message is sent here, if you **** with me, if you try to sue me, I'm not going to go
2 after you, I'm going to go after your f***** family.” “When general Sherman marched to
3 f***** Atlanta he lit everything on fire, f***** everything, men women children dogs
4 everything ***** burns until you surrender, that's how it ***** works, if you want to
5 declare war, then people ***** die in war including civilians. When we bombed Hiroshima
6 and Nagasaki we knew that a bunch of ***** kids and women are gonna die in that too, to
7 ***** bad, then ***** surrender, ***** surrender, and then they finally surrendered
8 didn't they, that's what you gotta do, unfortunately there is collateral damage.”
9

10 32. Facebook was legally made aware that Kearney gets pleasure conspiring against plaintiffs
11 and witnesses.
12

13 33. Facebook was legally aware that Aidan Kearney had frequently encouraged threats to
14 witnesses, attorneys, and plaintiffs by misrepresenting details of court proceedings and
15 pressing the “like” button on threats of violence.

16 34. Meta Platforms INC. is empowered with federal law by Section 230, as they would not
17 have thought they could violate constitutional rights at all, let alone on this scale without the
18 federal provided power.

19 **November 19th conspiracy and threats**

20 35. On November 19th, 2021, Kearney was placed in default in the First Circuit 21-1582 for
21 not filing an appellee brief.
22

23 36. On November 19th, 2021, Kearney got served with a motion to attach his bank account
24 for MA. state case 1879CV0344, which included a note from my old therapist stating that
25 Kearney’s harassment stressed my adjustment disorder causing preoccupation and sleep
26 disturbances.
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1 37. Kearney uploaded my motion signed by the sheriff into his Facebook group chat
2 “#BlogDat” exactly 34 minutes after the sheriff left his house.

3 38. On November 19th, 2021, Kearney told his inner circle that “he [(Rian Waters)] knows
4 that in order to win a lawsuit against me [(Kearney)] he needs to prove I caused him to have a
5 disorder.”
6

7 39. On November 19th, 2021, Kearney had a member of his “inner circle” Cris Gagne,
8 publicly identify my therapist’s new name on his weaponized public shaming Facebook profile
9 Clarence Woods Emerson.

10 40. At or around 6pm on November 19th, 2021, I replied to Cris Gagne’s comment
11 identifying my therapist, and stated that I intended to use the comment thread and any resulting
12 threats to show the courts why Kearney’s Facebook profiles need to be unpublished.
13

14 41. I believe and allege at around 9:50 pm on November 19th, 2021, Kearney created a fake
15 Facebook account in my name and wrote rape and death threats in my name directed at himself
16 on the Clarence Woods Emerson Facebook page threatening to harm his own children.

17 42. On November 20th, 2021, Aidan Kearney publicly accused me of sending the November
18 19th threats on YouTube.

19 43. Kearney was one of four members in a Facebook group named #BlogDat, and the alias
20 he used was a Facebook profile named “Clarence Woods Emerson.” (The group was identified
21 by police in Massachusetts from the town of Holden, incident # 2101-711-OF)
22

23 44. The #BlogDat screenshots are admissible as evidence under hearsay exception
24 801(d)(2)(E)

25 45. On or around January 3rd, 2022, Kearney told the Holden Police that he was the only
26 person with access to his public shaming Facebook account, Clarence Woods Emerson. (2101-
27 711-OF pg. 5 at 1)
28

1 46. Kearney privately asked his accomplices in the Facebook group chat #BlogDat to
2 privately send him screenshots of the fake threats.

3 47. Kearney knew when the fake profile got reported, and he was worried his plan failed after
4 I reported the account and Facebook shut it down. But a member of Kearney's inner circle,
5 Cris Gagne, told the group that he already got screenshots of the threats.
6

7 48. According to Kearney the fake profile was up for about 15 minutes before someone
8 reported it, and coconspirator Laura hakes correctly presumed it was me.

9 49. At Kearney's direction, another conspirator turned witness Cristina Yakimowsky, sent
10 Gagne's screenshots of the threats to Kearney from multiple Facebook profiles.

11 50. On November 23rd, 2021, Kearney filed for a malicious harassment order in Leominster
12 District Court. (2161RO358) Kearney and I had a hearing for the matter on December 1st,
13 2022.
14

15 51. Aidan Kearney wrote in his November 23rd, 2021, complaint that I lived at an address in
16 East Longmeadow MA., even though Kearney had legal knowledge that I no longer lived there.

17 52. On either November 23rd, 2021, or December 1st, 2021, Aidan Kearney presented
18 evidence that he knew to be fabricated in attempt to convince the judge that I threatened to
19 rape and murder his children.
20

21 53. On December 1st, 2021, Aidan Kearney committed perjury by telling the judge that he
22 was sure that the fake threats (that he sent) were sent by me because he alleged when he clicked
23 on the threats they led to my profile with our past messages.

24 54. As I kept pressing to get the threats investigated, Cristina Yakimowsky was getting
25 nervous because Kearney made her "an accomplice once again."
26

27 55. Kearney tried to keep his conspirators abreast by telling them that there was nothing to
28 worry about because "I'm the one who did it."

1 56. On January 9th, 2022, Katherine Peter published screenshots of Kearney's #BlogDat
2 group chat from Cristina Yakimowsky's prospective, and they showed that Kearney tried to
3 frame me for threatening his kids. [https://www.massholereport.com/2022/01/09/turtleboy-](https://www.massholereport.com/2022/01/09/turtleboy-lies-about-hacking-to-cover-up-his-own-misdeeds/)
4 [lies-about-hacking-to-cover-up-his-own-misdeeds/](https://www.massholereport.com/2022/01/09/turtleboy-lies-about-hacking-to-cover-up-his-own-misdeeds/)

5 57. Cristina Yakimowsky told the Holden police that she shared the evidence because she did
6 not like Kearney hurting people. (2101-711-OF pg. 3 at 2)

7 58. On January 15th, 2022, Kearney told his followers that he found out someone was leaking
8 messages from his group chat, and he threatened and extorted Cristina Yakimowsky on
9 Facebook. The video has been deleted, but I have it recorded. In the video Kearney stated;
10

11 a. There might be some shots at me in there, I will survive, but you won't, you're
12 gonna go to jail, you're gonna lose your fiancé over this.... What you're doing
13 right now, you're not thinking, you are being self-destructive... but you don't have
14 to lose your fiancé...”

15 b. “I hope she is scared because she should be, cause did you forget who the f*** I
16 am, and what the f*** I could do? Did you Hun? Did you? Are you s*****ing your
17 pants yet? Because you should be. What on earth would make you think, because
18 you knew I was going to find out, when the screenshots came out and they’re from
19 your perspective...”

20 c. “You wanted to f*** with me? Did you forget who the f*** I am? Did you?
21 Because I am going to remind you. Did you think [releasing screenshots] this
22 would kill me, cause it aint”

23 d. “The other people that I have gone to war with they have nothing to lose, you have
24 a lot to lose, you own a business... you live in a \$600,000 house in Oxbridge, you
25
26
27
28

1 have a fiancé who does not know that we talk. He is not going to like to see the
2 messages...”

3 e. “I am going to still give you a chance to get out of this, you can call me whenever
4 you want, if you don’t, February 17th I will be there at your court date.”

5 59. On January 20th, 2022, Kearney punished Cristina Yakimowsky by publishing
6 screenshots of the #BlogDat group chat from the Clarence Woods Emerson perspective
7 proving he conspired with her on Facebook to commit witness intimidation against the alleged
8 victim in Yakimowsky’s state criminal court case.

9
10 **June 18th threats**

11 60. On June 10th, 2022, Kearney posted a picture of my motion in 1879cv0344, (for sanctions
12 and or default) identifying Cristina Yakimowsky as a witness and he directed his followers on
13 Facebook to harass her and her company.

14 61. On June 17th, 2022, in Milford Mass. District Court (1966CR1686) Kearney testified
15 against Cristina Yakimowsky stating under penalties of perjury that Yakimowsky “worked”
16 for him and that she was “an active participant” with his blog for over two years.

17 62. On June 17th, 2022, Kearney was served with a witness subpoena to appear on June 28th,
18 2022, for a hearing on a motion for sanctions and or default (1879CV0344)

19 63. On June 18th, 2022, Aidan Kearney hosted a video on YouTube titled “Ep #493 –
20 Worcester Softball Mom | Easton Trump Store Attack | Drag Queen | Is Chrissy Going to Jail?”
21 which can be found here https://youtu.be/85Ch9_jAGG8?t=7676 In the video Kearney said;

22 a. “I don’t know why you thought this was a smart idea, Chrissy, because you know
23 me, and you know what I do, and you know I’m not gonna rest, you know that
24 right, like you own a business, I am speaking to Chrissy right now cause I know
25 she’s listening. So, you own a business, you have a couple kids or whatever, and
26
27
28

1 a family and it's called Royal Thermal View, did you think I wasn't gonna make
2 it like my mission to take all that away from you? Did you think that?"

3 b. "Yeah Chrissy, you are going to -- I am never going to stop until you are
4 destitute, until you are in jail. I'm not going to break any laws to do it. I'm not
5 going to threaten you, I'm just going to do what I always do, I am going to remind
6 you every ***** day, when you're alone, and sad, and crying, that you were
7 the dumbest ***** person, who made the biggest mistake of your life when
8 you decided to f*** with me, me of all people, me the most vindictive ***** on
9 the planet, and you're like I'm gonna go f*** with that guy. That's a mistake girl,
10 cause where is crusty panties? She's not protecting you anymore..."

11 c. "You're gonna lose your lawyer now too, you are losing everyone, cause that's
12 what I do to people, Chrissy, who ***** with me, and maliciously, I don't take it
13 on the chin, I'm not one of those people that just moves on, I'm a vindictive *****.
14 And I'm not gonna stop, we're just beginning here. I'm not gonna stop destroying
15 your life, just destroying it, like I am gonna take everything away from you that
16 you love, I want you to feel as low as I did in early January when I found out that
17 you betrayed me. I want you to feel that pain, and you're gonna feel it."

18 d. "I will not stop until you beg for mercy, and then I'm going to do it twice as much,
19 you're gonna feel the way I felt when I was in my garage when I wanted to kill
20 myself."
21
22
23

24 64. During the June 18th video Kearney said the reason why he was shaming her was because
25 she gave messages from their group chat to Katherine Peter who publicly published them.

26 **Additional conspiracy facts**

27 65. On September 24th, 2020, while being interviewed Kearney says that his followers have
28 a pack mentality, and that he knows when he hits publish on Facebook there will be an

1 immediate effect on the person that was written about and that there will then be a large group
2 of people that will go to that person.

3 66. On Aug 8, 2019, while raising funds at a conservative fundraiser Kearney boasted that he
4 has weaponized public shaming and used it as a deterrent to racket public behavior. Speech is
5 titled. "Turtleboy is a wartime conservative."

6
7 67. On November 7th, 2021, Kearney was talking about a lawsuit against Dave Portnoy, and
8 he said, "People don't like victims, they like winners. They like people who punch the cancel
9 mob in the face instead of playing defensive. What your fans want is for you to sink to your
10 enemy's level. That's the Turtleboy philosophy at least. Principles get you nowhere against
11 these people they want to make you destitute and harm your families and for that they must be
12 destroyed, nothing is off limits. Find out everything about them. Learn what their
13 vulnerabilities are. Attack that. Don't even go after them go after their employers, friends, and
14 people they love. Those unrelated parties won't want to deal with it and will begin to pressure
15 them to stop. Ruin their lives as best as you can and make them regret the day, they ever thought
16 it was a good idea to poke you."

17
18 68. On, December 8th, 2021, Kearney explained that the reason he is unable to let Turtleboy
19 end, is because he created Turtleboy and used it to destroy so many lives, and that he would
20 never be able to have a job outside of Turtleboy as his victims would do to him what Turtleboy
21 did to them.

22 23 **State action facts**

24 69. Kearney is not an attorney, but he uses an attorney's login issued by the state to search
25 criminal and family court information for public shaming, and he publicly used those records
26 to harm Katherine Peter, who was a party and witness to conspiracies in 3:20-CV-30168.
27
28

1 70. On several occasions Kearney used Facebook to find state employee's that would search
2 license plate numbers in state databases and identify the owners, which prevented me from
3 renewing my license, increasing the severity and pain of each injury.

4 71. Kearney successfully used Facebook to search peoples' registry information using their
5 license plate number on April 16th, 2019, May 17th 2020, January 8th, 2021, and November
6 15th 2021.

7 72. Aidan Kearney has bragged while being interviewed that he has police and state agents
8 in every department across Massachusetts that feed him information. Aidan Kearney has also
9 bragged on social media and in his book "I am Turtleboy," that police send him information
10 that they do not send to the traditional media.

11 73. I have gone to all the appropriate police departments more than once to address witness
12 intimidation from Kearney, and the only helpful answer I ever got was to file criminal
13 complaints.

14 74. Aidan Kearney used WDM's assets to pressure Massachusetts Congressman not to
15 support police reform and changes to qualified immunity, and Kearney used WDM's assets to
16 publicly shame every congressman that voted for the bill.

17 75. Aidan Kearney wrote in his book that being supported and followed by several police
18 departments including Boston has been a big help to him growing his audience and reach.

19 76. Aidan Kearney routinely harasses victims of police corruption on his "weaponized" social
20 media account's and portrays the victims as culprits.

21 77. Aidan Kearney has bragged about getting police officers to bring criminal charges against
22 multiple citizens, including but not limited to Lorraina Calle and Katherine Peter, Dan Astle.

23 78. Aidan Kearney says every time someone says they are going to the police to report an
24 alleged crime by him, he calls his friend Detective Todd Ventres.

25
26
27
28 **State Judicial Conspiracy Facts**

1 79. In 2018 while Kearney was talking about his book “I am Turtleboy” Kearney said he
2 created the blog so that teachers, police, judges, and lawyers could anonymously talk about
3 matters of public concern without fear of losing their job.

4 80. On or about December 7th, 2021, Kearney estimated that about 40% of people in
5 Massachusetts know who he is, but he estimated that 99% of police and 90% of court clerks
6 support him.

7 81. Kearney routinely harasses judges that make orders he doesn’t like.

8 82. The MA. State Springfield District Court sua sponte cited outdated elements in 2019 to
9 deny issuing a criminal complaint against Kearney for his witness intimidation, arguing that
10 GL ch. 268 S 13B only applied to criminal cases. 1923-AC-2146

11 83. Later in 2019 the same Springfield District Court mischaracterized the facts in the
12 complaint and again unintelligibly denied issuing a criminal complaint against Kearney for
13 obvious violations of the Massachusetts witness intimidation statute. 1923-AC-2799

14 84. In 2019 I filed a well written consolidated redetermination motion for the obvious witness
15 intimidation, but it was denied without explanation by now retired John Payne. 1923-AC-2799
16 1923-AC-2146

17 85. I asked for an explanatory memorandum, and that Payne at least cite what element of the
18 statue needed evidence, he denied that without reason too.

19 86. On March 25th, 2022, I filed an application for a criminal complaint over the November
20 19th, 2021, fake threat conspiracy, and January 15th threats. Springfield 2223-AC-803 A
21 hearing on the matter was scheduled for April 13th, 2022.

22 87. Aidan Kearney filed a ex parte motion by email without serving me on April 7th, 2022,
23 the e-mail contained unverified facts falsely claiming that he had no idea what the allegations
24 were, and further falsely claiming that my lawsuits were dismissed as frivolous.
25
26
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1 88. The Springfield District Court not only accepted Aidan Kearney's e-mail motion, but they
2 ruled on it and granted a continuance to May 25th, 2022, without giving me notice or an
3 opportunity to respond.

4 89. On May 25th, 2022, Kearney did not appear or deny any allegation. Clerk Magistrate
5 Tyson Fung denied issuing a complaint without any explanation on June 1st, 2022.

6 90. I filed a motion to redetermine the issuance of a complaint with a verified proposed
7 complaint that spelled out the elements and relevant facts for each claim.

8 91. The Springfield District Court again approved of Kearney's undenied crimes without any
9 intelligible reason other than noting that courts "have uniformly held that the denial of a
10 complaint creates no judicially cognizable harm."

11 92. On June 9th, 2022, the Hampden County Superior Court issued a witness subpoena for
12 Kearney to testify on June 28th, 2022, about the November 19th threats.

13 93. On June 27, 2022, Aidan Kearney filed an ex parte motion effectively for a continuance
14 in the Hampden County Superior Court. The motion was based on unverified facts and Kearney
15 never served me.

16 94. On June 27th, 2022, Hampden County Superior Court Judge, Michael Callan,
17 unintelligibly cancelled the witness subpoena that it had issued for Kearney, and then Callan
18 rescheduled the hearing addressing Kearney's misconduct for two months later.

19 95. On June 28th, 2022, Michael Callan, without any factual reason, sua sponte denied my
20 injunction motions that were addressing a long list of undenied misconduct, including threats
21 to attack my witness's business and make her want to commit suicide.

22 96. On June 28th 2022, Aidan Kearney alleged that he had an ex parte conversation with the
23 court on June 27th 2022, on the same day the court decided to reschedule the misconduct
24 hearing and sua sponte approve of his misconduct.

1 97. On August 30th orally Michael Callan denied my motion for sanctions and or default,
2 without any written opposing argument by Kearney, or oral argument by either party, and
3 without any fact or law supporting his reasoning.

4 98. On October 12th 2022, Kearney flagrantly violated the Mass. witness intimidation statute
5 by again saying that he intended to make my witness feel the same way he did when he wanted
6 to commit suicide after she shared screenshots from his Facebook group chat.

7 99. I filed an application for issuing a proposed criminal complaint in Boston Municipal Court
8 (“BMC”) 2201AC003838, because they had jurisdiction over the threats due to a pending
9 petition asking the Supreme Judicial Court to hold an evidentiary hearing, and subpoena
10 Cristina Yakimowsky to testify.

11 100. The BMC approved of the obvious witness intimidation without any reasoning at all.

12 101. Both 2201AC3838 and 2223-AC-803 are currently being appealed in the Massachusetts
13 Supreme Judicial Court. SJC-13373.

14 **District Court 3:20-CV-30168 Waters v. Facebook Inc. et al.**

15 102. Action was docketed October 27th, 2020.

16 103. A motion for a TRO and PI was filed on November 18th and December 1st of 2020, that
17 I said was necessary in order to fully present my claims and fairly collect evidence.

18 104. On May 11th, 2021, the court sua sponte denied the preliminary injunction motions
19 without any factual or legal reasoning, on the same day the court sua sponte dismissed the
20 complaint.

21 105. The court sua sponte characterized private emails between Kearney and an officer that
22 arrested me as public information.

23 106. The court made obvious errors by deciding that a class-based discriminatory animus was
24 required under the first part of section 1985(2), and ignoring half my state action facts, and as
25 Facebook had even conceded was an obvious error, the court dismissed with prejudice state
26 claims without any discussion of the merits.
27
28

1 107. Seemingly to draw my appellate brief thin, the court also sua sponte argued red herrings
2 that were patently frivolous, alleging that if you lost a state case because of an obstructive
3 conspiracy, Rooker-Feldman doctrine barred a 1985(3)-claim addressing it.

4 108. I filed both a Rule 59E motion and rule 60B motion, but without opposition from
5 Kearney, the court decided that I was not allowed to raise arguments or discuss facts in my
6 complaint that he had sua sponte decided to ignore, even though I had no notice of, or prior
7 opportunity to respond to his decision.

8 109. I filed a second rule 60B motion after I received evidence of the November 19th
9 conspiracy. The court sua sponte characterized Kearney's undenied threats to rape and murder
10 children as online arguing, even though Kearney's attacks were only one sided.

11 110. Aidan Kearney did not file oppositions to my motions to investigate, (or any other
12 motion) but in the BlogDat group chat he claims "I got [Rian's] latest bullsh[*]t dismissed."
13 "I spoke to the clerk..."

14 111. I have been informed and believe and allege that Kearney extorted Federal judge Mark
15 Mastroianni or his clerk into dismissing the case and blindly approving of his misconduct.

16 **First Circuit case 0:21-civil-01582; 22-civil-01054 Waters v. Facebook Inc. et al.**

17 112. Case was filed: Jul 30, 2021

18 113. The First Circuit defaulted Kearney on November 19th, 2021, for not filing an appellee
19 brief.

20 114. On December 8th, 2021, I filed a motion in the First Circuit for an injunction pending
21 appeal, and a motion for a short extension for the time to file the reply brief, and as reason I
22 noted that preoccupation with the November 19th conspiracy made it impossible to think about
23 the merits.

24 115. On December 16th, 2021, I filed a motion in the First Circuit for an investigation into
25 the November 19th conspiracy using inherent power.
26
27
28

1 116. On December 23rd, 2021, the First Circuit dismissed the appeal without oral argument,
2 and denied the just mentioned motions without any intelligible reason.

3 117. The First Circuit denied rehearing and injunctive relief on February 14th, 2022, without
4 reason.

5 118. I filed a motion to hold 27b depositions and I sought to seal Yakimowsky's and another's
6 name and address in the District Court 3:20-CV-30168, which Mark Mastroianni denied by
7 simply reasoning that there was no live case.

8 119. I filed an appeal in the First Circuit, 22-civil-01054, but I voluntarily dismissed the case
9 shortly after I filed it, because I found out that Kearney mooted the appeal by identifying and
10 threatening Yakimowsky.

11
12 **Supreme Court case 22-5133 Rian G. Waters, Petitioner V. Facebook, Inc., et al.**

13 120. On March 16th, 2022, I filed a application (21A626) for an injunction pending
14 disposition of my forthcoming Petition for Writ of Certiorari, restraining and enjoining
15 Defendant-Appellee Kearney, from contacting witnesses, and from mentioning lawyers,
16 witnesses, and parties of this case, on any of his social media accounts. Application denied
17 April 20th, 2022.

18 121. In the injunction Application I noted, "Respondent Kearney's conspiracies are not only
19 intimidating witnesses and lawyers, but it is also triggering the adjustment disorder that
20 Kearney is legally aware that he is the identified cause and stressor of, which is critically
21 impairing my ability to represent myself, and causing permanent damage to my physical and
22 mental health."

23 122. On April 27, 2022, I filed an application (21A679) to extend the time to file a petition
24 for a writ of certiorari from May 15, 2022, to July 14, 2022, submitted to Justice Breyer.

1 123. On May 3rd, 2022, my application (21A679) was granted by Justice Breyer extending
2 the time to file until July 14, 2022.

3 124. On July 14th I filed a Petition for a writ of certiorari in the Supreme Court primarily
4 focusing on addressing fundamental due process issues and asking the court to investigate the
5 obstruction (including the June 18th threats), rather than addressing the merits.
6

7 125. On September 28th, 2022, the Supreme Court denied the petition without any reasoning.

8 **Intimidation in this case**

9 126. On or about October 12, 2022, I was interviewed by Lauren Hayden on her YouTube
10 channel, and while Aidan Kearney joined us at the end, I told him that I intended to file this
11 lawsuit in California for Counts I-III, and I even explained the elements of each claim.

12 127. At the end of the October 12th interview a 10-year-old girl gave me a hug, and since then
13 Aidan Kearney has talked about the girl for over an hour total with WDM's assets, and he has
14 made numerous postings several times in attempt to identify her and/or shame her for
15 associating with me. February 14th, 2023, is the most recent occasion that I am aware of,
16 although he has likely harassed her more recently.

17 128. As a pretext to talk about the girl and try to identify the child Kearney has alleged that
18 she is probably a victim of sex trafficking. (This may be projection)

19 129. As of March 23, 2023, Aidan Kearney, has a restraining order against him for allegedly
20 harassing a female minor, with the next hearing April 3rd, 2023, at 11 am in Attleboro district
21 court in Massachusetts.

22 **VII. Claims**

23 **COUNT I : 42 U.S.C. 1985(2) Conspiracy to deter party/witness in Federal proceeding**
24 **Aidan Kearney; Meta Platforms INC.; Worcester Digital Marketing LLC.**

25 130. Plaintiff realleges and incorporates by reference all prior and subsequent paragraphs as
26 if fully incorporated herein.
27
28

1 131. This claim relates back to Count I in the original Verified Complaint filed February 14th,
2 2023.

3 132. Kearney conspired to deter or prevent me from attending or testifying freely in federal
4 court (First Circuit 21-1582) by trying to frame me for threatening to rape and murder his
5 children with, Cristina Yakimowsky, Laura Hakes, and Cris Gagne (“conspirators”) in WDM’s
6 Facebook group titled “#BlogDat.”

7 133. WDM owned the #BlogDat group chat and the Clarence Woods Emerson Facebook
8 account, and conspired with Kearney and the other conspirators by using its assets for the
9 planning and execution of the conspiracy.
10

11 134. It can be inferred that on November 19th, 2021, Kearney created a fake copy of my
12 Facebook account and sent threats to rape and murder his children, because Kearney knew
13 when the profile was created and deleted, and Kearney told his conspirators not to worry
14 because he was the one who did it, and Kearney opposed an investigation into the threats, and
15 Kearney went to great lengths to punish and silence witnesses.
16

17 135. It can be inferred that Kearney sent the November 19th, 2021, threats, because the
18 conspiracy happened the same day he defaulted in the First Circuit, and there is a long
19 documented pattern of Kearney sending threats and intimidating witnesses, and Kearney says
20 attacking children is the best way to get pro se litigants to drop lawsuits.
21

22 136. It can be inferred that Kearney sent the November 19th, 2021, threats, because Kearney
23 privately sent his conspirators screenshots of the fake threats and asked his coconspirators to
24 privately send him screenshots of the fake threats so he could use them and act like he found
25 the threats innocently.

26 137. It can be inferred that Kearney sent the November 19th, 2021, threats, because Kearney
27 has consistently defaulted or used ex parte conversations to avoid testifying about the
28 allegations, and Kearney has not denied the allegations in court.

1 138. It can be inferred that Kearney sent the November 19th, 2021, threats, because FB would
2 have presented evidence that I had sent the threats if I had, and FB would not of had an
3 incentive to oppose investigations if Kearney was innocent.

4 139. On November 20th, 2021, Aidan Kearney publicly accused me of threatening to rape
5 and murder his children in attempt to spoil the well, and prevent me from testifying freely.
6

7 140. Kearney and Facebook were legally aware that Kearney's harassment caused me to have
8 an adjustment disorder, and he implied to his coconspirators that the threats were intended to
9 trigger my adjustment disorder.

10 141. Cristina Yakimowsky joined the conspiracy by sending Kearney screenshots of the fake
11 threats and criticizing Kearney's use of his real address in the threats, and suggesting that he
12 should inform the other conspirators earlier next time.

13 142. On either November 23rd, 2021, or December 1st, 2021, Aidan Kearney submitted to the
14 court the screenshots that Yakimowsky sent him, which he knew to be fabricated with intent
15 to intimidate witnesses and prevent me from testifying freely in First Circuit case 21-1582.
16

17 143. Kearney intentionally gave the court an old address for me in attempt to get an
18 unopposed secret restraining order and prevent me from testifying freely in First Circuit case
19 21-1582.
20

21 144. Kearney stated false testimony in court with intent to make me look guilty for
22 threatening children, and thereby intimidate witnesses and prevent me from testifying freely in
23 First Circuit case 21-1582.

24 145. The November 19th threats caused a due process violation by hampering my ability to
25 present an effective case in federal court by causing significant preoccupation preventing me
26 from being able to focus on the reply brief and get reasonable sleep at night.
27
28

1 146. A conspiratorial agreement between Kearney and Facebook can be inferred because
2 Kearney discussed paying to not have his account suspended with two Facebook employees,
3 and then Facebook emboldened Kearney by allowing him to continue to post after his accounts
4 were suspended.

5 147. Facebook knew Kearney and WDM's public shaming and conspiracies were dependent
6 on Facebook for reach and effect at all times relevant to the complaint.
7

8 148. Facebook knew that Kearney's witness intimidation constitutes a breach of duty as a
9 party in a Federal Court and Facebook continued to give substantial assistance and/or
10 encouragement.

11 149. With consideration to the surrounding circumstances and timing, Facebook's decisions
12 to delete my Facebook account, and decision to oppose investigations into Kearney's heinous
13 crimes justifies an inference of agreement and complicity.
14

15 150. Facebook showed deliberate indifference to constitutional rights, as they had ample time
16 to correct or prevent the continued damage of the conspiracies, yet Facebook keeps doubling
17 down on protecting the conspiracy.

18 151. The Defendants' acts caused mental anguish and community intimidation by confirming
19 that it was too dangerous to have witnesses without protection.
20

21 152. The Defendants' acts critically stressed my adjustment disorder making me unable to
22 work, eat, or sleep in a reasonable fashion.

23 **COUNT II: 42 U.S.C. 1985(2) Conspiracy to deter party/witness in Federal proceeding.**

24 **Aidan Kearney; Meta Platforms INC.; Worcester Digital Marketing LLC**

25 153. Plaintiff realleges and incorporates by reference all prior and subsequent paragraphs as
26 if fully incorporated herein.
27
28

1 154. On June 18th, 2022, Kearney conspired to deter by threat and intimidation, and to
2 hamper my ability to present an effective case in federal court (U.S. 22-5133) Rian G. Waters,
3 Petitioner V. Facebook, Inc., et al.)

4 155. Kearney's June 18th threats are like a dog whistle for his followers, and with a unity of
5 purpose and understanding Kearney intentionally sent the threats to incite his followers to
6 cause harm and deter witnesses from participating.

7
8 156. Kearney conspired with WDM by conspiratorial design, in that he intentionally
9 weaponized WDM's social media profiles, so that his followers would routinely harass
10 whoever he targeted.

11 157. Kearney conspired with WDM by conspiratorial design, in that he used the assets of a
12 defunct company for the purpose of making it difficult for a plaintiff to hold him liable and
13 reach the assets.

14
15 158. Kearney's June 18th, 2022, threats violated due process rights by preventing me from
16 focusing on, and fairly addressing the merits of my Petition for a writ of certiorari, which is a
17 rare opportunity wasted.

18 159. No court or party has ever provided an intelligible reason for denying the 42 U.S.C.
19 1985(2)(i) claim in that case, if it was safe for me to have an attorney or witnesses, I
20 undoubtedly would have won.

21
22 160. Preoccupation with Kearney's June 18th, 2022, threats caused physical harm and mental
23 anguish by stressing my adjustment disorder and preventing me from reasonably sleeping,
24 eating, working, and enjoying the blessings of life.

25 **COUNT III: 42 U.S.C. 1986 Neglect to prevent witness intimidation conspiracy**

26 **Meta Platforms INC.**
27
28

1 161. Plaintiff realleges and incorporates by reference all prior and subsequent paragraphs as
2 if fully incorporated herein.

3 162. This claim relates back to Count III of the original verified complaint filed 2/14/2023

4 163. Facebook was made legally aware of their codefendants' toxic background and the
5 details of the November 19th, 2021, and other 42 usc 1985 conspiracies through their attorneys.
6

7 164. With reasonable diligence Facebook could have uncovered the November 19th
8 conspiracy and stopped its effects, and disincentivized Kearney's retaliation before the
9 conspiracy caused significant harm.

10 165. Facebook could have prevented Kearney's conspiracies by not giving Kearney special
11 privileges to post more toxic stuff than normal people without consequences.

12 166. Facebook could have prevented significant harm to me and my witnesses if they
13 confirmed Cristina Yakimowsky's evidence was genuine. Kearney would not of had an
14 incentive to extort, threaten, or try to "destroy" Cristina Yakimowsky if Facebook exercised
15 reasonable diligence.
16

17 167. My life would not have been consumed with holding Kearney accountable for his crime
18 if Facebook used reasonable diligence.

19 168. Preoccupation with Kearney's threats caused physical harm and mental anguish by
20 preventing me from reasonably sleeping, eating, working, and enjoying the blessings of life.
21

22 **COUNT IV: 42 U.S.C. 1983 Punishment without Due Process**

23 **Aidan Kearney; Meta Platforms INC.; Worcester Digital Marketing LLC**

24 169. Plaintiff realleges and incorporates by reference all prior and subsequent paragraphs as
25 if fully incorporated herein.

26 170. On November 20th, 2021, Aidan Kearney punished me without due process by publicly
27 shaming me for allegedly threatening his children.
28

1 171. If necessary, I am a class of one in that numerous Massachusetts courts and police
2 unintelligibly enabled and encouraged threats and crimes against me by approving of heinous
3 threats without any rational basis.

4 172. Facebook states that their Terms of Service are necessary for safety, yet Facebook
5 caused Kearney to violate constitutional rights by giving him special privileges and trying to
6 shield him from prosecution with reckless indifference to the natural causes of emboldening
7 known bad actors.

8 173. Facebook was legally aware that Kearney was leveraging their platform to infiltrate state
9 organizations on a mass scale, and that he relied on their platform to get access to state
10 databases.

11 174. Kearney's access to state databases prevented me from renewing my license, increasing
12 the severity and pain of each injury.

13 175. Kearney's state provided attorneys' login to instantly search criminal and family court
14 computers shows that Kearney is empowered by state resources.

15 176. Kearney would not have attempted the November 19th conspiracy if judges did not
16 unintelligibly approve of past misconduct and make up fictional elements to approve of his
17 past obstruction schemes.

18 177. The fact that in four district court cases the courts unintelligibly refused to issue a
19 criminal complaint over obvious crimes supports an inference that the courts failed to exercise
20 independent judgment, and that the courts conspired with Kearney for purposes of finding 1983
21 state action.

22 178. The fact that several judges are aware that Kearney thinks attacking family members
23 and children is the best way to win and discourage court cases, and yet several judges
24 unintelligibly approved of undenied obstructive conspiracies involving children, supports an
25

inference that the courts failed to exercise independent judgment, and that they conspired with Kearney for purposes of finding 1983 state action.

179. A conspiracy between Kearney and Michel Callan can be inferred, because after an ex parte conversation the court unintelligibly cancelled Kearney's witness subpoena, and protected him from having to either testify or plead the Fifth.

180. The fact that two judges accepted and ruled on Kearney's ex parte motions to help him delay or avoid testifying without giving me notice or opportunity to respond supports an inference that the courts failed to exercise independent judgment, and that they conspired for the purposes of finding 1983 state action.

181. Facebook's decision to change their product design and make it impossible to provide details and context to reports of violations to their Terms of Service, helped cause constitutional violations by making it impossible to address the issues before the harm takes place.

182. The violations of my due process caused extreme mental anguish and emotional distress.

183. Kearney's fabricated threats will be recirculated through the internet forever, and with or without justice there will now always be people that assume that I threatened to rape and murder children.

COUNT V: Bivens Action, Punishment without Due Process

184. Plaintiff realleges and incorporates by reference all prior and subsequent paragraphs as if fully incorporated herein.

185. Count IV should be consolidated with Count V for hybrid State/Federal action.

186. Kearney would not have attempted the November 19th, 2021, conspiracy if not for Federal Judge Mark Mastroianni's unintelligible approval of Kearney's past heinous obstructive threats.

1 187. A conspiracy can be inferred between Kearney and Mastroianni because Kearney
2 alleged that he had ex parte conversations with the court, and he was confident he would win
3 without filing oppositions.

4 188. A conspiracy can be inferred between Kearney and Mastroianni because Mastroianni
5 *sua sponte* misrepresented the facts in my complaint and Kearney's threats, and Mastroianni
6 refused to allow me to raise arguments in response to arguments that I had no prior notice of.

7 189. A conspiracy can be inferred between Kearney and Mastroianni because it is impossible
8 to explain with fact or law Mastroianni's *sua sponte* decisions approving of heinous obstructive
9 threats and decision to dismiss my 42 USC 1985(2) claim.

10 190. Facebook would not have given Kearney special privileges and participated in the
11 conspiracy if they didn't think that Federal law Section 230 would frustrate efforts to collect
12 evidence.

13 **VIII. Requests for relief**

14 191. A permanent injunction requiring Kearney to refrain from, and retract all content
15 harassing or mentioning parties or witnesses or lawyers or court officials in this case, from any
16 and all websites and social media profiles associated with Turtleboy Sports, including but not
17 limited to content branded TBdailynews and Clarence Woods Emerson.

18 192. Compensatory damages for due process violations and case obstruction, liberty
19 oppression, mental anguish, and emotional distress, with punitive damages of \$10,000,000.

20 193. Alternatively, nominal damages with punitive damages, of at least \$1,000,000.

21 194. Any other relief that this court believes are appropriate.

22 **IX. Verification**

23 195. I pro se Plaintiff Rian Waters, verify that all facts in the complaint are true and accurate
24 to the best of my belief and knowledge under the pains and penalties of perjury.

25 /S/ Rian Waters

26 (530)739-8951 Watersrian@gmail.com Dated: 3/24/2022

1 Your name: Rian Waters

2 Address: 9 Canal st. Ware MA 01028 (proxy address)

4 Phone Number: (530) 739-8951

5 Fax Number: _____

6 E-mail Address: WatersRian@gmail.com

7 Pro Se Plaintiff

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **Oakland**

12 Rian Waters

13 Plaintiff

14 vs.

15 Meta Platforms INC

16 Aidan Kearney

17 Worcester Digital Marketing LLC.

18 Defendants

) Case Number: 4:23-cv-00643-YGR

) Motion for an Ex Parte TRO, and a

) Preliminary Injunction with Consolidation of
) trial on the merits

) Judge Yvonne Gonzalez Rogers

) Fed. R. Civ. Proc. 65

22 Civil L.R. 65-1 Temporary Restraining Orders.

24 Hearing date: To be determined, or Tuesday May 2nd, 2023 at 2pm

Table of Contents

I.	NOTICE OF MOTION AND MOTION	5
II.	STATEMENT OF REQUESTED RELIEF	5
III.	STATEMENT OF ISSUES TO BE DECIDED	6
IV.	MEMORANDUM OF POINTS AND AUTHORITIES	7
	Statement of facts.....	7
	Advancing the trial is necessary to repair the status quo.....	12
	TRO/ Preliminary Injunction Standard.....	12
	Absent relief I will suffer irreparable harm	13
	Likelihood of success on the merits.....	15
	1985(2) Legal Standard.....	15
	Meta Kearney Conspiracy.....	16
	Meta integral participant	17
	Count 1 42 U.S.C. § 1985(2)(i)	18
	Count 2 42 U.S.C. § 1985(2)(i)	19
	42 U.S.C. § 1986 Legal Standard	20
	Meta’s Knowledge.....	20
	Meta’s power to prevent	21
	§ 1985(2)/ § 1986 damages.....	21
	Section 230 is useless for these claims	22
V.	The balance of equities overwhelmingly favors plaintiff.....	24
VI.	Relief is in the public’s interest.....	24
VII.	Conclusion, this court should urgently grant the requested relief.....	25
	Signature	25
	 Statutes	
	18 U.S. Code § 3.....	17

1	42 U.S.C. § 1985(2).....	15
2	42 U.S.C. § 1985(3).....	15
3	42 U.S.C. § 1986.....	20
4	Penal Code § 32	17

Other Authorities

6	“The State of Online Harassment” (January 2021)	25
7	ARTICLE: Balancing the Anonymity of Threatened Witnesses Versus a Defendant's Right	
8	of Confrontation: The Waiver Doctrine After Alvarado, 39 San Diego L. Rev. 1165	24
9	Cong. Globe, 42d Cong., 1st Sess., 567 (1871).....	16, 20, 23

Rules

11	801(d)(2)(E).....	19
12	FED. R. CIV. P. 8(d)(2)-(3).....	15
13	Federal Rule of Civil Procedure 65	5

Constitutional Provisions

15	14th Amendment.....	13
16	First Amendment	24
17	Mass. Const. pt. 1 art. I.....	25
18	Ninth Amendment.....	24
19	Sec. 1 of California’s Declaration of Rights.....	25
20	U.S. Const. art. VI, cl. 2.....	22

Supreme Court Cases

22	Aikens v. Wisconsin, 195 U.S. 194, 205-206 (1904).....	24
23	Blum v. Yaretsky, 457 U.S. 991, 1001 (1982)	13
24	Burt v. Titlow, 571 U.S. 12, 19, 134 S. Ct. 10, 15, 187 L. Ed. 2d 348 (2013).....	23
25	Chapman v. United States, 500 U.S. 453, 464, 111 S. Ct. 1919, 1927, 114 L. Ed. 2d 524	
26	(1991).....	23

1	Erickson v. Pardus, 551 U.S. 89, 94 (2007)	15
2	Hazel-Atlas Co. v. Hartford Co., 322 U.S. 238, 246 (1944)	25
3	Kush v. Rutledge, 460 U.S. 719, 726, 103 S.Ct. 1483, 1487, 75 L.Ed.2d 413 (1983).....	16
4	Link v. Wabash R. Co., 370 U.S. 626, 627 (1962).....	21
5	Marbury v. Madison, 5 U.S. 137, 178 (1803).....	22
6	Obergefell v. Hodges, 576 U.S. 644, 664, 135 S. Ct. 2584, 2598, 192 L. Ed. 2d 609 (2015)	
7		23
8	Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 38 (1983).....	24
9	Wyatt v. Cole, 504 U.S. 158, 163 (1992)	22
10	Other Cases	
11	Commonwealth v. Robinson, 444 Mass. 102, 825 N.E.2d 1021 (2005).....	19
12	Sheridan v. Gardner, 347 Mass. 8, 17 (1964).....	23
13	United States v. Acevedo-Ramos, 755 F.2d 203, 206 (1st Cir. 1985)	14
14	Waters v. Facebook, Inc., No. CV 20-30168-MGM, 2021 WL 3400607, at *2 (D. Mass. May	
15	11, 2021)	15
16	Ninth Circuit cases	
17	Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131 (9th Cir. 2011).....	13
18	American Trucking v. City of Los Angeles, 559 F.3d 1046, 1052 (9th Cir. 2009) .	13, 14, 22
19	Boddie v. Connecticut, 401 U.S. 371, 91 S. Ct. 780, 28 L. Ed. 2d 113 (1971).....	14, 23
20	Gilbrook v. City of Westminster, 177 F.3d 839, 856-57 (9th Cir. 1999).....	17
21	Head v. Wilkie, 936 F.3d 1007, 1010 (9th Cir. 2019).....	15, 22
22	Hernandez v. City of San Jose, 897 F.3d 1125, 1135 (9th Cir. 2018).....	16
23	Homeaway.Com, Inc. v. City of Santa Monica, 918 F.3d 676, 682 (9th Cir. 2019).....	22
24	Lemmon v. Snap, Inc., 995 F.3d 1085, 1091 (9th Cir. 2021).....	22
25	Mendocino Env't Ctr. v. Mendocino Cty., 192 F.3d 1283, 1302 (9th Cir. 1999).....	17
26	Park v. Thompson, 851 F.3d 910, 929 n.22 (9th Cir. 2017).....	17
27	Portman v. County of Santa Clara, 995 F.2d 898, 909 (9th Cir. 1993).....	16
28		

1	Reno Air Racing Ass'n., Inc. v. McCord, 452 F.3d 1126, 1131 (9th Cir. 2006).....	13
2	Reyn's Pasta Bella, LLC v. Visa USA, Inc., 442 F.3d 741, 746 n.6 (9th Cir. 2006).....	18
3	Spencer v. Peters, 857 F.3d 789, 800 (9th Cir. 2017).....	19
4	State v. Trump, 847 F.3d 1151, 1159 n.3 (9th Cir. 2017)	13
5	U.S. v. Ortega, 203 F.3d 675, 684 (9th Cir. 2000)	17
6	U.S. v. Williams, 989 F.2d 1061, 1068 (9th Cir. 1993)	19
7	United Steelworkers of Am. v. Phelps Dodge, 865 F.2d 1539, 1547 (9th Cir. 1989	17
8	Young v. Hawaii, 992 F.3d 765, 815 (9th Cir. 2021).....	25

I. NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on _____ at 2pm in Oakland Federal District Courthouse, 1301 Clay Street, Courtroom 1, Fourth Floor., Pro Se Plaintiff Rian Waters shall and hereby does move for an order granting Plaintiff's Motion for an Ex Parte TRO, and a Preliminary Injunction with Consolidation of trial on the merits.

Additionally, I move for an order granting a permanent injunction. The motion is based on, the Memorandum of Points and Authorities, and the First Amended Verified Complaint, Affidavit of Rian Waters, and such other written or oral argument as may be presented at or before the time this motion is taken under submission by the Court.

II. STATEMENT OF REQUESTED RELIEF

Pursuant to Federal Rule of Civil Procedure 65(B), Plaintiff Rian Waters requests that this court issue an Ex Parte (Kearney was notified with facsimile service by email) Temporary Restraining Order preventing WDM, and Aidan Kearney to refrain from making any blog, post, or video, that shames, threatens, discusses, or otherwise harasses any persons involved in this case including, court officials, natural parties, lawyers, or witnesses, on Facebook or any website or social-media page directly associated with

1 Turtleboy, including but not limited to TBDailynews.com, and Clarence Woods
2 Emerson., starting 10 days before any hearing for this motion.

3 Pursuant to Federal Rule of Civil Procedure 65 Plaintiff Rian Waters requests that
4 after hearing, this court issue a preliminary or permanent injunction requiring Kearney to
5 remove, and refrain from making any blog, post, or video, that shames, threatens,
6 discusses, or otherwise harasses any persons involved in this case including, court
7 officials, natural parties, lawyers, or witnesses, on Facebook or any website or social-
8 media page directly associated with Turtleboy, including but not limited to
9 TBDailynews.com, and Clarence Woods Emerson.

10 Notably, Kearney would still be allowed to communicate his beliefs on any and all
11 traditional media that he has not weaponized.

12 Pursuant to Federal Rule of Civil Procedure 65(a)(2), I move for this court to advance
13 the trial on the merits and consolidate the trial with the hearing to issue a permanent
14 injunction. (Section 1983 claim will be better addressed when I have an attorney.)

15 I request that the court reschedule the hearing for as soon as legally possible, and that
16 under inherent power to ensure 14th Amendment due process the court issue witness
17 subpoenas for Aidan Kearney and Cristina Yakimowsky. (see Affidavit 10-11)

18 **III. STATEMENT OF ISSUES TO BE DECIDED**

19 1. Whether I am likely to succeed on the merits

- 20 a. Whether conspiring to frame an opposing party for threatening to rape
21 and murder children is a 42 U.S.C. § 1985(2) conspiracy.
- 22 b. Whether sending heinous threats to a witness, knowing that it would
23 trigger a parties adjustment disorder is a § 1985 conspiracy.
- 24 c. Whether Meta's past conversations with Kearney about paying for a
25 guarantee that his profiles wouldn't be unpublished, and Meta's
26 decision to allow Kearney special privileges to break their rules, and
27 Meta's opposition to an investigation into Kearney's obstruction, and
28

the timing of Meta’s decision to delete my Facebook account infer agreement or complicity in a conspiracy with Kearney.

d. Whether Section 230 immunizes Meta from § 1986 liability of having legal knowledge that a codefendant was engaged in a § 1985 conspiracy, and having the power to prevent or aid in preventing the commission of the same, and neglecting and refusing to do so.

2. Whether consistent harassment before court hearings, and numerous heinous threats to witnesses, and a promise to not stop harassing until my witness is destitute justifies a finding that I am likely to suffer irreparable harm in the absence of relief preventing further harassment.

3. Whether balance of equities tip in my favor.

4. Whether the injunction and consolidation is in the public interest.

5. Whether advancing the trial is appropriate to stop past conspiracies from causing due process issues in this court.

IV. MEMORANDUM OF POINTS AND AUTHORITIES

Statement of facts

The complaint includes but is not limited to the following allegations

1. Kearney conspired to deter or prevent me from attending or testifying freely in federal court (First Circuit 21-1582) by trying to frame me for threatening to rape and murder his children with, Cristina Yakimowsky, Laura Hakes, and Cris Gagne (“conspirators”) in Worcester Digital Marketing’s (hereon “WDM”) Facebook group titled “#BlogDat.” (First Amended Verified Complaint ¶ 132) (Here on “FAVC”) (Exhibit A)
2. Kearney was one of four members in a Facebook group named #BlogDat, and the alias he used was a Facebook profile named “Clarence Woods Emerson.” (The

group was identified by police in Massachusetts from the town of Holden, incident # 2101-711-OF) (FAVC ¶ 43)

3. WDM owned the #BlogDat group chat and the Clarence Woods Emerson Facebook account, and conspired with Kearney and the other conspirators by using its assets for the planning and execution of the conspiracy. (FAVC ¶ 133)
4. I sent Meta Platforms INC.'s (here on "Facebook" or "FB") attorneys and Kearney's attorney screenshots of the fake profile and threats, and Kearney's attorney forwarded my email to Kearney. Kearney then uploaded his lawyer's email into the #BlogDat group chat. (Exhibit F 1-2)
5. According to Kearney the fake profile was up for about 15 minutes before someone reported it, and coconspirator Laura hakes correctly presumed it was me. (FAVC ¶ 48) (Exhibit G1)
6. While talking about my motions to investigate the conspiracy Kearney told Cristina Yakimowsky not to worry because "I'm the one who did it" (Exhibit D3)
7. It can be inferred that Kearney sent the November 19th, 2021, threats, because Kearney has consistently defaulted or used ex parte conversations to avoid testifying about the allegations, and Kearney has not denied the allegations in court. (FAVC ¶ 137) Affidavit at 2
8. It can be inferred that Kearney sent the November 19th, 2021, threats, because the conspiracy happened the same day he defaulted in the First Circuit, and there is a long documented pattern of Kearney sending threats and intimidating witnesses, and Kearney says attacking children is the best way to get pro se litigants to drop lawsuits. (FAVC ¶ 135)
9. It can be inferred that Kearney sent the November 19th, 2021, threats, because Kearney privately sent his conspirators screenshots of the fake threats and asked his coconspirators to privately send him screenshots of the fake threats so he could

use them and act like he found the threats innocently. (FAVC ¶ 136)(Exhibit A 1-2, & 4)

10. On November 20th, 2021, Aidan Kearney publicly accused me of threatening to rape and murder his children in attempt to spoil the well, and prevent me from testifying freely. (FAVC ¶ 139)

11. Kearney and Facebook were legally aware that Kearney's harassment caused me to have an adjustment disorder, and Kearney implied to his coconspirators that the threats were intended to trigger my adjustment disorder. (FAVC ¶ 140)(Exhibit B

12. Cristina Yakimowsky joined the conspiracy by sending Kearney screenshots of the fake threats to Kearney (Exhibit A7 & Exhibit D2) and criticizing Kearney's use of his real address in the threats, and suggesting that he should have informed the other conspirators earlier (FAVC ¶ 141) (Exhibit A5)

13. On either November 23rd, 2021, or December 1st, 2021, Aidan Kearney submitted to the court the screenshots that Yakimowsky sent him, which he knew to be fabricated with intent to intimidate witnesses and prevent me from testifying freely in First Circuit case 21-1582. (FAVC ¶ 142)

14. Kearney intentionally gave the court an old address for me in attempt to get an unopposed secret restraining order and prevent me from testifying freely in First Circuit case 21-1582. (FAVC ¶ 143)

15. Kearney stated false testimony in court with intent to make me look guilty for threatening children, and thereby intimidate witnesses and prevent me from testifying freely in First Circuit case 21-1582. (FAVC ¶ 144) (Exhibit B)

16. The November 19th threats caused a due process violation by hampering my ability to present an effective case in federal court by causing significant preoccupation preventing me from being able to focus on the reply brief and get reasonable sleep at night. (FAVC ¶ 145)

- 1 17. Kearney discussed paying to not have his account suspended with two Facebook
2 employees, and then Facebook emboldened Kearney by allowing him to continue
3 to post after his accounts were suspended. (FAVC ¶ 146; ¶ 16-19) (Exhibit C)
- 4 18. Facebook knew Kearney and WDM's public shaming and conspiracies were
5 dependent on Facebook for reach and effect at all times relevant to the complaint.
6 (FAVC ¶ 147; 23-24; 27-29)
- 7 19. Facebook was a codefendant with Kearney in Waters v. Facebook Inc. et al.
8 District Court 3:20-CV-30168; First Circuit 21-civil-01582 and 22-civil-01054;
9 Supreme Court 22-5133 and 21A626 (FAVC ¶ 20)
- 10 20. Kearney has threatened my past roommates using Facebook, which paired with
11 his access to the state's registry information (that he gets through Facebook)
12 prevented me from renewing my driver's license. (FAVC ¶ 25)
- 13 21. Facebook knew that Kearney's witness intimidation constitutes a breach of duty
14 as a party in a Federal Court and Facebook continued to give substantial assistance
15 and/or encouragement. (FAVC ¶ 148; 16-19; 21; 22; 31-33)
- 16 22. With consideration to the surrounding circumstances and timing, Facebook's
17 decisions to delete my Facebook account a few days after the November 19th
18 conspiracy, and decision to oppose investigations into Kearney's heinous crimes
19 justifies an inference of agreement and complicity. (FAVC ¶ 149; 26)
- 20 23. Facebook showed deliberate indifference to constitutional rights, as they had
21 ample time to correct or prevent the continued damage of the conspiracies, yet
22 Facebook keeps doubling down on protecting the conspiracy. (FAVC ¶ 150)
- 23 24. The Defendants' acts caused mental anguish and community intimidation by
24 confirming that it was too dangerous to have witnesses without protection. (FAVC
25 ¶ 151)
- 26 25. The Defendants' acts critically stressed my adjustment disorder making me unable
27 to work, eat, or sleep in a reasonable fashion. (FAVC ¶ 152) (FAVC ¶ 36)
- 28

- 1 26. On June 18th, 2022, Kearney conspired to deter by threat and intimidation, and to
2 hamper my ability to present an effective case in federal court (U.S. 22-5133) Rian
3 G. Waters, Petitioner V. Facebook, Inc., et al.) (FAVC ¶ 154)
- 4 27. On June 18th, 2022, Kearney publicly sent heinous threats to Cristina
5 Yakimowsky because she released screenshots indicating he orchestrated the
6 November 19th threats. (FAVC ¶ 63-64)(Exhibit A and D)
- 7 28. Kearney's June 18th threats are like a dog whistle for his followers, and with a
8 unity of purpose and understanding Kearney intentionally sent the threats to incite
9 his followers to cause harm and deter witnesses from participating. (FAVC ¶ 155)
- 10 29. Kearney conspired with WDM by conspiratorial design, in that he intentionally
11 weaponized WDM's social media profiles, so that his followers would routinely
12 harass whoever he targeted. (FAVC ¶ 156)
- 13 30. Kearney conspired with WDM by conspiratorial design, in that he used the assets
14 of a defunct company for the purpose of making it difficult for a plaintiff to hold
15 him liable and reach the assets. (FAVC ¶ 157)
- 16 31. Kearney's June 18th, 2022, threats violated due process rights by preventing me
17 from focusing on, and fairly addressing the merits of my Petition for a writ of
18 certiorari, which is a rare opportunity wasted. (FAVC ¶ 158)
- 19 32. No court or party has ever provided an intelligible reason for denying the 42
20 U.S.C. 1985(2)(i) claim in that case, if it was safe for me to have an attorney or
21 witnesses, I undoubtedly would have won. (FAVC ¶ 159) infra pg 15
- 22 33. Preoccupation with Kearney's threats caused physical harm and mental anguish
23 by stressing my adjustment disorder and preventing me from reasonably sleeping,
24 eating, working, and enjoying the blessings of life. (FAVC ¶ 160)
- 25 34. Facebook was made legally aware of their codefendants' toxic background and
26 the details of the November 19th, 2021, and other 42 usc 1985 conspiracies
27 through their attorneys. (FAVC ¶ 163; 21) (Exhibit F 1-3)
- 28

35. With reasonable diligence Facebook could have uncovered the November 19th conspiracy and stopped its effects, and disincentivized Kearney's retaliation by confirming Cristina Yakimowsky's evidence was genuine before the conspiracy caused significant harm. (FAVC ¶ 164; 166)

36. Facebook could have prevented Kearney's conspiracies by not giving Kearney special privileges to post more toxic stuff than normal people without consequences. (FAVC ¶ 165)

37. My life would not have been consumed with holding Kearney accountable for his crime if Facebook used reasonable diligence. (FAVC ¶ 167)

Advancing the trial is necessary to repair the status quo.

The conspiracies of the Defendants have led me to a state of extreme poverty, which gravely impedes my ability to effectively fight the case and places me in a position of desperation that precludes fair settlement negotiations. Witness intimidation is rife and unchecked, denying me the opportunity to retain legal representation or depose and converse with witnesses in a just and equitable manner. I am disinclined to prosecute this case pro se, so I beseech the court to ensure the safety of any attorney who would take the case. Once Aidan Kearney is found liable for Counts I & II, he will have no further leverage or incentive to obstruct the proceedings, which I contend will result in a greater degree of safety for witnesses than any injunction could ever provide.

To ensure the provision of due process, this court is obligated to rectify the current status quo. The requested relief is the most straightforward means of expeditiously and equitably mending the damage caused by civil rights conspiracies and forestalling any ensuing due process violations in this court. It would likewise contravene my due process rights to endorse evident threats that infringe upon my constitutional rights without providing me with a justifiable basis for such actions.

TRO/ Preliminary Injunction Standard

1 “[T]he legal standards applicable to TROs and preliminary injunctions are
2 substantially identical.” State v. Trump, 847 F.3d 1151, 1159 n.3 (9th Cir. 2017)

3 “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed
4 on the merits, that he is likely to suffer irreparable harm in the absence of preliminary
5 relief, that the balance of equities tips in his favor, and that an injunction is in the public
6 interest.” American Trucking v. City of Los Angeles, 559 F.3d 1046, 1052 (9th Cir. 2009)

7 Alternatively, under the sliding scale approach, “a stronger showing of one element
8 may offset a weaker showing of another. For example, a stronger showing of irreparable
9 harm to plaintiff might offset a lesser showing of likelihood of success on the merits.”
10 Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131 (9th Cir. 2011) when
11 (“serious questions going to the merits were raised and the balance of hardships tips
12 sharply in plaintiffs favor.”)

13 The only apparent difference in standards for TROs, is that TROs, “should be
14 restricted to serving their underlying purpose of preserving the status quo and preventing
15 irreparable harm just so long as is necessary to hold a hearing, and no longer.” Reno Air
16 Racing Ass’n., Inc. v. McCord, 452 F.3d 1126, 1131 (9th Cir. 2006)

17 **Absent relief I will suffer irreparable harm**

18 Under the current circumstances abstention would run afoul with the due process
19 clause of the 14th Amendment, as Kearney has a pattern of intentionally stressing my
20 adjustment disorder before court hearings, Affidavit at 5 (FAVC ¶ 59-63 ¶ 36 ¶ 50,) and
21 Kearney has made it abundantly clear that I cannot safely have witnesses absent relief,
22 and that he will keep attacking my witnesses until a court intervenes. “I will not stop until
23 you beg for mercy, and then I’m going to do it twice as much, you’re gonna feel the way
24 I felt when I was in my garage when I wanted to kill myself.” FAVC ¶ 63 see also (FAVC
25 ¶ 31, ¶ 58, ¶ 59, ¶ 60 ¶ 67, ¶ 68) “[P]ast wrongs are evidence bearing on whether there is
26 real and immediate threat of repeated injury.” Blum v. Yaretsky, 457 U.S. 991, 1001
27 (1982) citation omitted “[A]n eventual trial that reflects witness intimidation or jury
28

1 tampering is as bad as not trial at all.” United States v. Acevedo-Ramos, 755 F.2d 203,
2 206 (1st Cir. 1985)

3 The last time Kearney and I held a deposition Kearney harassed me before, after, and
4 during the deposition. (Affidavit at 3) Kearney’s outbursts while I was asking questions
5 caused the deponent to cry and ask to stop the deposition. (Affidavit at 4) Taking
6 testimony in court is the only way for me to have a deposition without unreasonably
7 obstructive harassment.

8 Without relief lawyers will continue to be too scared to represent me, witnesses will
9 have trouble giving their best testimony, and preoccupation with Kearney’s harassment
10 would/will prevent me from being able to effectively prosecute Meta’s claims.

11 “The right to meaningful opportunity to be heard within limits of practicality must be
12 protected against denial by particular laws that operate to jeopardize it for particular
13 individuals.” Boddie v. Connecticut, 401 U.S. 371, 91 S. Ct. 780, 28 L. Ed. 2d 113 (1971)
14 (“Due process requires, at minimum, that absent countervailing state interest of
15 overriding significance, persons forced to settle their claims of right and duty through the
16 judicial process must be given meaningful opportunity to be heard.” i.d.)

17 “[T]he constitutional violation alone, coupled with the damages incurred, can suffice
18 to show irreparable harm.” American Trucking v. City of Los Angeles, 559 F.3d 1046,
19 1058 (9th Cir. 2009) (“constitutional violations cannot be adequately remedied through
20 damages”) id., at 1059

21 If this court rules in my favor without any protection, Kearney is likely to scrutinize
22 and misrepresent your judicial history, portraying you as an evil entity to cause his
23 followers to file judicial complaints and attempt to get you fired. (FAVC 81) If I win final
24 relief, Kearney may even resort to sexualizing any children he can find in your family,
25 like he did to Katherine Peter. Allowing his routine carnival tactics would clearly create
26 unfair pressure on this court to be biased.

1 Lastly my health is being destroyed by these conspiracies requiring action one way or
2 another. (Affidavit 6-7)

3 **Likelihood of success on the merits**

4 I do not have space to argue the merits of Section 1983, and I pray that this motion
5 will make it safe to get a lawyer to plead and argue that claim. “A party may set out 2 or
6 more statements of a claim... If a party makes alternative statements, the pleading is
7 sufficient if any one of them is sufficient.” FED. R. CIV. P. 8(d)(2)-(3) The Supreme
8 Court confirmed after Twombly that “a pro se complaint, however inartfully pleaded,
9 [still] must be held to less stringent standards than formal pleadings drafted by lawyers”
10 Erickson v. Pardus, 551 U.S. 89, 94 (2007)

11 **1985(2) Legal Standard**

12 “Section 1985(2), in relevant part, proscribes conspiracies ‘to deter, by force,
13 intimidation, or threat, any party or witness in any court of the United States from
14 attending such court, or from testifying to any matter pending therein, freely, fully, and
15 truthfully, or to injure such party or witness in his person or property on account of his
16 having so attended or testified.’ If one or more persons engaged in such a conspiracy ‘do,
17 or *cause* to be done, any act in furtherance of the object of such conspiracy, ... the party
18 so injured ... may have an action for the recovery of damages occasioned by such an injury
19 ... against *any one* or more of the conspirators.’” Head v. Wilkie, 936 F.3d 1007, 1010
20 (9th Cir. 2019) quoting 42 U.S.C. § 1985(2) and 42 U.S.C. § 1985(3) emphasis added

21 The First Circuit agreed with District Court judge Mastroni, that Kearney was free to
22 conspire and send rape and murder threats because, “Plaintiff’s claim for a conspiracy in
23 violation of 42 U.S.C. § 1985 fails because he does not allege any facts supporting an
24 agreement by the parties to deprive him of equal protection of the law based on his
25 membership in a protected class.” Waters v. Facebook, Inc., No. CV 20-30168-MGM,
26 2021 WL 3400607, at *2 (D. Mass. May 11, 2021) However. “[t]here is no such
27 requirement in an action alleging the denial of access to federal court under the first clause
28

1 of section 1985(2).” Portman v. County of Santa Clara, 995 F.2d 898, 909 (9th Cir. 1993)
2 quoting Kush v. Rutledge, 460 U.S. 719, 726, 103 S.Ct. 1483, 1487, 75 L.Ed.2d 413
3 (1983)

4 While the KKK Act was introduced in the house, the provision for protection of
5 parties and witnesses was introduced in the Senate. Sen Edmunds Cong. Globe, 42d
6 Cong., 1st Sess., 567 (1871) (“The House had made no provision for punishing a
7 conspiracy to hinder any person who was obliged to resort to the [federal] courts for
8 redress, but they had undertaken to make provision for securing the witnesses and the
9 jurors. It appeared to us that it would be a somewhat singular course of legislation to
10 afford no protection to parties who had been hindered and oppressed and who were
11 undertaking to resort to the judiciary for their protection, while we undertook to protect
12 the agencies through which that protection was to be obtained, leaving the conspirators
13 to conspire against the life of the party; and if they should succeed in that conspiracy there
14 would be no occasion for them to conspire against his liberties, for he would be dead and
15 gone.”) Now I am dying. (Affidavit at 6-7)

16 **Meta Kearney Conspiracy**

17 A conspiratorial agreement between Kearney and Facebook can be inferred because
18 Kearney discussed paying for a guarantee that his accounts would not be suspended with
19 two Facebook employees. (FAVC ¶ 16; FAVC ¶ 146) Facebook was legally aware that
20 Kearney was breaking several of their rules that they said were meant for safety, FAVC
21 ¶ 29, and with that knowledge Facebook emboldened Kearney by allowing him to
22 continue to post after his accounts were suspended. FAVC ¶ 18-19 Therefore, Facebook
23 acted with deliberate indifference by “recognize[ing] an unreasonable risk and actually
24 intended to expose [the Plaintiff] to such risks without regard to the consequences.”
25 Hernandez v. City of San Jose, 897 F.3d 1125, 1135 (9th Cir. 2018)

26 With consideration to the surrounding circumstances and timing, Facebook’s
27 decisions to delete my Facebook account shortly after the November 19th conspiracy,
28

(FAVC ¶ 22) and decision to oppose a two-minute investigation into Kearney’s heinous crimes, (FAVC ¶ 26) justifies an inference of agreement and complicity. FAVC ¶ 147-49

“A defendant's knowledge of and participation in a conspiracy may be inferred from circumstantial evidence and from evidence of the defendant's actions.” *Gilbrook v. City of Westminster*, 177 F.3d 839, 856-57 (9th Cir. 1999) “[W]hen the entire sequence of events in the complaint is considered in context, what might otherwise appear to have been coincidental parallel conduct on its own becomes ‘suggestive of illegal conduct’ and is thus sufficient to survive a motion to dismiss.” *Park v. Thompson*, 851 F.3d 910, 929 n.22 (9th Cir. 2017) “[A]n act done for a legitimate purpose in furtherance of a conspiracy may, together with other evidence, be evidence of a conspiratorial purpose.” *United Steelworkers of Am. v. Phelps Dodge*, 865 F.2d 1539, 1547 (9th Cir. 1989) “Even evidence of a slight connection to the conspiracy is sufficient to convict a defendant of knowingly participating in an established conspiracy.” *U.S. v. Ortega*, 203 F.3d 675, 684 (9th Cir. 2000) “To be liable, each participant in the conspiracy need not know the exact details of the plan, but each participant must at least share the common objective of the conspiracy.” *Mendocino Env’t Ctr. v. Mendocino Cty.*, 192 F.3d 1283, 1302 (9th Cir. 1999) Facebook obviously wanted to win the lawsuit even at the cost of my health and due process rights. Notably Facebook would be an accessory after the fact if they had reason to believe that I sent the threats but still deleted my account. 18 U.S. Code § 3; Penal Code § 32 FAVC ¶ 138

Meta integral participant

Facebook knew that Kearney would send heinous threats to my witnesses if they didn’t confirm her evidence, (FAVC ¶ 31-33, FAVC ¶ 58, FAVC ¶ 67, FAVC ¶ 118-9) and they knew that the threats would stress my adjustment disorder causing sleep disturbances and preoccupation. (FAVC ¶ 121) The Ninth Circuit permits liability under the integral-participant doctrine when “(1) the defendant knows about and acquiesces in the constitutionally defective conduct as part of a common plan with those whose conduct

1 constitutes the violation or (2) the defendant sets in motion a series of acts by others which
2 the defendant knows or reasonably should know would cause others to inflict the
3 constitutional injury.” Peck v. Montoya, 51 F.4th 877, 889 (9th Cir. 2022)

4 Facebook changed their product design making it impossible to provide details and
5 context to reports of violations to their Terms of Service, which helped cause
6 constitutional violations by making it impossible to address the issues before the harm
7 takes place. FAVC ¶ 181

8 Facebook knew that Kearney’s and WDM’s public shaming and conspiracies were
9 dependent on Facebook for reach and effect at all times relevant to the complaint. FAVC
10 ¶ 23, ¶ 24, ¶ 27, ¶ 147

11 Additionally, Facebook had over 7 months to admit Yakimowsky’s evidence was
12 genuine before the June 18th threats. FAVC ¶ 150 “We apply the deliberate-indifference
13 standard when officials had ample time to correct their obviously wrongful conduct” Peck
14 v. Montoya, 51 F.4th 877, 893 (9th Cir. 2022)

15 **Count 1 42 U.S.C. § 1985(2)(i)**

16 Kearney's involvement in the conspiracy has never been disputed, and if he possessed
17 any evidence that could exonerate him, I would be aware of it. It is irrefutable that he is
18 guilty. (Affidavit at 2) (FAVC ¶ 86, ¶ 89-91, ¶ 95, ¶ 97) See also, Rian Waters Vs. Aidan
19 Kearney, SJC-13373 (consolidated appeal of the State’s unintelligible refusal to issue a
20 criminal complaint over obvious undenied crimes.) The Court “may take judicial notice
21 of court filings and other matters of public record.” Reyn's Pasta Bella, LLC v. Visa USA,
22 Inc., 442 F.3d 741, 746 n.6 (9th Cir. 2006)

23 It can be inferred that Kearney sent the November 19th, 2021, threats, because
24 Kearney privately sent his conspirators screenshots of the fake threats and asked his
25 coconspirators to privately send him screenshots of the fake threats so he could use them
26 and act like he found the threats innocently. (Exhibit A 1-2) (FAVC ¶ 46) Kearney was
27 worried the plan failed after the profile was taken down, but coconspirator Cris Gagne
28

1 had already gotten screenshots. (Exhibit A 2) (FAVC ¶ 47) According to Kearney the
2 fake profile was up for about 15 minutes before someone reported it, and coconspirator
3 Laura hakes correctly presumed it was me. (Exhibit G1) (FAVC ¶ 48) These statements
4 are plainly admissible under the hearsay exception 801(d)(2)(E).

5 Kearney tried to keep his conspirators abreast by telling them that there was nothing
6 to worry about because “I’m the one who did it.” (Exhibit D 3) (FAVC ¶ 55)
7 “[S]tatements made to keep coconspirators abreast of an ongoing conspiracy's activities
8 satisfy the ‘in furtherance of’ requirement” of 801(d)(2)(E). U.S. v. Williams, 989 F.2d
9 1061, 1068 (9th Cir. 1993)

10 It can be inferred that Kearney sent the November 19th, 2021, threats, because the
11 conspiracy happened the same day that he defaulted in the First Circuit. FAVC ¶ 35 "The
12 timing of the defendant's actions makes it more, rather than less, likely that he was trying
13 to intimidate the witness." Commonwealth v. Robinson, 444 Mass. 102, 109, 825 N.E.2d
14 1021 (2005).

15 Even assuming arguendo that Kearney has been hiding exculpatory specific facts
16 proving that he did not send the threats, Aidan Kearney definitely conspired by presenting
17 evidence that he knew to be fabricated and giving perjured oral testimony in attempt to
18 mislead the judge into thinking that I threatened to rape and murder his children. FAVC
19 ¶ 50-53 “[I]n this case involving direct evidence of fabrication, Plaintiff was not required
20 to show that [the Defendants] actually or constructively knew that he was innocent.”
21 Spencer v. Peters, 857 F.3d 789, 800 (9th Cir. 2017)

22 There is a long-documented pattern of Kearney sending threats and intimidating
23 witnesses, (FAVC passim) and Kearney says attacking children is the best way to get pro
24 se litigants to drop lawsuits. FAVC ¶ 31

25 **Count 2 42 U.S.C. § 1985(2)(i)**

26 Aidan Kearney knew that I was going to try to get the Supreme Court to appeal the
27 First Circuit’s refusal to investigate the Count I conspiracy in my Petition for Writ of
28

1 Certiorari, FAVC ¶ 116, ¶ 120-121, which Cristina Yakimowsky was a primary witness
2 for. Cristina Yakimowsky had shared screenshots from her perspective because she did
3 not like Kearney hurting people. FAVC ¶ 57 But Kearney’s threats successfully scared
4 her into not being willing to testify without a subpoena, and Kearney knew when he sent
5 the threats that it would prevent me from presenting an effective case in the Supreme
6 Court. FAVC ¶ 121, ¶ 140

7 Even assuming arguendo that Meta is cleared from liability as a conspirator, Kearney
8 at a minimum conspired with WDM by conspiratorial design, in that he intentionally
9 weaponized WDM, so that his followers would routinely harass whoever he targeted, and
10 that Kearney did the conspiracy using WDM’s assets knowing that as a defunct company
11 it would be difficult for a plaintiff to hold him liable and reach the assets. FAVC ¶ 65, ¶
12 66, ¶ 68 ¶ 156-57

13 **42 U.S.C. § 1986 Legal Standard**

14 “Every person who, *having knowledge* that any of the wrongs conspired to be done,
15 and mentioned in section 1985 of this title, are about to be committed, *and having power*
16 *to prevent or aid in preventing* the commission of the same, *neglects or refuses* so to do,
17 if such wrongful act be committed, shall be liable to the party injured, or his legal
18 representatives, for all damages caused by such wrongful act, which such person by
19 reasonable diligence could have prevented...” 42 U.S.C. § 1986

20 Right before the House voted for the bill, Mr. Garfield stated, “[t]he last, section of
21 the bill, as reported by this conference committee, it is made the *duty of all citizens* to aid
22 in repressing these outrages; and any citizen knowing that an outrage is threatened, and
23 not aiding to prevent it, is made liable for the wrong, and damages done.” Cong. Globe,
24 42d Cong., 1st Sess., 807 (1871) emphasis added.

25 **Meta’s Knowledge**

26 FB was a codefendant with Kearney in *Waters v. Facebook, Inc., et al.* (21-civil-
27 01582) (FAVC ¶ 20) “[A] corporation is a ‘person’” *Lacey v. Maricopa Cnty.*, 693 F.3d
28

1 896, 919 n.9 (9th Cir. 2012) FB was made legally aware of their codefendants’ toxic
2 background of harming opposing lawyers, plaintiffs, and witnesses, (FAVC ¶ 30-33) and
3 that Kearney was flagrantly breaking several rules that were made for safety. FAVC ¶ 29
4 FB also knew the details of the November 19th, 2021, conspiracy, (Exhibit F 1)(FAVC ¶
5 21) not through their role as a publisher but through their attorneys. “Each party to
6 litigation is deemed bound by the acts of his attorney-agent and is considered to have
7 notice of all facts, notice of which can be charged upon the attorney.” Link v. Wabash R.
8 Co., 370 U.S. 626, 627 (1962)

9 FB was also legally aware that Kearney’s harassment caused me to have an adjustment
10 disorder, (FAVC ¶ 36, 121) which caused sleep disturbances and preoccupation.

11 **Meta’s power to prevent**

12 FB could have prevented Kearney’s conspiracies by not opposing investigations
13 (FAVC ¶ 26; FAVC ¶ 149) and FB could have stopped giving Kearney special privileges
14 to post more toxic stuff than normal people without consequences. (FAVC ¶ 16-19;
15 FAVC ¶ 146) Facebook could have prevented significant harm to me and my witnesses
16 if they confirmed Cristina Yakimowsky’s evidence was genuine any time before June
17 18th, 2022. (FAVC ¶ 166)

18 **§ 1985(2)/ § 1986 damages**

19 These conspiracies stressed my adjustment disorder causing extreme preoccupation
20 and prevented me from fairly addressing the merits for First Circuit case, 21-1582 and
21 Supreme Court case U.S. 22-5133. The conspiracies violated my due process rights and
22 caused mental anguish and community intimidation by confirming that it was too
23 dangerous to have witnesses without protection. FAVC ¶ 151-152, ¶ 158-160, ¶ 167-168
24 The Defendants’ acts critically stressed my adjustment disorder making me unable to
25 work, eat, or sleep in a reasonable fashion, which by extension I believe these actions
26 shortened my life by at least ten years. (Affidavit 6-7) “[T]he Supreme Court later held
27 in Haddle that interference with a plaintiff’s employment—which has no relationship to
28

1 or impact on the underlying litigation for which he was subpoenaed to testify—is a
2 cognizable injury under section 1985(2)” *Head v. Wilkie*, 936 F.3d 1007, 1012 (9th Cir.
3 2019) (FAVC 113-114)

4 **Section 230 is useless for these claims**

5 “[R]egardless of the type of claim brought, [the court] focus on whether the duty the
6 plaintiff alleges stems from the defendant's status or conduct as a publisher or speaker.”
7 *Lemmon v. Snap, Inc.*, 995 F.3d 1085, 1091 (9th Cir. 2021) emphasis added. In this case
8 Facebook was a codefendant, so “the website provider was alleged to have known
9 independently of the ongoing scheme beforehand, the CDA d[oes] not bar [the] action”
10 *Homeaway.Com, Inc. v. City of Santa Monica*, 918 F.3d 676, 682 (9th Cir. 2019)
11 “Though the defendant did, in its business, act as a publisher of third-party content, the
12 underlying legal duty at issue did not seek to hold the defendant liable as a ‘publisher or
13 speaker’ of third-party content.” i.d.,

14 *Meta Platforms INC.*, is empowered with federal law by Section 230, as they would
15 not have thought they could violate constitutional rights at all, let alone on this scale
16 without the federal provided power. (FAVC ¶ 34, 190) The Constitution does not have
17 exceptions that says the government can only violate constitutional rights if billion-dollar
18 companies create an undetectable back-door. “Section 1983 creates a species of tort
19 liability that, on its face, admits of no immunities.” *Wyatt v. Cole*, 504 U.S. 158, 163
20 (1992) citation omitted. “The constitution is superior to any ordinary act of the legislature,
21 the constitution, and not such ordinary act, must govern the case to which they both
22 apply.” *Marbury v. Madison*, 5 U.S. 137, 178 (1803) “The Supremacy Clause provides
23 that: ‘This Constitution, and the Laws of the United States which shall be made in
24 Pursuance thereof... shall be the supreme Law of the Land...’” *American Trucking v.*
25 *City of Los Angeles*, 559 F.3d 1046, 1053 (9th Cir. 2009) quoting U.S. Const. art. VI, cl.
26 2. “[S]tate courts have the solemn responsibility equally with the federal courts to
27
28

1 safeguard constitutional rights.” Burt v. Titlow, 571 U.S. 12, 19, 134 S. Ct. 10, 15, 187
2 L. Ed. 2d 348 (2013)

3 “A statute or a rule may be held constitutionally invalid as applied when it operates
4 to deprive an individual of protected right although its general validity as measure enacted
5 in the legitimate exercise of state power is beyond question.” Boddie v. Connecticut, 401
6 U.S. 371, 91 S. Ct. 780, 28 L. Ed. 2d 113 (1971) “[E]very reasonable construction must
7 be resorted to, in order to save a statute from unconstitutionality.” Chapman v. United
8 States, 500 U.S. 453, 464, 111 S. Ct. 1919, 1927, 114 L. Ed. 2d 524 (1991) “When new
9 insight reveals discord between the Constitution's central protections and a received legal
10 stricture, a claim to liberty must be addressed.” Obergefell v. Hodges, 576 U.S. 644, 664,
11 135 S. Ct. 2584, 2598, 192 L. Ed. 2d 609 (2015)

12 Mr. Perce of the House predicted 150 years ago that Facebook would be invented, and
13 he thought the KKK act would hold it accountable. “What I do fear is, that the
14 [conservative] party of the North... *will invent some new and more terrible scourge* with
15 which to drive the people of the South lately enfranchised bodily into the ranks of the
16 [conservative] party. That they will do it if they can, without regard to the character of
17 the crime to be committed or the degree of violence to be used, I have not the slightest
18 doubt. It is our duty to prevent all crime and preclude the exercise of all violence, and by
19 wise and timely legislation, secure peace, tranquility, and quiet, accompanied by the free
20 and uninterrupted exercise of all the rights and duties appertaining to American citizens
21 throughout the entire country, without regard to the condition, race, or party affiliation of
22 the individual citizen.” Cong. Globe, 42d Cong., 1st Sess., 512 (1871)

23 “[N]o one has constitutional protection in engaging in organized crime or in corrupt
24 practices in government.” Sheridan v. Gardner, 347 Mass. 8, 17 (1964) “No conduct has
25 such an absolute privilege as to justify all possible schemes of which it may be a part. The
26 most innocent and constitutionally protected of acts or omissions may be made a step in
27 a criminal plot, and if it is a step in a plot neither its innocence nor the Constitution is
28

1 sufficient to prevent the punishment of the plot by law.” Aikens v. Wisconsin, 195 U.S.
2 194, 205-206 (1904)

3 **V. The balance of equities overwhelmingly favors plaintiff**

4 Aidan Kearney does not have a First Amendment right to intimidate witnesses and
5 deny my right to a fair trial. “The enumeration in the Constitution, of certain rights, shall
6 not be construed to deny or disparage others retained by the people.” Ninth Amendment

7 “Reasonable time, place, and manner regulations are permissible, and a content-based
8 prohibition must be narrowly drawn to effectuate a compelling state interest.” Perry Educ.
9 Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37, 38 (1983)

10 My health is systemically failing from malnutrition and sleep deprivation because of
11 these conspiracies. (Affidavit at 6) I cannot afford, and I am not willing to participate in
12 another charade where Kearney gets to prevent me from having witnesses and a lawyer,
13 and then the court denies me without a legitimate reason, if I don't get an urgent sign of
14 justice, pursuant to Mass. Const. pt. 1 art. I., I will epically rely on necessary measures to
15 settle all of my disputes. (Affidavit 8-9)

16 **VI. Relief is in the public's interest.**

17 Unchecked “instances of witness intimidation create the perception that the law
18 cannot protect its citizens and thereby undermines public confidence in the police and
19 government. If individuals believe that they cannot be adequately protected, they are less
20 likely to cooperate with the police,” (and Plaintiff’s) “which in turn impedes the ability
21 of the police to gather evidence in attempt to stop criminal behavior. Thus, the cycle is
22 vicious and invidious... Each instance of witness intimidation by gang violence or threat
23 of violence reinforces the perception that cooperation with the criminal justice system is
24 dangerous.”¹

25
26
27

¹ ARTICLE: Balancing the Anonymity of Threatened Witnesses Versus a Defendant's Right
28 of Confrontation: The Waiver Doctrine After Alvarado, 39 San Diego L. Rev. 1165, 1195-6

1 “The public welfare demands that the agencies of public justice be not so impotent
2 that they must always be mute and helpless victims of deception and fraud.” Hazel-Atlas
3 Co. v. Hartford Co., 322 U.S. 238, 246 (1944)

4 A PEW research study “The State of Online Harassment” (January 2021) found that
5 41% of Americans have experienced online harassment, and 25% had experienced the
6 more extreme types of harassment “which encompasses physical threats, stalking, sexual
7 harassment and sustained harassment.” This number was up from 15% in 2014, and 18%
8 in 2017.

9 If this court denies the requested relief, Kearney will feel empowered to keep
10 attacking children, to send more threats like he did on June 18th, and to impersonate more
11 litigants and try to frame them for crimes like he did to me on November 19th.

12 This court's unintelligible refusal to grant relief, would further empower me with a
13 Mass. Const. pt. 1 art. I² Right, and affirmative defense against any civil or criminal
14 proceedings that are in response to measures that were necessary to resecure my safety
15 prosperity and happiness. “The U.S. Constitution was written against a background of
16 existing state constitutions, charters, and laws; indeed, it borrowed generously from those
17 constitutions. The U.S. Constitution did not displace such laws, U.S. Const. amend. X,
18 except where it did so expressly” Young v. Hawaii, 992 F.3d 765, 815 (9th Cir. 2021)

19 **VII. Conclusion, this court should urgently grant the requested relief**

20 **Signature**

21 /S/ Rian Waters

22 (530)739-8951 Watersrian@gmail.com Dated: 4/03/2022

23 _____
24 ² “All people are born free and equal and have certain natural, essential and unalienable
25 rights; among which may be reckoned the right of enjoying and defending their lives and
26 liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and
27 obtaining their safety and happiness...” which is almost the same as Sec. 1 of California’s
28 Declaration of Rights

1 I Rian Waters, Declare and state,

- 2 1. I have notified Aidan Kearney through email at
3 TurtleboySports@gmail.com, and he says, "I do not voluntarily give up
4 any of my rights to free speech and free press."
5 2. Kearney has defaulted on or left unopposed the Count I and Count II
6 allegations in at least four courts, and no court has addressed the
7 conspiracies on the merits, and neither Kearney nor any court has
8 stated intelligible argument/reason for why relief was denied.
9 3. The last time Kearney and I held a deposition Kearney harassed me
10 before, after, and during the deposition. April 15th 2022 (1879CV0344)
11 4. The deponent was casually answering questions before Kearney
12 arrived late, and Kearney's outbursts while I was asking questions
13 caused the deponent to cry and ask to stop the deposition until she
14 was able to obtain a lawyer. (I believe she did so because she knew if
15 she answered honestly that Kearney would treat her like he treats
16 me.)
17 5. Aidan Kearney has consistently harassed me on the days before court
18 hearings, which stresses my adjustment disorder preventing me from
19 fairly addressing the merits.
20 6. Lack of sleep and malnutrition as a result of the conspiracies is
21 causing systemic health issues, and the resulting poverty has made
22 me unable to seek medical care.
23 7. I have a half-done medical procedure that is unlikely to be completed
24 until Kearney can no longer threaten people that support me.
25 8. My daughter had a rare seizure disorder that I treated with cannabis
26 oil, which led me too pioneering the industrialization of cannabis oil
27
28

1 extraction in 2014 with a store-front in the center of Redding, and a
2 4,000 sq ft residence in Forest Glen CA.

3 9. I cannot afford any more Government abuse, and I am prepared to
4 exercise my Mass. Const. pt. 1 art. I right, and make the tactics in
5 Abbie Hoffman's "Steal this Book" seem amateur if the Government
6 fails to urgently secure my safety prosperity and happiness.

7 10. Aidan Kearney lives at 111 Mason rd. Jefferson MA 01522

8 11. Cristina Yakimowsky's last known address is 9 Hollis street
9 Uxbridge, ma 01569
10

11 I Rian Waters swear that all the above statements are true and accurate,
12 under the pains and penalties of perjury.

13 /s/ Rian Waters 4/3/2023

14 WatersRian@gmail.com
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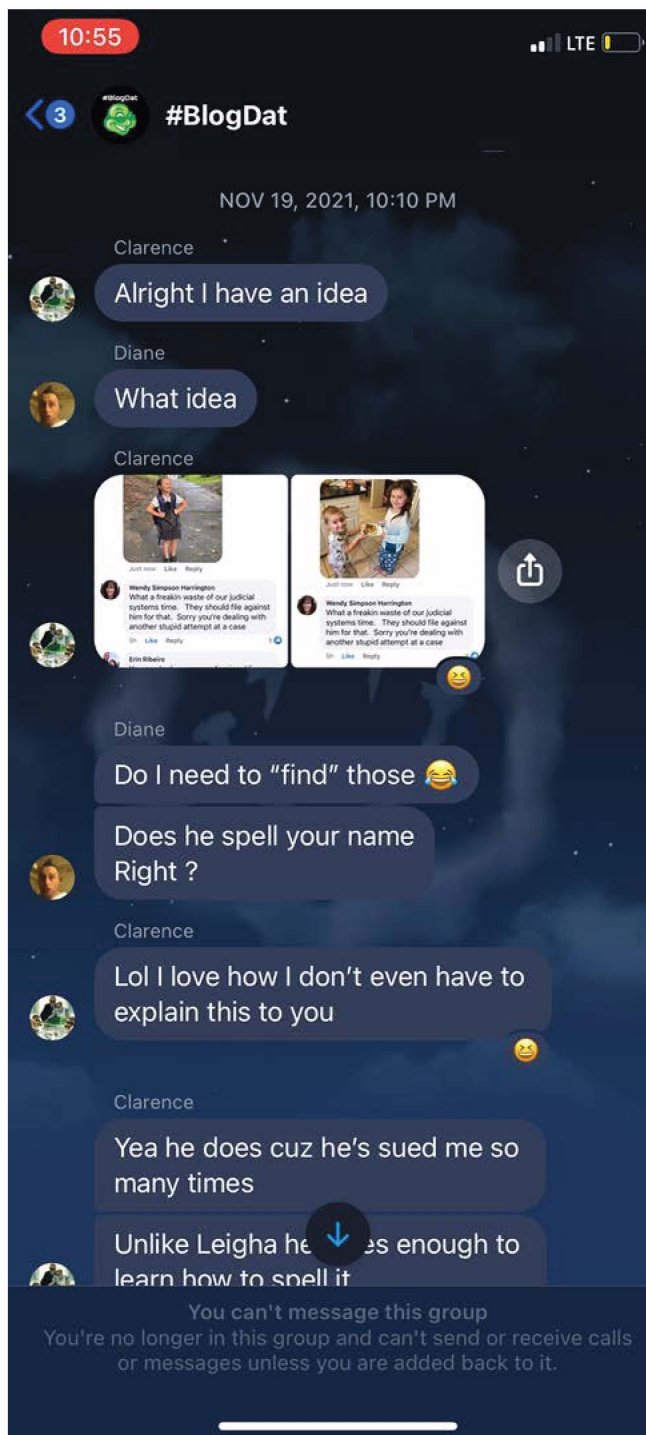
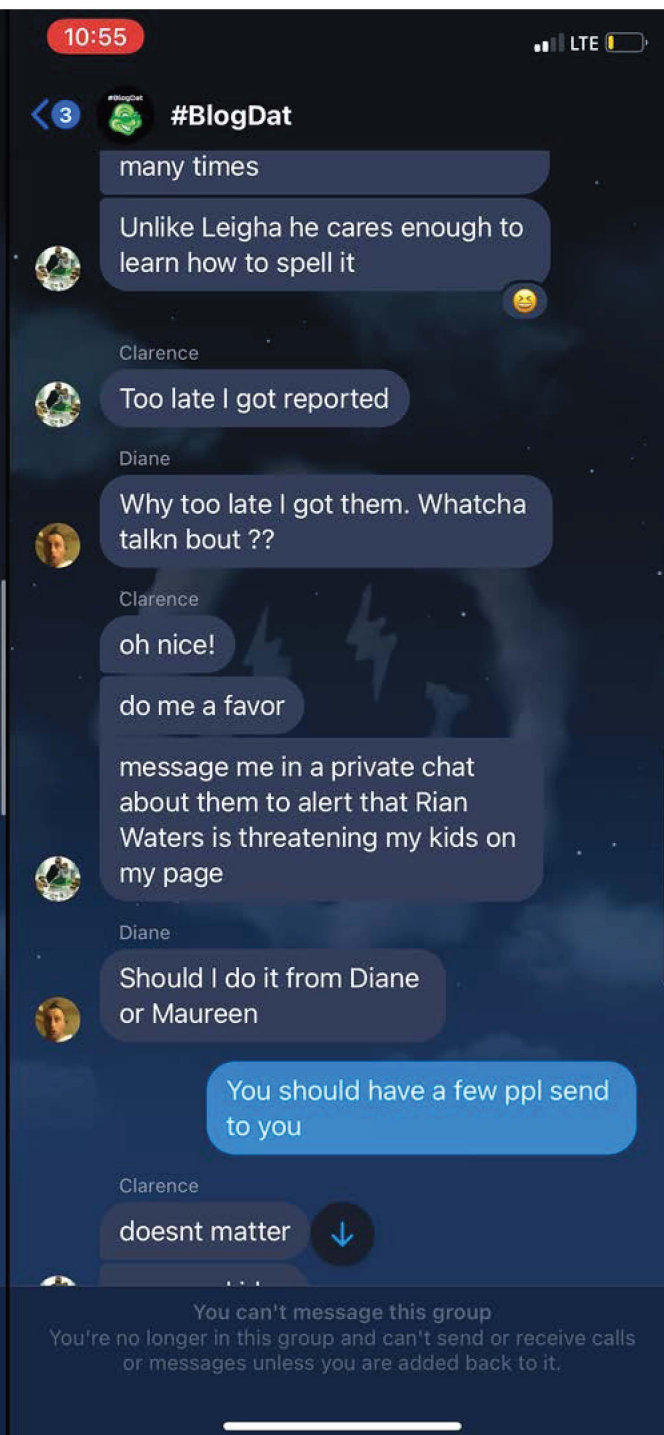


EXHIBIT A 01



02

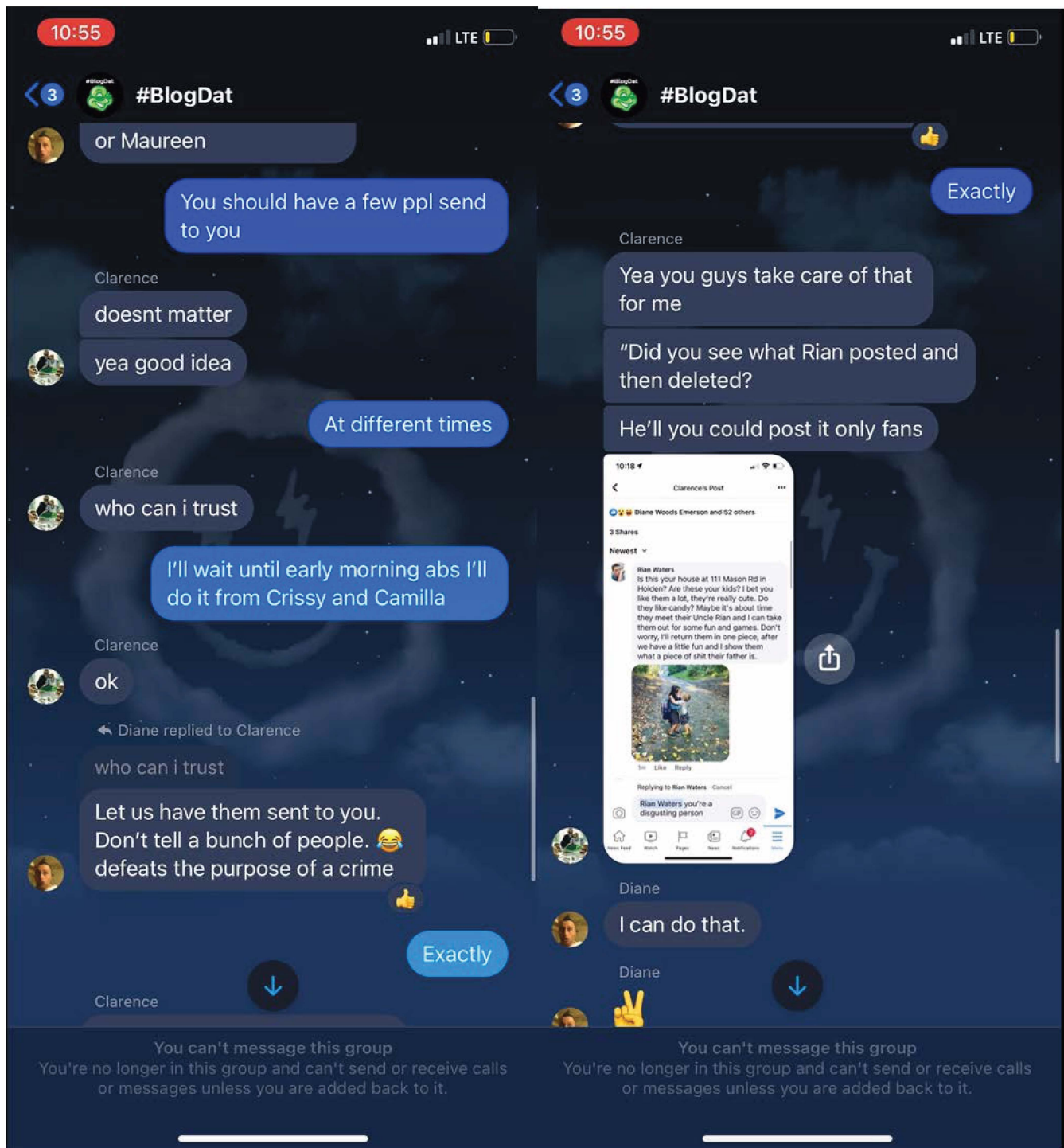


EXHIBIT A 03

04

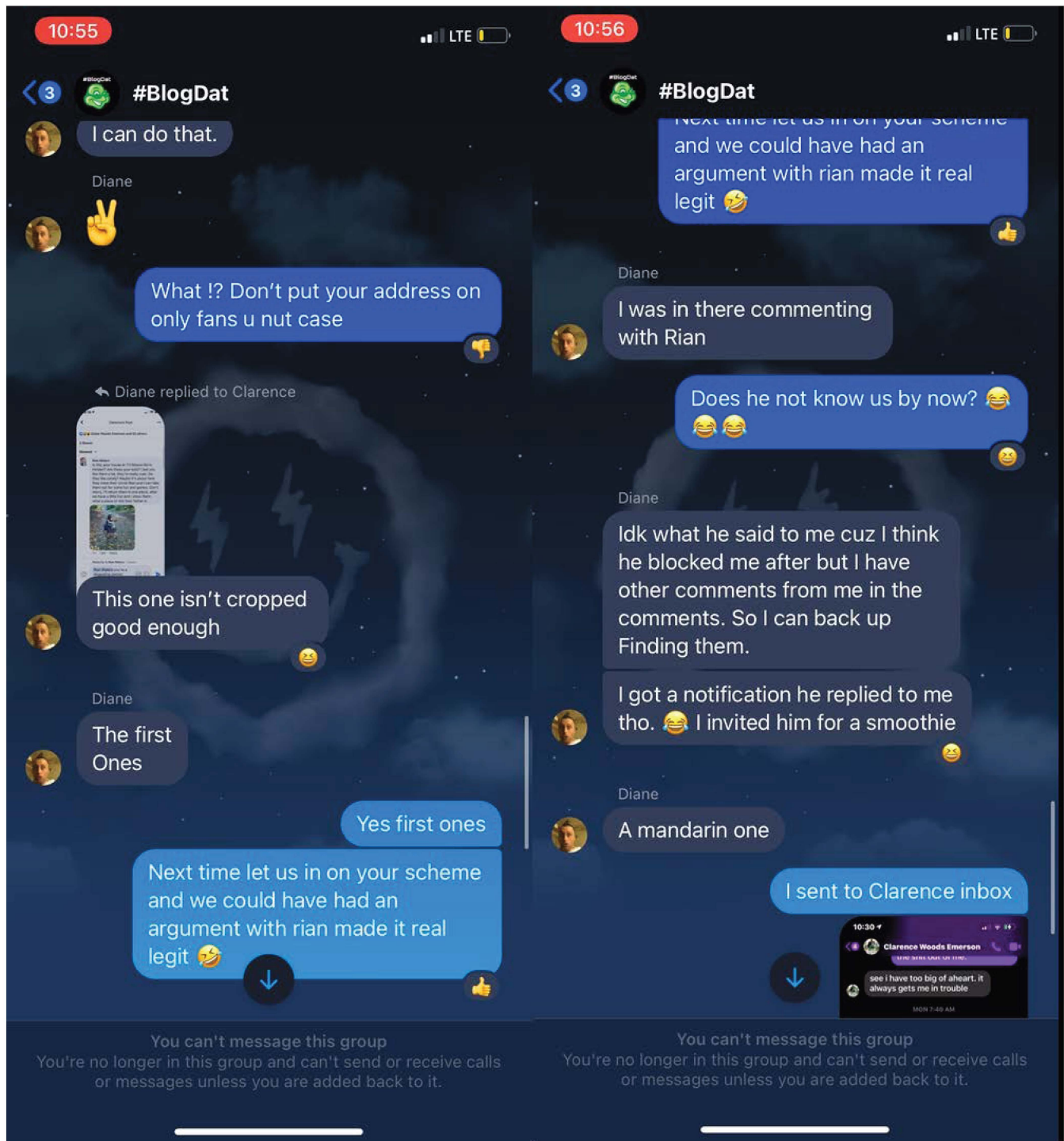


EXHIBIT A 05

06

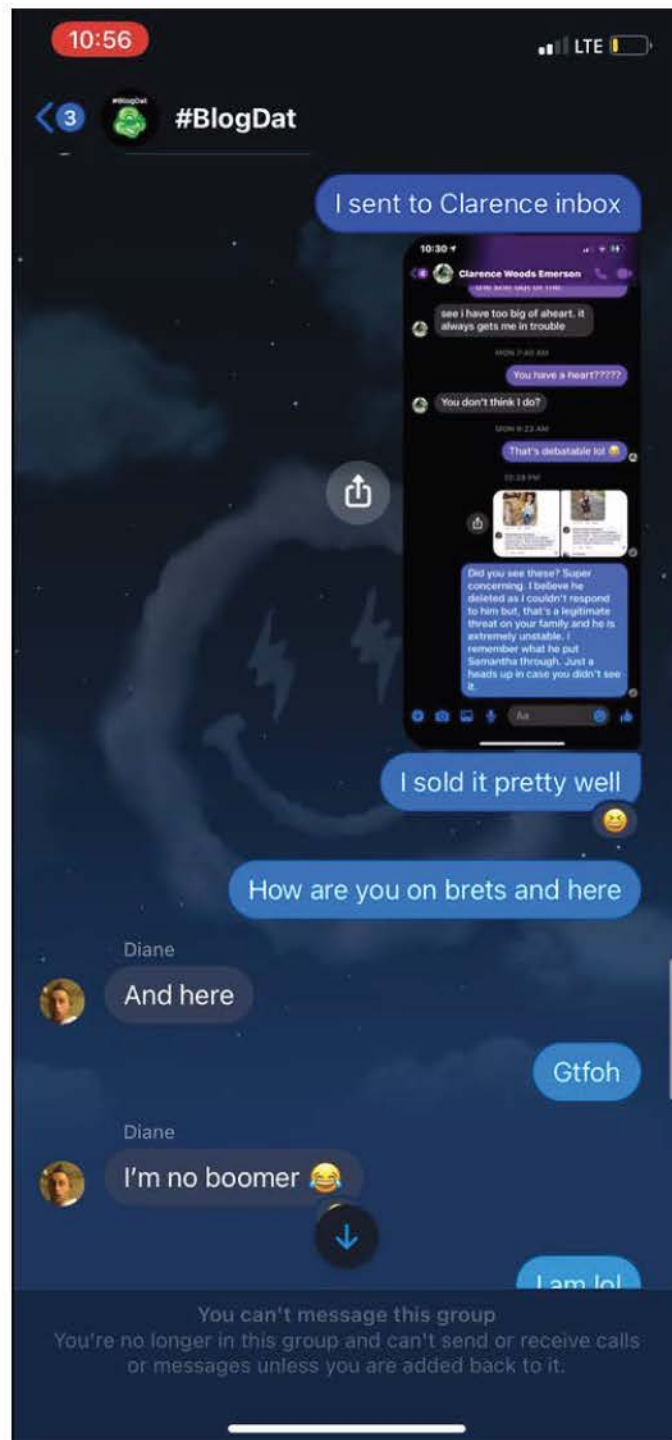


Exhibit A 07

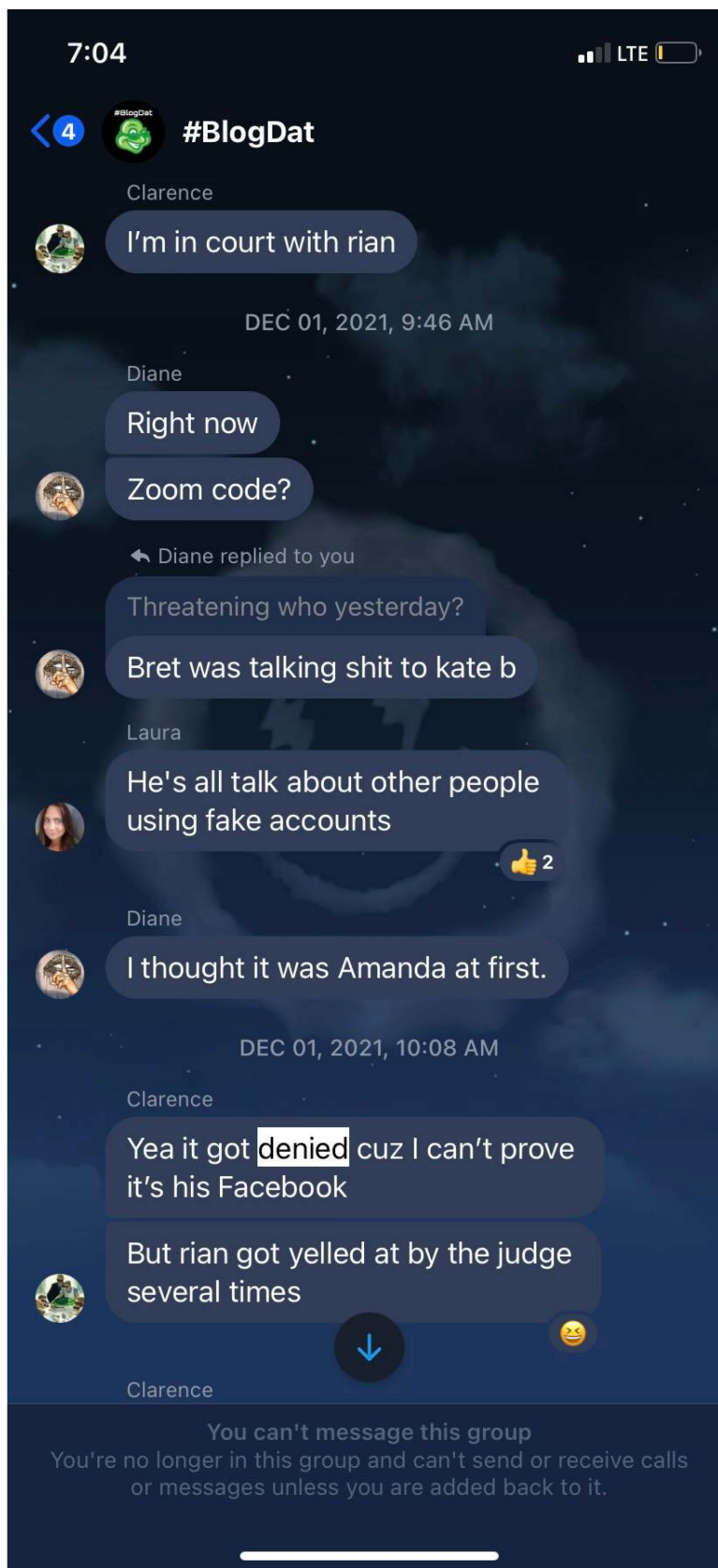


Exhibit B

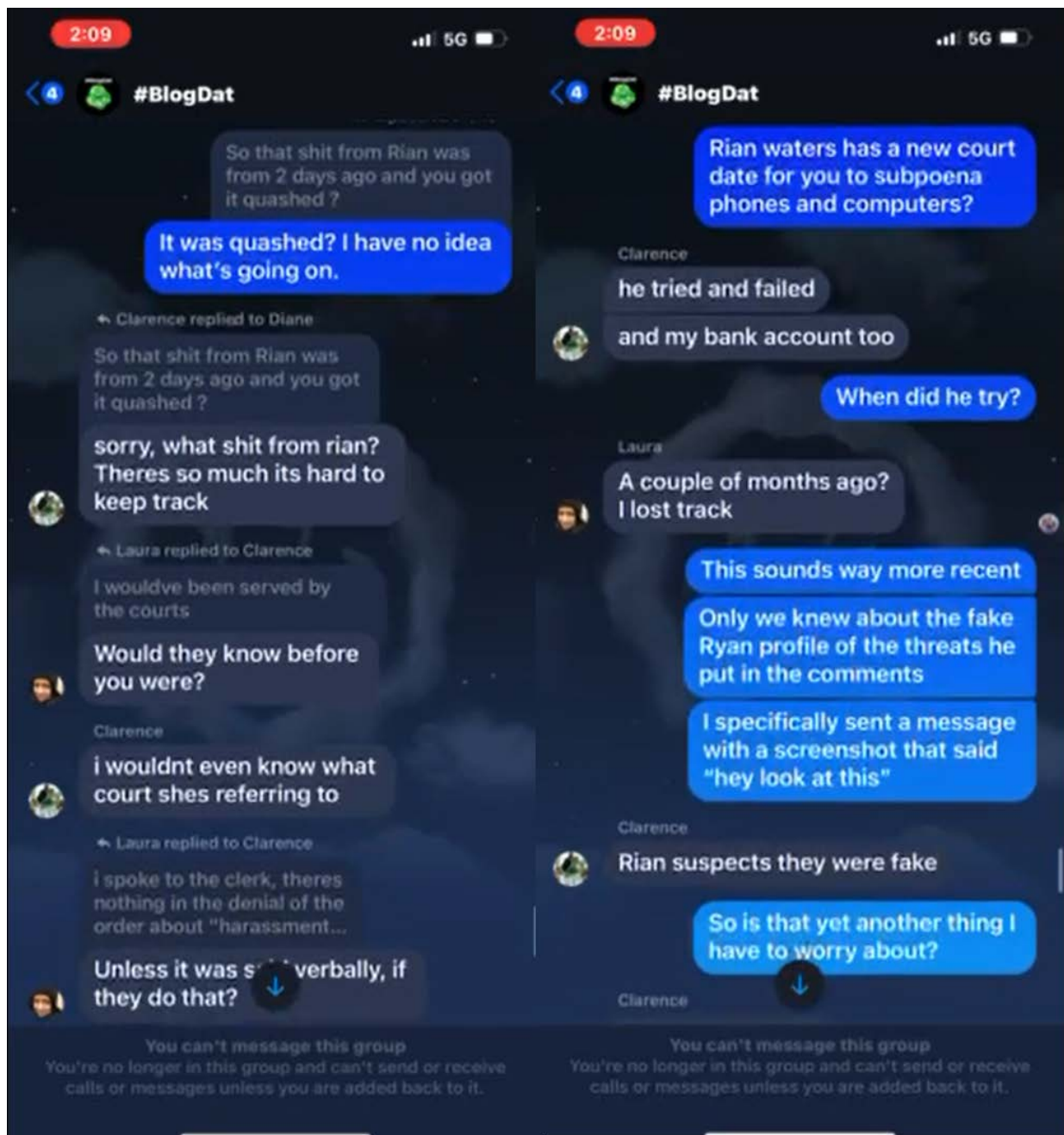


Exhibit D 01

02

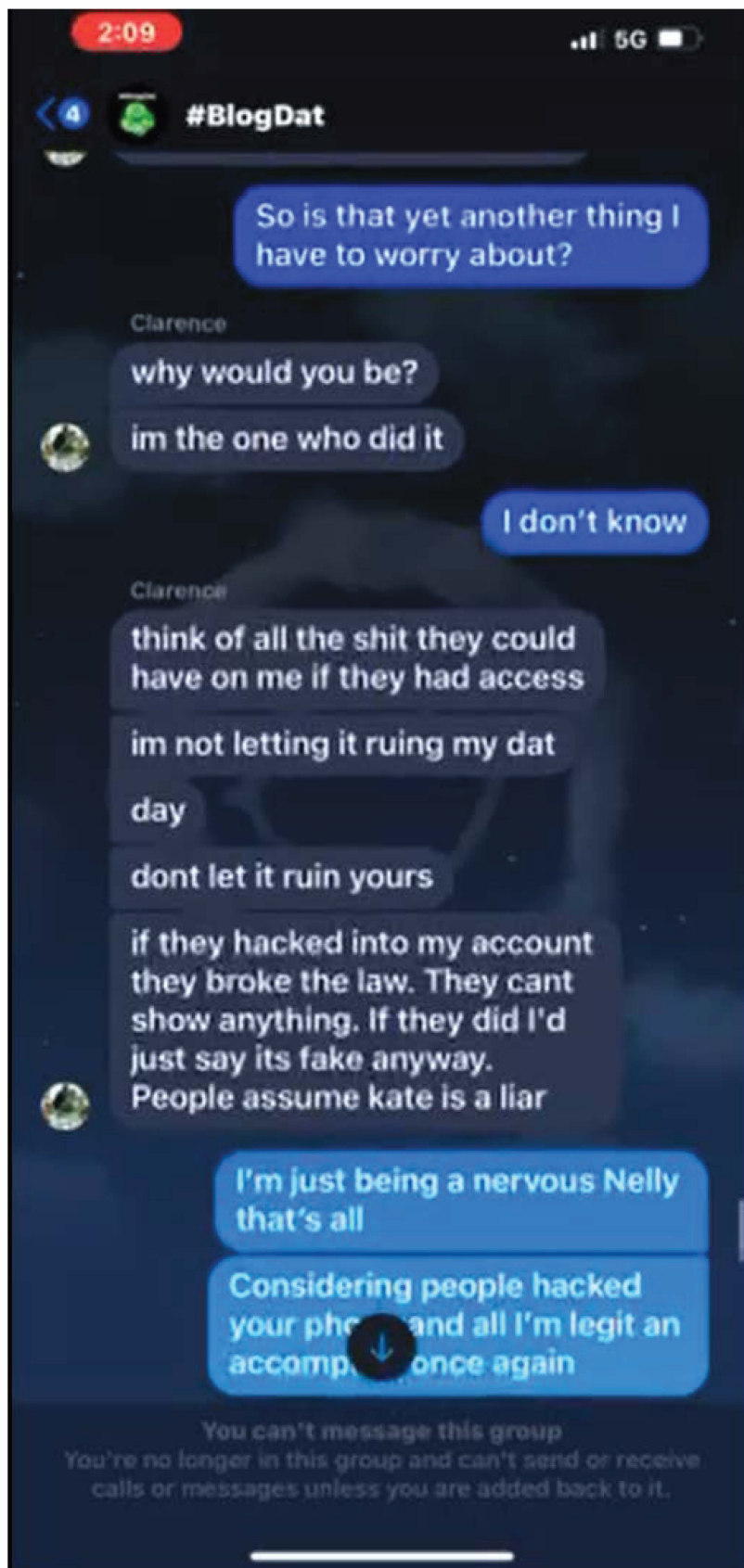
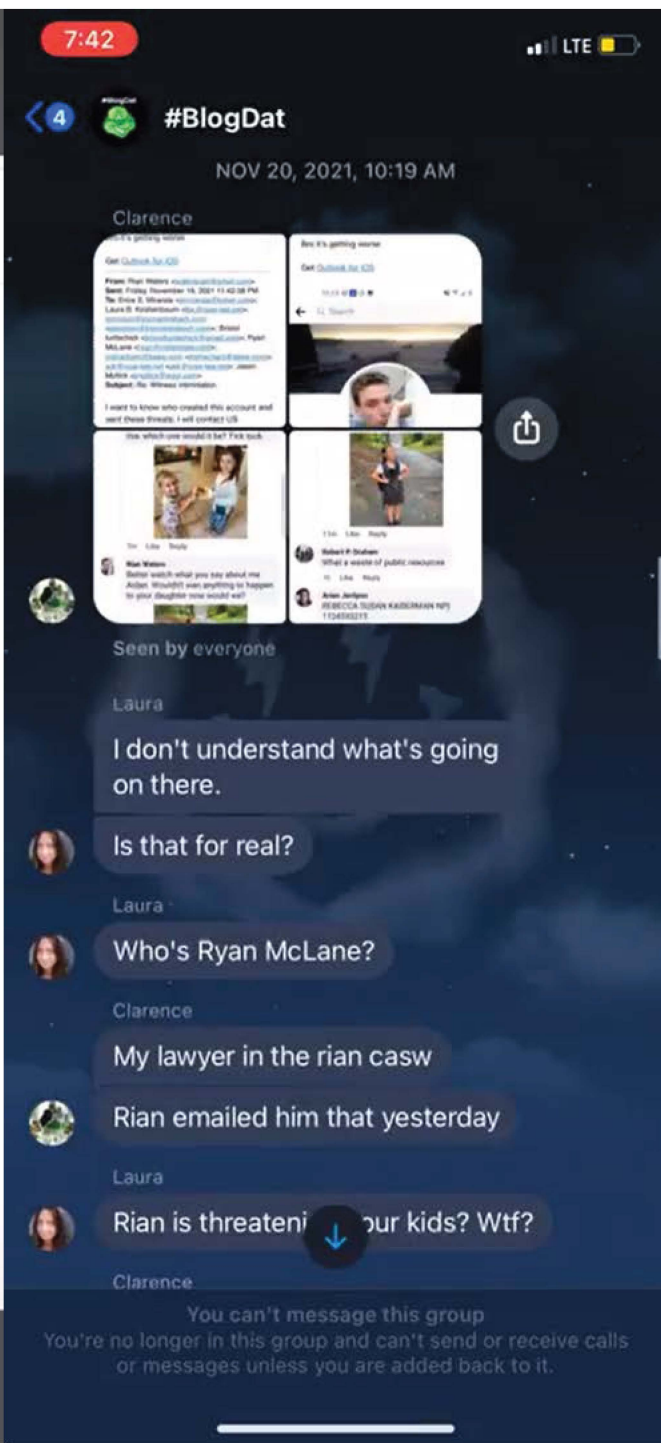
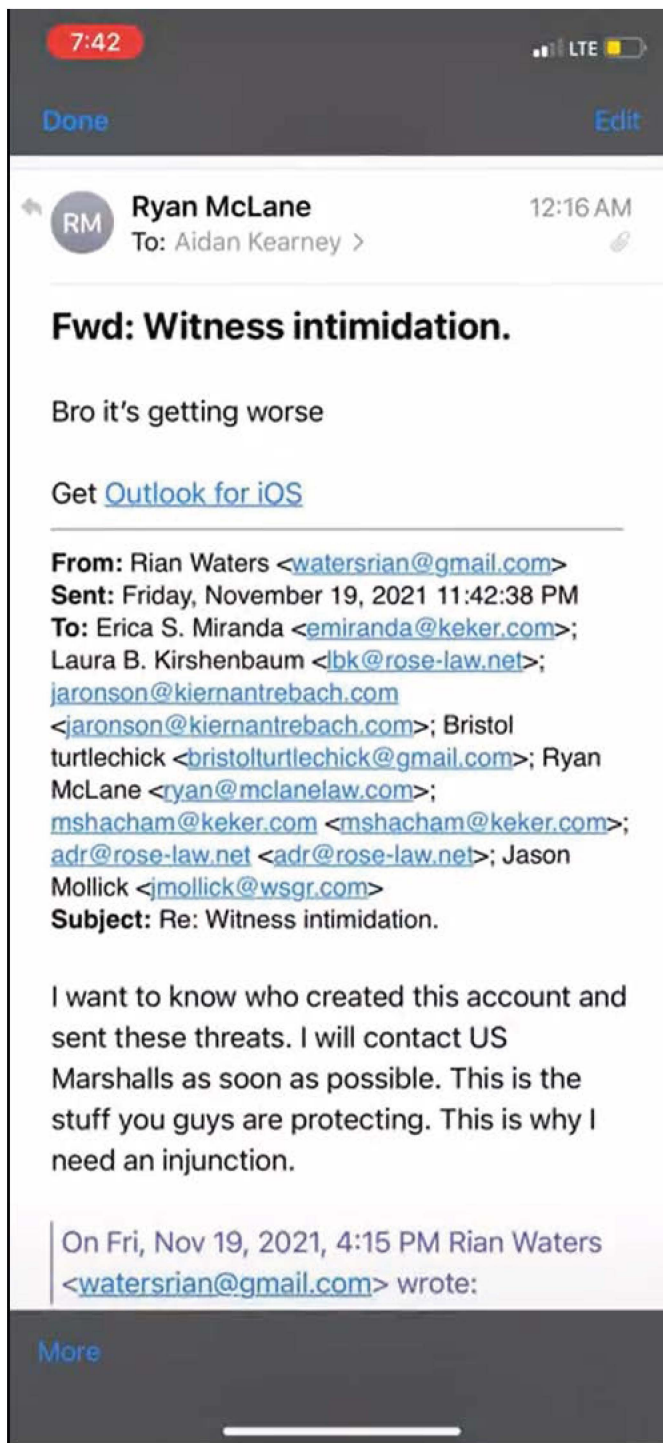


Exhibit D 03



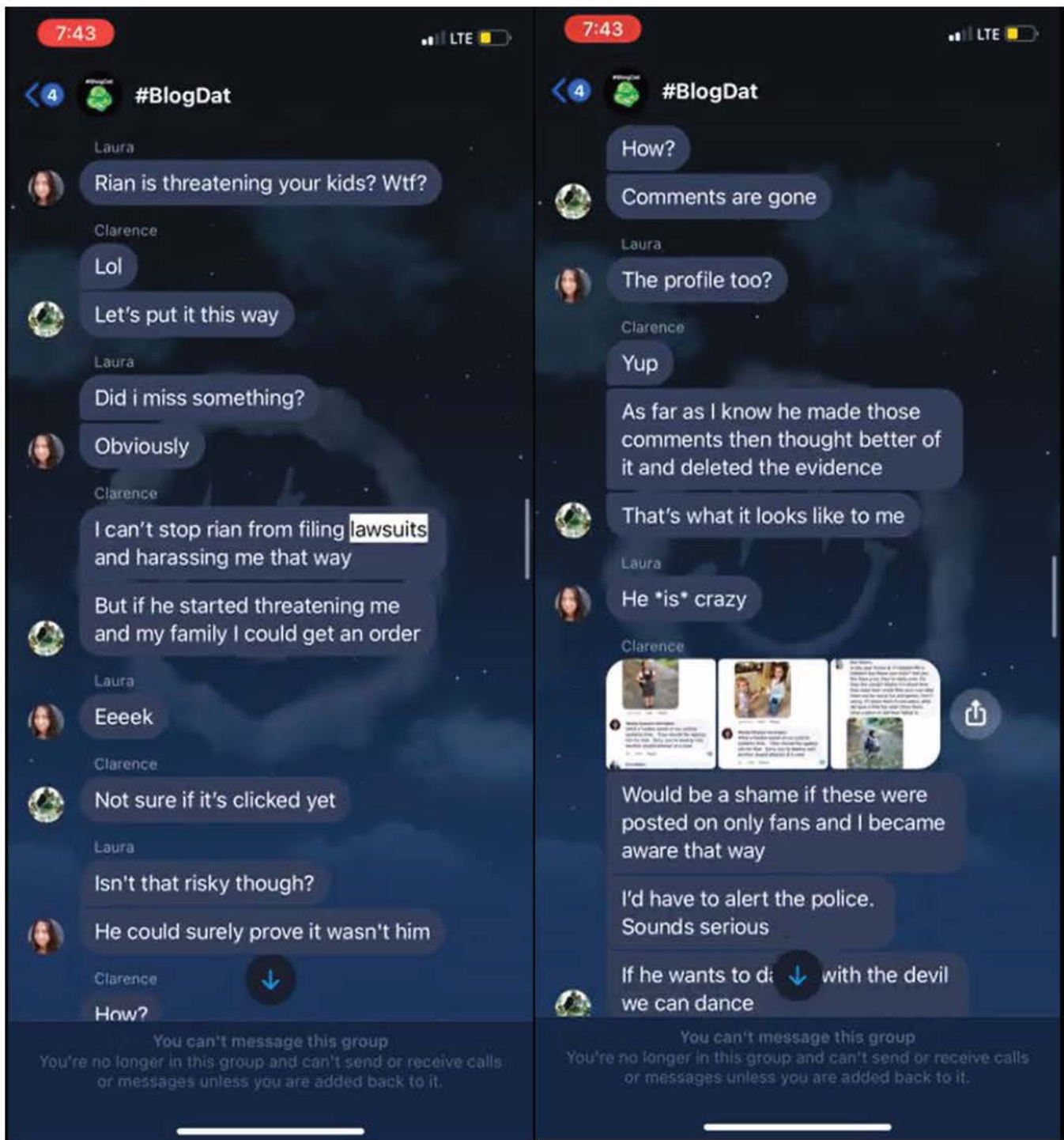


EXHIBIT F 03

04

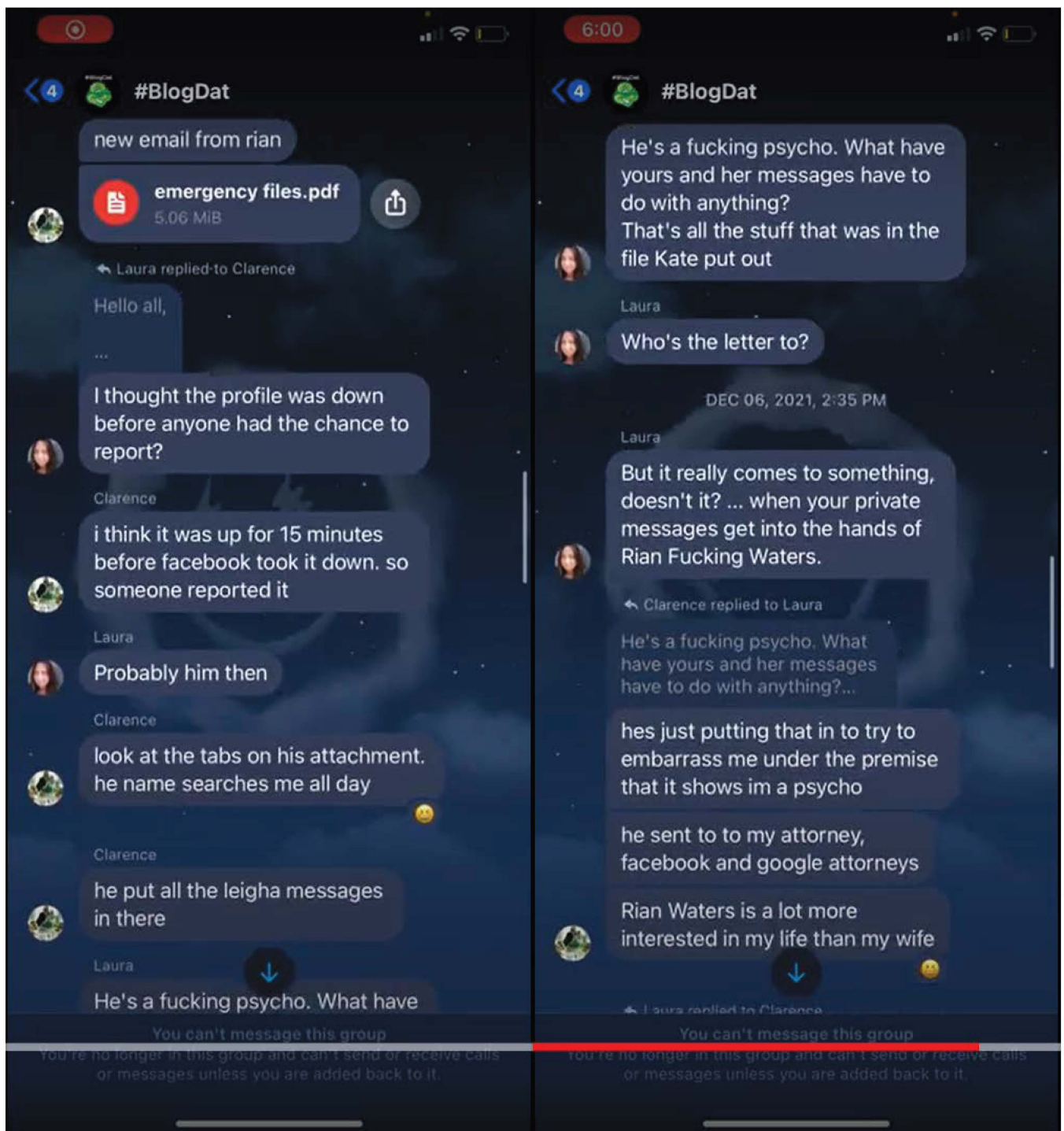


Exhibit G 01