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

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

16 **IV. Jurisdiction**

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

19 **V. Divisional Assignment**

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

23 **VI. FACTS**

24 **Facebook Facts**

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
25
26
27
28

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

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.
27
28

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

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11 threats to show the courts why Kearney’s Facebook profiles need to be unpublished.

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

15 42. On November 20th, 2021, Aidan Kearney publicly accused me of sending the November
16 19th threats on YouTube.

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

20 44. The #BlogDat screenshots are admissible as evidence under hearsay exception
21 801(d)(2)(E)

22 45. On or around January 3rd, 2022, Kearney told the Holden Police that he was the only
23 person with access to his public shaming Facebook account, Clarence Woods Emerson. (2101-
24 711-OF pg. 5 at 1)

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

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

25
26 d. “The other people that I have gone to war with they have nothing to lose, you have
27 a lot to lose, you own a business... you live in a \$600,000 house in Oxbridge, you
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
6 59. On January 20th, 2022, Kearney punished Cristina Yakimowsky by publishing
7 screenshots of the #BlogDat group chat from the Clarence Woods Emerson perspective
8 proving he conspired with her on Facebook to commit witness intimidation against the alleged
9 victim in Yakimowsky’s state criminal court case.

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

18 62. On June 17th, 2022, Kearney was served with a witness subpoena to appear on June 28th,
19 2022, for a hearing on a motion for sanctions and or default (1879CV0344)

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

- 24 a. “I don’t know why you thought this was a smart idea, Chrissy, because you know
25 me, and you know what I do, and you know I’m not gonna rest, you know that
26 right, like you own a business, I am speaking to Chrissy right now cause I know
27 she’s listening. So, you own a business, you have a couple kids or whatever, and
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
12 c. "You're gonna lose your lawyer now too, you are losing everyone, cause that's
13 what I do to people, Chrissy, who ***** with me, and maliciously, I don't take it
14 on the chin, I'm not one of those people that just moves on, I'm a vindictive *****.
15 And I'm not gonna stop, we're just beginning here. I'm not gonna stop destroying
16 your life, just destroying it, like I am gonna take everything away from you that
17 you love, I want you to feel as low as I did in early January when I found out that
18 you betrayed me. I want you to feel that pain, and you're gonna feel it."

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

15 74. Aidan Kearney used WDM's assets to pressure Massachusetts Congressman not to
16 support police reform and changes to qualified immunity, and Kearney used WDM's assets to
17 publicly shame every congressman that voted for the bill.
18

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

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

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

25 78. Aidan Kearney says every time someone says they are going to the police to report an
26 alleged crime by him, he calls his friend Detective Todd Ventres.
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
27
28

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

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

9 91. The Springfield District Court again approved of Kearney's undenied crimes without any
10 intelligible reason other than noting that courts "have uniformly held that the denial of a
11 complaint creates no judicially cognizable harm."
12

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

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

18 94. On June 27th, 2022, Hampden County Superior Court Judge, Michael Callan,
19 unintelligibly cancelled the witness subpoena that it had issued for Kearney, and then Callan
20 rescheduled the hearing addressing Kearney's misconduct for two months later.
21

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

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

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

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

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

15
16 **District Court 3:20-CV-30168 Waters v. Facebook Inc. et al.**

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

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

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

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

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

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

25 115. On December 16th, 2021, I filed a motion in the First Circuit for an investigation into
26 the November 19th conspiracy using inherent power.
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
19 121. In the injunction Application I noted, "Respondent Kearney's conspiracies are not only
20 intimidating witnesses and lawyers, but it is also triggering the adjustment disorder that
21 Kearney is legally aware that he is the identified cause and stressor of, which is critically
22 impairing my ability to represent myself, and causing permanent damage to my physical and
23 mental health."

24
25 122. On April 27, 2022, I filed an application (21A679) to extend the time to file a petition
26 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.

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

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

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

16 159. No court or party has ever provided an intelligible reason for denying the 42 U.S.C.
17 1985(2)(i) claim in that case, if it was safe for me to have an attorney or witnesses, I
18 undoubtedly would have won.

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

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

23 **Meta Platforms INC.**

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
26
27
28

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

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

6
7 180. The fact that two judges accepted and ruled on Kearney's ex parte motions to help him
8 delay or avoid testifying without giving me notice or opportunity to respond supports an
9 inference that the courts failed to exercise independent judgment, and that they conspired for
10 the purposes of finding 1983 state action.

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

15
16 182. The violations of my due process caused extreme mental anguish and emotional distress.

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

20
21 **COUNT V: Bivens Action, Punishment without Due Process**

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

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

25 186. Kearney would not have attempted the November 19th, 2021, conspiracy if not for
26 Federal Judge Mark Mastroianni's unintelligible approval of Kearney's past heinous
27 obstructive threats.
28

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