

**United States Court of Appeals  
For the First Circuit**

**No. 21-1582**

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**RIAN G. WATERS,**

Plaintiff - Appellant,

v.

**FACEBOOK, INC.; GOOGLE LLC; AIDAN KEARNEY,**

Defendants - Appellees,

**JEREMY HALEY; MARTHA SMITH-BLACKMORE; WILLIAM HIGGINS; JIM DALTON;  
MAURA TRACY HEALEY; JOHN DOES (1-10),**

Defendants.

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**Record Appendix**

Respectfully submitted by:

Pro Se Rian Waters 10/13/2021

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION \_\_\_\_\_

_____	)
RIAN WATERS,	)
<b>Plaintiff</b>	)
	)
FACEBOOK INC.	)
GOOGLE LLC.	)
OFFICER JEREMY HALEY,	)
AIDAN KEARNEY,	)
KATHERINE PETER	)
SPRINGFIELD POLICE,	)
DR. MARTHA SMITH-BLACKMORE,	)
WILLIAM HIGGINS,	)
MAURA HEALEY,	)
JOHN DOES 1-10	)
<b>Defendants</b>	)
_____	)

**FILED**  
**IN CLERKS OFFICE**  
2020 OCT 26 PM 3: 54  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**VERIFIED COMPLAINT**

**I PRELIMINARY STATEMENT:**

1 This action is to stop an effective conspiracy by which hundreds of citizens including myself have been deprived of due process and equal protection of the laws because of our willingness to stand for social justice. Aidan Kearney brags that he has loyal followers in every police department in Massachusetts that send him stories. Aidan Kearney then uses his weaponized public shaming device to harass

and cause severe emotional distress to the suspects and anyone willing to be their exculpatory witnesses. Aidan Kearney has committed a garden variety of criminal acts to obstruct my civil case against him, but because of Aidan Kearney's symbiotic relationship with law enforcement the police have refused to protect me according to the standing laws. My witnesses were silenced, the courts were impotent, the laws were annulled, the real criminals went free, while I exhausted all available remedies for redress in vain. This condition of affairs is pervasive throughout Massachusetts, and gravely impacts the entire world. Both Facebook and YouTube have policies that could have, and should have prevented such serious harm, but they profit too much money allowing witness intimidation and constitutional violations to go unpunished.

## **II. JURISDICTION AND VENUE**

2 This Court has jurisdiction over this action as it involves 42 U.S.C. § 1983, 42 U.S.C. § 1985, and 42 U.S.C. § 1986.

3 Venue is proper in this Court, as the underlying court case and many of the events that gave rise to this action occurred in Springfield Massachusetts, most of the parties are from Massachusetts, and the case will require some interpretation of the Massachusetts constitution.

### **III. PARTIES**

4 Plaintiff Rian Waters (“I/me”) is a resident of Hampden County, Massachusetts.

5 Defendant Facebook INC (“Facebook”) headquarters is in San Mateo County California. Facebook operates the largest social media platform in the world.

6 Defendant Google LLC (“YouTube”) headquarters is in Santa Clara County California. Google LLC is listed as the service provider for YouTube.

7 Defendant Aidan Kearney is a resident of Jefferson MA. Aidan Kearney is the sole owner and manager of Turtleboy Sports. (“TS”).

8 Defendant Katherine Peter is a resident of North Attleboro MA. At all times relevant to this complaint Katherine was a writer for Aidan Kearney.

9 Defendant Jeremy Haley (“Officer Haley”) is an officer of the Palmer Police Department.

10 Defendant Dr. Martha Smith-Blackmore (“Dr. MSB”), is a resident of Weymouth MA. Dr. MSB is president of Forensic Veterinary Investigations, LLC. She was contracted by the state to do a necropsy on my dog and is being sued as a state agent.

11 Defendant William Higgins was my public defender and is being sued in his personal capacity.

12 Defendant Jim Dalton, is a Lieutenant of the Massachusetts State police Troop

B.

13 Defendant Maura Healey (the "Attorney General") is sued in her capacity as Attorney General of the Commonwealth of Massachusetts, pursuant to G.L. c. 12, §

3

14 John Does 1-10 are unknown conspirators that either shared official information with Aidan Kearney or threatened me on Facebook.

#### **IV. STATEMENT OF FACTS**

##### **A. Facebook**

15 Facebook states that the purpose of their Terms of Service is to make our community safer and more accountable.

16 Facebook's Terms of Service require it's users;

- a. Use the same name that you use in everyday life.
- b. Create only one account (your own)
- c. use your timeline for personal purposes.
- d. Not share your password, give access to your Facebook account to others, or transfer your account to anyone else (without our permission).

17 Aidan Kearney uses the following personal Facebook accounts for commercial public shaming; “Clarence Woods Emerson”, “Uncle Turtleboy - Aidan Kearney”, and “Terrance Collie”

18 Aidan Kearney has argued in multiple court cases including 1879CV00344 that he is not liable for the posts on his Facebook accounts because he has given out his passwords to too many people.

19 Facebook’s Terms of Service state that you cannot use Facebook if: “We’ve previously disabled your account for violations of our Terms or Policies.”

20 Aidan Kearney claims that Facebook has disabled over 30 of his accounts.

21 Facebook says that you may not use their product to do or share anything;

- a. That violates these Terms, our Community Standards, and other terms and policies that apply to your use of Facebook.
- b. That is unlawful, misleading, discriminatory or fraudulent.
- c. That infringes or violates someone else's rights.

22 Facebook does not provide any method to explain why/how something is unlawful, discriminatory, or violating your rights.

23 Aidan Kearney publishes a link to his YouTube videos on all his Facebook accounts at the start of each episode.

24 Facebook allows users to watch YouTube videos without leaving TS’s Facebook pages.

25 Facebook released a study into emotional contagion in 2014 (Kramer et al., 2014) where for one week in 2012 they manipulated the News Feeds of 689,003 Facebook users, half of these participants had some negative stories posted by their friends removed from their News feeds, and the other half had some positive stories removed. The study showed that the general tone of content that people are exposed to on Facebook has a powerful effect on their mood.

26 While users own the content and information on Facebook and are free to post what they wish, Facebook gleans information from that content. User content and the data gleaned from user content have materially different functions and are not analogous. The former is used for communication between users while the latter is used by Facebook to conduct its business of creating engaged users and selling their attention to advertisers. The processing that goes into each users' newsfeed is the result of behavioral analysis conducted on the user and the users' network. This aggregated information is then applied to the personalized information of users to create the highest engagement rate.

27 Facebook has willingly implementing a system in which it does not screen for the identity of third-party users who post illegal or offensive content on its website.

28 I used all of the available methods to report the Turtleboy Sports profiles, I reported the most obstructive posts, and I know people that reported every Turtleboy

Facebook released a study into emotional contagion in 2014 (Kramer et al., 2014) where for one week in 2012 they manipulated the News Feeds of 689,001 Facebook users, half of these participants had some negative stories posted by their friends removed from their News Feeds and the other half had some positive stories removed. The study showed that the general tone of content that people are exposed to on Facebook has a general effect on their moods.

While users on the platform and information on Facebook and other social media websites wish Facebook stays informed of their own content, Facebook and other social media sites do not share data from their content with third parties and are not obligated. The former is used for communication between users while the latter is used by Facebook to conduct its business of creating engaged users and selling their attention to advertisers. The processing that goes into each user's news feed is the result of behavioral analysis conducted on the user and the user's network. This aggregated information is then applied to the personalized information of users to create the feed of content that is shown to each user.

Facebook has a wide range of advertising options and it does not share for the identity of third parties who post their content on its website. I used all of the available methods to report on the top 500 profiles that have the most restrictive posts and I know people that reported every Facebook

Sports post, but Facebook has never completely removed Turtleboy Sports from their platform, or even brought them down to a single profile.

**B. Aidan Kearney's Wiretapping**

29 On January 9th, 2019, Kathrine Peter was sitting next to Aidan Kearney and witnessed him secretly record video and take pictures of me in the courtroom.

30 On June 23rd, 2019, Aidan Kearney sent the pictures and recordings from the court hearings to a woman in Illinois named Michelle Olson, and asked her to post them in the comment section of his Facebook page, so that he could use them without the pictures being traced back to him.

31 You can see Katherine Peter's leg in one of Aidan Kearney's photos, and Aidan Kearney wrote in a message to Michelle Olson that Katherine's leg is sexy.

32 After Michelle posted one of the pictures, Aidan Kearney republished the picture in a blog.

33 On February 25th, 2020, I went to the Springfield police station and talked to Officer Hernandez about the wiretapping. Officer Hernandez told me he had already talked to Michelle about it, and he said Springfield Police do not pursue perjury, wiretapping, or civil witness intimidation charges. He suggested I file another civil complaint.

**C. Witness intimidation**

34 In the first 90 seconds of Aidan Kearney’s August 8, 2019 speech, titled “Turtleboy is a wartime conservative” Aidan Kearney described TS as a blog that has “weaponized public shaming, and used it as a deterrent to ratchet public behavior.”

35 On 2/12/2020, Aidan Kearney said he was not being hyperbolic when he said he would rather die or go to jail then censor his speech because of a court order.

36 Aidan Kearney uses a virtual private network and a “plethora” of fake Facebook profiles to hide his internet activities, and he encourages his followers to do the same.

37 Aidan Kearney’s followers have sent me threatening messages via Facebook messenger after almost every blog.

38 Katherine Peter published a harassing article about me on January 4th, 2019, which was five days before a hearing for 1879CV00344. The article was published on TS’s website and Facebook accounts, which instigated several of their followers to send threats of violence.

39 On January 4th, 2019 the primary personal Facebook account that Aidan Kearney uses for his business liked the following threats;

- a. “Hey pornstash, Make me Joe Doe #11. If I find your \*ss you’ll be sorry. Luckily the poker community is small. You’ll remember Mike when he makes your teeth even more f\*cked up! Pussy b\*tch!”
- b. “Ppl like u make me wish that we can do a ligit purge! Ya \*ss wud be snipped with the quickness. When this blows up in ur face I hope u truly hide cuz u got a sh\*tload of angry ppl now that aint happy with u n are actually bout that life wear bums woman beaters like u get karma...”

40 Motion hearings were scheduled for 1879CV00344 on 11/20/2018, 01/09/2019, 01/15/2019, 01/17/2019, and 02/19/2019

41 Turtleboy Sports published articles about me on, but not limited to 01/04/2019, 01/07/2019, 01/08/2019, and 02/13/2019

42 Three of Turtleboy Sports’s Facebook pages were suspended by Facebook in January 2019, because Facebook considered his posts written about me to be harassment/bullying.

43 On November 11th, 2018, Aidan Kearney stated on YouTube that he was going to murder me with words.

44 On September 26th, 2019, Aidan Kearney explained on YouTube what he meant by murder him with words. “It’s not actually murder, it’s figurative. And we have killed him with words, our words have destroyed and exposed this man, as it should be. Rian Waters deserves to die destitute, obviously he should die of whatever

causes.... But certainly, the day Rian Waters dies it will be such a great day, and I wanted him to know that... the day you take your last breath will be a great day for everyone... If you die tomorrow, oh my god, we would throw a party dude, and the best part is no one will miss you...”

45 Michael Gaffney was relentlessly harassed by TS after he filled out an affidavit for 1879CV00344 showing that Aidan Kearney routinely flouted rule 12a.

46 A writer for TS named Katherine Peter created several harassing images that took Michael Gaffney’s face, and my face from our Facebook accounts, and placed them over gay porn images.

47 The first time I noticed the harassing images they were published using fake names in TS’s Facebook comment section, and then on January 13th, 2019, February 3rd 2019, and August 8, 2020 the images were published on TurtleboySports.com.

48 On August 8, 2020 the harassing porn images were published on YouTube, and consequently Facebook.

49 The first comment on TS’s 02/13/2019 article says, “I would love to slaughter Rian’s entire family down to the child.” Katherine Peter responded to the next comment showing that she was aware of the above threat.

50 Another comment on TS’s 02/13/2018 article stated that I lived in Hayfork CA, and said “I’m sure somebody knows somebody that is from around there that can verify who loves dogs and beating scumtwunts like this one within an inch of

their lives.” This threat was particularly threatening, as Hayfork is a rural mountain town with no phone service and all of the most powerful criminal organizations including some hate groups.

51 On June 23rd, 2019, Aidan Kearney hosted a show on YouTube, after discussing 1879CV00344, Aidan Kearney said “If you f\*ck with me in court you will be made an example of, I’m going to ruin your life... and I’m a vindictive f\*ck too, I’m the guy that can be very friendly to you, and be nice. But if you poke me I am going to ruin you, I dream, I get f\*cking hard over it right, I cum to it, when I think about, literally I bust a f\*cking load thinking about punishing you. So please bring it on, I really enjoy it.”

52 On or about July 11th 2019 Aidan Kearney hosted a show online using YouTube, and while talking about me he said “you’re never going to get a job again, you can’t, I agree with you on that, and you shouldn’t because any company that hires you we’re going to find them, we’re going to let them know who you are, and who hired you” (39:54)

53 On January 25th 2020, four days after the case was docketed in the appeals court, Aidan Kearney hosted an online show using YouTube, where he spent several minutes telling his followers that he thinks I am pure evil, and he said it’s a fact that the world will be a better place without me in it. He then showed pictures of the

house that I have been using for an address, read my address and phone number out loud, and tried calling me.

54 On January 23rd, 2019, my old roommate contacted Turtleboy Sports, and asked that they take her address off their website for safety concerns. Aidan Kearney said that you do not let people use your address to sue him unless you want your sh\*t blown up.

55 On or about March 2019 I reported the criminal violations to the Springfield Police ("SP"). (19-3551-OF)

56 The first SP officers I spoke with were very rude and claimed that civil witnesses are not protected by the witness intimidation law (GL ch 268 S 13B.) I showed and tried handing them a printed copy of the law from lexis, but the officer refused it and said that plaintiffs are not considered witnesses.

57 I insisted the SP file a report anyway, and two hours later a nice officer took my report. The next morning a sergeant told me on the phone that he closed the case because he did not believe Springfield had jurisdiction, and he told me his decision was final.

58 On February 25th, 2020, I listed all the intimidating events that had taken place to Officer Hernandez and told him that the violations made it too dangerous for me to have witnesses.

59 Officer Hernandez told me that the Springfield Police do not pursue perjury, wiretapping, or civil witness intimidation charges. He suggested I file another civil complaint.

60 At the end of Katherine's 02/13/2019 article, she listed the phone number to the District Attorney's office in Palmer and encouraged her readers to call and try to get the DA to open charges against me.

**D. Aidan Kearney's Perjury**

61 While answering interrogatories for 1879CV00344, Aidan Kearney swore under penalties of perjury that he was not the one that wrote the 1/6/2017 article about me.

62 On July 14th, 2020 Aidan Kearney admitted that he was the one that wrote the 1/6/2017 article about me, and he said he wrote several blogs about me.

63 On September 24th, 2018 Aidan Kearney signed an affidavit for a motion in 1879cv00344, on ¶ 3 Aidan claimed that "following service of the complaint I received numerous emails from the named Plaintiff attempting to extort money in lieu of proceeding with the complaint."

64 The email communication after the complaint was served started with me asking Aidan not to message my Facebook account anymore, and then Aidan asking me if I wanted to settle.

65 Aidan's September 24, 2018 perjury is a material matter because it was his excuse for flouting rule 12a.

**E. The Genesis**

66 On December 31 2016, Samantha Cardin stole a massive amount of money from me, and made false allegations that got Officer Jeremy Healy to arrest me for animal cruelty and assault and battery.

67 On December 31, 2016 Officer Jeremy Haley went to my friend's door and asked if I was there. I asked Officer Jeremy Haley what the charges were, and after he told me, I said "that's f\*cked up."

68 In Officer Jeremy Haley's narrative, he claimed I said "I know I f\*cked up."

69 Officer Jeremy Healy stole approximately \$300 in twenty-dollar bills from one of my pockets when he arrested me, notably he let me keep the \$2,000 in hundred-dollar bills in the other pocket.

70 On January 6, 2017, TS published an article repeating Samantha Cardin's criminal allegations on their website and Facebook accounts.

71 On January 6, 2017 I started receiving threats of physical harm and death on Facebook.

72 Five of Samantha Cardin's neighbors saw me carrying our 80lb mastiff puppy across the street on December 30th indicating that our dog's injury happened before 12/31/16.

73 None of Samantha Cardin's neighbors were willing to talk to the private investigator that my attorney sent a month after the incident.

74 On or about 2/14/2017, Samantha Cardin told private investigator Keith Walker that there was never a metal cabinet in her kitchen, and that therefore I was lying.

75 I sent Defendant William Higgins a picture of a metal cabinet in Samantha Cardin's kitchen, that was taken on 12/18/2016 with metadata.

76 Defendant William Higgins did not give the investigators notes with Samantha Cardin to my paid lawyer and has since refused to give them to me because of work-product doctrine.

77 On February 7, 2018, the criminal charges against me were dropped for failure to prosecute.

78 When the criminal case was dismissed, I offered to show TS evidence of my innocence, but they refused.

79 In May 2018 I sued Aidan Kearney and his companies for libel, slander, and intentional infliction of emotional distress.

**F. Lt. Jim Dalton**

80 On March 7<sup>th</sup>, 2019 I went to the third floor Hampden County district attorney's office and peacefully complained to an ADA about how the harassment was intimidating witnesses and obstructing my case. As soon as I started talking

about Defendant Jeremy Haley's misconduct, Defendant Lt. Jim Dalton entered the room from the DA's office. He calmly asked my name and told me that he was aware of how hateful and damaging Turtleboy Sports can be. Lt. Jim Dalton then said "let's take care of this downstairs," and on the way down the elevator Lt. Jim Dalton asked when the next court hearing was and told me that he would make sure the harassment stopped. When we got close to the first floor DA's office, I was surprised to be led to the exit of the building instead of the first floor DA's office. Lt. Jim Dalton's last words being, "good luck, we will take care of this." I had planned on doing more work in the law library that day, but I was very confused, and it felt like I had just been kicked out.

81 Defendant Lt. Jim Dalton never did anything to stop Aidan Kearney's harassment.

82 On January 2nd, 2020 I calmly asked Defendant Lt. Jim Dalton his name on the first floor of the courthouse, and he told me "Get the f\*ck away from me." I asked why and noted that I was not doing anything wrong. Defendant Lt. Jim Dalton then said, "Get the f\*ck away, or I will arrest you." I walked away confused and afraid.

83 I then complained about Lt. Jim Dalton's behavior in the DA's office and asked for his name. The DA's office refused to help me, but later a member of the

government informed me of Defendant Lt. Jim Dalton's name, and suggested I file a criminal complaint against Aidan Kearney in a different county.

**G. DR. Martha Smith-Blackmore, Officer Jeremy Haley, and John Does**

84 Dr. MSB and Aidan Kearney sent and received several emails discussing the criminal allegations against me.

85 Aidan Kearney used Dr. MSB's opinions and emails as evidence against me on his public shaming blog, and during a court hearing on 9/25/2019.

86 Officer Haley sent and received emails with Aidan Kearney discussing the criminal allegations against me.

87 When discussing 1879CV00344, Aidan Kearney said on his recorded online show "we all know you killed your dog, the police say you did it, the vet says you did it."

**H. Damages**

88 I have been diagnosed with Adjustment Disorder. Aidan Kearney's articles have been identified as the cause and stressor of the disorder.

89 I have been going to therapy since October 2018.

90 In June 2020, I started suffering with and was diagnosed with Gerd as a result of the Adjustment Disorder's symptoms. I can no longer eat mandarin oranges or drink moderate amounts of fruit juice.

91 I have not been able to have public posts on my Facebook page since January 2019, because every time I have Facebook sent the degrading ceremonies to my friends and family.

92 It became too dangerous for me to present evidence or name witnesses in civil case 1879CV00344, and I lost the ability to make strong written and oral arguments. The result is I suffered a humiliating loss by summary judgment.

93 The Defendants have made it too dangerous to get a job, not only would I fear for the business's reputation, but I would be afraid to go home after work.

94 I have had to deal with real word altercations and threats in Palmer and Springfield because of the TS articles. I have been too afraid to seek help from the police because of the actions of the police defendants.

## **V. STATEMENT OF CLAIMS**

### **COUNT I: 42 U.S.C. § 1985(2) WITNESS INTIMIDATION/ OBSTRUCTION**

**Facebook, Google LLC, Aidan Kearney, Katherine Peter**

95 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

96 Black lives matter activists, LGBTQ activists, and people who speak out about police misconduct are the primary targets of Aidan Kearney's public shaming. Aidan Kearney labels this class of people as "Social Justice Warriors"

97 Aidan Kearney discriminated against me because I was arrested, because I am intelligent, and because I exercised my first amendment right making statements showing my disapproval of the Ludlow and Palmer police.

98 The wiretapping violations helped obstruct civil case 1879CV00344 by showing witnesses that they would be shamed if they helped me, and that the police would not protect them.

99 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT II: 42 U.S.C. § 1985 (3) CONSPIRE TO INJURE BECAUSE I EXERCISED MY FIRST AMENDMENT RIGHT.**

**Aidan Kearney, Katherine Peter, Facebook, Google LLC**

100 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

101 Aidan Kearney and Katherine Peter went in disguise on Facebook to punish me for exercising my first amendment right, and to deter or interfere with future expressions.

102 Aidan Kearney and Katherine Peter went in disguise on Facebook so that they could interfere with my right to be fairly heard in court with conformity to the laws.

103 Facebook was aware of the effect severe harassment has on peoples emotional and physical well-being, yet Facebook does not provide citizens any method to remedy or notify them about the details of violations to rights or laws.

104 Facebook profited off ad revenue by sending invites to the degrading ceremonies to everyone the algorithms thought might be interested.

105 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT III: PROCEDURAL DUE PROCESS VIOLATIONS 42 U.S.C. § 1983  
14<sup>TH</sup> AMENDMENT Aidan Kearney, Jeremy Haley, Dr. Martha Smith-  
Blackmore, John Does 1-10**

106 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

107 The state should be responsible for the private actions of Aidan Kearney, and Katherine Peter, because the state has been routinely sending them official information, and has provided significant encouragement, both overt and covert.

108 The 14th Amendment States in part “nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

109 TS intimidated witnesses from providing exculpatory evidence in my criminal case violating my 14th amendment due process rights.

110 Dr MSB, Officer Haley, and at least one John doe violated my due process rights after the criminal case was over by sending official information to Aidan Kearney.

111 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT IV: M.G.L. Ch. 12, §§ 11I VIOLATIONS OF ARTICLE XII OF THE MASS. DECLARATION OF RIGHTS, AIDAN KEARNEY, KATHERINE PETER, FACEBOOK, GOOGLE LLC**

112 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

113 Article XII says in part “No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs, that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defense by himself, or his council at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.”

114 The defendants despoiled me of my right to earn a living, exiled me, and put me out of protection of the law.

115 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT V: 42 U.S.C. § 1983 EIGHTH AMENDMENT VIOLATIONS.**

**Aidan Kearney, Katherine Peter, Facebook, YouTube.**

116 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

117 In the following paragraphs, references to the Eighth Amendment include the Eighth Amendment as applied to the states through the Fourteenth Amendment.

118 Police and state agents should not be allowed to bypass the constitutional restraints of Article XII and the Eighth Amendment by sending official information to a public shaming blog.

119 Being publicly accused of heinous crimes in an unfair manner and having to endure hundreds of threats and degrading comments in the presence of friends and family is cruel and unusual punishment.

120 Aidan Kearney and Katherine Peter were the primary publishers of most of the offending content,

121 Facebook's algorithms materially contributed to the development and sting of the offending content by sending several of my friends and family links to the degrading ceremonies in their Facebook notifications tab and news feeds.

122 YouTube's algorithms materially contributed to the development and sting of the offending content by suggesting the offending videos to radicalized users that liked similar content.

123 When state agents and Police officers discussed my criminal case with TS, it not only provided TS with "evidence" to harass me with, but for TS followers it helped legitimize the use of mob justice and public shaming against me.

124 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT VI: 42 U.S.C. § 1986 NEGLECT TO PREVENT.**

**Facebook, YouTube, Lt. Jim Dalton**

125 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

126 LT. Jim Dalton knew that TS was going to use intimidation to obstruct 1879CV00344, and he gave me the false impression that he was going to stop it.

127 Facebook received hundreds of reports that Aidan Kearney's profiles were in violation of their terms of service, and Facebook acquiesced to those violations by allowing the Defendant to continue violating their rules.

128 On December 17<sup>th</sup>, 2019 YouTube did not have a way to inform them that a video was violating your rights, but they added that feature in the last year.

129 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT VII: 42 U.S.C. § 1983 STATE CREATED DANGER**

**Springfield Police.**

130 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

131 The Springfield Police claim to have a policy denying jurisdiction to crimes obstructing cases in the Hampden County Superior Court.

132 The Springfield Police claim that they have a policy of categorically refusing to investigate civil witness intimidation, perjury, and wiretapping.

133 I believe the Springfield police lied to me about their policies, and I believe they really have a custom of granting Aidan Kearney Good Ole Boy protection.

134 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT VIII: M.G.L. ch. 12, §§ 11I STATE CREATED DANGER**

**LT. Jim Dalton.**

135 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

136 I was more vulnerable to attacks from the other Defendants because of LT. Jim Dalton's actions.

137 For a short period of time LT. Jim Dalton's actions gave me a false sense of security, but when he did not help me it made me more hopeless and depressed.

138 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

### **COUNT IX: INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS**

**Aidan Kearney, Katherine Peter, Facebook, Google LLC**

139 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

140 This count serves as an alternative to count V if State action is not found.

141 Aidan Kearney and Katherine Peter acted out of malice.

142 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

### **COUNT X: MALPRACTICE**

**William Higgins**

143 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

144 William Higgins withheld the best available exculpatory evidence from my paid attorney violating my due process rights.

145 As a result of the defendant's actions, I was damaged.

**COUNT XI: 28 U.S.C. § 2201 Declaratory Judgment**

146 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

147 The Plaintiff is entitled to a declaration that it is unconstitutional for police and state agents to discuss official business with a weaponized public shaming blog.

148 The Plaintiff is entitled to a declaration that it is unconstitutional for a public defender not to give the best available evidence to a paid attorney taking over the case.

149 These declarations will help resolve issues with the Department of Children and Families, and it will be critical for me to seek custody of my daughter.

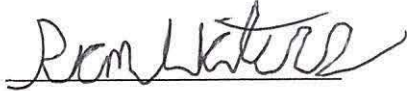
**VI. PRAYER FOR RELIEF**

WHEREFORE, I request that this Court enter the following;

1. An Order of this Court advancing this cause on its calendar and granting a speedy hearing thereof.
2. Enter a Declaratory Judgment making the requested declarations.
3. A Permanent Injunction the Court deems fit.
4. Enter judgment against the Defendants for compensatory damages.
5. Enter judgment against the Defendants for punitive damages.
6. Award such other relief as is appropriate under the circumstances.

## VII. VERIFICATION

I, Rian Waters, hereby declare under the pains and penalties of perjury that the factual allegations contained in this Verified Complaint are true and accurate to the best of my knowledge, information, and belief, on this 23rd day of October 2020.



Filed Pro Se by Rian Waters  10/23/2020

[WatersRian@gmail.com](mailto:WatersRian@gmail.com) (530) 739-8951

199 Allen ST. E. Longmeadow 01028 (not the best address, I will update when we find a safe way to do so)

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION 3:2020cv30168

_____	)
RIAN WATERS,	)
<b>Plaintiff</b>	)
	)
FACEBOOK INC,	)
GOOGLE LLC,	)
OFFICER JEREMY HALEY,	)
AIDAN KEARNEY,	)
KATHERINE E. PETER	)
SPRINGFIELD POLICE,	)
DR. MARTHA SMITH-BLACKMORE,	)
JIM DALTON,	)
WILLIAM HIGGIS,	)
MAURA HEALEY,	)
JOHN DOES 1-10,	)
<b>Defendants</b>	)
_____	)

**PLAINTIFF’S EMERGENCY EX PARTE MOTION FOR A TEMPORARY  
RESTRAINING ORDER & PRELIMINARY INJUNCTION.**

Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, the Plaintiff, Rian Waters, hereby respectfully seeks a temporary restraining order enjoining defendants, Aidan Kearney, Facebook INC. and Google LLC, requiring them not to harass any of the natural parties or potential witnesses, and to make a diligent effort at removing all content from their platforms that harasses or attacks the credibility of the natural parties and potential witnesses in this case. After hearing I move for a Preliminary Injunction requiring Defendants Google LLC and Facebook INC. to remove all pages/profiles associated with

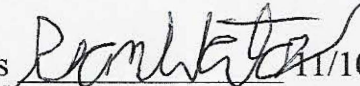
Turtleboy Sports that have been primarily used for public shaming, and provide me with support to quickly deal with future harassing or obstructive content.

In support of this motion, Plaintiff hereby incorporates by reference the Verified Complaint, Affidavit of Rian Waters, and the Memorandum in Support of Plaintiff's Motion for a Temporary Restraining Order & Preliminary Injunction.

As set forth more fully in the accompanying Memorandum of Law, there is a substantial likelihood that I will succeed on the merits of my claims against the Defendants; without a restraining order, there is substantial risk that I will suffer irreparable harm; the balance of harms weighs in favor of me; and the requested restraining order will benefit the public interest.

Please note, "In actions brought pursuant to section eleven H or eleven I, whenever the court issues a temporary restraining order or a preliminary or permanent injunction, ordering a defendant to refrain from certain conduct or activities, the order issued shall contain the following statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE." Mass. Gen. Laws Ch. 12 § 11J

**WHEREFORE**, Plaintiff respectfully requests that the Court enter a Temporary Restraining Order consistent with the first paragraph of this motion.

Filed Pro Se by Rian Waters  11/10/2020

199 Allen St. E. Longmeadow WatersRian@Gmail.com

### Certificate of service

Since initial service has not been made yet, today November 10<sup>th</sup>, 2020 I am doing emergency facsimile service by emailing a copy of the Verified Complaint, Motion for TRO & Preliminary Injunction, Memorandum in support of Motion for TRO & Preliminary Injunction, and Affidavit of Rian Waters to,

Aidan Kearney, [TurtleboySports@gmail.com](mailto:TurtleboySports@gmail.com)

Maura Healey, [Agoemergencyfilings@mass.gov](mailto:Agoemergencyfilings@mass.gov)

Katherine Peter [bristolturtlechick@gmail.com](mailto:bristolturtlechick@gmail.com)

William Higgins [AttorneyHiggins@outlook.com](mailto:AttorneyHiggins@outlook.com)

Jeremy Haley [JHaley@palmerpolice.org](mailto:JHaley@palmerpolice.org)

I also sent copies to Facebook INC and Google LLC. using every appropriate method available. If the Summonses can be obtained tomorrow the 11<sup>th</sup>, I will serve the responding Defendants using express methods. If the court provides no direction I will mail all Defendants the documents tomorrow (11/11/2020).

Subscribed under the pains and penalties of perjury.

Rian Waters

Dated November 10th, 2020

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION 3:20-cv-30168

---

RIAN WATERS,	)
<b>Plaintiff</b>	)
FACEBOOK INC,	)
GOOGLE LLC	)
OFFICER JEREMY HALEY,	)
AIDAN KEARNEY,	)
KATHERINE E. PETER	)
SPRINGFIELD POLICE,	)
DR. MARTHA SMITH-BLACKMORE,	)
WILLIAM HIGGINS,	)
LT. JIM DALTON,	)
MAURA HEALEY,	)
JOHN DOES 1-10	)
<b>Defendants</b>	)

---

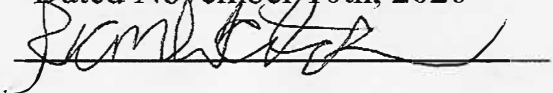
**Affidavit of Rian Waters**

1. At 3:11 pm on 10/29/2020 Aidan Kearney posted on Facebook that he learned about this case and planned on discussing it on YouTube at 9 pm.
2. At approximately 4:40 pm I filed an online “legal complaint” for 42 USC 1985 with YouTube, informing them that Aidan Kearney planned on using their platform to obstruct the case.
3. On 10/29/2020 at approximately 9pm Aidan Kearney hosted a show on YouTube titled “Rian Waters Sues Facebook, Google, Maura Healey, Springfield PD, Bristol Blarney and TB.” During the YouTube video Aidan Kearney;

- a. Attacked the credibility of potential witnesses Michelle Ollson, Amanda Sawyer, and Michael Gaffney.
  - b. Falsely accused me of killing my dog and being a “woman beater.”
  - c. Falsely accused me of being homeless, a pathological liar, a psychopath, and a lazy piece of sh\*t.
  - d. Read out loud all the offending material in the Verified Complaint and proudly said that paragraphs 44 and 51 were his greatest hits.
  - e. Read out loud the contents of the affidavit of indigency I filed for this case.
  - f. Shamed and insulted me over the list of damages in the Verified Complaint.
  - g. Stated that Mark Zuckerberg (Facebook’s CEO), Katherine Peter, and Maura Healy are the most detestable people.
  - h. Again stated that he would rather die or go to jail then censor his speech because of a court order.
4. After the 10/29/2020 video was finished recording I filed another YouTube legal complaint and explained how it was obstructing this case. (3:20-cv-30168)
  5. As of 11/10/2020 the obstructing 10/29/2020 video is still watchable and being recommended by YouTube.
  6. Exhibit A is some of the images harassing me and my first witness (Michael Gaffney) on Aidan Kearney’s website
  7. Exhibit B is some of the remaining threats on Aidank Kearney’s Facebook from January 2019.
  8. Exhibit C is the messages between Michelle Ollson and Aidan Kearney.

Subscribed under the pains and penalties of perjury.

Dated Noyember 10th, 2020



Rian Waters PRO SE



She made most of the Gaffney memes.

MAR 25, 2019, 10:56 PM

Kate you got any of those Gaffney memes lying around?

I got some

Yeah i have them somewhere



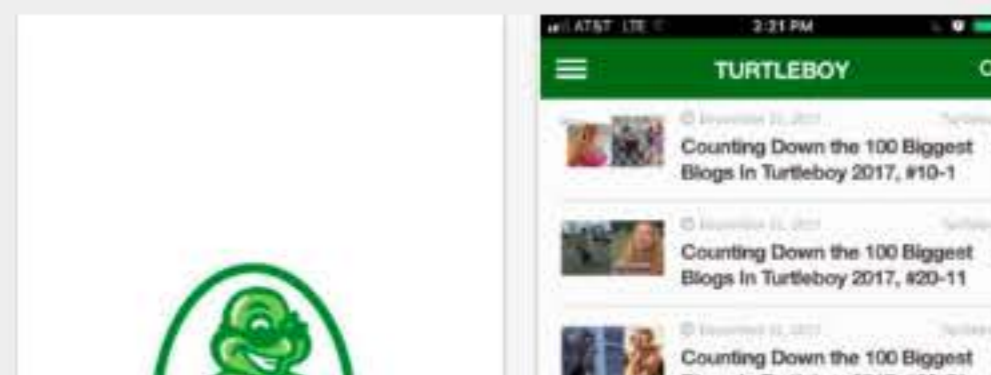
You cant use the gay porn lmao

Twitter Facebook 1 LinkedIn 1 SHARE



Single Ukrainian Ladies Looking For Their Soulmate (39+)

CLICK TO DOWNLOAD THE TURTLEBOY APP



today too!

Like · Reply · 1y 3

Dany A Cee  
I'm shocked this guy bailed answering after people. Called him out for not paying child support. Can a turtle rider please sit outside the courthouse and another inside the courtroom so we can hear asap when he gets laughed out of court. Please take notes and share some good quotes!!

Like · Reply · 1y 4

Melyssa StPierre  
Max Rider I can't even with you..... I am so beyond envious of your writing .

Like · Reply · 1y 2

Matthew Malloy  
He's got one of those faces you just want to smash with a brick

Like · Reply · 1y 5

Melyssa StPierre  
Matthew Malloy like multiple times

Like · Reply · 1y 1

Haley Black  
Patrick McDonough rian waters! Offended by everything

Like · Reply · 1y 1

Mary Ann Kalian  
Rian Waters shut up #POS

Like · Reply · 1y

Mary Ann Kalian  
Rian Waters asshole

Like · Reply · 1y

Heather R Scanlan  
Rian Waters , the ol' fallen cabinet excuse.

Like · Reply · 1y 4

5  
Clarence Woods Emerson  
Joshua Ramondi  
Dave Lenane  
Dawn Marie Bennett  
Elyssa Margwarth

**Savanna Burnett**  
 Rian Waters, u have got to be the biggest dumbass to even think that you have a chance to win anything in court! Ur sick and twisted . like who tf does this shit ! How r u gonna fuckin kill a dog beat ya bm sue turtle for exposing ur evil ways an think u will even win or amount to any thing?  
 Like kid ur worthless useless u shud of been left in ya dad's sack kid . smfh ppl like u make me wish that we can do a ligit purge! Ya ass wud be snipped with the quickness. When this blows up in ur face I hope u truly hide cuz u got a shit load of angry ppl now that ain't happy with u n are actually bout that life wear bums women beaters like u get karma n u won't make it far in life the way ur living ur sadistic life scumbag

Like · Reply · 1y  12

**Wodword Harry Nerm**  
 Savanna Roderick live that life yo. Fuck around and find out. FR FR. Na I mean

Like · Reply · 1y  7


**Savanna Burnett**  
 Nerm Harry Wodword ?

Like · Reply · 1y  5

**Michael Hunt**  
 Hey pornstash. Make me Joe Doe #11. If I find your ass you'll be sorry. Luckily the poker community is small. You'll remember Mike when he makes your teeth even more fucked up! Pussy bitch!

Like · Reply · 1y  17

**Sarah Rose**  
 Rian Waters the first thing a lawyer would tell you is to keep your mouth shut 😂 so this is evidence that either your a total moron or that you have not spoken to a lawyer (both of which we already know 😂)

Like · Reply · 1y  26

abused to death by this psycho. 14

Like · Reply · 1y · Edited

Monica Smith Those shirts are awesome

Like · Reply · 1y

Mary Gleeson Bedard I think someone needs to kick this bastard in the kidneys. 🤬

Like · Reply · 1y

Cheryl DeFino Lamoureux Scum! Hope Karma is real ! Please make him suffer!!!!

Like · Reply · 1y

Michael Revere What a scumbag. Can't wait to see him at Walmart

Like · Reply · 1y 3

Kathleen Sherman What a POS

Like · Reply · 1y 4

Kristin Callahan Is Luna okay?

Like · Reply · 1y

↳ 1 Reply

Sara Kapinos Human GARBAGE

Like · Reply · 1y 4

Shirley Fessenden This is when I pray that a vigilante will come and do exactly to this piece of shit what he did to these animals and I would be the first one to contribute \$\$\$

Like · Reply · 1y

Most Relevant is selected, so some comments may have been filtered out.

- Like · Reply · 1y**

**Gail Garvin**  
I would like to kick him in the kidneys and he never gets up

**Like · Reply · 1y**
- Jennifer Klein**  
What a piece of shit!!! Stating that because she was a large breed she already had back/hip problems. Ummmmmm sorry asshole that doesn't happen that fast for a 10 month old puppy. My full bred Mastiff is 9 and still walks up and down the stairs. You ar... **See More**

**Like · Reply · 1y · Edited** **4**
- Janice Butler**  
Shit head **3**

**Like · Reply · 1y**

**↳ 1 Reply**
- Joann Krafve**  
Douche

**Like · Reply · 1y**
- Eric Rossini**  
Where does this kid frequent? Work? Etc?

**Like · Reply · 1y**
- Macalla Barry**  
Time to ruin his life **9**

**Like · Reply · 1y**

**↳ 1 Reply**
- Scott Lessing**  
Piece of shit... **3**

**Like · Reply · 1y**
- Emily Horrigan**  
I am actually crying. I hope Sam, her daughter and Luna get every ounce of justice and more.

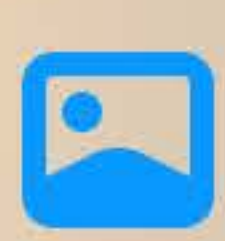


Clarence Woods Em...



JUN 23, 2019, 9:53 AM

So I might've taken pictures of Rian in court, which is illegal. I can't post them in the comments because then it would be obvious I had taken them, if they existed. However, if someone else posted them who obviously wasn't there because they were in Illinois....



Aa





Clarence Woods Em...



I also have video, but you can see my show in it so will give it away. So just keep it here unless you can rip the audio



I can definitely try!



That first video is hilarious. He whines about Bret and the Turtleboy graveyard



Aa





Clarence Woods Em...



There's Bristol's sexy legs

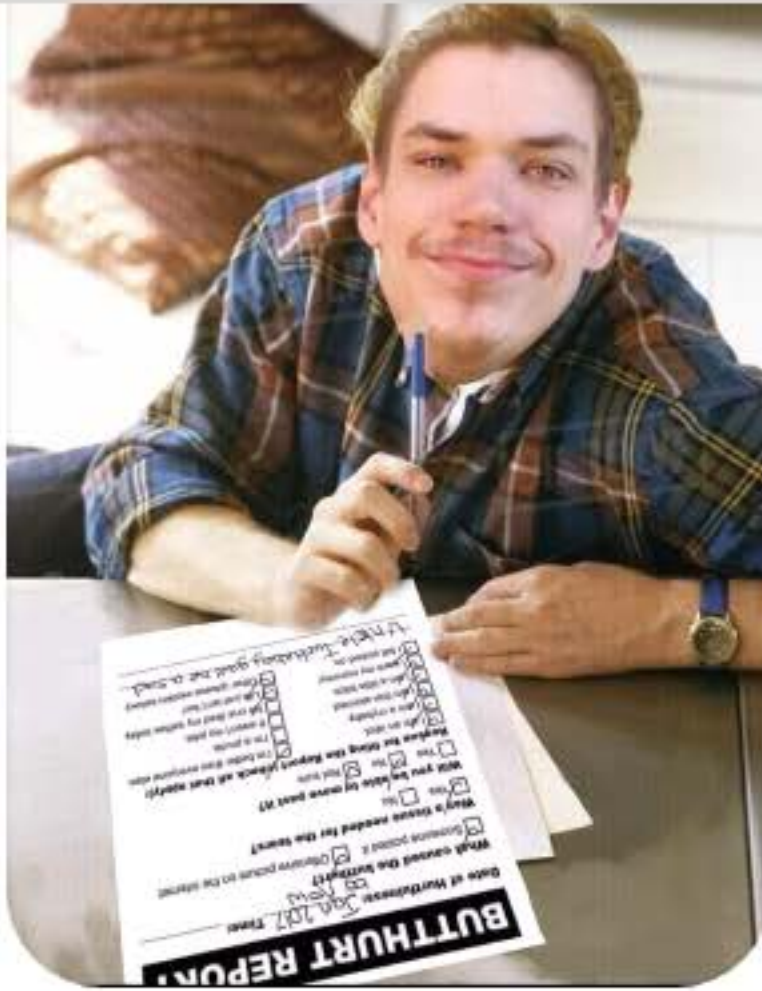


Aa





# Replies



4m Like Reply



Michelle Olson  
Rian Waters



1m Like Reply



Write a reply...





Review

# Adjustment Disorder: Current Developments and Future Directions

Meaghan L. O'Donnell <sup>1,2,\*</sup>, James A. Agathos <sup>1,2</sup>, Olivia Metcalf <sup>1,2</sup>, Kari Gibson <sup>1,2</sup> and Winnie Lau <sup>1,2</sup><sup>1</sup> Phoenix Australia Centre for Posttraumatic Mental Health, 161 Barry Street, Carlton VIC, Melbourne 3053, Australia<sup>2</sup> Department of Psychiatry, University of Melbourne, Melbourne 3053, Australia

\* Correspondence: mod@unimelb.edu.au

Received: 26 June 2019; Accepted: 10 July 2019; Published: 16 July 2019



**Abstract:** Despite its high prevalence in clinical and consultant liaison psychiatry populations, adjustment disorder research has traditionally been hindered by its lack of clear diagnostic criteria. However, with the greater diagnostic clarity provided in the Diagnostic and Statistical Manual of Mental Disorders – fifth edition (DSM-5) and the International Statistical Classification of Diseases and Related Health Problems, 11th edition (ICD-11), adjustment disorder has been increasingly recognised as an area of research interest. This paper evaluates the commonalities and differences between the ICD-11 and DSM-5 concepts of adjustment disorder and reviews the current state of knowledge regarding its symptom profile, course, assessment, and treatment. In doing so, it identifies the gaps in our understanding of adjustment disorder and discusses future directions for research.

**Keywords:** adjustment disorder; review; diagnosis; symptoms; nosology; DSM-5; ICD-11; course; trajectory; treatment

## 1. Introduction

Adjustment disorder describes a maladaptive emotional and/or behavioural response to an identifiable psychosocial stressor, capturing those who experience difficulties adjusting after a stressful event at a level disproportionate to the severity or intensity of the stressor [1]. The symptoms are characterised by stress responses that are out of step with socially or culturally expected reactions to the stressor and/or which cause marked distress and impairment in daily functioning. Unlike posttraumatic stress disorder (PTSD) or acute stress disorder (ASD), which have clear criteria for what constitutes a traumatic event, adjustment disorder criteria does not specify any requirements for what can be regarded as a stressor. Research has identified, however, that stressor events may include both traumatic events, such as exposure to actual or threatened death, as well as non-traumatic stressful events such as interpersonal conflict, death of a loved one, unemployment, financial difficulties, or illness of a loved one or oneself [2].

Prevalence estimates of adjustment disorder vary markedly due to various factors including sampling process, population, and the diversity of measures used for assessment and diagnosis. Population-based studies have found prevalence rates of less than 1%, which may be due to limitations of the diagnostic tools used [3]. Conversely, more recent studies using newer diagnostic tools have found prevalence rates of 2% in general population research [4]. Rates are much higher in specific high-risk samples such as recently unemployed (27%; [5]) and bereaved individuals (18%; [6]).

Adjustment disorder is particularly prevalent in consultation liaison settings [7]. A multisite study in consultation psychiatry services in the United States, Canada, and Australia found that adjustment disorder was diagnosed in 12% of psychiatric consultations, with a further 11% identified

as possible cases [8]. In Irish general hospital patients, adjustment disorder represented 18.5% of consultation liaison referrals [7]. At least one psychosocial stressor was noted in 93% of all patients, which included medical illness in 59% of patients. In this setting, the diagnosis was used especially in patients with serious medical conditions, self-harm, injury and poisoning, and in cases presenting with a mixture of somatic and psychic symptoms. Other consultant liaison psychiatry samples have reported a prevalence rate as high as 30% [9]. In emergency department settings when routine psychiatric assessments have been conducted in individuals primarily presenting with self-harm, adjustment disorder was the most common diagnosis (32%; [10]). Among other medical populations, adjustment disorder is also extremely common. A 2011 meta-analysis of oncology-related palliative and non-palliative settings indicated a prevalence rate of 15–19%, comparable to major depressive disorder and higher than anxiety disorders [11]. Research from Japan shows the prevalence of adjustment disorder to be 35% among individuals with recurrent breast cancer [12]. In an acutely ill medical inpatient unit, adjustment disorder was found to be the most common diagnosis (14%), more than double the rates of depressive and anxious disorders [13].

Despite research indicating significant prevalence rates that are often greater than depressive and anxiety disorders in some populations, adjustment disorder has historically attracted little empirical research. Consequently, relatively little is known regarding the phenomenology of the disorder, its neural correlates, prevalence, risk factors, course, or treatment [14–16]. A key contributor to this lack of research has been the absence of clearly defined diagnostic criteria [15], which means operationalising the disorder in an empirical research context has proven difficult [17]. The adjustment disorder concept has attracted significant criticism due to issues related to its diagnostic vagueness. Research has struggled to neatly establish the extent to which adjustment disorder differs from other psychiatric disorders, or from normal adaptive stress responses [18].

Conceptualisation of adjustment disorder, however, is currently in a state of transition. With the most recent revisions of the two main diagnostic manuals used in clinical and research practice, the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) [1] and International Statistical Classification of Diseases and Related Health Problems, 11th edition (ICD-11) [19], adjustment disorder has been increasingly recognised as an important target for research. The aim of this paper is to (i) compare and contrast the DSM-5 and ICD-11 diagnostic criteria for adjustment disorder; (ii) examine the course and trajectory of adjustment disorder; (iii) examine measurement of adjustment disorder; and (iv) discuss adjustment disorder treatment research. In doing so, this paper aims to identify gaps in our current knowledge of adjustment disorder and present directions for future research.

## 2. Diagnostic Criteria

The historical narrative for adjustment disorder in DSM and ICD has been described elsewhere [20,21] and provides a useful background to the current criteria. In DSM-5, adjustment disorder was reclassified to sit alongside PTSD and ASD in the *Trauma- and Stressor-Related Disorders* chapter [1]. Despite this, the diagnostic criteria remained effectively unchanged from the DSM-IV, as the committee decided that any proposed changes would be atheoretical given the lack of research that had been conducted into the disorder [14,17]. The focus of the DSM-5 approach to adjustment disorder has remained on distress or impairment associated with a stressor that is judged to be excessive (relative to cultural norms). On the other hand, the ICD-11 introduced changes that marked a significant paradigm shift. In line with DSM, ICD recognised adjustment disorder as a stressor related disorder by categorising it within the chapter *Disorders Specifically Associated with Stress*. It diverges from DSM by conceptualising adjustment disorder as a failure to adapt to a stressor as evidenced by preoccupation with the stressor and its consequences. Table 1 provides a summary of both DSM-5 and ICD-11's diagnostic criteria for adjustment disorder.

**Table 1.** Summary of corresponding DSM-5 [1] and ICD-11 [19] diagnostic criteria for adjustment disorder.

DSM-5	ICD-11
A. Onset of emotional or behavioural symptoms must occur in response to identifiable stressor, and within 3 months of the stressor.	1. Presence of an identifiable psychosocial stressor(s). Symptoms emerge within 1 month of the stressor.
B. These symptoms are clinically significant, marked by:  - Distress that is disproportionate to the severity or intensity of the stressor, taking into account contextual and cultural factors.  or  - Significant impairments in social, occupational or other domains of functioning.	2. Preoccupation related to the stressor or its consequences in the form of at least one of the following: (a) excessive worry about the stressor (b) recurrent and distressing thoughts about the stressor (c) constant rumination about the implications of the stressor.  3. Failure to adapt to the stressor that causes significant impairment in personal, family, social, educational, occupational or other important areas of functioning
C. The disturbance does not meet the diagnostic criteria for another mental disorder, and is not an exacerbation of a pre-existing disorder.	4. Symptoms are not of a sufficient specificity or severity to justify diagnosis of another mental or behavioural disorder.
D. The symptoms do not represent normal bereavement.	
E. Symptoms do not last for more than six additional months after the stressor or its consequences have been resolved.	5. Symptoms typically resolve within 6 months, unless the stressor persists for a longer duration

### 2.1. Commonalities between DSM-5 and ICD-11

In their current iterations, the DSM-5 and ICD-11 diagnoses of adjustment disorder have many commonalities. Under both sets of criteria, a diagnosis of adjustment disorder must occur in the wake of an identifiable life stressor, and can only be diagnosed in the absence of another clinical diagnosis. Both systems recognise adjustment disorder as a transient condition, with DSM-5 stating that symptoms must not persist longer than six months after the stressor (and its consequences) are resolved, and ICD-11 recognising that symptoms tend to resolve within six months unless the stressor persists for a longer duration. Both additionally outline that emotional distress and functional impairments are key components of the disorder.

### 2.2. Differences between DSM-5 and ICD-11

The two sets of diagnostic criteria differ in key areas. The ICD-11 definition necessitates the identification of significant impairments in personal, occupational, and/or social functioning. Conversely, DSM-5 does not specifically require functional impairment—it is sufficient to have either impairments in functioning or distress that is disproportionate to the severity of the stressor. The ICD-11 also mandates that symptoms must emerge within one month of the stressor, while the DSM-5 allows a more liberal onset window of three months. Further, the DSM-5 specifies that symptoms cannot represent normal and culturally appropriate bereavement, whereas this is not mentioned by the ICD-11. However, the most significant difference between the diagnostic definitions is that ICD-11 requires symptoms of preoccupation with the stressor and its consequences in the form of rumination, excessive worry and/or recurrent distressing thoughts. DSM-5 gives no guidance as to what symptoms might constitute distress.

Overall, there is growing empirical support for the ICD-11 redefinition. Multiple studies investigating the diagnostic architecture of the disorder have identified items relating to stressor preoccupation and failure to adapt [4,22,23] which relate strongly to the core adjustment disorder

concept. One longitudinal study over twelve months showed that intrusive memories was one of the symptoms that predicted adjustment disorder [17], supporting the ICD-11 idea that adjustment disorder is characterised by the mental intrusion of (and preoccupation with) the stressor.

'Failure to adapt' is thought to constitute a stress-response (e.g., sleep disturbances or concentration problems) that results in significant impairment in social, interpersonal, occupational, educational, or other areas of functioning [22]. Confirmatory factor analyses have shown that the two core symptoms of ICD-11 adjustment disorder (i.e., failure to adapt and preoccupations) comprise an accurate model of adjustment disorder symptom architecture, with high levels of model fit [23]. Four accessory symptoms (avoidance, depression, impulsivity, and anxiety) in addition to the core symptoms have also been found [4,23]. This suggests that in addition to the two core ICD-11 symptoms, there is evidence that additional symptoms may inform consideration of the diagnostic criteria.

### 2.2.1. Subtypes

Another key point of difference between the two systems is that the ICD-11 has removed any reference to adjustment disorder subtypes, preferencing a unifaceted concept of adjustment disorder. Conversely, the DSM-5 delineates the disorder into a series of six subtypes, each signifying the presence of specific symptoms. DSM-5 differentiates between adjustment disorder with (1) depressed mood, (2) anxiety, (3) mixed anxiety and depressed mood, (4) disturbance of conduct, (5) mixed disturbance of emotions and conduct, and (6) unspecified [1]. Yet since the publication of DSM-5, there has been little evidence to support the idea of distinct subtypes of adjustment disorder [17]. In Glaesmer et al.'s [4] six-factor model of adjustment disorder—comprising factors related to preoccupations, failure to adapt, avoidance, depression, anxiety, and impulsivity—inter-correlations between each of the factors were extremely high (between 0.75 and 0.96), suggesting that these were not adequately distinguishable from each other. Given that many of these factors map directly onto the subtypes listed in the DSM-5 (where the 'disturbance of conduct' subtype is mirrored by the 'avoidance' and 'impulsivity' factors), the finding that these are so highly inter-correlated undermines the plausibility of distinct adjustment disorder subtypes. Indeed, this finding has been mirrored in more recent studies using both confirmatory factor analysis and bifactor modelling, which all found that group factors mapping onto DSM adjustment disorder subtypes were highly inter-correlated [23–25]. These findings collectively suggest that there is insufficient evidence at present to substantiate the existence of adjustment disorder subtypes, instead lending support to the unidimensional conception of adjustment disorder outlined in the ICD-11.

### 2.2.2. Adjustment Disorder as a Subsyndromal Disorder

Both DSM-5 and ICD-11 adhere to the idea that adjustment disorder can only be diagnosed in the absence of another disorder. While most other disorders have the requirement that the symptoms cannot be better explained by another disorder, the adjustment disorder criteria are much more restrictive. As such, it is often conceived of as a subclinical or mild disorder. There is some evidence to suggest that this is indeed the case. In a longitudinal study of serious injury survivors, O'Donnell and colleagues found that across measures of disability, quality of life, anxiety and depression, those with adjustment disorder reported significantly worse outcomes than those with no disorder, but significantly better outcomes than those with another psychiatric diagnosis [17]. Consistent with this, DSM-5 explicitly instructs those presenting with subsyndromal PTSD to be diagnosed with adjustment disorder [1].

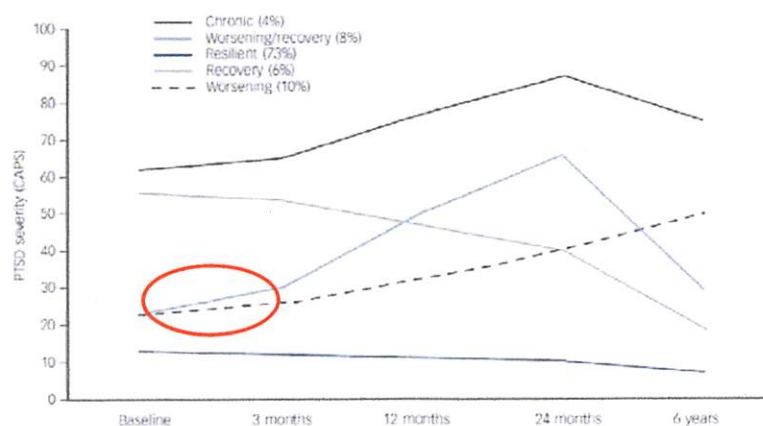
The fact that ICD-11 and DSM-5 have taken different approaches to a given diagnosis is not specific to adjustment disorder. Indeed, this issue has been raised in the PTSD literature, given the ICD and DSM nomenclature for PTSD are remarkably different [26]. The issue of whether treatments developed to treat the DSM-5 version of the disorder will be as effective in the treatment of its ICD-11 counterpart remains a challenge to optimising treatment for PTSD as it does for adjustment disorder [27]. Ultimately, while the differences between DSM-5 and ICD-11 adjustment disorder are significant, the

divergence of ICD-11 in creating established clear, specific criteria for adjustment disorder has created a significant opportunity. The ICD-11 provides a description of the diagnosis that is much easier to operationalise than DSM-5, and consequently far more research has been conducted into ICD-11 adjustment disorder than DSM-5 adjustment disorder despite DSM-5 diagnosis being in situ since 2013. Since the introduction of the new ICD-11 diagnostic criteria in 2013, a scoping review conducted just three years later in 2016 found 10 new studies on international samples analysing the factor structure, measurement validity, risk factors, and outcomes from treatment intervention studies [28]. By establishing diagnostic criteria, the ICD-11 has given researchers the capacity to explore the research more clearly in a way that the vaguer structure in the DSM-5 does not permit. The ICD-11 proposal has allowed the adjustment disorder field to move ahead significantly.

### 3. Course and Trajectory

Research into the course of adjustment disorder is largely in its infancy. However, preliminary studies have identified that in some subpopulations, symptoms may increase over time, marking a trajectory toward a more severe disorder. In a study by O'Donnell et al. (2016), trauma survivors who had adjustment disorder 3 months after exposure were 2.67 times more likely to meet criteria for a more severe psychiatric disorder (including PTSD, major depressive disorder, and generalised anxiety disorder) at 12 months, relative to those who had no disorder at 3 months [17]. This finding runs counter to the proposal that adjustment disorder is a short-term diagnosis, with evidence suggesting that the disorder will progress to a more serious disorder in a subset of those diagnosed with adjustment disorder. Further, in this same study, 34.6% of those with adjustment disorder at three months still met the diagnostic criteria at twelve months suggesting a persistence of symptomatology.

Research into the course of PTSD may hold some answers to the trajectory of adjustment disorder over time. There have been a number of studies that have examined the trajectory of PTSD symptoms over time [29–35]. Generally, these studies show that the majority of those who are exposed to trauma typically fall into one of four to five prototypical trajectories (see Figure 1). It is reasonable to posit that those in the circled trajectories represent adjustment disorder given their initial response to the stressor is about 20 on the Clinician Administered PTSD Scale (CAPS; [36]) measure. A normal recovery is experienced by the majority of trauma survivors and is represented by the resilient group (whose initial CAPS score is approximately 10). The trajectories that start with a CAPS score of above 50 represent those with a probable PTSD diagnosis. It is interesting to note that both adjustment disorder trajectories accumulate symptoms over time, again suggesting that adjustment disorder is an early marker for a more severe disorder.



**Figure 1.** Posttraumatic stress disorder (PTSD) symptom trajectories over time. From Bryant et al. [37]. The red circle indicates the two trajectories of PTSD symptoms that may represent adjustment disorder trajectories.

It is important to recognise that these trajectory analyses are within trauma samples (rather than a stressful events sample) so these adjustment disorder trajectories may represent the more severe end of the spectrum. It is also recognised that these trajectory analyses are more relevant to the DSM-5 construct of adjustment disorder rather than the ICD-11, because they do not include symptoms of rumination or worry. They do, however, provide a useful idea as to the course of adjustment disorder over time, suggesting that adjustment disorder in some populations may have an enduring course.

Although emerging evidence indicates that adjustment disorder is a gateway to more severe psychiatric disorders, it is important to highlight that adjustment disorder is associated with significant negative outcomes in and of itself. Consultant liaison psychiatry research indicates adjustment disorder is significantly associated with suicidality and self-harm, at similar proportions to depressive disorders [38]. Other studies in inpatient populations have likewise found rates of self-harm and suicidality are significantly higher in adjustment disorder compared to other diagnoses [39,40].

#### 4. Assessment

As with most aspects of adjustment disorder, the development of adequate assessment tools historically has been hindered by the fact that diagnostic criteria for the disorder were not clearly specified. However, even now that the ICD-11 has somewhat remedied this shortcoming, there is a clear dearth of measures available for its assessment and diagnosis. Most general structured clinical interviews do not provide any level of assessment of adjustment disorder, with no diagnostic module in either of the Clinical Interview Schedule (CIS; [41]) or the Composite International Diagnostic Interview (CIDI; [42]). Those that do include one, such as the Scheduled Clinical Interview for DSM-5 (SCID; [43]) and the Mini International Neuropsychiatric Interview (MINI; [44]) administer only a few items relating to adjustment disorder, and only as an addendum if none of the diagnostic criteria for any other disorders are met. Naturally, this is in line with the ICD-11 and DSM-5 portrayals of adjustment disorder as a subthreshold disorder—however, these modules are typically too cursory to provide a methodologically adequate measure of adjustment disorder [16,45].

Recently, however, specific measures for adjustment disorder have begun to emerge. One such option is the Diagnostic Interview for Adjustment Disorder (DIAD; [46]), which is a structured clinical interview for adjustment disorder based on the DSM-5 criteria. The DIAD includes 29 items that aim to identify symptoms associated with a stressor, and evaluate the levels of distress and functional impairment associated with these symptoms. Preliminary attempts at validating the measure by the original authors suggested “moderate to good” concept and construct validity [46]. However, as yet there are no external attempts by other authors to validate the DIAD in any clinical trials or studies—it is therefore unclear to what extent the measure actually provides a valid index of adjustment disorder in a clinical context.

The Adjustment Disorder—New Module (ADNM) has been developed for the ICD-11 diagnosis of adjustment disorder, and is available as a structured clinical interview [47] or self-report questionnaire [2]. The first section asks participants to select from a list of stressors (acute and chronic life events) that have been present over the past year, and to identify which was the most prominent or distressing. The second section comprises 20 items, which form six subscales in accordance with ICD-11 criteria relating to pre-occupation, failure to adapt, avoidance, depressive mood, anxiety, and impulse disturbance. A longer-form version with 29 items also exists, but the ADNM-20 seems to be used more commonly [48]. Participants rate on a 4-point Likert scale how often they have experienced particular symptoms during the past two weeks, and overall symptom severity is calculated as a sum of all item scores. Attempts at validating the ADNM have yielded positive results, with studies suggesting good levels of diagnostic specificity and sensitivity [23,48,49]. Condensed forms of the ADNM, such as the ADNM-8 and ADNM-4, have also shown high levels of convergent and construct validity, suggesting these offer an alternative screening tool for assessing adjustment disorder symptoms which is equally valid, but briefer [50,51]. Ultimately, the ADNM

and DIAD seem to provide the most comprehensive measures of the ICD-11 and DSM-5 concepts of adjustment disorder respectively, though further research is needed to validate the latter.

## 5. Treatment and Intervention

To date, there is only one published systematic review of treatments available for adjustment disorder. A 2018 review examined 29 treatment trials investigating current options for psychological and pharmacological intervention [52]. They found that the quality of evidence in these studies was “low” to “very low” according to Grading of Recommendations Assessment, Development and Evaluation (GRADE; [53]) guidelines. A key limitation to most of these studies was the lack of a measure of adjustment disorder, small sample sizes, and lack of follow-up assessments. The authors also raised the issue of the divergence of the ICD-11 and DSM-5 diagnostic classification. For example, the recent trial on self-help intervention was based on the beta version of ICD-11 and they found this intervention had its most useful impact on preoccupation about the event including rumination, worry and intrusive thoughts [54]. While this is very relevant for the ICD-11 diagnosis of adjustment disorder, as discussed earlier, the degree to which this would be useful for those meeting criteria for DSM-5 adjustment disorder is unknown.

Since the publication of the systematic review in 2018, two further randomised controlled trials (RCTs) have been published. One investigated an internet-based self-help intervention known as Brief Adjustment Disorder Intervention (BADI) for the treatment of ICD-11 adjustment disorder [55]. In the self-help trial, completer analysis revealed that BADI reduced ICD-11 adjustment disorder symptoms and increased psychological well-being for those participants who used the intervention at least once in 30 days. The high drop-out rates from this trial (86%) prevent firm conclusions from being drawn. A second study targeted ICD-10 and DSM-IV adjustment disorder, and compared a face-to-face and virtual reality delivered cognitive behavioural therapy (CBT) to the waitlist [56]. Both the face-to-face and virtual reality CBT resulted in significantly greater improvements to adjustment disorder relative to the wait-list controls at pre/post treatment. The virtual reality group had significantly greater longer-term improvements than the standard and wait-list groups. Despite very small sample sizes in this study, as well as the high drop-out rates from the Eimontas et al. study [55], there is early support that technology assisted interventions for adjustment disorder may be useful, though further methodologically rigorous studies are needed.

As adjustment disorder is characterised as a subclinical disorder, it is reasonable to consider that it may be responsive to lower intensity, brief intervention. This is consistent with intervention findings that show adjustment disorder to be responsive to self-help bibliotherapy [54], and other online self-directed interventions [55]. Adjustment disorder interventions might also be amenable to ‘task shifting’, that is, interventions designed to be delivered by non-specialists in order to increase their accessibility. Recent meta-analyses indicate that use of non-specialists can lead to significant improvements in mental health [57]. A recently developed program, Skills for Life Adjustment and Resilience (SOLAR), aims to address adjustment difficulties and sub-clinical presentations using a brief, non-specialist delivered format. The SOLAR program is currently being tested in Australia, Japan, and the South Pacific. So far, preliminary data drawn from these projects suggest that SOLAR is not only an acceptable and feasible intervention that can be implemented by trained lay workers, it is also effective in reducing adjustment difficulties [58,59].

In summary, the emergence of clear diagnostic criteria with ICD-11 has finally presented the opportunity for new treatment options to be developed and tested. Several emerging treatment options have utilised the internet to complement the therapeutic approach, which is likely to be appealing to individuals with sub-clinical problems such as adjustment disorder [56]. Additionally, treatments that are brief and scalable may be appropriate for the treatment of adjustment disorder. Despite this emerging evidence base, however, the lack of high quality trials that test interventions for adjustment disorder is still a serious concern, and there are no clear recommendations on how to best treat the

disorder. As such, there is a clear need for higher quality, methodologically sound treatment trials to aid in both the development of new treatment options and in the validation of current ones.

## 6. Conclusions

After decades of uncertainty surrounding adjustment disorder, despite research indicating it is a prevalent problem in populations such as consultant liaison psychiatry, it is now a critical time for advancing our knowledge of the disorder. The establishment of clear diagnostic criteria in ICD-11 has produced a number of new studies, yet important questions remain about adjustment disorder—particularly around its phenomenology, course and treatment. Future endeavors might include a focus on emotional and behavioural correlates of adjustment disorder and mechanisms that underpin differences in symptom trajectory (e.g., how adjustment disorder may persist over time or develop into other psychiatric conditions), and how to build the evidence base for treatments designed or adapted for adjustment disorder. As adjustment disorder becomes increasingly legitimised and more clearly defined in the DSM and ICD, researchers in the psychiatric field have the ability to shed new light on a poorly understood disorder. In doing so, we can ensure that adjustment disorder patients have access to appropriate treatment and that clinical judgment is empirically informed.

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
RIAN WATERS,	)	
<b>Plaintiff</b>	)	
	)	3:2020CV30168 - MGM
FACEBOOK INC., et al.,	)	
<b>Defendants</b>	)	
_____	)	

Opposition To Aidan Kearney’s motion to dismiss.

**The Complaints, and Oppositions are not to the best of my ability**

I found a law firm that will take this case if the harassment by Aidan Kearney is removed and prevented. Experts also seem to be afraid to get involved, and I am too afraid to name witnesses until the harassment is stopped. One lawyer said a while ago for a different court hearing “as much as I would love to be harassed by hundreds of strangers on the internet, I have a hearing that day, you do realize I would be next?”

The reason the amended complaint and my oppositions to the motions to dismiss are poorly written is not because the case does not have merit, but because the threats and other obstructive conduct critically impaired me. The reason I am dismissing the other Defendants is because my therapist scared me recently telling me that she thought my Adjustment Disorder progressed to PTSD. After reading the

research paper attached to docket #67 as exhibit A, I gained hope that she was wrong, and that the reason I am still suffering is because of the November 12<sup>th</sup> threat that is still being distributed by Facebook and Google. I am doing a lot better now than I was in December and January, but I used to have a partial photographic memory which made case research and business easy. One simple example is before the adjustment disorder got bad, I was able to consistently identify spinning cards being dealt at the poker table, but when the adjustment disorder is stressed I (like most people) can only make out the color. I believe it is more likely than not that I will be able to prove this ability after six months without harassment. Regardless my failures should not be a reason to dismiss the case. “A document filed pro se is ‘to be liberally construed,’ and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers, All pleadings shall be so construed as to do substantial justice.” Erickson v. Pardus, 551 U.S. 89, 94 (2007) (internal quotation marks omitted).

#### **42 USC 1985(2)**

Aidan Kearney mistakenly argues that 42 USC 1985(2) requires “a plaintiff must also show ‘some racial or otherwise class-based, invidiously discriminatory animus.’” This is not so “no allegations of racial or class-based invidiously discriminatory animus are required to establish a cause of action under the first part of § 1985(2)” Kush v. Rutledge, 460 U.S. 719 (1983) “The Court's decision rested

on the plain language of the statute and on the premise that congressional power therefor arose not from the fourteenth amendment and notions of equality, but, rather, from specific federal power to protect the processes of federal courts and the exercise of federal rights.” Irizarry v. Quiros, 722 F.2d 869, 871 (1st Cir. 1983) Regardless even if it was a requirement, class-based invidiously discriminatory animus has been established in a 1983 claim for discriminatory actions “motivated as much by *retaliation as by magnanimity*. Such dueling inferences, of course, favor Plaintiff at summary judgment.” Powell v. City of Pittsfield, 143 F. Supp. 2d 94, 124 (D. Mass. 2001) Aidan Kearney has certainly stated his intentions are retaliatory (SAC 39 92)

Also as stated in the other motions for dismiss, Aidan Kearney attacks people he labels as “Social Justice Warriors” on a regular basis, primarily people who he considers use “anti-police rhetoric” like myself, Black Lives Matter activists, and LGBTQ activists. I am largely ironically discriminated against as a straight white male by the current interpretation of the CRA, but that was not congresses intent. “The committee assert that the testimony almost without exception establishes that the outrages were perpetrated by the bands of Ku Klux in disguise, and were inflicted upon the members of the *Republican party, both white and colored*; in some instances, *the fact that they were of that party being given as the reason* of the punishment; in others, alleged crime being the pretext... Ku Kluk Klan, is composed

wholly and exclusively of Democrats or Conservatives, which, I suppose, means the same thing.” “I observe that whatever palliation there may have been in the past for these outrages upon their former enemies, or because of *political differences*” “How often has it been said to be a myth. How often has the country been told that the reports with which the newspapers teemed of outrages in the South upon the *Republicans* was a cunning scheme, devised for political effect” Id. Pg 503 Daniel D. Pratt “What follows in section one of this article, by way of limitation upon the power of the States, applies equally to both races, so that when a State is forbidden to make or enforce any law abridging the privileges of citizens of the United States, and when it is forbidden to deprive any person of life, liberty, or property without due process of law, and is prohibited from denying to any person within its jurisdiction the equal. protection of the laws, we are to understand these prohibitions as extending to *all* persons who are made citizens by the first clause of the article, whether Caucasian, African, or Asiatic in origin. There is no *torturing of language* by which we can strike out the word "all" in this article. If protection is guaranteed to the African, it is also to the Chinaman if naturalized; and what warrant have we to claim that the whites alone are excluded?” Id. Pg 506 Daniel D. Pratt emphasis added “The murders and outrages committed at Meridian, Mississippi, where twenty eight negroes and two white men were killed *because of their political opinions*, are

perfectly appalling.” Id. pg 511 Legrand W. Perce More congressman can be cited later.

### **State Action**

“Aidan Kearney sent and received emails discussing the criminal allegations against me and or complaints against him with multiple state agents and or police officers. Aidan Kearney has bragged while being interviewed that he has police and state agents in every department across Massachusetts that feed him information. Aidan Kearney routinely harasses victims of police corruption on his “weaponized” social media account’s and portrays the victims as culprits. Aidan Kearney has bragged about getting police officers to bring criminal charges against multiple citizens, and police officers have routinely refused to hold him accountable for crimes. Current and former police officers have harassed and intimidated me on Turtleboy’s Facebook and YouTube social media accounts. And used his slogan ‘don’t poke the turtle.’” (SAC ¶14-18)

In addition to what is specifically alleged in the complaint, in Aidan Kearney’s book “I am Turtleboy,” he says the reason he fights the anti-police rhetoric so hard is because he has many close friends that are police officers. He also said, “we were also getting information the rest of the media couldn’t get because police on the scenes were either texting our sources or me personally, or messaging the Turtleboy Facebook page.” He also alleges that police helped him grow on social media by

following him “Our account was followed by... the Boston Police Department and many other police departments.” “For the reasons set forth above, *and reasons currently unknown* the Defendants should be considered as acting under the color of the law as the Defendants have received significant support/encouragement both overtly and covertly, and the state has willingly accepted the benefits of the Defendants’ schemes.” SAC 20 “The involvement of a policeman, a state official, whether or not his actions were lawful or authorized, in the alleged conspiracy would plainly provide the state action needed to show a direct violation of petitioner's Fourteenth Amendment rights entitling her to relief under § 1983, and private persons involved in such a conspiracy are acting ‘under color’ of law, and can be liable under § 1983.” Adickes v. S. H. Kress & Co., 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d 142 (1970)

### Rico Damages

“I have been diagnosed with Adjustment Disorder. Aidan Kearney’s articles have been identified as the cause and stressor of the disorder” SAC 55 Threats of death is one of, if not the leading cause of Adjustment Disorder. One of the primary symptoms of Adjustment Disorder is significant impairment to occupational functioning. “My credit worthiness has been destroyed on both typical credit reporting agencies, and secondary credit reporting agencies such as Google.com

SAC 56 “I have been permanently disabled from my trade as an entrepreneur and received significant impairment in my secondary fields of professional poker and cannabis extraction.” SAC 57 “The Defendants have also made it too dangerous to get a job that works with the public, not only would I fear for the business’s reputation, but I would be afraid to go home after work.” SAC 61 Aidan Kearney has stated that one of his goals was to keep me unemployable see SAC 40 “The damages to my mental health should be considered because I was an entrepreneur, and my mental health is directly related to my ability to conduct business.” SAC 132 Aidan Kearney encouraged death threats by misrepresenting details of prior court proceedings and liking threats of violence. More examples can be provided. SAC 134 & 36 “Loss of an opportunity to perform work is an ‘injury to business.’ There is no compelling reason to apply a different rule in this case, where [The Plaintiff] has alleged that the defendants' actions forced [him] out of [his] career and disabled [him] from pursuing such work in the future. Therefore, this Court rules that [The Plaintiff] properly alleged an injury to "business or property" within the meaning of § 1964(c). Hunt v. Weatherbee, 626 F. Supp. 1097, 1101 (D. Mass. 1986)

The SAC does list more than enough predicate acts that caused me damage to stand on their own by Aidan Kearney. (SAC 118-125) Regardless even though I can not sue for damages on acts that damaged others, I may use those acts to show a pattern. “no requirement exists that the plaintiff must suffer an injury from two or more

predicate acts, or from all of the predicate acts. Thus, a RICO verdict can be sustained when a pattern of racketeering acts existed, but when only one act caused injury. Stated differently, merely because one of the racketeering acts was not successful does not mean that it is unavailable to establish a pattern.” Deppe v. Tripp, 863 F.2d 1356, 1366-67 (7th Cir. 1988) see also Marshall Ilsley Trust Co. v. Pate, 819 F.2d 806, 809 (7th Cir. 1987).

### **CLAIM SPLITTING DOCTRINE**

This Doctrine does not apply. First, the damages in the State case were solely directed to Aidan Kearney and his single-member alter ego LLC’s, while this case involves at least one conspiracy. “This Court repeatedly has recognized that a conspiracy poses distinct dangers quite apart from those of the substantive offense.” Iannelli v. United States, 420 U.S. 770, 778 (1975). One case that I believe was cited in an earlier brief but I am unable to find at the moment because of the adjustment disorder held that 42 USC 1985 and damages from a predicate act of a RICO conspiracy relying on the same facts were distinct injuries because of the conspiracy element. Second, the only listed damages in the State case that somewhat overlap were damages related to Cannatopia Music Festival and reputational damage. But the threat of future attacks and the Adjustment disorder has also significantly impaired my occupational functioning and significantly impaired my ability to

succeed in business. Most of the job offers I got prior to the RICO conspiracy offered equity, but since it is hard to calculate entrepreneurial damages, I included my expertise in cannabis extraction. (SAC 7& 57) A job as a director of extraction averages above \$70,000 a year, which is how I came to the number of two million dollars for compensatory damages. Third, even if I did allege defamation in this case, I could bring new claims for defamation. Aidan Kearney never alleged that I “punched” my ex-girlfriend until the state case was dismissed, and my ex-girlfriend has never made such an allegation to my knowledge. Aidan Kearney has written at least a dozen defamatory publications since the case was dismissed which is enough to start a new action even if the initial allegations were true. “Massachusetts case law maintains that a publisher may abuse, and lose, a conditional privilege in a number of ways, including if the plaintiff offers proof that the defendant (1) acted out of malice... (4) acted in reckless disregard of the truth or the defendant's rights, or (5) published the information *unnecessarily, unreasonably, or excessively.*” Downey v. Chutehall Constr. Co., 19 N.E.3d 470, 477 (Mass. App. Ct. 2014) see also Bratt v. International Business Machines Corp., 392 Mass. 508, 513 (Mass. 1984) If a Defendant wins an assault and battery case, he is not given a license to assault and conspire to assault the alleged victim. Forth, the State case was not fairly litigated. Aidan Kearney committed perjury at the start of the State case alleging that he did not say the slanderous statements, and that he was not “Uncle Turtleboy.” The

court did not care when it was later revealed that he was Uncle Turtleboy. Aidan Kearney committed perjury saying he did not write the original article and others written about me, and that instead an unnamable party wrote them, but in July 2020 he admitted that he did write the original article, and his ex-writer says that no such unnamable writers exist. Aidan Kearney also committed perjury when he got the default removed by misrepresenting emails, and claiming the default was not intentional, I presented the emails he referred to which showed clear perjury and presented evidence that he bragged about the benefits of strategically defaulting several times. Fifth, I was not aware of the significant State involvement when I started the state case, and cruel and unusual punishment without due process is certainly a distinct injury. Sixth, if a prior case barred an action for obstruction of an official proceeding then those sections of 42 USC 1985 would be useless.

### **Conspiracy**

Exhibit G for the SAC is a screenshot from a secret group on Facebook where the top people of the Turtleboy group regularly conspired against his victims. To give context to that screenshot, Katherine Peter realized that Turtleboy was sent doctored screenshots by someone maliciously trying to get Aidan to use his weaponized platform against Amanda Sawyer's son. Aidan Kearney hated Amanda and wanted to use the fraudulent screenshots anyway because Amanda complained about police

corruption, and because she showed up to a criminal hearing to be my witness. Then he said he could dehumanize people at will, and said he did not care if me or my other witness Michael Gaffney from 1879CV0344 died because of his blog.

“To be sure, there was no proof of an express agreement. That is unsurprising: criminal conspiracies are by their nature clandestine. But an implied agreement can, and often does, suffice to ground a conspiracy charge.” U.S. v. Boylan, 898 F.2d 230, 243 (1st Cir. 1990) (What counts is whether it can be said, on the totality of the evidence, that all of the alleged coconspirators directed their efforts towards the accomplishment of a common goal or overall plan) “A plaintiff need not show that such an agreement was express; a conspiracy may be implied from the circumstances. If a party has the potential to stop illegal activity but fails to act to do so, and sits idly by, then that party may be said to have impliedly conspired in such illegalities. Moreover, the plaintiff is not required to prove exact details of the agreement. A showing of conspiracy must often be met by circumstantial evidence; conspirators rarely formulate their plans in ways susceptible of proof by direct evidence.” Hunt v. Weatherbee, 626 F. Supp. 1097, 1107 (D. Mass. 1986) Internal quotations omitted. “There is no requirement of some overt act or specific act in the statute before us, unlike the general conspiracy provision applicable to federal crimes, which requires that at least one of the conspirators have committed an ‘act to effect the object of the conspiracy.’ § 371. The RICO conspiracy provision, then,

is even more comprehensive than the general conspiracy offense in § 371” Salinas v. United States, 522 U.S. 52, 63 (1997) “A conspiracy may exist even if a conspirator does not agree to commit or facilitate each and every part of the substantive offense. The partners in the criminal plan must agree to pursue the same criminal objective and may divide up the work, yet each is responsible for the acts of each other. And so long as the partnership in crime continues, the partners act for each other in carrying it forward. If conspirators have a plan which calls for some conspirators to perpetrate the crime and others to provide support, the supporters are as guilty as the perpetrators. As Justice Holmes observed: Plainly a person may conspire for the commission of a crime by a third person. A person, moreover, may be liable for conspiracy even though he was incapable of committing the substantive offense.” Id. 63-64 internal quotations omitted. “so long as they share a common purpose, conspirators are liable for the acts of their co-conspirators. We observed in Bannon: ‘To require an overt act to be proven against every member of the conspiracy, or a distinct act connecting him with the combination to be alleged, would not only be an innovation upon established principles, but would render most prosecutions for the offence nugatory.’ 156 U.S. at 469. The RICO conspiracy statute, § 1962(d), broadened conspiracy coverage by omitting the requirement of an overt act; it did not, at the same time, work the radical change of requiring the Government to prove each conspirator agreed that he would be the one to commit

two predicate acts.” *Salinas v. United States*, 522 U.S. 52, 64 (1997) “A conspirator must intend to further an endeavor which, if completed, would satisfy all of the elements of a substantive criminal offense, but it suffices that he adopt the goal of furthering or facilitating the criminal endeavor. He may do so in any number of ways short of agreeing to undertake all of the acts necessary for the crime's completion. One can be a conspirator by agreeing to facilitate only some of the acts leading to the substantive offense.” *Id.* 65 “The interplay between subsections (c) and (d) does not permit us to excuse from the reach of the conspiracy provision an actor who does not himself commit or agree to commit the two or more predicate acts requisite to the underlying offense.” *Id.* 65 “even if [Google] did not accept or agree to [distribute two publications designed to threaten or intimidate members of a Federal case], there was ample evidence that [Google] conspired to violate subsection (c). The evidence showed that [Aidan Kearney and others] committed at least two acts of racketeering activity when he [published multiple publications with intent to threaten and intimidate] and that [Google] *knew about and agreed to facilitate the scheme*. This is sufficient to support a conviction under § 1962(d).” *Id.* 66

### **Facebook conspiratorial agreement**

Aidan Kearney wrote in his book “I am Turtleboy that a friend of his who was a lawyer wrote to Facebook, “Rob wrote a demand letter to Facebook that I signed off

on telling them to restore the page from suspension and contact him immediately. Shockingly it worked, and within a week we had scheduled a conference call with a law firm out of Washington DC representing Facebook.” In his book he also listed a couple other times he contacted Facebook to offer money to keep his pages up. “He gave me the name and phone number of his contact at Facebook – Nick Marquez. I called and left a message with him, pretending to be a business owner with deep pockets, looking to spend hundreds of thousands of dollars on boosted posts. I got a call back from a guy named Phil Perry who was running Nick’s accounts while he was on vacation. I told him I was willing to spend a lot of money, but needed some sort of guarantee that the page would not be removed without cause if I made such a large investment. He told me it would not be removed unless I violated the terms of service, which wasn’t reassuring since I’ve never violated the terms of service in the past but had had pages removed anyway. He then told me he wasn’t going to discuss removal of posts and asked how much money I wanted to spend on boosted posts. Facebook was willing to take my money, but they weren’t willing to promise that Facebook wouldn’t take my money and run. A week later Nick Marquez called me after he returned from vacation.”

Additionally, Aidan Kearney also wrote in his book “I am Turtleboy”; “Whenever a page was taken down our admins would just hit the appeal button hundreds of times

and we would usually get it back in 24 hours with a message from Facebook saying they made yet another mistake.”

Also in Aidan Kearney’s book he showed his dependence on Facebook allowing the conspiracy “Turtleboy would never have become a business or such a widely read blog without the power of Facebook.” “over 78% of our daily traffic on the site was coming directly from Facebook.”

**The reason I did not sue Twitter is also explained in his book.**

He explained that Twitter actually enforced their rules which forced him to be careful of what he says on twitter. To this day Aidan Kearney usually does not mention names of people he shames on twitter. “*We were careful about what we posted on @TurtleboyNews after that* and had close to 10,000 followers once again by August. However, while I was on a cruise to Bermuda, Twitter did a purge, banning all user accounts that had previously been created by people like us to circumvent suspensions. Twitter was banning people arbitrarily FOR LIFE, something not even Facebook had ever done.” So while Twitter does not make money supporting highly engaging public shaming, they also do not have to respond to as many rule violations.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
RIAN WATERS,	)	
<b>Plaintiff</b>	)	
	)	3:2020CV30168 - MGM
FACEBOOK INC., et al.,	)	
<b>Defendants</b>	)	
_____	)	

**AFFIDAVIT OF RIAN WATERS**

1) In November 2020 I printed several copies of the complaint and TRO/PI motion for this lawsuit which I intended to mail certified to each of the State Defendants. I also planned on serving the remaining Defendants (excluding Facebook & Google) using the US Marshals, but after Aidan Kearney harassed me by email and on Facebook, and Google’s Attorney decided to leverage Aidan Kearney’s 11/12/2020 threat in the same week I became severely impaired, and unable to focus on tasks necessary for the case. I also would have sent the first set of interrogatories if there had been no harassment.

2) When my old roommate messaged Aidan Kearney and asked him to remove her address from his website, he said that anyone who helps me deserves to have their sh\*t blown up.

3) Michael Gaffney was repeatedly harassed with manufactured pornographic images of the two of us in bed after he filled out an affidavit for the state case 1879CV0344.

4) Katherine Peter sent an email threatening to harass my cofounder for Cannatopia Music Festival in January 2019 before court hearings.

5) Aidan Kearney spent almost five minutes shaming Amanda Sawyer in January 2020, and literally said the reason she deserved to be shamed was because she was willing to be my witness.

6) Kathryn Narcisi sued Turtleboy Sports in Rhode Island in Superior court, which was later transferred to federal court.

7) On August 10<sup>th</sup> 2019, Aidan Kearney published an article on TBDailyNews.com, titled “Kathryn Narcisi Has A New Lawyer And The Providence Journal Wrote An Inaccurate Article About Her Lawsuit Against Turtleboy And Her ‘Businesses’” In the article Aidan Kearney wrote;

a. “‘Failure Swift’s’ CAPS LOCK LAWSUIT was initially filed by Cranston State Rep, and twice held in contempt attorney, Christopher Millea. She then fired him because she thought he was colluding with me to sabotage her lawsuit.”

b. “This is her new attorney, Edward M. Pepe, an associate at Moretti, Perlow, and Bonin. They can be found on Facebook (he shared a link to their Facebook page) , and **as always we urge you NOT TO go to their page and leave negative comments and reviews...** Sure, it’s pretty low and pathetic for a lawyer to take on a case like this”

8) Aidan Kearney explained on Youtube that **Christopher agreed to ask for a continuance** on a TRO hearing when Aidan Kearney was not able to show up **in exchange for Aidan Kearney removing pictures of Christopher Millea’s children from Turtleboysports.com.** Which is why Kathryn fired him.

9) Robert Fojo filed for a harassment order against Aidan Kearney in New Hampshire and presented “numerous” harassing postings that were posted on his law firm’s and personal Facebook accounts to the court.

10) On May 3rd 2020 Aidan Kearney published a blog on Turtleboysports.com titled “Bootleg Avenatti [New Hampshire Attorney Robert Fojo] Files \$5K Lawsuit Against Bar Employee For Sharing TB Blog And Screenshots Of Threatening Messages, Also

Threatened To Sue His Own Client Feta Cheese Freddie” The article shared a link to his law firm’s Facebook page and said **“please do NOT flood his Facebook page with bad reviews.** He might sue you too!!”

11) On May 18th 2020 Aidan Kearney posted an article on TurtleboySports.com titled “Bootleg Avenatti And His Boy Toy Michell Fleming Are Not Gonna Be Pleased After His Bullshit Restraining Order Against Me Was Denied By A Manchester Judge” In the article Aidan Kearney says that he told the judge that “the alternative to saying, ‘DO NOT CONTACT HIM,’ was ‘CONTACT HIM,’” After stating several insults Aidan Kearney said **“Don’t. Poke. The. Turtle.”** He then posted a screen shot from Robert Fojo’s client listing a phone number and stated “Now the fun begins.”

12) Aidan Kearney made harassing statements about the lawyer who represented Talib Kweli in a case against Turtleboy Sports.

13) Aidan Kearney harassed George Leontire on numerous occasions because George Leontire was representing a Plaintiff that sued him in Massachusetts Superior court.

14) On February 7<sup>th</sup> 2019, Aidan Kearney published a blog on TBDailynews.com titled “Reporter Who Whines About Laying Off Journalists Is Demanding Buffalo Police Take Down Blue Lives Matter Flag Because A White Lawyer Said It’s ‘Intimidating’” In the article Aidan Kearney said

a. “Then there’s this Becky: [shows pictures of her] Her name is Erin Bahn, and she became a lawyer after a failed career as a ballerina. I sh\*t you not – a grown woman who tried and failed to become a professional ballerina.”

b. “The fact that any law firm would be dumb enough to hire someone this stupid is mind boggling. **I’d suggest giving Kavinoky Cook [(Erin Bahn’s Law firm) he posted a link to their website] a bunch of bad reviews on Facebook,** but they’re so technologically inept they don’t even have any social media accounts.

14.1 Also notable the comment section had a lot of racist comments, comments against or supporting flag code violations for police, and comments that seemed to threaten to rape Erin Bahn.

15) On November 18, 2017, an article was published on TurtleboySports.com titled “Alli Bibaud’s Lawyer Who Is Blaming State Police For Doing Their Job Calls Turtle Riders Fat Pussies, Tells Them To Shut The F\*ck Up For Exposing Illegal Campaign Contributions To Karyn Polito” The article that was published under the name Turtleboy posted a link to the law firm’s Facebook account, and said “**Whatever you do, DO NOT go to their Facebook page and give them a rating if you’ve never retained them as counsel!!!**”

a. Several commentators harassed Michael Wilcox calling him a liberal n\*gger, and several other insults, and **three commentators noted that the law firm he worked for took down their Facebook page.** All three comments had over 20 likes.

b. “They disabled facebook after 7 hours lol”

c. “The dude’s business facebook page is down, bummer.”

d. “DO NOT go to their Facebook page and give them a rating if you’ve never retained them as counsel!!!’ it’s down!!!”

16) On April 27<sup>th</sup> 2016, Aidan Kearney published a blog on Turtleboysports.com titled “Hampshire College Lawyer Threatens To Sue Turtleboy Because Students Are Butthurt About Being Called Out For Being Buttnuts” The article states that an attorney named Joanna Olin sent a cease and desist letter. The article responded saying the following statements;

a. We will “keep doing what we’re doing by calling out each and every social justice warrior terrorist who has declared war on free speech”

**b. “Allow me to make myself abundantly clear – Don’t. Poke. The. Turtle.”**

c. “I don’t know why you insist on feeding us material in the form of stupid, dumbass emails like this. But make no doubt about it – social justice warriors have declared war on the First Amendment and we will DIE fighting to protect it.”

d. “Or just keep poking the turtle... Either way we go strap for strap at Turtleboy Sports. Your move.”

e. The article also **linked to the lawyer’s LinkedIn account**, which has since been taken down.

17) On September 14<sup>th</sup> 2016, An article was published on TurtleboySports.com titled “SJW New York Lawyer Sent Hilarious Fax To Doherty High School, Telling Them To Cancel Nonexistent Suspension For Football Player Who Made The Whole Story Up” The article stated;

a. “They’ve also been bombarded with messages from SJW ambulance chasing lawyers such as Brian Ponder from New York.” [posted pictures that included Brian Ponders Law Firm’s contact details.]

b. “Based on his Facebook page he makes some money fighting cases that involve ‘social justice.’”

c. The article **also posted a link to the reviews section of Brian Ponders Avvo account.**

18) On May 5<sup>th</sup> 2018, a blog was published on Turtleboysports.com titled “The Boston Globe Is Suing Hilary Sargent For Speaking Out About Sexual Harassment And Their Lawyer Is A Pink Pussy Hat-Wearing Feminist Who Is Trying To Silence A Victim On Behalf Of Rich White Men” The article listed the contact details of attorney Sam Regenbogen, and the law firm she works for “Proskauer.” Some of the comments were sexual harassment in my opinion.

19) On January 18<sup>th</sup> 2017, an article was published on Turtleboysports.com titled “Unloveable Troglodyte Is Forcing Groton-Dunstable High School Chorus To Cancel Performance At Historic Italian Basilica With Her ACLU Thug Lawyers” the article stated;

a. “she’s brought along her soulless bully lawyers from the ACLU. Remember when the ACLU was a legitimate organization looking out for normal people’s civil liberties? Good times. Now it’s basically just used to attack cops...”

20) Samantha Cardin plead the 5<sup>th</sup> and refused to testify against me because my lawyer showed her transcribed jail phone calls where she admitted she did not think I was guilty, and she acknowledged the cabinet that fell which she lied about. The lawyer also showed the text messages I mentioned earlier.

21) I intended to provide an affidavit for my opposition to Aidan Kearney’s motion to dismiss, but I forgot and was rushing. Although I now state under penalties of perjury that all allegations in that memorandum are true, including but not limited to;

a. A law firm is willing to represent me in this case if they are protected from harassment.

b. In Aidan Kearney’s book he stated “Our [twitter] account was followed by... the Boston Police Department and many other police departments.”

C. In Aidan Kearney’s book he stated, “we were also getting information the rest of the media couldn’t get because police on the scenes were either texting our sources or me personally, or messaging the Turtleboy Facebook page.” On various YouTube shows and in articles on his website Aidan Kearney has made the same allegation with similar words.

23) I have another example of Aidan Kearney admitting that he would “normally” direct harassment to a lawyer, but I am having a hard time finding it.

24) I sent an email to Facebook’s lawyers informing them that Aidan Kearney was harassing me on the Arise for Social Justice page with a link, Facebook allowed him to do it again the next day.

25) I sent several emails to Google’s lawyers informing them that Aidan Kearney’s harassment on their platform was not just causing cognitive impairment, but was also indirectly terrorizing my physical wellbeing, Google has done nothing.

26) On December 15<sup>th</sup> 2020 I informed YouTube that “last week [Aidan Kearney] said Democrats and Republicans can not live together and that the US needs a civil war.” YouTube did not care.

**THE REASON I WILL TAKE WHATEVER MEASURES NECESSARY FOR  
JUSTICE**

27) On the day Samantha Cardin robbed me and tried to frame me she said the reason she was doing what she was doing was because I believed her father molested our daughter. At the time I did not know what she planned on doing.

28) On August 23<sup>rd</sup> 2019 Edward Cardin (Samantha Cardin’s father) seen that the company I was working for parked the work truck in front of his house. Edward Cardin got my nonverbal special needs daughter completely naked in a small pool in front of his house, and when he seen me go into the work truck he said “ohh that feels good huh Lilah, luckily daddy isn’t around and I can touch you whenever I want” Three other construction workers witnessed my daughter naked in the pool, and I called and left a message on a DCF workers Voicemail but they never returned my call. DCF also changed my testimony about the reasons I thought Edward Cardin molested my daughter, and they did not talk to the doctor or social worker that I informed them that I had told.

29) Without any justice in this case I cannot protect my daughter using proper means.

Signed under the pains and penalties of perjury this 9th day of March, 2021

Pro Se Rian Waters 

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[watersrian@gmail.com](mailto:watersrian@gmail.com)

(530) 739-8951

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION 3:20-cv-30168

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RIAN WATERS,  
**Plaintiff**

FACEBOOK INC.  
GOOGLE LLC.  
AIDAN KEARNEY,  
KATHERINE PETER  
**Defendants**

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**THIRD PROPOSED SECOND AMENDED VERIFIED COMPLAINT**

**I PRELIMINARY STATEMENT:**

1 This action is to stop an effective conspiracy by which hundreds of citizens including myself have been deprived of due process and equal protection of the laws because of our willingness to stand for social justice. Aidan Kearney brags that he has loyal followers in every police department in Massachusetts that send him stories. Aidan Kearney then uses his weaponized public shaming device to harass and cause severe emotional distress to the suspects and anyone willing to be their exculpatory witnesses. Aidan Kearney has committed a variety of criminal acts to obstruct the civil and criminal cases against him, but because of Aidan Kearney’s symbiotic relationship with law enforcement the police have refused to protect me according to the standing laws. My

witnesses were silenced, the courts were impotent, the laws were annulled, the real criminals went free, while I exhausted all available remedies for redress in vain. This condition of affairs is pervasive throughout Massachusetts, and gravely impacts the entire world. Both Facebook and YouTube have policies that could have, and should have prevented such serious harm, but they profit too much money allowing witness intimidation and constitutional violations to go unpunished.

2 Google and Facebook both argued that 47 U.S. Code § 230 (c)(1)&(2) allows them to knowingly distribute content that threatens an opposing litigant's family and that they can knowingly facilitate schemes that routinely violate criminal laws and constitutional rights with impunity. If the Defendants are correct in the reach of § 230, then for the reasons stated here within, then this court should declare § 230 unconstitutional.

## **II. JURISDICTION AND VENUE**

3 Federal courts have subject matter jurisdiction over RICO claims pursuant to 28 U.S.C. § 1331 and 18 U.S.C. § 1964(c). This Court also has jurisdiction over this action as it involves 42 U.S.C. § 1983, 42 U.S.C. § 1985, and 42 U.S.C. § 1986.

4 Alternatively, diversity jurisdiction can also be invoked as the amount in controversy exceeds 75,000 dollars, and the Defendants conduct business/advertise in Massachusetts making jurisdiction reasonable.

5 This Court has supplemental jurisdiction over related claims arising under state law pursuant to 28 U.S.C. § 1367(a).

6 Venue is proper in this Court, as the underlying court case and many of the events  
that gave rise to this action occurred in Springfield Massachusetts, some of the parties are  
from Massachusetts.

### III. PARTIES

7 Plaintiff Rian Waters (“I/me”) is a resident of Hampden County, Massachusetts.

8 I pioneered the industrialization of cannabis oil extraction in Northern California  
with the company I founded Emerald Science LLC. Prior to the first Rico violations I was  
working on Cannatopia Music Festival with several people that were experts and or leaders  
in their respective fields of business. The ultimate goal of Cannatopia Music Festival was  
to create an internationally recognized cannabis brand.

9 Defendant Facebook INC (“Facebook”) headquarters is in San Mateo County  
California. Facebook operates the largest social media platform in the world.

10 Facebook’s revenue exceeded 85 billion in 2020.

11 Defendant Google LLC (“YouTube” or “Google”) headquarters is in Santa Clara  
County California. Google LLC is listed as the service provider for YouTube.

12 Google LLC’s revenue exceeded 181 billion in 2020.

13 Defendant Aidan Kearney is a resident of Jefferson MA. Aidan Kearney was the  
sole owner and manager of Worcester Digital Marketing LLC, and Turtleboy Industries  
LLC. both Massachusetts companies that operated Turtleboy Sports. (“TS”).

14 Defendant Katherine Peter is a resident of North Attleboro MA. Katherine was a  
writer for Aidan Kearney.

### IV. STATEMENT OF FACTS

**A. State Action**

15 Aidan Kearney sent and received emails discussing the criminal allegations against me and or complaints against him with multiple state agents and or police officers. (Exhibit A)

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

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

18 Aidan Kearney routinely harasses victims of police corruption on his “weaponized” social media account’s and portrays the victims as culprits.

19 Aidan Kearney has bragged about getting police officers to bring criminal charges against multiple citizens. Including but not limited to Lorryna Calle and Katherine Peter.

20 Police officers have routinely refused to hold Aidan Kearney accountable for crimes. Mass GL 268 13b, is one example where Aidan Kearney bragged that he not only had intent to cause emotional and financial harm to punish for participation in court hearings, but that he took pleasure in seeing me petrified of him, and he celebrated that the blogs published before court hearings “destroyed” me and would prevent me from getting a job. Springfield police, East Longmeadow police, Mass. State Police, and the Mass. Attorney General’s office, all refused to hold him accountable.

21 On December 8<sup>th</sup>, 2019 Aidan Kearney stated that if I didn't drop the criminal complaint against him that he would coordinate with the Hampden County DA's office to reopen the criminal case against me that was dismissed.

22 A Springfield district court clerk cited outdated elements of Mass GL 268 13b when denying probable cause for Aidan Kearney. I filed a consolidated motion for a judge to redetermine both criminal complaints, it was denied by Hon. John M. Payne. I filed a motion for an explanatory memorandum, asked that the court at least cite which element he thought I failed to satisfy. Hon. John M. Payne denied that motion too, even though Aidan Kearney regularly brags that he was successful at causing emotional and financial damage. Judge Jane Mulqueen also prevented me from listing death threats, and ignored the ones listed in my affidavits.

23 Current and former police officers have harassed and intimidated me on Turtleboy's Facebook and YouTube social media accounts and used Turtleboy's slogan "don't poke the turtle" (Exhibit B.) Notably this same slogan was used by one of the 30+ police officer's that participated in the January 6<sup>th</sup> 2021 attack on the US capital building.

24 YouTube and Facebook have intentionally made it difficult and or impossible to inform them that the state was exploiting their platforms without starting a legal action, and after receiving legal notice they have continued to support and protect the scheme. Their acceptance can be inferred as a wink is as good as a nod to a blind horse.

25 For the reasons set forth above, and reasons currently unknown the Defendants should be considered as acting under the color of the law as the Defendants have received significant support/encouragement both overtly and covertly, and the state has willingly

accepted the benefits of the Defendants' schemes, and the State has intentionally tolerated the illegal conduct.

**B. Facebook**

26 Facebook states that the purpose of their Terms of Service is to make our community safer and more accountable.

27 Facebook's Terms of Service require it's users;

- a. Use the same name that you use in everyday life.
- b. Create only one account (your own)
- c. use your timeline for personal purposes.
- d. Not share your password, give access to your Facebook account to others, or transfer your account to anyone else (without our permission).

28 Aidan Kearney uses the following personal Facebook accounts for commercial public shaming; "Clarence Woods Emerson", "Uncle Turtleboy – Aidan Kearney", and "Terrance Collie"

29 Aidan Kearney has argued in multiple court cases including 1879CV00344 that he is not liable for the posts on his Facebook accounts because he has given out his passwords to too many people.

30 Facebook's Terms of Service state that you cannot use Facebook if: "We've previously disabled your account for violations of our Terms or Policies."

31 Aidan Kearney claims that Facebook has disabled over 30 of his accounts.

32 Facebook says that you may not use their product to do or share anything;

- a. That violates these Terms, our Community Standards, and other terms and policies that apply to your use of Facebook.
- b. That is unlawful, misleading, discriminatory or fraudulent.
- c. That infringes or violates someone else's rights.

33 Aidan Kearney publishes a link to his YouTube videos on all his Facebook accounts at the start of each episode.

34 Facebook allows users to watch YouTube videos on their platform without leaving TS's Facebook pages.

35 Facebook released a study into emotional contagion in 2014 (Kramer et al., 2014) where for one week in 2012 they manipulated the News Feeds of 689,003 Facebook users, half of these participants had some negative stories posted by their friends removed from their News feeds, and the other half had some positive stories removed. The study showed that the general tone of content that people are exposed to on Facebook has a powerful effect on their mood.

36 While users own the content and information on Facebook and are free to post what they wish, Facebook gleans information from that content. User content and the data gleaned from user content have materially different functions and are not analogous. The former is used for communication between users while the latter is used by Facebook to conduct its business of creating engaged users and selling their attention to advertisers. The processing that goes into each users' newsfeed is the result of behavioral analysis conducted on the user and the users' network. This aggregated information is then applied to the personalized information of users to create the highest engagement rate.

37 I used all the available methods to report the Turtleboy Sports profiles, I reported the most obstructive posts, and I know people that reported numerous Turtleboy Sports posts, but Facebook has never completely removed Turtleboy Sports from their platform, or even brought them down to a single profile.

**C. Damages**

38 I have been diagnosed with Adjustment Disorder. Aidan Kearney's articles have been identified as the cause and stressor of the disorder, and I have been going to therapy since October 2018.

39 My credit worthiness has been destroyed on both typical credit reporting agencies, and secondary credit reporting agencies such as Google.com.

40 I have been permanently disabled from my trade as an entrepreneur and received significant impairment in my secondary fields of professional poker and cannabis extraction.

41 I suffered physical pain and mental anguish, including diminished enjoyment of life. In June 2020, I started suffering with and was diagnosed with Gerd as a result of the Adjustment Disorder's symptoms. I can no longer eat a lot of acidic foods.

42 I have not been able to have public posts on my Facebook page since January 2019, because every time I have Facebook sent the degrading ceremonies to my friends and family.

43 It became too dangerous for me to present evidence or name witnesses in this instant case and civil case 1879CV00344, and I lost the ability to make strong written and oral arguments.

44 The Defendants have also made it too dangerous to get a job that works with the public, not only would I fear for the business's reputation, but I would be afraid to go home after work.

## V. STATEMENT OF CLAIMS

### COUNT I: Implied Warranty of Merchantability

#### Facebook, Google LLC

45 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

46 Google LLC refers to their platform as a product when describing to the public how YouTube live works. <https://www.youtube.com/howyoutubeworks/product-features/live/>

47 Facebook refers to their platform as a product here <https://www.facebook.com/help/1561485474074139> "The Facebook Products include Facebook (including the Facebook mobile app and in-app browser), Messenger..."

48 Facebook and Google state that they quickly work to remove harmful content when they are made aware. (Exhibit C)

49 Common law needs to adapt to the internet age and recognize that these platforms are products. Where there is a right there needs to be a remedy.

50 Facebook allowed users to provide context to violations of their rules in January 2019, but they have since removed that feature.

51 Facebook is deliberately indifferent to the rights of US citizens as they do not currently provide any method to explain why or how something is unlawful, discriminatory, or violating a person's rights.

52 Google is deliberately indifferent to the rights of US citizens as they do not currently have an effective method of reporting or preventing witness intimidation on their platforms. After I reported threats of violence and witness intimidation, Google responded several months later saying “we do not remove content due to allegations of defamation. Consistent with Section 230(c) of the Communications Decency Act.”

53 Facebook and Google are aware that their products can be used to influence elections and should expect that their products would be used to obstruct court cases.

54 Facebook and Google are aware that hate speech and misinformation is a rising problem on their platforms, and that these problems have real world consequences.

55 Facebook’s and Google’s platforms are defectively designed and unreasonably dangerous because of their susceptibility to be used as a weapon without any user support, and without any effective method to report witness intimidation or mitigate the effects.

56 Facebook willingly implemented a system that allows users to create accounts under almost any name with only verifying that the user owns an email address. If someone commits a crime with a fake name Facebook does not make any attempt to identify the culprit, and Facebook does not have any notable victim support.

57 Google is the world’s largest email provider, and Google willingly implemented a system that allow users to create an account under almost any name with only verifying that the user has access to a phone.

58 Facebook and Google’s platform are defective in their respective designs because the foreseeable risks of harm posed by the products/platforms could have been reduced or avoided by the adoption of a reasonable alternative design.

59 There are platforms on the internet that have competent safeguards built into their product design to prevent the abuses that have caused me harm. (Exhibit D)

60 There are safer alternatively designed social media platforms on the market today that do not exploit user data and maximize advertising profits by amplifying the distribution of hateful and threatening content based on behavioral analysis. (Exhibit D). Twitter allows users to report multiple posts at once to provide context. Twitch allows users to explain context in writing, and they will even remove bad actors from their platform that participate in hate speech elsewhere.

61 Safer alternative designs would decrease the cost of content moderation. The Defendants could require users to monitor comments on their own pages like Twitch does, or they use a design that delegates more moderation tools to certain users, and the Defendants could use an alternative design that allows a panel of volunteers to vote on whether violations require moderation. The Defendants would also decrease moderation cost if they laid out transparently what punishment is paired with what rule violation like other companies have, and if the Defendants trained their employees to be reasonably consistent with the enforcement of rule violations like other companies have done.

62 Facebook has deployed a safer alternative product design in other countries such as Germany.

63 As a result of the foregoing acts and omissions, I have suffered significant injuries and damages as described herein with particularity. Google and Facebook's conduct was willful, wanton, reckless, and, at the very least arose to the level of gross negligence so as

to indicate a disregard of the rights and safety of others, justifying an award of punitive damages.

## **COUNT II: GROSS NEGLIGENCE**

### **Google LLC, Facebook INC**

64 Plaintiff restates and incorporates by reference the allegations contained in all of the preceding paragraphs of this Complaint.

65 Google and Facebook knew or should have known that their platforms were being routinely used to harass US citizens.

66 Google and Facebook have failed to adequately train their employees to respect the rights of US citizens and litigants in court cases.

67 Facebook and Google's negligence are the proximate cause of my injuries, harm and economic loss, which I have suffered and/or will continue to suffer.

68 Had the Defendants took reasonable care I would not have suffered those injuries and damages as described herein with particularity.

69 On October 29<sup>th</sup> 2020 I sent a "legal complaint" to YouTube informing them that Aidan Kearney planned on using their platform at 9pm to likely harass me and the witnesses in this case. I also sent a legal complaint informing them of Aidan Kearney's 11/12/2020 threat and stated that he posted my address on their platform. YouTube waited until 2021 to respond, and they stated that they consider the threats and witness intimidation to be defamation, and they stated that section 230 of the CDA makes them immune.

70 Facebook and Google had a duty under Massachusetts common law to proceed in good faith, and to act with reasonable diligence to bring their litigation to a final conclusion,

and to conduct themselves with at least that modicum of civility, courtesy and respect, for all of the parties in this case.

71 Facebook and Google also had a fundamental duty under the maxim sic utere tuo ut alienum non laedas, to not allow their property to routinely trample on the rights and livelihoods of US citizens.

72 I further allege that the complete disregard of the rights and safety of others, justifies an award of punitive damages.

**COUNT III: 42 U.S.C. § 1985(2) WITNESS INTIMIDATION/ OBSTRUCTION OF FEDERAL CASE. Google LLC, Aidan Kearney,**

73 Plaintiff restates and incorporates by reference all the allegations contained in the preceding paragraphs of this Complaint.

74 Aidan Kearney, and several currently unknown parties conspired using secret groups on Facebook, and or Discord. (Exhibit G)

75 In the first 90 seconds of Aidan Kearney’s August 8, 2019 speech, titled “Turtleboy is a wartime conservative” Aidan Kearney described TS as a blog that has “weaponized public shaming, [that he uses] as a deterrent to ratchet public behavior.” Aidan Kearney stated in court that suing him is the most ratchet thing you can do.

76 On 2/12/2020, Aidan Kearney said he was not being hyperbolic when he said he would rather die or go to jail then censor his speech because of a court order.

77 Aidan Kearney uses a virtual private network and a “plethora” of fake Facebook profiles to hide his internet activities, and he encourages his followers to do the same.

78 On June 23rd, 2019, Aidan Kearney hosted a show on YouTube, after discussing 1879CV00344, Aidan Kearney said “If you f\*ck with me in court you will be made an example of, I’m going to ruin your life... and I’m a vindictive f\*ck too, I’m the guy that can be very friendly to you, and be nice. But if you poke me, I am going to ruin you, I dream, I get f\*cking hard over it right, I cum to it, when I think about, literally I bust a f\*cking load thinking about punishing you. So please bring it on, I really enjoy it.”

79 On November 12<sup>th</sup> 2020 Aidan Kearney described how he used his platform to cause distress and punish the family members of a pro se litigant in a different case, Aidan Kearney then stated “When general Sherman marched to f\*cking Atlanta he lit everything on fire \*\*\*\*\* everything, men women children dogs everything \*\*\*\*\* burns until you surrender that's how it \*\*\*\*\* works if you want to declare war then people \*\*\*\*\* die in war including civilians. When we bombed Hiroshima and Nagasaki we knew that a bunch of \*\*\*\*\* kids women are gonna die in that too \*\*\*\*\* bad then \*\*\*\*\* surrender \*\*\*\*\* surrender and then they finally surrendered didn't they, that's what you gotta do unfortunately there is collateral damage so **I want to make sure the message is sent here, if you \*\*\*\* with me, if you try to sue me, I'm not going to go after you, I'm going to go after your \*\*\*\*\* family**, don't \*\*\*\* with me, that's all I'm saying alright. I'm not playing with these people I paid 30,000 \*\*\*\*\* dollars in legal fees last year the sh\*ts not \*\*\*\*\* cute anymore and I'm not \*\*\*\*\* playing defensive and hiding anymore. **I'm going to burn your family to the ground** just understand that.

80 On November 30th, 2020 I was contacted by an attorney working for WILSON SONSINI GOODRICH & ROSATI PC named Brian Levy. He started the conversation

saying that my case was frivolous and that if I did not dismiss the case that they would charge attorney fees. I asked if he read my complaint and memorandum with my TRO/PI motion. Brian stated that he did review my filings, but he said that Google and the first circuit disagree with Supreme Court Justice Clarence Thomas, and that therefore they would move for attorney fees. Four days later Google hired three attorneys which they obviously knew the court would not require me to pay for.

81 Google has continued to distribute threats and other obstructing material even after they were informed that the threats were critically impairing my ability to litigate.

82 Google's conspiratorial agreement can be inferred because of their retaliatory policy of refusing to stop distributing content that threatens or encourages viewers to threaten and attack opposing litigants and their families. Notably Google will disable an account without warning that exposes wealthy people like Robinhood.

83 Google's conspiratorial agreement and invidiously discriminatory animus (not required) can be inferred by their willingness to profit off of clear rule violations as well as their extreme magnanimity.

84 The Defendants actions and inactions have critically impaired me which delayed amending the complaint and prevented me from presenting my best arguments. Whenever I would look for dates of misconduct, the harassment stresses my adjustment disorder causing preoccupation related to the stressor and its consequences.

85 The threats caused significant impairment in my ability to litigate this case, as well as damage to my personal, family, social, occupational, and other important areas of functioning.

86 The Defendants actions and inactions caused prejudicial damage to the potential jury pool, and harmed witnesses which causes a community intimidation effect, and makes me too afraid to bring in experts or more witnesses such as my business partners. Additionally, the obstruction made lawyers too afraid to take this case, and one law firm agreed to take the case if the status changes.

87 I further allege that the complete disregard of the rights and safety of others, and Google's willingness to exploit mental illness justifies an award of punitive damages.

**COUNT IV: 42 U.S.C. § 1986 NEGLECT TO PREVENT.**

**Facebook INC, Google LLC**

88 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

89 Facebook and Google's attorney's received notice of Aidan Kearney's long history attempting to obstruct justice on or before November 31<sup>st</sup> 2020. They should have expected Aidan Kearney to use their platforms to obstruct justice.

90 I sent a one minute video clip of Aidan Kearney's 11/12/2020 threat inciting violence against my family to Attorney's representing Google on but not limited to December 1<sup>st</sup> and December 21<sup>st</sup> 2020. I informed them that their platform was distributing content that was causing me significant impairment, and even bodily harm. I also informed them that the harassment would likely significantly delay the case.

91 I informed Facebook of the 11/12/2020 threat that was and is still watchable without leaving Facebook, and they were legally made aware that the threat was being promoted on their platform.

92 Facebook received hundreds of reports that Aidan Kearney's profiles were in violation of their terms of service, and Facebook acquiesced to those violations by allowing the Defendant to continue violating their rules.

93 Defendant corporations are "persons" that were aware or should have been aware of information that their platforms were going to be used and were used to obstruct this Federal case.

94 The Defendants could have used their moderating power to stop the obstruction or warned Aidan Kearney, Google and Facebook, could have stopped their algorithms from distributing the content to people that were not following Turtleboy Sports, or the Defendants could have informed Federal Authorities, or offered me a different form of support to mitigate the damages.

95 The Defendant's had the power to stop obstruction but neglected to do so.

96 As a proximate result of the foregoing acts and omissions, I have suffered significant injuries and damages as described herein with particularity.

#### **COUNT V: 18 U.S.C. 3 1962(C) CIVIL RICO**

##### **Aidan Kearney**

97 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

98 The Enterprise. Defendant Aidan Kearney, and non parties, Leigha Genduso, Sean Odonnell, and the now dissolved companies Worcter Digital Marketing LLC and Turtleboy Enterprises LLC and numerous other parties together form an association-in-fact for the common and continuing purpose described herein and constitute an enterprise within the

meaning of 18 U.S.C. 3 1961(4) engaged in the conduct their affairs through a continuing pattern of racketeering activity. The members of the enterprise functioned as a continuing unit with an ascertainable structure separate and distinct from that of the conduct of the pattern of racketeering activity. There are also other members of the enterprise who are unknown at this time.

99 Alternatively, Worcter Digital Marketing LLC and Turtleboy Enterprises LLC each constitute a separate enterprise within the meaning of 18 U.S.C. 3 1961(4).

100 Alternatively, Worcter Digital Marketing LLC and Turtleboy Enterprises LLC together constitute an enterprise within the meaning of 18 U.S.C. 3 1961(4).

101 Each enterprise has engaged in, and their activities have affected, foreign commerce.

102 Pattern of Racketeering Activity. Defendant Aidan Kearney, and non-parties Leigha Genduso, and Sean Odonnell, and others currently unknown each of whom are persons associated with, or employed by, the enterprise, did knowingly, willfully and unlawfully conduct or participate, directly or indirectly in the affairs of the enterprise through a pattern of racketeering activity within the meaning of 18 U.S.C. 1961 (1), 1961 (5), and 1962(c).

103 The racketeering activity was made possible by the listed parties' regular and repeated use of the social media profiles of the enterprise. Defendants had the specific intent to engage in the substantive RICO violations alleged herein. Aidan Kearney, and the numerous other members of the RICO enterprise agreed to and did conduct and participate in the conduct of the enterprise's affairs through a pattern of racketeering activity and for

the unlawful purpose of obstructing justice and intentionally harming the Plaintiff's business and property.

104 Pursuant to and in furtherance of their RICO scheme, Aidan Kearney and other parties committed multiple related acts of threat to commit murder, obstruction of justice, and witness intimidation that form the basis of the RICO claim.

105 **Predicate act; Threats of murder**

106 on 02/13/2019 an unidentifiable party wrote in the comment section of a Turtleboy Sports article "I would love to slaughter Rian's entire family down to the child." Katherine Peter responded to the next comment showing that she was aware of the above threat.

107 On or about January 7<sup>th</sup> 2019, and February 13<sup>th</sup> 2019, members of the Turtleboy enterprise made the following threats to murder on Turtleboy's Facebook accounts.

(Exhibit E)

- a. "I would like to kick him in the kidneys and he never gets up"
- b. "I'll put him out of his misery."
- c. "I'd break every bone in his body."

108 **Predicate act; 18 U.S.C. § 1512 (b)(1) Intimidating person to influence or delay official proceeding or alternatively 18 U.S.C. § 1512 (C)(2)/ 18 U.S.C. § 1512(D)(1):**

109 On January 6<sup>th</sup> 2017 Aidan Kearney published a blog on Turtleboysports.com and at least one Facebook account in an effort to prevent, hinder, or delay an official proceeding against the Ludlow jail for not having adequate procedures providing food for people with gluten allergies.

110 On but not limited to July 14<sup>th</sup> 2020, Aidan Kearney said my comments about police on Facebook (which were discussing a possible lawsuit) were one of the primary reasons “I ended up on Turtleboy” (his weaponized public shaming blog.) Notably his efforts were successful at preventing the lawsuit.

111 On October 7<sup>th</sup> 2020, October 29<sup>th</sup> 2020, and November 12<sup>th</sup> 2020 Aidan Kearney knowingly used intimidation with intent to influence or delay my testimony in this instant federal case.

112 Google through their attorney used the threat as leverage to get me to dismiss this case against them, and they have continued to distribute the threat after learning about the schemes history and goals.

113 Aidan Kearney has harassed party and witness Katherine Peter several times on YouTube and Facebook since I listed her as a party in this Federal case. He accused her of being arrested for child abuse. I informed Facebook and Google through their attorney’s, but they continued to facilitate the scheme.

114 Aidan has also harassed me on Facebook several times including December 2<sup>nd</sup> 2020, Facebook was made aware, and continued to facilitate the scheme and distribute obstructive content.

115 **Predicate Act: 18 U.S.C. § 1513 (e) Retaliation of person for providing information to law enforcement:**

116 On September 10<sup>th</sup> 2020, Aidan Kearney used his blog to harass and retaliate against Monica Cannon-Grant because she filled a Boston police report,

117 On December 24<sup>th</sup> 2019 Aidan Kearney used his blog to harass and retaliate against Noah Toledo, and I believe it was because Noah reported crimes to FBI.

118 On March 14<sup>th</sup> 2019 Aidan Kearney used his blog to harass and retaliate against Lysa Heslov, because Lysa reported crimes to the FBI.

119 The acts set forth above constitute a pattern of racketeering activity pursuant to 18 U.S.C. § 1961(5).

120 As a direct and proximate result of the Defendants' racketeering activities and violations of 18 U.S.C. § 1962(c), Plaintiff has been injured in his business and property in that: he has suffered a loss of business and employment opportunities, and legal entitlement to business relations unhampered by schemes prohibited by the RICO predicate statutes.

121 The damages to my mental health should be considered because I was an entrepreneur, and my mental health is directly related to my ability to conduct business.

#### **COUNT VI: 18 U.S.C. 3 1962(D) CONSPIRACY TO COMMIT RICO**

##### **Facebook INC, Google LLC, Aidan Kearney, and Katherine Peter.**

122 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

123 Aidan Kearney encouraged death threats by misrepresenting details of prior court proceedings and liking threats of violence. (Exhibit F) Also on January 4th, 2019 Aidan Kearney liked the following threats that were directed at me;

- a. "Hey pornstash, Make me Joe Doe #11. If I find your \*ss you'll be sorry. Luckily the poker community is small. You'll remember Mike when he makes your teeth even more f\*cked up! Pussy b\*tch!"

- b. “Ppl like u make me wish that we can do a legit purge! Ya \*ss wud be snipped with the quickness. When this blows up in ur face I hope u truly hide cuz u got a sh\*tload of angry ppl now that aint happy with u n are actually bout that life wear bums woman beaters like u get karma...”

124 Google and Facebook are not passively being exploited by rogue employees, their corporate names were listed as defendants in this action, they were legally made aware of the features and general aims of the scheme, and that by distribution they were participating in the racketeering activity, yet they continued to facilitate the scheme and actively participate by distributing the illegal content based on behavioral analysis for advertising profit.

125 Katherine Peter published several inflammatory articles that she claims Aidan Kearney edited to make them more inflammatory knowing that the Turtleboy website and social media accounts are weaponized, and she posted comments underneath a death threat showing she was aware of it.

126 Conspiratorial agreement can be inferred or implied from the circumstances that Google and Facebook share the common purpose with Aidan Kearney of continuing to profit from public shaming advertising revenue, and Google and Aidan Kearney earn a lot of money through donations, they all have supported or participated in the RICO scheme with a financial incentive.

127 The damages were foreseeable and natural consequence of the Defendants’ illegal scheme.

128 The RICO enterprises were dependent on Google and Facebook for growth, reach, and effect. Other large platforms such as Twitter do not tolerate the conspiracy to the same extent, which has forced Aidan Kearney to follow rules and not intimidate people on their platforms.

129 All other major platforms have chosen not to deploy algorithms that amplify extremists' content. (Exhibit D) More examples can be provided later.

130 Both Facebook's and Google's conduct are sufficient causes independently, but concurrently, they produced a devastating result.

131 As a direct and proximate result of the Defendants' racketeering activities and violations of 18 U.S.C. § 1962(d), Plaintiff has been injured in his business and property as described herein with particularity.

**COUNT VII: 42 U.S.C. § 1985 (3) CONSPIRE TO INJURE BECAUSE I EXERCISED MY FIRST AMENDMENT RIGHT.**

**Aidan Kearney, Katherine Peter,**

132 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

133 Aidan Kearney and Katherine Peter conspired against me and went in disguise on Facebook using fake profiles to punish me for exercising my first amendment right, and to deter or interfere with future expressions.

134 Aidan Kearney and Katherine Peter conspired against me and went in disguise on Facebook so that they could interfere with my right to be fairly heard in court with conformity to the laws.

135 Aidan Kearney and Katherine Peter conspired against me because of my willingness to stand for social justice.

136 As a proximate result of the foregoing acts and omissions, I have suffered significant injuries and damages as described herein with particularity.

**COUNT VIII: PROCEDURAL DUE PROCESS VIOLATIONS 42 U.S.C. § 1983**

**14<sup>TH</sup> AMENDMENT Aidan Kearney**

137 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

138 On December 31 2016, Samantha Cardin stole a massive amount of money from me, and made false allegations that got Officer Jeremy Haley to arrest me for animal cruelty and assault and battery.

139 On January 6, 2017, Aidan Kearney published an article repeating Samantha Cardin's criminal allegations on his website and Facebook accounts.

140 On January 6, 2017 I started receiving threats of physical harm and death on Facebook. I deleted the worst ones because they were causing me significant distress.

141 Five of Samantha Cardin's neighbors saw me carrying our 80lb mastiff puppy across the street on December 30th indicating that our dog's injury happened before 12/31/16.

142 None of Samantha Cardin's neighbors were willing to talk to the private investigator that my attorney sent a month after the incident.

143 On February 7, 2018, the criminal charges against me were dropped for failure to prosecute, because Samantha Cardin plead the 5<sup>th</sup> after my lawyer showed her transcribed jail phone calls where she admitted that she did not believe I was guilty.

144 When the criminal case was dismissed, I offered to show Turtleboy/ Aidan Kearney evidence of my innocence, but he refused.

145 Officer Jeremy Haley, Dr. Martha Smith-Blackmore, and at least one John doe conspired with Aidan Kearney to violate my due process rights after the criminal case was over by sending official information to Aidan Kearney. (Exhibit A)

146 During a show cause hearing on September 26<sup>th</sup> 2019 Aidan Kearney alleged that Dr. Martha Smith-Blackmore was the person that informed him of Samantha Cardin's allegations in January 2017.

147 The 14th Amendment States in part "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

148 Aidan Kearney and his followers intimidated witnesses from providing exculpatory evidence in my criminal case violating my 14th amendment due process rights.

149 As a proximate result of the foregoing acts and omissions, I have suffered significant injuries and damages as described herein with particularity.

**COUNT IX: 42 U.S.C. § 1983 EIGHTH AMENDMENT VIOLATIONS.**

**Aidan Kearney, Katherine Peter, Facebook Inc., Google LLC.**

150 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

151 In the following paragraphs, references to the Eighth Amendment include the Eighth Amendment as applied to the states through the Fourteenth Amendment.

152 Facebook and Google failed to train and or supervise employees and or adopt policies that respect the rights of US citizens, particularly litigants.

153 Facebook and Google developed and deployed machine learning algorithms that discriminate against victims of far-right extremists to maximize short term profits.

154 Facebook and Google have patents for their algorithms, and provide articles that explain how they maximize engagement, which consequently favors extremists' content.

155 Police and state agents should not be allowed to bypass the constitutional restraints of the Eighth Amendment by sending official information to a public shaming blog, and participating in public shaming.

156 Being publicly accused of heinous crimes in an unfair manner and having to endure hundreds of threats and degrading comments in the presence of friends and family is cruel and unusual punishment.

157 On or about July 11th 2019 Aidan Kearney hosted a show online using YouTube, and while talking about me he said "you're never going to get a job again, you can't, I agree with you on that, and you shouldn't because any company that hires you we're going to find them, we're going to let them know who you are, and who hired you" (39:54)

158 On September 26<sup>th</sup> 2019 after a criminal court hearing for probable cause Aidan Kearney hosted a video on YouTube and published an article on his websites he stated "The first thing I said when I saw him in the hallway and he attempted to be cordial like we were cool, was 'Oh look, it's the woman beating, dog killing piece of sh\*t.'" It felt so

good because that's exactly what Rian does – assaults women and murders dogs. This is a documented FACT... He is an animal, and he deserves to be treated like one.”

159 On December 18th 2019 while Aidan Kearney was discussing the September 26<sup>th</sup> 2019 hearing wrote on his website “I did indeed call him a dog killing, woman beating savage, but that's only because I like the ability to say things that *aren't* true.”

160 Katherine Peter accused me of being a “puppy murder” and “woman beater” on December 17<sup>th</sup> 2019 on YouTube, Aidan Kearney also made similar allegations during the same YouTube video.

161 Aidan Kearney and or Katherine Peter accused me of crimes at least 20 times in the last two years, currently it is too stressful for me to look for the dates.

162 Aidan Kearney and Katherine Peter were the primary publishers of most of the offending content, But Facebook and Google continued to distribute or were secondary publishers of the offending content after being legally notified of the history, goals, and aims of the illegal scheme.

163 Facebook's algorithms materially contributed to the development and sting of the offending content by sending several of my friends and family links to the degrading ceremonies in their Facebook notifications tab and news feeds. Notably they also made it too dangerous to list examples of friends and family as Aidan Kearney's followers are trained to attack witnesses. (Exhibit H) More examples can be provided later.

164 YouTube's algorithms materially contributed to the development and sting of the offending content by suggesting the offending videos to radicalized users that liked similar content.

165 Aidan Kearney, Katherine Peter, Facebook, and Google should be considered as acting under the color of the law for the reasons described herein with particularity.

166 As a proximate result of the foregoing acts and omissions, I have suffered significant injuries and damages as described herein with particularity.

### **COUNT X: DECALATORY JUDGMENT**

167 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

168 Vagueness and Overinclusive: As currently interpreted the sweep of 47 U.S. Code § 230 is unnecessarily broad and written in unclear terms as to ISPs receiving broad immunity even when they knowingly distribute content that furthers a criminal conspiracy which is clothed with the color of law.

169 § 230 lacks clarity and guidance to promote its stated policies including but not limited “to ensur[ing] vigorous enforcement of Federal criminal laws to deter and punish trafficking in obscenity, stalking, and harassment by means of computer.” 47 U.S. Code § 230 (b)(5).

170 Overbreadth: Aidan Kearney brags that he has weaponized Facebook and Youtube, and that he routinely uses their platforms to silence the speech of Black Lives Matter activists, LGBTQ activists, and other Social Justice Warriors. Facebook and Google argue that 47 U.S. Code § 230 (c)(1)&(2), gives them the right to not only ignore rule violations as they deem most profitable, but that they can join the conspiracies that are clothed with the power of law and maximize distribution.

171 Non Delegation: As currently interpreted the immunity granted by 47 U.S. Code § 230 delegates too much power and authority to wealthy for-profit corporations that have a financial incentive to allow and participate with conspiracies that violate the Constitution.

172 47 U.S. Code § 230 (c)(1)&(2) violates the equal protection clause, as it delegates absolute discretion to the Tech companies to decide who can enjoy constitutional rights (their employees, and powerful people/companies like Robinhood), and who gets their protected freedom trampled on.

173 For all the reasons just stated, 47 U.S. Code § 230 (c)(1)&(2), thereby in effect invades the areas of protected freedoms secured by the First, Fifth, Eighth, and Fourteenth Amendments, and therefore should be declared unconstitutional on it's face and as applied.

174 Alternatively this court should use the Constitutional avoidance doctrine to interpret 47 U.S. Code § 230 (c)(1)&(2) using the actual words in the statue and make a declaration that § 230 does not provide immunity when a party knowingly distributes illegal content, or when they make it impossible to inform them that they are distributing illegal content.

## **VI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor and against the Defendants, and award the following relief:

- A. Declare that 47 U.S. Code § 230 (c)(1)&(2) violates the Fifth, Eighth, and Fourteenth Amendments of the United States Constitution, both on its face and as applied to Plaintiff, or alternatively declare § 230 does not provide distributor immunity;
- B. Permanent Injunction the Court deems fit.

- C. Enter judgment against the Defendants for compensatory damages for an amount greater than two million dollars.
- D. Triple damages for RICO claims in an amount greater than six million dollars.
- E. Enter judgment against Facebook for punitive damages. When assessing punitive damages, the court should consider the revenue of Facebook Inc., as well as the extreme difficulty of bringing this case (dealing with death threats and cracking section 230.) For an amount greater than five million dollars.
- F. Enter judgment against Google LLC for punitive damages. When assessing punitive damages, the court should consider the reprehensible actions Google took to exploit mental illness, as well as Google LLC's revenue, and the extreme difficulty of bringing this case (dealing with death threats and cracking section 230.) For an amount greater than ten million dollars.
- G. Award such other relief as is appropriate under the circumstances.

## VII. VERIFICATION

I, Rian Waters, hereby declare under the pains and penalties of perjury that the factual allegations contained in this Verified Complaint are true and accurate to the best of my knowledge, information, and belief, on this 15<sup>th</sup> day of April 2021.

Filed Pro Se by Rian Waters  4/15/2021

[WatersRian@gmail.com](mailto:WatersRian@gmail.com) (530) 739-8951

199 Allen ST. E. Longmeadow 01028 (not the best address, I will update when we find a safe way to do so)



People Tab Window Help

Edit Post · TB Daily News — W x M Inbox (1,332) - turtleboysports x +

u/0/#inbox

Loading...

Rian Waters

Rian Waters  
watersrian@gmail.com

Rian Waters

**Inbox** 1,332

- Starred
- Snoozed
- Important
- Sent
- Drafts 159
- Categories
- Advertising
- Bad story ideas 1
- Blogger tryouts 2
- Notes
- More

Turtleboy +

11 Invites  
Mary M Stahman, BA HA THI TH...

**Rian Waters** 12/7/18  
me, scolesage@gmail.com, jhaley@palmerpolice.org, jhunn@sldf.org

**Rian Waters GoFundMe** 12/27/18  
me, Kevin Chrisanthopoulos

**Rian Waters** 8:39 PM  
me, Martha Smith-Blackmore, DVM

**Charges dismissed against Rian Waters** 12/26/18  
me, Martha Smith-Blackmore, DVM, 1993scardin@gmail.com

SLVP Plans Blue Waters Jun 10  
me, Andrew Goodrich

Motion Nov 26  
me, Kevin Chrisanthopoulos

Opposition 12:03 PM  
me, Kevin Chrisanthopoulos

Search the web for "rian waters" Shift + Enter

KPERRY1... margare. 6 Kevin A Jr Perry - Sentencing is put off until March 2020. Doesn't look like she'll get m... 6:09 PM  
tbs.stacy gala p...

Susan, me, Susan 11 Opinion on Cui Bono McInerney.... and not So Holy..... Cross - That's the \$64000 quest... 4:32 PM

Turtleboy [New post] Haverhill Plus Sized Pinata Threatens To Shoot President Trump Over Ne... 4:24 PM

dc joy Joshy poo - 12/5... Was today the maggots court appearance? Keep up the great work! ... 2:57 PM

Records, me 4 RE: Records Inquiry - From Webpage - Thank you sirl On Thu, Dec 5, 2019 at 2:50 PM R... 2:50 PM





landon steele rian

The screenshot shows an email inbox with the following entries:

From	Subject	Date
me, DVM 2	Inbox: Rian Waters - old friend Rian filed a criminal complaint against me after his > la... 78830110_432...	8:52 PM
Kevin, me 2	Inbox: Opposition - To: Rian Waters > Subject: Re: Motion >> Rian, >> The Motion was ...	12:03 PM
Kevin, me 6	Inbox: ...	Nov 26
Kevin, me 5	Inbox: Waters - Re: Waters It was Springfield. The clerk was a young black woman. Lo... 11-15-2019 Turt...	Nov 19
margaretmel, me 2	Inbox: mcFarland and Waters - on Ryan Waters. Some other things also. > Maybe you ...	Sep 23
Sid, me, Kevin, me 11	Inbox: Making defending lawsuits easier - forward. Rian Waters is small potatoes, but ... Proposed Order...	Aug 23
jsteven, me, me, J 8	Inbox: Possible criminal charges in Palmer - based on Rian Water's application for cri...	Jul 21
me	(no subject) - lawsuit 5, closed Rian Waters law...	Jul 18
margaretmel, me 2	Inbox: (no subject) - Forwarded message - From: Date: Wed, Apr 24, 2019 ... tbs.azadnia ans...	Jul 11
margaretmel, me 4	Inbox: Re: Waters - meantime, Rian Waters filed an indigency certificate. He will get > ...	

Top chat replay

- Britni There we go!!!!
- clipper 59 there you go
- Jose Moreno Can't here the 🐢's
- sfay. may 👍👍
- Joelle Got sound now
- Christopher L there ya go
- Kellee White 🐢🐢🐢
- Emily H 🙌
- Britni Sound is good!!
- richard french It's fixed
- Christopher L 🔥🔥
- Jose Moreno 🐢🐢🐢🐢
- sfay. may 🐢❤️🐢❤️🐢
- clipper 59 🐢🐢🐢🍀
- Courtney Anderson Remixxxx
- New Bedford Live Latin Kings facing rico in NB

HIDE CHAT REPLAY

### Investigating Landon Steele Part 3, Lorryna Calle and Rian Waters update, Official TB Lawyer

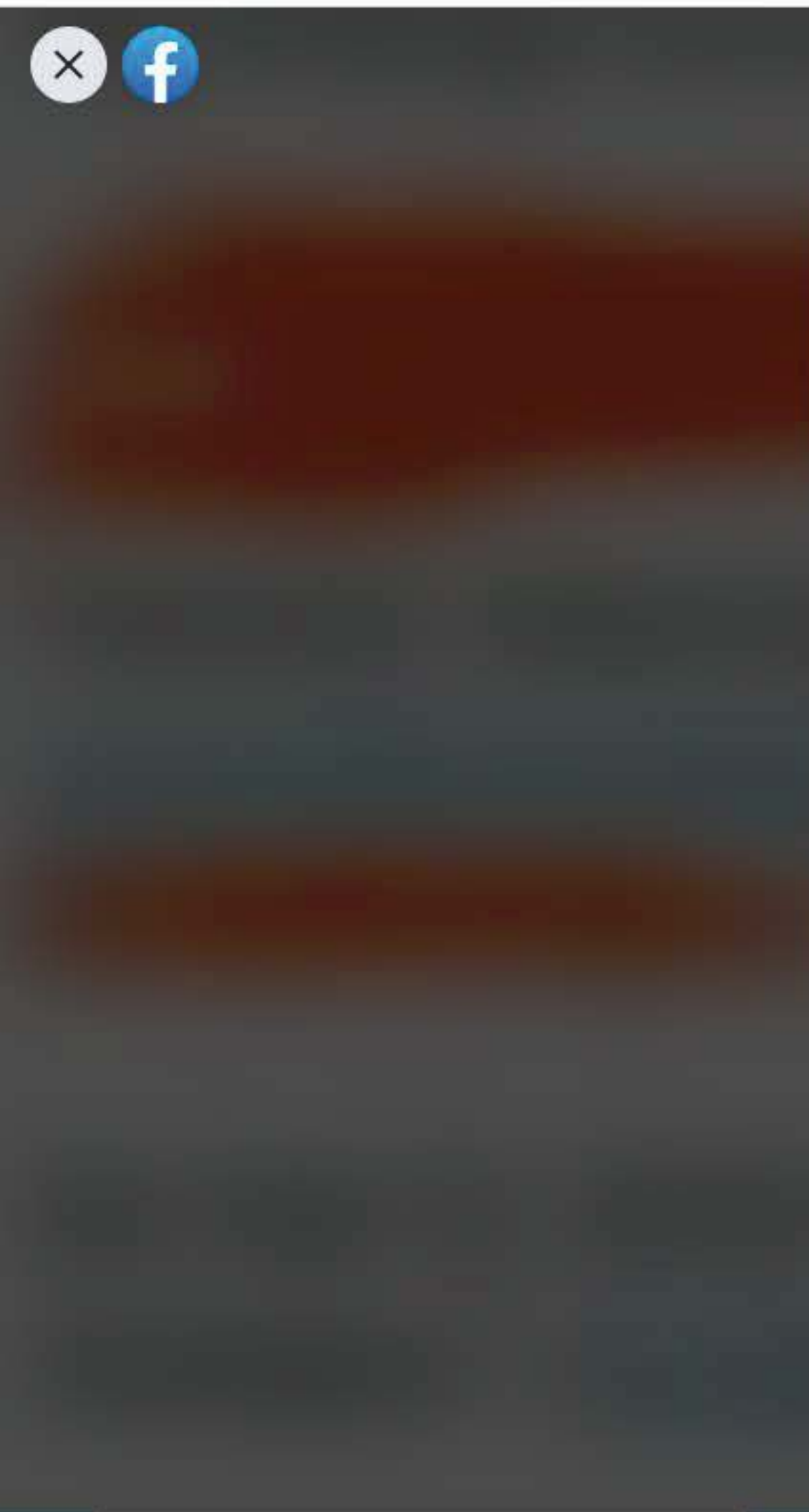
2,690 views • Streamed live on Dec 5, 2019

76 likes 7 comments SHARE SAVE

Turtleboy Sports

Up next

Framingham Source steals story, PURR people don't like...  
Turtleboy Sports



1:18 32 Messages

**Inbox** Charges dismissed against...

AK Aidan Kearney 2/12/18  
Can I ask why? On Mon, Feb 12, 2018 at 9:2...

Found in Important Mailbox

~~Redacted text~~ 2/12/18  
To: Aidan Kearney >

My findings corroborate the initial complaint.

~~Redacted text~~

Forensic Veterinary Investigations, LLC  
[www.VetInvestigator.com](http://www.VetInvestigator.com)  
~~Redacted text~~

On Feb 12, 2018 10:32 AM, "Turtleboy Hottakes" <[turtleboysports@gmail.com](mailto:turtleboysports@gmail.com)> wrote:

See More

AK Aidan Kearney 2/12/18  
Yea if you feel comfortable with it we could p...

~~Redacted text~~ 2/12/18  
He was not found not guilty. The charges we...

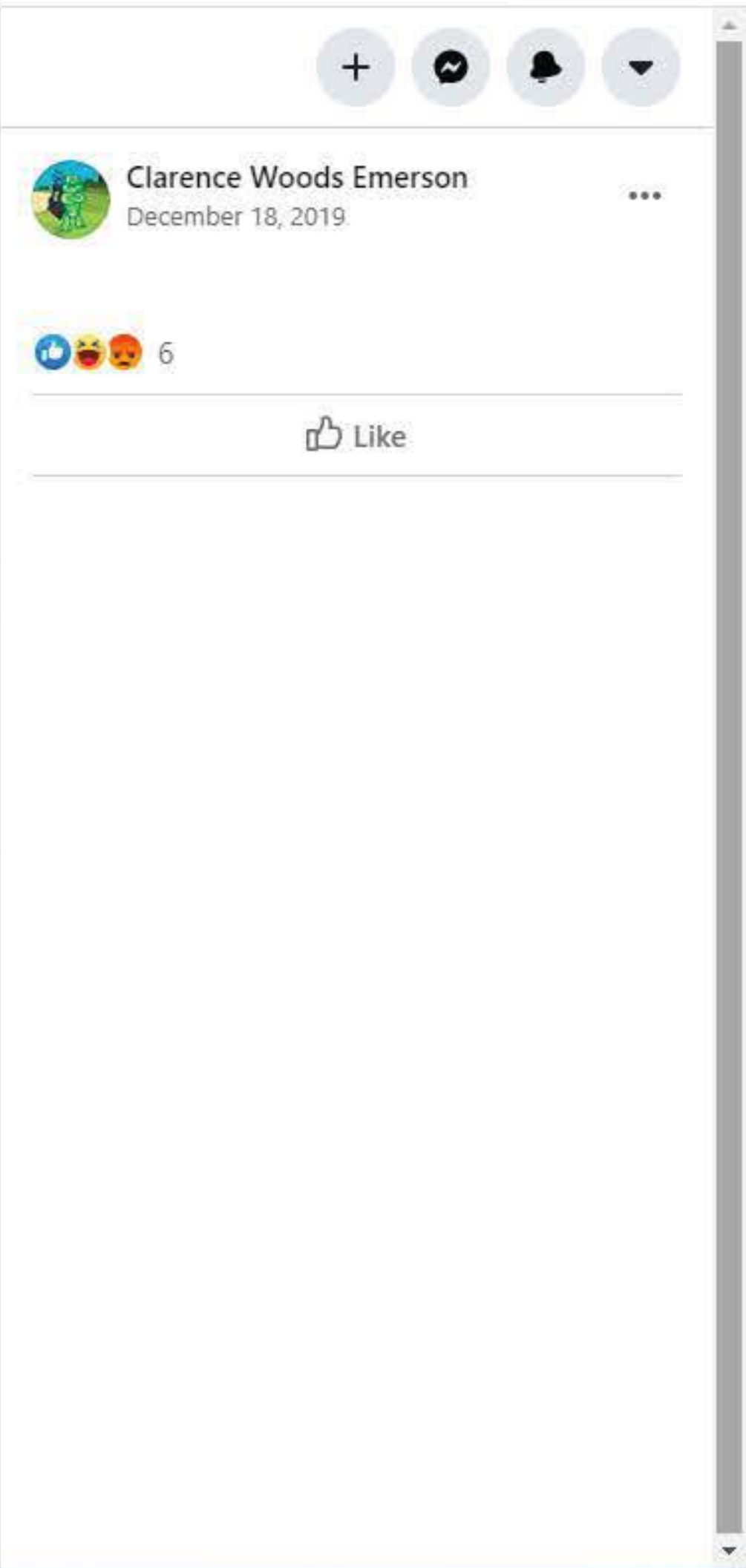
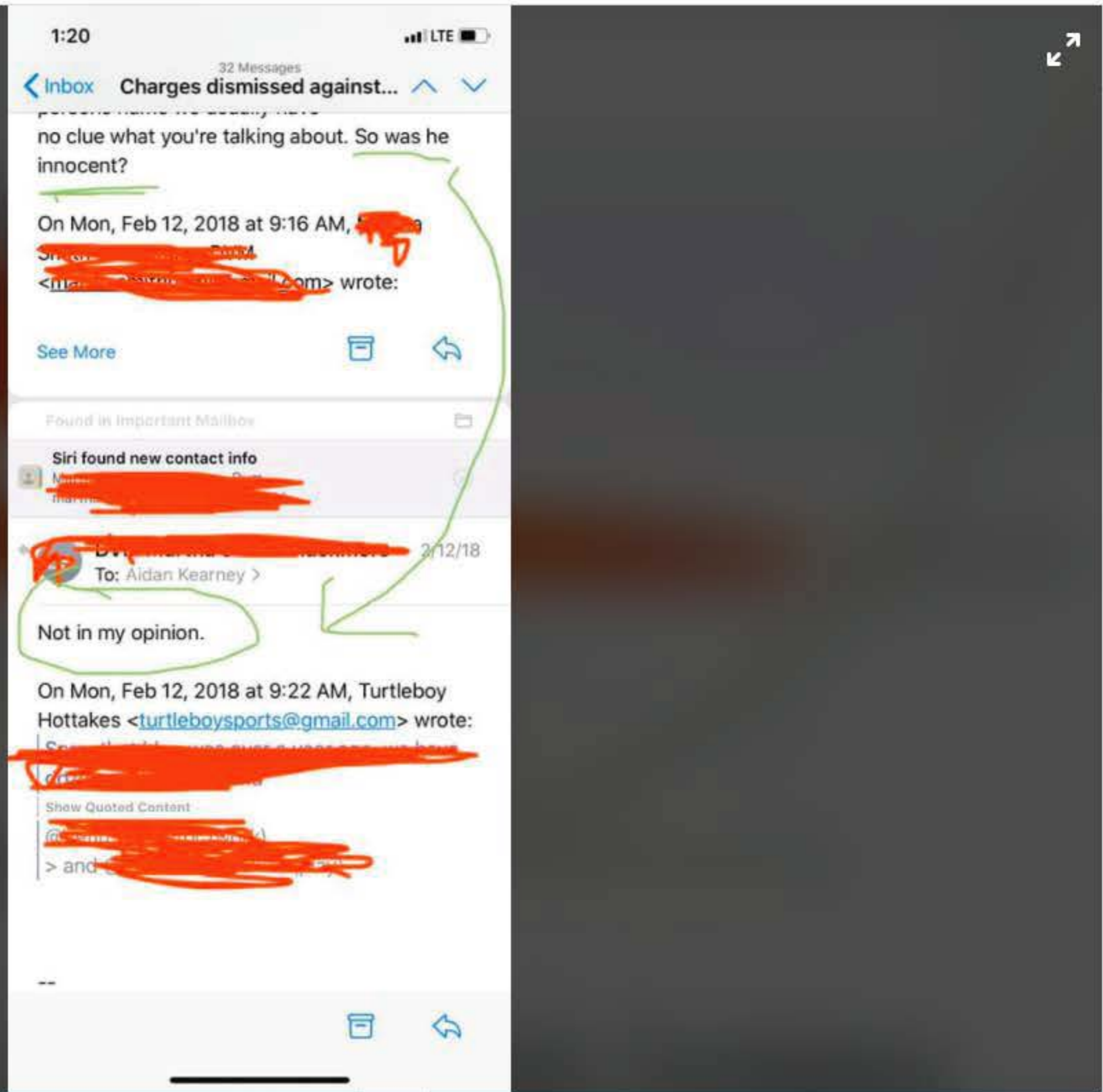
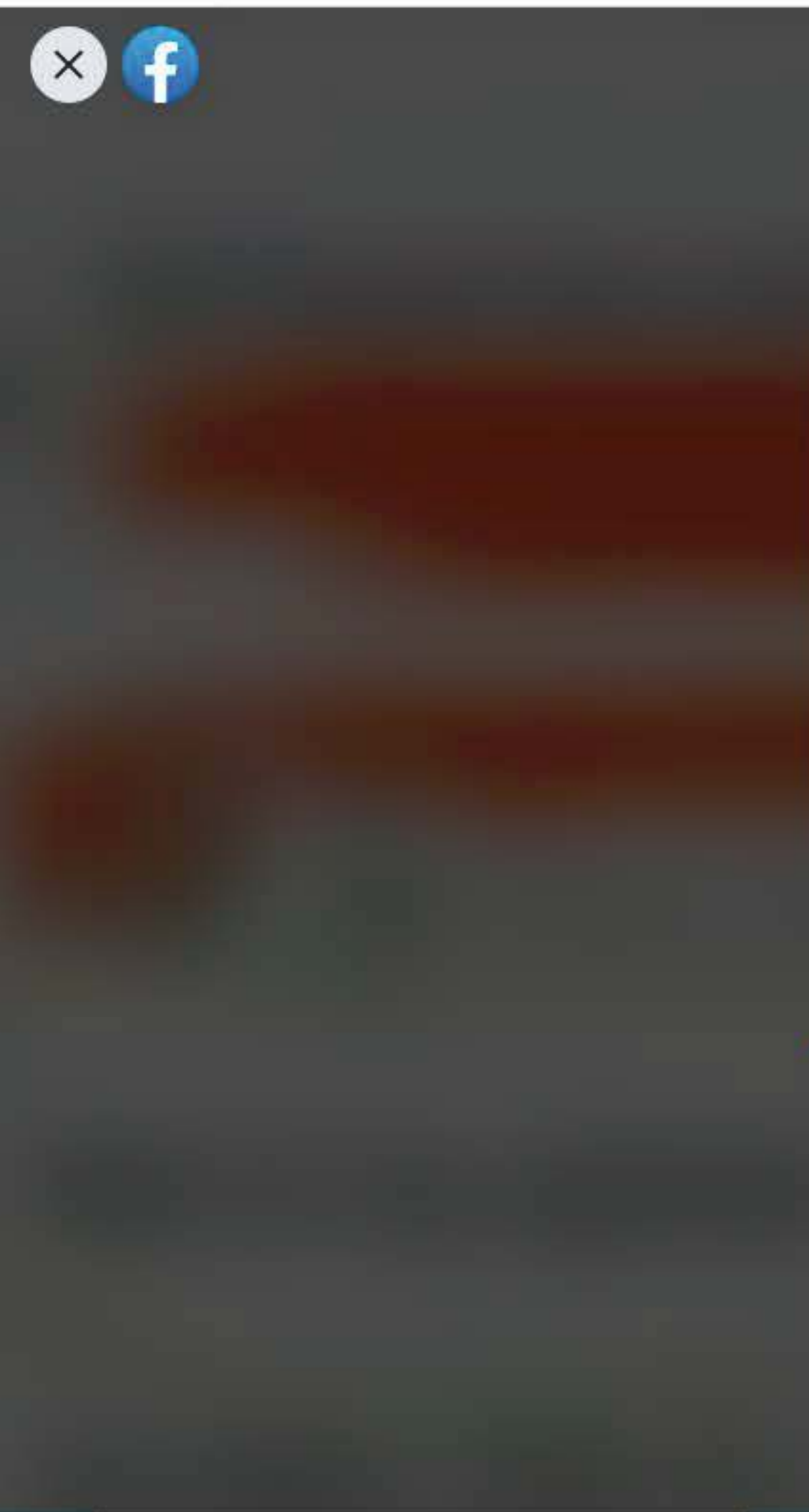
AK Aidan Kearney 2/13/18  
Alright my name is Tim, I'm one of the lead a...

+

Clarence Woods Emerson  
December 18, 2019

6

Like



**Jenny B. Jones**



media1.tenor.co

Like · Reply · 1y 🤔 2

**Ted Bennington**  
New page, new dog?



Rian Waters

Like · Reply · 1y 🤔 3

↳ 1 Reply

**Sean Odonnell**  
hey Rian are you familiar with the term " don't poke the turtle"? If I were you I would just pack up and go home now, you can't win.

Like · Reply · 1y 🤔 8

Write a comment...





On January 6, 2020, our revised [Privacy Policy](#), [Cookie Policy](#), and [User Agreement](#) took effect. Please read these updated terms and take some time to understand them. Your use of LinkedIn services is subject to these revised terms. Visit the [LinkedIn Privacy Policy](#) to learn more about these changes.

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- Home
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- Jobs
- Messaging
- Notifications
- Me
- Work
- Reactivate Premium Trial

Dad, Every Day Matters - 91% of Dad-Kids Bonding Happens Between Ages 0-12. Join WonderDads Today! Ad ...




**Sean O'Donnell**  
Sergeant at Greenwich Police Department  
Greater New York City Area · 292 connections · [Contact info](#)

[Connect](#) [Message](#) [More...](#)

L&O Detachment

Ad ...

Rian, restart your Premium free trial today!



See who's viewed your profile in the last 90 days

[Restart Trial](#)

Messaging

Your connections can now see your active status by default. You can also see who is online or reachable. [Learn more](#)

[Manage settings](#) [Got it](#)

- People Also Viewed
- Oscar F...  
Sergeant at Wethersfield Police Department
  - Tom Kelly · 3rd+  
Detective Sergeant at Greenwich Police...
  - Jason Levy · 3rd+  
Police Officer at Greenwich Police...

Keep in touch with your network

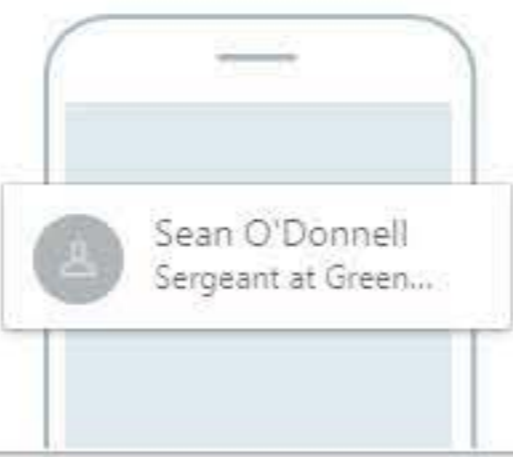
Start a conversation with your connections or find new people to grow your network.

[Find new connections](#)

Get the LinkedIn app and see more profiles like Sean's anytime, anywhere

[Send me a link](#)

[Or send me an SMS instead](#)





Search



Waters v Kearney MA FedDC Complaint.pdf (page 4 of 29)

Case 3:20-cv-30168-MGM Document 1 Filed 10/26/20 Page 4 of 29

12 Defendant Jim Dalton, is a Lieutenant of the Massachusetts State police Troop

B.

13 Defendant Maura Healey (the "Attorney General") is sued in her capacity as Attorney General of the Commonwealth of Massachusetts, pursuant to G.L. c. 12, § 3

14 John Does 1-10 are unknown conspirators that either shared official information with Aidan Kearney or threatened me on Facebook.

**IV. STATEMENT OF FACTS**

**A. Facebook**

15 Facebook states that the purpose of their Terms of Service is to make our community safer and more accountable.

16 Facebook's Terms of Service require it's users:



Top chat replay

- what it said in the header though
- Diane woods Emerson [https://fundrazr.com/11YWy9?ref=ab\\_AU...](https://fundrazr.com/11YWy9?ref=ab_AU...)
- Amanda Marie I want to see zuck show up for this...
- Lynn Ann \*thought
- Tom Tombo182 Is there anyone he isn't suing?
- H.E. Penneypacker Is Gaff his Jackie Chiles?
- Willy Lee Rian was my pot dealer in Monson back in the day
- Lionel Meeks Lol. He's mad Kate spilled the beans on him stuffing Sawyer on the Chinese bill.
- Ida Khuntski Thank you Diane
- Blarney Kated @Suzanne, I'm in! Thanks!
- mjob29 suing the free lawyer!!!!
- Jake Ryan Lol
- Leigha Genduso** I can't wait until this nit wit goes to jail and gets herpes in his asshole
- Lynn Ann @Bruins gal do you have access to pacer?
- Diane woods Emerson I gotchu

HIDE CHAT REPLAY

#tbdailynews #AidanKearney #LiveShow

Rian Waters Sues Facebook, Google, Maura Healey, Springfield PD, Bristol Blarney and TB

1,867 views • Streamed live on Oct 29, 2020

173 5 SHARE SAVE

Up next

AUTOPLAY

Copy of motion to....pdf

Show all

## 1. The services we provide

Our mission is to give people the power to build community and bring the world closer together. To help advance this mission, we provide the Products and services described below to you:

### **Provide a personalized experience for you:**

Your experience on Facebook is unlike anyone else's: from the posts, stories, events, ads, and other content you see in News Feed or our video platform to the Pages you follow and other features you might use, such as Trending, Marketplace, and search. We use the data we have - for example, about the connections you make, the choices and settings you select, and what you share and do on and off our Products - to personalize your experience.

### **Connect you with people and organizations you care about:**

We help you find and connect with people, groups, businesses, organizations, and others that matter to you across the Facebook Products you use. We use the data we have to make suggestions for you and others - for example, groups to join, events to attend, Pages to follow or send a message to, shows to watch, and people you may want to become friends with. Stronger ties make for better communities, and we believe our services are most useful when people are connected to people, groups, and organizations they care about.

### **Empower you to express yourself and communicate about what matters to you:**

There are many ways to express yourself on Facebook and to communicate with friends, family, and others about what matters to you - for example, sharing status updates, photos, videos, and stories across the Facebook Products you use, sending messages to a friend or several people, creating events or groups, or adding content to your profile. We have also developed, and continue to explore, new ways for people to use technology, such as augmented reality and 360 video to create and share more expressive and engaging content on Facebook.

### **Help you discover content, products, and services that may interest you:**

We show you ads, offers, and other sponsored content to help you discover content, products, and services that are offered by the many businesses and organizations that use Facebook and other Facebook Products. Section 2 below explains this in more detail.

### **Combat harmful conduct and protect and support our community:**

People will only build community on Facebook if they feel safe. We employ dedicated teams around the world and develop advanced technical systems to detect misuse of our Products, harmful conduct towards others, and situations where we may be able to help support or protect our community. If we learn of content or conduct like this, we will take appropriate action - for example, offering help, removing content, removing or restricting access to certain features, disabling an account, or contacting law enforcement. We share data with other [Facebook Companies](#) when we detect misuse or harmful conduct by someone using one of our Products.

### **Use and develop advanced technologies to provide safe and functional services for everyone:**

We use and develop advanced technologies - such as artificial intelligence, machine learning systems, and augmented reality - so that people can use our Products safely regardless of physical ability or geographic location. For example



OUR COMMITMENTS

# How does YouTube keep harmful content off the platform?

We have [Community Guidelines](#) - policies that outline what content is not acceptable to post. We work to quickly remove content that violates our policies. We use a combination of people and machine learning to detect potentially problematic content at scale. Once such content is identified, human review verifies whether it violates our policies. If it does, the content is removed and used to train our machines for better coverage in the future.

Detection methods

Removing content

## How does YouTube detect policy violative content?

YouTube has automated systems that aid in the detection of content that may violate our policies. The YouTube community as well as experts through our [Trusted Flagger program](#),

https://support.google.com/youtube/answer/9288567



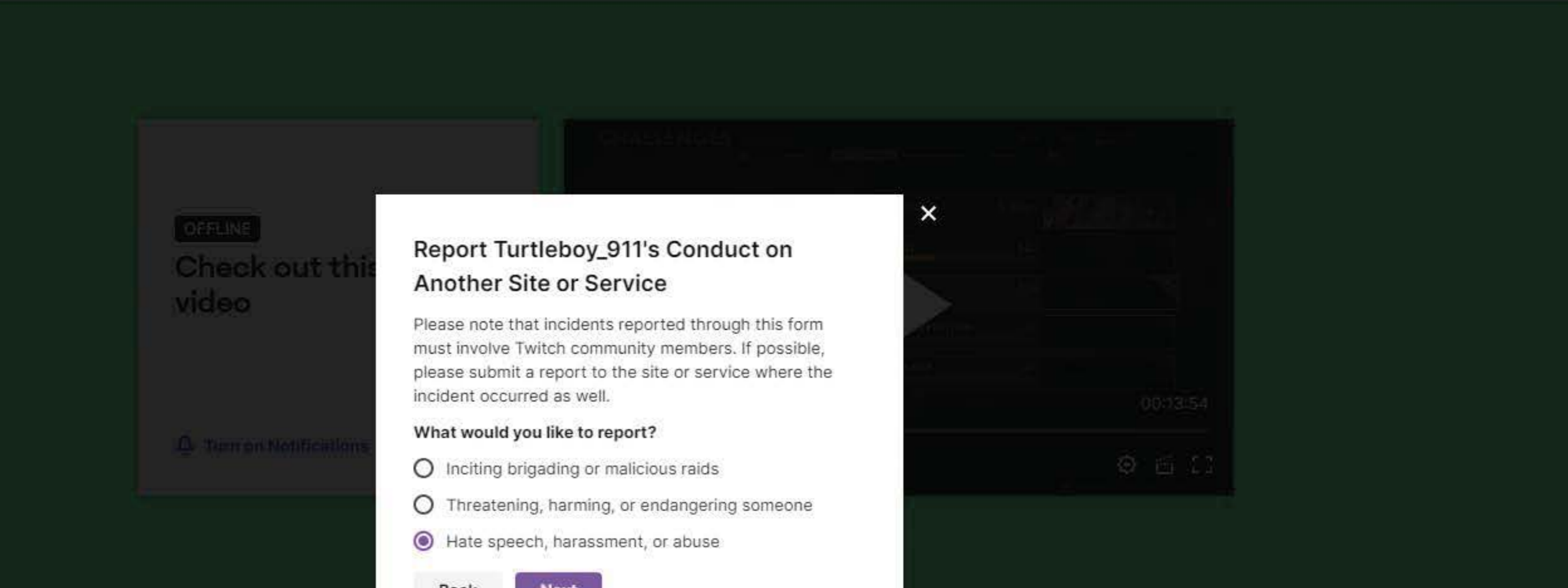
## Privacy Bill of Rights

We are the only social network that has one.

- ✓ You own your personal information & content. It is explicitly not ours.
- ✓ You never receive targeted third-party advertisements or targeted third-party content. We think that's creepy.
- ✓ You have full control over your newsfeed and the order of how posts appear.
- ✓ We do not manipulate, filter, or change the order of your newsfeeds. Only you can do that.
- ✓ Permissions & privacy are your rights. You control them.
- ✓ You control who can access your content.
- ✓ You can opt out of our member directory to

- FOLLOWED CHANNELS
- LexVeldhuis (Poker) 4.7K
  - MattStaples (Poker) 203
  - ThatBreadThought (Poker) 73
  - Gripped (Poker) 21
  - ALLinPav (3 new videos) Offline

- RECOMMENDED CHANNELS
- Formula1 (F1 2020) 11.3K
  - PardyTimeStreams (Poker) 62
  - PokerStaples (Poker) 613
  - TrueGeordie (Sports) 27.3K
  - Otzdarva (Dead by Daylight) 8.5K
  - eSportsReadyWT (War Thunder) 6.4K



### Report Turtleboy\_911's Conduct on Another Site or Service

Please note that incidents reported through this form must involve Twitch community members. If possible, please submit a report to the site or service where the incident occurred as well.

**What would you like to report?**

- Inciting brigading or malicious raids
- Threatening, harming, or endangering someone
- Hate speech, harassment, or abuse

[Back](#) [Next](#)

**Turtleboy\_911**  
1.7K followers

[Home](#) [About](#) [Schedule](#) [Videos](#) [Chat](#)

Recent broadcasts

- CHALLENGE 13:54
- 4:49:42
- 5:46
- 1:53:51

- FOLLOWED CHANNELS
- LexVeldhuis (Poker) 4.7K
  - MattStaples (Poker) 203
  - ThatBreadThought (Poker) 73
  - Gripped (Poker) 21
  - ALLinPav (3 new videos) Offline
- Show More

- RECOMMENDED CHANNELS
- Formula1 (F1 2020) 11.3K
  - PardyTimeStreams (Poker) 62
  - PokerStaples (Poker) 613
  - TrueGeordie (Sports) 27.3K
  - Otzdarva (Dead by Daylight) 8.5K
  - eSportsReadyWT (War Thunder) 6.4K
- Show More

OFFLINE

Check out this video

Tierron Notificacions

00:13:54

### Tell Us More

Could you provide more detail about this issue? You may include links to videos, clips, and content outside Twitch.

If the real Turtleboy was on twitch I would be able to explain context here, and include links. Twitch has zero tolerance for hate speech.

Back Submit Report

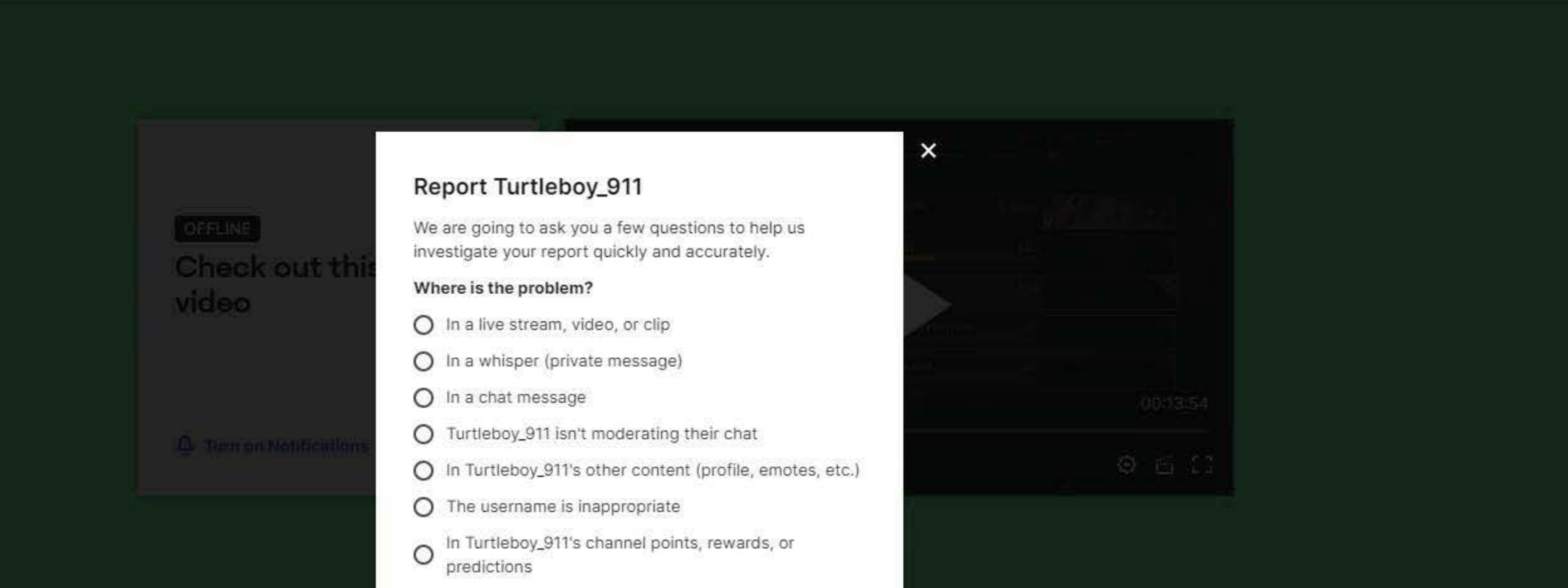
Turtleboy\_911  
1.7K followers

Home About Schedule Videos Chat

Recent broadcasts

- FOLLOWED CHANNELS
- LexVeldhuis (Poker) 4.7K
  - MattStaples (Poker) 203
  - ThatBreadThought (Poker) 73
  - Gripped (Poker) 21
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- RECOMMENDED CHANNELS
- Formula1 (F1 2020) 11.3K
  - PardyTimeStreams (Poker) 62
  - PokerStaples (Poker) 513
  - TrueGeordie (Sports) 27.3K
  - Otzdarva (Dead by Daylight) 8.5K
  - eSportsReadyWT (War Thunder) 6.4K
- Show More



### Report Turtleboy\_911

We are going to ask you a few questions to help us investigate your report quickly and accurately.

**Where is the problem?**

- In a live stream, video, or clip
- In a whisper (private message)
- In a chat message
- Turtleboy\_911 isn't moderating their chat
- In Turtleboy\_911's other content (profile, emotes, etc.)
- The username is inappropriate
- In Turtleboy\_911's channel points, rewards, or predictions
- Somewhere else...

**Next**

**Turtleboy\_911**  
1.7K followers

[Home](#) [About](#) [Schedule](#) [Videos](#) [Chat](#)

Recent broadcasts

- CHALLENGES 13:54
- 4:49:42
- 5:46
- 1:53:51

Home

Explore

Notifications

Messages

Bookmarks

Lists

Profile

More

**Tweet**

Chris huckleberry @Chrishuckleber2

**Turtleboy Sports** 7,207 Tweets

**Report an issue**

Add up to 5 Tweets to this report.

Adding Tweets helps us investigate issues and get them resolved faster.

Updates about this report can show these Tweets. [Learn more](#)

**Turtleboy Sports @TurtleboyTweets**  
Today a judge handed down quite possibly the biggest victory in Turtleboy history, and there have been many victories in our undefeated streak. Tune in at 9 to see what it is.  
<https://t.co/8fSn0GiwPE>

**Turtleboy Sports @TurtleboyTweets**  
Shop the turtleboy store now  
<https://t.co/eUyFwg2mNh>

**Turtleboy Sports @TurtleboyTweets**  
Going live tonight at 9 with @BretsBullshit and @Druid67. Make sure to tune and show your support for @tb\_aidan  
<https://t.co/mAGsfyUtjg>

[Skip](#) [Add 1](#)

Search Twitter

**Aidan Kearney AKA Uncle Turtleboy**  
@freshUncleTB  
976 Following 6,584 Followers

**You might like**

**RingCentral** @RingCentral [Follow](#)


**All Politics is Local wit...** @LocalPoliticsis [Follow](#)

**AidanKearneyTB** @tb\_aidan [Follow](#)

**What's happening**

Premier League · LIVE  
Liverpool vs Manchester City  
Trending with [Curtis Jones](#), [Sterling](#)

Like · Reply · 1y

 **Gail Garvin**  
I would like to kick him in the kidneys and he never gets up

Like · Reply · 1y

 **Jennifer Klein**  
What a piece of shit!!! Stating that because she was a large breed she already had back/hip problems. Ummmmmm sorry asshole that doesn't happen that fast for a 10 month old puppy. My full bred Mastiff is 9 and still walks up and down the stairs. You are a liar and I hope you rot in hell!!!!  
RIP Luna ❤️  
Thank you Turtleboy for the donations ❤️

Like · Reply · 1y · Edited

 **Janice Butler**  
Shit head

Like · Reply · 1y

↳ 1 Reply

 **Joann Krafve**  
Douche

Like · Reply · 1y

 **Eric Rossini**  
Where does this kid frequent? Work? Etc?

Like · Reply · 1y

 **Macalla Barry**  
Time to ruin his life

Like · Reply · 1y

↳ 1 Reply

 **Scott Lessing**  
Piece of shit...

Like · Reply · 1y

Fiorentina Closser  
He's also a waste of human flesh  
Like · Reply · 1y 2

Jeff Robar  
I'll put him out of his misery.  
Like · Reply · 1y · Edited 3

Fiorentina Closser  
He's sick  
Like · Reply · 1y 2

Lynda Goodwin Lapine  
Shared.  
Like · Reply · 1y 3

Amy Russo Huffman  
Now that's a punchable face..  
Like · Reply · 1y 21

Kathleen Sherman  
Amy Russo Huffman I bet TB could make some money on a raffle to punch him in face.  
Like · Reply · 1y

Amy Russo Huffman  
I could get behind that!!  
Like · Reply · 1y

Eric Rossini  
Amy Russo Huffman Face? I'd break every bone in his body.  
Like · Reply · 1y 1

Amy Russo Huffman  
Eric does not look like it would be hard to do.  
Like · Reply · 1y

Write a reply... [emojis]

today too!

Like · Reply · 1y

Dany A Cee  
I'm shocked this guy bailed answering after people. Called him out for not paying child support. Can a turtle rider please sit outside the courthouse and another inside the courtroom so we can hear asap when he gets laughed out of court. Please take notes and share some good quotes!!

Like · Reply · 1y

Melyssa StPierre  
Max Rider I can't even with you..... I am so beyond envious of your writing .

Like · Reply · 1y

Matthew Malloy  
He's got one of those faces you just want to smash with a brick

Like · Reply · 1y

Melyssa StPierre  
Matthew Malloy like multiple times

Like · Reply · 1y

Haley Black  
Patrick McDonough rian waters! Offended by everything

Like · Reply · 1y

Mary Ann Kalian  
Rian Waters shut up #POS

Like · Reply · 1y

Mary Ann Kalian  
Rian Waters asshole

Like · Reply · 1y

Heather R Scanlan  
Rian Waters , the ol' fallen cabinet excuse.

Like · Reply · 1y

5  
Clarence Woods Emerson  
Joshua Ramondi  
Dave Lenane  
Dawn Marie Bennett  
Elyssa Margwarth

Like · Reply · 1y

Lizabeth Perry  
Oh she does I see her every day definitely don't have to worry about that!

Like · Reply · 1y

Shannon Alexa  
Samantha Cardin that's great to hear! And it would be even better he disappeared! I'm glad you're doing well though but it doesn't take away what he put you through

Like · Reply · 1y

Matthew Wolfe  
Samantha Cardin some of us are curious how his DV charge played out. Can you elaborate?

Like · Reply · 1y

Jayde Lee  
Was wondering same thing **Matthew Wolfe**. Hopefully he got what he deserved.

Like · Reply · 1y

Matthew Wolfe  
Samantha Cardin hey lets not be factual here ma'am.

Like · Reply · 1y

Author  
Clarence Woods Emerson  
**Matthew Wolfe** the vet who examined the dog testified that He killed the dog. Case stopped because he basically intimidated the victim from testifying

Like · Reply · 1y

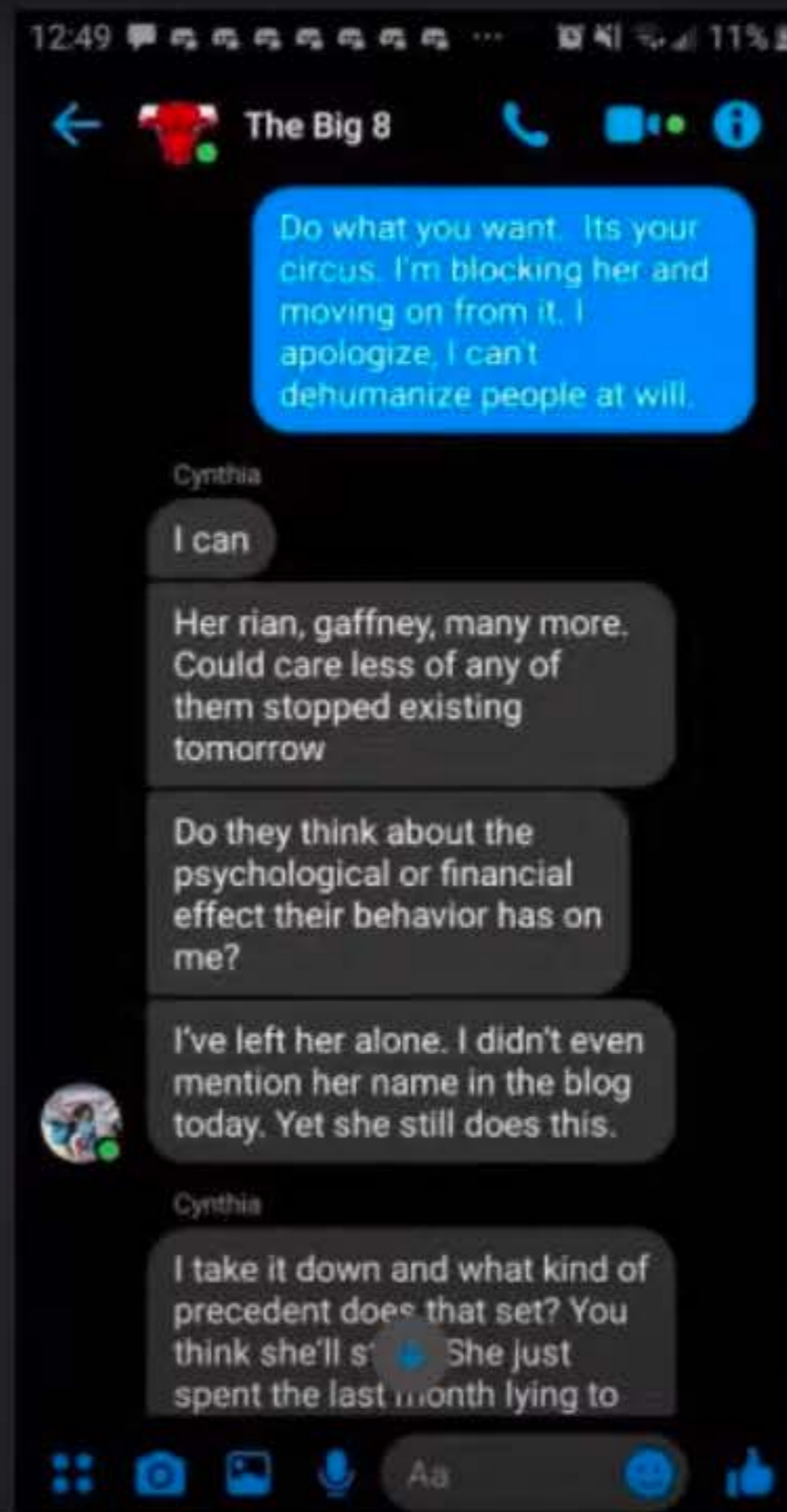
Matthew Wolfe  
Clarence Woods Emerson oh wow. That's horrid. I'll rip his arms off and beat him with them if need be.

Like · Reply · 1y

Most Relevant is selected, so some replies may have been filtered out.

Write a reply

# Cyberstalked: A Full Calendar Year Of Relentless Online Harassment From Turtleboy Sports



Play (k) I WAS ONCED CONVINCED GAFFNEY WAS A BAD GUY, and spoiler alert. he isnt.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
RIAN WATERS,	)	
<b>Plaintiff</b>	)	
	)	3:2020CV30168 - MGM
FACEBOOK INC., et al.,	)	
<b>Defendants</b>	)	
_____	)	

**AFFIDAVIT OF RIAN WATERS**

1) On March 16th, 2021 Aidan Kearney says he uses his speech to destroy the online presence of Social Justice warriors to silence their speech.

2) Aidan Kearney said he is dependent on Facebook in his book "I am Turtleboy"

3) Aidan Kearney has stated several times that he is judgment proof, and has alleged that if someone wins a judgment against him he will operate his blog through Europe

Signed under the pains and penalties of perjury this 18th day of March, 2021

Pro Se Rian Waters 

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