

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 8th, 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 6th 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 29th 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 12th 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 31st 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 1st and December 21st 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 7th 2019, and February 13th 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 6th 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 14th 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 7th 2020, October 29th 2020, and November 12th 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 2nd 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 10th 2020, Aidan Kearney used his blog to harass and retaliate against Monica Cannon-Grant because she filled a Boston police report,

117 On December 24th 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 14th 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

14TH 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 5th 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 26th 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 26th 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 26th 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 17th 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 15th day of April 2021.

Filed Pro Se by Rian Waters  4/15/2021

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)

Certificate Of Service

I, Rian Waters, hereby certify that on April 15th 2021, I served Third Proposed Second Amended Complaint on Facebook, Google, Aidan Kearney, Maura Healey, and Jim Dalton by emailing:

andrew.batchelor@state.ma.us, jaronson@kiernantrebach.com, lbk@rose-law.net, adr@rose-law.net, emiranda@keker.com, MShacham@keker.com, ryan@mclanelaw.com

I also mailed the complaint to Katherine Peter using USPS to;

47 Avery St Apt 1, North Attleboro MA 02760

Subscribed under the penalties of perjury.

Dated April 15th 2021


