

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION 3:2020cv30168

RIAN WATERS,
Plaintiff

FACEBOOK INC,
GOOGLE LLC,
OFFICER JEREMY HALEY,
AIDAN KEARNEY,
KATHERINE E. PETER
DR. MARTHA SMITH-BLACKMORE,
JIM DALTON,
WILLIAM HIGGIS,
MAURA HEALEY,
JOHN DOES 1-10,
Defendants

**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 and preliminary injunction consistent with the first paragraph of this motion.

Filed Pro Se by Rian Waters _____ 11/25/2020

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

Certificate of service

I will serve Aidan Kearney, Facebook INC., and Google LLC priority USPS today
11/25/2020, I will serve the other Defendants when I am able to.

Subscribed under the pains and penalties of perjury.

Rian Waters

Dated November 25th, 2020

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Defendants

**MEMORANDUM IN SUPPORT OF PLAINTIFF’S MOTION FOR A
PRELIMINARY INJUNCTION**

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RISK OF IRREPARABLE HARM

This motion is an emergency because Defendants Google LLC. and Facebook Inc., currently do not provide an effective remedy to stop obstructive conduct on their platforms, and they are currently profiting off Aidan Kearney’s obstructing conduct. Also, Aidan Kearney; 1. Stated on November 12th 2020 that attacking the families of pro se plaintiffs is the best way to stop lawsuits, and that he will “burn them to the ground.”(Aff 6) 2. Has the resources to hide his internet activities. (VC 36¹) 3. Has promised to never censor speech because of a court order (VC 35) 4. Gets sexual pleasure punishing people who “poke him.” (VC 51) 5. Has already attacked the credibility of several potential witnesses and parties in this case on Facebook and YouTube. (AFF 3a²) 6. Has bragged that his words destroyed me on the days leading up to court hearings. (VC 44)

Aidan Kearney has consistently harassed me before legal proceedings, and it significantly impairs my ability litigate. The best brief I filed in 1879CV00344 was the very first brief I filed in the case, and that is because the Adjustment Disorder (VC 88) significantly impaired my ability to argue. Adjustment disorder is not usually a long-term condition, and it is supposed to go away within a couple months after the stressor stops. If

¹ The paragraphs in the Verified Complaint will be cited (VC #)

² Affidavit will be cited (AFF P#)

this court protects me from harassment my filings will be much more concise, and I will be able to boil down the complaint.

Aidan Kearney's website and social media profiles are a blog just as much as a strip club is a dance studio. Most people would be proud to hear that a dance studio publicly announced that their daughter is the best dancer in town, while if a strip club publicly made the same claim about your daughter it would likely have a shameful or defamatory sting. Aidan Kearney says Turtleboy Sports is a blog that has weaponized public shaming and used it as deterrent to ratchet public behavior.(VC 34) So while some of his conduct may not be independently proscribable (i. e., 'fighting words' or threats), I argue that being accused of crimes on his blog "is so infused with violence as to be indistinguishable from a threat of physical harm." Madsen v. Women's Health Center Inc., 512 U.S. 753, 755, 114 S.Ct. 2516, 129 L.Ed.2d 593, 62 U.S.L.W. 4686 (1994) (the First Amendment does not protect joining with others to deprive third parties of their lawful rights.) "the nature of a place, the pattern of its normal activities, dictate the kinds of regulations . . . that are reasonable." Grayned v. City of Rockford, 408 U.S. 104, 116 (1972). "In a First Amendment context, as in any other, the propriety of the remedy depends almost entirely on the character of the violation and the likelihood of its recurrence... even when an injunction impinges on constitutional rights, more than a simple proscription against the precise conduct previously pursued may be required; the remedy must include appropriate restraints on 'future activities *both to avoid a recurrence of the violation and to eliminate its consequences.*'" Supra Madsen v. Women's Health Center Inc., 512 U.S. 753, 778, 114

S.Ct. 2516, 129 L.Ed.2d 593, 62 U.S.L.W. 4686 (1994) quoting National Soc. of Professional Engineers v. United States, 435 U.S. 679, 697-698(1978). (Emphasis added)

Another serious harm is the community intimidation of witnesses. Aidan Kearney's attacks on the parties and witnesses in this case intimidate the online community as a whole, as it sends the message that if you are willing to be a witness against him, he will use his platform against you, and that the police and courts will do nothing to stop it.

SERVICE:

Facebook and Google were properly served with the Summons, Verified Complaint and original TRO & PI motion, this motion has been served on Facebook and Google using USPS. Aidan Kearney has been emailed and mailed by USPS express a copy of the Verified Complaint and original TRO & PI motion, and he posted on Facebook that he received it on 11/19/20. I will serve him properly as soon as possible. I also mailed this motion to him.

BACKGROUND:

In January 2019 Aidan Kearney's now dissolved business Turtleboy Sports published several defamatory articles that harassed me and my first witness before court hearings. On January 9th, 2019 Judge Jane Mulqueen did not find a problem with Aidan Kearney publishing defamatory articles before the court hearings and she decided that death threats sent before a court hearing on Aidan Kearney's website and Facebook pages are irrelevant if they are sent by 3rd parties [or with fake names.] After that hearing I received hundreds of threatening or harassing comments and images on Aidan Kearney's

Facebook Pages by unidentifiable parties putting me in a coma like state. I reported several posts to Facebook, and Facebook did remove at least three of Aidan Kearney's posts and suspended three of his pages in early 2019, but Aidan Kearney just used different profiles to harass me. At the summary judgment motion hearing the court again ignored my complaints of death threats and said that the court could not investigate criminal allegations and suggested I go to the police. I went to the Springfield Police, State Police, East Longmeadow Police, to no avail. I filed for a 258e harassment order in the Superior Court, and private criminal complaints in Springfield district court. Aidan Kearney harassed me before the criminal court hearings impairing my ability to argue. The clerk in the district court refused to hear from my witness and cited outdated elements when denying probable cause. 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, essentially saying it is legal to direct an organization that you know to be weaponized to harass and send threats to an opposing litigant on the days before a court hearing with intent to "destroy" them. In June 2020 I filed a motion in the Appeals court for a protection order which was denied without prejudice contingent on me first filing in the trial court. The Superior court has not decided that motion yet, but the truth is the Superior court does not have the power to stop Aidan Kearney from harassing me and my witnesses. Aidan Kearney uses a virtual private network and fake Facebook profiles to hide his internet activities, so the only way the Superior court can stop him from attacking me is to put him in jail. This court can uniquely address the problem and stop the

obstruction by stopping his coconspirators (Facebook and YouTube) from enabling and/or partaking in illegal conduct.

ARGUMENT:

Typically for the court to grant a TRO or injunction the movant must show “(1) a substantial likelihood of success on the merits, (2) a significant risk of irreparable harm if the injunction is withheld, (3) a favorable balance of hardships, and (4) a fit (or lack of friction) between the injunction and the public interest.” Nieves-Marquez v. Puerto Rico, 353 F.3d 108, 120 (1st Cir. 2003). “Likelihood of success on the merits is the critical factor in the analysis and, accordingly, a strong likelihood of success may overcome a ‘somewhat less’ showing of another element.” Boathouse Group Inc. v. TigerLogic Corp., 777 F.Supp.2d 243, 248 (D. Mass. 2011) See also Weaver v. Henderson, 984 F.2d 11, 12 (1st Cir.1993)

Substantial likelihood of success on the merits

§230 of the Communications Decency Act does not protect the Defendants from this action.

47 U.S.C. § 230(c) “Protection for ‘Good Samaritan’ blocking and screening of offensive material” has so far given the tech industry broad immunity. I first argue that Facebook and YouTube’s failure to have reasonable customer service to address obstruction and constitutional violations negates their argument that they were acting as “Good Samaritans.” Second, the sentence that directly precedes those protections states

“[It is the policy of the United States] to ensure vigorous enforcement of Federal criminal laws to deter and punish trafficking in obscenity, stalking, and *harassment by means of computer*.” 47 U.S.C. § 230(b)(5) It is ironic to say that section 230 gives the tech companies the right to allow hundreds of unidentifiable profiles to harass witnesses and parties in a case with impunity.

On October 13th, 2020 Supreme Court Justice Clarence Thomas argued that the CDA should not give broad distributor immunity to Internet service providers.

“First, Congress expressly imposed distributor liability in the very same Act that included §230. Section 502 of the Communications Decency Act makes it a crime to ‘knowingly . . . display’ obscene material to children, even if a third party created that content. 110 Stat. 133-134 (codified at 47 U.S.C. §223(d)). This section is enforceable by civil remedy. 47 U.S.C. §207. It is odd to hold, as courts have, that Congress implicitly eliminated distributor liability in the very Act in which Congress explicitly imposed it.

Second, Congress enacted §230 just one year after Stratton Oakmont used the terms ‘publisher’ and ‘distributor,’ instead of ‘primary publisher’ and ‘secondary publisher.’ If, as courts suggest, Stratton Oakmont was the legal backdrop on which Congress legislated, e.g., *FTC v. Accusearch Inc.*, 570 F.3d 1187, 1195 (CA10 2009), one might expect Congress to use the same terms Stratton Oakmont used.

Third, had Congress wanted to eliminate both publisher and distributor liability, it could have simply created a categorical immunity in §230(c)(1): No provider ‘shall be held

liable’ for information provided by a third party. After all, it used that exact categorical language in the very next subsection, which governs removal of content. §230(c)(2). Where Congress uses a particular phrase in one subsection and a different phrase in another, we ordinarily presume that the difference is meaningful. *Russello v. United States*, 464 U.S. 16, 23 (1983); cf. *Doe v. America Online, Inc.*, 783 So.2d 1010, 1025 (Fla. 2001) (Lewis, J., dissenting) (relying on this rule to reject the interpretation that §230 eliminated distributor liability).” *Malwarebytes Inc. v. Enigma Software Group USA LLC*, 19-1284, ROSS 13624408 at *4-8 (U.S. Oct. 13, 2020)

Facebook and YouTube designed algorithms that develop in part offending material by recommending the material based on behavioral analysis for profit. Aidan Kearney did not send the offending articles to my friends or family, and I doubt many if any of my friends and family were looking at a Turtleboy Sports page when they stumbled upon the offending material. “The term ‘information content provider’ means any person *or entity* that is responsible, in whole or *in part*, for the creation or *development* of information provided through the Internet or any other interactive computer service.” CDA§ 230(f)(3)

“Courts have also departed from the most natural reading of the text by giving Internet companies immunity for their own content... Consider also a recent decision granting full immunity to a company for recommending content by terrorists. *Force v. Facebook, Inc.*, 934 F.3d 53, 65 (CA2 2019), cert, denied, 590 U.S.__(2020). The court first pressed the policy argument that, to pursue ‘Congress’s objectives, . . . the text of Section 230(c)(1) should be construed broadly in favor of immunity.’ 934 F.3d, at 64. It

then granted immunity, reasoning that recommending content ‘is an essential result of publishing.’ *Id.*, at 66. Unconvinced, the dissent noted that, even if all publisher conduct is protected by §230(c)(1), it ‘strains the English language to say that in targeting and recommending these writings to users . . . Facebook is acting as ‘the publisher of . . . information provided by another information content provider.’” *Id.*, at 76-77 (Katzmann, C. J., concurring in part and dissenting in part) (quoting §230(c)(1)).

A common thread through all these cases is that the plaintiffs were not necessarily trying to hold the defendants liable ‘as the publisher or speaker’ of third-party content. §230(c)(1). Nor did their claims seek to hold defendants liable for removing content in good faith. §230(c)(2). *Their claims rested instead on alleged product design flaws-that is, the defendant's own misconduct...*

Paring back the sweeping immunity courts have read into §230 would not necessarily render defendants liable for online misconduct. It simply would give plaintiffs a chance to raise their claims in the first place. Plaintiffs still must prove the merits of their cases, and some claims will undoubtedly fail... Extending §230 immunity beyond the natural reading of the text can have serious consequences... *we need not decide today the correct interpretation of §230. But in an appropriate case, it behooves us to do so.”* Malwarebytes Inc. v. Enigma Software Group USA LLC, 19-1284, ROSS 13624408 at *4-8 (U.S. Oct. 13, 2020) (emphasis added)

Aidan Kearney codeveloped threats by liking them (VC 39) “On the most basic level, clicking on the ‘like’ button literally causes to be published the statement that the User ‘ likes’ something, which is itself a substantive statement.” Bland v. Roberts, 730 F.3d 368, 386 (4th Cir. 2013)

Facebooks Terms of Service should not bar or limit any of my claims.

Under Facebook’s Terms of Service (“TOS”) there are disclaimers to deny liability for third party content. I first argue that a contract cannot legalize witness intimidation or invalidate the US and Massachusetts Constitutions. Additionally, in Facebook’s TOS under “The services we provide” it states, “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.” (emphasis added)

Facebook has been notified about the offending content on several occasions (VC 28 & AFF 4) and has failed to take appropriate action. “A party cannot retain the benefits received and at the same time escape the obligations imposed by the contract.” Dorn v. Astra USA, 975 F.Supp. 388, 393 (D. Mass. 1997)

42 U.S. Code § 1985

Currently a claim under 1985 must allege “(1) a conspiracy, [(VC 1, 84, 86, 110)] (2) a conspiratorial purpose to deprive a person or class of persons, directly or indirectly, of the equal protection of the laws or of equal privileges and immunities under the laws [(VC 34, 96, 97, 101, 102}] (3) an overt act in furtherance of the conspiracy [(VC 38-48, 51, 52, 53, 60)] (4) either (a) an injury to person or property, [(VC 88-90, 92)] or (b) a deprivation of a constitutionally protected right or privilege [(VC 52, 91, 93, 109, 110, 114)].” Aulson v. Blanchard, 83 F.3d 1, 3 (1st Cir. 1996) (citing Griffin v. Breckenridge, 403 U.S. 88, 102 (1971)).

Invidiously discriminatory animus

The initial article published about me on Turtleboy Sports pointed out and attempted to shame me for stating that the police were stupid to mistreat me and implying that I might sue them for it. Aidan Kearney also implied on July 14th, 2020 that the statements I made about the police were one of the primary reasons I “ended up on Turtleboy.” (AFF 7) Retaliation for exercising First Amendment rights has satisfied invidiously discriminatory animus in the 3rd circuit, see, Richardson v. Miller, 446 F.2d 1247 (3d Cir. 1971)

The verified complaint contains the elements for a class under an equal protection claim. (VC 1, 96, 97, 101, 102, 114, 141) “Plaintiff must show that he "was treated differently from others similarly situated... based on impermissible considerations such as race, religion, *intent to inhibit or punish the exercise of constitutional rights, or malicious or bad faith intent to injure a person.*” Clark v. Boscher, 514 F.3d 107, 114 (1st Cir. 2008)

(quoting Aponte-Torres v. Univ. of Puerto Rico, 445 F.3d 50, 57 (1st Cir. 2006)) (emphasis added)

42 U.S. Code § 1986

Some of the obstructing conduct listed in my verified complaint happened in the last year. (VC 47, 48, 53) Also, on but not limited to October 29th 2020 I notified Facebook and YouTube that Aidan Kearney was violating 42 U.S. Code § 1985 by obstructing 3:2020cv30168, and Facebook and YouTube have not taken any action to stop the obstruction.

42 U.S. Code § 1983

“If in fact a trial is dominated by a mob so that there is an actual interference with the course of justice, there is a departure from due process of law. If a state, supplying no corrective process, carries into execution a judgment of [ostracism through public shaming] based upon a verdict thus produced by mob domination, the state deprives the accused of his life or liberty without due process of law.” Moore v. Dempsey, 261 U.S. 86, 87 (1923)

“A municipality is responsible only for acts that represent its policy or custom. Monell v. Department of Social Services, 436 U.S. 658, 694, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978). However, even a single decision can constitute a policy or custom for Monell purposes. Pembaur v. City of Cincinnati, 475 U.S. 469, 481, 106 S.Ct. 1292, 89 L.Ed.2d 452 (1986). And even a single decision of limited scope and no precedential effect may constitute a Monell policy or custom if the official making the decision ‘possesses final

authority to establish municipal policy with respect to the action ordered.’ Id. See, e.g., *Small v. Inhabitants of City of Belfast*, 796 F.2d 544 (1st Cir.1986) *Quarterman v. City of Springfield*, 716 F.Supp.2d 67, 76 (D. Mass. 2009) (The City of Springfield is not entitled to immunity. When a local government entity is sued under 42 U.S.C. § 1983, the entity is entitled to neither absolute immunity, *Monell*, at 701, 98 S.Ct. 2018, nor qualified immunity, *Owen v. City of Independence*, 445 U.S. 622, 638, 100 S.Ct. 1398, 63 L.Ed.2d 673 (1980).”)

Public shaming is cruel and unusual punishment

Back in 2003 the United States Supreme Court distinguished colonial-era public shaming punishments from sex offender registration laws by noting public shaming "involved more than the dissemination of information" but also "held the person up before his fellow citizens for face-to-face shaming or expelled him from the community." *Smith v. Doe*, 538 U.S. 84, 98, 123 S.Ct. 1140, 155 L.Ed.2d 164, 71 U.S.L.W. 4125, 71 U.S.L.W. 4182 (2003) The court went on to explain that the State’s laws and website were acceptable, because the State was not doing exactly what the Defendants here are doing. “In contrast to the colonial shaming punishments, however, the State does not make the publicity and the resulting stigma an integral part of the objective of the regulatory scheme... The State's Web site does not provide the public with means to shame the offender by, say, posting comments underneath his record. An individual seeking the information must take the initial step of going to the Department of Public Safety's Web site, proceed to the sex offender registry, and then look up the desired information. The process is more analogous

to a visit to an official archive of criminal records than it is to a scheme forcing an offender to appear in public with some visible badge of past criminality.” Id. Smith 99 “Shame can be a cause or consequence of poverty, or both; people living in poverty often feel ashamed at being unable to meet societal expectations due to their lack of resources. That feeling of shame can undermine confidence and individual agency; lead to depression, sullenness, and disintegration; contribute to increased feelings of shame; and perpetuate the cycle of poverty.” ARTICLE: PURSUING ACCOUNTABILITY FOR PERPETRATORS OF INTIMATE PARTNER VIOLENCE: THE PERIL (AND UTILITY?) OF SHAME, 98 B.U.L. Rev. 1680, 1716)

State Action

“To act ‘under color of’ state law for § 1983 purposes does not require that the defendant be an officer of the State. It is enough that he is a willful participant in joint action with the State or its agents. Private persons, jointly engaged with state official in the challenged action, are acting ‘under color’ of law for purposes of § 1983 actions.” Dennis v. Sparks, 449 U.S. 24, 101 S.Ct. 183, 66 L.Ed.2d 185 (1980) “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) (a state official might act to give a custom the force of law in a variety of ways, at

least two examples of which are suggested by the record here... It might be shown on remand that the Hattiesburg *police would intentionally tolerate violence or threats of violence directed toward those who violated the practice* of segregating the races at restaurants.) Judge Jane Mulqueen and Hon. John M. Payne are immune from a suit for damages, but they still give weight to state action as they both intentionally tolerated illegal misconduct. “The potential harm to the public from denying immunity to coconspirators if the factfinder mistakenly upholds a charge of a corrupt conspiracy is outweighed by the benefits of providing a remedy against those private persons who participate in subverting the judicial process and, in so doing, inflict injury on other persons.” Dennis v. Sparks, 449 U.S. 24, 101 S.Ct. 183, 66 L.Ed.2d 185 (1980) “Even where the laws are just and equal on their face, yet, by a systematic maladministration of them, or a neglect or refusal to enforce their provisions, a portion of the people are denied equal protection under them.” Adickes v. S. H. Kress & Co., 398 U.S. 144, 90 S.Ct. 1598, 26 L.Ed.2d 142 (1970) Aidan Kearney also sent and received emails with multiple state agents discussing the criminal allegations against me (VC 84-87), and on 9/24/2020 Aidan Kearney stated while being interviewed that he has police in every department who send him stories, and he noted that his close relationship with law enforcement is a primary reason for his success. Aidan Kearney frequently targets people who detract from law enforcement credibility, and law enforcement has charged several people with crimes at Aidan Kearney’s request, yet law enforcement has routinely refused to hold Aidan Kearney liable for his criminal actions. “It is not enough to examine seriatim each of the factors upon which a claimant relies and to dismiss each individually as being insufficient to support a finding of state action. It is

the aggregate that is controlling.” Jackson v. Metropolitan Edison Co., 419 U.S. 345, 95 S.Ct. 449, 42 L.Ed.2d 477 (1974) “The line of demarcation between public and private action, though easily proclaimed, has proven elusive in application. And the Justices, mindful of the fact-sensitive nature of the inquiry, have staunchly eschewed any attempt to construct a universally applicable litmus test to distinguish state action from private conduct. Instead, they have directed lower courts to take a case-by-case approach, sifting facts and weighing circumstances [so that] the nonobvious involvement of the State in private conduct [can] be attributed its true significance.’ Burton v. Wilmington Parking Auth., 365 U.S. 715, 722 (1961)

Facebook is defrauding advertisers and the balance of equities is in my favor

The Facebook accounts that I move to have unpublished are examples of Facebook defrauding their advertisers and investors. Facebook and Google allow Aidan Kearney to flagrantly break their Community Standards because they see Section 230 protections as creating a moral hazard. In the short term the more they enforce their policies the less money they make. Facebook generates more advertising revenue allowing Aidan Kearney to host his shaming site on three pages instead of one. Facebook also profits more by allowing Aidan Kearney to use several accounts to anonymously post comments with instead of just his own. Aidan Kearney teaches his followers that having multiple accounts with fake names is a smart decision. While these violations and witness intimidation certainly violate their rules (VC 16), Facebook decided that the most profitable way to handle the violations is to either consistently ignore them, or in the case of witness

intimidation make it impossible for someone to report them.³ Facebook's advertisers are deceived into believing that Facebook is proactive at removing fake profiles. So while Facebook is making billions of dollars defrauding advertisers, my constitutional rights are being routinely violated by a sadistic stochastic terrorist on their platform.

If the requested relief is granted Aidan Kearney will still be able to communicate his views using his websites and traditional media, and in the long run YouTube and Facebook will benefit from making their platform safer. Aidan Kearney dissolved his businesses, so he has no legitimate financial interest in the injunction. Equity principles require a protection order so that I may be fairly heard. Aidan Kearney has been aware that his harassment was the cause and stressor of my adjustment disorder, yet he has continued to use his public shaming device before and after every legal proceeding.

The requested restraining order will benefit the public interest.

The Public will benefit from the requested relief as the Defendants routinely cause significant emotional distress on Facebook and YouTube, and Facebook has shown that emotions are contagious. (VC 25, 27, 34 72, 73, 91, 93, 96, 104, 119, 122)

“Stigmatizing shame ‘encourages offenders to view themselves as outcasts’ and/or encourages others to treat offenders as outcasts. Similar to the distinction between shame and guilt, stigmatizing shame does not separate the behavior from the person, often

³ If the witness intimidation also rises to their arbitrary standard for harassment, they let users report harassment to them, but without any method to explain context.

conflating the wrongdoing with the wrongdoer. Stigmatizing shame can be intended to cause - and often results in - social exclusion and isolation. Indeed, some stigmatized individuals remove themselves from their social support network to avoid the potential embarrassment of being discovered... Social isolation from stigmatizing shame can lead to increased criminal or other antisocial behavior through the association with others who are perceived in some limited or total way as also at odds with mainstream standards. For example, a young person who has been punished and stigmatized by others multiple times over his life may seek out 'subcultures which reject the rejectors' to regain status and identity. In fact, within certain subgroups, engaging in socially contrary behavior is identified as a positive and valued attribute, and serves as a powerful anecdote to the negative consequences of shame..." Supra ARTICLE: PURSUING Rev. 1680, 1681-1682

"Humiliation has been broadly defined as 'the rejection of human beings as human, that is, treating people as if they were not human beings but merely things, tools, animals, subhuman, or inferior humans.' Humiliation can also reflect 'a loss of control over one's identity' or 'being denied a certain status in communion with others.' The predictable response to humiliation is for its target to 'lash out at the humiliator' via a combination of anger and fear. Aggression seems to be predictably, automatically, and at times uncontrollably activated in response to humiliation. Studies show the devastating consequences of systematic humiliation and demonstrate that humiliation may cause depression, paranoia, violence, generalized and social anxiety, and suicide." ARTICLE: 'SHE'S NOBODY'S CHILD/THE LAW CAN'T TOUCH HER AT ALL': SEEKING TO

BRING DIGNITY TO LEGAL PROCEEDINGS INVOLVING JUVENILES , 56 Fam.
Ct. Rev. 79, 80

Constitutional Duty:

Since cruel and unusual punishment without due process is such a heinous violation to the Constitution, and the Constitution is supreme law, the Federal court has a duty to ensure that the state does not continue to routinely violate the constitution. “The mode or manner of exercising its police power is wholly within the discretion of the State so long as the Constitution of the United States is not contravened, or any right granted or secured thereby is not infringed, or not exercised in such an arbitrary and oppressive manner as to justify the interference of the courts to prevent wrong and oppression. Jacobson v. Massachusetts, 197 U.S. 11, 25 S.Ct. 358, 49 L.Ed. 643 (1905)

“The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of titles 13, 24, and 70 of the Revised Statutes for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the

cause” 42 U.S.C. § 1988 “The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right... Where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured has a right to resort to the laws of his country for a remedy... It cannot be presumed that any clause in the constitution is intended to be without effect” Marbury v. Madison, 5 U.S. 137, 2 L.Ed. 60 (1803) “Once a wrong is brought to light. There can be no stopping after that, until justice has been done.” Bemis Bro. Bag Co. v. United States, 289 U.S. 28, 53 S.Ct. 454, 77 L.Ed. 1011 (1933) “Where federally protected rights have been invaded, it has been the rule from the beginning that courts will be alert to adjust their remedies so as to grant the necessary relief.” Bivens v. Six Unknown Named Agents, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971) Art. 11 of the Mass. Declaration of Rights states: “Every subject of the Commonwealth . . . ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; *conformably to the laws.*” “The true spirit of constitutional interpretation... is to give full, liberal construction to the language, aiming ever to show fidelity to the spirit and purpose.” Fairbank v. United States, 181 U.S. 283, 21 S.Ct. 648, 45 L.Ed. 862 (1901)

Filed Pro Se by Rian Waters _____ 11/25/2020
199 Allen St. E. Longmeadow WatersRian@Gmail.com

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION 3:20-cv-30168

RIAN WATERS,
Plaintiff

FACEBOOK INC,
GOOGLE LLC
OFFICER JEREMY HALEY,
AIDAN KEARNEY,
KATHERINE E. PETER
DR. MARTHA SMITH-BLACKMORE,
WILLIAM HIGGINS,
LT. JIM DALTON,
MAURA HEALEY,
JOHN DOES 1-10
Defendants

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. On 11/12/2020 Aidan Kearney said that this is war, and said that the US killed woman and children to end the civil war, and WWII. He then said he wanted to make the message clear, if you sue him, he’s “going to go after family”, and he will “burn them to the ground.”
7. The initial article published about me on Turtleboy Sports pointed out and attempted to shame me for stating that the police were stupid to mistreat me and implying that I might sue them for it. Aidan Kearney also implied on July 14th, 2020 that the statements I made about the police were one of the primary reasons I “ended up on Turtleboy.”
8. Exhibit A is some of the images harassing me and my first witness (Michael Gaffney) on Aidan Kearney’s website
9. Exhibit B is some of the threats screenshot from Aidan Kearney’s Facebook from January 2019.

Subscribed under the pains and penalties of perjury.

Dated November 25th, 2020

_____ Rian Waters PRO SE

Exhibit A



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



Single Ukrainian Ladies Looking For Their Soulmate (39+)

CLICK TO DOWNLOAD THE TURTLEBOY APP



Exhibit B

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

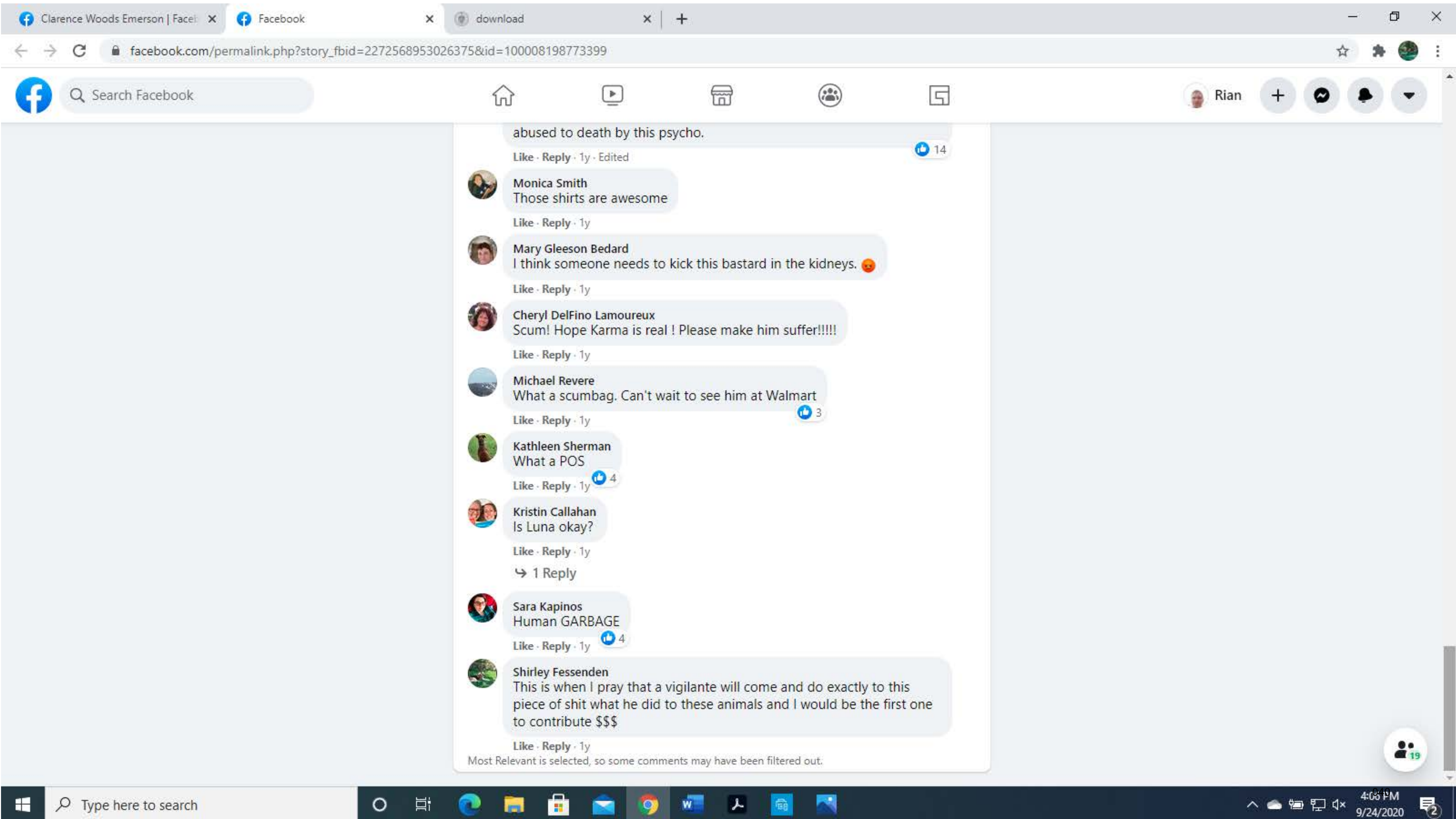
Like · Reply · 1y
- Wodword Harry Nerm**
Savanna Roderick live that life yo. Fuck around and find out. FR FR. Na I mean

Like · Reply · 1y
- Savanna Burnett**
Nerm Harry Wodword ?

Like · Reply · 1y
- 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
- 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



abused to death by this psycho. 14

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 DelFino 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.