

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Civil Action No. 1:21-cv-22441-RNS

DONALD J. TRUMP, the Forty-Fifth President
of the United States, LINDA CUADROS,
AMERICAN CONSERVATIVE UNION,
RAFAEL BARBOZA, DOMINICK LATELLA,
WAYNE ALLEN ROOT AND NAOMI WOLF,
INDIVIDUALLY AND ON BEHALF OF
THOSE SIMILARLY SITUATED,

Plaintiffs,

v.

TWITTER, INC. and JACK DORSEY,

Defendants.

PLAINTIFF'S NOTICE OF FILING DECLARATION

The undersigned, on behalf of Plaintiff, Donald J. Trump, hereby files this Declaration of
Jaclyn Homberg, Research Analyst at Brosnan Risk Consultants, Ltd., in support of Plaintiff's
Motion for Preliminary Injunction.

Date: _____, 2021

Respectfully submitted,

/s/ Matthew Baldwin

Fla. Bar No.: 27463

Email: Matthew@VargasGonzalez.com

Vargas Gonzalez Baldwin Delombard, LLP

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DONALD J. TRUMP, the Forty-Fifth President of the United States, LINDA CUADROS, AMERICAN CONSERVATIVE UNION, RAFAEL BARBOZA, DOMINICK LATELLA, WAYNE ALLEN ROOT, AND NAOMI WOLF, INDIVIDUALLY AND ON BEHALF OF THOSE SIMILARLY SITUATED,

Plaintiffs,

v.

TWITTER, INC. and JACK DORSEY,

Defendants.

**DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY
INJUNCTION**

I, Jaclyn Homberg, declare as follows:

1. I am over the age of 18 years.
2. I am a Research Analyst employed by Brosnan Risk Consultants, Ltd., and have been employed there since December of 2019.
3. Brosnan Risk Consultants, Ltd. was retained to verify the accuracy, authenticity and source for each of the facts cited in Plaintiff's Motion for Preliminary Injunction in the above-captioned matter.
4. I have personal knowledge of the matters set forth in this Declaration, and if called

as a witness, I could and would testify under oath as follows.

5. On August 13, 2021, I viewed the following link: <https://www.reuters.com/article/us-twitter-stocks-trump/twitter-tumbles-as-trump-ban-puts-social-media-in-spotlight-idUSKBN29G0XG>, a true and accurate capture of which is annexed hereto as Exhibit A, and found this information contained therein: Defendant's ban prevented him from communicating to his 89 million Twitter followers.

6. On August 13, 2021, I viewed the following link: <https://twitter.com/frankpallone/status/1346972626670006274?lang=en>, a true and accurate capture of which is annexed hereto as Exhibit B, and found this information contained therein: January 6, 2021, Rep. Frank Pallone, Jr., Chairman of the House Commerce Committee, tweeted that "Trump is inciting violence and spreading dangerous misinformation" and called on social media companies "to remove Trump from their platforms," and shortly thereafter he explicitly threatened social media companies with retaliatory legislation if they refused to comply with censorship demands.

7. On August 13, 2021, I viewed Exhibit B and found this statement of fact truly and accurately stated therein: On January 6, 2021, Chairman of the House Commerce Committee Rep. Frank Pallone Jr. tweeted: "Enough is enough! Trump is inciting violence and spreading dangerous misinformation that is undermining our democracy and our way of life. Social media continues to amplify his anti-democratic rhetoric. It's time for @jack and Mark Zuckerberg to remove Trump from their platforms."

8. On August 13, 2021, I viewed the following links: https://wwwnc.cdc.gov/eid/article/27/2/20-3139_article, a true and accurate capture of which is annexed hereto as Exhibit C(i), <https://www.cdc.gov/socialmedia/tools/guidelines/twitter.html>, a

true and accurate capture of which is annexed hereto as Exhibit C(ii), <https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/15/press-briefing-by-press-secretary-jen-psaki-and-surgeon-general-dr-vivek-h-murthy-july-15-2021/>, a true and accurate capture of which is annexed hereto as Exhibit C(iii), <https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/16/press-briefing-by-press-secretary-jen-psaki-july-16-2021/>, a true and accurate capture of which is annexed hereto as Exhibit C(iv), and found this information contained therein: The Centers for Disease Control (“CDC”) “partners” with social media companies including Twitter to remove COVID “misinformation.” On February 20, 2021, a senior Administration official disclosed that the Administration was acting in “direct engagement” with “social media” companies to “get rid” of what the Administration sees as “misinformation and disinformation” online. On July 15 and 16, 2021, White House Press Secretary Jennifer Psaki stated that the Administration is coordinating with social media companies to de-platform Users who disseminate what the Administration labels COVID misinformation.

9. On August 13, 2021, I viewed the following links: <https://twitter.com/RepMaxineWaters>, a true and accurate capture of which is annexed hereto as Exhibit D(i), <https://twitter.com/MaxineWaters>, a true and accurate capture of which is annexed hereto as Exhibit D(ii), <https://www.youtube.com/watch?v=Mn1br0MQFG4&t=13s>, a true and accurate capture of which is annexed hereto as Exhibit D(iii), and found this information contained therein: On or about April 18, 2021, Rep. Maxine Waters called for protesters to “stay on the street” and “get more confrontational” against law enforcement officers during the trial of Minneapolis police officer Derek Chauvin for the murder of George Floyd.

10. On August 13, 2021, I viewed the following links: <https://twitter.com/RepPressley>, a true and accurate capture of which is annexed hereto as Exhibit

E(i), <https://twitter.com/AyannaPressley>, a true and accurate capture of which is annexed hereto as Exhibit E(ii), <https://www.youtube.com/watch?v=jFEGO1R7KEo>, a true and accurate capture of which is annexed hereto as Exhibit E(iii), and found this information contained therein: In August of 2020, Rep. Ayanna Pressley said there “needs to be unrest in the streets.”

11. On August 13, 2021, I viewed the following links: <https://twitter.com/SpeakerPelosi>, a true and accurate capture of which is annexed hereto as Exhibit F(i), <https://twitter.com/TeamPelosi>, a true and accurate capture of which is annexed hereto as Exhibit F(ii), https://www.youtube.com/watch?v=gM_DtU14p-s, a true and accurate capture of which is annexed hereto as Exhibit F(iii), and found this information contained therein: On June 14, 2018, in remarks regarding Trump Administration policies attempting to stem the flow of illegal immigration at the southern border, Rep. Nancy Pelosi said, “I just don’t even know why there aren’t uprisings all over the country. Maybe there will be.”

12. On August 13, 2021, I viewed the following links: <https://twitter.com/IlhanMN>, a true and accurate capture of which is annexed hereto as Exhibit G(i), <https://twitter.com/Ilhan>, a true and accurate capture of which is annexed hereto as Exhibit G(ii), <https://www.youtube.com/watch?v=3OprxD5njXo>, a true and accurate capture of which is annexed hereto as Exhibit G(iii), and found this information contained therein: On March 26, 2019, Rep. Ilhan Omar, referring to the March 15, 2019 shooting at a mosque in Christchurch, New Zealand, which left fifty people dead, told Muslims in the United States to “raise hell and make people uncomfortable.”

13. On August 13, 2021, I viewed the following link: <https://apnews.com/article/twitter-donald-trump-ban-cea450b1f12f4ceb8984972a120018d5>, a true and accurate capture of which is annexed hereto as Exhibit H, and found this statement of fact

truly and accurately stated therein: Plaintiff established his Twitter account (“@realDonaldTrump”) in May of 2009.

14. On August 13, 2021, I viewed the following link: <https://www.tweetbinder.com/blog/trump-twitter/>, a true and accurate capture of which is annexed hereto as Exhibit I, and found this statement of fact truly and accurately stated therein: At the same time, Plaintiff’s Twitter account was a forum for his tens of millions of followers—supporters and critics alike—to communicate with one another. Typically, Plaintiff’s tweets generated thousands of replies, some of which generated hundreds or thousands of additional replies in turn.

15. On August 13, 2021, I viewed the following link: <https://www.bbc.com/news/technology-54440662>, a true and accurate capture of which is annexed hereto as Exhibit J, and found this information contained therein: On or about October 5, 2020, Twitter censored a post containing the statement that “for most populations [COVID is] far less lethal” than the flu.

16. On August 13, 2021, I viewed the following link: <https://www.cnbc.com/2020/08/05/facebook-removes-trump-interview-over-coronavirus-misinformation.html>, a true and accurate capture of which is annexed hereto as Exhibit K, and found this statement of fact truly and accurately stated therein: Defendant censored an August 5, 2020, of a video of Plaintiff (posted to a Trump campaign Twitter account) in which the President, while acknowledging that COVID-19 deaths among children do very rarely occur, said that children are “almost immune” to the disease.

17. On August 13, 2021, I viewed Exhibit K and found this statement of fact truly and accurately stated therein: Twitter censored this video on the ground that it constituted “COVID misinformation.”

18. On September 22, 2021, I viewed the following link: <https://financesonline.com/number-of-twitter-users/>, a true and accurate capture of which is annexed hereto as Exhibit L, and found this statement of fact truly and accurately stated therein: Defendant is an Internet communications platform open to billions of people.

19. On September 22, 2021, I viewed the following link: <https://www.nbcnews.com/politics/donald-trump/twitter-removes-tweet-highlighted-trump-falsely-claiming-covid-cure-n1235075>, a true and accurate capture of which is annexed hereto as Exhibit M, and found this statement of fact truly and accurately stated therein: Plaintiff had content removed or flagged for alleged violations of Defendant's standards related to COVID-19.

20. On August 13, 2021, I viewed the following link: https://blog.twitter.com/en_us/topics/company/2020/suspension, a true and accurate capture of which is annexed hereto as Exhibit N, and found this statement of fact truly and accurately stated therein: On January 8, 2021, after Plaintiff's speech and subsequent tweets posted to his account, Twitter permanently suspended Plaintiff's account.

21. On August 13, 2021, I viewed Exhibit N, and found this statement of fact truly and accurately stated therein: Twitter explained its decision in a blog post on its website:

President Trump's statement that he will not be attending the Inauguration is being received by a number of his supporters as further confirmation that the election was not legitimate and is seen as him disavowing his previous claim made via two Tweets (1, 2) by his Deputy Chief of Staff, Dan Scavino, that there would be an "orderly transition" on January 20th.

The second Tweet may also serve as encouragement to those potentially considering violent acts that the Inauguration would be a "safe" target, as he will not be attending.

The use of the words "American Patriots" to describe some of his supporters is also being interpreted as support for those committing violent acts at the US Capitol.

The mention of his supporters having a “GIANT VOICE long into the future” and that “They will not be disrespected or treated unfairly in any way, shape or form!!!” is being interpreted as further indication that President Trump does not plan to facilitate an “orderly transition” and instead that he plans to continue to support, empower, and shield those who believe he won the election.

22. On August 13, 2021, I viewed the following links: <https://www.documentcloud.org/documents/20475169-trump-speech-jan6>, a true and accurate capture of which is annexed hereto as Exhibit O(i), https://www.newmediarights.org/business_models/artist/are_historical_speeches_public_domain#:~:text=Speeches%20written%20and%20given%20by,are%20in%20the%20public%20domain, a true and accurate capture of which is annexed hereto as Exhibit O(ii), and found this statement of fact truly and accurately stated therein: Plaintiff’s remarks on January 6, 2021 in Washington, D.C. are a matter of public record.

23. On August 13, 2021, I viewed the following links: <https://www.washingtonpost.com/news/powerpost/paloma/the-technology-202/2019/04/09/the-technology-202-lawmakers-plan-to-ratchet-up-pressure-on-tech-companies-content-moderation-practices/5cabee50a7a0a475985bd372/?variant=116ae929826d1fd3>, a true and accurate capture of which is annexed hereto as Exhibit P(i), https://judiciary.house.gov/uploadedfiles/competition_in_digital_markets.pdf?utm_campaign=4493-519, a true and accurate capture of which is annexed hereto as Exhibit P(ii), and found this statement of fact truly and accurately stated therein: In April of 2019, representatives of social media companies were summoned before the House Judiciary Committee to answer questions about dangerous content on social media. After that hearing, Democrat Congressman Cedric Richmond stated that social media companies had “better” restrict what he and other members of Congress deemed dangerous or harmful content or, “[w]e’re going to make [regulation] swift,

we're going to make it strong, and we're going to hold them very accountable." Democrat Congressman and Chairman of the House Judiciary Committee Jerrold Nadler also stated: "Let's see what happens by just pressuring them."

24. On August 13, 2021, I viewed Exhibit P(ii), and found this statement of fact truly and accurately stated therein: The committee report proposed antitrust measures and expressly referred to the failure of big tech to curb such content as evidence of the lack of meaningful competition in their markets.

25. On August 13, 2021, I viewed Exhibit P(ii), and found this statement of fact truly and accurately stated therein: The several-hundred-page report issued by the Judiciary Committee in early October of 2020, specifically found that the social media companies had monopoly power in their markets and proposed breaking up those companies under either existing federal antitrust law or under proposed reforms thereto. (*See* Exhibit P(ii) at 377-403.)

26. On August 13, 2021, I viewed the following link: <https://thehill.com/policy/technology/438652-pelosi-warns-its-a-new-era-for-regulating-big-tech>, a true and accurate capture of which is annexed hereto as Exhibit Q, and found this statement of fact truly and accurately stated therein: Shortly after that hearing, on or about April 10-11, 2019, Speaker of the House Nancy Pelosi warned that a "new era" of regulating tech giants was coming and that Section 230 could be "in jeopardy."

27. On August 13, 2021, I viewed Exhibit Q, and found this statement of fact truly and accurately stated therein: Speaker Pelosi further commented that "the era of self-regulation" in this country for big tech is "probably" over, and that "[w]hen we come to 230, you really get their

attention . . . it is not out of the question that that could be removed” because “for the privilege of 230, there has to be a bigger sense of responsibility on it.”

28. On August 13, 2021, I viewed the following links: <https://twitter.com/RepAdamSchiff>, a true and accurate capture of which is annexed hereto as Exhibit R(i), <https://twitter.com/adamschiff>, a true and accurate capture of which is annexed hereto as Exhibit R(ii), <https://www.axios.com/social-media-immunity-section-230-fl5ac071-32e9-4e33-81e6-4c7ebadaea5e.html> a true and accurate capture of which is annexed hereto as Exhibit R(iii), and found this statement of fact truly and accurately stated therein: In June of 2019, Rep. Schiff told reporters that “if the social media companies can’t exercise a proper standard of care when it comes to a whole variety of fraudulent or illicit content, then we have to think about whether that immunity still makes sense. These are not nascent industries or companies that are struggling for viability; they’re now behemoths, and we need them to act responsibly.”

29. On August 13, 2021, I viewed the following links: <https://twitter.com/JoeBiden>, a true and accurate capture of which is annexed hereto as Exhibit S(i), <https://twitter.com/POTUS>, a true and accurate capture of which is annexed hereto as Exhibit S(ii), <https://reason.com/2019/11/13/joe-biden-has-officially-joined-the-misguided-crusade-against-online-free-speech/>, a true and accurate capture of which is annexed hereto as Exhibit S(iii), <https://www.theverge.com/2020/1/17/21070403/joe-biden-president-election-section-230-communications-decency-act-revoke>, a true and accurate capture of which is annexed hereto as Exhibit S(iv), and found this statement of fact truly and accurately stated therein: On or about November 11, 2019, now-President Biden stated publicly, “I, for one, think we should be considering taking away their exemption [under Section 230.” In January of 2020, Biden

announced his plans for revoking Section 230 for “Zuckerberg and other platforms” if they continued “propagating falsehoods.”

30. On August 13, 2021, I viewed the following link: <https://threader.app/thread/1272881670430035975>, a true and accurate capture of which is annexed hereto as Exhibit T(i), <https://www.pressgazette.co.uk/nancy-pelosi-social-media-bosses-have-utterly-failed-to-combat-covid-19-disinformation>, a true and accurate capture of which is annexed hereto as Exhibit T(ii), and found this statement of fact truly and accurately stated therein: In June of 2020, Speaker Pelosi declared that “social media executives have utterly failed to stop the spread of disinformation on their platforms.” She then stated that Congress and others “must send a message to social media executives: You will be held accountable for your misconduct.”

31. On August 13, 2021, I viewed the following links: <https://www.theverge.com/2020/7/29/21335706/antitrust-hearing-highlights-facebook-google-amazon-apple-congress-testimony>, a true and accurate capture of which is annexed hereto as Exhibit U(i), <https://www.congress.gov/event/116th-congress/house-event/LC65920/text?s=5&r=23>, a true and accurate capture of which is annexed hereto as Exhibit U(ii), <https://www.rev.com/blog/transcripts/tech-ceos-senate-testimony-transcript-october-28>, a true and accurate capture of which is annexed hereto as Exhibit U(iii) and found this statement of fact truly and accurately stated therein: In July of 2020, the House Judiciary Committee questioned the CEOs of the largest Internet platforms, Facebook, Twitter, and Google/YouTube. At those hearings, Democrat Congressman Jamie Raskin stated that social media companies of not taking strong enough action to block speech that he and other Democrat members of Congress deemed dangerous. (*Subcommittee on Antitrust, Commercial and Administrative Law of the Committee on the Judiciary, Investigation of Competition in Digital Markets* at 68 (2020)). In the committee

report, Defendants expressly referred to the failure of social media companies to curb such content as evidence of the lack of meaningful competition in their markets. *Id.* at 67 (“because there is not meaningful competition, dominant firms face little financial consequence when misinformation and propaganda are promoted online”).

32. On August 13, 2021, I viewed the following link: <https://abcnews.go.com/Business/wireStory/ceos-social-media-giants-testify-senate-hearing-73433414>, a true and accurate capture of which is annexed hereto as Exhibit V(i), <https://www.cnn.com/2020/10/28/facebook-google-and-twitter-ceos-testify-in-congress-over-section-230-live-updates.html>, a true and accurate capture of which is annexed hereto as Exhibit V(ii), and <https://www.c-span.org/video/?476686-1/social-media-content-moderation>, a true and accurate capture of which is annexed hereto as Exhibit V(iii), and found this statement of fact truly and accurately stated therein: In October of 2020, the Senate Commerce Committee held a hearing on the failure of social media companies to curb misinformation online, subpoenaing the CEOs of the Big Three social media companies—Facebook, Twitter, and Google—to testify. Democrat Congressmen threatened adverse legal and financial consequences against the major social media platforms if they did not engage in more content moderation.

33. On August 13, 2021, I viewed the following links: <https://twitter.com/senblumenthal/status/1321552006541152257?lang=en>, a true and accurate capture of which is annexed hereto as Exhibit W(i), and <https://www.commerce.senate.gov/2020/10/does-section-230-s-sweeping-immunity-enable-big-tech-bad-behavior>, a true and accurate capture of which is annexed hereto as Exhibit W(ii), and found this information stated therein: Sen. Richard Blumenthal stated: “Frankly, President Trump has broken all the norms, and he has put on your platforms potentially dangerous and lethal

misinformation and disinformation. I want to know whether you have a plan Facebook, Twitter, Google, a plan, if the President uses your platforms to say on the day of the election that there is rigging or fraud without any basis in evidence.” *Id.* at 1:48.

34. On August 11, 2021, I visited the following websites: <https://www.rev.com/blog/transcripts/mark-zuckerberg-jack-dorsey-testimony-transcript-senate-tech-hearing-november-17>, a true and accurate capture of which is annexed hereto as Exhibit X(i), <https://www.nexttv.com/news/senate-commerce-to-big-tech-change-is-coming>, a true and accurate capture of which is annexed hereto as Exhibit X(ii), <https://www.facebook.com/watch/?v=374538930427440>, a true and accurate capture of which is annexed hereto as Exhibit X(iii), <https://www.wired.com/story/what-eu-gets-right-us-wrong-antitrust/> a true and accurate capture which is annexed hereto as Exhibit X(iv), and found this information stated therein: On November 17, 2020, at a Senate committee hearing Sen. Blumenthal stated:

“Change must come to social media. The fact is we meet today in an unprecedented and precarious moment in American history. Daily, the President shocks our conscience and shakes the very foundations of our democracy using a powerful megaphone, social media. The President has used this microphone to spread vicious falsehoods and an apparent attempt to overturn the will of voters. Every day, he posts new threats and conspiracy theories about mail-in ballots and voting machines, lies that contradict his own election security officials and his lawyers. He uses this megaphone potentially to block a peaceful transition of power. Now, Mr. Zuckerberg and Mr. Dorsey, you have built terrifying tools of persuasion and manipulation with power far exceeding the robber barons of the last Gilded [sic] Age.”

35. On August 13, 2021, I viewed Exhibit X(iv) and found this statement of fact truly and accurately stated therein: Indeed, at the same November 17, 2020 hearing, Sen. Blumenthal stated: “I have urged, in fact, a breakup of tech giants because they’ve misused their bigness and power. . . . And indeed Section 230 reform, meaningful reform, including even possible repeal in

large part because their immunity is way too broad and victims of their harms deserve a day in court.”

36. On August 13, 2021, I viewed the following links: <https://twitter.com/MarkWarner>, a true and accurate capture of which is annexed hereto as Exhibit Y(i), <https://twitter.com/MarkWarnerVA>, a true and accurate capture of which is annexed hereto as Exhibit Y(ii), <https://www.washingtonpost.com/politics/2021/01/08/technology-202-facebook-critics-say-trump-ban-came-too-late/>, a true and accurate capture of which is annexed hereto as Exhibit Y(iii), and found this statement of fact truly and accurately stated therein: On January 7, 2021, Sen. Mark Warner stated that Twitter’s then-temporary suspension of Plaintiff was “both too late and not nearly enough” given “the President’s sustained misuse of their platforms to sow discord and violence.”

37. On August 13, 2021, I viewed the following link: <https://slate.com/technology/2020/12/facebook-antitrust-ftc-breakup-whatsapp-instagram-zuckerberg.html>, a true and accurate capture of which is annexed hereto as Exhibit Z, and found this statement of fact truly and accurately stated therein: As of early January, 2021, it was not known whether the incoming Biden Administration would pursue or retreat from this “existential threat” to social media companies.

38. On August 13, 2021, I viewed the following link: <https://energycommerce.house.gov/newsroom/press-releases/ec-committee-announces-hearing-with-tech-ceos-on-the-misinformation-and>, a true and accurate capture of which is annexed hereto as Exhibit AA, and found this statement of fact truly and accurately stated therein: In February of 2021, the House Committee on Energy and Commerce summoned Big Tech CEOs to testify at a hearing on the “misinformation and disinformation plaguing online platforms. In a joint public

statement on February 18, 2021, announcing the March hearing, the House committee chairs stated: “These online platforms have allowed misinformation to spread, intensifying national crises with real-life, grim consequences for public health and safety. This hearing will continue the Committee’s work of holding online platforms accountable for the growing rise of misinformation and disinformation”.

39. On August 13, 2021, I viewed the following link: <https://docs.house.gov/meetings/IF/IF16/20210325/111407/HHRG-117-IF16-20210325-SD002.pdf> a true and accurate capture of which is annexed hereto as Exhibit BB, and found this statement of fact truly and accurately stated therein: On March 25, 2021, the House Energy and Commerce Committee questioned three Big Tech CEOs, including Defendant Dorsey, regarding their failure to curb dangerous information online, including vaccine misinformation. Chairman Frank Pallone, Jr.’s opening statement for this hearing indicated that a principal topic of the hearing was the “role” of “Facebook, Google, and Twitter” in “spreading disinformation” and extremism.

40. On August 13, 2021, I viewed the following link: https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Opening%20Statement_Pallone_CAT-CPC_2021.3.25_0.pdf, a true and accurate capture of which is annexed hereto as Exhibit CC, and found this statement of fact truly and accurately stated therein: Moreover, in his opening statement for the hearing, Chairman Pallone said:

Five years ago, . . . Facebook, Google, and Twitter were warned about – but simply ignored – their platforms’ role in spreading disinformation. Since then, the warnings have continued, but the problem has only gotten worse. . . . It is now painfully clear that neither the market nor public pressure will force these social media companies to take the aggressive action they need to take to eliminate disinformation and extremism from their platforms. And, therefore, it is time for Congress and this Committee to legislate and realign these companies’ incentives to effectively deal with disinformation The dirty truth is that [Facebook, Google, and Twitter] are relying on algorithms to purposefully promote conspiratorial, divisive, or extremist content so they can rake in the ad dollars. . . .

It's crucial to understand that these companies aren't just mere bystanders – they are playing an active role in the meteoric rise of disinformation and extremism. So when a company is actually promoting this harmful content, I question whether existing liability protections should apply. Members on this Committee have suggested legislative solutions and introduced bills. The Committee is going to consider all these options so that we can finally align the interests of these companies with the interests of the public and hold the platforms, and their CEOs, accountable when they stray. That is why you are here today, Mr. Zuckerberg, Mr. Pichai, and Mr. Dorsey. You have failed to meaningfully change after your platforms played a role in fomenting insurrection, in abetting the spread of COVID-19, and trampling Americans civil rights. . . . The time for self-regulation is over. It is time we legislate to hold you accountable.

41. On August 13, 2021, I viewed the following links: <https://twitter.com/usatoday>, a true and accurate capture of which is annexed hereto as Exhibit DD(i), <https://www.usatoday.com/story/tech/2021/03/25/facebook-google-youtube-twitter-dorsey-zuckerberg-pichai-section-230-hearing/6990173002>, a true and accurate capture of which is annexed hereto as Exhibit DD(ii), and found this statement of fact truly and accurately stated therein: As reported in one major newspaper, at the March 25 hearing, “[l]awmakers slammed the leaders of Facebook, Google and Twitter. . . for failing to police . . . misinformation on their platforms, warning that Washington is prepared to crack down,” including by removing those companies’ “legal protections under Section 230 of the Communications Decency Act.”

42. On August 13, 2021, I viewed the following link: <https://twitter.com/bloomberglaw>, a true and accurate capture of which is annexed hereto as Exhibit EE(i), news.bloomberglaw.com/tech-and-telecom-law/house-to-confront-tech-ceos-over-online-spread-of-false-info, a true and accurate capture of which is annexed hereto as Exhibit EE(ii), and found this statement of fact truly and accurately stated therein: For example, in an email sent ahead of the March 25 hearing, Consumer Protection and Commerce Chair Rep. Jan Schakowski (D-Ill.), wrote: “[T]his hearing is really a call to action. We need to make these companies more accountable to the American people.” Representative Schakowski stated that this

goal would be accomplished by her bill, the Online Consumer Protection Act, which would cut back social media companies' Section 230 immunity, provide for FTC enforcement, and allow consumer lawsuits.

43. On August 13, 2021, I viewed the following link: <https://twitter.com/amyklobuchar>, a true and accurate capture of which is annexed hereto as Exhibit FF(i), <https://twitter.com/SenAmyKlobuchar>, a true and accurate capture of which is annexed hereto as Exhibit FF(ii), [businessinsider.com/amy-klobuchar-antitrust-bill-apple-amazon-google-facebook-fines-2021-2](https://www.businessinsider.com/amy-klobuchar-antitrust-bill-apple-amazon-google-facebook-fines-2021-2), a true and accurate capture of which is annexed hereto as Exhibit FF(iii), and found this statement of fact truly and accurately stated therein: Sen. Amy Klobuchar, Chair of the Senate Judiciary antitrust committee, introduced legislation that would enable the federal government to impose billion-dollar fines and liability on social media companies under federal antitrust law.

44. On August 13, 2021, I viewed the following link: <https://www.cnn.com/2021/07/17/facebook-refutes-biden-claim-that-its-killing-people-with-vaccine-misinformation.html>, a true and accurate capture of which is annexed hereto as Exhibit GG, and found this statement of fact truly and accurately stated therein: On July 17, 2021, President Biden stated that social media companies carrying so-called COVID-19 "misinformation" are "killing people" and demanded that they block posts carrying misinformation.

45. On August 13, 2021, I viewed the following link: <https://www.cdc.gov/vaccines/partners/downloads/Vaccinate-Confidently-2019.pdf>, a true and accurate capture of which is annexed hereto as Exhibit HH, and found this statement of fact truly

and accurately stated therein: The CDC publicly states that it works with “social media” “partners” to “curb the spread of vaccine misinformation.”

46. On August 13, 2021, I viewed the following link: <https://www.reuters.com/article/health-coronavirus-white-house-exclusive-idINKBN2AK0HP>, a true and accurate capture of which is annexed hereto as Exhibit II, and found this statement of fact truly and accurately stated therein: On February 20, 2021, a senior administration official disclosed that the White House had been conducting “direct engagement” with Facebook and Twitter to “clamp down” on “COVID misinformation.”

47. On August 13, 2021, I viewed Exhibit II and found this statement of fact truly and accurately stated therein: An Biden administration official stated: “Disinformation that causes vaccine hesitancy is going to be a huge obstacle to getting everyone vaccinated and there are no larger players in that than the social media platforms. We are talking to them . . . so they understand the importance of misinformation and disinformation and how they can get rid of it quickly.”

48. On August 13, 2021, I viewed Exhibit II and found this statement of fact truly and accurately stated therein: Facebook confirmed its participation in this “direct engagement” with the White House, acknowledging that the company had been in communication with White House officials and had agreed to supply “any assistance we can provide” in cracking down on “misinformation.”

49. On August 13, 2021, I viewed Exhibit II and found this statement of fact truly and accurately stated therein: Twitter also confirmed its participation, acknowledging that the company is “in regular communication with the White House on a number of critical issues including COVID-19 misinformation.”

50. On August 13, 2021, I viewed the following link: <https://www.yahoo.com/entertainment/biden-administration-flagging-problematic-posts-202600638.html>, a true and accurate capture of which is annexed hereto as Exhibit JJ and found this statement of fact truly and accurately stated therein: The White House's "direct engagement" with social media companies to "get rid" of so-called COVID-19 misinformation was admitted again on July 15, 2021, when White House press secretary Jen Psaki "said White House senior staff were engaging with 'social media platforms' to combat the spread of 'misinformation specifically on the pandemic'" and "playing an active role" in "flagging" content deemed by the Administration to be "problematic."

51. On August 13, 2021, I viewed the following: Exhibit C(iv) and <https://www.youtube.com/watch?v=eoW-jpPa8t8>, a true and accurate capture of which is annexed hereto as Exhibit KK, and found this statement of fact truly and accurately stated therein: On July 16, 2021, White House Press Secretary Jennifer Psaki stated that the Administration's goal was to have individuals who spread COVID-19 misinformation "banned" from all social media platforms.

52. On August 13, 2021, I viewed the following link: <https://twitter.com/TwitterSafety/status/1346970432017031178>, a true and accurate capture of which is annexed hereto as Exhibit LL, and found this statement of fact truly and accurately stated therein: Defendant offered explanations for the removal of content provided by Plaintiff, including violations of its civic integrity and election fraud policy and violence policy.

53. On August 13, 2021, I viewed the following link: <https://help.twitter.com/en/rules-and-policies/election-integrity-policy>, a true and accurate capture of which is annexed hereto as Exhibit MM, and found this statement of fact truly and accurately stated therein: Defendants' election integrity policy states that it will remove content containing

“disputed claims that could undermine faith in the process itself, such as unverified information about election rigging, ballot tampering, vote tallying, or certification of election results.”

54. On August 13, 2021, I viewed the following link: <https://twitter.com/speakerpelosi/status/864522009048494080?lang=en>, a true and accurate capture of which is annexed hereto as Exhibit NN, and found this statement of fact truly and accurately stated therein: Rep. Nancy Pelosi issued a Tweet which stated that, “Our election was hijacked. There is no question. Congress has a duty to #ProtectOurDemocracy & #FollowtheFacts.”

55. On August 13, 2021, I viewed the following links: <https://twitter.com/hillaryclinton>, a true and accurate capture of which is annexed hereto as Exhibit OO(i), <https://www.youtube.com/watch?v=XQesfLLycJw>, a true and accurate capture of which is annexed hereto as Exhibit OO(ii), and found this statement of fact truly and accurately stated therein: Former Secretary of State Hillary Clinton stated that “He knows he’s an illegitimate president. . . Trump knows he’s an illegitimate president who got illegitimate, foreign help. . . I believe he knows he’s an illegitimate president. . . He knows, he knows that there were a bunch of different reasons why the election turned out the way it did. . . I know that he knows that this wasn’t on the level. I don’t know that we’ll know everything that happened, but clearly we know a lot and we’re learning more every day.”

56. On August 13, 2021, I viewed the following link: <https://www.youtube.com/watch?v=PSfAPr-C90c>, a true and accurate capture of which is annexed hereto as Exhibit PP, and found this statement of fact truly and accurately stated therein: Former Secretary of State Hillary Clinton stated that, “Obviously, I can beat him again.”

57. On August 13, 2021, I viewed the following link: https://www.youtube.com/watch?v=-qIN1-z_JqQ, a true and accurate capture of which is annexed hereto as Exhibit QQ, and found this statement of fact truly and accurately stated therein: Former Secretary of State Hillary Clinton stated that “espionage attacks from the highest levels of the Kremlin” were “designed to influence” the 2016 election.

58. On August 13, 2021, I viewed the following links: <https://twitter.com/RepDonBeyer>, a true and accurate capture of which is annexed hereto as Exhibit RR(i), <https://twitter.com/DonBeyerVA>, a true and accurate capture of which is annexed hereto as Exhibit RR(ii), <https://www.youtube.com/watch?v=0id4jaP7ZoM>, a true and accurate capture of which is annexed hereto as Exhibit RR(iii), and found this statement of fact truly and accurately stated therein: Rep. Don Beyer stated, “Yes, I treasure the peaceful transfer of power. . . . Yes, I will respect the constitutional prerogatives of the presidency. But I will not be part of normalizing or legitimizing a man whose election may well have depended on the malicious foreign interference of Russia’s leaders, a person who lies profusely and without apology, who mimics the disabilities of others, who insults anyone who dares disagree with him, who would demonize an entire spiritual tradition, and who has demonstrated again and again a profound disrespect for women. His values and his actions are the antithesis of those I hold dear. It would be the height of hypocrisy for me to pretend to be part of this inaugural celebration.”

59. On August 13, 2021, I viewed the following links: <https://twitter.com/janschakowsky>, a true and accurate capture of which is annexed hereto as Exhibit SS(i), <https://twitter.com/RepSchakowsky>, a true and accurate capture of which is annexed hereto as Exhibit SS(ii), <https://www.dnainfo.com/chicago/20170118/rogers-park/chicago-congress-trump-inauguration-boycott-jan-schakowsky-feminist-womens-march/>, a true and

accurate capture of which is annexed hereto as Exhibit SS(iii), and found this statement of fact truly and accurately stated therein: Rep. Jan Schakowsky stated, “I have decided to join the growing group of my colleagues who will not attend the Inauguration in protest of a President who used bigotry, fear, and lies to win an election that was tainted by foreign interference and voter suppression—and who intends to betray the interests of the ordinary working people who put him in office.”

60. On August 13, 2021, I viewed the following links: <https://twitter.com/adamschiff>, a true and accurate capture of which is annexed hereto as Exhibit TT(i), <https://twitter.com/RepAdamSchiff>, a true and accurate capture of which is annexed hereto as Exhibit TT(ii), <https://www.youtube.com/watch?v=AqZwXP5Gp5M>, a true and accurate capture of which is annexed hereto as Exhibit TT(iii), and found this statement of fact truly and accurately stated therein: Rep. Adam Schiff stated that, “Our voting machines are too vulnerable.”

61. On August 13, 2021, I viewed Exhibit TT(iii) and found this statement of fact truly and accurately stated therein: Sen. Mark Warner stated, “We know how vulnerable now all our systems were. We know, I know, hack-a-thon that took place last year, where virtually every machine was broken into fairly quickly.”

62. On August 13, 2021, I viewed the following links: Exhibit TT(iii), <https://twitter.com/JacksonLeeTX18>, a true and accurate capture of which is annexed hereto as Exhibit UU, and found this statement of fact truly and accurately stated therein: Rep. Sheila Jackson Lee stated, “Our resources have repeatedly demonstrated that ballot recording machines and other voting systems are susceptible to tampering,”

63. On August 13, 2021, I viewed the following links: Exhibit TT(iii), <https://twitter.com/RepValDemings>, a true and accurate capture of which is

annexed hereto as Exhibit VV(i), <https://twitter.com/valdemings>, a true and accurate capture of which is annexed hereto as Exhibit VV(ii), and found this statement of fact truly and accurately stated therein: Rep. Val Demings stated, “Even hackers with limited prior knowledge, tools, and resources are able to breach voting machines in a matter of minutes.”

64. On August 13, 2021, I viewed the following link: Exhibit TT(iii), <https://twitter.com/RonWyden>, a true and accurate capture of which is annexed hereto as Exhibit WW, and found this statement of fact truly and accurately stated therein: Sen. Ron Wyden stated, “The biggest seller of voting machines is doing something that violates cyber security 101 . . . Directing that you install remote access software, which would make a machine like that a magnet for fraudsters and hackers. . . . 43 percent of American voters use voting machines that researchers have found have serious security flaws, including back doors.”

65. On August 13, 2021, I viewed the following links: Exhibit TT(iii), <https://twitter.com/RepTedLieu>, a true and accurate capture of which is annexed hereto as Exhibit XX(i), <https://twitter.com/tedlieu>, a true and accurate capture of which is annexed hereto as Exhibit XX(ii), and found this statement of fact truly and accurately stated therein: Rep. Ted Lieu stated, “These voting machines can be hacked quite easily. . . The workers were able to easily hack into the elections voting machines. It was possible to switch votes. In a close presidential election, they just need to hack one swing state or maybe one or two, or maybe just a few counties in one swing state.”

66. On August 13, 2021, I viewed the following link: <https://theamericanreport.org/2021/04/26/absolute-interference-cybersecurity-experts-chinese-cyberwarfare-attacks-flipped-u-s-election-from-trump-to-biden-chinese-made-tcl-alcatel-phones-distributed-to-georgia-poll-managers-secretly-conn/>, a true and accurate capture of which is

annexed hereto as Exhibit YY, and found this statement of fact truly and accurately stated therein: Sen. Amy Klobuchar stated, “You could very easily hack into them. It makes it seem like all these states are doing different things, but in fact three companies are controlling that. . . I am very concerned that you could have a hack that finally went through.”

67. On August 13, 2021, I viewed the following links: Exhibit TT(iii), <https://twitter.com/KamalaHarris>, a true and accurate capture of which is annexed hereto as Exhibit ZZ(i), <https://twitter.com/VP>, a true and accurate capture of which is annexed hereto as Exhibit ZZ(ii), and found this statement of fact truly and accurately stated therein: Sen. Kamala Harris stated, “There are a lot of states that are dealing with antiquated machines, right, which are vulnerable to being hacked. . . I actually held a demonstration for my colleagues here at the capital, um, where we brought in folks who before our eyes hacked election machines, um, those that are not, those that are being used in many states.”

68. On August 13, 2021, I viewed the following link: <https://deadline.com/2020/10/twitter-unlocks-new-york-post-account-claims-it-revised-policy-and-allows-hunter-biden-links-1234607002/>, a true and accurate capture of which is annexed hereto as Exhibit AAA, and found this statement of fact truly and accurately stated therein: On October 14, 2020, the New York Post published a report detailing the alleged contents of a laptop belonging to Hunter Biden. Twitter blocked the New York Post from their Twitter account, claiming the material contained within the laptop originated from hacked material and censored links reporting the story on its platform.

69. On August 13, 2021, I viewed the following links: <https://nypost.com/2020/12/09/hunter-biden-under-federal-investigation-for-possible-tax-fraud/>, a true and accurate capture of which is annexed hereto as Exhibit BBB(i),

<https://nypost.com/2021/04/02/hunter-biden-says-laptop-at-center-of-post-expose-could-belong-to-him/>, a true and accurate capture of which is annexed hereto as Exhibit BBB(ii), and found this statement of fact truly and accurately stated therein: Defendant blocked the New York Post's account for two weeks, allowing access on October 30, 2020. Hunter Biden admitted that he was under federal investigation for tax related matters, and that the laptop that was the subject of the New York Post Story could be his.

70. On August 13, 2021, I viewed the following link: <https://www.yahoo.com/now/twitter-ceo-says-blocking-york-223047848.html>, a true and accurate capture of which is annexed hereto as Exhibit CCC, and found this statement of fact truly and accurately stated therein: Twitter admitted that their handling of the New York Post story was a mistake.

71. On August 13, 2021, I viewed the following link: <https://help.twitter.com/en/rules-and-policies/media-misinformation-policy>, a true and accurate capture of which is annexed hereto as Exhibit DDD, and found this statement of fact truly and accurately stated therein: Defendant's COVID-19 Misinformation policy, continuing an overview of the policy, when a user may violate a policy, who can report violations of the policy, and what actions Defendant may take against users who violate the policy.

72. On August 13, 2021, I viewed Exhibit DDD and found this statement of fact truly and accurately stated therein: Twitter's policies state that they prohibit content in contradiction of measures such as, "hand-washing, proper hygiene or sanitation methods, or social distancing," and how, "vaccines are developed, tested, and approved by official health agencies as well as information about government recommendations."

73. On August 13, 2021, I viewed the following link: <https://twitter.com/NYGovCuomo>, a true and accurate capture of which is annexed hereto as Exhibit EEE(i), <https://twitter.com/andrewcuomo>, a true and accurate capture of which is annexed hereto as Exhibit EEE(ii), <https://www.youtube.com/watch?v=DsCIrNUnNMI>, a true and accurate capture of which is annexed hereto as Exhibit EEE(iii), and found this statement of fact truly and accurately stated therein: On or about September 24, 2020, when he asked if the covid vaccine is safe, New York Governor Andrew Cuomo stated, “Frankly, I’m not going to trust the federal government’s opinion. And I’m not going to recommend to New Yorkers based on the federal government’s opinion.”

74. On August 13, 2021, I viewed the following link: <https://www.youtube.com/watch?v=40eZeXPYJ0g>, a true and accurate capture of which is annexed hereto as Exhibit FFF, and found this statement of fact truly and accurately stated therein: In October, 2020, Vice-President Kamala Harris stated that, “If Donald Trump tells us to take [the vaccine], then I’m not taking it”

75. On August 13, 2021, I viewed the following link: <https://www.youtube.com/watch?v=sy3qJVD1Izg>, a true and accurate capture of which is annexed hereto as Exhibit GGG, and found this statement of fact truly and accurately stated therein: Again, when asked whether she would get a vaccine if it were released before the 2020 election, Kamala Harris said, “Well, I think that’s gonna be an issue for all of us.”

76. On August 13, 2021, I viewed the following link: <https://www.youtube.com/watch?v=iCpyx2T-IDA>, a true and accurate capture of which is annexed hereto as Exhibit HHH, and found this statement of fact truly and accurately stated

therein: President-elect Joe Biden stated, “If and when the vaccine comes, it’s not likely to go through all the tests . . . and trials that are needed to be done.

77. On August 13, 2021, I viewed the following link: <https://www.facebook.com/DailyCaller/videos/3692755494158709/>, a true and accurate capture of which is annexed hereto as Exhibit III and found this statement of fact truly and accurately stated therein: President-elect Joe Biden stated, “When we finally do, God willing, get a vaccine, who’s gonna take the shot? Who’s gonna take the shot? Are you gonna be the first one to say ‘sign me up.’”

78. On August 13, 2021, I viewed the following link: <https://www.youtube.com/watch?v=t7WwDLzG--Y>, (Min. 9:20), a true and accurate capture of which is annexed hereto as Exhibit JJJ, and found this statement of fact truly and accurately stated therein: President Joe Biden stated that, “You’re not going to get COVID if you have these vaccinations.”

79. On August 13, 2021, I viewed the following links: <https://twitter.com/voxdotcom>, a true and accurate capture of which is annexed hereto as Exhibit KKK(i), <https://twitter.com/voxdotcom/status/1276543271125254146>, a true and accurate capture of which is annexed hereto as Exhibit KKK(ii), <https://www.vox.com/2021/1/10/22223579/capitol-riot-congressional-physician-memo-coronavirus-risk>, a true and accurate capture of which is annexed hereto as Exhibit KKK(iii), and found this statement of fact truly and accurately stated therein: “The effect of Black Lives Matter protests on coronavirus cases, explained—Coronavirus cases are increasing, but Black Lives Matter protests may not be to blame. Here’s why” on June 26, 2020. The attack on the Capitol may have

also been a superspreader event—Lawmakers may have been exposed to the coronavirus during Wednesday’s riot” on January 10, 2021.

80. On August 13, 2021, I viewed the following links: <https://twitter.com/businessinsider>, a true and accurate capture of which is annexed hereto as Exhibit LLL(i), <https://www.businessinsider.com/black-lives-matter-protests-are-not-fueling-coronavirus-outbreaks-2020-6>, a true and accurate capture of which is annexed hereto as Exhibit LLL(ii), <https://www.businessinsider.com/capitol-riot-spurred-covid-19-superspreading-event-among-lawmakers-2021-1>, a true and accurate capture of which is annexed hereto as Exhibit LLL(iii), and found this statement of fact truly and accurately stated therein: “Don’t blame Black Lives Matter protests for the spike in coronavirus cases across the US” on July 17, 2020. “The Capitol insurrection seems to have caused a superspreader event among lawmakers. Some Republicans refused to mask up” on January 13, 2021.

81. On August 13, 2021, I viewed the following links: <https://twitter.com/washingtonpost>, a true and accurate capture of which is annexed hereto as Exhibit MMM(i), https://www.washingtonpost.com/health/protests-probably-didnt-lead-to-coronavirus-spikes-but-its-hard-to-know-for-sure/2020/06/30/d8179678-baf5-11ea-8cf5-9c1b8d7f84c6_story.html, a true and accurate capture of which is annexed hereto as Exhibit MMM(ii), <https://www.washingtonpost.com/health/2021/01/08/capitol-coronavirus/>, a true and accurate capture of which is annexed hereto as Exhibit MMM(iii), and found this statement of fact truly and accurately stated therein: The Washington Post publicized: “Protests probably didn’t lead to coronavirus spikes, but it’s hard to know for sure” June 30, 2020. “Storming of Capitol was textbook potential coronavirus superspreader, experts say” on January 8, 2021.

82. On August 13, 2021, I viewed the following links: <https://twitter.com/Forbes>, a true and accurate capture of which is annexed hereto as Exhibit NNN(i), <https://www.forbes.com/sites/nicholasreimann/2020/07/05/researchers-say-protests-didnt-increase-covid-19-spread-but-republicans-are-still-blaming-them/?sh=43fa16e139f2>, a true and accurate capture of which is annexed hereto as Exhibit NNN(ii), <https://www.forbes.com/sites/sarahhansen/2021/01/10/lawmakers-sheltering-during-capitol-riot-may-have-been-exposed-to-coronavirus/>, a true and accurate capture of which is annexed hereto as Exhibit NNN(iii), and found this statement of fact truly and accurately stated therein: “Research Determines Protests Did Not Cause Spike in Coronavirus Cases” July 5, 2020. “Lawmakers Sheltering During Capitol Riot May Have Been Exposed to Coronavirus” on January 10, 2021.

83. On August 13, 2021, I viewed the following links: <https://twitter.com/CNN>, a true and accurate capture of which is annexed hereto as Exhibit OOO(i), <https://www.cnn.com/2020/06/24/us/coronavirus-cases-protests-black-lives-matter-trnd/index.html>, a true and accurate capture of which is annexed hereto as Exhibit OOO(ii), <https://www.cnn.com/2021/01/24/politics/capitol-police-riot-coronavirus/index.html>, a true and accurate capture of which is annexed hereto as Exhibit OOO(iii), and found this statement of fact truly and accurately stated therein: “Black Lives Matter protests have not led to a spike in coronavirus cases, research says” June 24, 2020. “38 Capitol Police officers test positive for Covid-19 after Capitol riot” updated January 24, 2021.

84. On August, 13, 2021, I viewed the following links: <https://twitter.com/verge>, a true and accurate capture of which is annexed hereto as Exhibit PPP(i), <https://www.theverge.com/2020/6/3/21278340/protestors-coronavirus-spread-police-violence-health-racism>, a true and accurate capture of which is annexed hereto as Exhibit PPP(ii),

<https://www.theverge.com/2021/1/19/22239408/capitol-riot-covid-cases-superspreader-arrests>, a true and accurate capture of which is annexed hereto as Exhibit PPP(iii) and found this statement of fact truly and accurately stated therein: “Blaming protesters for COVID-19 spread ignores the bigger threats to health” on June 3, 2020. “COVID-19 cases in the Capitol are only the tip of the iceberg” on January 19, 2021.

85. On August, 13, 2021, I viewed the following links: <https://twitter.com/WSJ>, a true and accurate capture of which is annexed hereto as Exhibit QQQ(i), <https://www.wsj.com/articles/recent-protests-may-not-be-covid-19-transmission-hotspots-11592498020>, a true and accurate capture of which is annexed hereto as Exhibit QQQ(ii), <https://www.wsj.com/articles/at-least-three-lawmakers-test-positive-for-covid-19-after-capitol-attack-11610473977>, a true and accurate capture of which is annexed hereto as Exhibit QQQ(iii), and found this information stated therein: The Wall Street Journal: “Early Data Show No Uptick in Covid-19 Transmission From Protest” on June 18, 2020. “At Least Three Lawmakers Test Positive for Covid-19 After Capitol Attack” on January 12, 2021.

86. On August, 13, 2021, I viewed the following links: <https://twitter.com/ABC>, a true and accurate capture of which is annexed hereto as Exhibit RRR(i), <https://abcnews.go.com/US/minnesota-sees-rise-covid-19-cases-tied-protests/story?id=71393938>, a true and accurate capture of which is annexed hereto as RRR(ii), and <https://abcnews.go.com/Health/capitol-hill-riot-prove-covid-19-superspreader-event/story?id=75134968>, a true and accurate capture of which is annexed hereto as Exhibit RRR(iii), and found this information stated therein: ABC News: “Minnesota sees no rise in COVID-19 cases tied to protests: Health officials” on June 22, 2020. “Capitol Hill riot could prove to be COVID-19 super spreader event, experts say” on January 9, 2021.

87. On August, 13, 2021, I viewed the following links: <https://twitter.com/CNBC>, a true and accurate capture of which is annexed hereto as Exhibit SSS(i), <https://www.cnbc.com/2020/06/29/house-gop-leader-suggests-without-evidence-that-protests-are-driving-up-coronavirus-cases.html>, a true and accurate capture of which is annexed hereto as Exhibit SSS(ii), <https://abcnews.go.com/Health/capitol-hill-riot-prove-covid-19-superspreader-event/story?id=75134968>, a true and accurate capture of which is annexed hereto as Exhibit SSS(iii), and found this information stated therein: CNBC: “House GOP leader suggests without evidence that protests are driving up coronavirus cases” on June 29, 2020. “Covid killing nearly 3,000 in U.S. every day as CDC warns of ‘surge event’ from Capitol riots” on January 9, 2021.

88. On August 13, 2021, I viewed <https://drive.google.com/file/d/1Jyfn4Wd2i6bRi12ePghMHtX3ys1b7K1A/view>, a true and accurate capture of which is annexed hereto as Exhibit TTT, and found this statement of fact truly and accurately stated therein: In June of 2020, 1,000 health and medical professionals penned a letter expressing concern about the risks associated with the spread of the virus during the protests of that summer. The letter stated that the risks of spreading the virus should be weighed against the benefits of public assembly for important causes.

89. On August 13, 2021, I viewed Exhibit TTT, <https://twitter.com/UCSFMedicine>, a true and accurate capture of which is annexed hereto as Exhibit UUU(i), <https://twitter.com/dgsomucla>, a true and accurate capture of which is annexed hereto as Exhibit UUU(ii), <https://twitter.com/UCSDMedSchool>, a true and accurate capture of which is annexed hereto as Exhibit UUU(iii), <https://twitter.com/CUMedicalSchool>, a true and accurate capture of which is annexed hereto as Exhibit UUU(iv), <https://twitter.com/HopkinsMedicine>, a true and

accurate capture of which is annexed hereto as Exhibit UUU(v), <https://twitter.com/NUFeinbergMed>, a true and accurate capture of which is annexed hereto as Exhibit UUU(vi), <https://twitter.com/BUMedicine>, a true and accurate capture of which is annexed hereto as Exhibit UUU(vii), <https://twitter.com/UWDeptMedicine>, a true and accurate capture of which is annexed hereto as Exhibit UUU(viii), and found this statement of fact truly and accurately stated therein: Many other signatories were also associated with medical schools, including but not limited to the University of California San Francisco, the University of California Los Angeles, the University of California San Diego, the University of Colorado, Johns Hopkins University, Northwestern University, and Boston University. These schools of medicine, along with the University of Washington's Department of Allergy and Immunology, each have their own Twitter account.

90. On August 13, 2021, I viewed the following link: <https://www.cnn.com/2020/06/05/health/health-care-open-letter-protests-coronavirus-trnd/index.html>, a true and accurate capture of which is annexed hereto as Exhibit VVV, and found this statement of fact truly and accurately stated therein: Over sixty of those signatories were associated with the University of Washington.

91. On August 13, 2021, I viewed Exhibit VVV and found this statement of fact truly and accurately stated therein: The article reported that many of the signatories were members of the University of Washington's Department of Allergy and Immunology.

92. On August 13, 2021, I viewed the following link: <https://www.cnn.com/2020/10/17/politics/scott-atlas-face-masks-coronavirus/index.html>, a true and accurate capture of which is annexed hereto as Exhibit WWW, and found this statement of fact truly and accurately stated therein: On or about October 18, 2020, Dr. Scott Atlas, an advisor

to President Trump, issued a Tweet that questioned the effectiveness of the use of masks. Twitter removed this Tweet on the basis that it violated its prohibition against sharing misleading content.

93. On August 13, 2021, I viewed the following links: <https://twitter.com/gregpiper/status/1422961952045899783?lang=en>, a true and accurate capture of which is annexed hereto as Exhibit XXX(i), <https://www.cdc.gov/vaccines/imz-managers/laws/state-reqs.html>, a true and accurate capture of which is annexed hereto as Exhibit XXX(ii), and found this statement of fact stated therein: The Centers for Disease Control has stated that all states provide exemptions for medical reasons, and some states offer exemptions for religious or philosophical reasons. Twitter sanctioned Piper for linking to this article.

94. On August 13, 2021, I viewed the following link: <https://help.twitter.com/en/rules-and-policies/glorification-of-violence>, a true and accurate capture of which is annexed hereto as Exhibit YYY, and found this statement of fact truly and accurately stated therein: The terms of Defendant's glorification of violence policies setting forth user guidelines, what constitutes a violation of the policy, who can report violations of their policy, and what actions the Defendant may take for violations of the policy.

95. On August 13, 2021, I viewed Exhibit YYY, and found this statement of fact truly and accurately stated therein: Defendant claims to prohibit users from using their platform to, "glorify, celebrate, praise or condone violent crimes." Further, Twitter states that its, "focus is

on preventing the glorification of violence that could inspire others to replicate violent acts, as well as violent events where protected groups were the primary targets or victims.”

96. On August 13, 2021, I viewed the following link: <http://www.thetower.org/1218-khamenei-calls-for-israels-destruction-arming-west-bank-palestinians/>, a true and accurate capture of which is annexed hereto as Exhibit ZZZ, and found this statement of fact truly and accurately stated therein: On or about November 8, 2014, the Ayatollah Khamenei issued a Tweet stating that the, “#Westbank should be armed just like #Gaza. Friends of Palestine should do their best to arm People in West Bank.”

97. On August 13, 2021, I viewed the following links: <https://twitter.com/madonna>, a true and accurate capture of which is annexed hereto as Exhibit AAAA(i), https://www.youtube.com/watch?v=87uZ_atahP8, a true and accurate capture of which is annexed hereto as Exhibit AAAA(ii), and found this statement of fact truly and accurately stated therein: On or about January 22, 2017, Madonna, stated that she has, “thought an awful lot about blowing up the White House.”

98. On August 13, 2021, I viewed the following: Exhibit D(i), Exhibit D(ii), <https://www.youtube.com/watch?v=KKzSJzqnsuU>, a true and accurate capture of which is annexed hereto as Exhibit BBBB, and found this statement of fact truly and accurately stated therein: In 2017, Rep. Maxine Waters, stated that she will, “go and take Trump out tonight.”

99. On August 13, 2021, I viewed the following links: <https://twitter.com/kathygriffin>, a true and accurate capture of which is annexed hereto as Exhibit CCCC(i), <https://www.youtube.com/watch?v=x8inQZ750-k>, a true and accurate capture of which is annexed hereto as Exhibit CCCC(ii), and found this statement of fact truly and accurately stated therein: In 2017, Kathy Griffin held up a replica of Plaintiff Donald J. Trump’s severed head.

100. On August 13, 2021, I viewed the following links: <https://twitter.com/SnoopDogg/>, a true and accurate capture of which is annexed hereto as Exhibit DDDD(i), <https://www.youtube.com/watch?v=nnt0XvM3bLo>, a true and accurate capture of which is annexed hereto as Exhibit DDDD(ii), <https://www.deccanherald.com/content/640804/snoop-dogg-stands-over-trumps.html>, a true and accurate capture of which is annexed hereto as Exhibit DDDD(iii), and found this statement of fact truly and accurately stated therein: In a music video from March of 2017, Snoop Dogg shot a clown version of Donald Trump. In November of 2017, Snoop Dogg featured an album cover which depicted the image of a corpse with a tag on the foot that said Trump.

101. On August 13, 2021, I viewed the following link: https://twitter.com/khamenei_ir/status/1003332853525110784?lang=en, a true and accurate capture of which is annexed hereto as Exhibit EEEE, and found this statement of fact truly and accurately stated therein: “#Israel is a malignant cancerous tumor in the West Asian region that has to be removed and eradicated; it is possible and it will happen.”

102. On August 13, 2021, I viewed the following: Exhibit F(i), Exhibit F(ii), <https://www.youtube.com/watch?v=3fsG5tyxRjw>, a true and accurate capture of which is annexed hereto as Exhibit FFFF, and found this statement of fact truly and accurately stated therein: On or about June 14, 2018, Rep. Nancy Pelosi stated, “I just don’t even know why there aren’t uprising all over the country.”

103. On August 13, 2021, I viewed the following: Exhibit D(i), Exhibit D(ii), <https://www.youtube.com/watch?v=tJCDe7vdFfw>, a true and accurate capture of which is annexed hereto as Exhibit GGGG, and found this statement of fact truly and accurately stated therein: On or about June 23, 2018, Rep. Maxine Waters stated to viewers, “create a crowd, and

you push back on them, and you tell them they are not welcome,” when they see members of the Trump Administration in restaurants, department stores, or gas stations.

104. On August 13, 2021, I viewed the following links: <https://twitter.com/CoryBooker>, a true and accurate capture of which is annexed hereto as Exhibit HHHH(i), <https://www.youtube.com/watch?v=tYsh1G4B92Y>, a true and accurate capture of which is annexed hereto as Exhibit HHHH(ii), and found this statement of fact truly and accurately stated therein: On or about July 25, 2018, Sen. Corey Booker, urged people to, “go to the Hill today, please, get up in the face of some Congresspeople.”

105. On August 13, 2021, I viewed the following link: <https://www.youtube.com/watch?v=ZzXS8r4SpnQ>, a true and accurate capture of which is annexed hereto as Exhibit IIII, and found this statement of fact truly and accurately stated therein: On or about October 9, 2018, Former Secretary of State Hillary Clinton stated that, “You cannot be civil with a political party that wants to destroy what you stand for, what you care about.”

106. On August 13, 2021, I viewed the following link: <https://www.youtube.com/watch?v=CLpPWiyilqQ>, a true and accurate capture of which is annexed hereto as Exhibit JJJJ, and found this statement of fact truly and accurately stated therein: On or about July 23, 2019, Sen. Corey Booker stated that, “my testosterone sometimes makes me want to feel like punching him [Trump].”

107. On August 13, 2021, I viewed the following link: <https://www.youtube.com/watch?v=5H1wQwIVMWY>, a true and accurate capture of which is annexed hereto as Exhibit KKKK, and found this statement of fact truly and accurately stated therein: On or about August 23, 2019, Rep. Nancy Pelosi stated that, “you have to be ready to throw a punch for the children.”

108. On August 13, 2021, I viewed the following links: <https://twitter.com/SenSchumer>, a true and accurate capture of which is annexed hereto as Exhibit LLLL(i), <https://www.youtube.com/watch?v=ZYAe6-JIT6s>, a true and accurate capture of which is annexed hereto as Exhibit LLLL(ii), and found this statement of fact truly and accurately stated therein: On or about March 4, 2020, Sen. Charles Schumer stated that, "I want to tell you, Gorsuch. I want to tell you, Kavanaugh. You have released the whirlwind, and you will pay the price."

109. On August 13, 2021, I viewed the following link: https://twitter.com/khamenei_ir/status/1263551872872386562?lang=en, a true and accurate capture of which is annexed hereto as Exhibit MMMM, and found this statement of fact truly and accurately stated therein: On May 21, 2020, the Ayatollah Khamenei issued a Tweet stating, "The elimination of the Zionist regime does not mean the massacre of the Jewish ppl. The ppl of Palestine should hold a referendum. Any political sys they vote for should govern in all of Palestine. The only remedy until the removal of the Zionist regime is firm, armed resistance."

110. On August 13, 2021, I viewed the following link: <https://twitter.com/KamalaHarris/status/1267555018128965643>, a true and accurate capture of which is annexed hereto as Exhibit NNNN, and found this statement of fact truly and accurately stated therein: After rioters burned the Third Precinct of the Minneapolis Police Department, then-Sen. Kamala Harris asked people to donate to an online platform that would assist in the release of those charged with criminal offenses in Minnesota.

111. On August 13, 2021, I viewed the following link: <https://www.forbes.com/sites/jemimamcevoy/2020/06/08/14-days-of-protests-19-dead/?sh=156c6abc4de4>, a true and accurate capture of which is annexed hereto as Exhibit OOOO, and found this statement of fact truly and accurately stated therein: The article reported that on

June 18, 2020, two weeks after protests relating to the death of George Floyd began the protests had dramatically increased in size and scope with at least 19 deaths.

112. On August 13, 2021, I viewed the following link: <https://nypost.com/2020/06/08/more-than-700-officers-injured-in-george-floyd-protests-across-us/>, a true and accurate capture of which is annexed hereto as Exhibit PPPP, and found this statement of fact truly and accurately stated therein: Over 700 injured police officers were injured.

113. On August 13, 2021, I viewed the following link: <https://apnews.com/article/american-protests-us-news-arrests-minnesota-burglary-bb2404f9b13c8b53b94c73f818f6a0b7>, a true and accurate capture of which is annexed hereto as Exhibit QQQQ, and found this statement of fact truly and accurately stated therein: Over 10,000 arrests were made.

114. On August 13, 2021, I viewed the following link: <https://www.axios.com/riots-cost-property-damage-276c9bcc-a455-4067-b06a-66f9db4cea9c.html>, a true and accurate capture of which is annexed hereto as Exhibit RRRR, and found this statement of fact truly and accurately stated therein: Over \$1,000,000,000.00 in insurance claims were filed for damage, the largest such claim in United States history.

115. On August 13, 2021, I viewed the following link: <https://www.usatoday.com/story/news/factcheck/2020/09/01/fact-check-kamala-harris-said-protests-arent-going-stop/5678687002/>, a true and accurate capture of which is annexed hereto as Exhibit SSSS, and found this statement of fact truly and accurately stated therein: Then-Sen. Kamala Harris stated that the protests are “not gonna stop before Election Day in November, and they’re not gonna stop after Election Day. Everyone should take note of that, on both levels, that they’re not going to let up – and they should not. And we should not.”

116. On August 13, 2021, I viewed the following link: <https://twitter.com/nicolasmaduro?lang=en>, a true and accurate capture of which is annexed hereto as Exhibit TTTT, and found this statement of fact truly and accurately stated therein: Venezuelan leader Nicolas Maduro has an active Twitter account.

117. On September 22, 2021, I viewed the following link: https://twitter.com/Zabehulah_M33, a true and accurate capture of which is annexed hereto as Exhibit UUUU, and found this statement of fact truly and accurately stated therein: The Spokesman of Islamic Emirate of Afghanistan, Zabihullah Mujahid, has an active Twitter account.

118. On August 13, 2021, I viewed the following links: https://twitter.com/LouisFarrakhan?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor, a true and accurate capture of which is annexed hereto as Exhibit VVVV(i), <https://www.adl.org/sites/default/files/documents/assets/pdf/anti-semitism/united-states/Farrakhan-In-His-Own-Words-2013-6-6.pdf>, a true and accurate capture of which is annexed hereto as Exhibit VVVV(ii), and found this statement of fact truly and accurately stated therein: Louis Farrakhan, the leader of the Nation of Islam, has an active Twitter account. In the past he has accused the Jewish people of being responsible for the Atlantic slave trade and they aspire to control the government, media, and Hollywood. His claims have extended to denials of the legitimacy of Judaism, or the Jewish claims to Israel. *See* Exhibit VVVV(ii) at 1, 20.

119. On August 13, 2021, I viewed the following link: <https://help.twitter.com/en/rules-and-policies/hateful-conduct-policy>, a true and accurate capture of which is annexed hereto as Exhibit WWWW, and found this statement of fact truly and accurately stated therein: Defendants have a Hateful Conduct Policy in which they assert, in

pertinent part, that they are, “committed to combating abuse motivated by hatred, prejudice or intolerance . . .”

120. On August 13, 2021, I viewed the following links: <https://twitter.com/sarahjeong/status/547578218078019584?lang=en>, a true and accurate capture of which is annexed hereto as Exhibit XXXX(i), <https://twitter.com/sarahjeong/status/500568884928196608?lang=en>, a true and accurate capture of which is annexed hereto as Exhibit XXXX(ii), <https://twitter.com/sarahjeong/status/492434240827822081?lang=en>, a true and accurate capture of which is annexed hereto as Exhibit XXXX(iii), <https://twitter.com/sarahjeong/status/538553252514525184?lang=en>, a true and accurate capture of which is annexed hereto as Exhibit XXXX(iv), and found this statement of fact truly and accurately stated therein: journalist Sarah Jeong had issued numerous Tweets regarding white people, including statements such as, “[white people are] only fit to live underground like groveling goblins,” “white people have stopped breeding . . . [and will] all go extinct soon,” “[I enjoy] being cruel to old white men,” “[White people are] like dogs pissing on fire hydrants,” and “Are white people genetically disposed to burn faster in the sun?”

121. On August 13, 2021, I viewed the following links: <https://twitter.com/realcandaceo/status/1025775330634522625?lang=en>, a true and accurate capture of which is annexed hereto as Exhibit YYYY(i), <https://www.washingtonexaminer.com/news/twitter-apologizes-to-candace-owens-after-briefly-locking-her-account>, a true and accurate capture of which is annexed hereto as Exhibit YYYY(ii), and found this statement of fact truly and accurately stated therein: Conservative commentator

Candace Owens, issued her own Tweets modifying Ms. Jeong's tweets by replacing the word white with either Jewish or black: "Black people are only fit to live underground like groveling goblins", "They [black people] have stopped breeding and will all go extinct soon", "I enjoy being cruel to black women", "[Jewish people] are like dogs pissing on fire hydrants", and "Are Jewish people genetically disposed to burn faster in the sun?" Defendant banned her from for twelve hours for violating Twitter's policies regarding hateful conduct.

122. On August 13, 2021, I viewed the following link: <https://www.sec.gov/Archives/edgar/data/1418091/000119312513390321/d564001ds1.htm>, a true and accurate capture of which is annexed hereto as Exhibit ZZZZ, and found this statement of fact truly and accurately stated therein: Twitter states that it is a, "global platform for public self-expression and conversation in real time."

123. On August 13, 2021, I viewed the following link: <https://www.statista.com/statistics/970911/monetizable-daily-active-twitter-users-in-the-united-states/>, a true and accurate capture of which is annexed hereto as Exhibit AAAAAA, and found this statement of fact truly and accurately stated therein: In the last quarter of 2020, it had 37,000,000 million daily active users in the United States alone, with over 150,000,000 active users in the rest of the world.

124. On August 13, 2021, I viewed the following link: <https://about.twitter.com/en>, a true and accurate capture of which is annexed hereto as Exhibit BBBB, and found this statement of fact truly and accurately stated therein: When Twitter states that it "is what's happening in the world and what people are talking about right now."

125. On September 22, 2021, I viewed the following link: <https://thefederalist.com/2021/08/16/twitter-gives-taliban-spox-a-platform-while-keeping-ban->

[on-45th-president-of-the-united-states/](#), a true and accurate capture of which is annexed hereto as Exhibit CCCCC, and found this statement of fact truly and accurately stated therein: A new Twitter account named for the Taliban unrecognized state, the Islamic Emirate of Afghanistan (the “Taliban”), appeared on August 8, 2021. Over the weeks that followed Twitter allowed the Taliban to tweet regularly about their military conquests and victories across Afghanistan. The Taliban’s Twitter account is active to this day.

126. On September 22, I viewed the following link: <https://help.twitter.com/en/rules-and-policies/violent-threats-glorification>, a true and accurate capture of which is annexed hereto as Exhibit DDDDD, and found this statement of fact truly and accurately stated therein: Defendant claims to prohibit Users from using its platform to “threaten violence against an individual or a group of people.” Further, Defendant states that it will “prohibit the glorification of violence,” and it defines “violent threats as statements of an intent to kill or inflict serious physical harm on a specific person or group of people.”

127. On September 22, 2021, I viewed the following: Exhibit DD(i), <https://www.usatoday.com/story/news/investigations/2020/06/19/so-far-george-floyd-protests-not-behind-surges-coronavirus/3226033001/>, a true and accurate capture of which is annexed hereto as Exhibit EEEEE(i), and <https://www.usatoday.com/story/news/health/2021/01/09/covid-update-capitol-riot-surge-new-strain-chicago-schools/6599001002/>, a true and accurate capture of which is annexed hereto as Exhibit EEEEE(ii), and found this information stated therein: USA Today published: “Coronavirus surges aren’t linked to Black Lives Matter protests” on June 19, 2020. “Wednesday’s storming of the U.S. Capitol will likely be a “surge event” for the coronavirus, said Dr. Robert Redfield, director of the Centers for Disease Control and Prevention” on January 9, 2021.

Executed on this 22nd day of September 2021, in Greenwich, Connecticut.


Jaclyn Homberg

Date: September ___, 2021

Signature of Counsel

/s/ Matthew Lee Baldwin

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing Declaration of Jaclyn Homberg was served by CM/ECF filing systems on September ___, 2021, on all counsel or parties of record on the service list.

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