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CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE Northern DISTRICT OF California

10 Taiming Zhang)
11 Plaintiff)

CV 23-0980-JSC

12)
13 Versus)

COMPLAINT;

14)
15)
16 Twitter Inc.)

Declaration verifying complaint

17)
18 Defendant)

19
20 I. Preliminary

21 **1. DEAR TWITTER, YOU HAVE BEEN SEVERELY**
22 **SCAMMED** by Kim Y Ng and Julie Erin Schwartz of
23 **firm Perkins Coie LLP, who tried to bankrupt your**
24 **company despite repeated urgings by me not to.**

25 They, *despite* having materially breached the contract with you, for
26 none of the service they provided fits the rules and thus they've not
27 provided service per the rules as signed or implied, which entitles you
28 to FULL restitution, ALSO, they never won the case or lost the case,
29 in other words, unless there's a force majeure clause, you are entitled
30 to a full refund deducting costs for a contract under force majeure,
31 and cost deducting is normally done through a court proceeding, they



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1 HAVE ALSO committed semi-independent tort against you. See
2 paragraph 7 of state court document filed *Opposition to and alert of*
3 *void "demurrer"* where I called Kim Y Ng and Julie Erin Schwartz
4 "beasts", "addicted to BLOOD", "BEAST. Not even monster", "The
5 real purpose of the counsel is ... to abuse people, ruin lives, and
6 murder for fun", "Makes me admire Derek M Chauvin", all of which
7 relates to how they were **"BANKRUPTING [their] OWN FREAKING**
8 **CLIENT"**. They at least asked 3 times for the state court to
9 **bankrupt twitter and retribute ALL of Twitter's business, once by**
10 **mentioning CDA 230, a second time by mentioning the first**
11 **amendment, and a third time by stating** twitter cannot control
12 record keeping and sexual behavior, when twitter's own child sex
13 exploitation policy states that they have zero tolerance of child porn,
14 defined as any sex content involving under 18s, **WHICH IS YET**
15 **ANOTHER argument that Twitter's contract or operation is in**
16 **whole illegal and thus void, which inevitably will result in**
17 **restitution. They therefore could be held for a LOT of punitive**
18 **damages, ten times the compensatory damages, which would be**
19 **ten times of AT LEAST the dollar amount of the contract of legal**
20 **service, IF THERE IS ONE (cuz again, no adequate proof of**
21 **representation).**

22 2. This case was voluntarily dismissed in state court without
23 prejudice. It thus is a right to bring this case again. This case does
24 not really contain a question of federal issue, namely CDA 230, for
25 Twitter has simply breached their contract and CDA 230 carries
26 no relevance. However, a self-proclaimed counsel of twitter kept

1 clinging to it despite precedents quoted by themselves stating CDA
2 230 is irrelevant when they breach contractual promises. However,
3 it could help others and prevent them from getting harassed by
4 similar criminal conduct as done by Kim Y Ng and Julie Erin
5 Schwartz. They especially target consumers without a lawyer,
6 aiming to confuse them and inciting them to forfeit their rights by
7 trying to convince them their rights don't exist. This isn't just evil
8 conduct, but they did it against clear statements that such conduct
9 is criminal and violates multiple statutes. They CONTINUED
10 despite the warnings. Mainly however, this case is a diversity of
11 citizenship case, fitting the dollar amount. I am of the PRC. The
12 company is in California.

13 3. *Service, mode of hearing, etc.* I am overseas and cannot attend a physical
14 hearing. I do consent to service by email. I understand the court will
15 always mail me things, thus I want to inform the judge or clerk that int'l
16 mailing may take at least a full month to arrive to China. Further,
17 because of this situation, all hearings and conferences must be via zoom.

18 4. *Jurisdiction. Venue.* This Court has personal jurisdiction over the
19 Defendant because Defendant maintains its principal place of
20 business in this District and because a substantial part of the
21 events or omissions giving rise to the claims asserted herein
22 occurred in this District. This case is a diversity of citizenship case.

23 II. Introduction

24 1. This case is brought against twitter on a few causes of action: a)
25 fraudulent scheme and breach arising from breach of the financial
26 scam policy and Platform manipulation and spam policy, refusing to



1 regulate a violator, failing to shut him down, and emotional distress
2 arising from it, never intended to be enforced b) breach, & tort shutting
3 my account down (permanent suspension) when there was NO
4 violation of twitter's rules or any law, falsely claiming that I have
5 breached the rules, and emotional distress from that false statement,
6 they in fact shut me down for doing what their contract explicitly
7 allows, c) fraud, tort, breach: aiding spread of infectious disease,
8 breaching their own contract, against representation they made on how
9 they don't tolerate things.

- 10 2. Twitter has a child sex exploitation policy, which states that they have
11 "zero tolerance" towards child sex material; that very policy defines a
12 child material as anyone under 18. **This representation, that they**
13 **have zero tolerance, clearly confers an obligation for them to**
14 **investigate content that may be child sex exploitation.**

15 OTHERWISE, they'd be requiring ID of the child to delete them, and
16 that certainly would not be "zero tolerance". So in other words,
17 Twitter's contract gives itself an obligation to enforce 18 USC § 2257.
18 To clarify, the 2257 violation mentioned below arises in fact from
19 Twitter's own contract.

- 20 3. Twitter has a financial scam policy, dated September 2019, which
21 states "Using scam tactics on Twitter to obtain money or private
22 financial information is prohibited under this policy. You are not
23 allowed to create accounts, post Tweets, or send Direct Messages that
24 solicit engagement in such fraudulent schemes." It comes with some
25 exclusions. "Twitter does not intervene in financial disputes between
26 individuals who use Twitter, such as: Claims relating to the sale of

1 goods on Twitter. Disputed refunds from individuals or brands.

2 Complaints of poor quality goods received.”

3 Interestingly, the financial scam policy also states

4 “How can I report violations of this policy? In-app

5 You can report this content for review in-app as follows:

6 Select Report Tweet from the icon.

7 Select It’s suspicious or spam.

8 Select the option that best tells us how the Tweet is suspicious or

9 spreading spam.

10 Submit your report.

11 Desktop

12 You can report this content on desktop as follows:

13 Select Report Tweet from the icon.

14 Select It’s suspicious or spam.

15 Select the option that best tells us how the Tweet is suspicious or

16 spreading spam.

17 Submit your report.

18 ”

19 So they tell you to go and report them thru clicking buttons, when

20 schemes on average are complex and needs submission of exhibits and

21 textual descriptions.

22 3. Abusive behavior in twitter rules bans Wishing, hoping, or calling for

23 serious harm on a person or group of people, “We do not tolerate

24 content that wishes, hopes, promotes, incites, or expresses a desire for

25 death, serious bodily harm or serious disease against an individual or

26 group of people.” It also bans Using insults, profanity, or slurs with the



1 purpose of harassing or intimidating others “We take action against
2 the use of insults, profanity, or slurs to target others. In some cases,
3 such as (but not limited to) severe, repetitive usage of insults or slurs
4 where the primary intent is to harass or intimidate others, we may
5 require Tweet removal. In other cases, such as (but not limited to)
6 moderate, isolated usage of insults and profanity where the primary
7 intent is to harass or intimidate others, we may limit Tweet visibility
8 as further described below. Please also note that while some
9 individuals may find certain terms to be offensive, we will not take
10 action against every instance where insulting terms are used.” And it
11 bans Encouraging or calling for others to harass an individual or group
12 of people “We prohibit behavior that encourages others to harass or
13 target specific individuals or groups with abusive behavior. This
14 includes, but is not limited to; calls to target people with abuse or
15 harassment online and behavior that urges offline action such as
16 physical harassment.” The hateful conduct policy states “Hateful
17 conduct: You may not promote violence against or directly attack or
18 threaten other people on the basis of race, ethnicity, national origin,
19 caste, sexual orientation, gender, gender identity, religious affiliation,
20 age, disability, or serious disease. We also do not allow accounts whose
21 primary purpose is inciting harm towards others on the basis of these
22 categories.” Under the Platform manipulation and spam policy, which
23 states it was either established or updated April 2022, which is after
24 my account shutdown, they state “You can’t misuse Twitter product
25 features to disrupt others’ experience. This includes: sending bulk,
26 aggressive, high-volume unsolicited replies, mentions, or Direct

1 Messages; repeatedly posting identical or nearly identical Tweets, or
2 repeatedly sending identical Direct Messages;”, and **“The following
3 are not in violation of this policy: ... coordinating with others
4 to express ideas, viewpoints, support, or opposition towards a
5 cause, provided such behavior does not result in violations of
6 the Twitter Rules.”**

7 **4. Twitter also makes this statement in “abusive behavior”—“We
8 do not tolerate content that wishes, hopes, promotes, incites, or
9 expresses a desire for death, serious bodily harm or serious
10 disease against an individual or group of people.”**

11 **5. Twitter may mention that they have a contract that allows
12 them to delete random accounts for no reason at all, however,
13 a) they stated to me that they deleted me due to “violation” of
14 the rules, not any other reason, and this brings further fraud
15 charges which also entitles me to damages for I did what they
16 explicitly allow, and b) the nature of such a clause is an
17 exclusion clause, if they shut me down particularly due to me
18 doing what they allow in the contract, and such an exclusion
19 clause from intentional breach is banned by California law, c)
20 they already made the representation that they do not tolerate
21 harm or serious disease against an individual or group of
22 people, which is exactly what shutting me down and banning
23 me does, d) them shutting me down really aids HIV spread, so
24 that act is quite an independent tort, fails their duty of care,
25 which is just general tort.**

26 **6. The Platform manipulation and spam policy says “Platform**



1 manipulation can take many forms and our rules are intended to
2 address a wide range of prohibited behavior, including: commercially-
3 motivated spam, that typically aims to drive traffic or attention from a
4 conversation on Twitter to accounts, websites, products, services, or
5 initiatives.”

6 7. The financial scam policy is largely fraudulent. First of all, it seems to
7 contradict itself. If the statement “Twitter does not intervene in
8 financial disputes between individuals who use Twitter” is entirely
9 true, NOTHING AT ALL could fall under financial scam policy. If the
10 defendant insists on it, then the whole website must shut down by an
11 injunction, for the contract is void, illegal in law, a.k.a. prohibited by
12 law, for it is fraudulent. Two contract terms carrying opposite
13 meanings is a classic case of an illegal contract in law, for that is fraud.
14 At THE VERY least, this was not in any way a well written policy.
15 However, we should take the view that such is limited mostly by the
16 examples, and only certain types of financial disputes are not within
17 the policy’s scope. It matters what the main clause of the policy is,
18 which is **“Using scam tactics on Twitter to obtain money or**
19 **private financial information is prohibited under this policy.** You
20 are not allowed to create accounts, post Tweets, or send Direct
21 Messages that solicit engagement in such fraudulent schemes.” and
22 “As described above, Twitter takes action on accounts that engage in
23 deceptive scam, phishing or other fraud tactics.” The main terms of the
24 contract, i.e. not the examples, include all forms of fraud involving the
25 usage of twitter, including luring people to other sites. The fact that
26 the example of phishing seems to describe a limited one does not

1 change that they are mere examples. The plain language of the
2 contract is clear they are to target all fraud, not limited by the
3 examples, for example is a different word than limitation.

4 8. Then, it is very important to understand how little (in fact not at all)
5 they intend to enforce this policy. Any reasonable person knows that to
6 enforce a policy of this nature (which is representation they made),
7 some evidence or exhibits or text needs to be evaluated. So someone
8 has to come in and submit pictures or transaction records or otherwise
9 evidence. However, currently, the official and recommended way to
10 report someone, is thru reporting an account or tweet, which does NOT
11 allow you to input any information at all. If you write to
12 support@twitter.com, it tells you it does not receive emails there. You
13 could through a lengthy search thru twitter's website, find forms,
14 which is not the official way it tells you in the policy, that form allows
15 you to input text and text only, there's a character limit, and it does
16 NOT allow attachments. **But when I searched for it, it seems there**
17 **actually is NO form to report scam at all**. And when I did report
18 through the form, it either does not gimme a response or tells me I got
19 the wrong form therefore they won't deal with it. Court should
20 recognize that having the platform in this nature would likely result in
21 the policy never enforced, for it is an undue difficulty, if not mere
22 impossibility, **thereby their scam policy is intentionally**
23 **fraudulent, which fits fraud under punitive damages**. They
24 clearly intended to not ever enforce the policy. If they say you could tell
25 your events through the form, and they'll write back to you, the truth is
26 they never wrote back despite my repeated attempts for them to



1 enforce it, and then they wrote back saying I got the wrong form when
2 the correct form does not exist, which the exhibits clearly shows there's
3 no form to report scam under authenticity reports. Then, if you write to
4 copyright@twitter.com, which is the wrong channel, it comes back with
5 a message saying you cannot send attachments via email for so-called
6 security reasons. I've wired in total gigabytes of attachments through
7 the whole history of my gmail mailbox, both sent and received, and so
8 far no leak or anything has happened. A nonsense reason
9 unsubstantiated, **ESPECIALLY** given the context (reasonable person
10 under the circumstances) that the company had gross profits in the
11 past few years 2-3 billion dollars, and is clearly an internet and tech
12 company, with 7000 employees making money from billions of people,
13 and those 7000 employees are many webmasters, executives, and
14 regulators. No reasonable argument could be made that email
15 attachments are too dangerous, when they make the representation
16 that their environment is safe or worked to be safe from fraud, when
17 sending email attachments are necessary in those cases for
18 enforcement.

19 9. They themselves stated in a different policy that they ban conduct
20 where you are referred to other websites and then defrauded *(twitter
21 states this in Platform manipulation and spam policy, a different
22 policy; where they state "Platform manipulation can take many forms
23 and our rules are intended to address a wide range of prohibited
24 behavior, including: **commercially-motivated spam**, that typically
25 aims to drive traffic or attention from a conversation on Twitter to
26 accounts, websites, products, services, or initiatives;"). **AND THEN**

1 **how on earth would they know what happened at a different**
2 **website with their support system set up this way, where you**
3 **can't report these ANYWHERE, with my physical letter before**
4 **action sent to them ALSO IGNORED. This is pure and simple**
5 **fraud.**

6 10. Though the Platform manipulation and spam policy may be of 2022,
7 the fact that the linked to by the concerned account has a record of
8 fraud would trigger the policy for he still links such.

9 11. Twitter would probably argue you can report scam by reporting the
10 account or tweet, and they'll say they'll contact you to get the evidence.
11 **BUT THE TRUTH IS I reported and no one ever contacted**
12 **back.** There is a button for scam but they do not investigate, if it does
13 not appear on the surface as spam, so if a person lures you to a website
14 and scams you there, they never investigate that, for literally you
15 cannot input information. **They never contact you back despite**
16 **their rules saying they sanction "commercially-motivated**
17 **spam".** Simply put, both their financial scam policy and the scam
18 portion of the platform manipulation and spam policy are
19 FRAUDULENT, where they NEVER intend to enforce them. This
20 fraud is more of a tort than contract, and thus punitive damages are
21 available. @troyejacobs is a pretty special account: all its tweets and
22 the account description try to point you to his onlyfans. So if they didn't
23 investigate an account of this nature for commercially-motivated spam,
24 it is beyond probable that they did not investigate any similar account
25 for commercially-motivated spam. This is on top of the lack of a
26 channel to submit evidence which is CRUCIAL in sanctioning



1 commercially-motivated spam, so there is more than enough evidence
2 that their spam policy is fraud, where they NEVER intended to enforce
3 the contract. Don't forget that I even sent a physical letter before
4 action and they still did nothing. **In a case of fraud where they**
5 **never intended to enforce it, it is the tort of fraud and punitive**
6 **damages are available.**

7 III. The facts and some analysis

8 1. It should be mentioned that I've had my twitter account for roughly ten
9 years, so they've made quite some money from me before the breach.

10 There's large portions of my life and thoughts and political opinions
11 recorded on twitter, with pictures of course. A permanent suspension
12 bars access to old pictures and interactions I've had with people. So it
13 is very harming. It is designed to harm me. It's not recklessness, it is
14 intention for the defendant has knowledge as to what my twitter is
15 made of and how important they'd be. I forgot to mention this, twitter
16 testified at Congress ANY of their 4000 employees can access any user
17 data, including geolocation data, without special permission needed.

18 Them having knowledge is intention or willful blindness which equals
19 intention. It's not recklessness. The emotional distress from their
20 suspension is high and aggravated and punitive damages should apply.

21 2. Andrew Joseph Bonomolo, born October 18, 2000, owns the twitter
22 account @troyejacobs, which used to be @troyejacobsxxx and the
23 username change happened some time in 2021. Changing username
24 does not delete any user data or records. From at the latest August
25 2020, nearly every tweet by him (retweets excluded) comes with the
26 link onlyfans.com/troyejacobsxxx (his paid subscription porn account).

1 This is all the way up to today. His twitter account description also
2 comes with a link that is onlyfans.com/troyejacobsxxx. **In all essence,**
3 **the twitter he has is used to promote his porn at**
4 **onlyfans.com/troyejacobsxxx. It is an advertisement account.**

5 His OF username was never changed and remains the same.

6 3. Such advertisement directing traffic to another website fits the
7 definition of “commercially-motivated spam, that typically aims to
8 drive traffic or attention from a conversation on Twitter to accounts,
9 websites, products, services, or initiatives”, for he DID scam my money
10 on that website, and he has done other false advertisement on that site
11 as well, thus the account is commercially-motivated spam.

12 4. The detailed facts of how the unlisted third party (*address unknown,*
13 *impossible to be served unless by publication, cannot list TP anyways,*
14 *SCOTUS bans TPS making representation*) abused me are in the
15 exhibits and in document <facts of the matter> <summary facts>. If I
16 could summarize it, he scammed my money under exceptional
17 circumstances, where he was told I was particularly vulnerable and
18 suicidal. In so far, he has, including that initial attempt in Nov 2020,
19 abetted me to kill myself, both explicitly and implicitly, for countless
20 times. The exhibits are tip of the iceberg. Abetting suicide is unlawful
21 and sanctionable and roots itself in the common law before separation
22 and establishment of the union from the barbaric and fascist Kingdom
23 of Great Britain. It is both civilly and criminally unlawful. The
24 particular scam was fraud where the promised service was never
25 delivered. But the whole thing was under exceptional circumstances,
26 and truly doesn't compare with the average “lost a few hundred bucks”



1 deal. The conduct of the unlisted third party AJB has caused me
2 severe consequences, including dropping out of school, and clinical
3 depression and general anxiety disorder, being mild and moderate. To
4 this day, I am unable to work or study because of his emotional harm.
5 Feelings are feelings and the affection is largely why I cannot take his
6 abuse. Having a high place in my heart means I helplessly blame
7 myself for his abuse, which isn't exactly uncommon for victims of
8 abuse. It has always been a frustrated murder by him (not a mere
9 attempt). I never asked for much though. It's just sad.

10 5. Having been violated by him, I've been monitoring him, ready to expose
11 him and prevent harm to others (crime prevention). He posted on
12 twitter in 2021, which tweet is web archived and can be looked up, that
13 he has a disease "other gays have". According to the CDC, the only
14 disease more prominent in the homosexuals than heterosexuals back
15 then is HIV (now it's HIV and monkeypox). On top of this, knowing I
16 was planning to expose him everywhere with the tweet and had
17 already shared with a few of that tweet (he stated "stop spreading lies
18 for attention", clearly knowing I was exposing him everywhere), upon
19 being asked with a second twitter account I registered (because he
20 blocked me), he stated to me that he will not give me blood test
21 results (of whether he has HIV), and stated that his blood test results
22 are "up [my] ass and around the corner." HIV has an incubation
23 period of ten years and will grow into full blown AIDS and treatment
24 will likely be too late after incubation, making early death inevitable.
25 It still is a scary disease.

26 A few things:

1 5.1. Adverse inference is basic common law. Silence under particular
2 circumstances, namely when one definitely holds evidence and refuses to
3 give it, is adversely inferred on the balance of probabilities. The right to
4 silence in criminal is absolute, and ADV INF is banned. But silence can be
5 used for ADV INF in civil, and it is the actual ROOT of default judgment.
6 Using it to conduct outside of court is very fair, especially cuz he was
7 silent upon knowing I was contacting people and had already contacted
8 people. Court should find on the balance of probabilities that AJB in fact
9 has HIV. That is the only plausible explanation. In fact I think it's beyond
10 a reasonable doubt.

11 **5.2. His only occupation is pornography and has no other source**
12 **of income. This means me exposing him everywhere should cancel**
13 **all his work opportunities. This establishes beyond a reasonable**
14 **doubt that he has it, for he would not otherwise refuse to give me**
15 **his blood test results.**

16 **5.3. Any reasonable person approaching those two images**
17 **combined would conclude that he has HIV. This is especially**
18 **because his only job is a porn star and has no other source of**
19 **income, which is the context of him refusing to give out blood test**
20 **results.**

21 **5.4. When I say contacting people, I'm referring to other gay porn**
22 **stars. Less than 5% were other internet celebrities but >95% is**
23 **other gay porn stars. They all have "xxx" in their username.**

24 5.5. I don't think they'll plead this, but it's not against the rules to simply
25 create another twitter account. In fact their rules explicitly state that
26 you're allowed to have multiple accounts for different purposes, provided



1 they each do not break twitter rules. I don't think they'd rely on that
2 second account created, which I never used for anything else than asking
3 him for blood test results.

4 6. I have the twitter account @LBCH_Walt.

5 7. Upon him refusing to give blood test results, I used my twitter to
6 contact mostly gay porn stars, asking them to expose his HIV status to
7 protect people in the industry, with evidence of what he said (the 2
8 pieces), and to prevent the whole gay community and gay porn
9 industry from being infected. He is super attractive and sleeps with
10 EVERYBODY in MANY DIFFERENT STATES, in so far, within the
11 past short 2 years, NC, NY, RI, NV, Vermont, CA, AND OTHER
12 STATES as well, I think it was Minnesota. That's how attractive he is.
13 You can see this clearly on twitter.com/troyejacobs. You can see who
14 sleeps with and where it was and how they tagged themselves in
15 different states on twitter and on [mansurfer.com/gay-porn-](https://mansurfer.com/gay-porn-star/Troye+Jacobs/)
16 [star/Troye+Jacobs/](https://mansurfer.com/gay-porn-star/Troye+Jacobs/). It's many people and it's truly everywhere in the
17 country. Also, he was at one point top 0.45% of OnlyFans creators in
18 terms of income. Given his propensity of how he defamed me to
19 everyone, and submitted a false report to the police removing the fact
20 all conversations before he made the report was consented to by him, it
21 is HIGHLY likely that he uses false blood test results which ANYONE
22 can produce through editing the photo of a test result on a computer.

23 8. At ANY give point, his twitter account states he's a porn star and sells
24 his onlyfans, where if you click into it, the OF account definitely
25 introduces itself at any point that it is of porn. His posts of trailers to
26 OF porn content which is practically ALL the media he ever posted. So

1 twitter shutting me down was deliberate endangerment, and deliberate
2 criminal aiding of infectious disease spread, which is a crime in all 50
3 states.

4 9. My account was shut down (permanently suspended) for “violating
5 twitter rules” in November 2021. The only thing I ever did with the
6 account during that period was direct messaging people inciting for
7 them to expose his HIV status so that he does not spread the infectious
8 disease on a daily basis. As you can observe on those sites, ALL his
9 porn is bareback or without condom.

10 10. You (the judge) and I both know the first amendment is Congress and
11 thereby its agents incl. court and the exec. branch must not do things
12 etc.. Private contracts are different. So the governing principles are the
13 twitter rules. The rules, which is part of their contract, as listed, do not
14 in any paragraph state crime prevention is banned. It does ban
15 “sending bulk, aggressive, high-volume unsolicited replies, mentions,
16 or Direct Messages” and “repeatedly posting identical or nearly
17 identical Tweets, or repeatedly sending identical Direct Messages”,
18 HOWEVER, the introductory text is “You can’t misuse Twitter product
19 features to disrupt others’ experience. This includes: ...”, nonetheless,
20 later, it is stated “coordinating with others to express ideas,
21 viewpoints, support, or opposition towards a cause, provided such
22 behavior does not result in violations of the Twitter Rules” falls under
23 “The following are not in violation of this policy:” Clearly, the
24 governing principle is “You can’t misuse Twitter product features to
25 disrupt others’ experience.” Such behavior, that is preventing HIV
26 which is a deadly virus UNLESS they get tested early enough from



1 spreading, not only does not violate twitter rules, and does not in any
2 way constitute “You may not promote violence against or directly
3 attack or threaten other people on the basis of ... serious disease. We
4 also do not allow accounts whose primary purpose is inciting harm
5 towards others on the basis of these categories”. All the DMs were
6 written similarly and was incitement for them to expose him to prevent
7 BOTH harm to the industry, AND to prevent harm to himself, because
8 the longer the criminality, the longer the sentencing and civil
9 consequences at all, for he’d only, when this all breaks out, be sued by
10 more people than would be otherwise. SINCE WHEN WAS CRIME
11 PREVENTION HARMFUL TO THE CRIMINAL? So allowing and/or
12 encouraging crimes to continue is now helpful to the criminal? IN
13 WHAT WAY?

14 11. The most egregiously disgusting and disgustingly egregious part of
15 Twitter’s conduct, is not the legal technicality, but this statement
16 found in “abusive behavior”—“We do not tolerate content that wishes,
17 hopes, promotes, incites, or expresses a desire for death, serious bodily
18 harm or serious disease against an individual or group of people.” So
19 basically, **they do not tolerate murder, unless they do it**
20 **themselves**, cuz OBVIOUSLY they’re above the law. It’s not even
21 about that, it’s the malice, one of the 3 standards in punitive damages.
22 How deliberate is a person (legal person incl. natural person) for them
23 to KNOW something as INTOLERABLE and do exactly that? Purely
24 malevolent. PURELY designed. This corp is treated as a legal person
25 so the fact that it probably was one guy wrote it and another guy
26 enforces it is ENTIRELY irrelevant to how punitive damages must be

1 granted. Their conduct fits both malice and oppression.

2 12. Multiple appeals (appeals against permanent suspension) were filed
3 with twitter seeking to reinstate my account. In each of them, it was
4 explained well to twitter that crime prevention and preventing HIV
5 spread does NOT cause harm, and does not constitute a violation of
6 any of the rules. Their content is the same. I sent a few appeals
7 (namely for no response) in November 2021, when my account was
8 shut down. Then one in July 2022, and October 2022. None of them
9 received any response.

10 13. Additionally, many of his twitter videos are “cruising videos”
11 where he had public sex with college students on campuses,
12 failing to verify their age, who may very well be under 18.

13 14. So far, @troyejacobs has dozens of cruising videos on his
14 twitter account. Each is a crime under 2257. Further, it also is a
15 crime of 2257 for WHOEVER that films or produces porn, which he
16 definitely is that whoever, to fail to keep record of people they have sex
17 with on camera, including their name and DoB. He failed to keep
18 record for pretty much all his videos. Because of the ban on third
19 party standing, I don't think I can do discovery. **But it's beyond**
20 **probable that the strangers he had sex with on college**
21 **campuses namely UNC Chapel Hill are without records. In**
22 **twitter's case with the cruising videos, it's a case of either or, it**
23 **doesn't make a difference**. This will be analyzed in full later.
24 Note that California law states “despicable conduct which is
25 carried on by the defendant with a willful and conscious
26 disregard of the rights or safety of others” (recklessness) is



1 malice for the sake of punitive damages. Reckless
2 endangerment is not a crime in California, but is civil tort.

3 15. His conduct of posting material in violation of 2257 was
4 reported to twitter in April 2022, and they issued an auto reply
5 saying they got the report of child sexual exploitation material,
6 and then nothing and no one ever was deleted or suspended.

7 16. Note that @troyejacobs arranges almost all his self-produced
8 scenes on twitter, that his twitter description literally writes
9 "DM for collabs" inviting people to direct message him on
10 twitter to arrange filming with him.

11 17. His violation of the financial scam policy is mainly because he lured me
12 to his OnlyFans where he scammed my money. He has used the
13 platform of twitter to scam my money. Because he scammed my money,
14 his OnlyFans would be categorized as spam, thus it also is as defined
15 by twitter rules commercially-motivated spam. His account must be
16 shut down (permanently suspended). His violation of the financial
17 scam policy and Platform manipulation and spam policy did cause me
18 very serious consequences. **For the very serious consequences**
19 **caused to me, it fits severe violation. He must be permanently**
20 **suspended.** This is the implied covenant, but it is also their own
21 contract, that says severe violation equals more consequence.

22 18. The first complaint of the violation of financial scam policy was April
23 2022, it was ignored. This month (Oct 2022), I sent letter before action
24 to their physical address, and I sent another report to
25 copyright@twitter.com (namely to establish a support request cuz no
26 one is open to receive reports at support@twitter.com), and got a reply

1 on the violation of the scam policy “Thanks for your report. We’ve
2 escalated this to another team for further review, and we’ll provide you
3 with an update once we complete our investigation.” And then, on
4 October 20th, I got an email stating “Thanks for bringing this to our
5 attention. However, it seems that you are trying to report an
6 impersonation or harassment issue, not one relating to copyright.

7 Please file a new report using the appropriate form:

8 <https://support.twitter.com/forms/>.” This is some fat nonsense cuz I go
9 to forms, there is no form for me to report financial scam but only an
10 appeal shutdown form. IN ANY CASE, no form is open to submit
11 information for them to exercise duty of care and not conspire or to
12 submit evidence for violation of the financial scam policy. So far, he is
13 still not shut down which is very aggravated. I have indeed
14 exhausted all reasonable ways to get them to stop their conduct,
15 including sending a physical letter before action to their
16 physical address, but **CLEARLY** they have an intention not to
17 stop. This also further proves that their financial scam policy is
18 designed in a fraudulent way—never to be enforced.

19 **19.Further, I’ve accessed twitter’s report forms which was hard to**
20 **find, and under authenticity, there is no option for spam.**

21 **20.So remember, there’s no form where you can input any**
22 **information text or exhibits to report financial scam.**

23 **21.AND, there is no general support form. So you have a**
24 **communication for twitter to perform their duty of care per**
25 **California Civil Code section 1708, namely their duty to not**
26 **conspire or aid any crimes, which the law (1708) literally**



1 obliges them to without contract to **PREVENT** harm to others,
2 there's nowhere to send it to other than the physical address,
3 which I did and was ignored. This alone is such **MALICE** and
4 **oppression and such aggravation and egregiousness. It's so big,**
5 **so huge, and so tremendous.**

6 22. For the emotional distress I suffered, it was not the case that it was
7 purely emotional i.e. depression, anxiety, agony, inability to work. It
8 did transform into physical health issues, including unprecedented
9 high blood pressure, which is a disease that my father has, but **NEVER**
10 bugged me prior to the harm by twitter, for it was only a bit higher and
11 I couldn't even feel it, definitely not 162. That is truly the tip of the
12 iceberg with the HBP etc..

13 23. Additionally, AJB was a prostitute sleeping with clients unprotected
14 (where he said ask me to safe sex) and did not reveal so to models he
15 worked with. The police is insanely corrupt but this was a crime of NC.
16 It boosts the chance of him having HIV, although evidence already
17 shows he does beyond a reasonable doubt. But he is a criminal in
18 general and uses largely his twitter account for criminality.

19 24. Jack Dorsey was CEO for years until November 29, 2021, which is
20 after the Trump-Taliban outcry from Congress, and after shutting my
21 account down whilst allowing him in November 2021. So these 3
22 decisions were made with him as CEO. Specifically, the decision to
23 shut Trump down was made by him according to the reports by BBC.
24 He is the same person that made the later decision to not shut down
25 the Taliban despite congressional outcry.

26 **He himself refers to the Trump shutdown "Having to take these**

1 actions fragment the public conversation. They divide us....And
2 sets a precedent I feel is dangerous."

3 Then, as Congressman posts on house.gov

4 By: Christopher Eberhart 8/17/2021 | DailyMail

5 Twitter has refused to join its social media counterparts in
6 banning the Taliban from its platform, saying it'll monitor content
7 to ensure there aren't messages 'glorifying violence'.

8 The move is in stark contrast to the company's Big Tech rivals.
9 Facebook, WhatsApp and Instagram (both owned by Facebook),
10 TikTok and YouTube have all banned and terminated accounts
11 that are related to, promote or praise the Taliban.

12 Facebook, which also has muzzled Trump, has had its ban on the
13 Taliban in place for years because it considers it a 'dangerous
14 group.'

15 The two Taliban spokesmen, Suhail Shaehee and Zabihullah
16 Mujahid have more than 351,000 and 310,000 Twitter followers,
17 respectively. Their accounts have been active for years.

18 On Tuesday, Rep. Doug Lamborn sent a letter to Twitter CEO
19 Jack Dorsey expressing concerns about members of the Taliban
20 being allowed to use the platform to get their message out.

21 'Why does Twitter allow two Taliban spokesmen to have a
22 platform but restricts the First Amendment Rights of former
23 President Trump? It's past time to hold #BigTech accountable.
24 #Taliban,' he tweeted.

25 In his letter, Lamborn said it's clear that the Taliban falls under
26 the 'violent organization category.'



1 'In my review of these accounts, I did not find a single fact check
2 on any of their tweets, nor any warnings for false or misleading
3 content,' Lamborn wrote in his letter to Dorsey.

4 'These propaganda updates usually assert that the overthrow has
5 been largely peaceful, despite reports to the contrary ... It is
6 impossible to see how the accounts of Zabihullah Mujahid and
7 Yousef Ahmandi do not violate your policies.'

8 'Why on God's green Earth does the Taliban spokesman have an
9 active Twitter account but not the former President of the United
10 States?' asked Rep. Madison Cawthorn, a North Carolina
11 Republican.

12 'Who's side is the AMERICA BASED Big-Tech companies on?' he
13 added.

14 'The Taliban Spokesman has a Twitter account without any
15 problem. Meanwhile, President Trump is banned from the
16 platform,' tweeted Rep. Claudia Tenney, a New York Republican.

17 'Something is very wrong here.'

18 Adrian Hilton, a conservative academic and lecturer on political
19 philosophy in the UK, also pointed out the apparent double
20 standards.

21 'Twitter banned Donald Trump for expressing support for rioters
22 who stormed the US Capitol. Twitter permitted the Taliban
23 official spokesman to live-tweet Mujahideen terror, the
24 acquisition of arms, storming the Afghanistan capital, and the
25 occupation of the presidential palace,' he wrote.

26 During a Tuesday press conference in Kabul - which was

1 broadcast and translated into English by Al Jazeera and posted on
2 Twitter - a spokesperson was asked about freedom of speech.

3 'This question should be asked to those people who are claiming
4 to be promoters of freedom of speech who do not allow
5 publication of information. I can ask [the] Facebook company,' he
6 replied.

7 The Taliban spokesman's comments were greeted by virtual
8 applause from Donald Trump Jr. on Twitter, who retweeted the
9 30-second video clip and said, 'LOL ... Also not wrong.'

10 Over the weekend, the Taliban takeover of Afghanistan was all
11 but complete, after the U.S. spent two decades and billions of
12 dollars attempting to prop up a democratic government friendly
13 to the West.

14 The U.S.-led invasion of Afghanistan in 2001 ousted the Islamist
15 militants from power, but they never left, and returned to power
16 after Afghan government forces completely capitulated.

17 After the Taliban blitzed across the country in recent days, the
18 Western-backed government that has run the country for 20 years
19 collapsed.

20 During the Taliban's return to power in Afghanistan, the
21 insurgents reportedly married girls as young as 12 and forced
22 them into sex slavery as 'spoils of war,' and killed Afghan troops
23 who tried to surrender.

24 IV. Analysis

25 25. California Civil Code 3294(c) defines malice as conduct which is

26 intended by the defendant to cause injury to the plaintiff, or Despicable



1 conduct which is carried on by the defendant with a willful and
2 conscious disregard of the rights or safety of others, and defines
3 oppression as despicable conduct that subjects a person to cruel and
4 unjust hardship in conscious disregard of that person's rights.

5 **California Civil Code section 1714 imposes a general duty of**
6 **ordinary care, which by default requires all persons to take**
7 **reasonable measures to prevent harm to others; section 1708**
8 **states “Every person is bound, without contract, to abstain**
9 **from injuring the person or property of another, or infringing**
10 **upon any of his or her rights.” The textual law states that**
11 **reckless endangerment is TORT in California.**

12 26. So I don't confuse anyone. Intention is a standard of knowledge. If you
13 know that stabbing someone in the heart will certainly cause death,
14 doing so to a person is intentional murder, even if you didn't "want" the
15 person dead, or did not have motive or whatever. In legal technicality,
16 intention is also called foreseeability. Willful blindness equals
17 intention. But then the legal theory gets even more confusing with
18 frustrated crimes. A felony is frustrated when the offender performs all
19 the acts of execution which should produce the felony as a consequence,
20 but which, nevertheless, do not produce it by reason of causes
21 independent of the will of the perpetrator. In legal theory, a crime
22 without consequence is nonetheless punished. In civil, actual damages
23 are rewarded (requiring CONSUMMATED felonies), **punitive should**
24 **follow how reprehensible things are per law** but sometimes
25 regard actual damages. In the particular case of twitter and their
26 conspiracy or aiding with/to AJB, the HIV is already beyond a

1 reasonable doubt. No reasonable person would believe from those 2
2 pieces (1. Disease other gays have, 2. Refusing to give blood test results
3 knowing I was exposing and planning to expose him) he doesn't have
4 HIV.) that he does not have HIV. If twitter calls him witness, Twitter
5 has nonetheless committed a frustrated crime. California law's
6 punitive damages is by most importantly how reprehensible the
7 conduct is. I don't think they will list him because he'll have to admit
8 his 2257 violations, which makes twitter's problem bigger.

9 27. Twitter, as a legal person, when they shut me down, **was fully aware**
10 **of the two pieces**, which is direct intention. They are treated as ONE
11 legal person. In fact even appeals were filed reminding them of the two
12 pieces. They have deliberately aided HIV spread, which is a crime,
13 which is a civil tort. Based on the 2 pieces, and the fact that twitter
14 also knows from his account that he sleeps with everybody and does so
15 in many different states, the malice and oppression in twitter's conduct
16 is HIGH, and punitive damages must be HIGH as well.

17 28. As analyzed above, there's a) deliberate aiding of HIV spread,
18 targeted at gay men, knowing he sleeps with everybody in many states,
19 and is top 0.45% OF creators, as his twitter profile shows. If it were
20 that he does not have HIV, it's a frustrated crime and the punitive
21 damages wouldn't be different, for it follows reprehensibility. This
22 aiding fails their duty of care under California Civil Code section 1708.
23 This aiding also breaches their contract where they state they do not
24 tolerate harm and serious disease, when themselves are here creating
25 harm and serious disease. b) breach of contract and failing duty of
26 care, refusing to investigate 2257 violations which is all his videos. A



1 breach of their own child sex exploitation policy which confers an
2 obligation to investigate. c) with his specific account either deliberate
3 hosting underage child pornography violating 2257 and their own child
4 sex exploitation policy, or is deliberately aiding or conspiring to fraud
5 (against their financial scam policy). All of the above is against the
6 context they did receive due reports from me against him on, financial
7 scam, child sex exploitation (cruising videos and their violation to
8 2257), and appeals repeating the 2 pieces' legitimacy. d) shutting me
9 down is a breach of contract, but really it's a case where they have no
10 cause to shut me down per contract or otherwise, so that more so is a
11 very isolated act of **tort aiding HIV spread than shutting me**
12 **down, and failing duty of care.** It indeed is a breach, for what I
13 did was explicitly allowed. e) ENTIRELY fraudulent policies never to
14 be enforced. No channel to report violation.

15 29. The breach in shutting me down is a breach of terms. The terms
16 explicitly allow asking others to join a campaign. Sure it's simple
17 breach, but biggerly, it is tort of preventing someone from doing crime
18 prevention when their contract does not allow such providing (no
19 overriding obligation), and is deliberate endangerment and HARM to
20 the gay male community, which ALSO is evil cuz their terms
21 essentially dedicated the gays (sexuality) a protected group from hate
22 speech et cetera. The tort ALSO involves clearly fraud of them saying
23 they care about the gays and human life and health and do not tolerate
24 using twitter to spread serious disease, WHEN they couldn't
25 **possibly do much worse acts harming those.**

26 30. Twitter is required to protect human rights and the fact that they're a
COMPLAINT against Twitter Inc. - 28 -

1 legal person that is not a natural person doesn't remove them from any
2 responsibility at all. So anybody committing a crime through twitter,
3 especially with him in all essence getting bareback (no condom)
4 hookups through twitter (as he states, "DM for collabs"), spreading
5 HIV, twitter cannot facilitate that. It's unlawful and absolute
6 oppression and malice. And the standard for intention is the EXACT
7 same when they're a legal person. Any agent/employee having
8 knowledge IS the whole company having knowledge. No question about
9 that.

10 31. Then, privity. The first three torts are against society or the gay porn
11 industry or the gay men community at large. This introduces sort of
12 why this case is highly intertwined. A large reason for my current
13 severe emotional distress that won't go away is seeing my abuser
14 thrive and being at the top of the world. This is where the tort very
15 DIRECTLY affects me and distresses me. So even though if I were
16 otherwise a mere customer, or someone that could see his twitter (you
17 can see his profile description and banner without logging in), I'd suffer
18 only a bit from his thriving, but in this case, the intertwining (the scam
19 etc. that's happened between us) means I'm suffering extremely from
20 the thriving and him not shut down. The torts are indeed highly
21 intertwined with the financial scam, in that their failure to perform
22 their duties under separate laws causing tort to gay community at
23 large ALSO hurts me. But they already have a different reason within
24 their contract to shut him down that is the violation of the scam
25 policies, and they've breached that. So that also works very similarly to
26 transferred malice, where resulting from different unlawful acts,



1 similar emotional distress is caused to me. But because the harm fro
2 shutting me down and keeping his account vile and alive doesn't purely
3 arise out of contract, but from other torts, punitive damages are
4 available because of the existence of those torts. Also, it cannot be said
5 that the torts do not affect me. I certainly would be affected if say
6 someday I visit America or whatnot and has intercourse with a hot
7 guy, and it turns out they slept with AJB, wouldn't I have fear and
8 suffering and have to investigate and get vexed to the point of no
9 return so on and so forth? So it's not that it doesn't come with a direct
10 tort to my rights, or my enjoyment of life. **It introduces a huge and**
11 **tremendous inconvenience, produces fear, anxiety, and could**
12 **even lead to depression and loss of hope et cetera**, and he's been
13 to every state so it's not like I could avoid asking. It gets not just to the
14 point where I can't hook up, it gets to the point if I were on the dating
15 scene, or even make friends (cuz friendship can lead to sex), I'd be
16 SHIVERING and shaking and it's like the ice bucket challenge only the
17 ice bucket is in all essence a freezer. I mean it's not that the tort
18 doesn't harm me. Was it foreseeable? **CERTAINLY. You let a VIRUS**
19 **of that nature spread, the consequences to me are foreseeable.**
20 It is scary. Say I didn't have EMOTIONAL issues, if I ever visit
21 America, wouldn't I have a life where I continuously get tested for HIV
22 at a much higher frequency than I would otherwise??? On top of having
23 to ask people about this which is physical inconvenience. I think this is
24 absolutely foreseeable. There's no such thing as indirect loss or
25 consequential loss at tort: those terms regulate the cost of shipping a
26 defective product back et cetera, not foreseeable damages in tort. Even

1 if such terms were to exist in tort, their failure to not do an act obliged
2 by law is clearly outside of contract, and is not regulated by contract
3 (they have exclusion clauses, but they're irrelevant in the torts arising
4 not from contract at all). If it is a contractual issue, we'll look at it, but
5 it's a tort issue so the full range of damages are available. Again, it
6 truly cannot be said that it doesn't hurt my life. It does. Very bigly. **It**
7 **creates both emotional distress, but also creates physical**
8 **inconvenience**. It basically brings the gay community back 40 years
9 is what twitter did, facilitating his spread of HIV, letting him thrive, et
10 cetera. So I think some presumed damages should be available. And
11 yes, it does harm me directly. He does sleep with everybody. And by
12 the way, patient 0 of the HIV epidemic in the USA was a flight
13 attendant of CANADA. It's not like every gay man stays in one single
14 household and calls it a day. **NOBODY DOES THAT. AND, HIV was**
15 **from originally Africans eating apes or some other primate, irrelevant**
16 **to sex. SO once you spread a disease, once you put poison in the water,**
17 **there's no such thing as a border. There's no border for waters. There's**
18 **no border for these viruses. EVEN TODAY, Apple employees are**
19 **traveling between China and America, albeit the quarantine**
20 **requirements. People don't just stay at one spot and call it a day. No**
21 **one does that. I mean how did it go from ape or some other primate to**
22 **man to gays to America. There was a route. WHENEVER YOU**
23 **INTENTIONALLY aid disease spread, you should be bankrupted,**
24 **that's the fact. Even removing how gays are very sexual, it still will fly**
25 **everywhere. I mean it's in blood. So say you travel to the barbaric**
26 **fascist Kingdom of Great Britain (now they're not called that but same**



1 thing), and you get a paper cut on a plane, it's out. Does that relate to
2 sex? NO. You can get a paper cut from the inflight safety thing.
3 They've always got a plastic frame around it. I guess that's plastic cut.
4 LIKE this is scary. The next customer after reading that eats bread on
5 plane, BOOM, spread. Or you switch seats with someone. AND, even
6 when you go to Starbucks, the Frappuccino cup's cap has an edge, so
7 **any plastic with an edge can give you a cut and make you**
8 **bleed. LIKE, this is not, like, disease spread is not a new concept,**
9 as corrupt as Fauci and the CDC are. I hate to be nationalist but it
10 looks like this company is more British than American, cuz America is
11 about democracy, and Britain is about fascism, according to the
12 founding fathers. **The point is, I could sit on a plane.** But this
13 isn't voodoo, gays are more likely to know other gays. I think that's
14 more of a piece of common knowledge. So I could have contact that's
15 not sex with others, dining out or whatnot, and there could be a paper
16 cut. Like I'm definitely at higher risk than the heterosexuals thanks to
17 Twitter. AND, don't forget the fraud, they made COUNTLESS
18 representations, within or without contract (i.e. to the public via public
19 statements or conferences), that they care about the gays and health
20 and life of others. **THEY DO THE OPPOSITE.** Punitive damages is
21 granted NOT just for harm to the plaintiff but ALSO "despicable
22 conduct which is carried on by the defendant with a willful and
23 conscious disregard of the rights or safety of others" (Civil Code, §
24 3294, subd. (c)(1); *College Hospital, Inc. v. Superior Court* (1994) 8
25 Cal.4th 704, 725.). The above plane and paper cut analysis is not so
26 much about me as it is about the general society, but this doesn't

1 change that I as the prosecutor of such who also is at risk albeit being
2 a member of a larger group of a member of human society, I am
3 entitled to punitive damages from Twitter's absolutely inexcusable
4 conduct. I again iterate that twitter **had direct intention from**
5 **November 2021, from when they shut me down, for every**
6 **person I DM I messaged the two pieces. They saw the two pieces,**
7 **saw his account (one of the two pieces shows "@troyejacobs"), and did**
8 **overt act based on the two pieces knowing he has HIV and is a**
9 **porn star using twitter to facilitate scenes and negotiate collabs (where**
10 **he sleeps with other porn stars), and knew that all his porn is bareback**
11 **(ALL media posted by him on twitter is bareback, NO EXCEPTION),**
12 **and refused to shut him down since November 2021,** and further
13 refused to do so with appeals and reports of financial scam and report
14 of child sex exploitation (cruising). ABSOLUTELY EGREGIOUS. It
15 **need not be proven that the defendant acted with an awareness**
16 **of probable harm to a particular victim (i.e., the plaintiff). It is**
17 **sufficient that the defendant knew his or her conduct would**
18 **probably have injurious consequences to someone. (Ramona**
19 **Manor Convalescent Hospital v. Care Enterprises (1986) 177**
20 **Cal.App.3d 1120, 1133.)** So under law, they harm someone through
21 an act and that act of allowing him and not deleting him harms me,
22 they are liable for the full consequences.

23 32. To establish malice plaintiff need not prove an evil mental intent or
24 motive on the part of the defendant. Plaintiff need only establish (by
25 clear and convincing evidence) that the defendant intended the
26 consequences that were substantially certain to occur from his or her



1 wrongful conduct. (Schroeder v. Auto Driveway Co. (1974) 11 Cal.3d
2 908, 922; George F. Hillenbrand, Inc. v. Insurance Co. of North
3 America (2002) 104 Cal.App.4th 784, 816.) Obviously, that is the exact
4 case here. This sort of explains what I explained, intention is a
5 standard of knowledge or foreseeability, NOT about feelings. Proof of
6 loathing against the victim is NOT required to establish intention. As
7 long as person X is aware of the conduct's only possible consequence,
8 person X has intention to cause the harm. Their malice with the HIV
9 and 2257 couldn't be bigger. It's so big, so huge, so tremendous. Truly
10 they pretend their contract is their own obligations under law and they
11 can aid and abet anything they want to aid and abet, which SIMPLY is
12 not the case. They literally saw the reports and the DMs, THEY SAW
13 IT, this was always direct intention. On their part though, only a
14 shutdown (deleting or permanently suspending his account) would be
15 an actionable thing for they are a social media company.

16 33. I want to discuss motive. This was not an accident. It was never an
17 accident. The purpose to prevent harm is clear even from the text of
18 the messages I sent. And their rules literally state that inviting others
19 to do things is not a breach. This was never an accident. Them ignoring
20 the appeals and not replying proves that it was fully deliberate. I bet
21 that twitter appeals are looked at by someone other than the original
22 person. They never replied to it but I'm sure someone did look at it. **So**
23 **it was the initial shutdown of my account and then (probably**
24 **someone else) having read through the appeals and**
25 **AFFIRMING the same malice.** Don't forget, he introduces himself as
26 a porn star at any given point AND my DMs are all directed at porn

1 stars most of whom have xxx in their username. The only possible
2 motive of this company, specifically their enforcement team, is quota.
3 They frame someone, and they can write it up in a way, that would
4 mean they've sanctioned one more account, which is quota to them.
5 **They do so even when they know the virus will kill people.**
6 **They also know they're framing someone.** This is practically
7 terrorism—killing people for the tiniest greed. They kill people so
8 what? So their statistical charts look better? This is like killing 50 men
9 in order to rob 10 dollars, PURELY aggravated. **They are literally**
10 **committing murder and oppressing me, and meanwhile**
11 **committing a hate crime targeted against the gays, ruining the**
12 **company's ability to profit from porn stars as well, just to**
13 **DEFAME ME and gain quotas. Obvious, TO THEM, OTHER**
14 **PEOPLE ARE JUST THINGS.** Upon treating other people as just
15 things, they go home and be happy. The CEO is not innocent: in any
16 case where the rules are clear and the enforcement staff or any staff
17 are doing things completely opposite to what the rules say, with
18 reports or a few lines of words defaming someone internally to get
19 away with, the CEO has been negligent and has completely failed
20 corporate management. If death results, it's the crime of manslaughter.
21 It seems, death would eventually result, but after a long time. The
22 crime won't be consummated until a few years if not 10 years from
23 now.

24 34. This is not in any way an isolated event.

25 a) **twitter hosts porn. LOTS OF IT.** It's basically aiding and abetting
26 crime. **WHY? If a porn star fails their 2257 obligations** which is exactly



1 what Twitter promised through their child sex exploitation policy (zero
2 tolerance of child sex exploitation), which happens A LOT these days
3 with self-employed OnlyFans or JustforFans or similar site model,
4 which is an obligation applicable to all Americans shooting in America,
5 and an obligation for those who sell or make available to America
6 **(2257 says whoever and any person and does not limit**
7 **“whoever” and “any person” to the territorial scope of the USA;**
8 further, 18 USC 2251 and 2260 explicitly bans child porn (under 18s)
9 from overseas), **there is NO channel to report to twitter to shut**
10 **them down or delete the content with attachments, and they do**
11 **not act on reports by investigating or deleting any potential**
12 **child porn.** Twitter’s conduct is really malicious and
13 **oppressive: they promise to have zero tolerance and we’re**
14 **certainly not seeing that, and such is targeted at vulnerable**
15 **children.** They only are required to have a report channel and
16 investigate duly, which is not hard, and shut people down for lack of
17 records. They only need to investigate reports. They don’t have to have
18 a screening before posting. **The law isn’t tough on them but they**
19 **don’t care.** It is also highly worthy of mentioning that near all OF
20 porn models use twitter to promote their porn. It’s a huge ad site for
21 porn. This is a witness statement that every porn account with the
22 account holder’s own images promoted I’ve click into on twitter links to
23 OnlyFans. **Simply put, their utter disregard of potential child**
24 **pornography which is what their own child sex exploitation**
25 **policy obliges and is systemic,** in the context that California law
26 states California Civil Code section 1708 states “Every person is bound,

1 without contract, to abstain from injuring the person or property of
2 another, or infringing upon any of his or her rights.” The duty of care is
3 so strong that it is TEXTUAL law. This is additional egregiousness to
4 their conduct. **Additionally, they deliberately refuse their**
5 **promise to delete child pornography by refusing to investigate**
6 **when reported, which is what happened with my report—**
7 **ignored.**

8 b) The disaster with free speech where they pretend to operate under the
9 contract but in FACT is a criminal syndicate framing people for quotas
10 deleting things at complete random ain't in any way isolated. First of
11 all, I did appeal, so it was already approved by management such
12 conduct. AND, there is no personal feud between me and multiple
13 members of the enforcement team, in fact I don't even know who they
14 are, and they do not benefit from aiding him. **This is enough**
15 **evidence on the balance of probabilities that such conduct of**
16 **randomly deleting things for no reason at all and even**
17 **committing deliberate harm through such is what their whole**
18 **enforcement team follows.** Then, complaints about twitter removing
19 the wrong speech not in violation of the rules is ALL OVER THE
20 INTERNET, and even Congressmen have voiced concerns about
21 twitter's abuse, its incessant and absolutely inexcusable attacks on free
22 speech, namely speech that do not in any way break their OWN rules,
23 with an ulterior motive that matches the highest evils—treating other
24 people as just things, to a point that even deliberately aiding and
25 allowing the spread of a deadly virus did not even make them flinch
26 from the idea of quota and greed. White collar crimes are the worst



1 there are. **Himmler wore glasses.** Mass murder is only possible in a
2 white collar crime. The worse shooting kills 50. What about Stalin,
3 Himmler, and Tojo? What's the death count there? They're all white
4 collar. There are a certain amount of crimes that are only possible
5 through an order on paper. **No one else could allow HIV spread**
6 **targeted at the entire gay community and the planet the way**
7 **twitter did.** They're literally allowing him to hookup with
8 **countless other people bareback on twitter, when they know**
9 **for certain he has it.**

10 c) The law in California is explicit. It is explicit **TEXTUAL** law that
11 states California Civil Code section 1708 "Every person is bound,
12 without contract, to abstain from injuring the person or property of
13 another, or infringing upon any of his or her rights." This in no way is
14 a small factor. If you look at their terms of service, there is exclusion
15 clauses. Those are entirely irrelevant in this case for it does not claim
16 indirect or consequential loss per its legal definition, AND such losses
17 resulting from deliberate acts of fraud or breach are not subject to
18 exclusion per California Civil Code Section 1668. California in history
19 does give effect to some exclusion clauses, but none of those types have
20 relevance here in this case. **But this is not small. If the average**
21 **person were to write a contract, they wouldn't think of**
22 **exclusion clauses. And it is VERY clear from its surface that**
23 **their terms of service were written by lawyers. TWITTER**
24 **DOES HAVE IN HOUSE LAWYERS. In the context of having**
25 **in-house lawyers, and making billions of dollars of annual**
26 **gross profit (not revenue, profit), WHAT WAS the only**

1 possibility that could drive to them not having a channel for
2 you to write to them to express to them others' rights are being
3 infringed upon (duty of care)? Don't tell me they have a
4 physical address cuz I literally sent them a letter before action
5 and nothing was done at all. Ignored. No channel at all. WHAT
6 DOES THIS SAY? It says that twitter NEVER asked the lawyers
7 what obligations they have under law. The chapter section 1708
8 is in is literally named obligations under law. So they neither
9 asked their lawyers, nor did they open the freaking law and
10 read through the chapter that says obligations under law. So
11 what does this mean? Let me write a proper description: in
12 the context of neither opening and reading the law or asking
13 lawyers what obligations they have under the law, failing their
14 obligation by particular statutes to entirety, they had the
15 BALLS, THE BALLS to ask their lawyers to put in exclusion
16 clauses, meanwhile deliberately ignoring their obligations
17 under law. They do not care what the law obliges, but only
18 cares where the law may allow them to screw people in colorful
19 ways, such as their term of shutting down anybody for no
20 reason at all. BALLS. AUDACITY. COURAGE. BALLS. BALLS.
21 BALLS. They may as well rename themselves ball-tter. What
22 twitter? Testicleter. Cum-ter. Ugh, cumputer. There you go,
23 CUMPUTER. CUMPU-BIRD-ER. Cuz it's a bird right? The logo.
24 CUMPU-BIRD-ER. There you go, new name. Why don't you pay
25 me a billion dollars to thank me for the new name? Huh?
26 Absolutely egregious. Yah know what? I think the Guinness



1 World Record is DARINGLY corrupt. They should record that
2 twitter has the BIGGEST balls. Why don't they record that?
3 Huh? It's corruption I tell you, corruption. California civil
4 code 1668. *All contracts which have for their object, directly or*
5 *indirectly, to exempt any one from responsibility for his own*
6 *fraud, or willful injury to the person or property of another, or*
7 *violation of law, whether willful or negligent, are against the*
8 *policy of the law.* c) i) regardless of how you feel about DJT, the
9 45th POTUS, it is worthy of mentioning that even a president
10 can get shut down. **FOR WHAT? This is all relevant believe me.**
11 **DJT did not incite violence on twitter.** So he was shut down for
12 doing something OUTSIDE of conduct on twitter. AND I'm not
13 seeing an argument of duty of care whatevs. I ain't seeing it.
14 **They are essentially saying because he did something outside**
15 **of twitter he's dangerous.** And then, this is why I keep
16 reminding you don't get your hate towards Trump up, just
17 focus on the facts here, DJT Junior said what about a bunch of
18 other people FAR MORE DANGEROUS? The Taliban has
19 accounts on twitter when they LITERALLY ENSLAVE ALL
20 FEMALES. Not shut down. Fully operational. What about
21 Russia? Their foreign ministry goes on twitter AND SAYS
22 THEY HAD EVERY REASON TO GENOCIDE and it was all
23 FAIR AND SQUARE and basically Ukraine deserves the rape of
24 their human lives. Russia even bombed malls and dentist or
25 dental clinics, claiming they're all "military bases".
26 OPERATIONAL. And then, nobody, in the legal community,

1 again focus on the facts, thinks DJT can be charged. Why? He
2 didn't say go in. Rudy Giuliani said trial by combat. I didn't
3 listen to the whole speech so I don't know whether DJT said it
4 too but DJT DID NOT SAY go in. He wanted a protest. He did
5 not incite for insurrection or obstruction of Congress (what
6 they did was NOT insurrection and it shows us how corrupt the
7 feds are). So what cause did they have to shut DJT down? To
8 make whom happy? Remember, Russia has egregious conduct
9 both ON twitter and off twitter. Not shut down. JRBJ the
10 current president has the lowest poll for any president since
11 FDR, so for 90 years, 15 presidents, he has the lowest polls. And
12 that poll and report is from CNN. I mean this is enough to hold
13 him for treason (being against the American interest), why
14 doesn't twitter shut him down? There never was equity, or
15 equitable treatment, which is largely what the implied
16 covenant of good faith and fair dealing is all about. In all
17 essence, twitter treats all its customers as SLAVES, and claims
18 their business autonomy on their basic rights including
19 equitable treatment etc.. It's not even so much about free
20 speech now. This is a criminal syndicate that doesn't give a
21 flying damn about the law. They shut down anybody they want.
22 There's no consequence. They won't get sanctioned. The law is
23 not complex but it takes a smart guy and work and else. But
24 they don't do things because they're right, but they do things
25 because they can. Twitter's defense to allowing the Taliban and
26 Russia is that people need to know important decisions and policies



1 and important opinions, this is their world leader policy. But here's the
 2 problem: 75 million people voted for DJT in the 2020 election, which is
 3 significantly more than the amount of people that voted for Hillary
 4 Clinton in 2016, which, I understand he separated children from
 5 parents and attacked the asylum system, but it is clear that an amount
 6 more than his original voters either approve his presidency, or
 7 predicted how horrible the United States of America would be under
 8 Joseph Robinette Biden Junior. **So how does twitter plan to**
 9 **convince me or the judge or the jury that the Taliban or**
 10 **Russia's opinions would be more important than the voice of 75**
 11 **million Americans, when both the Taliban and Russia have**
 12 **their own websites, which DJT did not when twitter shut him**
 13 **down? Further, Donald did not commit actual violence and did**
 14 **not abet actual violence or whitewash violence when the**
 15 **Taliban did.** This company, in each and every way, is a criminal
 16 syndicate. In fact, Donald Trump tweeted "go home" that day is how
 17 much he did not abet violence.



Donald J. Trump ✓
 @realDonaldTrump

These are the things and events that happen when a
 sacred landslide election victory is so unceremoniously &
 viciously stripped away from great patriots who have
 been badly & unfairly treated for so long. Go home with
 love & in peace. Remember this day forever!



This claim of election fraud is disputed, and this Tweet can't be replied to,
 Retweeted, or liked due to a risk of violence

6:01 PM · Jan 6, 2021 · Twitter for iPhone

18

1 As congressman's speech states, the company's conduct of allowing
2 Taliban speech is also unique: **every other** social media company
3 (Facebook and YouTube) banned the Taliban for their propensity of
4 deep involvement in violence and violent plots against the United
5 States and rights to life in general. **Only twitter refused to ban the**
6 **Taliban, when the Taliban has done just so so much malice, but**
7 **they did ban Trump who did no violence. And most egregiously,**
8 **there was public outcry and they never regretted their**
9 **unlawful actions. Public outcry did not make them flinch.** The
10 implied covenant of good faith and fair dealing pretty much does not
11 exist with Twitter. The law, when they make so much profit, when they
12 have in-house lawyers, is somehow irrelevant to MUCH of the
13 company's operation. NOTE that a) they do have duty to shut down
14 the Taliban for their own contract (not tolerating harm or serious
15 disease to others) and per duty of care by California law, and b) they do
16 not have the right to shut down DJT for what he did was well under
17 their world leader policy and they thus did not have the right to shut
18 him down.

19 **d)** In terms of being fraudulent, the scam policy is not the lone fraud. I
20 kind of have to first talk about evidence standards. The civil court
21 evidence standard is the balance of probabilities. The closer something
22 is to common knowledge, the less evidence there is to prove it. For
23 example, I don't need evidence to prove the sky is blue. In this
24 particular case, when I testify that when I search on twitter I see X Y
25 and Z, two things are considered, i) twitter controls the evidence i.e.
26 they know what's on their site and adverse inference is used, ii) it is



1 not a pure personal experience where only one person witnessed it but
2 is a witness of something anyone can look up, so the credibility
3 automatically is higher. This also relates to the evidence of
4 Congressman's unsworn speech on twitter shutting down the former
5 president but not the Taliban, because it's very difficult to lie about
6 something anyone can look up, its credibility is automatically very
7 high. How strong or weak evidence is does not necessarily have to do
8 with how many pieces are there to prove the same thing. So those
9 pieces, seemingly hearsay (the rule on hearsay is not absolute and
10 hearsay can be admitted), are nonetheless highly credible. With that
11 said, let me move on to point d. Twitter's policy states they ban all
12 **discrimination based on sex or gender**. They did not limit such on
13 a "perceived weak" or "protected" or "underprivileged" group. They ban
14 hate speech against all groups based on sex. Anyone can do a simple
15 search on twitter, and you'd find a long list of misandry undeleted
16 untouched from both recent times and long times ago (showing they
17 truly systemically do not delete those). But misogyny is deleted very
18 quickly. Both misandry and misogyny fit their rules banning hate, but
19 they clearly delete one and almost completely ignore the other. Many
20 comments involve such as "men can't control themselves" and other
21 words suggesting men are purely rapists, and have natural urges, that
22 do not arise from disability, but the mere fact of their gender or natural
23 sex. Fact is, crime rate has been going down if you look at trends of the
24 past few decades. Another problem is that by and large only men are
25 capable of rape, even though the receiving person can rape the
26 penetrator too. So saying men cannot, because of their sex, control

1 themselves from rape, is like saying females cannot control themselves
2 from accidental pregnancies. The fact is rape and accidental
3 pregnancies are rare, though each is uniquely available to a certain
4 natural sex. So misandry of that nature is disgusting and wrong and
5 defamatory and indeed is discrimination. I search those key words
6 defaming men as men and I find many posts, and it's easy to find post
7 from long times ago, which shows they do not enforce the policies. I
8 appreciate twitter will "deny" this allegation, but they need to answer
9 the question, are they misandry on their site? And how much? And is
10 there more misandry than misogyny? So much so that one is
11 completely unregulated? If they come in and simply say they deny it
12 without adducing evidence, adverse inference is still available, because
13 an empty statement of that nature when they CAN indeed produce
14 evidence and control such ability to produce evidence is equivalent to
15 silence. I have searched on twitter and it's exactly as I say. There are
16 many complaints on the internet about the situation of misandry on
17 twitter, from entirely different people. So I think there is credible
18 evidence, even though it's hearsay. In those complaints, many people
19 state that they have browsed around twitter and they could hardly find
20 misogyny tweets for they were deleted. Misandry was systemically
21 allowed. This is yet another piece of fraud by false representation.
22 NAMELY, a search of "men are trash" will give you countless daily
23 results. This ALONE Theories directly and indirectly stating men
24 cause all society's problems are NEVER deleted, when you change the
25 word men to women, DISAPPEARance will happen. **This is a**
26 **company that is just here to defraud. There even are tweets**



1 **that state “all men are trash you cannot convince me**
2 **otherwise” untouched.**

3 e) There is the conduct of Twitter refusing to give Elon Musk data on fake
4 accounts which got him to pull the deal to purchase, which should be
5 seen as evidence against them that they deliberately allow fake
6 accounts.

7 **35.**In terms of punitive damages, 2013 Cal. App. LEXIS 583 (2013) affirms
8 that punitive damages are not limited to a single-digit ratio and that a
9 ratio of punitive to compensatory damages of 10-to-1, and perhaps
10 higher, falls within the maximum permitted under due process. The
11 California Supreme Court has found that ratios significantly greater
12 than 9 or 10-to-1 are suspect and may not pass constitutional muster
13 absent “special justification.” **So simply put, it’d normally be**
14 **capped at around 10 to 1, but is not limited to that if there is**
15 **special justification.**

16 **Special justification can of course be wide. I will list a few here.**

17 a) Twitter is a very profitable company. They have 7000 or 8000
18 employees, and they made, for the past few years, annual gross profit
19 (not revenue) of above 3,000 million dollars. This is some profit that is
20 just shocking. For example, Spotify has been losing money for years
21 and years and years and it’s really the angel investors running it as a
22 charity. Not every big and famous internet company runs such profit.
23 3,000,000 dollars divided by 8000 employees is 375,000 dollars per
24 year. **WHO MAKES THAT KINDA MONEY?**

25 **b) 5 million dollars divided by 3,000 million dollars is 0.16%. So I’m**
26 **granted 5 million dollars in punitive damages, that’s 0.16% of**

1 **twitter's annual gross profit (not revenue). And of course all**
2 **the issues we saw were systemic. That alone is special**
3 **justification.**

4 c) The CEO pay system, as much as I know, is not different from other
5 companies. The CEO does take a percentage cut from the profit, which
6 of course includes all the illegal profits. Namely, it was widely reported
7 that Jack has a beautiful beach house at 830 El Camino Del Mar, San
8 Francisco, CA 94121. **It's worth 32 million dollars according to**
9 **reports by the Sun. There is both exceptional circumstances**
10 **(special justification) to grant punitive damages against the**
11 **company, and against Jack Dorsey himself.**

12 d) The CEO had run the company from early 2010s until he resigned Nov
13 29, 2021. So they don't have the excuse a normal corp has, such as
14 being too big and hard to manage etc.. On March 28, 2011, he returned
15 to Twitter as executive chairman after Dick Costolo replaced Williams
16 as CEO. On June 10, 2015, Costolo announced his resignation as CEO,
17 effective July 1, 2015. Dorsey assumed the post of interim CEO upon
18 Costolo's departure. He was named permanent CEO on October 5,
19 2015. On the day after the controversy about Twitter's new algorithms
20 for tweets, Dorsey said it was a hoax. On October 16, 2008, Williams
21 took over as CEO, while Dorsey became chairman of the board. Evan
22 Williams, Biz Stone and Noah Glass co-founded Obvious Corporation,
23 which then spun off Twitter, Inc., with Dorsey as the Chief Executive
24 Officer (CEO). As CEO, Dorsey saw the startup through two rounds of
25 funding by venture capitalists. I wouldn't go as far as calling twitter a
26 one man company, but whatever darkness there is with their



1 enforcement team, he did see through it all.

2 e) Twitter is a special company. Anything they do is a form of abetting.

3 For example, when Apple removed the charger in box, Samsung and
4 other companies followed in removing the charger from box. This is the
5 power of an industry leader or head business of a business type.

6 Twitter was the only social media that Apple added the share feature
7 with. Later, share for other companies was added but initially the
8 share feature was twitter. Twitter has a certain degree of leadership in
9 the industry of social media. If they don't give a damn about duty of
10 care (not having a channel to report), it shan't surprise anybody that
11 other companies also under California law such as YouTube and
12 Google DO NOT have a channel to report duty of care, **which they do**
13 **not. This leadership role is clear from the size of their**
14 **company, the global outreach, the general notorious nature of**
15 **the company (how well-known they are). I think there is more**
16 **than enough to conclude that they have a degree of influence**
17 **LIKE NO OTHER.**

18 f) There was public outcry against Twitter's attacks on free speech, and
19 there was never any outcry that matched the outcry against Twitter.

20 And most specially, there is outcry from both sides. What twitter
21 has actually been doing is framing those with little to no followers,
22 cancelling their political opportunities, calling flyers sent to different
23 people harassment, when their own contract specifically says such is
24 NOT harassment or not permitted, AND meanwhile mostly enforce the
25 rules as they're written with the more famous and those with more
26 fans. However, even when they do this, they still end up breaching, just

1 not so egregiously with the ones with the most followers. It's like their
2 rules are more enforced, though still pervertedly, when there's some
3 public supervision, but not at all with individual users. The public
4 outcry twitter has been receiving is distinct and unique. Multiple
5 Congressmen had subpoenaed twitter officials to Congress and
6 told them to their face that there are complaints from
7 constituency about how they've attacked free speech.

8 g) The shutdown was appealed multiple times, and each time I stated
9 to them that **CLEARLY** the guy is spreading infectious disease
10 and the evidence very clearly shows this. They had such clear
11 deliberateness and intention to cause harm and to ruin lives. They
12 were told basically to their face the consequences they were causing,
13 and decided to go forward with it. This is on top of the fact that the
14 information they had upon initial shutdown was clear to the point of no
15 return.

16 h) The general systemic nature of it all as well pleaded with RICO is
17 another special justification.

18 i) This case involves **quite a few schemes**, NOT just one. They only
19 have 7,000 employees to manage. And you deduct the webmasters,
20 really a few thousand enforcement employees. How difficult could it
21 really be to manage a few thousand people? If every company can
22 violate rights in this fashion, Americans will have no rights left.
23 Remember, this is a manager colluding with a lower level person, only
24 a manager can review appeals. It was appealed. They managed the
25 company so horridly that the few thousand people they manage all
26 have malice? And they'll all do the opposite to what the contract says?



1 **Like I said, the enforcement team, to them, other people are**
2 **just things.** The fact is they don't care. They give out the rules, and
3 who cares if the enforcement team is subverting them. That's what it
4 is. And later, it turned of course from negligence to recklessness to
5 willful blindness which equals intention.

6 j) The consequences caused is very big. It's not comparable to other cases.
7 This is infectious disease spread and thus is very different from any
8 other case.

9 k) The 5 million Geico case also should be considered, though it's in a
10 different state.

11 36. The Missouri Geico case is interesting. The woman contacted STD and
12 got HPV in a car, and claimed car insurance. Geico denied the
13 insurance and then it went to an arbitrator. **The woman originally**
14 **claimed for 1 million dollars, and the arbitrator SAID NO, for**
15 **the dollar amount is too low and is not fair compensation for**
16 **the damages. The arbitrator boosted it to 5 million dollars.** This
17 case is in a different state, but it clearly shows that ONE transmission
18 of HPV would be around 5 million dollars. HPV is not nearly as scary
19 as HIV, and most importantly, HPV can be cured when HIV once
20 contacted never leaves the body.

21 37. By the time of trial, it'd be a few months more than a year from the
22 shutdown. I have graduated high school. The average annual wage for
23 any high school graduate in California is 30K to 50K. But the sheer
24 average is 51K in San Fransisco according to the internet. I am a
25 citizen of China. And from the time of the initial breach, I've always
26 been in China. Wages in China are much lower. I have 117/120 for

1 TOEFL, and 29/30 for reading, speaking, and writing English. I could
2 easily find an online job in California, without needing a US work visa.
3 And my wages would be higher than the sheer average for I can take a
4 translation job or a different job speaking 2 languages easily without
5 an issue. The credential of TOEFL is strong proof I'd likely get a job of
6 that nature. So I submit to court that my wage would be much higher
7 than the sheer average. The internet says a translator with no
8 experience with a high school degree is 65K per year, which would
9 actually be lower than mine for the average high school degree holder
10 wouldn't have 117/120 TOEFL score. I'll just calculate it conservatively
11 at 65K annual. So I lost ability to work thanks to Twitter's unlawful
12 refusal to shut him down, and it's 65K annual.

13 38. Before I move on to discussing punitive damages, I must again iterate
14 that there definitely has been HIV spread. He sleeps with an insane
15 amount of people—multiple weekly in 2021, and at least a new guy per
16 week for this year. It's hundreds of people he's slept with. So there
17 definitely has been at least a few cases of spread. **I also have to**
18 **stress the fact that twitter harmed someone already mildly and**
19 **moderately clinically depressed and anxious, so the damages in**
20 **emotional distress must be high.**

21 39. Punitive damages, according to laws of California, is weighed on 3
22 things, 1) How reprehensible the conduct is, 2) difference between
23 actual damage and potential damage, 3) damages in comparable cases.

24 1) in terms of reprehensibility, it's so big, so huge, so tremendous. It
25 honestly cannot be bigger, cannot be huger, cannot be more
26 tremendous. I mean the hugeness, it's just HUGE. Absolutely



1 egregious conduct with absolutely no room for forgiveness. All of
2 malice, oppression, and fraud exist. Fraud: nobody reads any duty of
3 care, no online channel physical letter before action ignored, never
4 intended to follow California law; on top of the fraud with the scam
5 policy, banning commercially-motivated scam scamming you on third
6 party websites, but not allowing you to put in attachments OR text—
7 never to be enforced. **Malice:** the HIV spread was targeted at the gay
8 community, to ruin lives, and was designed and targeted. They saw his
9 posts and knew clearly that he was spreading HIV with the platform's
10 help. Purely intentional tort. And the reckless endangerment with
11 2257 violations. And of course utter disregard of harms to me. Purely
12 egregious. Systemic too. So that's something. One ginormous thing to
13 consider in the defendant's reprehensibility is their attitude. They
14 state, in their contract, in plain English, that they cannot tolerate mere
15 threats to other people's or groups' health and wellness. **AND THEN,**
16 they themselves **DESIGN** an act to harm the whole world's health and
17 aid the spread of a deadly virus. **Oppression:** they in fact subjected
18 many people to unjust hardships. I should submit the legal opinion and
19 state that there is quite some overlapping between the definitions of
20 oppression and malice. And there was disregard to whatever hardship
21 they were subjecting me to. I will state more details in the next point,
22 but generally, the more of a policy something is, the more punitive
23 damages there would be available. **Their oppression is so**
24 **indiscriminate that even a former president was oppressed.**
25 **That's how wide their oppression is. Nothing will stop them, they**
26 **literally oppress everybody. And they did receive public**

1 outcry, from the literal United States Congress, many times too.
2 Congress basically harassingly told them that the American
3 people are sick and tired of their company's conduct removing
4 the wrong speech, and being completely unfair and arbitrary in
5 the so-called enforcement. So that is such subjective intention
6 purely reprehensible. Also, twitter has a complexly written
7 terms of service, which was clearly by a team of lawyers,
8 having access to a team of lawyers yet not having a channel to
9 report duty of care when California textual law explicitly
10 states so (civil code 1708) is pure insurrection. That malicious
11 insurrection needs also be considered and punished. Lastly,
12 twitter could reform at any point easily, given they make 3,000
13 million dollars of gross profit per year, yet only has 7,000
14 employees. All of this combined is the highest of the highest
15 reprehensibility. No other case compares to it.

16 2) Paragraph 14 of section III of this document discusses that there is a
17 lot of potential harm. Because he is so popular in the gay community,
18 and has almost half a million followers on twitter, there is quite a
19 chance him spreading the virus will circle around into my body. This
20 potential harm would mean fear for the rest of my life, including being
21 afraid to see guys and date guys etc.. It carries lifelong harm to me
22 namely emotional distress and stress. The potential harm can go as far
23 as actually spreading the virus to me. So the potential harm is very
24 big, huge, and tremendous, and is of millions of dollars.

25 3) The GEICO case is the comparable case and ONE count of non-deadly
26 STD spread is 5 million dollars. HIV is a deadly virus and cannot be



1 removed from your body once contacted. Naturally, the dollar amount
2 would be higher than 5 million dollars.

3 I should reiterate the definitions of what justifies punitive damages:

4 malice, oppression, or fraud. "Malice" means "conduct which is intended by
5 the defendant to cause injury to the plaintiff, or despicable conduct which
6 is carried on by the defendant with a willful and conscious disregard of the
7 rights or safety of others." (Civil Code, § 3294, subd. (c)(1))

8 "Oppression" means "despicable conduct that subjects a person to cruel
9 and unjust hardship in conscious disregard of that person's rights." (Civ.
10 Code, § 3294, subd.(c)(2).) Although malice requires a showing of willful
11 conscious disregard, "oppression" does not require willful behavior. (Major
12 v. Western Home Insurance Co. (2009) 169 Cal.App.4th 1197, 1225-1226.)

13 "Fraud" for purposes of a punitive damages award means "an intentional
14 misrepresentation, deceit, or concealment of a material fact known to the
15 defendant with the intention on the part of the defendant of thereby
16 depriving a person of property or legal rights or otherwise causing injury."
17 (Civ. Code, § 3294, subd. (c)(3).) Naturally, never intending to enforce a
18 contract also constitutes fraud.

19 40. *"The primary purposes of punitive damages are punishment and*
20 *deterrence of like conduct by the wrongdoer and others."* (Grimshaw v.
21 *Ford Motor Co. (1981) 119 Cal.App.3d 757, 810.) The Grimshaw Court*
22 *commented that punitive damages are "the most effective remedy" for*
23 *consumer protection against defectively designed mass produced*
24 *articles: Deterrence of 'objectionable corporate policies' serves one of the*
25 *principal purposes of Civil Code section 3294. Governmental safety*
26 *standards and the criminal law have failed to provide adequate*

1 *consumer protection against the manufacture and distribution of*
2 *defective products. Punitive damages thus remain as the most*
3 *effective remedy for consumer protection against defectively*
4 *designed mass produced articles. They provide a motive for*
5 *private individuals to enforce rules of law and enable them to*
6 *recoup the expenses of doing so which can be considerable and*
7 *not otherwise recoverable. We find no statutory impediments to the*
8 *application of Civil Code section 3294 to a strict products liability case*
9 *based on design defect. (Grimshaw v. Ford Motor Co., supra, at 119*
10 *Cal.App.3d 810.) As stated, the more of a policy it is, the more*
11 **punitive damages there will be available. Twitter’s conduct is**
12 **so purely systemic. AND they even oppress the President of the**
13 **United States of America. There’s nowhere they won’t go and**
14 **nothing they won’t do. There’s no limit to their conduct.**

15 41. This case doesn’t relate to “conclusory language.” All the facts used to
16 conclude their malice were facts RIGHT BEFORE THEM; in fact they
17 were what they acted upon. All consequences caused were intentional.

18 42. So and therefore, the following are claimed from the first defendant
19 Twitter Inc.:

20 a) injunction shutting down (permanent suspension) @troyejacobs or
21 whoever that is the account holder of that account on the date of this
22 complaint and forbidding the account holder from ever creating
23 another twitter account to evade the permanent shutdown. AND
24 injunction for the defendant to offer the plaintiff an effective method of
25 contact so that if @troyejacobs creates another account, he can be
26 reported and shut down immediately.



- 1 b) Injunction reinstating my account @lbch_walt
- 2 c) Actual damage of loss of right to property interest (ability to work)
- 3 65,000 dollars for one year, plus any time exceeding a year up to the
- 4 date of judgment or date they actually permanently shut him down and
- 5 make sure he is not allowed back with a new account calculated. With
- 6 the 3 months from November 2022 added, **the amount already**
- 7 **exceeds 75,000 dollars.**
- 8 d) Unspecified amount for emotional distress, noting that the distress was
- 9 caused to someone already clinically mildly and moderately depressed
- 10 and anxious. This should be at least 3 millions of dollars because a) the
- 11 length, the severity, etc, of the emotional harm and that it came with
- 12 medical diagnosis, b) the fact that I had been suicidal and self-harming
- 13 quite a few times due to the events, c) the further harm by Twitter's
- 14 counsel namely Kim Y Ng and Julie Erin Schwartz of firm Perkins
- 15 Coie LLP causing me problems of expense and pure waste of time, d)
- 16 Twitter's utter refusal to shut him down despite the first lawsuit,
- 17 which is such an egregious and deliberate attack on me, e) the nature
- 18 of the harm by AJB (abetting suicide).
- 19 e) Punitive damages of 8 million United States dollars.
- 20 43. Twitter is urged to immediately suspend his account and
- 21 gimme an email for contact so that he cannot simply register a
- 22 new account BEFORE court makes an injunction, for the
- 23 longer the illegality lasts, the more damages it would be.
- 24 Failure to do so will be considered by the Court as further
- 25 aggravation.

1 IV. Declaration

2 I declare under penalty of perjury under the laws of the United States of
3 America that the foregoing and all exhibits submitted or later submitted by
4 me are true and correct.

5 (In accordance with 28 U.S. Code § 1746)

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Taiming Zhang, Plaintiff



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