

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DR. SHIVA AYYADURAI,)	
Plaintiff,)	
)	
v.)	C.A. No. 1:20-11889-MLW
)	
WILLIAM FRANCIS GALVIN,)	
MICHELLE K. TASSINARI,)	
DEBRA O'MALLEY,)	
AMY COHEN,)	
NATIONAL ASSOCIATION OF STATE)	
ELECTION DIRECTORS,)	
all in their individual)	
capacities, and)	
WILLIAM FRANCIS GALVIN, in his)	
official capacity as the)	
Secretary of the Commonwealth)	
of Massachusetts,)	
Defendants.)	

MEMORANDUM AND ORDER

WOLF, D.J.

June 16, 2021

For the reasons discussed at the June 15, 2021 hearing, it is hereby ORDERED that:

1. The parties and non-party Twitter, Inc. ("Twitter") shall confer and, by June 24, 2021, report on whether they have reached agreement on any of the issues discussed at the June 15, 2021 hearing, including whether the court should address the plaintiff's revised Complaint on a motion for leave to amend or a motion to dismiss.

2. By July 15, 2021, plaintiff shall file a revised Complaint, or a motion for leave to amend his current Complaint, or, if necessary and appropriate, both. He shall also then file

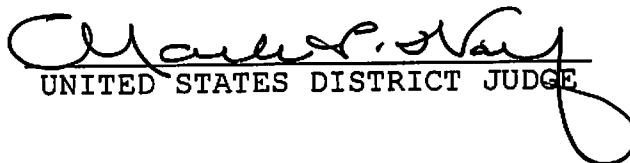
a description of the discovery he will seek if he amends, or is allowed to amend, his Complaint, and his revised Complaint is not dismissed. In addition, plaintiff shall, by July 15, 2021, file a memorandum of law addressing, at least: (a) whether the exception to Eleventh Amendment sovereign immunity recognized by the Supreme Court of the United States in Ex parte Young, 209 U.S. 123 (1908) applies to his claims; and (b) whether Twitter is a necessary or indispensable party under Rule 19 of the Federal Rules of Civil Procedure. If plaintiff continues to allege claims for monetary damages against defendants in their individual capacities, he shall also address: (c) whether the court has personal jurisdiction concerning defendant Amy Cohen; and (d) whether the claims against the defendants individually should be dismissed due to qualified immunity.

3. Defendants and Twitter shall, by July 30, 2021, respond to the revised Complaint, or to any motion to file it.

4. Plaintiff shall file any reply by August 11, 2021.

5. A hearing on pending motions shall commence on August 25, 2021, at 9:30 am, and continue on August 26 and 27, 2021, if necessary.

6. The parties and Twitter shall order the transcript of the June 15, 2021 hearing.


UNITED STATES DISTRICT JUDGE