

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION \_\_\_\_\_

RIAN WATERS,  
**Plaintiff**

FACEBOOK INC.  
GOOGLE LLC.  
OFFICER JEREMY HALEY,  
AIDAN KEARNEY,  
KATHERINE PETER  
SPRINGFIELD POLICE,  
DR. MARTHA SMITH-BLACKMORE,  
WILLIAM HIGGINS,  
MAURA HEALEY,  
JOHN DOES 1-10  
**Defendants**

**FILED**  
**IN CLERKS OFFICE**  
2020 OCT 26 PM 3: 54  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

**VERIFIED COMPLAINT**

**I PRELIMINARY STATEMENT:**

1 This action is to stop an effective conspiracy by which hundreds of citizens including myself have been deprived of due process and equal protection of the laws because of our willingness to stand for social justice. Aidan Kearney brags that he has loyal followers in every police department in Massachusetts that send him stories. Aidan Kearney then uses his weaponized public shaming device to harass

and cause severe emotional distress to the suspects and anyone willing to be their exculpatory witnesses. Aidan Kearney has committed a garden variety of criminal acts to obstruct my civil case against him, but because of Aidan Kearney's symbiotic relationship with law enforcement the police have refused to protect me according to the standing laws. My witnesses were silenced, the courts were impotent, the laws were annulled, the real criminals went free, while I exhausted all available remedies for redress in vain. This condition of affairs is pervasive throughout Massachusetts, and gravely impacts the entire world. Both Facebook and YouTube have policies that could have, and should have prevented such serious harm, but they profit too much money allowing witness intimidation and constitutional violations to go unpunished.

## **II. JURISDICTION AND VENUE**

2 This Court has jurisdiction over this action as it involves 42 U.S.C. § 1983, 42 U.S.C. § 1985, and 42 U.S.C. § 1986.

3 Venue is proper in this Court, as the underlying court case and many of the events that gave rise to this action occurred in Springfield Massachusetts, most of the parties are from Massachusetts, and the case will require some interpretation of the Massachusetts constitution.

### **III. PARTIES**

4 Plaintiff Rian Waters (“I/me”) is a resident of Hampden County, Massachusetts.

5 Defendant Facebook INC (“Facebook”) headquarters is in San Mateo County California. Facebook operates the largest social media platform in the world.

6 Defendant Google LLC (“YouTube”) headquarters is in Santa Clara County California. Google LLC is listed as the service provider for YouTube.

7 Defendant Aidan Kearney is a resident of Jefferson MA. Aidan Kearney is the sole owner and manager of Turtleboy Sports. (“TS”).

8 Defendant Katherine Peter is a resident of North Attleboro MA. At all times relevant to this complaint Katherine was a writer for Aidan Kearney.

9 Defendant Jeremy Haley (“Officer Haley”) is an officer of the Palmer Police Department.

10 Defendant Dr. Martha Smith-Blackmore (“Dr. MSB”), is a resident of Weymouth MA. Dr. MSB is president of Forensic Veterinary Investigations, LLC. She was contracted by the state to do a necropsy on my dog and is being sued as a state agent.

11 Defendant William Higgins was my public defender and is being sued in his personal capacity.

12 Defendant Jim Dalton, is a Lieutenant of the Massachusetts State police Troop  
B.

13 Defendant Maura Healey (the "Attorney General") is sued in her capacity as  
Attorney General of the Commonwealth of Massachusetts, pursuant to G.L. c. 12, §  
3

14 John Does 1-10 are unknown conspirators that either shared official  
information with Aidan Kearney or threatened me on Facebook.

#### **IV. STATEMENT OF FACTS**

##### **A. Facebook**

15 Facebook states that the purpose of their Terms of Service is to make our  
community safer and more accountable.

16 Facebook's Terms of Service require it's users;

- a. Use the same name that you use in everyday life.
- b. Create only one account (your own)
- c. use your timeline for personal purposes.
- d. Not share your password, give access to your Facebook account to  
others, or transfer your account to anyone else (without our  
permission).

17 Aidan Kearney uses the following personal Facebook accounts for commercial public shaming; “Clarence Woods Emerson”, “Uncle Turtleboy - Aidan Kearney”, and “Terrance Collie”

18 Aidan Kearney has argued in multiple court cases including 1879CV00344 that he is not liable for the posts on his Facebook accounts because he has given out his passwords to too many people.

19 Facebook’s Terms of Service state that you cannot use Facebook if: “We’ve previously disabled your account for violations of our Terms or Policies.”

20 Aidan Kearney claims that Facebook has disabled over 30 of his accounts.

21 Facebook says that you may not use their product to do or share anything;

- a. That violates these Terms, our Community Standards, and other terms and policies that apply to your use of Facebook.
- b. That is unlawful, misleading, discriminatory or fraudulent.
- c. That infringes or violates someone else's rights.

22 Facebook does not provide any method to explain why/how something is unlawful, discriminatory, or violating your rights.

23 Aidan Kearney publishes a link to his YouTube videos on all his Facebook accounts at the start of each episode.

24 Facebook allows users to watch YouTube videos without leaving TS’s Facebook pages.

25 Facebook released a study into emotional contagion in 2014 (Kramer et al., 2014) where for one week in 2012 they manipulated the News Feeds of 689,003 Facebook users, half of these participants had some negative stories posted by their friends removed from their News feeds, and the other half had some positive stories removed. The study showed that the general tone of content that people are exposed to on Facebook has a powerful effect on their mood.

26 While users own the content and information on Facebook and are free to post what they wish, Facebook gleans information from that content. User content and the data gleaned from user content have materially different functions and are not analogous. The former is used for communication between users while the latter is used by Facebook to conduct its business of creating engaged users and selling their attention to advertisers. The processing that goes into each users' newsfeed is the result of behavioral analysis conducted on the user and the users' network. This aggregated information is then applied to the personalized information of users to create the highest engagement rate.

27 Facebook has willingly implementing a system in which it does not screen for the identity of third-party users who post illegal or offensive content on its website.

28 I used all of the available methods to report the Turtleboy Sports profiles, I reported the most obstructive posts, and I know people that reported every Turtleboy

Facebook released a study into emotional contagion in 2014 (Kramer et al.,

2014) where for one week in 2012 they manipulated the News Feeds of 689,001

Facebook users, half of these participants had some negative stories posted by their

friends removed from their News Feeds and the other half had some positive stories

removed. The study showed that the general tone of content that people are exposed

to on Facebook has a powerful effect on their mood.

While users on the internet and in particular on Facebook and other social

networking sites, Facebook streams information from their content, user content and

the data generated from their content have materially different functions and are not

analogous. The former is used for communication between users while the latter is

used by Facebook to conduct its business of creating engaged users and selling their

attention to advertisers. The processing that goes into each aspect, revealed in the

result of behavioral analysis conducted on the user and the user's network. This

aggregated information is then applied to the personalized information of users to

create the highest engagement rate.

Facebook has widely implemented a system in which it does not store the

identity of third party users who click for offensive content on its website.

I used all of the available methods to report on the Facebook profiles I

visited the most offensive posts and I know people who reported every Facebook

Sports post, but Facebook has never completely removed Turtleboy Sports from their platform, or even brought them down to a single profile.

**B. Aidan Kearney's Wiretapping**

29 On January 9th, 2019, Kathrine Peter was sitting next to Aidan Kearney and witnessed him secretly record video and take pictures of me in the courtroom.

30 On June 23rd, 2019, Aidan Kearney sent the pictures and recordings from the court hearings to a woman in Illinois named Michelle Olson, and asked her to post them in the comment section of his Facebook page, so that he could use them without the pictures being traced back to him.

31 You can see Katherine Peter's leg in one of Aidan Kearney's photos, and Aidan Kearney wrote in a message to Michelle Olson that Katherine's leg is sexy.

32 After Michelle posted one of the pictures, Aidan Kearney republished the picture in a blog.

33 On February 25th, 2020, I went to the Springfield police station and talked to Officer Hernandez about the wiretapping. Officer Hernandez told me he had already talked to Michelle about it, and he said Springfield Police do not pursue perjury, wiretapping, or civil witness intimidation charges. He suggested I file another civil complaint.



ports most, but Westbrook has never completely returned to his former glory.

in platform, or even brought them down to a single profile.

Aidan Kearney's Wikipedia

On January 9th 2019, Aidan Kearney was sitting next to Aidan Kearney and

witnessed him speak, heard who can take pictures of him in the courtroom.

On June 23rd, 2019, Aidan Kearney sent the pictures and recordings from the

court hearings to a woman in Illinois named Michelle Brown and asked her to post

them in the comment section of his Facebook page, so that he could see them with an

the pictures being in the back of mind.

You can see Kearney's leg in one of Aidan Kearney's photos, and

Aidan Kearney wrote in a message to Michelle Brown that Kearney's leg is sexy.

After Michelle posted one of the pictures, Aidan Kearney reposted the

picture in a blog.

On February 23rd, 2020, I went to the Springfield police station and talked to

Officer Hernandez about the workshop. Officer Hernandez told me he had already

talked to Michelle about it and he said Springfield Police do not pursue jewelry

workshops, but if it weren't for the workshop, it's suggested, the weather civil

is planned.

**C. Witness intimidation**

34 In the first 90 seconds of Aidan Kearney’s August 8, 2019 speech, titled “Turtleboy is a wartime conservative” Aidan Kearney described TS as a blog that has “weaponized public shaming, and used it as a deterrent to ratchet public behavior.”

35 On 2/12/2020, Aidan Kearney said he was not being hyperbolic when he said he would rather die or go to jail then censor his speech because of a court order.

36 Aidan Kearney uses a virtual private network and a “plethora” of fake Facebook profiles to hide his internet activities, and he encourages his followers to do the same.

37 Aidan Kearney’s followers have sent me threatening messages via Facebook messenger after almost every blog.

38 Katherine Peter published a harassing article about me on January 4th, 2019, which was five days before a hearing for 1879CV00344. The article was published on TS’s website and Facebook accounts, which instigated several of their followers to send threats of violence.

39 On January 4th, 2019 the primary personal Facebook account that Aidan Kearney uses for his business liked the following threats;

- a. “Hey pornstash, Make me Joe Doe #11. If I find your \*ss you’ll be sorry. Luckily the poker community is small. You’ll remember Mike when he makes your teeth even more f\*cked up! Pussy b\*tch!”
- b. “Ppl like u make me wish that we can do a legit purge! Ya \*ss wud be snipped with the quickness. When this blows up in ur face I hope u truly hide cuz u got a sh\*tload of angry ppl now that aint happy with u n are actually bout that life wear bums woman beaters like u get karma...”

40 Motion hearings were scheduled for 1879CV00344 on 11/20/2018, 01/09/2019, 01/15/2019, 01/17/2019, and 02/19/2019

41 Turtleboy Sports published articles about me on, but not limited to 01/04/2019, 01/07/2019, 01/08/2019, and 02/13/2019

42 Three of Turtleboy Sports’s Facebook pages were suspended by Facebook in January 2019, because Facebook considered his posts written about me to be harassment/bullying.

43 On November 11th, 2018, Aidan Kearney stated on YouTube that he was going to murder me with words.

44 On September 26th, 2019, Aidan Kearney explained on YouTube what he meant by murder him with words. “It’s not actually murder, it’s figurative. And we have killed him with words, our words have destroyed and exposed this man, as it should be. Rian Waters deserves to die destitute, obviously he should die of whatever

causes.... But certainly, the day Rian Waters dies it will be such a great day, and I wanted him to know that... the day you take your last breath will be a great day for everyone... If you die tomorrow, oh my god, we would throw a party dude, and the best part is no one will miss you...”

45 Michael Gaffney was relentlessly harassed by TS after he filled out an affidavit for 1879CV00344 showing that Aidan Kearney routinely flouted rule 12a.

46 A writer for TS named Katherine Peter created several harassing images that took Michael Gaffney’s face, and my face from our Facebook accounts, and placed them over gay porn images.

47 The first time I noticed the harassing images they were published using fake names in TS’s Facebook comment section, and then on January 13th, 2019, February 3rd 2019, and August 8, 2020 the images were published on TurtleboySports.com.

48 On August 8, 2020 the harassing porn images were published on YouTube, and consequently Facebook.

49 The first comment on TS’s 02/13/2019 article says, “I would love to slaughter Rian’s entire family down to the child.” Katherine Peter responded to the next comment showing that she was aware of the above threat.

50 Another comment on TS’s 02/13/2018 article stated that I lived in Hayfork CA, and said “I’m sure somebody knows somebody that is from around there that can verify who loves dogs and beating scumtwunts like this one within an inch of

their lives.” This threat was particularly threatening, as Hayfork is a rural mountain town with no phone service and all of the most powerful criminal organizations including some hate groups.

51 On June 23rd, 2019, Aidan Kearney hosted a show on YouTube, after discussing 1879CV00344, Aidan Kearney said “If you f\*ck with me in court you will be made an example of, I’m going to ruin your life... and I’m a vindictive f\*ck too, I’m the guy that can be very friendly to you, and be nice. But if you poke me I am going to ruin you, I dream, I get f\*cking hard over it right, I cum to it, when I think about, literally I bust a f\*cking load thinking about punishing you. So please bring it on, I really enjoy it.”

52 On or about July 11th 2019 Aidan Kearney hosted a show online using YouTube, and while talking about me he said “you’re never going to get a job again, you can’t, I agree with you on that, and you shouldn’t because any company that hires you we’re going to find them, we’re going to let them know who you are, and who hired you” (39:54)

53 On January 25th 2020, four days after the case was docketed in the appeals court, Aidan Kearney hosted an online show using YouTube, where he spent several minutes telling his followers that he thinks I am pure evil, and he said it’s a fact that the world will be a better place without me in it. He then showed pictures of the

house that I have been using for an address, read my address and phone number out loud, and tried calling me.

54 On January 23rd, 2019, my old roommate contacted Turtleboy Sports, and asked that they take her address off their website for safety concerns. Aidan Kearney said that you do not let people use your address to sue him unless you want your sh\*t blown up.

55 On or about March 2019 I reported the criminal violations to the Springfield Police ("SP"). (19-3551-OF)

56 The first SP officers I spoke with were very rude and claimed that civil witnesses are not protected by the witness intimidation law (GL ch 268 S 13B.) I showed and tried handing them a printed copy of the law from lexis, but the officer refused it and said that plaintiffs are not considered witnesses.

57 I insisted the SP file a report anyway, and two hours later a nice officer took my report. The next morning a sergeant told me on the phone that he closed the case because he did not believe Springfield had jurisdiction, and he told me his decision was final.

58 On February 25th, 2020, I listed all the intimidating events that had taken place to Officer Hernandez and told him that the violations made it too dangerous for me to have witnesses.

59 Officer Hernandez told me that the Springfield Police do not pursue perjury, wiretapping, or civil witness intimidation charges. He suggested I file another civil complaint.

60 At the end of Katherine's 02/13/2019 article, she listed the phone number to the District Attorney's office in Palmer and encouraged her readers to call and try to get the DA to open charges against me.

#### **D. Aidan Kearney's Perjury**

61 While answering interrogatories for 1879CV00344, Aidan Kearney swore under penalties of perjury that he was not the one that wrote the 1/6/2017 article about me.

62 On July 14th, 2020 Aidan Kearney admitted that he was the one that wrote the 1/6/2017 article about me, and he said he wrote several blogs about me.

63 On September 24th, 2018 Aidan Kearney signed an affidavit for a motion in 1879cv00344, on ¶ 3 Aidan claimed that "following service of the complaint I received numerous emails from the named Plaintiff attempting to extort money in lieu of proceeding with the complaint."

64 The email communication after the complaint was served started with me asking Aidan not to message my Facebook account anymore, and then Aidan asking me if I wanted to settle.

65 Aidan's September 24, 2018 perjury is a material matter because it was his excuse for flouting rule 12a.

**E. The Genesis**

66 On December 31 2016, Samantha Cardin stole a massive amount of money from me, and made false allegations that got Officer Jeremy Healy to arrest me for animal cruelty and assault and battery.

67 On December 31, 2016 Officer Jeremy Haley went to my friend's door and asked if I was there. I asked Officer Jeremy Haley what the charges were, and after he told me, I said "that's f\*cked up."

68 In Officer Jeremy Haley's narrative, he claimed I said "I know I f\*cked up."

69 Officer Jeremy Healy stole approximately \$300 in twenty-dollar bills from one of my pockets when he arrested me, notably he let me keep the \$2,000 in hundred-dollar bills in the other pocket.

70 On January 6, 2017, TS published an article repeating Samantha Cardin's criminal allegations on their website and Facebook accounts.

71 On January 6, 2017 I started receiving threats of physical harm and death on Facebook.

72 Five of Samantha Cardin's neighbors saw me carrying our 80lb mastiff puppy across the street on December 30th indicating that our dog's injury happened before 12/31/16.



73 None of Samantha Cardin's neighbors were willing to talk to the private investigator that my attorney sent a month after the incident.

74 On or about 2/14/2017, Samantha Cardin told private investigator Keith Walker that there was never a metal cabinet in her kitchen, and that therefore I was lying.

75 I sent Defendant William Higgins a picture of a metal cabinet in Samantha Cardin's kitchen, that was taken on 12/18/2016 with metadata.

76 Defendant William Higgins did not give the investigators notes with Samantha Cardin to my paid lawyer and has since refused to give them to me because of work-product doctrine.

77 On February 7, 2018, the criminal charges against me were dropped for failure to prosecute.

78 When the criminal case was dismissed, I offered to show TS evidence of my innocence, but they refused.

79 In May 2018 I sued Aidan Kearney and his companies for libel, slander, and intentional infliction of emotional distress.

**F. Lt. Jim Dalton**

80 On March 7<sup>th</sup>, 2019 I went to the third floor Hampden County district attorney's office and peacefully complained to an ADA about how the harassment was intimidating witnesses and obstructing my case. As soon as I started talking

about Defendant Jeremy Haley's misconduct, Defendant Lt. Jim Dalton entered the room from the DA's office. He calmly asked my name and told me that he was aware of how hateful and damaging Turtleboy Sports can be. Lt. Jim Dalton then said "let's take care of this downstairs," and on the way down the elevator Lt. Jim Dalton asked when the next court hearing was and told me that he would make sure the harassment stopped. When we got close to the first floor DA's office, I was surprised to be led to the exit of the building instead of the first floor DA's office. Lt. Jim Dalton's last words being, "good luck, we will take care of this." I had planned on doing more work in the law library that day, but I was very confused, and it felt like I had just been kicked out.

81 Defendant Lt. Jim Dalton never did anything to stop Aidan Kearney's harassment.

82 On January 2nd, 2020 I calmly asked Defendant Lt. Jim Dalton his name on the first floor of the courthouse, and he told me "Get the f\*ck away from me." I asked why and noted that I was not doing anything wrong. Defendant Lt. Jim Dalton then said, "Get the f\*ck away, or I will arrest you." I walked away confused and afraid.

83 I then complained about Lt. Jim Dalton's behavior in the DA's office and asked for his name. The DA's office refused to help me, but later a member of the

government informed me of Defendant Lt. Jim Dalton's name, and suggested I file a criminal complaint against Aidan Kearney in a different county.

**G. DR. Martha Smith-Blackmore, Officer Jeremy Haley, and John Does**

84 Dr. MSB and Aidan Kearney sent and received several emails discussing the criminal allegations against me.

85 Aidan Kearney used Dr. MSB's opinions and emails as evidence against me on his public shaming blog, and during a court hearing on 9/25/2019.

86 Officer Haley sent and received emails with Aidan Kearney discussing the criminal allegations against me.

87 When discussing 1879CV00344, Aidan Kearney said on his recorded online show "we all know you killed your dog, the police say you did it, the vet says you did it."

**H. Damages**

88 I have been diagnosed with Adjustment Disorder. Aidan Kearney's articles have been identified as the cause and stressor of the disorder.

89 I have been going to therapy since October 2018.

90 In June 2020, I started suffering with and was diagnosed with Gerd as a result of the Adjustment Disorder's symptoms. I can no longer eat mandarin oranges or drink moderate amounts of fruit juice.

91 I have not been able to have public posts on my Facebook page since January 2019, because every time I have Facebook sent the degrading ceremonies to my friends and family.

92 It became too dangerous for me to present evidence or name witnesses in civil case 1879CV00344, and I lost the ability to make strong written and oral arguments. The result is I suffered a humiliating loss by summary judgment.

93 The Defendants have made it too dangerous to get a job, not only would I fear for the business's reputation, but I would be afraid to go home after work.

94 I have had to deal with real word altercations and threats in Palmer and Springfield because of the TS articles. I have been too afraid to seek help from the police because of the actions of the police defendants.

## **V. STATEMENT OF CLAIMS**

### **COUNT I: 42 U.S.C. § 1985(2) WITNESS INTIMIDATION/ OBSTRUCTION**

**Facebook, Google LLC, Aidan Kearney, Katherine Peter**

95 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

96 Black lives matter activists, LGBTQ activists, and people who speak out about police misconduct are the primary targets of Aidan Kearney's public shaming. Aidan Kearney labels this class of people as "Social Justice Warriors"

97 Aidan Kearney discriminated against me because I was arrested, because I am intelligent, and because I exercised my first amendment right making statements showing my disapproval of the Ludlow and Palmer police.

98 The wiretapping violations helped obstruct civil case 1879CV00344 by showing witnesses that they would be shamed if they helped me, and that the police would not protect them.

99 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT II: 42 U.S.C. § 1985 (3) CONSPIRE TO INJURE BECAUSE I EXERCISED MY FIRST AMENDMENT RIGHT.**

**Aidan Kearney, Katherine Peter, Facebook, Google LLC**

100 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

101 Aidan Kearney and Katherine Peter went in disguise on Facebook to punish me for exercising my first amendment right, and to deter or interfere with future expressions.

102 Aidan Kearney and Katherine Peter went in disguise on Facebook so that they could interfere with my right to be fairly heard in court with conformity to the laws.

103 Facebook was aware of the effect severe harassment has on peoples emotional and physical well-being, yet Facebook does not provide citizens any method to remedy or notify them about the details of violations to rights or laws.

104 Facebook profited off ad revenue by sending invites to the degrading ceremonies to everyone the algorithms thought might be interested.

105 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT III: PROCEDURAL DUE PROCESS VIOLATIONS 42 U.S.C. § 1983  
14<sup>TH</sup> AMENDMENT Aidan Kearney, Jeremy Haley, Dr. Martha Smith-  
Blackmore, John Does 1-10**

106 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

107 The state should be responsible for the private actions of Aidan Kearney, and Katherine Peter, because the state has been routinely sending them official information, and has provided significant encouragement, both overt and covert.

108 The 14th Amendment States in part “nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

109 TS intimidated witnesses from providing exculpatory evidence in my criminal case violating my 14th amendment due process rights.

110 Dr MSB, Officer Haley, and at least one John doe violated my due process rights after the criminal case was over by sending official information to Aidan Kearney.

111 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT IV: M.G.L. Ch. 12, §§ 11I VIOLATIONS OF ARTICLE XII OF THE MASS. DECLARATION OF RIGHTS, AIDAN KEARNEY, KATHERINE PETER, FACEBOOK, GOOGLE LLC**

112 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

113 Article XII says in part “No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs, that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defense by himself, or his council at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.”

114 The defendants despoiled me of my right to earn a living, exiled me, and put me out of protection of the law.

115 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT V: 42 U.S.C. § 1983 EIGHTH AMENDMENT VIOLATIONS.**

**Aidan Kearney, Katherine Peter, Facebook, YouTube.**

116 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

117 In the following paragraphs, references to the Eighth Amendment include the Eighth Amendment as applied to the states through the Fourteenth Amendment.

118 Police and state agents should not be allowed to bypass the constitutional restraints of Article XII and the Eighth Amendment by sending official information to a public shaming blog.

119 Being publicly accused of heinous crimes in an unfair manner and having to endure hundreds of threats and degrading comments in the presence of friends and family is cruel and unusual punishment.

120 Aidan Kearney and Katherine Peter were the primary publishers of most of the offending content,



121 Facebook's algorithms materially contributed to the development and sting of the offending content by sending several of my friends and family links to the degrading ceremonies in their Facebook notifications tab and news feeds.

122 YouTube's algorithms materially contributed to the development and sting of the offending content by suggesting the offending videos to radicalized users that liked similar content.

123 When state agents and Police officers discussed my criminal case with TS, it not only provided TS with "evidence" to harass me with, but for TS followers it helped legitimize the use of mob justice and public shaming against me.

124 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT VI: 42 U.S.C. § 1986 NEGLECT TO PREVENT.**

**Facebook, YouTube, Lt. Jim Dalton**

125 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

126 LT. Jim Dalton knew that TS was going to use intimidation to obstruct 1879CV00344, and he gave me the false impression that he was going to stop it.

127 Facebook received hundreds of reports that Aidan Kearney's profiles were in violation of their terms of service, and Facebook acquiesced to those violations by allowing the Defendant to continue violating their rules.

128 On December 17<sup>th</sup>, 2019 YouTube did not have a way to inform them that a video was violating your rights, but they added that feature in the last year.

129 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT VII: 42 U.S.C. § 1983 STATE CREATED DANGER**

**Springfield Police.**

130 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

131 The Springfield Police claim to have a policy denying jurisdiction to crimes obstructing cases in the Hampden County Superior Court.

132 The Springfield Police claim that they have a policy of categorically refusing to investigate civil witness intimidation, perjury, and wiretapping.

133 I believe the Springfield police lied to me about their policies, and I believe they really have a custom of granting Aidan Kearney Good Ole Boy protection.

134 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

**COUNT VIII: M.G.L. ch. 12, §§ 11I STATE CREATED DANGER**

**LT. Jim Dalton.**

135 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

136 I was more vulnerable to attacks from the other Defendants because of LT. Jim Dalton's actions.

137 For a short period of time LT. Jim Dalton's actions gave me a false sense of security, but when he did not help me it made me more hopeless and depressed.

138 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

### **COUNT IX: INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS**

**Aidan Kearney, Katherine Peter, Facebook, Google LLC**

139 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

140 This count serves as an alternative to count V if State action is not found.

141 Aidan Kearney and Katherine Peter acted out of malice.

142 As a proximate result of the defendants' actions, I was damaged and continue to be damaged.

### **COUNT X: MALPRACTICE**

**William Higgins**

143 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

144 William Higgins withheld the best available exculpatory evidence from my paid attorney violating my due process rights.

145 As a result of the defendant's actions, I was damaged.

**COUNT XI: 28 U.S.C. § 2201 Declaratory Judgment**

146 Plaintiff restates and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

147 The Plaintiff is entitled to a declaration that it is unconstitutional for police and state agents to discuss official business with a weaponized public shaming blog.

148 The Plaintiff is entitled to a declaration that it is unconstitutional for a public defender not to give the best available evidence to a paid attorney taking over the case.

149 These declarations will help resolve issues with the Department of Children and Families, and it will be critical for me to seek custody of my daughter.

**VI. PRAYER FOR RELIEF**

WHEREFORE, I request that this Court enter the following;

1. An Order of this Court advancing this cause on its calendar and granting a speedy hearing thereof.
2. Enter a Declaratory Judgment making the requested declarations.
3. A Permanent Injunction the Court deems fit.
4. Enter judgment against the Defendants for compensatory damages.
5. Enter judgment against the Defendants for punitive damages.
6. Award such other relief as is appropriate under the circumstances.

## VII. VERIFICATION

I, Rian Waters, hereby declare under the pains and penalties of perjury that the factual allegations contained in this Verified Complaint are true and accurate to the best of my knowledge, information, and belief, on this 23rd day of October 2020.



Filed Pro Se by Rian Waters  10/23/2020

[WatersRian@gmail.com](mailto:WatersRian@gmail.com) (530) 739-8951

199 Allen ST. E. Longmeadow 01028 (not the best address, I will update when we find a safe way to do so)