

8/15/2014

Martrek D. Wingo
4194 Evening Star Cove
Memphis, Tn 38125
Twitter: <https://twitter.com/MartrekWingo>
(901) 210-6367
martrekwingo@yahoo.com

RECEIVED

AUG 20 2014

**CLERK, U.S. DIST. COURT
WESTERN DIST. OF TENN**

Vs.

Twitter, Inc
1355 Market Street
Suite 900
San Francisco, CA 94103
USA

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My Personal Complaint against Twitter

Complaint: I almost lost my life due to respiratory shock while using twitter. I am suing Twitter, Inc for a personal injury I Martrek D. Wingo suffered and the emotional distress and mental anguish before, during, and after my personal injury.

Twitter does not protect individual twitter account users on their website from disturbing content on their page the way they should and could.

On August 8, 2014 a person linked themselves to my page through a retweet feature and from their page shows someone who appears to have a fantasy or reality semi hidden murder suicide plot to harm a celebrity singer and it's linked to my account from a retweet association that shows up on his page.

I also had an earlier incident June 6, of 2014 (see incident page) but this additional incident mentioned above that occurred on August 8, 2014 caused me so much shock that I passed out hitting the side of my mouth, and broke off my back left wisdom tooth that was swallowed. A broken tooth swallowed in a passed out semi consciousness state can result in death. Not just preventing me from lifetime earnings. It could have prevented me from life.

Twitter is a public company. It can take better measures to protect children from individual twitter pages where disturbing content is not and should not be allowed. Also professional pages like mine I do not want any links to disturbing content as well and would like the reasonable ability to control/limit it as much as possible.

Twitter does not allow a person to fully block disturbing content from the individual's accounts page. A church could have a church twitter account and someone could retweet a post that the church page posted but on the other person's page can be found disturbing content. This content was not posted by the church but anyone who wants to see who is retweeting the church's post will be directed to a user with disturbing content. Basically in this example a twitter user with disturbing content has linked itself to the church and the church cannot do anything about it for all its viewers to its page.

The way Twitter currently has it is a person can block someone currently. That person that is blocked does not show up in your followers and can't direct message you but that person can still retweet post on your page to their page whenever they like or reply to a post you made with interesting comments. These retweets, replies, and favorites, show up as clickable user numbers/icons on your timeline connected to the individual post you made.

Each user to your page has to block an individual user on your page instead of having it were the account administrator (normally you or the person doing the posting on your page) can block the user from not having any part of using your page.

Twitter also has it were only the last 25 people more or less to retweet a post shows on your page but if any of those last 25 have disturbing content it cannot be blocked from your page at this time (as of 8/11/2014) So a child visiting a churches twitter page can click on a post with let's say 1 retweet on it and end up seeing something disturbing on a twitter page not designed for that purpose.


You're left with only the option to delete the post but the person could keep doing it which happened on my page before or try getting a lot more retweets to the post where more disturbing content links could still be added.

Twitter starts out as a blank page similar to going to an outlet mall. The stores you visit (In twitters case the post to you make to your page) are determined by you. If you don't want to visit a lingerie store/adult book store you don't have to. No outlet mall will allow indecent behavior into its store if that store (twitter page in this case) is deemed non adult (PG, PG-13, R-Rated only) Twitter hosts all kinds of pages. Witty, personal, comical, professional and celebrities; each person treats their page different.

Twitter is a publically traded company. Listed on the Nasdaq. Their services are provided to the public.

Warning Adult Content: Parental discretion is advised

 Martrek Wingo @MartrekWingo Aug 7
Yes Siri will get smarter.

 Martrek Wingo
Martrek Wingo
Yes Siri will get smarter.

Reply Delete Favorite ... More



Handwritten notes:
4/9/14
Memphis, TN
Martrek Wingo
3/25/15
STAR 6211

The actual user that retweeted me that appears on my timeline

Lawsuit

I am suing Twitter, Inc for a personal injury I Martrek D. Wingo suffered and the emotional distress and mental anguish before, during, and after my personal injury.

I had an incident with Twitter on June 6, 2014 it was strange and bizarre, after many sleepiness nights I was able to pull myself together. Then another event happened August 8, 2014 on Twitter that was worst causing me to go into Respiratory Shock, pass out, hit my mouth on the edge of my computer desk, and swallowed a broken piece of my wisdom tooth. I could have died. It felt like I was being linked to criminal intent without any real control.

I am not just focusing on the 90 day period; a message needs to be sent to the company that they need to fix this and I also look at the fact that it was borderline preventing me from my lifetime professional goals and potential future earnings.

Two separate personal incidents with almost daily disturbing content. Everyone expects celebrities, companies, entertainers, and professionals to have and maintain a twitter page.

Suing company for \$20 million about 60% of what Twitter makes in a 30 day period. (2013 figures) - Compensatory and Punitive damages to be determined by Jury.

Willing to settle out of court for 30% or any reasonable offers on the contingency/hope that a feature to unretweet (or at least make it no longer appear on your timeline) a twitter user and prevent certain users that post disturbing content from being able to retweet, favorite, and reply to your post for all users of your page. So that I can avoid future pain as I continue growing my career knowing that people will expect me to have a twitter page.

Twitter is a public company

Twitter Financials

- 2013: \$398.17 Million
- 2012: \$188.17 Million
- 2011 \$44.51 Million
- Assets: \$992.80 million

Source: <http://www.marketwatch.com/investing/stock/twtr/financials> and <http://www.nasdaq.com/markets/ipos/company/twitter-inc-763922-73652?tab=financials>

Solution

The comparable: On Facebook users can share anything you post (similar to retweets) but facebook Does Not allow pornography or any other disturbing content on its website at all. Twitter on the other hand currently allows indecent people to permanently connect to you; increasing the possibility of ruining a professional and business image as well as potential parental lack of control on their page. Some people do things unintentionally and then there are those that intentionally try to take notches at an individual or business.

For those that allow disturbing content on their page there should be a way to permanently block that type of user from my entire page.

What's different about Twitter is Twitter is viewed more on the professional end. I have seen more celebrities with Twitter pages than any other Social Media. **At this point most people expect certain celebrities, companies, entertainers, and professionals to have and maintain a Twitter page.**

The option to be able to permanently block users that post disturbing content from retweets, favorites, and replies that appear on your timeline not just from viewing by you but viewing by all users to your page.

It's a feature that does not exist on Twitter as of **8/11/2014**. Twitter is a publically traded company.

If it was a church website, the longer the disturbing content stayed on your page the more people can see it, i.e. children etc.

Can the feature be done and implemented in their website. Yes. As a previous web designer I know that to be a yes.

Interesting thing about twitters current block feature is it's not fully blocking when people.

I originally thought that was the case its says "block". Other people may think it actually does but never took the time to look at their page from a non login or another person's account standpoint to see that no that user was not actually blocked the way they are having it perceived it will be. I discovered this partial blocking the hard way while looking at my page with a family member.

Twitters Help Page

Twitter does not remove content which I agree it should not and twitter does not allow for users the ability to remove it themselves if it appears on their page. They allow you to block users (which only affect your followers and direct messages) but then allow those same users to continue to inflame your page intentionally or unintentionally with retweets, favorites, and replies.

- Snippet from Twitters Terms and Service

Offensive content

Users are allowed to post content, including potentially inflammatory content, provided they do not violate the Twitter Rules and Terms of Service. Twitter does not screen content and does not remove potentially offensive content unless such content is in violation of the Twitter Rules and Terms of Service.

If you believe the content or behavior you are reporting is prohibited in your local jurisdiction, please contact your local authorities so they can accurately assess the content or behavior for possible violations of local law. If Twitter is contacted directly by law enforcement, we can work with them and provide assistance for their investigation as well as guidance around possible options. You can point local law enforcement to our [Law Enforcement Guidelines](#).



Each person has different levels of comfort when it comes to disturbing content so the ability to block it helps. For example twitter has a mute option. If you want to mute someone from your timeline where that user you follow twitter timeline post no longer show until they are unmuted you can easily do so. Because of this feature no one can say they are stressed over trying to keep up with so many Twitter post; the ability to mute is there so the fault at trying to keep up with Twitter post falls back on the user. But with disturbing content there is no mute feature. My page shows that you can get disturbing content linked at the most PG rated post I make and excessive comments and disturbing content of the same nature can also fall on the side of harassment and cyber bullying.

Another option is to go into denial. Act like nothing is going on, on your page but overtime denial about something causing you that much pain and suffering will cause it to come to the surface and the source of the pain and suffering could be traced right back to their Twitter page.

Twitter talks about pornography, one form of obscene content, but does not allow you to block it from your pages retweets, favorites, and reply users.

- **Snippet from Twitters Terms and Service**

promising more followers (as of any other site that offers to automatically add followers to your account)

- **Pornography** You may not use obscene or pornographic images in either your profile photo, header photo, or user background.

Your account may be suspended for Terms of Service violations if any of the above is true. Please see our help pages on [Following rules and best practices](#) and [Automation rules and best practices](#) for a more detailed discussion of how the Rules apply to those particular account behaviors. Accounts created to replace suspended accounts will be permanently suspended.

A kid going to a church website or a professional twitter page does not need to see gaping anal photos. While Twitter does not remove content, the creator of the Twitter page should be able to fully block any connection with that type of user.

This first came to mind when I got some of my first retweets and I went to see who it was and the first thing I saw was gaping anal with cereal in it and I blocked it. While using someone else's phone I saw that the retweet user was still there. I looked at it and realized it was only block from viewing on my page from my perception and not from my page entirely.

It's a fixable problem that could have been added long time ago. But Twitter has neglected to do so, thus far.

Can Twitter make this feature? Yes. Is it an easy feature to make? Yes. Can it prevent or limit people from seeing disturbing content on your page? Yes. Why has Twitter not done so? I do not know.

Company – Twitter, Inc

Twitter usage

- 271 million monthly active users
- 500 million Tweets are sent per day
- 78% of Twitter active users are on mobile
- 77% of accounts are outside the U.S.
- Twitter supports 35+ languages
- Vine: More than 40 million users

Company facts

- 3,300 employees in offices around the world
- 50% of employees are engineers
- Incorporated April 19, 2007

Retweets

If you're following the person you can turn retweets on and off on twitter



More ▾



Following

Tweet to @tyrabanks

Add or remove from lists...

Mute @tyrabanks

Block or Report

Turn off Retweets

Turn on mobile notifications

Embed this Profile

View all

Details

Statistics

Popular accounts - Find friends





FOLLOWERS

1.08M

More ▾



Following

Tweet to @JohnCMaxwell

Add or remove from lists...

Mute @JohnCMaxwell

Block or Report

Turn off Retweets

Turn on mobile notifications

Embed this Profile

View all

Hide

Future N

Hide

Hide

the more you have to

Successful Leaders" is live on

_0



Now look at the options if you're not following the person.

The screenshot displays the Twitter profile of Kyle Bisnath (@KingCray_Cray). The profile header shows 3,122 tweets, 1,071 following, and 1,506 followers. A 'Follow' button is visible. The bio reads: 'Hi I'm Kyle! I'm An ambassador for Christ Rey fanatic ❤️ A son,A brother,A friend Trinidad & Tobago - facebook.com/kylebisnath'. Below the bio, there are two tweets listed. The first tweet is from Kyle Bisnath (@KingCray_Cray) about Beyoncé's 'Pretty Hurts' video. The second tweet is a retweet of the same video. The interface includes various interaction options like 'Tweet to @KingCray_Cray', 'Add or remove from lists...', 'Mute @KingCray_Cray', 'Block or Report', and 'Embed this Profile'.

The ability to turn retweets on or off could be made available regardless if you're following the person or not. I do not want to follow disturbing content and try to limit it as much as possible.

Vine

Twitter owns Vine a 7 sec video sharing app. It's similar to twitter but its focus is on video.

They have a different policy (almost forced new policy in my opinion only) for vine than for Twitter.

"Soon after its launch, Vine faced criticism for how it handled pornography; while porn is not forbidden by Twitter's guidelines,[24] one sexually explicit clip was accidentally featured as an "Editor's Pick" in the Vine app as a result of "human error".[25] Because pornographic content violates Apple's terms of service,[26] the app's rating was changed to 17+ in February 2013 following a request by Apple.[27] Causing such a backlash because of the "Editor's Pick", many Vine users said they would stop using the app. Twitter soon begun terminating such videos that appeared on the homepage. In reaction, Twitter has updated their Terms of Service stating that they reserve the right to remove any posts that are "pornographic or sexually explicit" without the user's consent." - Wikipedia

Disturbing video could be a no no on Vine but disturbing content and pornography is ok on Twitter.

Isn't video just pictures that move?

My complaint is not to outlaw disturbing content from Twitter. I just feel a way to outlaw it from a twitter page is necessary and users should have the right to block it fully if they so desire. The public has come to expect certain people to have and maintain their Twitter page and whatever image users decide is appropriate based on their page content.

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) **PLAINTIFFS** Marteck D. Wingo
 4194 EVENING STAR CONC Memphis, TN
 38125
 (b) County of Residence of First Listed Plaintiff **Shelby**
 (EXCEPT IN U.S. PLAINTIFF CASES)
 (c) Attorneys (Firm Name, Address, and Telephone Number)
Non listed

DEFENDANTS Twitter, Inc
 1355 Market Street Suite 900
 SAN FRANCISCO, CA 94103
 County of Residence of First Listed Defendant **SAN FRANCISCO**
 (IN U.S. PLAINTIFF CASES ONLY)
 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
 Attorneys (If Known)

RECEIVED
 2014 AUG 20 AM 10:27
 CLERK'S OFFICE
 U.S. DISTRICT COURT
 WESTERN DISTRICT OF TENNESSEE

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from Another District (specify)

6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 US code (1331) Federal Question: PERSONAL INJURY

Brief description of cause:
Swing Twitter that caused me Respiratory Shock almost resulting in the loss of my life while using Twitter

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ **\$20,000,000**

CHECK US only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

DATE: **8/15/2014**

JUDGE: _____

DOCKET NUMBER: _____

SIGNATURE OF ATTORNEY OF RECORD: _____

FOR OFFICIAL USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Martrek D. Wingo

v

Twitter, Inc

Martrek D Wingo

v

Twitter, Inc.

SAMUEL H. MAYS, JR.

DIANE K. VESCOVO