

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DR. SHIVA AYYADURAI,

Plaintiff,

v.

WILLIAM FRANCIS GALVIN, in his official
capacity as the Secretary of the Commonwealth
of Massachusetts and his individual capacity,
MICHELLE TASSINARI, in her individual
capacity, DEBRA O'MALLEY, in her individual
capacity, AMY COHEN, in her individual capacity,
and NATIONAL ASSOCIATION OF STATE
ELECTION DIRECTORS

Defendant.

CIVIL ACTION
NO. 1:20-cv-11889-MLW

**RESPONSE TO COURT'S APRIL 26, 2021 ORDER CONCERNING PLAINTIFF'S
MOTION FOR JOINDER AND LEAVE TO FILE A SECOND AMENDED
COMPLAINT BY DEFENDANTS WILLIAM FRANCIS GALVIN, MICHELLE
TASSINARI, AND DEBRA O'MALLEY**

Defendants William Francis Galvin, Michelle Tassinari, and Debra O'Malley hereby submit this response to the Court's order of April 26, 2021 to Plaintiff's motion to join Twitter, Inc. as a defendant in this lawsuit and for leave to file a Second Amended Complaint.

As stated in Defendants' report on March 4, 2021 [Docket No. 69], Defendants continue to take no position as to the propriety of adding Twitter as a party to this action, particularly because these Defendants neither represent Twitter's interests nor control its actions. Even though the Defendants take no position on Plaintiff's narrow request to bring Twitter into this suit as a party, Defendants note that Plaintiff continues in his proposed Second Amended

Complaint to hurl unfounded accusations of perjury at the Defendants, and Defendants expect that having Twitter joined would, at very least, serve to make clear that Plaintiff's baseless conspiracy theories are just that – unfounded and inflammatory prevarications.

Defendants desire – at long last – to have Plaintiff finally articulate whatever claims he thinks he may have against Defendants so that they can demonstrate the fallaciousness of these so-called claims once-and-for-all. Through the course of this litigation, Plaintiff has continued to present ever expanding and completely fact-free conspiracy theories contradicted by reality and dressed up in the guise of a lawsuit. Plaintiff's proposed Second Amended Complaint is rife with legal flaws – many of the same flaws that Defendants identified in their fully-briefed motion to dismiss the First Amended Complaint – and indeed, Defendants continue to maintain that Plaintiff's suit should be dismissed for the reasons set forth in their motion to dismiss. In that regard, Defendants view the Plaintiff's request for leave to file the Second Amended Complaint, at least as it pertains to them, as futile. But in the interests of efficiency and judicial economy, Defendants do not otherwise oppose Plaintiff's request for leave to file a Second Amended Complaint. In the event that the Court allows Plaintiff's motion to file a Second Amended Complaint, Defendants will move to dismiss it as legally deficient for a number of reasons, including by continuing to assert several immunities from suit that they have pressed since this suit's inception.

Respectfully submitted,

Defendants,

WILLIAM FRANCIS GALVIN, in his official and individual capacities, MICHELLE TASSINARI, in her individual capacity, and DEBRA O'MALLEY, in her individual capacity,

By their attorneys,

MAURA HEALEY
ATTORNEY GENERAL

/s/ Adam Hornstine
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Date: April 30, 2021

CERTIFICATE OF SERVICE

I, Adam Hornstine, Assistant Attorney General, hereby certify that I have this day, April 30, 2021, served the foregoing **Response**, upon all parties, by electronically filing to all ECF registered parties, and paper copies will be sent to those indicated as non-registered ECF participants.

/s/ Adam Hornstine
Adam Hornstine