

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

DONALD J. TRUMP, the Forty-Fifth President  
of the United States, LINDA CUADROS AND  
AMERICAN CONSERVATIVE UNION,  
INDIVIDUALLY AND ON BEHALF OF  
THE CLASS,

Plaintiffs,

v.

TWITTER, INC., and JACK DORSEY,

Defendants.

**CLASS ACTION  
COMPLAINT FOR:**

**FIRST AMENDMENT VIOLATION**

**JURY TRIAL REQUESTED**

**COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

**INTRODUCTION**

1. Plaintiff, Donald J. Trump, the Forty-Fifth President of the United States, individually, and on behalf of those similarly situated Putative Class Members, by and through the undersigned counsel, brings this action against Twitter, Inc., (“Twitter”) and its Chief Executive Officer, Jack Dorsey, individually. The allegations herein of Plaintiff and Putative Class Members are based upon personal knowledge and belief as to their own acts, upon the investigation of their counsel, and upon information and belief as to all other matters.

2. Defendant Twitter is a social media platform with more than three hundred fifty (350) million active Users worldwide, including approximately seventy (70) million daily active

Users in the United States. Since 2018, approximately 500 million tweets are sent out, or “tweeted,” each day. Twitter reported \$3.72 billion in annual profit in 2020.

3. Twitter has increasingly engaged in impermissible censorship resulting from threatened legislative action, a misguided reliance upon Section 230 of the Communications Decency Act, 47 U.S.C. § 230, and willful participation in joint activity with federal actors. Defendant Twitter’s status thus rises beyond that of a private company to that of a state actor, and as such, Defendant is constrained by the First Amendment right to free speech in the censorship decisions it makes.

4. Legislation passed twenty-five (25) years ago intended to protect minors from the transmission of obscene materials on the Internet, and to promote the growth and development of social media companies, has enabled Defendant Twitter to grow into a commercial giant that now censors (flags, shadow bans, etc.) and otherwise restricts with impunity the constitutionally protected free speech of the Plaintiff and Putative Class Members.

5. The immediacy of Defendants’ threat to its Users’ and potentially every citizen’s right to free speech cannot be overstated. Defendants’ callous disregard of its Users’ constitutional rights is no better exemplified than in the matter currently before the Court.

6. On January 7, 2021, Defendants permanently banned the sitting President of the United States from their platform for exercising his constitutional right of free speech.

7. Twitter’s censorship runs rampant against the entire Class, and the result is a chilling effect on our Nation’s pressing political, medical, social, and cultural discussions.

8. Plaintiff, a sitting President of the United States, was deplatformed by the Defendants, as were Putative Class Members, using non-existent, broad, vague, and ever-shifting standards. While Twitter’s deplatforming and prior restraint of the Plaintiff are well-documented, the untold stories of Putative Class Members are now stirring the public conscience.

9. Using the unconstitutional authority delegated to them by Congress, Defendants have mounted an aggressive campaign of prior restraint against a multitude of Putative Class Members through censorship (flagging, shadow banning, etc.) resulting from legislative coercion and collusion with federal actors.

10. Defendants deplatformed Plaintiff at the behest of, with cooperation from, and with the approval of, Democrat lawmakers.

11. Akin to forcing a round peg into a square hole, Twitter declared that specific Twitter posts of Plaintiff had violated its self-composed “Twitter Rules.” Countless other Twitter Users have not been as fortunate, with Twitter taking detrimental action against their accounts with no explanation whatsoever.

12. If Defendants’ use of an unconstitutional delegation of authority to regulate free speech under pressure from Congress can effectively censor and impose a prior restraint on the protected political speech of a sitting President of the United States, then the threat to Putative Class Members, our citizens, and our United States Constitution and form of government, is imminent, severe, and irreparable.

13. Plaintiff respectfully asks this Court to declare that Section 230 on its face is an unconstitutional delegation of authority and that the Defendants’ actions directed at Plaintiff and Putative Class Members are a prior restraint on their First Amendment right to free speech, to order the Defendants to restore the Twitter account of Plaintiff, as well as those deplatformed Putative Class Members, and to prohibit Defendants from exercising censorship, editorial control, or prior restraint in its many forms over the posts of President Trump and Putative Class Members.

### **JURISDICTION AND VENUE**

14. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, 1332, 28 U.S.C. §§ 2201-2202, and the Constitution of the United States, for the unconstitutional violation of the First Amendment right to free speech as pleaded below.

15. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332.

16. Jurisdiction is also proper in this Court pursuant to the Class Action Fairness Act 28 U.S.C. § 1332(d) (“CAFA”), because: (i) the proposed class consists of well over 1,000,000 Members; (ii) the parties are minimally diverse, as Members of the proposed class, including Plaintiff, are citizens of states different from defendants’ home states; and (iii) the aggregate amount in controversy exceeds \$5,000,000, exclusive of interest and costs.

17. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2), (d), and (e)(1). A substantial part of the events giving rise to this claim occurred in this District, and Plaintiff brings this suit for actions taken by Defendants that occurred while Plaintiff was serving in his capacity as President of the United States, and Defendants’ prior restraint of Plaintiff’s speech continues to this day.

### **PARTIES**

#### **Plaintiff**

18. Donald J. Trump (“Plaintiff”), the 45th President of the United States, is a private citizen and is domiciled in Palm Beach, Florida.

**Class**

19. All Twitter platform Users (“Putative Class Members”) who have resided in the United States between June 1, 2018, through today, who had their Twitter account censored by Defendants and were damaged thereby.

20. Linda Cuadros (“Plaintiff”), a United States citizen, domiciled in the state of Florida.

21. Plaintiff American Conservative Union (“Plaintiff”), is a social welfare organization in the United States, established in 1964 in the District of Columbia.

**Defendants**

22. Defendant Twitter, Inc. (“Twitter”), is a foreign corporation with its principal place of business located at 1355 Market Street, Suite 900, San Francisco, California, and conducts business in the state of Florida. Throughout the United States and internationally, Twitter has eleven (11) offices in the United States and twenty-one (21) offices located worldwide.

23. Defendant Jack Dorsey (“Dorsey”) is the co-founder and CEO of Twitter.

**STATEMENT OF FACTS**

**I. DEFENDANTS TWITTER AND DORSEY**

**A. Defendant Twitter**

24. The United States Supreme Court has recognized that social media platforms such as Twitter provide “perhaps the most powerful mechanisms available to a private citizen to make his or her voice heard.” *Packingham v. North Carolina*, 137 S. Ct. 1730 (2017). These platforms have been revolution[ary],” not least because they have transformed civic engagement by allowing elected officials to communicate instantaneously and directly with their constituents. *Id.* Twitter enables ordinary citizens to speak directly to public officials and listen to and debate



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