

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

MARK CHANGIZI, MICHAEL SENGER
and DANIEL KOTZIN,

Plaintiffs,

v.

Civil Action No.: 2:22-cv-1776

DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.,

Defendants.

DECLARATION OF DANIEL KOTZIN

1. I, Daniel Kotzin, am over the age of 18 and make this Declaration in support of the motion for a Preliminary Injunction in my case against the United States Surgeon General, et al.
2. I make this Declaration based on personal knowledge.
3. I have approximately 31,000 followers on Twitter, having created my account in September, 2013.
4. Since March, 2020, I have been tweeting similar content almost every day, in which I criticize the government and society for their response to covid.
5. For example, on September 27, 2020, I tweeted: “Come on San Francisco! It’s a beautiful day out there. Let’s take the masks off and get outside. Look for me and my kids at the playgrounds. #Resist” (Attachment 1).

6. On October 26, 2020, I tweeted: “We are treating young people not as human beings but as automata. I keep hearing how “resilient” they are. That is what abusers say. They are suffering. We are committing mass, systemic child abuse” (Attachment 2).

7. On December 24, 2020, I tweeted: “Dr Fauci admitted lying to the American people about masks, in order to conserve them for health workers. He has now admitted lying about the herd immunity threshold, so that we would be more likely to get vaccinated. What else is he lying to us about?” (Attachment 3).

8. On February 16, 2021, I tweeted: “Let us not forget that we fight for nothing less than human rights, human freedom, and human dignity. We must resist immunity passports and digital credentials and vaccine mandates and mask mandates and testing regimes and surveillance regimes and digital life and hysteria” (Attachment 4).

9. Before September of 2021, despite my unremitting criticisms of government policy, I was never suspended.

10. I have now been suspended by Twitter 3 times. The first time for 24 hours, and the other 2 times for 7 days.

a. The first tweet leading to a temporary suspension, posted on September 24, 2021, read: “There is not now, nor has there ever been, evidence that the Covid shots reduce infection or transmission. Vaccine passports; vaccine mandates; vaccine requirements -- they are all an abomination” (Attachment 5).

b. I received an email notification stating that my account had been locked for “violating the policy on spreading misleading and potentially harmful information related to COVID-19.” The email warned that “repeated violations may lead to permanent suspension of your account.”

c. The second suspension occurred on March 7, 2022, just 4 days after the Surgeon General's RFI. It read: "It is important to never lose sight of the fact that the global pandemic is ending not because of the vaccines, but because almost everyone on the planet got infected with covid."

d. After labeling the tweet "misleading," Twitter again notified me that I had been locked out of my account, this time for 7 days, in an email that was identical to the first one (Attachment 6).

e. My most recent suspension occurred on April 11, 2022, after the motion for a preliminary injunction in my case had already been filed. It was a link to a Substack essay written by my co-plaintiff Michael Senger. My tweet read: "'The vast majority have realized that every COVID policy—from the lockdowns and masks to the tests, death coding, and vaccine passes—has been one, giant fraud.' Michael Senger was banned forever by Twitter for writing that, so it must be true."

f. The email that I received from Twitter once again referred to my tweet as "misleading," notified me that I was suspended for a week, and threatened me with permanent suspension from Twitter (Attachment 7).

11. The prospect of a permanent expulsion from Twitter is devastating for me.

a. I have spent 2 years building my Twitter following. 2 years ago I had fewer than 100 followers, now I have over 30,000.

b. When my account is suspended, I am unable to communicate with my followers. If my account is permanently suspended, I will lose 2 years of hard work.

12. Based on my observations and extensive Twitter use, many more accounts than usual have been suspended since the Surgeon General's RFI on March 3.

a. It is often difficult to know when an account has been suspended, because the person who has been suspended is unable to alert their followers. They just disappear.

b. When an account is permanently suspended, everything the person ever wrote is erased and cannot be accessed by anyone.

c. Since the RFI, many of us who are critical of government covid policies have been regulating our speech more carefully than ever, because we have noticed that more of us are getting suspended than ever before, and we don't want to risk losing our audience.

13. I consider the possibility of "permanent suspension" to be such a devastating prospect that I methodically self-censor.

a. I contrive creative ways to avoid suspension, for example by using hypotheticals and phrasing statements in question form.

b. Although I believe that I have valuable information, insights, and opinions to share on the subjects of vaccines, who is most at risk from a covid infection, and the deference due to public health officials, I am severely limited in what I can say and how I can say it because otherwise my account will be permanently terminated.

14. Based upon my observations and extensive Twitter use, there are no examples of Twitter suspending individuals who have spread factually incorrect information that supports government policies by, for example, exaggerating the threat the virus poses to children or the effectiveness of masks or vaccines.

15. Twitter suspends only those who question the wisdom and efficacy of government restrictions, or those who cast doubt on the necessity, safety or efficacy of the vaccines.

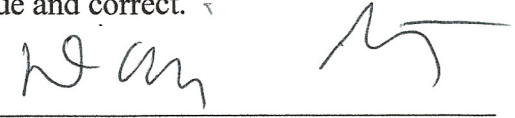
16. If all or almost all suspensions are targeted at critics of the government and government policies, and no or almost no suspensions are targeted at purveyors of factually

incorrect information, then it is not “misinformation” that is being censored, but criticism of the government.

17. Since the Surgeon General’s Request for “health misinformation” last month I have been suspended twice by Twitter. I am frightened that the government wants to punish me, personally, for things that I have already written. Every single tweet that I write, I now examine carefully before publishing to see if it could give the government an excuse to terminate my Twitter account or place me on some sort of Enemies List.

18. In order to open my account, I was required to give Twitter extensive personal information. I have never agreed to turn that information, or indeed any of the information that I have shared with or on Twitter, over to the government.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: 4/21/2022 
Daniel Kotzin

Attachment 1



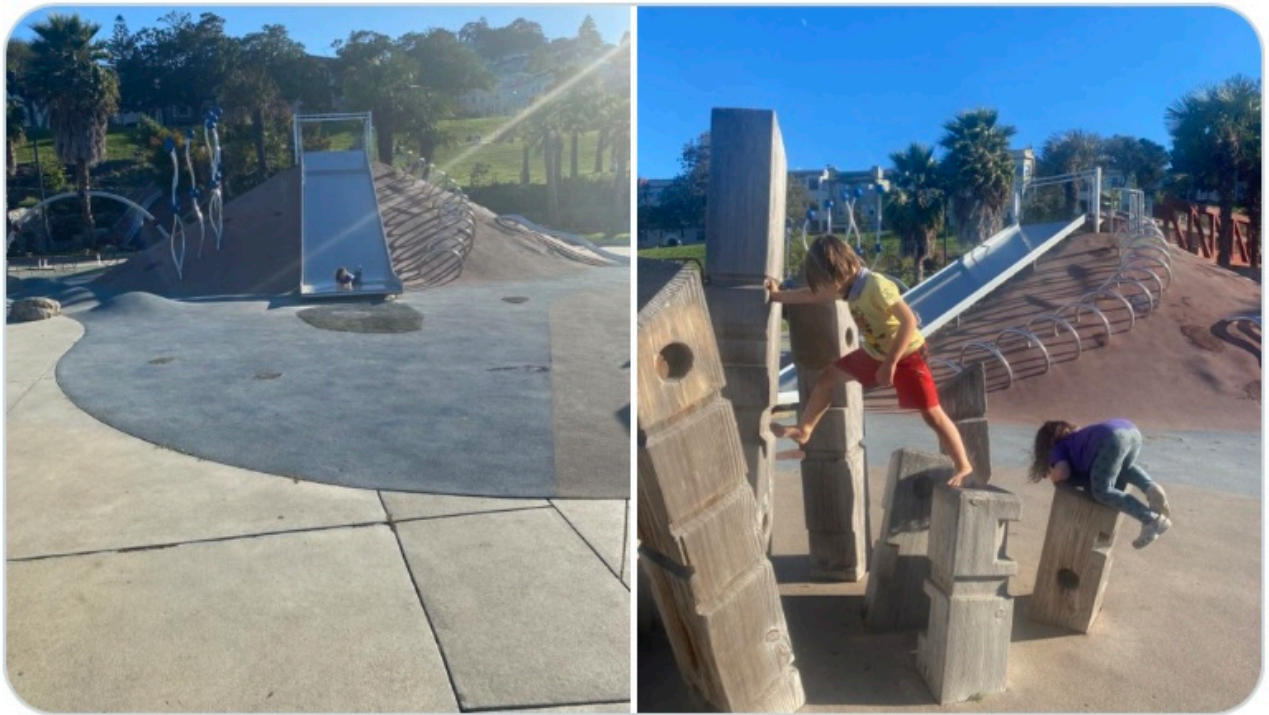
Daniel Kotzin

@danielkotzin



Come on San Francisco! It's a beautiful day out there. Let's take our masks off and get outside. Look for my and my kids at the playgrounds.

[#Resist](#)



12:21 PM · Sep 27, 2020 · Twitter for iPhone

Attachment 2



Daniel Kotzin

@danielkotzin



We are treating young people not as human beings but as automata. I keep hearing how “resilient” they are. That is what abusers say. They are suffering. We are committing mass, systemic child abuse.

10news.com/news/local-new...

8:27 PM · Oct 26, 2020 · Twitter for iPhone

5 Retweets **18** Likes

Attachment 3



Daniel Kotzin

@danielkotzin



Dr. Fauci admitted lying to the American people about masks, in order to conserve them for health workers. He has now admitted lying about the herd immunity threshold, so that we would be more likely to get vaccinated. What else is he lying to us about?

9:41 PM · Dec 24, 2020 · Twitter for iPhone

3,593 Retweets **626** Quote Tweets **9,990** Likes

Attachment 4



Daniel Kotzin

@danielkotzin



Let us not forget that we fight for nothing less than human rights, human freedom, and human dignity.

We must resist immunity passports and digital credentials and vaccine mandates and mask mandates and testing regimes and surveillance regimes and virtual life and hysteria.

10:56 PM · Feb 16, 2021 · Twitter for iPhone

24 Retweets **1** Quote Tweet **107** Likes

Attachment 5

12:01 ↗



day, September 24, 2021, 10:42 AM, Twitter
/@twitter.com> wrote:



Hi Daniel Kotzin,
Your account, @danielkotzin has
been locked for violating the
Twitter Rules.

Specifically for:

Violating the policy on spreading misleading and potentially harmful information related to COVID-19.

We understand that during times of crisis and instability, it is difficult to know what to do to keep yourself and your loved ones safe. Under this policy, we require the removal of content that may pose a risk to people's health, including content that goes directly against guidance from authoritative sources of global and local public health information.

For more information on COVID-19, as well as guidance from leading global health authorities, please refer to the following links:

[Coronavirus disease \(COVID-19\) advice for the public from the WHO](#)

[FAQs about COVID-19 from the WHO](#)



Daniel Kotzin
@danielkotzin

There is not now, nor has there ever been, evidence that the Covid shots reduce infection or transmission. Vaccine passports; vaccine mandates; vaccine requirements — they are all an abomination.

Please note that repeated violations may lead to a permanent suspension of your account. Proceed to Twitter now to fix the issue with your account.

[Go to Twitter](#)

Attachment 6



**Hi Daniel Kotzin,
Your account, @danielkotzin has
been locked for violating the
Twitter Rules.**

Specifically for:

Violating the [policy on spreading misleading and potentially harmful information related to COVID-19](#).

We understand that during times of crisis and instability, it is difficult to know what to do to keep yourself and your loved ones safe. Under this policy, we require the removal of content that may pose a risk to people's health, including content that goes directly against guidance from authoritative sources of global and local public health information.

For more information on COVID-19, as well as guidance from leading global health authorities, please refer to the following links:

[Coronavirus disease \(COVID-19\) advice for the public from the WHO](#)
[FAQs about COVID-19 from the WHO](#)

This is the Tweet that violated the Twitter Rules.



Daniel Kotzin
@danielkotzin

It is important to never lose sight of the fact that the global pandemic is ending not because of the vaccines, but because almost everyone on the planet got infected with covid.

Mar 6, 2022, 8:11 PM

Please note that repeated violations may lead to a permanent suspension of your account. Proceed to Twitter now to fix the issue with your account.

Attachment 7

From: daniel kotzin <danielkotzin@yahoo.com>
Sent: Monday, April 11, 2022 9:04 AM
To: Jenin Younes <jenin.younes@ncla.legal>
Subject: Fw: Your Twitter account has been locked

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Monday, April 11, 2022, 4:39 AM, Twitter <notify@twitter.com> wrote:

**Hi Daniel Kotzin,
Your account, @danielkotzin has
been locked for violating the
[Twitter Rules](#).**

Specifically for:

**[Violating the policy on spreading misleading and
potentially harmful information related to COVID-19.](#)**

We understand that during times of crisis and instability, it is difficult to know what to do to keep yourself and your loved ones safe. Under this policy, we require the removal of content that may pose a risk to people's health, including content that goes directly against guidance from authoritative sources of global and local public health information.

For more information on COVID-19, as well as guidance from leading global health authorities, please refer to the following links:

[Coronavirus disease \(COVID-19\) advice for the public from the](#)

WHO

[FAQs about COVID-19 from the WHO](#)



Daniel Kotzin

@danielkotzin

“The vast majority have realized that every COVID policy—from the lockdowns and masks to the tests, death coding, and vaccine passes—has been one, giant fraud.” Michael Senger was banned forever by Twitter for writing that, so it must be true. Pass it on.

Please note that repeated violations may lead to a permanent suspension of your account. Proceed to Twitter now to fix the issue with your account.

[Go to Twitter](#)

[Need some help?](#)

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