

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

MARK CHANGIZI, MICHAEL SENGER,
and DANIEL KOTZIN,

Plaintiffs,

v.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, et al.

Defendants.

Civil Action No: 2:22-cv-1776

DECLARATION OF MICHAEL P. SENGER

1. I, Michael P. Senger, 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. Beginning in 2020 until my permanent suspension, I maintained a very active Twitter account and accrued approximately 112,000 followers.

4. For the first time, I was suspended on October 27, 2021 for 12 hours, for “violating the policy on spreading misleading and potentially harmful information related to COVID-19.”

5. The tweet at issue read: “so the FDA granted an emergency use authorization to give kids mRNA vaccines, with unknown risks, for a virus that accounts for significantly fewer than 1% of deaths in that age group? Where’s the “emergency”?”

6. I was suspended again two days later, on October 29, for tweeting a link to a video and writing, “Blistering video documents in meticulous detail how official media and public health statements gradually walked back COVID vaccine efficacy from ‘100%’ to under ‘33%’—one percentage point at a time.”

7. Although I had never previously been suspended for more than 12 hours (see above), on March 8, 2022, my account was permanently suspended, ostensibly for the following Tweet, which linked to an article in The Atlantic by Ed Yong that bore the headline “How Did This Many Deaths Become Normal?”

- a. I commented: “How did this many ‘deaths’ become normal? Because, though they may not yet be willing to face it, 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.”
- b. Twitter notified me that my account had been suspended for “violating the Twitter Rules” by “spreading misleading and potentially harmful information related to COVID-19.”
- c. The notification further stated that “if you attempt to evade a permanent suspension by creating new accounts, we will suspend your new accounts. If you wish to appeal this suspension, please contact our support team.”

8. Through this action, I have been permanently deprived of my voice on Twitter, carrying negative implications for my personal and professional life.

9. Twitter’s COVID-19 misleading information policy, available at <https://help.twitter.com/en/rules-and-policies/medical-misinformation-policy>, states that it is *not* a violation to post “Strong commentary, opinions, and/or satire, provided these do not contain false

or misleading assertions of fact.” Although the statement that “every COVID policy...has been one, giant fraud” is a strong opinion, a reasonable person would take it to be just that—opinion—rather than an assertion of fact.

10. This suspension also departed somewhat from Twitter’s ordinary disciplinary process, which typically involves a 7-day suspension prior to permanent suspension, except in extreme circumstances.

11. I appealed the suspension on March 8, 2022.

12. I received only a perfunctory reply stating that my account was “permanently suspended due to multiple or repeat violations of the Twitter rules,” the “account will not be restored,” and the “case will now be closed and replies will not be monitored.”

13. This action has harmed me personally and professionally. I discovered a gift that I had for writing and developed a network of thousands of intelligent people from all over the world with whom I had a close relationship discussing these and other issues. Now I have been silenced and cut off from all of them, with no viable way of getting that network back or promoting my work, seemingly for the sole crime of being too articulate in vocalizing my beliefs.

14. Because it is widely used by policymakers, academics, and journalists as a proxy for popular opinion, Twitter carries tremendous weight in democratic discourse surrounding policies that affect the entire citizenry of the United States. Regardless of motivation, this power to create a false consensus in political discourse by systematically silencing the most articulate voices on one side of any given debate, unbeknownst to 99% of Twitter users, is unprecedented in American history; it is a power that has historically only been held by authoritarian regimes. We are expected to believe that Twitter and the Surgeon General will use this unprecedented power only

for good, based on nothing but their promise that they will do so. Historically, such promises have proven empty—and destructive—every single time.

15. In addition to Twitter, I regularly use the following technology platforms: Facebook, Amazon, Reddit, Google, YouTube, Instagram, and LinkedIn.

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

Executed On: May 19, 2022



Michael Senger