

EXHIBIT D

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
COLUMBUS DIVISION

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 A.J. KITCHEN, AKA "A.J. KAY"

1. I, Amanda J. Kitchen, publicly known by my pen name "A.J. Kay," am over the age of 18 and make this declaration in support of my case against the Department of Health and Human Services, *et al.*

2. I live in Phoenix, AZ.

3. I make this declaration based on personal knowledge.

4. I am a professional writer and editor.

5. I have been repeatedly censored by various online platforms since September of 2021, and once was censored by Medium in April of 2020.

6. I began writing narrative non-fiction and project journalism for Medium.com in April 2018. My body of work included 85 published articles, three home/front page featured pieces "Top Writer" designation in multiple categories, an audience of several thousand paid

followers, and provided me with supplemental income ranging from several hundred to several thousand dollars per month. I also wrote for six of the platform's distributed publications.

7. On April 4, 2020, I published a piece entitled "The Curve is Already Flat: Evidence suggests that COVID-19 was here in November" in which I analyzed publicly available CDC Influenza-like illness data and posited the theory that the presumed seed date for COVID-19 was wrong.

8. On April 6, 2020, Medium.com removed the article from its site, claiming that it included "Health claims or advice which, if acted on, are likely to have detrimental health effects on persons or public safety."

9. The piece included no health claims and no advice. This excerpt is the closest approximation to that claim:

We have been too busy shaming our neighbors for getting fresh air and hoarding toilet paper to consider that we are being driven by fear, not fact and that doing so has shut down our ability to recognize inconsistencies and look for answers. Instead, we call anyone who questions the "sky is falling" narrative selfish, stupid, and irresponsible because aligning with the prevailing moral outrage renders us impervious to criticism.

We are Americans. We are innovative, resourceful, diverse, and dynamic. We are capable of addressing both the lethality of COVID and our economic stability. We are capable of protecting the sick and the vulnerable without requiring the world to come to a standstill with no idea how to restart it.

The most valuable tool we need to perform metaphorical surgery on this outbreak is accurate information. And to get that information, we have to be open to the idea that some of our fundamental assumptions about COVID-19 are wrong.

10. Since then, the theory I proposed has become widely accepted as true.

11. I appealed to Medium.com editors in May of 2020 and published an open letter to the platform requesting reinstatement. I did not receive a response.

12. The Medium.com censorship prompted me to become active on Twitter, on which I began posting regularly in April 2020.

13. I used the account exclusively to criticize and contradict what I believe were ill-conceived COVID-related policies and restrictions, including those instituted by the US Government.

14. I published two more COVID-related pieces in June and October 2020. One, “Lockdowns are Killing More People than COVID“ was originally published by Colonel Randall Larsen, USAF (ret), the national security advisor to the Johns Hopkins Center for Biosecurity, on his website, *A Good War*, and republished on Medium.com. The other, “How Would You Spend Your Last Thanksgiving?” was published on Medium.com and then linked and quote-tweeted by Dr. Scott Atlas which caused it to go viral.

15. On July 25, 2021, I published a piece entitled “Childhood, Interrupted: Ruining young lives will not quell our existential fears.” It was the first article I had published on Medium.com since October 2020.

16. I cited and linked all factual claims made in the piece. However, it was primarily an opinion article expressing my personal views, e.g.

Children's value—which was once predicated on their role as the literal future of humanity— has been perverted, now centering on their utility as shields for the elderly.

The natural arc of life has been willfully set aside. It's a world I no longer recognize—an aberration of values and theft from the young that I will never support.

Recognizing that impoverished and disabled children would bear the greatest brunt did not require an MPH or a Ph.D. in epidemiology. It was easy to see that, without the resources to purchase individually-tailored, hand-delivered alternatives, non-wealthy children would simply have to do without ... access to the single-greatest external factor influencing socioeconomic mobility: an education.

I believed there was no conceivable way we would let millions of children fall through the cracks of the very system designed to support them. And yet, restrictions not only persisted, they intensified.

The message to the children came through loud and clear: *'Your role as a disease vector is central in this new schema—rising above all else—and your opportunities must be severely restricted to keep adults safe.'*

And how long do we expect children to endure the message that *they* are responsible when their elders die before they begin to internalize that guilt, shame, and self-loathing?

Dismissing their suffering doesn't fix it—it only silences children's pain so that adults are spared the guilt of hearing it.

Regardless of what this virus—or any other virus/crisis/tragedy—brings, if we do not course correct and put our children first, the circle of life will be fractured. And that may ultimately leave humanity with no future to protect.

17. On September 7, 2021, I received an email from “Medium Trust & Safety“ that my entire account was being removed from the platform “due to the elevated risk of potential harm to persons or public health.”

18. Of the 85 published articles I authored that Medium.com deleted, 78 addressed topics unrelated to Covid.

19. Medium.com was a source of supplemental income for me for the 3.5 years I published there. My articles were widely republished and linked back in various online publications and blogs, and I lost them all when my account was deleted. It was a significant professional setback.

20. On April 13, 2022, in response to the CDC’s decision to extend the TSA mask mandate on public transportation, I opened an online store at www.masksarenonsense.com called “Protest Masks,” featuring my own designs on cloth masks.

21. On April 14, 2022, my Shopify Account, which hosted “Protest Masks” was suspended, and my store URL was deactivated.

22. The designs broke none of the platform’s COVID-19 related product rules, which included:

- No price gouging

- No unsubstantiated medical/scientific claims
- No products claiming to prevent/treat/cure COVID-19
- No violation of laws
- No licensing violations
- No selling of regulated products
- No non-delivery

23. The masks were intended to provide travelers with a way to peacefully protest the TSA public transportation mask mandate and the designs consisted of:

- “Fire Fauci”
- “Pro-Science/Anti-Mask”
- “Ask me about radically behaving particulates”
- “This is nonsense”
- “It has to go somewhere”
- “Mandated facial decoration”
- “Focused emission plumes”
- “Facts > Fear”
- “Feel better? Because that's the only thing this mask does”
- an image of an open-source CDC chart - with attribution - showing no difference in cases in areas with mask mandates.

24. Upon tweeting about the store deletion and emailing their Customer Service team requesting reinstatement, roughly 18 hours post-deletion, a Shopify Risk Management representative wrote to notify me that they had reinstated my account, that my billing information must be re-entered, and apologized for any inconvenience. They did not explain to me why my store had been pulled down.

25. On May 4, 2022, my Twitter account was suspended. Twitter cited the offending tweet as last in a 12-tweet thread posted on April 14 about my Shopify store closure and potential reinstatement required me to delete the tweet.

26. My suspension lasted 12 hours past the moment I deleted the tweet.

27. Twitter claimed I was being suspended for "Violating the policy on spreading misleading and potentially harmful information relating to COVID-19".

28. This was the offending tweet:

And then nothing related to Covid would happen because masks don't work, and the entire farce would be laid bare. And they

can't have that, now can they? This is about control; getting you to go along with the lies. 'Censorship is the tool used when the lie loses its power.'

29. For context, the tweet before it (#11) stated,

Bottom line: They don't want you to show up at the airport with a mask that lets people know you oppose them. Other people might join you. And then more. And then people might refuse to wear them en masse. And they'd have a civil rebellion on their hands...

30. Authors' livelihoods depend on their ability to build an audience, and social media is integral to that process in the digital age.

31. I have accumulated 44,000+ Twitter followers since early 2020, more than half of whom began following me after my Medium.com account was suspended in 2021.

32. Since my Twitter suspension, my account has lost substantial engagement, and my profile, tweets, and replies have been hidden in various ways from public view, including reply deboosting and shadowbanning, which is an internal process through which Twitter obscures selected accounts and hides them from view.

33. My Twitter account is currently shadowbanned and my engagement is at the lowest level I can recall in the last two years.

34. I have self-censored my tweets in the interest of preserving my Twitter account.

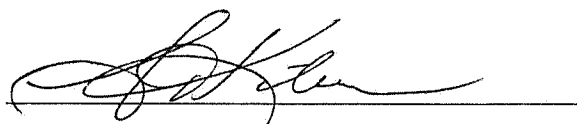
35. I use a variety of tech platforms including Facebook, Instagram, YouTube, SquareSpace, WordPress, SubStack, Yelp, Quora, EventBrite, Evite, Google, Signal, Telegram, Pinterest, NextDoor, Amazon/AWS, WhatsApp, Grammarly, and Pocket.

36. I have always believed that my information was protected and private.

37. Suspension of my Twitter account would result in yet another setback to my writing career.

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

Executed On: 1 June, 2022

A handwritten signature in black ink, appearing to read 'A. Kitchen', is written over a solid horizontal line.

Amanda J. Kitchen