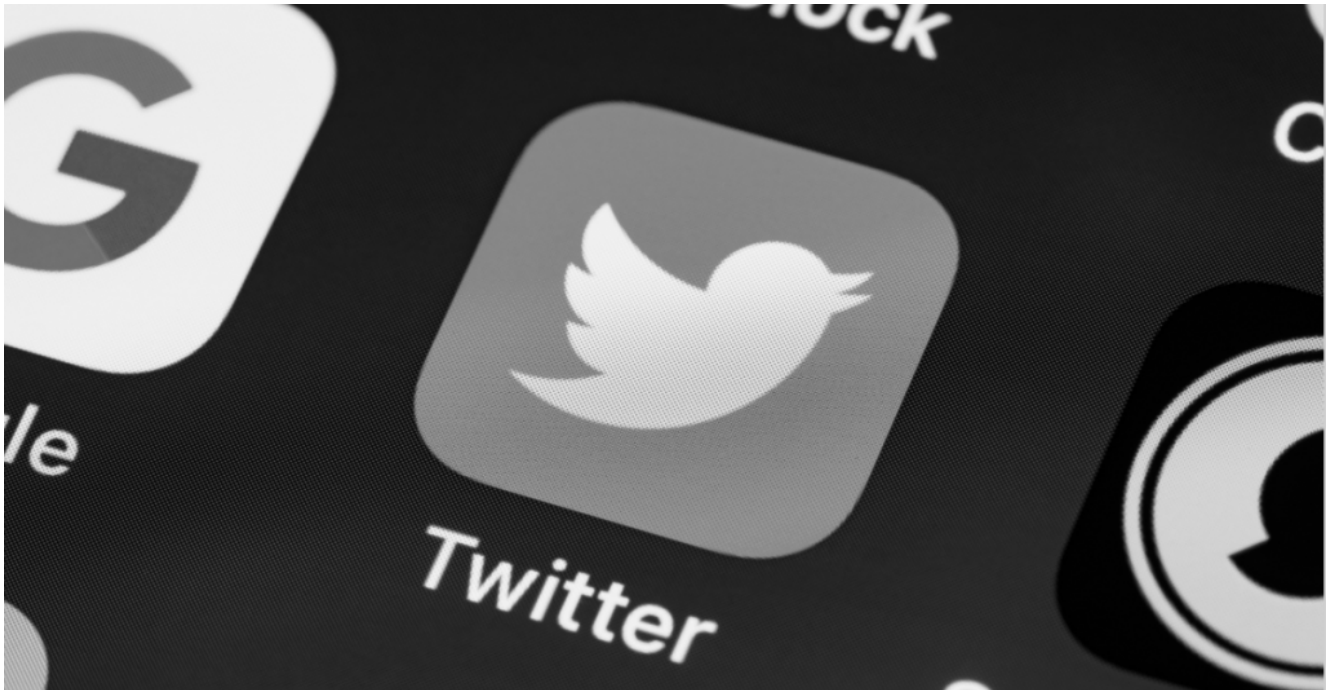


Top Physicians Sue Twitter After Accounts Banned for 'Truthful' COVID-19 Tweets



A [lawsuit](#) filed on Monday against Twitter alleges the company violated its own terms of service and community standards when it suspended the accounts of three accomplished physicians for posting “truthful statements regarding COVID-19 policy, diagnosis and/or treatment.”

The case, filed in the Superior Court in the state of California by Drs. Robert Malone, Peter McCullough and Bryan Tyson (Plaintiffs), alleges Twitter breached the terms of its contract with Plaintiffs when it permanently suspended their accounts, silenced their voices and failed to provide them with “verified” badges.

Plaintiffs allege Twitter’s actions were a substantial factor in causing them harm, and are asking the judge to order Twitter to reactivate their accounts.

All three doctors are represented by the law office of [Bryan](#)

[M. Garrie](#) and [Matthew P. Tyson](#).

Matthew Tyson on May 12, [sent a letter](#) to the directors and managing agents of Twitter requesting the company reinstate the accounts of five physicians, including Plaintiffs, and provide them with “verified” badges. Twitter failed to respond.

In the letter, Matthew Tyson acknowledged Twitter is a “private company” and its terms state it can “suspend user accounts for any or no reason.”

“However, Twitter also implemented specific community standards to limit COVID-19 misinformation on the platform, and Twitter was bound to follow those terms,” he added.

According to the complaint, Twitter’s [content moderation terms](#) included removal procedures for ineffective treatments and false diagnostic criteria, as well as measures for “labeling” information as “misleading.”

Twitter has a “[five-strike policy](#)” as part of its COVID-19 misinformation guidelines and community standards.

Twitter’s [website states](#):

“The consequences for violating our COVID-19 misleading information policy depend on the severity and type of the violation and the account’s history of previous violations. In instances where accounts repeatedly violate this policy, we will use a strike system to determine if further enforcement actions should be applied.”

Strike 1 is “no account-level action.” Strike 2 results in a 12-hour account lock. Strike 3 results in another 12-hour account lock. Strike 4 results in a 7-day account lock and 5 or more strikes lead to permanent suspension.

Plaintiffs claim they relied on Twitter to employ and enforce

its terms in good faith and it was foreseeable to Twitter that Plaintiffs would rely on the terms the company is obligated to follow.

According to the [complaint](#), a “truthful tweet regarding COVID-19 policy, diagnosis and/or treatment” would not violate Twitter’s terms of service, community standards, content moderation policies or misinformation guidelines.

“None of these physicians posted false or misleading information, nor did they receive five strikes before suspension,” Matthew Tyson stated in his letter to Twitter.

“It’s no accident that Twitter violated its own COVID-19 misinformation guidelines and suspended the accounts of Drs. Zelenko, Malone, Fareed, Tyson and McCullough,” he wrote.

The letter stated:

“Twitter received express and implied threats from government officials to censor certain viewpoints and speakers, lest Twitter face the amendment or revocation of Section 230, or antitrust enforcement. This was a financial decision for Twitter. For the sake of profits, it chose to abandon its role as a neutral internet service provider and instead openly and intentionally collude with government to silence lawful speech.”

In a statement to Children’s Health Defense, lead attorney Garrie and his co-counsel Matthew Tyson said:

“In this political climate, honesty is a rare commodity, and concerns over new and experimental vaccines and drug therapies and the safety and effectiveness of alternative outpatient treatments should be the subject of full and transparent public debate.

“Drs. Malone, Tyson and McCullough are highly qualified and

credentialed physicians and scientists who posted truthful information on Twitter which contradicted the mainstream narrative regarding COVID-19 policy, diagnosis, and treatment.

“They shared fact-based information which furthered an important public interest as people around the world try to decide how to treat themselves and their loved ones for COVID-19. Twitter silenced them.

“Our clients seek to hold Twitter liable not as a Section 230 publisher, but as a counterparty to a contract, as a promisor who has breached the very terms it put in place to moderate tweets. We will hold Twitter accountable in court and prove the truth of our clients’ statements for the world to see.”

Twitter refused to verify physicians’ accounts

In addition to being suspended from Twitter, the company refused to verify Plaintiffs accounts despite meeting the company’s criteria for verification.

To be verified, an account must be “notable and active.”

Twitter defines a notable account to include “activists, organizers, and other influential individuals,” including “prominently recognized individuals.

According to the complaint, Dr. Malone is an “internationally recognized scientist and physician” who completed a fellowship at Harvard Medical School as a global clinical research scholar and was scientifically trained at the University of California and Salk Institute Molecular Biology and Virology laboratories.

Malone is the “original inventor of mRNA vaccination

technology, DNA vaccination and multiple non-viral DNA and RNA/mRNA platform delivery technologies,” and has “roughly 100 scientific publications, which have been cited more than 12,000 times.”

He holds an “outstanding” impact factor rating on Google Scholar and sits as a non-voting member on the National Institutes of Health ACTIV committee, which is tasked with managing clinical research for a variety of drug and antibody treatments for COVID-19.

The complaint states Malone used his Twitter account to post truthful statements regarding COVID-19 policy, diagnosis and/or treatment. He received no strikes for his content and he did not violate Twitter’s rules, yet his account was permanently suspended.

Dr. McCullough is a highly accomplished physician who is the founder and current president of the Cardiorenal Society of America.

According to the complaint, McCullough has been “published more than 1,000 times, made presentations on the advancement of medicine across the world and has been an invited lecturer at the New York Academy of Sciences, the National Institutes of Health, U.S. Food and Drug Administration and the European Medicines Agency.”

McCullough has also served on the editorial boards of multiple specialty journals and served as a member or chair of data safety monitoring boards of 24 randomized clinical trials.

He has been a “leader in the medical response to COVID-19, has more than 30 peer-reviewed publications on the infection, and has commented and testified extensively on COVID19 treatment, including before the U.S. Senate Committee on Homeland Security and Governmental Affairs,” the lawsuit states.

McCullough’s account was suspended, but Twitter allowed him to

create a new account that is followed by more than 480,000 people. Yet, he is still unable to receive a “verified” badge.

In a June 28 [tweet](#), McCullough said “trouble is on the horizon for the “common carrier” whose only role is to provide a platform for communications operations,” referring to the lawsuit.

Trouble on the horizon for the "common carrier" whose only role is is to provide a platform for communications operations. pic.twitter.com/92rnYitQz1

– Peter McCullough, MD MPH (@P_McCulloughMD) [June 28, 2022](#)

Dr. Tyson is a licensed physician with 15 years of hospital and emergency medicine experience. He practices with Dr. George Fareed, who was also suspended from Twitter for posting what he claimed was truthful COVID-19 information.

Tyson and Fareed have “gained international recognition for providing successful early treatment to more than 10,000 COVID-19 patients, with zero patient deaths when treatment was started within 7 days,” the complaint states.

Tyson has testified in various proceedings about early treatment protocols and co-authored a book about COVID-19.

He also ran as a candidate for the U.S. House of Representatives for California’s 25th Congressional District, yet was not deemed a “notable figure of public interest” regarding COVID-19 policy, diagnosis and/or treatment prohibiting him from obtaining a “verified” badge on Twitter.

Tyson says he only posted truthful statements regarding COVID-19 policy, diagnosis and/or treatment with his account, and none of his tweets were classified as a “strike” or violated Twitter’s terms of service.

Like Malone's, Tyson and Fareed's accounts were permanently suspended.

"In a nutshell, these are five [physicians] of the most knowledgeable and helpful voices in the world regarding COVID-19 treatment," Matthew Tyson wrote in his letter. "Disturbingly, Twitter silenced all of them."