

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

DR. SHIVA AYYADURAI,	)	
SHIVA 4 SENATE	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	
CITY OF CAMBRIDGE,	)	
	)	
Defendant.	)	
	)	

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

**Introduction**

This action seeks a declaratory judgment that the City of Cambridge's order to remove a political message from the Plaintiffs' campaign bus constitutes a violation of the First Amendment of the U.S. Constitution and of Article XVI of the Massachusetts Constitution, and seeks temporary and permanent injunctions against the City of Cambridge, prohibiting it from imposing any fine against the Plaintiffs for parking his bus on private property in Cambridge.

**PARTIES**

1. Plaintiff Dr. Shiva Ayyadurai is over 18 years old and resides in Belmont, Massachusetts. He is a well-known scientist, engineer, entrepreneur, author, and Fulbright Scholar, who holds four degrees from the Massachusetts Institute of Technology, including his PhD in Biological Engineering. He is currently running for the United States Senate against the

incumbent, Senator Elizabeth Warren. Dr. Ayyadurai was born in India, and grew up both in a small village called Muhavur, in the southern state of India called Tamil Nadu, as well as in the city of Mumbai, where as a “low-caste” “Untouchable,” he experienced India’s oppressive caste system that developed in him a desire to understand social and political systems. At the age of 7, in 1970, his family immigrated to the United States, where he attended the public school systems in New Jersey. In 1978, as 14-year-old boy, his interest in medicine led him to be recruited as a Research Fellow at the College of Medicine and Dentistry of New Jersey (now Rutgers University Biomedical and Health Sciences), where he performed medical research and invented email, the system we all know today, when he wrote over 50,000 lines of code to create the first electronic equivalent of the interoffice paper-based mail system, which he named “EMAIL,” that consisted of the Inbox, Outbox, Drafts, Folders, Delete, Attachment, Address Book, Compose, Forward, Reply, Return Receipt, and Memo, along with the now ubiquitous terms, “To,” “From,” “Date,” “Subject,” “Cc,” and “Bcc”, for which he received, in 1982, the first U.S. copyright for “Email,” officially recognizing him as the inventor of email, at a time when copyright was the only mechanism for protecting software inventions. The Smithsonian’s National Museum of American History received the artifacts, computer code and other papers documenting his invention of email in February of 2012. *TIME*, *CBS’ The Henry Ford’s Innovation Nation*, and *The Wall Street Journal* have referred to him as “The Man Who Invented Email” and “The Inventor of Email.” Dr. Ayyadurai is also an award-winning inventor of other technologies, including EchoMail®, Systems Health®, and CytoSolve®. Since 2012, he has served as the Chairman and CEO of

CytoSolve, Inc. a company discovering cures for a wide range of diseases - from pancreatic cancer to Alzheimer's - while lowering the cost of drugs by eliminating the need for animal testing using computation systems biology. He is the founder of Systems Health, an educational institute that provides unique courses, tools and products integrating eastern medicine and western systems theory. And he is the founder and board member of the International Center for Integrative Systems, which is the home to Innovation Corps that aims to foster innovation among high school students, and also home to Clean Food Certified. He continues to conduct fundamental research, author books, and publish scientific papers across the fields of health, medicine, biology and artificial intelligence.

2. SHIVA 4 SENATE is the campaign committee for Dr. Shiva Ayyadurai's campaign for U.S. Senate. SHIVA 4 SENATE filed its formal paper work with the Federal Election Commission on March 17, 2017, and is headquartered at 701 Concord Avenue, Cambridge, Massachusetts.
3. The Defendant, the City of Cambridge, is the municipal government of Cambridge, Massachusetts.

#### **JURISDICTION AND VENUE**

4. Jurisdiction over this action arises under 28 U.S.C. § 1331 in that the Complaint alleges that the City of Cambridge has violated Dr. Ayyadurai's First Amendment right to freedom of speech.
5. Pendant jurisdiction over the alleged violation of Dr. Ayyadurai's free speech rights guaranteed under Article XVI of the Massachusetts Constitution arises under 28 U.S.C. §

1367.

6. The Court may order declaratory and injunctive relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202.
7. Venue is proper in the District of Massachusetts under 28 U.S.C. § 1391 because both parties reside in the District, and the events giving rise to this Claim occurred in the District.

### **FACTS**

8. Dr. Ayyadurai seeks election to the United States Senate in the 2018 election. His main opponent is Senator Elizabeth Warren.
9. A key issue in Dr. Ayyadurai's campaign concerns the integrity of Senator Warren, who has falsely claimed to have Native American ancestry, and wrongfully taken advantage of that unearned status.
10. Dr. Ayyadurai has crystallized the issue of Senator Warren's falsification of identity and, more importantly, Senator Warren's lack of integrity into a resonating campaign slogan, "Only A Real Indian Can Defeat The Fake Indian."
11. Dr. Ayyadurai owns an office building at 701 Concord Avenue, Cambridge, MA. The building has tenants and a parking lot.
12. On April 15, 2017, Dr. Ayyadurai and volunteers on the SHIVA 4 SENATE campaign repainted a bus and placed signage of the American flag and the slogan, "Shiva 4 Senate: Be the Light" on the bus. *Ex. A*, Photograph of the bus in the parking lot at 701 Concord Avenue.
13. On June 22, 2017, Dr. Ayyadurai and volunteers changed the slogan on the SHIVA 4

SENATE campaign bus to “Shiva 4 Senate: Fight for America. U.S. Senate.” *Ex. B*,  
Photograph of the bus in the parking lot at 701 Concord Avenue.

14. When the bus was not out touring to campaign sites, it was parked in the parking lot at 701 Concord Avenue.
15. The bus was routinely parked at that site, and with that message, for nearly a year without a murmur from the City of Cambridge.
16. On March 17, 2018, the signage on the SHIVA 4 SENATE campaign bus changed to a new slogan. Now the bus carried the message: “Only A Real Indian Can Defeat The Fake Indian.” *Ex. C*, Photograph of the bus in the parking lot at 701 Concord Avenue.
17. On April 4, 2018, Branden Vigneault, a City of Cambridge building inspector telephoned campaign volunteer Michael Mosca. Mr. Vigneault informed Mr. Mosca that the City had received a number of anonymous complaints about the bus, and instructed Mr. Mosca that the bus was in violation of city codes and the banner must be removed.
18. Mr. Mosca explained to the inspector that the banner was on the bus, not on the building, and questioned how the City’s building ordinances could have jurisdiction over a message on a moving vehicle. He also said that the banner contained political speech and, as such, was protected by the First Amendment.
19. The next day, Mr. Mosca and Dr. Ayyadurai received an emailed letter from Mr. Vigneault. *Ex. D*, Letter received from Brandon Vigneault.
20. The letter stated that the City had inspected the property and determined that the premises were in violation of Article 7, Section 7.10 of the City of Cambridge Zoning Ordinance because there were signs displayed without approvals and permits from the Inspectional

Services Department. If the signs were not removed, the letter warned, the City could. Pursue legal action and levy fines of up to \$300 a day.

21. As of the time of filing this Complaint, the only signs at the address were the banners on the campaign bus parked in the parking lot. There was and is no signage on the outside of building.
22. The next day, Mr. Mosca wrote Mr. Vigneault a letter disagreeing with the allegations of the City, and asking Mr. Vigneault to provide the exact sections of the ordinance, which were being violated. (*Ex. E*, Letter sent from Mike Mosca to Brandon Vigneault).
23. As of the time this Complaint was filed, the City never responded.
24. As a result, Dr. Ayyadurai and the SHIVA 4 SENATE campaign live in daily uncertainty whether the City will present them with a demand for days or even months worth of \$300 a day fines for purported sign violations stemming from the political message on the campaign bus.

## **CAUSES OF ACTION**

### **COUNT I**

#### **Declaratory Judgment That a City of Cambridge Building Code Fine for the Message on a Political Campaign's Bus Constitutes a Violation of First Amendment Rights Guaranteed Under the U.S. Constitution**

25. The Plaintiffs repeat and reallege the allegations of each of the paragraphs above as if expressly stated here.
26. A wide variety of vehicles are daily parked in City spaces and private lots, all carrying commercial and political messages. Yet the City never attempts to regulate the messages on those vehicles.

27. The City tolerated the SHIVA 4 SENATE campaign bus messages for nearly the first year after it was parked at 701 Concord Avenue.
28. The City only took action against the Plaintiffs after a new slogan was applied on the bus.
29. The City's action constitutes viewpoint discrimination and a violation of the First Amendment of the United States Constitution.
30. Absent declaratory and injunctive relief, the Plaintiffs will suffer irreparable harm.
31. The Plaintiffs have no adequate remedy at law.
32. This Court should accordingly declare that the City of Cambridge's order for removal of the political message on the SHIVA 4 SENATE campaign bus stands in violation of the freedom of speech protection guaranteed by the First Amendment of the United States Constitution.

## **COUNT II**

### **Declaratory Judgment That a City of Cambridge Building Code Fine for the Message on a Political Campaign's Bus Constitutes a Violation of Freedom of Speech Rights Guaranteed Under the Article XVI of the Massachusetts Constitution**

33. As a preliminary matter, the Court should enjoin the City from further threatening or outright fining the Plaintiffs for the message on the campaign bus.
34. The Plaintiffs repeat and reallege the allegations of each of the paragraphs above as if expressly stated here.
35. A wide variety of vehicles are daily parked in City spaces and private lots, all carrying commercial and political messages. Yet the City never attempts to regulate the messages on those vehicles.
36. The City tolerated the SHIVA 4 SENATE campaign bus message for the nearly the first

year after it was parked at 701 Concord Avenue.

37. The City only took action against the Plaintiffs after a new slogan was applied on the bus.
38. The City's action constitutes viewpoint discrimination and a violation of Article XVI of the Massachusetts Constitution.
39. Absent declaratory and injunctive relief, the Plaintiffs will suffer irreparable harm.
40. The Plaintiffs have no adequate remedy at law.
41. This Court should accordingly declare that the City's order for removal of the political message on the SHIVA 4 SENATE campaign bus stands in violation of the freedom of speech protection guaranteed by Article XVI of the United States Constitution.
42. As a preliminary matter, the Court should enjoin the City from further threatening or outright fining the Plaintiffs for the message on the campaign bus.

WHEREFORE, the Plaintiffs respectfully requests that this Court grant the following relief:

- a) A preliminary hearing be held immediately to determine whether the City should be temporarily enjoined;
- b) Immediate stay of any threats or fines through a preliminary injunction, without which there will be irreparable and irreversible harm and damage;
- c) Render judgment in favor of Dr. Shiva Ayyadurai and SHIVA 4 SENATE as described above and award him costs and attorneys' fees;
- d) Permanently enjoin the City of Cambridge from making any further threats or imposing any fine for the political message on the SHIVA 4 SENATE campaign bus as the damage will be irreparable and irreversible.

Respectfully submitted,

April 22, 2018

Dr. Shiva Ayyadurai  
By his attorneys,

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