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August 6, 2022

VIA ELECTRONIC MAIL
AND FEDERAL EXPRESS

Ms. Vijaya Gadde
Head of Legal, Policy, and Trust
Twitter, Inc.
1355 Market Street, Suite 900
San Francisco, CA 94103
vijaya@twitter.com

**RE: Wrongful Suspension of @AndrewBostom Twitter Account
Reinstatement Request**

Dear Ms. Gadde:

As you know, we represent Andrew G. Bostom, M.D., M.S. We are writing once again to demand that that your company reinstate Dr. Bostom's account, @andrewbostom, which Twitter suspended on July 27, 2022 in violation of its own COVID-19 misinformation policy.

This latest suspension occurred less than two weeks after our previous July 14, 2022 letter, upon receipt of which Twitter reinstated our client's account, acknowledging the earlier June 22, 2022 suspension of his account was erroneous. In its July 27, 2022 suspension notice, your company claimed that Dr. Bostom violated Twitter's "policy on spreading misleading and potentially harmful information related to COVID-19." Twitter identified the July 26 tweet, shown below, as the sole cause for Dr. Bostom's suspension.

Andrew Bostom, MD, MS
[@andrewbostom](https://twitter.com/andrewbostom)

**@SandySunset2 @anish_koka
@ClareCraigPath Pure malarkey
savant...should u be interested. The only RCT
data we have from children reveals ZERO
hospitalizations prevented by vaccination vs.
placebo; The RCT data from adults shows
more SAEs caused by vax than C19 hosps
prevented**

Jul 26, 2022, 10:29 AM

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The tweet above does not, in fact, violate Twitter's own COVID-19 misinformation policy. In the tweet, Dr. Bostom shared the summary of recent randomized, controlled trials ("RCT"). His comments can be substantiated by actual pediatric and adult data. This is not "misinformation" by any means, but rather a restating of actual scientific analysis of the data from clinical trials of Pfizer and Moderna mRNA COVID-19 vaccines.

Dr. Bostom's first comment, "The only RCT data we have from children reveals zero hospitalizations prevented by vaccination," is supported by a June 15, 2022 FDA briefing document that reports data from Pfizer's mRNA vaccine RCT in 6-month to 23-month children, showing that the RCT resulted in zero hospitalizations of children in the placebo arm. In contrast, the only severe COVID-19 case to result in a hospitalization actually occurred in a child who had received two doses of the tested mRNA vaccine. *See* FDA, Vaccines and Related Biological Products Advisory Committee Meeting, at 56, <https://www.fda.gov/media/159195/download> (last visited August 6, 2022).

Dr. Bostom's second claim, that "[t]he RCT data from adults shows more SAEs (serious adverse events) caused by [Covid-19] [vaccination] than [Covid-19] hosps [hospitalizations] prevented," is also supported by scientific evidence. In a secondary analysis of serious adverse events reported in the Phase III RCTs of Pfizer and Moderna mRNA COVID-19 vaccines, using blinded SAE tables, reviewers independently judged whether each SAE type was caused by an adverse event of special interest. The reviewers determined that "the excess risk of serious adverse events of special interest surpassed the risk reduction for COVID-19 hospitalization relative to the placebo group in both Pfizer and Moderna trials." Joseph Fraiman et al., *Serious Adverse Events of Special Interest Following mRNA Vaccination in Randomized Trials*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4125239 (last visited August 6, 2022).

As we know, Twitter's "COVID-19 misleading information policy" sets forth the specific conditions that must exist before your company takes disciplinary action against an account. In particular, the policy states that accounts that accrue five strikes shall be permanently suspended. Not only did this particular tweet not violate Twitter's COVID-19 misinformation policy because our client's comments are supported by scientific evidence, but Twitter has failed to provide any indication whatsoever regarding what it considers to be the other "strikes" against Dr. Bostom's account. Even assuming our client's tweet did violate Twitter's policy, our client's comment would only garner him a first strike, not a fifth strike leading to his permanent suspension.

Dr. Bostom did not violate Twitter's policy, nor does he have five strike under Twitter's stated five-strikes rule. The only party that is in violation here is your company, which breached its contract with Dr. Bostom by failing to follow its own COVID-19 misinformation rules.

Dr. Bostom is interested in continuing to engage in public conversation regarding his scientific and research interests, and he asks that Twitter immediately reinstate his account with zero strikes, its entire history and his following. We ask for the account to be reinstated by 5PM PT on August 12, 2022.

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While Dr. Bostom hopes that litigation will be unnecessary in this case, he is prepared to sue Twitter if necessary. Dr. Bostom is not alone in his increasing frustration with Twitter's misdeeds. He stands with a growing number of similarly situated people who have had their Twitter accounts suspended for sharing their views and opinions on COVID-19. Dr. Bostom is ready, willing, and able to serve as a lead plaintiff in a class-action lawsuit against Twitter for breach of contract if that becomes necessary.

Please do not hesitate to contact me if you have any questions or would like to discuss this matter further.

Sincerely,

A handwritten signature in blue ink, reading "JRL III". The signature is stylized and cursive.

James R. Lawrence, III