

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DR. SHIVA AYYADURAI,)	
SHIVA 4 SENATE,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 18-cv-10772(RWZ)
)	
CITY OF CAMBRIDGE,)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR VOLUNTARY DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), the Plaintiffs move to dismiss this action with prejudice, each party to bear their own costs, and as grounds, states as follows:

This action was filed on April 22, 2018, and Defendant City of Cambridge was served on April 27, 2018. The Defendant has not filed an answer, response, or even a notice of appearance. There are no counterclaims to this action. Counsel for the Plaintiffs has conferred with Counsel for the Defendant regarding this Motion, and the Defendant does not oppose. Because the City of Cambridge has rescinded the April 5, 2018 Enforcement Order at issue in this action, the Plaintiffs believe dismissal is appropriate, as set forth more fully in the accompanying Declaration of Dr. Shiva Ayyadurai.

Accordingly, the Plaintiffs request that this action be dismissed with prejudice, each party to bear their own costs and attorneys' fees.

Boston, MA
May 17, 2018

Respectfully submitted,

Dr. Shiva Ayyadurai
By his attorneys,

/s/Timothy Cornell
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CERTIFICATE OF CONFERENCE

In accordance with Rule 7.1, I certify that I have conferred with counsel for the City regarding this Motion, and the City does not oppose this Motion.

CERTIFICATE OF NOTIFICATION

As the City has not yet entered an appearance in this matter and thus cannot receive ECF notice, I certify that I will notify the City of this motion, including a copy of the motion and accompanying memorandum, via First Class mail to:

Law Department
City of Cambridge
95 Massachusetts Avenue, # 320
Cambridge, MA 02139

/s/ Timothy Cornell
Timothy Cornell

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DECLARATION OF DR. SHIVA AYYADURAI

Pursuant to 28 U.S.C. § 1746, Dr. Shiva Ayyadurai declares the following:

Whereas on April 5, 2018, the City of Cambridge threatened the Plaintiffs, Dr. Shiva Ayyadurai and the Shiva 4 Senate Campaign with a fine of \$300 per day fine for displaying the signage, “Only a Real Indian Can Defeat the Fake Indian” on their campaign bus;

Whereas Plaintiff Dr. Shiva Ayyadurai is recognized as one of the nation’s strongest proponents of the First Amendment and a fighter for truthful Free Speech, as embodied in the United States Constitution, given his history of defending free speech including:

1. Ensuring the rights for academic free speech to those scholars, researchers and scientists who seek to perform research and publish results that may expose the dangers of GMOs, without threats to their scientific careers by agro-biotechs such as Monsanto;
2. Fighting violators of truthful free speech such as Gawker Media, an organization whose entire business was based on a click-baiting revenue model that relied on writing false and defamatory articles to libel and character assassinate innocent people; and,
3. Being the Keynote Speaker at the August 19, 2017 Boston Free Speech Rally, where he spoke about the racism of Hillary Clinton, Joe Biden, Harry Reid, Robert Byrd and faced a mob of 40,000, who had been incited by Boston Mayor Marty Walsh and Massachusetts Governor Charlie Baker, who had purposefully mis-characterized the Rally as a “Nazi” and “White Supremacist” event.

Whereas, given Dr. Shiva Ayyadurai's history of defending the First Amendment, the Plaintiffs were compelled, by their beliefs in the principles of the U.S. Constitution, to file a lawsuit on April 22, 2018 to defend their rights to Freedom of Expression and Freedom of Speech to display the slogan only "Only a Real Indian Can Defeat the Fake Indian" on their campaign bus;

Whereas after filing the lawsuit, the Plaintiffs were ready to escalate the lawsuit and file a Motion for Preliminary Injunction on May 4, 2018, and accordingly informed the Defendants of their intention;

Whereas the Defendants, being fearful that the Preliminary Injunction being imposed on them would lead to the Defendants losing a federal lawsuit;

Whereas the Defendants being further fearful that the risk of discovery and depositions in a lawsuit would lead to exposing Elizabeth Warren's potential involvement in forcing the City's actions against the Plaintiffs;

Whereas given these imminent and tangible fears, the Defendants initiated negotiations leading to the following terms of surrender:

1. That the City of Cambridge unconditionally withdraws its April 5, 2018 Enforcement Order.
2. That the City confirms that the freedom of speech rights embodied in the First Amendment extend to the Plaintiffs and their vehicles.
3. That the Plaintiffs will not face any similar threats of fines or levies of such fines based on the facts described in the April 5, 2018 Enforcement Order.

Whereas, Plaintiffs Dr. Shiva Ayyadurai and the Shiva 4 Senate Campaign wish to focus on preserving the First Amendment rights to Freedom of Expression and Freedom of Speech for posterity, and not to be vindictive against the Defendants but rather to be magnanimous to the Defendants, and further recognizing that lawsuits are costly and time consuming to the Courts and taxpayers,

Therefore, the Plaintiffs accept the terms agreed upon with the City and the dismissal of this lawsuit with prejudice.

Signed and declared by

\S Shiva Ayyadurai

Dr. Shiva Ayyadurai
May 17, 2018