

PETITIONER'S LOWER COURT RECORD APPENDIX

CIVIL TRACKING ORDER (STANDING ORDER 1- 88)		DOCKET NUMBER 2684CV01614	Trial Court of Massachusetts The Superior Court 																																					
CASE NAME: Ayyadurai, Dr. Shiva vs. William Francis Galvin Secretary of the Commonwealth of Massachusetts			John E Powers, III Suffolk County Civil																																					
TO: Dr. Shiva Ayyadurai ,			COURT NAME & ADDRESS Suffolk County Superior Court - Civil Suffolk County Courthouse, 12th Floor Three Pemberton Square Boston, MA 02108																																					
TRACKING ORDER - A - Average You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated. <u>STAGES OF LITIGATION</u> <table border="1"> <thead> <tr> <th></th> <th>SERVED BY</th> <th>FILED BY</th> <th>HEARD BY</th> </tr> </thead> <tbody> <tr> <td>Service of process made and return filed with the Court</td> <td></td> <td>08/31/2026</td> <td></td> </tr> <tr> <td>Response to the complaint filed (also see MRCP 12)</td> <td></td> <td>09/29/2026</td> <td></td> </tr> <tr> <td>All motions under MRCP 12, 19, and 20</td> <td>09/29/2026</td> <td>10/29/2026</td> <td>11/30/2026</td> </tr> <tr> <td>All motions under MRCP 15</td> <td>07/26/2027</td> <td>08/25/2027</td> <td>08/25/2027</td> </tr> <tr> <td>All discovery requests and depositions served and non-expert depositions completed</td> <td>05/22/2028</td> <td></td> <td></td> </tr> <tr> <td>All motions under MRCP 56</td> <td>06/20/2028</td> <td>07/20/2028</td> <td></td> </tr> <tr> <td>Final pre-trial conference held and/or firm trial date set</td> <td></td> <td></td> <td>11/17/2028</td> </tr> <tr> <td>Case shall be resolved and judgment shall issue by</td> <td></td> <td></td> <td>05/31/2029</td> </tr> </tbody> </table> <u>DEADLINE</u> The final pre-trial deadline is <u>not the scheduled date of the conference</u>. You will be notified of that date at a later time. Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service. This case is assigned to						SERVED BY	FILED BY	HEARD BY	Service of process made and return filed with the Court		08/31/2026		Response to the complaint filed (also see MRCP 12)		09/29/2026		All motions under MRCP 12, 19, and 20	09/29/2026	10/29/2026	11/30/2026	All motions under MRCP 15	07/26/2027	08/25/2027	08/25/2027	All discovery requests and depositions served and non-expert depositions completed	05/22/2028			All motions under MRCP 56	06/20/2028	07/20/2028		Final pre-trial conference held and/or firm trial date set			11/17/2028	Case shall be resolved and judgment shall issue by			05/31/2029
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DATE ISSUED 06/02/2026	ASSISTANT CLERK Christine M Hayes		PHONE (617)788-8141																																					

6/24/26
NOTIFY

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CIVIL ACTION
NO. 2684CV1614

DR. SHIVA AYYADURAI, Plaintiff

vs.

**WILLIAM FRANCIS GALVIN, in his official capacity as SECRETARY OF STATE of the
COMMONWEALTH OF MASSACHUSETTS, Defendant**

**DENIAL OF PLAINTIFF'S REQUEST FOR A TEMPORARY RESTRAINING ORDER
OR PRELIMINARY INJUNCTION OR FOR ANY EMERGENCY ORDER(S)**

The Plaintiff, Dr. Shiva Ayyadurai, filed this cause of action originally in the Massachusetts Supreme Judicial Court. The Massachusetts Supreme Judicial Court directed this matter back to the Massachusetts Superior Court. Because, Plaintiff's case is time sensitive in that he is looking for this Court to enter an order – which would – if it issued - , order the Massachusetts Secretary of State, to take specific action relative to the upcoming elections, this Court conducted a hearing as quickly as it could. That hearing took place on June 16, 2026.

After conducting a hearing and after reviewing the filings of both sides, Plaintiff's Motion for a Temporary Restraining Order / Preliminary Injunction and/or any other Emergency Order / Action by this Court is **DENIED**. This Court does not find that the Plaintiff has a likelihood of success on the merits of this lawsuit. Therefore, this Court will not issue any temporary restraining order / preliminary injunction or emergency order(s).

BACKGROUND

This is not the first (1st) lawsuit, Dr. Ayyadurai, has filed against the Massachusetts Secretary of State, William Galvin. And, Dr. Ayyadurai, as a past and present candidate for political office, has an especially keen interest in ensuring the integrity of Massachusetts elections.

In 2020, Dr. Ayyadurai, sued Secretary of State Galvin in the United States District Court of Massachusetts. See *Ayyadurai v. Galvin*, 560 F.Supp.3d 406 (D. Mass. 2021). In that case, Dr. Ayyadurai, challenged the integrity of the September 2020 Republican Primary Senate Election and November 2020 Massachusetts General Election. *Id.* at 407. Dr. Ayyadurai accused Secretary Galvin of election fraud. *Id.* The federal district court, denied Dr. Ayyadurai's Motion for a preliminary injunction and dismissed his case. *Id.*

In that cause of action Dr. Ayyadurai brought up the issue he again asserts in this lawsuit. "On September 9, 2020, Ayyadurai filed a public records request "...concerning whether the Secretary stored all digital ballot images from the Primary Election." *Id.* at 408. "On September 24, 2020, he [Ayyadurai] was informed by the Massachusetts Elections Director, Michelle Tassinari, that pursuant to Massachusetts state law, Secretary Galvin's office did not collect or store ballot images." *Id.*¹

Amongst the reasons the federal district court did not issue a preliminary injunction and dismissed Dr. Ayyadurai's case was based upon the federal court's finding that, "Plaintiff [Ayyadurai] had also failed to plead a plausible claim for which relief could be granted because

¹ Instead, Secretary of State Galvin's Office states that all paper ballots are retained in this state in compliance with state and federal laws.

the [federal] **Complaint only alleged that Secretary Galvin had failed to preserve ballot images in violation of 52 U.S.C. Sections 20701-20702, which do not provide a private right of action.** *Id.* at 3.” *Ayyadurai*, 560 F.Supp.3d at 408-409. (emphasis added). The Court directly told Dr. Ayyadurai there was no private right of action pursuant to 52 U.S.C. Section 20701, et seq..

In that federal action, in an Amended Complaint, Dr. Ayyadurai alleged that, “...Secretary Galvin failed to preserve the digital ballot images created by the machines that tabulated the votes cast. *See id.* at 10. He claims that makes it impossible to conduct an electronic audit of the vote and raises further doubt about the reliability of the election results, *See id.* at 26.” *Ayyadurai*, 560 F.Supp.3d at 409. The federal district court dismissed Ayyadurai’s cause of action on jurisdictional grounds. *Id.*, at 411-412.

Ayyadurai’s Current Lawsuit

Dr. Ayyadurai brings this current lawsuit as a “Petition for a Writ of Mandamus.” He seeks an order from this Court that Secretary Galvin “...comply with federal record retention and preservation laws.” (Ayyadurai Petition for Mandamus Paragraph 1). He asserts, “Federal law mandates that all election records and papers relating to federal election be retained and preserved for no less than twenty-two (22) months. See 52 U.S.C. Section 20701.” (Ayyadurai Petition for Mandamus Paragraph 2). Under the section of Dr. Ayyadurai’s Complaint entitled statutory and legal framework, Ayyadurai states, “**52 U.S.C. Section 20701** requires retention and preservation of “all records and papers relating to acts requisite to voting for federal elections for 22 months. The statute is interpreted broadly to include electronic and digital records, including ballot images, as reflected in 52 U.S.C. 21081(b), which governs electronic voting systems and their record keeping and audit requirements. 52 U.S.C. Section

21081(a)(2)(A) states, the voting system shall produce a record with an audit capacity for such a system.” (Ayyadurai Petition for Mandamus Paragraphs 10-12). (emphasis added).

Dr. Ayyadurai goes on to assert that Massachusetts Election Director Tassinari’s statement from the 2020 federal lawsuit (as set forth in the background section above) is an admission Massachusetts is in violation of 52 U.S.C Section 20701.² (Ayyadurai Petition for Mandamus Paragraphs 14-15). Dr. Ayyadurai therefore seeks an order from this Court mandating Secretary of State Galvin abide by his legal non-discretionary duty to ensure compliance with federal election record retention and preservation laws.

Secretary of State’s Position

The Secretary of State has filed an Opposition providing specific details and indicating that the actions of the Massachusetts Secretary of States’ Office, in terms of elections and ballots, etc., are through its retention of all paper ballots in compliance with both state and federal law, including but not limited to 52 U.S. C. Section 20701 et seq..

DENIAL OF DR. AYYADURAI’S MOTION FOR A TEMPORAY RESTRAINING ORDER / PRELIMINARY INJUNCTION OR ANY EMERGENCY RELIEF, ACTION OR ORDER.

Dr. Ayyadurai’s Request for a Temporary Restraining Order/ Preliminary Injunction and/or any Emergency Orders requires this Court to look at Dr. Ayyadurai’s likelihood of success

² Secretary of State Galvin disputes this assertion maintaining that his office is in full compliance with 52 U.S.C. Section 20701, et seq. by its retention of paper ballots where all votes in Massachusetts originate from paper ballots.

on the merits. Because Dr Ayyadurai has no likelihood of success on the merits, no such order(s) shall issue.

Standard of Review

Under the well-known standard for granting a temporary restraining order / preliminary injunction or any of the emergency relief Dr. Ayyadurai seeks, Dr. Ayyadurai as the moving party **must show that he is likely to succeed on the merits** and that in the absence of an injunction and/or emergency orders, he will suffer irreparable harm sufficient to outweigh the harm that an erroneous injunction would impose on the nonmoving party. *GTE Prods. Corp. v. Stewart*, 414 Mass. 721, 722-723 (1993); *Packaging Indus. Grp., Inc. v. Cheney*, 380 Mass. 609, 617 (1980). (emphasis added). A preliminary injunction is a significant remedy that **should not be granted unless the moving party has made a clear showing of entitlement thereto**. *Student No. 9 v. Board of Educ.*, 440 Mass. 752, 762 (2004). (emphasis added). In balancing the factors, the court considers not so much “the raw amount of irreparable harm the party might conceivably suffer, but rather the risk of such harm in light of the party’s chance of success on the merits. Only where the balance between these risks cuts in favor of the moving party may a preliminary injunction properly issue.” *Packaging Indus. Grp., Inc.*, 380 Mass. at 617. (emphasis added). Further, the Court must consider the impact on the public interest which is significant given that this is an election year. *T.& D Video, Inc., v. City of Revere*, 423 Mass. 577, 580 (1996).³

³ When a Defendant is a public entity, some courts have found that the Court must explore a request for a preliminary injunction a bit differently. “Before a preliminary injunction may issue against a public instrumentality, the movant must demonstrate a higher probability of success and irreparable harm than would be required against a private party.” *Penn. Cent. Co. v. Public Utilities Comm’n*, 296 F. Supp. 893, 896 (D. Conn. 1969).

“By definition, a preliminary injunction must be granted or denied after an abbreviated presentation of the facts and the law.” *Cheney*, 380 Mass. at 616. A preliminary determination is made “...‘based on the affidavits, attached exhibits, and motions furnished by the parties, as well as reasonable inferences from that evidence.’” *Ethicon Endo-Surgery, Inc. v. Pemberton*, 2010 WL 5071848, at *1 (Mass. Super. 2010) (Lauriat, J.), quoting *Fazio v. Bank of Am.*, 2010 WL 2432024, at *1 (Mass. Super. 2010) (Fremont-Smith, J.).

No Likelihood of Success.

Dr. Ayyadurai’s “Petition For A Writ of Mandamus” clearly asserts that this Court should issue temporary orders and take action immediately because Secretary of State Galvin is violating 52 U.S.C. Section 20701, et seq..

52 U.S.C. Section 20701 governs retention and preservation of records and papers by officers of elections; deposit with custodian; penalty. It states in relevant part:

Every officer of election shall retain and preserve for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office... Member of Senate, member of House of Representatives...are voted for, all records and paper which come into his possession relating to...other act requisite to voting in such election...to retain and preserve these records and papers at a specified place...Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1000 or imprisoned or both.

Id.

Secretary of State Galvin’s Office sets forth in their Opposition how their office is in full compliance with applicable federal and state law. But even assuming for argument’s sake it was not, (and there is no evidence that it is not), Dr. Ayyadurai’s Complaint still fails to set forth a valid cause of action and fails to set forth a likelihood of success on the merits.

In *Ayyadurai v. Galvin*, 560 F.Supp.3d 406 (D. Mass. 2021), the federal court explained to Dr. Ayyadurai, that 52 U.S.C. Section 20701 did not allow for a private right of action. *Id.* at 508-409. The federal court stated, “[Ayyadurai’s] **Complaint only alleged that Secretary Galvin had failed to preserve ballot images in violation of 52 U.S.C. Sections 20701-20702, which do not provide a private right of action.** *Id.* at 3.” *Ayyadurai*, 560 F.Supp.3d at 408-409. (emphasis added).

The point that no private right of action may be maintained pursuant to 52 U.S.C. Section 20701, et seq. was just recently re-affirmed by the federal courts here in Massachusetts in *United States v. Galvin*, -- F.Supp.3d --- (D. Mass. 2026), 2026WL 972129 (Docket No. 25-13816-LTS, April 9, 2026). The Massachusetts Secretary of States’s records regarding voting lists were being sought by the United States. The Court stated, “Title III requires every “officer of election” to “retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election” for federal office, “all records and papers which come into [the officer’s] possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election.” 52 U.S.C. Section 20701. These records must be made available for inspection, reproduction and copying” by the United States Attorney General (or the Attorney General’s representative) **if the Attorney General makes a “demand in writing” for such a production.** 52 U.S.C. Section 20703. The written demand “shall contain a statement of the basis and the purpose therefor.” *Id.*” *United States v. Galvin*, 2026WL 972129 *1. It is the Attorney General of the United States which may bring a cause of action for the enforcement of 52 U.S.C. Section 20701, et seq.. There is no private right of action.

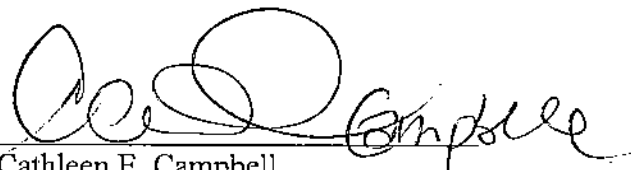
As such, the law makes clear there is no private right of action pursuant to 52 U.S.C. Section 20701 et seq.. Where the legal basis upon which Dr. Ayyadurai maintains his cause of

action is 52 U.S.C. Section 20701 et seq., his case has no likelihood of success on its merits. Further, even if this legal impediment to Dr. Ayyadurai's lawsuit failed to exist, a review of the Opposition filed by the Defendant, Secretary of State Galvin' Office demonstrates to this Court that the Court's analysis would not change. Dr. Ayyadurai still would fail to demonstrate a likelihood of success on the merits.

ORDER

For the foregoing reasons, the Plaintiff's Motion for a Temporary Restraining Order / Preliminary Injunction or any Emergency Order is **DENIED**.

June 22, 2026


Cathleen E. Campbell
Associate Justice of the Superior Court