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Case **24-vs-06664** (Removed from SF Superior Court CGC-24-617303 | October 30, 2024

United States District Court – Northern District of California

Plaintiff's Identifying the Causes of Action Document

Response to Order to show cause is issued by Judge Jaqueline Scott Corley, due November 7, 2024 or earlier

1. For Twitch as a company, the Plaintiff intends to have only California Business and Professions Code – Section 17200 et seq as a cause of action.
2. For co-Defendant Samantha Briasco-Stewart, the Plaintiff intends to have California Civil Code 1709 – Deceit or fraudulent misrepresentation and California Civil Code 1710 Deceit including intentional misrepresentation, concealment and nondisclosures as Causes of Action. The Plaintiff is introducing California Civil Codes 1709 and 1710 as causes of actions, because the Defendant Ms. Briasco-Stewart committed at least 3-4 counts of California or Federal criminal perjury (California Penal Code 118 and 18 USC 1621) which harmed the Plaintiff through fraudulent misrepresentations which harmed the Plaintiff.
3. Twitch meets the second “unlawful” under Section 17200, because Twitch consciously objected to thousands of their streamers, including xQc who was popularly reported upon by the Pres, of committing at least two Federal criminal statutes 18 US 1955 Prohibition of illegal gambling businesses and 18 USC 1084 Transmission of wagering information. These streamers and Twitch itself because Twitch allowed it despite the Plaintiff's emails informing them of their crimes, also committed too many State criminal violations to list here, as there are 50 States in the US. (Exhibits G and H of the original Complaint)

Therefore Twitch meets the definition of “unlawful” because the Plaintiff is stating at minimum two Federal criminal laws that Twitch predicates.

Interestingly the Defendants accused the Plaintiff of “engaging in a never ending campaign of harassment through threats in emails.” However the Plaintiff has only sparsely emailed Twitch in 2019 and 2020 complaining about Twitch’s unlawful actions, automatically in June 2023 complaining about the aforementioned criminal violations, and to Defendant Samantha Briasco-Stewart on July 23 2024 – August 28 2024 because the Plaintiff was suffering from the side effects of large doses of amphetamine and z-hypnotics (about the FDA recommended maximum) prescribed to the Plaintiff consistently from 2017 – 2024. “Harassment” as defined by law is whether a reasonable person would find the communications objectionable, and the Plaintiff does not think informing Twitch of their objectively true criminal or civil or civil rights violations constituted as “harassment” by law whatsoever. There were also no threats ever issued or present in Ms. Briasco-Stewart’s 8-page Statement regarding a restraining order case, introduced as evidence by the Defendants for this case. The Defendants were entirely lying about the Plaintiff’s actions or motivations for the three reasons above, including the sparse dates the Plaintiff was alleged to have “harassed” Twitch. From 2021 – 2024, the Plaintiff has only contacted Twitch two of 48 total months.

4. **Twitch meets the second “unfair” prong of Section 17200 because in reality Twitch is nothing more than a gigantic company who solely causes and perpetuates the mental illness/disorder Gaming Disorder.**

Gaming disorder is defined in the 11th Revision of the International Classification of Diseases (ICD-11) as a pattern of gaming behavior (“digital-gaming” or “video-gaming”) characterized by impaired control over gaming, increasing priority given to gaming over activities to the extent that gaming takes precedence over other interests and daily activities, and continuation or escalation of gaming despite the occurrence of negative consequences.

Thus after seeing most Twitch users suffering from Gaming Disorder in Twitch chat, the Plaintiff believes that Twitch meets the “offends an established public policy or when the practice is immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers.

Since most Twitch users seem to meet the diagnostic criteria and definition of Gaming Disorder, exasperated by Twitch, the Plaintiff believes that Twitch should be forced to include a disclaimer of health risk Gaming Disorder on its

product, similar to how other addictive tobacco and alcohol products are required to disclose risk.

5. Twitch meets the third and last prong of “fraudulent” in Section 17200 because the public are likely to be deceived by the business’s conduct, since Twitch in reality is just a mental illness causing Gaming Disorder and co-morbid Disorders when Twitch claims in this lawsuit to be an agnostic live-streaming platform. However in Twitch’s advertising on both Apple and Google’s App Stores, Twitch admits to being “one community” of live streaming gamers.

Therefore, the Plaintiff plausibly declares that a reasonable customer would be deceived by Defendants’ conduct.

6. As for Ms. Briasco-Stewart individually, the Plaintiff lists four possible violations of California and Federal criminal perjury laws, carrying a maximum penalty of 4 and 5 years respectively, which injured the Plaintiff via Civil Code 1709 and 1709 because criminal perjury constitutes civil fraudulent misrepresentations law.

The first count of perjury is when the Defendant Ms. Briasco-Stewart lied about having blocked the Plaintiff’s single iMessage account which started sending the Defendant messages starting in Feb 04 2024 and consistently through Sep 26 2024. Since the Defendant showed knowledge of how to block numbers, her lie about blocking the Plaintiff’s iMessage account was a materially significant fraudulent misrepresentation in both the restraining order case and this case.

If allowed to appeal the restraining order to a higher court (the Plaintiff wasn’t able to make the Sep 10 2024 hearing because the Defendant sent a very late service of 8 pages + 24 pages of Exhibits on Sep 8 2024) the Plaintiff intends to appeal the RO since by not blocking the Plaintiff’s iMessage account then lying about it under perjury (which the Defendant signed explicitly that she was willing to face the consequences of) when in actuality the Defendant received consensual communication from the same iMessage account from Feb – Sep (and possibly now in Oct) then lied about non-consensual communications to two courts.

The second count of perjury are lies about there being any threats that were ever communicated to Ms. Briasco-Stewart, her family, or Twitch. Any observation of the Defendant's 8 page Statement, introduced as evidence for this case too, would clearly show that there were never any threats and that the Defendants' habit of repetitively propagating this count of perjury.

The third count of perjury is Ms. Briasco-Stewart's allegations that she had to "forced to take many days off work" due to stress caused by the Plaintiff" when any observation of what was actually communicated from July 23 2024 (the start) to July 26 2024 (the date the Defendant submitted the CH-110 form), the observation would show there wasn't much communicated at all, and a reasonable person would not take "many days off work" due to this. Furthermore the theoretical maximum that the Defendant could have taken off work is 4, from July 23 to July 26 2024, so the Plaintiff thinks a maximum of four does not meet the "many days" statement by inherent logic.

The fourth count of possible perjury is the Ms. Briasco-Stewart's allegations that she found every communication from the Plaintiff to be "abusive and harassing." If the Defendant actually found the Plaintiff to be abusive and harassing, why did she leave iMessages open when she knew how to block it from at least Feb 2024 to Sep 2024? Furthermore the Plaintiff committed in theory 500 counts of temporary restraining order violations daily from July 29, 2024 (when the TRO was issued) to August 28 2024 (the day before the Defendant transferred legal representation to a lawyer rather than herself) but the Defendant never reported any of the 500 instances which occurred daily. Any reasonable person would have blocked it, rather than simply meticulously documenting it in a legal Statement, and the Plaintiff believes that in secret the Defendant found every piece of communication to be consensual but lied about it to two courts.

7. The Plaintiff would like to change his Prayer for Relief to simply forcing Twitch to disclose the health risk of Gaming Disorder and possible co-morbid Disorders in its product. Such an action would benefit all of Twitch's users, similar to disclosures found in tobacco and alcohol products.
8. The Plaintiff would like to add 4 Years he suffered from Gaming Disorder solely due to Twitch's actions to his original \$200,000 damages claim, and thus would

like to amend the Complaint and change it to \$1M, or \$200K for each of the 5 years he either suffered from Gaming Disorder or was unjustly locked up in Tewkesbury Hospital due solely to the fraudulently deceptive actions or negligence of Twitch.



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