

# **PUBLIC NOTICE & DEMAND TO PRESERVE RECORDS**

Anticipation of Litigation — Fraud & Misrepresentation

Date: December 26, 2025

To: Elon Musk

X Corp. (formerly Twitter, Inc.)

Legal Department & Office of the CEO

1355 Market Street, Suite 900

San Francisco, CA 94103

## **NOTICE OF INTENT TO LITIGATE & DEMAND TO PRESERVE EVIDENCE**

Mr. Musk,

This letter serves as formal public notice that I am preparing to initiate legal action against X Corp. based on fraudulent misrepresentation and deceptive practices arising from content enforcement actions taken against my account.

This notice also constitutes a demand to preserve all records relevant to these matters.

## **Acknowledgment of Platform Rights**

I expressly acknowledge that X Corp., as a private entity, has the legal right to moderate, restrict, or remove content, including political speech, under its Terms of Service and applicable law.

This dispute is not about X's right to censor. It is about whether X knowingly lied about how and why enforcement actions were taken.

Private platforms may censor. They may not commit fraud or materially misrepresent facts to users.

## **Basis of Intended Claims**

X Corp. has represented to me, explicitly and repeatedly, that enforcement actions taken against my account were the result of built in algorithms.

I have reason to believe—and evidence indicating—that this representation is false, and that:

- Enforcement actions involved human review and/or targeted intervention
- Decisions were not purely automated as claimed
- X personnel or contractors exercised discretionary judgment while representing otherwise

If proven, these statements constitute material misrepresentations of fact, made knowingly or recklessly, upon which I relied to my detriment.

## **Legal Theories Under Consideration**

The anticipated causes of action include, but are not limited to:

- Fraud / Fraudulent Misrepresentation
- Negligent Misrepresentation
- Deceptive or Unfair Business Practices
- Breach of Contract and/or Promissory Estoppel
- Any additional claims revealed through discovery

Section 230 of the Communications Decency Act does not immunize fraud, misrepresentation, or deceptive conduct.

## **Demand to Preserve Records (Litigation Hold)**

You are hereby directed to immediately preserve all documents, data, and communications relevant to enforcement actions involving my account, including but not limited to:

- Internal moderation logs and enforcement notes
- Automation vs. human-review indicators
- Trust & Safety policies, guidelines, and training materials
- Internal communications (Slack, email, tickets, dashboards)
- Contractor or third-party moderation records
- Algorithmic flags, suppression tools, or visibility filtering records
- Any communications referencing my account, content, or identity by third parties such as government agencies, NGOs, political campaigns or governments outside the United States

This obligation applies to all formats, including electronic, ephemeral, archived, or backup data. Spoliation of evidence may give rise to additional claims and sanctions.

## **Reservation of Rights**

Nothing in this notice constitutes a waiver of any rights or remedies. All rights are expressly reserved.

Signed,

A handwritten signature in black ink, appearing to be 'G. Rose', written in a cursive style.

Gordon Daniel Rose

2815 N 24th Street

Phoenix, AZ 85098

Candidate for Governor of Arizona