

## Twitter Thread by Corey Quinn



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@QuinnyPig



### **And now a livetweet thread of a legal conference in the case of C21-31-BJR, Parler LLC v. @awscloud.**

Parler suggests "AWS just has to flip a switch and Parler gets turned back on. Parler has been their customer for 2.5 years."

"They've met and conferred over some user content that violates not only Parler's user requirements, but also Amazon's." Yes, they'll do that, whether you want them to or not.

"I'm not on social media" says Parler's lawyer. "If I use any terms and you don't understand them, I can explain them your honor." Just go full bro and call it "dumbing things down for you" dude.

They're now saying an "algorithm" can solve their moderation problems.

Spoiler: it can not.

"Before this, AWS spent months trying to create a long term relationship with Parler." Oh my sweet summer child. Do you also believe that your call is truly important to them as you please continue to hold?

"Amazon alleges it wasn't a termination, it was a suspension." I mean yeah, technically they didn't go through their actual "account termination" process that includes "deleting all of your data and other resources."

"All of these actions taken by @awscloud demonstrate irreparable harm and injury."

"It's disingenuous for @awscloud to talk about hate. Twitter has the same issues. They left up a hashtag or whatever it is about hanging (the VP)." Yes, but Twitter doesn't run on AWS, and equally notably, has a published and kinda-working moderation policy in place.

"Parler has not been able to locate any web host for their content, and there are reasons for that." YES THERE CERTAINLY ARE

The judge finally interrupted the ramblefest. "What about section 7.2 of Amazon's terms, which seems to provide for immediate termination?"

"It's a short termination. It's a temporary suspension."

It is absolutely not.

Judge: "How do you get to temporary? It says termination."

Judge now offers a few minutes to think about this: "Your TRO was filed before the suspension/termination. We've already moved on to a different phase of things. At what point does the TRO become a request for preliminary injunction?"

A rambling answer results in "Yes, great. My question is should we refer to this as a PI? The requirements are the same."

"Thank you for reminding me of the question, your honor." I'm already wincing at just how thoroughly outclassed this guy is.

Now @awscloud's lawyer is up. "TRO should be denied because nothing in the contract, antitrust law, or tort law requires AWS to host anything that encourages violence."

"Our examples in our brief are just that. Examples. They're the tip of the iceberg."

"Let's see 7.2. 'We can terminate for cause or suspend.' It's a suspension, but it can also be a termination. It's irrelevant, AWS is allowed to be either."

Judge: "This is a suspension? It looks like a termination."

Lawyer: "It's a suspension because AWS is still hosting their data." OH BOOM. Quinnypig gets it right earlier in the thread.

"We have to suspend your account tonight. Come back to us if you have a different moderation plan and we can revisit."

Judge: "Does that mean Amazon is still open to reinstatement with an effective moderation plan, or am I putting you on the spot?"

Obvious punting on that one!

"Your honor, it's almost irrelevant because there's no way for them to fix this within 30, 60, or 90 days. Nobody from Parler attests that this is something that they can do, or even that it's possible." Hard truth there.

Now talking about abuse complaint volumes skyrocketing along with user growth. This is an unbounded growth problem. I have sympathy for social media sites here; user moderation is \*hard\*. The largest network I helped moderate had ~100K actives.

Now to irreparable harm: "Their brief agrees that much of this harm would be compensable by damages." This is true. In other words, "if you can be made whole with a check you don't get a TRO/injunction."

Judge question: "Does @awscloud provide the same services to Twitter?"

Lawyer: "No. Twitter's live feed doesn't run on AWS. They couldn't have taken the same actions with respect to Twitter."

Lawyer makes one more point: "It's in the public interest to deny the injunction based upon the events of January 6th." I guess we're calling it an injunction now.

Back to Parler's attorney. "On the 8th there were no further warnings, no shot across the bow. It was just 'boom, we're suspending you.'" Correct. There is no requirement otherwise.

Judge: "Would damages be sufficient, coupled with reinstatement? Why wouldn't that be sufficient?"

Lawyer: "The site is supported by advertisers." PLEASE NAME THREE.

Uh... "Okay, would a GIANT PILE OF DAMAGES be sufficient" is the next question if I'm cosplaying as a lawyer.

Judge: "Thanks for coming on short notice. Bye!"

What happens now is that the judge considers the case and issues a ruling either granting or denying the TRO/PI, probably later today.