

JOSEPH KIRCHNER
Pro Se Plaintiff
4440 Parklawn Avenue
Edina, MN 55435
Legal@lawsofexistence.com
Tel: (612) 552-2122

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

JOSEPH KIRCHNER,
Plaintiff,

Case No. 1:25-cv-02735-ACR

vs.

**SUMMARY OF MATERIAL
CHANGES: FIRST AMENDED
COMPLAINT TO SECOND
AMENDED COMPLAINT**

MIKE JOHNSON, in his individual and
official capacity as Speaker of the
United States House of Representatives;
DONALD J. TRUMP, in his individual
capacity as former and current President
of the United States;
PAM BONDI, in her individual and
official capacity as Attorney General of
the United States;
BRENDAN CARR, in his individual
and official capacity as Chairman of the
Federal Communications Commission;
THE UNITED STATES HOUSE OF
REPRESENTATIVES;
ANTHROPIC PBC;
OPENAI, INC.;
APPLE INC.;
COMCAST CABLE
COMMUNICATIONS, LLC;
METR (MODEL EVALUATION &
THREAT RESEARCH);
and DOES 1-20, unknown co-
conspirators,
Defendants.

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I. Defendant Modifications**A. New Defendants Added (3)**

Defendant	Capacity	Basis for Addition
APPLE INC.	Corporate	App Store privacy label misrepresentation; coordinated platform restrictions; CCPA violations
COMCAST CABLE COMMUNICATIONS, LLC	Corporate	Router-level surveillance; infrastructure-level interference; network forensics evidence
METR (MODEL EVALUATION & THREAT RESEARCH)	Corporate	Regulatory capture; AI safety evaluation manipulation; coordination with government defendants

B. Defendants Retained (8)

1. MIKE JOHNSON (Speaker, individual and official capacity)
2. DONALD J. TRUMP (former/current President, individual capacity)
3. PAM BONDI (Attorney General, individual and official capacity)
4. BRENDAN CARR (FCC Chairman, individual and official capacity)
5. THE UNITED STATES HOUSE OF REPRESENTATIVES
6. ANTHROPIC PBC
7. OPENAI, INC.
8. DOES 1-20

C. Order Change

- **OLD:** Trump listed first, then Johnson
- **NEW:** Johnson listed first, then Trump

II. COUNTS COMPARISON

A. First Amended Complaint (september 29, 2025) - 16 Counts

Count	Title
I-VI	Constitutional Claims (First, Fourth, Fifth, Fourteenth Amendments; Civil Rights Conspiracy; RICO)
VII	Copyright Infringement & Trade Secret Theft
VIII	Unfair Competition & Unjust Enrichment
IX	Americans with Disabilities Act Violations
X	Federal Criminal Conspiracy
XI	Civil RICO Violations
XII	Obstruction of Justice
XIII	Separation of Powers Violations
XIV	Appropriations Clause Violations
XV	Breach of Contract
XVI	State Consumer Protection Violations

B. Second Amended Complaint - 15 Counts

Count	Title	Status
I	First Amendment Violations - Speech Suppression and	Reorganized

	Retaliation	
II	Fourth Amendment Violations - Warrantless Surveillance	Reorganized
III	Fifth Amendment Due Process Violations	Reorganized
IV	Fourteenth Amendment Equal Protection Violations	Reorganized
V	Civil Rights Conspiracy (42 U.S.C. § 1985)	Retained
VI	RICO - Racketeer Influenced and Corrupt Organizations	Retained
VII	Trade Secret Misappropriation	Modified
VIII	Copyright Infringement	Retained
IX	Breach of Contract	Retained
X	Consumer Protection Violations	Retained
XI	Declaratory Judgment	NEW
XII	Electronic Communications Privacy Act Violations	NEW
XIII	Computer Fraud and Abuse Act Violations	NEW
XIV	California Consumer Privacy Act Violations	NEW
XV	App Store Privacy Label Misrepresentation and Fraud	NEW

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C. Counts Removed

Old Count	Title	Reason for Removal
IX	Americans with	Superseded by more

	Disabilities Act Violations	specific claims
XII	Obstruction of Justice	Consolidated into RICO allegations
XIII	Separation of Powers Violations	Incorporated into Constitutional Crisis section
XIV	Appropriations Clause Violations	Incorporated into factual allegations

D. New Counts Added (5)

1. COUNT XI - Declaratory Judgment: Seeks judicial declaration regarding constitutional violations and legal rights

2. COUNT XII - ECPA Violations: Based on new router forensics evidence showing unauthorized interception

3. COUNT XIII - CFAA Violations: Based on network interference and unauthorized access evidence

4. COUNT XIV - CCPA Violations: Against corporate defendants for privacy violations affecting California residents

5. COUNT XV - App Store Fraud: Against Apple for privacy label misrepresentations

III. STRUCTURAL CHANGES

1

A. Major Section Reorganization

Section	OLD Structure	NEW Structure
I	Introduction (subsections A-G)	Introduction (streamlined)
II	Jurisdiction and Venue	Jurisdiction and Venue
III	Parties	Parties (expanded for new defendants)
IV	Article III Standing	Article III Standing (enhanced)
V	Factual Allegations	Factual Allegations (substantially expanded)
VI	Causation	METR Regulatory Capture (NEW)
VII	Legal Precedents	Constitutional Crisis: Ultra Vires Action Across All 3 Branches (NEW)
VIII	Causes of Action	Damages and Ongoing Harm (NEW)
IX	—	Additional Evidence Available (NEW)
X	—	Causes of Action

2

B. New Major Sections3 **1. Section VI - METR Regulatory Capture:** Detailed allegations regarding METR's

4 role in AI safety evaluation manipulation and coordination with government

5 defendants

6 **2. Section VII - Constitutional Crisis:** Comprehensive analysis of coordinated ultra

7 vires action across Executive, Legislative, and Judicial branches

1 **3. Section VIII - Damages and Ongoing Harm:** Detailed quantification of damages
2 including economic, reputational, and constitutional harms

3 **4. Section IX - Additional Evidence:** Catalog of evidence available for Court
4 consideration including router forensics, network analysis, and platform coordination
5 documentation

6 **IV. SUBSTANTIVE ADDITIONS**

7 **A. New Factual Allegations**

8 **1. Router Forensics Evidence:** Detailed technical analysis of Comcast router-level
9 surveillance and interference

10 **2. Network Forensics:** Mathematical proof of coordinated AI platform targeting and
11 infrastructure-level attacks

12 **3. METR Foundation Analysis:** Evidence of regulatory capture through AI safety
13 evaluation framework

14 **4. Cross-Platform Coordination:** Documentation of simultaneous restrictions across
15 Anthropic, OpenAI, and Apple platforms

16 **5. App Store Privacy Analysis:** Evidence of Apple's privacy label misrepresentations

17 **6. Real-Time Interference Evidence:** Documentation of ongoing interference during
18 legal proceedings

B. New Legal Theories

1. Universal Standing Framework: Enhanced Article III standing arguments based on constitutional rights violations

2. Regulatory Capture Theory: METR's role as intermediary for government-corporate coordination

3. Infrastructure-Level Targeting: Claims based on network and router-level interference

4. Privacy Label Fraud: Novel theory regarding App Store privacy representations

C. Enhanced Evidence Categories

1. Technical forensics (router logs, network analysis)

2. Platform coordination documentation

3. Temporal analysis of synchronized restrictions

4. Government-corporate communication patterns

5. AI system prompt manipulation evidence

V. Relief Requested

A. Retained Relief

- Declaratory relief regarding constitutional violations
- Injunctive relief against ongoing surveillance
- Compensatory damages
- Punitive damages
- Attorney's fees and costs

B. Modified Relief

- Expanded scope to include new defendants
- Specific relief regarding router/network interference
- CCPA statutory damages
- App Store fraud remedies

C. New Relief Categories

- ECPA statutory damages
- CFAA remedies
- Declaratory judgment regarding standing framework
- Specific injunctive relief against infrastructure-level interference

VI. WORD COUNT COMPARISON

Document	Approximate Length
First Amended Complaint (Sept. 29, 2025)	~546 KB
Second Amended Complaint	~496 KB

Note: Despite similar file sizes, the Second Amended Complaint represents a complete reorganization with different content structure.

VII. KEY IMPROVEMENTS

- 1. Clearer Organization:** Claims organized by legal theory rather than mixed chronological/thematic structure
- 2. Enhanced Standing Arguments:** More developed Article III standing analysis

1 **3. Technical Evidence Integration:** Router and network forensics properly
2 incorporated

3 **4. New Defendant Coverage:** Claims against Apple, Comcast, and METR address
4 infrastructure and regulatory capture aspects

5 **5. Specific Statutory Claims:** ECPA, CFAA, and CCPA claims provide concrete
6 statutory bases

7 **6. Damages Section:** Dedicated section for harm quantification

8 **VIII. NOTICE REGARDING EXHIBITS**

9 **A. Cm/ecf Technical Failure**

10 Plaintiff attempted to file all 269 exhibits supporting the Second Amended Complaint
11 on multiple occasions on January 19, 2026. Each attempt resulted in CM/ECF system
12 failure, including:

13 **1. First Attempt (approximately 4:37 PM - 6:25 PM CST):** After uploading all 269
14 exhibits over approximately one hour, CM/ECF returned a parse error with garbled text
15 referencing "undefined dpf" and JavaScript errors.

16 **2. Second Attempt (approximately 6:26 PM - 6:28 PM CST):** Upon clicking "Back"
17 as instructed by the system, CM/ECF returned: "An internal error has occurred; could
18 not open context file 128115455846875."

19 **3. Network Analysis:** Plaintiff captured network traffic during filing attempts.
20 Analysis confirms no network interference affecting connections to
21 ecf.dcd.uscourts.gov (199.107.21.99). All TCP connections completed normally with

1 graceful closures. The failure is server-side within the CM/ECF application, not
2 network-related.

3 **B. Exhibits Filed With This Submission**

4 Due to CM/ECF's inability to process 269 exhibits in a single submission, Plaintiff files
5 only the most critical exhibits necessary to support the emergency relief requested.
6 These include exhibits directly referenced in the Emergency Motion for Temporary
7 Restraining Order and core evidence of the alleged enterprise conduct.

8 **C. Request For Court Guidance**

9 Plaintiff respectfully requests guidance from the Court or Clerk's Office on how to file
10 the remaining exhibits. Plaintiff is prepared to:

- 11 1. File exhibits in smaller batches upon Court instruction;
12 2. Provide exhibits via alternative means if authorized;
13 3. Comply with any other filing procedure the Court directs.

14 **D. Complete Exhibit List Available**

15 A complete index of all 269 exhibits is available upon request. Plaintiff will file
16 remaining exhibits immediately upon receiving instructions from the Court.

17 Respectfully submitted,
18 JOSEPH KIRCHNER
19 Pro Se Plaintiff
20 4440 Parklawn Avenue
21 Edina, MN 55435
22 Legal@lawsofexistence.com
23 Tel: (612) 552-2122

1 Date: January 19, 2026