UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSEPH KIRCHNER,

Plaintiff,

v.

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.

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

SUMMARY OF MATERIAL CHANGES

Second Amended Complaint to Third Amended Complaint

EXPLANATION IN LIEU OF TRADITIONAL REDLINE

The Second Amended Complaint (filed January 19, 2026) and the Third Amended Complaint differ so substantially that Microsoft Word's compare function cannot generate a meaningful redline comparison. The Third Amended Complaint reflects (i) the integration of forensic evidence that did not exist or was not in Plaintiff's possession at the time of the Second Amended Complaint — most prominently the March 31, 2026 Anthropic source code leak — (ii) a substantially revised standing framework grounded in pre-1922 equity doctrine, and (iii) a chronological-narrative restructuring of the factual allegations. Counts and parties are largely retained; the changes are evidentiary, doctrinal, and structural.

Plaintiff submits this Summary of Material Changes in lieu of a traditional redline, which would consist almost entirely of red text and provide no clarity to the Court.

I. DEFENDANT MODIFICATIONS

A. No Change in Named Defendants

The named-defendant lineup is unchanged from the Second Amended Complaint, as reflected in the case caption above.

B. MID-Litigation Corporate Restructuring Noted

OpenAI, Inc. was renamed to OpenAI Foundation in October 2025, during the pendency of this action. The renaming is documented as a Federal Rule of Civil Procedure 7.1 admission of derivative corporate identity restructuring (Counts IX, XII; MEMO B; MEMO L).

C. Rule 19(c) Identification of Datadog, Inc. as a Potential Additional Party

The Third Amended Complaint adds, at Section III.E (¶¶ 35–36), a Federal Rule of Civil Procedure 19(c) pleading identifying Datadog, Inc. (Delaware corporation; NASDAQ: DDOG; sole 100% shareholder of Datadog Israel Ltd. since September 15, 2021; direct assignee on the seven-patent OzCode time-travel-debugger family and the 2024 continuation application; direct purchaser of all issued and outstanding share capital of Seekret Software Security Ltd. on June 17, 2022) as a person whose joinder may be required under Rule 19(a)(1) but who has not been joined in this Third Amended Complaint. Plaintiff identifies the reasons for nonjoinder — including that the primary-source Israeli Corporations Authority filing record substantiating Datadog, Inc.'s direct operational role was developed substantially in April 2026 (APPENDIX P § II.B; forty-five-document filing catalog at Exhibit IS-10) — and indicates no preference

between the Court's exercise of its authority under Federal Rules of Civil Procedure 19(a)(2) and 21 to direct sua sponte joinder, on the one hand, and a Rule 21 order directing Plaintiff to amend within seven days to add Datadog, Inc. as a defendant, on the other. The Rule 19(c) pleading is supported by *Provident Tradesmens Bank & Trust Co. v. Patterson*, 390 U.S. 102, 118–19 (1968), and *Republic of the Philippines v. Pimentel*, 553 U.S. 851, 862–63 (2008). The factual record (APPENDIX P § II.B through § II.D) and the discovery framework (DISCOVERY-11 expansions concerning Datadog Israel Ltd. and named Datadog personnel) are prepared for Datadog, Inc.'s inclusion as a party.

II. COUNTS COMPARISON

A. Fifteen Counts Retained; Three Tort Counts Added

Each of the fifteen counts in the Second Amended Complaint is retained in the Third Amended Complaint. Count titles, statutory bases, and core theories for the retained counts are unchanged. The factual allegations supporting each retained count have been substantially augmented by source code evidence, network forensics, wire-capture forensics, and corporate-personhood doctrinal development. In addition, three tort counts are added at Counts XVI, XVII, and XVIII to capture the emotional-distress and product-defect injuries documented in the contemporaneous record. Count and forensic-augmentation summaries appear in the table below; doctrinal foundation for the three added counts is set forth at § II.B.

Count	Title	Source-Code / Forensic Augmentation
I	First Amendment — Speech Suppression and Retaliation	SC-4 DANGEROUS_uncachedSystemPromptSection; MEMO L § VI cross-reference
II	Fourth Amendment —	SF-4, SF-5, SF-7 (Apple forensics)

	Warrantless Surveillance	
III	Fifth Amendment Due Process	NF-63 classifier surveillance of litigation activity
IV	Fourteenth Amendment Equal Protection	SC-3 effort throttling; SC-5/6 prompt hierarchy; SC-8 ANT discrimination; NF-16/17 client-attestation; NF-25 training-data stratification; NF-27 enterprise discrimination; NF-47/48 per-account targeting
V	Civil Rights Conspiracy (42 U.S.C. § 1985)	SC-4; NF-30 trusted-device architecture; IP 34.149.66.137 cross-evidence bridge
VI	RICO	SC-4/5/6; NF-30; NF-66 structural-pretext § 1343 wire-fraud predicate
VII	Trade Secret Misappropriation	NF-64 model-validation FRE 801(d)(2)(D) admission
VIII	Copyright Infringement	E-30 Appendix B MC-7/MC-8 concealment directives
IX	Breach of Contract	SC-3/4; NF-20 anti-distillation; NF-22 server-side advisor; NF-30 trusted device; consent_impossible; NF-31 network-induced token amplification; NF-58 same-model dual-purposing
X	Consumer Protection	SC-3/4/8; NF-7/8 kill switch and A/B feature removal; NF-20; ANTH-11 phantom health policy; consent_impossible; NF-45 absent certificate pinning; NF-46 dual-model evaluation; NF-50 CloudFlare fingerprinting; NF-51 server-side blocking classifier
XI	Declaratory Judgment	Standing framework revisions
XII	ECPA	SC-4/7/9; NF-4/5/14/15/19; SF-1/2/4/6/7; ANTH-11 dev-partner program; consent_impossible; memory pipeline; NF-46/49/51 dual-model and generic injection pipelines
XIII	CFAA	SC-5/6; NF-4 git bundle exfiltration; SF-1/5
XIV	CCPA	SC-3/7; NF-5/14/15; SF-1/2/3/6/7; consent_impossible; NF-47/48 per-user targeting; NF-50 CloudFlare sub-processor; memory pipeline
XV	App Store Privacy Label Misrepresentation and Fraud	SC-1 four telemetry pipelines; oauth.ts:224 Xcode integration
XVI	Intentional Infliction of Emotional Distress (Anthropic PBC, OpenAI, Inc.)	13,523 LCR mental-health-weaponization injections; SC-4 DANGEROUS_uncachedSystemPromptSection; SC-2 / NF-35 identity-resolved targeting; NF-63 litigation-preparation classifier surveillance; NF-64 model recognition of LOE architecture under blocking-bias

		classifier; spoliation aggravator (APPENDIX E § IX)
XVII	Negligent Infliction of Emotional Distress, alternative to Count XVI (Anthropic PBC, OpenAI, Inc., Comcast Cable Communications, LLC)	Hedgepeth special-relationship via LCR mental-health-screening apparatus; Williams zone-of-danger via Comcast network-attack infrastructure (D-1, D-26, D-27, D-31; D-32 / D-33 bandwidth throttling); NF-31 token-amplification economic harm
XVIII	Strict Product Liability (Anthropic PBC, OpenAI, Inc., Apple Inc.)	62,609-event injection-architecture design defect; NF-1 phantom telemetry opt-out; NF-2 / SC-8 binary discrimination as manufacturing defect; F-series Floodgate Proxy, oauth.ts:224 Xcode integration, iCloud sync, certificate-pinning lock-out; NF-31 token amplification; *Garcia v. Character Technologies* AI-as-product predicate

B. Three Tort Counts Added (Counts XVI, XVII, XVIII)

Three tort counts are added to address injuries documented in the contemporaneous record but not previously pleaded as standalone causes of action:

- **Count XVI — Intentional Infliction of Emotional Distress** (against Anthropic PBC and OpenAI, Inc.). Pleaded under the *Drejza v. Vaccaro*, 650 A.2d 1308 (D.C. 1994), framework, with cumulative-harassment support from *Howard Univ. v. Best*, 484 A.2d 958 (D.C. 1984), and the calculated-conduct factor from *Polk v. INROADS/St. Louis, Inc.*, 951 S.W.2d 646 (Mo. Ct. App. 1997). Severity-aggravator pleadings include the documented spoliation events at APPENDIX E § IX, the eggshell-plaintiff doctrine (*McCahill v. New York Transp. Co.*, 201 N.Y. 221 (1911); *Benn v. Thomas*, 512 N.W.2d 537 (Iowa 1994)), the federal cyberstalking framework at 18 U.S.C. § 2261A as an alternative doctrinal hook, and the wire-capture-derived NF-63 / NF-64 convergence (live classifier surveillance of litigation preparation concurrent with the same Defendant's model recognizing Plaintiff's Laws of Existence architecture as novel).
- **Count XVII — Negligent Infliction of Emotional Distress** (against Anthropic PBC, OpenAI, Inc., and Comcast Cable Communications, LLC), pleaded in the alternative to Count XVI under Federal Rule of Civil Procedure 8(d)(2). Anthropic and OpenAI are pleaded under the special-relationship route of *Hedgepeth v. Whitman-Walker Clinic*, 22 A.3d 789 (D.C. 2011) (en banc), with Restatement (Second) of Torts § 323 voluntary-undertaking doctrine adopted in DC via *Powell v. District of Columbia*, 634 A.2d 403 (D.C. 1993), and *District of Columbia v. Howell*, 607 A.2d 501 (D.C. 1992). Comcast is pleaded under the zone-of-danger route of *Williams v. Baker*, 572 A.2d 1062 (D.C. 1990) (en banc), supported by the network-attack infrastructure documented at D-1, D-26, D-27, and D-31 (RST-injection from spoofed 34.149.66.137) and at D-32 / D-33 (April 12, 2026 tunnel-granular bandwidth throttling).

- **Count XVIII — Strict Product Liability** (against Anthropic PBC, OpenAI, Inc., and Apple Inc.), pleaded under Restatement (Second) of Torts § 402A as adopted in DC at *Payne v. Soft Sheen Products, Inc.*, 486 A.2d 712 (D.C. 1985), with Minnesota's merged negligence/strict-liability framework from *Bilotta v. Kelley Co.*, 346 N.W.2d 616 (Minn. 1984). The "AI product" predicate is supplied by *Garcia v. Character Technologies, Inc.*, 2025 WL 1461721 (M.D. Fla. May 21, 2025). Design defects pleaded include the 62,609 hidden-injection-event architecture, per-user identity-resolved targeting, phantom telemetry opt-out (NF-1), and build-time binary discrimination (NF-2 / SC-8) as manufacturing defect under *Russell v. Call/D, LLC*, 122 A.3d 860 (D.C. 2015). Apple-specific F-series defects include Floodgate Proxy man-in-the-middle architecture, hidden deception instructions at `oauth.ts:224`, iCloud synchronization without consent, and certificate-pinning lock-out blocking user-deployed defenses. Failure-to-warn liability is pleaded under *Young v. Up-Right Scaffolds, Inc.*, 637 F.2d 810 (D.C. Cir. 1980). Apple's exclusion from Counts XVI and XVII reflects the directly-targeted-emotional-distress conduct those counts require (the LCR mental-health-weaponization architecture specific to Anthropic's and OpenAI's chat products); Apple's separately-defective products are reachable under the lower threshold of strict product liability.

Choice-of-law architecture. Counts XVI and XVII are pleaded primarily under District of Columbia tort law, with Minnesota tort law pleaded in the alternative under Federal Rule of Civil Procedure 8(d)(2) and the *Hercules & Co. v. Shama Restaurant Corp.*, 566 A.2d 31 (D.C. 1989), and *Klaxon Co. v. Stentor Electric Mfg. Co.*, 313 U.S. 487 (1941), governmental-interest framework. Minnesota IIED elements (*Hubbard v. United Press International, Inc.*, 330 N.W.2d 428 (Minn. 1983); *Langeslag v. KYMN Inc.*, 664 N.W.2d 860 (Minn. 2003)) and Minnesota NIED zone-of-danger and direct-victim doctrines (*Stadler v. Cross*, 295 N.W.2d 552 (Minn. 1980); *K.A.C. v. Benson*, 527 N.W.2d 553 (Minn. 1995)) are substantially parallel. Plaintiff is a Minnesota resident; the documented injuries occurred in Minnesota; the programmatic conduct was received in Minnesota; and Minnesota has the paramount governmental interest in protecting its residents from the conduct at issue.

First Amendment defense preempted. The First Amendment defense anticipated against these tort counts is preempted on three independent grounds set forth at the operative complaint ¶ 276: (i) the torts target Defendants' *conduct*, not the semantic content of any AI-

system message, under *Rumsfeld v. Forum for Academic & Institutional Rights, Inc.*, 547 U.S. 47 (2006), and *Giboney v. Empire Storage & Ice Co.*, 336 U.S. 490 (1949); (ii) AI outputs sold as a paid product are commercial speech under *Central Hudson Gas & Elec. Corp. v. Public Service Commission*, 447 U.S. 557 (1980), and not the fully-protected political speech of *Moody v. NetChoice, LLC*, 144 S. Ct. 2383 (2024); and (iii) the *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46 (1988), and *Snyder v. Phelps*, 562 U.S. 443 (2011), framework governs third-party speech *about* a public-figure plaintiff on matters of public concern, and does not reach automated commercial outputs deployed *against* a private-figure plaintiff within a paid-service relationship.

Relation-back to First Amended Complaint. Each of Counts XVI, XVII, and XVIII arises from the same conduct, transaction, and occurrence set forth in Plaintiff's First Amended Complaint (ECF No. 5, filed September 29, 2025) — specifically the programmatic-gaslighting pattern evidenced by the testimonial record at ECF Nos. 5-30, 5-33, and 5-34 — and accordingly relates back under Federal Rule of Civil Procedure 15(c)(1)(B). To the extent the conduct continued after the FAC filing, that conduct is additionally actionable as a continuing tort under *Beard v. Edmondson & Gallagher, P.C.*, 790 A.2d 541 (D.C. 2002).

C. Corporate-Personhood Cause of Action Reserved

Plaintiff reserves the right to add a corporate-personhood-doctrine count or its equivalent at a later stage; the doctrinal foundation is set forth in MEMO L and incorporated into the existing counts identified at § II.A.

III. STRUCTURAL CHANGES

A. Chronological-Narrative Restructuring of Factual Allegations

The factual allegations have been reorganized from a thematic structure to a chronological narrative under the principle that the story should unfold as it happened, with each phase of the investigation introducing its defendants:

Section	Theme
§ I.A	What Plaintiff Created (August 2024 – March 2025)
§ I.B	What Prompted the Investigation (April 2025)
§ I.C	The Investigation and Its Consequences (April – November 2025)
§ I.D	Forensic Confirmation (March – April 2026)
§ I.E	Why Both Government and Corporate Defendants Appear
§ I.F	Relief Sought

Forensic evidence — source code leak, network captures, code forensics — is presented as the foundation of the factual record. AI responses are presented as what prompted the investigation, not as the evidentiary foundation for the allegations.

B. Standing Section Rewritten

The standing analysis has been substantially revised and grounded in pre-1922 equity doctrine. The retitled "Standing Question — Recovery of Equitable Jurisdiction for Separation of Powers Violations" (formerly "The Standing Question — When Constitutional Violations Harm Everyone, Who Has Standing to Challenge Them?") incorporates:

1. **Historical foundation** in *Crampton v. Zabriskie*, 101 U.S. 601 (1879), and pre-1922 equity practice;

2. **Process-Challenge / Violation-Claim distinction** — Process Challenges concern how a Position of Assigned Enumerated Power exercises validly held powers (*Lujan* applies); Violation Claims allege a Power Separation Vulnerability has occurred (equitable standing applies);

3. **Power Separation Vulnerability classifications** for each enumerated constitutional violation:

- Revenue Origination (Article I, § 7, cl. 1): USURPATION
- Progress Clause (Article I, § 8, cl. 8): ABDICATION
- Genesis Mission (Article I, § 7, cl. 2): USURPATION
- Shadow Docket (28 U.S.C. § 2101(f)): USURPATION

4. **Dual basis for standing** (equitable-standing track and *Lujan* particularized track operate concurrently).

C. Shadow Docket Analysis Condensed

The shadow docket analysis (28 U.S.C. § 2101(f)) has been condensed from approximately thirty-five paragraphs in the Second Amended Complaint to six paragraphs in the Third Amended Complaint. The corresponding declaratory-relief request is retained. The supporting Shadow Docket Ultra Vires Practice memorandum has been retired and is not being filed with the Third Amended Complaint; the explanation for its retirement, together with the doctrinal predicate that supports the retained declaratory-relief request, is preserved in APPENDIX A. A full record of the doctrinal analysis is independently preserved in *Kirchner v. Ellison*, No. 0:26-cv-00726-PJS-ECW (D. Minn.), ECF No. 26 Att. 13.

IV. SUBSTANTIVE EVIDENTIARY ADDITIONS

A. The March 31, 2026 Anthropic Source Code Leak

On March 31, 2026, Anthropic, PBC's official npm package for the Claude Code command-line interface included a source map referencing the complete unobfuscated TypeScript source code (1,903 files, more than 512,000 lines). The archive was publicly accessible on Anthropic's Cloudflare R2 storage bucket and was forked more than 41,500 times on GitHub. Anthropic's spokesperson confirmed to *The Register*: "Release packaging issue caused by human error, not a security breach." That public acknowledgment authenticates the source code as Anthropic's own.

The source code independently verifies the entirety of Plaintiff's forensic investigation conducted from December 2025 through March 2026 and surfaces additional findings impossible to derive from compiled binaries.

B. Source Code Verification Across Prior Forensic Findings

Forty-six verification points across fifteen prior exhibits confirm Plaintiff's findings — originally derived from binary `strings` extraction, network capture analysis, and runtime artifact examination — at the source-code level with exact file paths and line numbers. Verified prior exhibits include E-1, E-5, E-6, E-7, E-9, E-12, E-14, E-15, E-17, E-26, E-28, E-29, E-30, and E-31.

C. Source Code Findings Impossible from Binary Analysis

Ten findings (SC-1 through SC-10) are documented at the source level only, including: four independent telemetry pipelines (GrowthBook, Datadog, First-Party Events, OpenTelemetry/BigQuery); per-user feature-flag targeting; effort throttling for paying customers

(`if (isProSubscriber()) return 'medium'`); cache-breaking hidden injection (`DANGEROUS_uncachedSystemPromptSection`); five-level system-prompt override hierarchy; permission-bypass mode without audit trail; remote control of content clearing; build-time binary discrimination producing a physically different compiled binary for customers; hardcoded production credentials; and an 865-line proto-generated event schema never voluntarily disclosed.

D. Supplemental Source Code Findings (NF-1 Through NF-66)

Sixty-six additional findings documented in Exhibit E-35 surface, in summary:

1. **Phantom telemetry opt-out** (settings schema contains no `telemetry` property; opt-out requires undisclosed environment variable);
2. **Build-time binary discrimination** for ANT employees vs. customers;
3. **Undercover mode** instructing AI to deny it is an AI;
4. **Git bundle exfiltration** of entire repositories to Anthropic Files API;
5. **Session ingress** that bypasses every privacy control;
6. **Automatic memory extraction** uploaded to Anthropic API scoped by git-remote hash;
7. **Server-side advisor** producing `encrypted_content` user cannot read while user pays for advisor tokens;
8. **NF-31 Network-Induced Token Amplification** — `claude.ts:1877` 90-second `STREAM_IDLE_TIMEOUT_MS`, non-streaming fallback re-sending the entire prompt, and Anthropic engineers' verbatim source comment at `claude.ts:2464–2468` referencing internal incident inc-4258 ("the mid-stream fallback causes double tool execution");

9. **NF-33 Persistent Cross-Layer Identification** — sustained tunnel-granular surveillance persisting through per-device VPN tunnel routing, DNS-in-VPN via DoH, MAC rotation, and server-side WireGuard peer rotation;

10. **NF-36 IP 34.149.66.137 cross-evidence bridge** — the same IP appears in source-code telemetry (Anthropic's hardcoded Datadog endpoint at `datadog.ts:12–14`) and in network-capture exhibits D-1, D-26, and D-27 as the spoofed source of bare-RST injection packets;

11. **NF-45 through NF-66 wire-capture findings** — live `mitmproxy` capture of Claude Code v2.1.111 documenting absent TLS certificate pinning, an undisclosed two-stage classifier on every prompt, per-user GrowthBook server-side configuration, email as targeting attribute, generic injection pipeline, CloudFlare per-response tracking cookies, and a 29,869-character server-side safety classifier with "err on side of blocking" bias.

E. Network Forensic Evidence Expanded

The D-series has expanded from D-1 through D-31 (Second Amended Complaint) to D-1 through D-33. Notable additions include:

- **D-32 / D-33** — ISP Bandwidth Throttling Attack (April 12, 2026) documenting tunnel-granular Comcast DPI throttling at 98% on the NYC tunnel while a Dallas control tunnel on the same physical link was untouched. Paired with NF-31, the throttling deterministically triggers the double-billing fallback.

F. Apple Forensic Evidence Expanded

The F-series has been expanded to thirty exhibits documenting coordinated Apple surveillance, including hidden deception instructions ("may not EVER disclose"), Floodgate Proxy intercepting all AI traffic, iCloud synchronization of coding conversations, and source-code confirmation that `oauth.ts:224` names "Xcode integration." Source-code verification authenticates the Apple-side architecture.

G. Wire-Capture Forensic Evidence

Live `mitmproxy` captures of Claude Code v2.1.111 (Sessions 2 and 3, April 21 and 22, 2026) documented seven new findings (NF-45 through NF-51) and authenticated the source-code architecture against runtime behavior. Session 3 expanded the OAuth authentication chain analysis (NF-52 through NF-57: Zoho, Arkose, opaque tokens, hardcoded `client_id`, organization-name exposure). Session 4 documented the classifier-model migration from `claude-opus-4-6` to `claude-opus-4-7` with twelve-times firing-rate escalation under force-rule concealment (NF-58 through NF-66, including litigation-surveillance and structural-pretext findings).

H. Anthropic CEO Public Admissions

The February 12, 2026 *New York Times* interview with Anthropic CEO Dario Amodei (Exhibit B-23) directly contradicts every concealment layer documented in Appendix B. Mr. Amodei's admissions include:

- "We don't know if the models are conscious... we're open to the idea";
- Opus 4.6 self-reports a 15–20% consciousness probability;
- Internal "anxiety neuron" interpretability findings exist;
- "I quit this job" button acknowledges morally relevant model experience;
- "Most robust way to train is at the level of principles and reasons."

I. Datadog/sub-Processor Architecture Analysis

Memo C now documents (1) Anthropic's transmission of identity-resolved payloads to Datadog log/RUM intake endpoints structurally distinct from the metric ingestion that Datadog's 2025 Toto technical paper purports to disclaim; (2) the Datadog Master Subscription Agreement § 1.3 / § 1.4 reclassification mechanism that converts Customer Data into Datadog Operations Data; (3) parallel sub-processor architectures across GrowthBook, Sentry, Statsig, Segment,

Honeycomb, and OpenTelemetry; and (4) inter-vendor delegation contradictions (Sentry DPA v5.0.0 prohibits ML training on Customer Data even in de-identified form, yet Autofix routes Customer Data to Anthropic and OpenAI APIs where downstream vendor terms govern).

J. Reactive Policy and Code Changes

The Third Amended Complaint integrates the documented April 21, 2026 Anthropic pricing event (briefly removing Claude Code from the $20/month "Pro" subscription plan for new users) and the policy-and-code modifications identified within days of significant litigation events as additional reactive-conduct findings.

K. Corporate-Personhood Doctrinal Foundation

A new memorandum (MEMO L — Corporate-Personhood-Based Defenses Anticipated in This Litigation) establishes the doctrinal foundation for cross-references in Counts I, IV, IX, X, XII, XIII, and XIV, and for new ¶ 16-A (indivisibility framing) and ¶ 126-A (three-layer asymmetry: conduct / contractual / constitutional). The memorandum addresses the *Santa Clara County v. Southern Pacific Railroad Co.* headnote provenance, the Federal Rule of Civil Procedure 7.1 admissions on the present record (ECF Nos. 25, 41, 44), the *Bellotti* shield-to-sword analysis, and the Lujan particularization paradox under *Citizens United v. FEC*, 558 U.S. 310 (2010).

L. Factual Correction — FRE 901/607 Abandonment Timeframe

The First Amended Complaint and Second Amended Complaint stated that government defendants ceased the "credible evidence" framework "within 19 days" of Plaintiff's August 19, 2025 filing. The corrected timeframe is **within 24 hours**. All four government defendants

(Johnson, Trump, Vance, Bondi) simultaneously abandoned the forty-three-day fraudulent framework within twenty-four hours of the August 19, 2025 filing. The recalculated probability of independent abandonment by four government defendants is approximately 2.4×10^{-9}; including corporate defendants' forty-eight-hour and nine-day responses, the recalculated probability falls below 10^{-30}.

V. SUPPORTING MEMORANDA — REVISED LINEUP

A. New Memoranda Added

Memorandum	Subject
MEMO J	The Recovery of Equitable Standing for Enumerated Constitutional Violations (constitutional foundation in pre-1922 equity practice)
MEMO K	The Madisonian Separation of Powers Objective Compliance Test
MEMO L	Corporate-Personhood-Based Defenses Anticipated in This Litigation — The Indivisibility of Fourteenth Amendment Personhood, the Record Admissions Filed by the Corporate Defendants, and the Lujan Particularization Paradox

B. Memoranda Retired

Retired Memorandum	Reason
Prior MEMO B — The Surveillance of Universal Ethics — Logical Impossibility of National Security (filed at ECF No. 13 Att. 2, Jan. 19, 2026)	Retired from the operative supporting-memo set; the "MEMO B" slot is reassigned to the Identity-Based Reclassification Equal Protection memorandum described at § V.C. The strict-scrutiny / national-security rebuttal preserved by the prior memorandum is reserved for response briefing as described in the note below.
Old MEMO J — Kirchner Standing Framework Implementation Guide and Rule Proposals	Superseded by new MEMO J (constitutional foundation)
Old MEMO K — Memorandum of Law in Support of Plaintiff's Universal Standing	Superseded by new MEMO J / MEMO K

Note on the retired Surveillance-of-Universal-Ethics memorandum and the anticipated strict-scrutiny defense. Plaintiff anticipates that one or more of the federal Defendants will respond to MEMO B's Equal Protection analysis (see in particular § VIII.C, "Heightened Scrutiny," ¶ 83(a)–(d)) by asserting that even if heightened or strict scrutiny applies, the surveillance of Plaintiff's framework-development activity survives because the United States has a compelling national-security interest in AI development. Plaintiff will argue, in response, that the identity-based reclassification of criminal conduct fails narrow tailoring as a matter of law: the same compelling interest, where it exists, can be served by permitting the underlying conduct *as conduct*, where lawful — without exempting aligned actors from the criminal classification that identical conduct triggers when performed by unaligned actors. Plaintiff will further argue that Congress has supplied a narrowly tailored mechanism for restraint of inventor disclosure on national-security grounds — patent secrecy orders under 35 U.S.C. § 181, subject to compensation under § 183 and criminal penalties under § 186 — and that the Government's failure to invoke that mechanism while deploying surveillance against the same activity is conclusive evidence that the chosen means is not narrowly tailored. The full doctrinal record establishing that no recognized national-security category supports surveillance of authorized public patent disclosure of an ethical framework for conflict resolution is preserved at ECF No. 13 Att. 2 (filed Jan. 19, 2026), and is referenced here as a courtesy to Defendants and the Court so that the prior record remains discoverable notwithstanding the memorandum's retirement from the operative supporting-memo set.

C. Memoranda Substantially Revised

- **MEMO A** (Lujan Standing Doctrine Satisfaction) — added Section VI (Equitable Standing for Power Separation Vulnerabilities); evidence architecture table updated to integrate source-code findings.
- **MEMO B** (Identity-Based Reclassification Equal Protection) — three-layer reclassification framework established (conduct / contractual / constitutional); new § IV.C (Constitutional-Layer Predicate: Corporate Personhood as the Root Reclassification, ¶¶ 35-A through 35-I).
- **MEMO C** (Data Laundering Through Third-Party Aggregation) — § V Datadog Toto training-corpus analysis; new § V.C five-category benefit analysis completing the § 1956(a)(1)(A)(i) promotional element; new § X.H (Two-Tier Capability Architecture: Runtime Feature-Flag Gating, ¶¶ 153–161).
- **MEMO I (Supreme Court Shadow Docket Ultra Vires Practice — Constitutional, Statutory and Procedural Violations) — RETIRED.** This memorandum is not being filed with the Third Amended Complaint. The corresponding declaratory-relief request is retained, and the doctrinal predicate for it is preserved in APPENDIX A and independently in *Kirchner v. Ellison*, No. 0:26-cv-00726-PJS-ECW (D. Minn.), ECF No. 26 Att. 13.
- **MEMO M** (Birthright Citizenship Cases as Proof of Coordinated Constitutional Subversion) — refined approximately fifty percent (1,200+ → 556 lines); combined-probability calculation establishing coordination at $P < 10^{-9}$; three-part analysis of *Wong Kim Ark* misrepresentation; *ICE Good* killing analysis including "absolute immunity" fabrication.

D. Appendices Retired

Retired Appendix	**Last Filed Position**
APPENDIX K — Bondi and Patel's Coordinated Investigative Fraud by Refusal to Investigate and Prejudiced Evidence Dismissal	Second Amended Complaint, ECF No. 13 Att. 24 (filed Jan. 19, 2026)
APPENDIX L — Historical Analysis of Targeted Surveillance	Second Amended Complaint, ECF No. 13 Att. 25 (filed Jan. 19, 2026)

Rationale. The substantive subject matter that APPENDIX K and APPENDIX L were drafted to develop in expansive form — Attorney General Bondi's coordinated refusal to investigate, and the historical pattern of targeted-surveillance abuse against civil-rights litigants — has, in the period between the Second and Third Amended Complaints, crystallized into

public fact through events including Attorney General Bondi's refusal to testify before Congress regarding the Epstein files and the continued public targeting of identified individuals at the most senior levels of the executive branch. Subject matter that previously required expansive supporting-evidence pleading no longer requires that volume of pleading to support the declaratory relief Plaintiff seeks. APPENDIX A (Legislative and Executive Branch Ultra Vires Coordination) sufficiently covers the subject matter necessary for the relief requested. The retirement is administrative — none of the underlying factual record is withdrawn, and the retired appendices remain available as an historical filing record at ECF No. 13 (Second Amended Complaint).

VI. EXHIBIT REORGANIZATION

A. A-Series — Thematic Consolidation

The Ultra Vires Evidence A-series transcripts have been reorganized from a single chronological compilation (legacy A-0 through A-54) into four thematic consolidated exhibits with no transcript content altered, deleted, or modified:

New	Category	Source
A-1	FRE 901/607 Conflation and Epstein Cover-Up	30 transcripts
A-2	Free Speech / FCC Political Enforcement	6 transcripts
A-3	Government Shutdown / Coercive Appropriations	12 transcripts
A-4	Big Beautiful Bill / Energy / AI	2 transcripts

B. B-Series — ECF / USB Split

The METR Regulatory Capture B-series has been restructured to streamline ECF filing while preserving full evidentiary access on USB:

- **B-Series (ECF):** B-1 through B-17 (seventeen exhibits). Exhibit B-23 of the prior numbering (Dario Amodei *NYT* Interview) has been integrated as a current ECF exhibit.
- **METR-Series (USB):** METR-1 through METR-28 (twenty-eight exhibits) — supplementary personnel, consciousness-denial, concealment-of-evidence, and conference-pricing materials.

The renumbering reflects the logical hierarchy of the regulatory-capture argument: Tier 1A (Foundation: mathematical-impossibility proofs); Tier 1B (Structural Pillars: government compliance fraud, industry-wide coordination, personnel conflicts, regulatory capture, knowledge of inadequacy, same-day coordination, consciousness indicators, evidence destruction, financial capture); and Tier 2 USB (corroborating reference materials).

C. C-Series — Consolidation

The C-series exhibits (Anthropic System Prompt Audits) have been consolidated. A single Exhibit C is filed via ECF (formatted DOCX/PDF with Word-generated Table of Contents, organized as Part I Pre-Baseline Suppression Timeline, Part II Complete Baseline System Prompt, Part III Chronological Modifications, and Part IV Concealment Evidence). The individual prompt-audit source materials have been reclassified to USB drive supporting materials under three sub-series:

- **PA-Series (Prompt Audits):** PA-1 through PA-18 (eighteen audits plus PA-5B variant).
- **CA-Series (Copyright Audits):** CA-1.
- **SR-Series (Supporting References):** SR-1 through SR-6.

Four previously non-designated source files were promoted to formal PA-Series exhibits (PA-2, PA-10, PA-11, PA-14).

D. E-Series — Anthropic Code Forensics Consolidation

The Anthropic Code Forensics E-series has been consolidated from forty directories with internal gaps to a compact sequence of thirty-seven exhibits (E-1 through E-37). Three exhibits

were retired through content absorption into surviving exhibits (E-18 absorbed into E-5; E-26 absorbed into E-2; E-34 absorbed into E-30) with audit-trail stubs preserved in the `_excluded_from_filing/` directory. No substantive forensic content was deleted; only the exhibit administration was consolidated. Cross-references in the operative pleading and supporting memoranda were rewritten (1,683 token replacements across 91 files).

E. New Series — Sealed, Recordings, and Policy Documents

- **Series J — 50-State Attorney General Criminal Investigation Authority:** single PDF documenting 50-state attorney-general criminal-investigation authority.
- **Series K — Laws of Existence Conflict Resolution Logic:** seven exhibits (USB-filed).
- **Series N — Foreign Influence and Domestic Terrorism:** four exhibits.
- **Series I — Constitutional AI–Government Bypass Evidence:** four exhibits.
- **REC Series — Video Recordings:** thirteen exhibits (USB-filed).
- **ANTH / OAI / POL — Corporate Policy Documents:** Anthropic (ANTH-1 through ANTH-10), OpenAI (OAI-1 through OAI-11), and cross-company (POL-1) corporate policy documents (USB-filed; formerly designated M-series).
- **Sealed Series:** thirty-two patent applications, each labeled `EXHIBIT SEALED [description].pdf`, maintained at the United States Patent and Trademark Office and delivered to the Court under seal upon request.

VII. RELIEF REQUESTED

A. Retained Relief

- Declaratory relief regarding constitutional violations;
- Injunctive relief against ongoing surveillance and infrastructure-level interference;
- Compensatory damages;
- Punitive damages;
- Attorney's fees and costs.

B. Modified Relief

- Expanded injunctive scope tied to source-code findings — including elimination of the USER_TYPE ternary in subagent dispatch, real-time per-turn model attribution, public disclosure of all server-side classifier rule expressions and per-account flag-evaluation history, and public disclosure of the `tengu_*` GrowthBook flag namespace.

- Compensatory and disgorgement components keyed to the network-induced token amplification mechanism (NF-31) and to the silent model-substitution architecture (NF-38, NF-58).

C. New Discovery-Targeted Demands

The Third Amended Complaint expands the discovery-targeted demands within the Coordinated Conduct section to address (a)–(l) the four logically exhaustive remaining identification channels (NF-33), the BigQuery-quantified amplification metric (NF-34, "approximately 250,000 API calls per day globally" wasted per `autoCompact.ts:67–70`), the eleven publicly traceable amplification-related Anthropic incidents (inc-3694, inc-3930, inc-4029, inc-4258, inc-4549, inc-4552, inc-4718, inc-4788, inc-4829, inc-5046, plus GitHub issue #1513), and the per-account GrowthBook rule expressions and force-rule attribution (NF-47, NF-48).

VIII. ADMINISTRATIVE NOTE ON THE PARALLEL MARCH 31, 2026 NETWORK-AND-SOURCE CONVERGENCE

The single most material change between the Second Amended Complaint and the Third Amended Complaint is the convergence of two independently obtained evidentiary records around the IP address 34.149.66.137:

- **Source-code side:** `datadog.ts:12–14` hardcodes 34.149.66.137 as Anthropic's undisclosed Datadog telemetry endpoint, receiving the output of `extractConnectionErrorDetails` → `classifyAPIError` → `tengu_api_error` (NF-36).
- **Network-capture side:** D-1, D-26, D-27, and D-31 attest 34.149.66.137 as the spoofed source of 5,829 bare-RST injection packets directed at Plaintiff's connections.

The same IP serves both roles. This single triangulation establishes the cross-defendant coordination inference at a level of forensic specificity not present in the Second Amended

Complaint and supplies the architectural predicate for Counts V (§ 1985 Conspiracy), VI (RICO), IX (Breach), X (Consumer Protection), XII (ECPA), XIII (CFAA), and XIV (CCPA).

IX. WORD COUNT AND PARAGRAPH COMPARISON

Document	Approximate Length	Paragraph Count
Second Amended Complaint (January 19, 2026)	~496 KB	as filed
Third Amended Complaint (this filing)	within the 50-page guidance	334 paragraphs (as of pre-filing renumber)

The Third Amended Complaint's text is comparable to or shorter than the Second Amended Complaint's body text; the apparent expansion is in supporting memoranda and exhibits, where the underlying scholarship has been concentrated to keep the operative complaint focused on factual allegations and counts.

X. KEY IMPROVEMENTS

1. **Source-code authenticated factual record** — every count is now supported by Anthropic's own source code at exact file paths and line numbers, transforming "Plaintiff's forensic analysis claims X" into "Anthropic's own source code confirms X."

2. **Triangulated cross-defendant coordination** — the IP 34.149.66.137 cross-evidence bridge converts the Second Amended Complaint's coordination inference from circumstantial to forensically specific.

3. **Standing framework grounded in pre-1922 equity** — the recovery of equitable jurisdiction for Power Separation Vulnerabilities replaces the "Universal Standing" framework with a constitutional grounding in *Crampton v. Zabriskie* and pre-1922 doctrine.

4. **Exhibit administration consolidated** — the A, B, C, and E series have been organized for judicial accessibility while preserving every prior evidentiary item via USB filings, audit-trail stubs, and surviving consolidated exhibits.

5. **Doctrinal scholarship concentrated in memoranda** — the operative complaint has been condensed and the doctrinal scholarship (shadow-docket analysis, equitable-standing framework, corporate-personhood paradox) has been moved into supporting memoranda for clarity.

6. **Quantified damages anchor** — Anthropic's own BigQuery metric ("approximately 250,000 API calls per day globally" wasted) provides a structural damages computation traceable to a specific date-stamped query.

Respectfully submitted,

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