MEMORANDUM FOR ATTORNEY VOLUNTEER CAMPAIGN

RE PFIZER DOCUMENTS

(Stevan Douglas Looney, JD)[1]

A. General overview of the documents that have been or will be produced and reviewed.

In March of 2022, pursuant to a court Order, the FDA began releasing documents submitted to it by Pfizer in connection with Pfizer's application to the FDA for its request for Emergency Use Authorization (EUA) and, eventually, full FDA licensing and approval of a "vaccine" ostensibly designed to prevent (or reduce the risk) of infection and transmission of SARS Covid 2, popularly known by the moniker "Covid 19 disease". The Order was issued in a case in which a Freedom of Information Act (FOIA) request was made for certain documents submitted to and in the possession of the FDA. It is not clear on the face of the Order whether documents in the possession of the FDA regarding other "vaccine" manufacturers or distributors are subject to the Order. One would, at a minimum, need to review the FOIA request to determine the scope of the request to gain and understanding of what documents can be expected and from what sources they can be expected. A copy of the Order is lodged in the Posse Drop Box under "Research Resources."

The FDA opposed the FOIA request and it and/or Pfizer (others?) sought to have the requested documents sealed from public view and disclosure for 70-75 years. (A big red flag standing alone.) The court, to its credit, did not do that. Rather the court ordered that the documents sought in the FOIA request be produced on a rolling basis, each tranche or batch being due on the first business day of each month. (See the Order for the details. Paragraph 4 of the Order regarding "banking" is interesting and may affect the roll out of documents.)

The first tranche of the documents consists of 150 documents, totaling 55,000 pages. They too are located in the Posse Drop Box. This tranche of documents is being reviewed by the Posse volunteers and they are lodging data and information gleaned from the documents in the Posse Drop Box. A form was designed for this purpose, but that form is not always used.

As additional tranches of documents are produced, they too will need to be analyzed.

Importantly, the Posse is not alone in undertaking these efforts. Many other people and organizations are engaged in a similar effort. Some of these people and sources can be a valuable resource or asset and are worth tapping into for potentially useful information and insight. At the end of this memorandum a few of these sources are listed.

[1] The information and opinions expressed herein are not legal advice for the guidance of others, but rather are provided for informational purposes for the intended use and benefit of attorneys and other legal professionals. The information provided herein is a work in progress and is subjected to amendment, additions and deletions. Contributions by legal professionals and others are welcome and encouraged. Dated: March 24, 2022.

B. Statement of the purposes and goals of the Posse's undertaking.

In general, the purpose of this undertaking is twofold:

First, the relevant and material information and data taken from the documents that are produced will be collated, aggregated and organized in a manner designed to provide the public with accurate, relevant and useful information. The intent of this process is to assist the public in understanding the safety, efficacy and necessity, or not, of the Pfizer (and other?) "vaccine". The primary goal is to help educate the public such that their consent, or not, to submit to an injection is further informed by other relevant and material information discovered in the documents, which information may be, and likely is, beyond what they may be, or have been, advised by the manufacturers and distributors of the subject "vaccines", as well as the healthcare providers or others who inject the product into humans. This information has been and will continue to be presented in various venues and media in the "Court of Public Opinion."

Second, the relevant and material information and data taken from the documents (and other sources deemed reliable) that have been and will be produced pursuant to the Order, will be collated, aggregated and organized in a manner designed to present accurate, relevant and material evidence and proof, argument and law, in judicial and administrative proceedings before the authorities having jurisdiction over the subject matter and the parties. In general, the facts, issues and causes of action will concern the reliability and veracity of all material representations of fact and data, as well as omissions of material fact and data, regarding the safety, efficacy and necessity, or not, of the Pfizer (and other) "vaccine" that, as a result of the acts, omissions, and false or deceptive representations, caused the FDA to issue EUA and/or approval (Comirnaty) of the Pfizer Covid 19 vaccine, mRNA—and/or other--"vaccines". Civil and administrative proceedings will likely be brought. Criminal proceedings may also result.

C. Potential causes of action in civil or administrative proceedings.

The causes of action, as well as the parties and venues, will be informed by and revolve around the reliability and veracity of all material representations of fact and data, as well as omissions of material fact and data, relied upon by others concerning the safety, efficacy and necessity, or not, of the Covid 19 "vaccines". In general, the causes of action will involve acts of actionable fraud and deception by the defendants at critical phases, e.g., clinical trial phases, of the EUA and approval process and in the marketing, distribution and use and injection of the "vaccine" into humans.

Identifying the plaintiffs who are the real parties in interest and who have standing as a result of an actual injury or threatened injury is also required, as is establishing the required attorney-client relationships. Obviously, the defendants also need to be identified. All parties, whether plaintiffs or defendants, also need to submit to, or be subject to, the personal jurisdiction of the court or administrative agency and the court or administrative agency must have subject matter jurisdiction.

To the extent sovereign entities are potential defendants, issues of sovereign immunity, and waiver thereof, come into to play, including Eleventh Amendment immunity of State actors in federal courts. In some instances, state courts or administrative agencies may present the only viable jurisdictions and venues.

Whether individuals who work in governmental agencies are cloaked with immunity, qualified or absolute, are also issues. Thus, viable methods to vitiate any potential immunity must be researched, pled and proved. Further, federal pre-emption is frequently asserted as a defense or a matter in avoidance by defendants when causes of action are brought that are based upon state-law claims, whether common law or statutory claims. Pre-emption can be raised in court and in administrative proceedings. Thus, one must be mindful of when pre-emption applies and be prepared to address and when appropriate and possible defeat pre-emption arguments. On a related note, and at least equally important, is awareness of similar immunity considerations afford by Congress in 1986 to the manufacturers and producers of "vaccines", and the immunity afforded in 2020 under the PREP Act to "qualified vaccinators", i.e., people who administer the Covid product to humans.

Applicable statutes of limitations must also be analyzed to determine if they apply to a cause of action. For instance, to the extent claims are based upon fraud and deception, arguments and law may be available that the statute(s) of limitation was tolled or otherwise does not apply. Theories such as latent defects, intentional or (possibly) negligent failure to disclose a known risk or actual injury may apply to defeat statute of limitations defenses.

Identifying the causes of action will require research and a working knowledge of the applicable federal statutes and agency rules, regulations and guidelines promulgated by the FDA, and probably other agencies (CDC), governing the research and development, production, clinical trials, licensing, marketing and use of vaccines. This will also include research and understanding of exemptions, waivers and the like from such laws, rules and regulations and the circumstances under which they apply, or do not apply. The same is true for identifying potential state causes of action that can be brought in state courts or before state (or federal) administrative agencies.

Many of the statutory-based causes of action provide for treble or punitive damages and for an award of attorneys' fees to the plaintiff. (Caution must be exercised to determine the grounds upon which defendants may be awarded attorneys' fees against a plaintiff(s) if the plaintiff(s) does not prevail and whether the claim is worth that risk. E.g., an unsuccessful claim is determined to have been "frivolous.") Some common law causes of action provide for punitive damages.

With the foregoing in mind, what follows is my attempt at this point in time to identify potential causes of action. This is not an exhaustive list, but represents an attempt to apply KISS ("keep it simple stupid"), yet identify viable and good faith causes of action that are plausible and that will have a reasonable probability of success and result in the relief sought being awarded to the plaintiffs, including monetary damages to, in some measure, compensate them for their injuries.

In this effort, an important, if not "the", goal is to establish that the so-called immunity ostensibly provided to the manufacturers and distributors of the "vaccines" does not apply, and, thus, they are not shielded from responsibility and liability, but rather they are, at a minimum, financially liable for the death and injury they have caused and are continuing to cause.

I begin, albeit briefly, with potential administrative avenues of relief, as they are often over looked, and then proceed to courts.

1. Potential administrative petitions for relief based upon consumer protection.

Many states, as well as the federal government, have administrative agencies that are tasked with protecting the public from deleterious and toxic substances. The power and jurisdiction of these agencies are established by statutes, rules and regulations. In some instances, these agencies can issue injunctions to prohibit the introduction and use of myriad toxic substances in the state or in the United States.

In New Mexico (where I practice), this agency is called the Environnmental Improvement Board. By statute private citizens may file a petition before the EIB requesting that it prevent the introduction and use of deleterious and toxic substances within the borders of New Mexico. Other states may have similar agencies and statutes.

State and federal consumer protection agencies also exist. Researching the applicable statutes, rules and regulations may yield avenues of relief in connection with the Covid 19 "vaccines".

The actions of the administrative agencies are typically subject to appeal to and review by the appropriate court.

A related avenue of redress may be found under the mechanism of what is known in some states as a "civil investigative demand." (The Office of the United States Attorney may have a similar process.) Under this process, a citizen can "petition" (usually no formal document is required) the Office of the Attorney General of the state, by written request, to launch an investigation into the "vaccines", including the safety, efficacy and necessity of the "vaccine" to determine whether violations of state law have occurred. This process is often available pursuant to the state's consumer protection laws, such as unfair trade practices laws. Injunctions and temporary restraining orders are usually available under this process. Courts are more inclined to grant injunctive relief when the AG of the state is requesting it.

2. Potential civil causes of action in state or federal court.

Here is listed possible fraud/deception-based causes of action in bullet format and I do not elaborate further on them. This list is not exhaustive, nor should all such claims be brought in a single action (KISS):

- State and federal unfair trade practices act claims
- State and federal unfair trade practices claim based upon unconscionability
- Fraud against taxpayer acts claims

- RICO
- Qui tam (whistleblower lawsuits)
- Patent law violations, rendering the patent and use thereof invalid
- Product liability
- Injunctive relief
- Quo warranto (directed to a governmental official to show cause the authority upon which the official did an official act)
- Mandamus (directed to a governmental official to compel performance of an official act the official is obliged to do and has no discretion to not do)
- State and federal civil rights claims (e.g. due process and equal protection violations)
- Civil investigative demand
- Violations of statutory laws addressing due process and equal protection requirements concerning "mandatory" vaccination and isolating or quarantining people.
- Declaratory Judgment
- Medicare or Medicaid fraud

D. Partial (and incomplete) list of potentially applicable legal and informational research sources.

These sources are listed in no particular order and are not exhaustive:

Public Readiness and Emergency Preparedness Act (PREP Act of 2020) (provides immunity from liability to qualified COVID-19 vaccinators) www.govinfo.gov/content/pkg/FR-2020-03-17/pdf/2020-05484.pdf

National Childhood Vaccine Injury Act, 42 U.S.C. Sections. 300aa *et seq*. (ostensibly providing immunity to the manufacturers and distributors of vaccines)

35 U.S.C Sec. 101 *et seq*. (Patent law, including disclosure requirements)

21 C.F.R. Sec. 50.24 *et seq*. (Illegal clinical trial)

RICO Act, 18 U.S.C. Sec. 1961 *et seq.*

Jacobson v. Massachusetts, 197 U.S. 11 (1905) (often cited as authority for vaccine mandates. SCOTUS held that state police power may extend to mandating a vaccine in an actual public emergency, but that a person can opt out of taking a vaccine in favor of paying a fine. The case actually recognizes the right to choose. May be of limited precedential value today. Cited in *Buck v. Bell*, 274 U.S. 200 (1927) a forced sterilization case involving "imbeciles" institutionalized by the state.)

Robert F. Kennedy, Jr. (*The Real Anthony Fauci. Bill Gates, Big Pharma, and the Global War on Democracy and Public Health*) THIS BOOK ALONE IS A HUGE RESOURCE

David E. Martin, PhD (Excellent source of information of the history of vaccine patents and the fraud committed in that process in connection with what is now on the market as a Covid-19 vaccine.) https://www.davidmartin.world/blog/ (See, too, *The Fauci/Covid-19 Dossier; The Criminal Conspiracy of Coronavirus* available on the internet.)

Jane Ruby, LNP, PhD (Former nurse, professor of nursing and medical ethics and pharmaceutical industry researcher.) https://www.drjaneruby.com (Do watch her video interview with Mike Adams on https://www.brighteon.com titled "Dr. Jane Ruby interviewed by the Health Ranger", circa 3/23/22)

Richard Fleming, PhD, MD, JD (*Is Covid-19 a Bioweapon? A Scientific and Forensic Investigation*, Sky Horse, Publishing, 2021)

Dr. Robert Malone (Need more be said?)

Steve Kirsch, stevekirsch@substack.com

The Pfizer documents, The Pfizer documents

Peter A. McCullough, MD (Need more be said?)

Coronavirus Disease 2019 (COVID-19) | FDA

Vaccines, Blood & Biologics | FDA

FDA letter of August 23, 2021 to Pfizer, Inc., (Regarding extension of EUA to Pfizer www.fda.gov)

FDA letter of August 23, 2021 to BIO-N-TECH and Pfizer, Inc., (Regarding BLA approval of license for COMIRNATY www.fda.gov)

FDA Pfizer authorization (Comirnaty): Key points to consider and discuss. (Dr. Robert Malone *et al*., August 23, 2021)

CDC vaccine safety: https://www.cdc.gov/vaccinesafety/ensuringsafety/history/index.html

Liability for the Production and Sale of Vaccines, https://www.ncbi.nlm.nih.gov/books/NBK216813/#!po=0.735294

1986 National Childhood Vaccine Injury Act, https://www.ncbi.nlm.nih.gov/books/NBK220067/ (Note: if this link does not work, put "1986 National Childhood Vaccine Injury Act" into a search engine.)

SARS-CoV-2 Resources - NCBI (nih.gov)