

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Anne M. Leathers, et al.,

Case No. 1:23-cv-00175-JPH

Plaintiffs,

District Judge Jeffrey P. Hopkins

-v-

United States of America, et al.,

Defendants.

**Plaintiffs’ Response in Opposition to Defendant Pfizer’s Motion to Dismiss
For Failure to Comply with Federal Rule of Civil Procedure 8(a)¹**

* * * * *

Pfizer’s Motion to Dismiss substantially mirrors that of the Federal Defendants. Like the Federal Defendants, Pfizer complains the bulk of Plaintiffs’ Complaint is a “lengthy diatribe,” “muddled” and filled with “extraneous,” “irrelevant” facts. [*Pfizer Mtn. Dismiss*, Doc. #27, PageID 662, 663] Pfizer supports this characterization of Plaintiffs’ Complaint by asserting: (1) the bulk of Plaintiffs’ allegations (containing scientific studies and data exposing the lack of necessity for the “vaccines,” their dangers and ineffectiveness) are nothing more than an airing of Plaintiffs’ generalized grievances as to their perceived ills; (2) because Plaintiffs have not alleged third-party standing, any allegations that reference injuries to third parties (“unborn family members, * * * the public and minor children at large * * *”) are extraneous and irrelevant [*Id.* PageID ; and (3) it is unclear what injuries Plaintiffs claim to have suffered at Pfizer’s hand. [*Id.* at PageID 662 - 664] [*Id.*, PageID 663] Pfizer’s argument misses the point.

¹ Plaintiffs do not oppose Pfizer’s Motion to Stay pending disposition of their Motion to Dismiss. [*Pfizer’s Mtn. Stay*, Doc. #28, PageID 668 - 674]

First, Pfizer fails to account for allegations that defendants' actions violate public policy. [Compl., Doc. #1, PageID 128, 129, 156] This allegation necessarily has implications beyond any injuries or constitutional deprivations Plaintiffs have alleged they personally suffer and would logically implicate the interests of third parties who are victims of the *exact same* unconstitutional conduct.² The unconstitutional actions taken by the government in implementation of its universal "vaccination" policy were uniformly applied and indiscriminately aimed at all Americans. These allegations showcase the enormity in scope of the defendants' misconduct and the profound implications it has on public policy. There is nothing wrong in pleading that fact.

Public retraction of *all* the lies we were *all* told and honest and full disclosure of the scientific facts to *all* Americans is required to redress Plaintiffs' injuries. [Id., Prayer for Relief, PageID 164 - 172] This would allow a consensus to develop on the science surrounding COVID-19 and the "vaccines" which would heal the rift created among the American people and allow the bonds of family to be mended. Plaintiff McAllister could see her grandchildren again. It would effectively restore full rights of citizenship to the "unvaccinated" [Id., PageID 98] and end government and private sector "vaccine" mandates for *all* Americans. Such is the nature of the public policy considerations at play. And such is the power of truth. Plaintiffs need make no claim of third party standing to justify the inclusion of these allegations in the Complaint.³

² Those voluntarily submitting to injection were duped. Those coerced through mandates were forced. Plaintiffs refused and paid a price. All are *imminently threatened* with continuing violations of their constitutional rights based on the history of fraudulent representations and coercive tactics collectively employed by the defendants who marketed the "vaccines" as necessary for all and "safe and effective" and pushed private sector mandates.

³ Many allegations of third-party *injury* are made in the same sentence as injuries or constitutional deprivations alleged to have been suffered by Plaintiffs' personally. The point being the injury is shared. [Id., PageID 121, 123 – 124, 127 – 128, 129 – 132, 135 – 136] This is an immutable fact. Other allegations are properly attributed as shared injuries by context.

Second, regarding Pfizer’s characterization of the Complaint as containing allegations that amount to no more than an airing of generalized grievances and a meandering recitation of Plaintiffs’ views on the “ills of COVID-19 vaccinations,”⁴ Pfizer again fails to account for allegations pleaded by Plaintiffs that make plain the relevance of these allegations. [*Pfizer’s Mtn. Dismiss*, Doc. #27, PageID 662] Plaintiffs assume Pfizer is referring to allegations setting out information respecting the dangers, lack of necessity for, and ineffectiveness of, the “vaccines” (like, for example, the unprecedented increase in all-cause mortality, increase in Sudden Adult Death Syndrome and the unprecedented number of athletes dying on the field of play.) [*Compl.*, Doc. #1, PageID 55 - 56] Such allegations inform of expert opinions, scientific studies and data that show the ***undisclosed risks*** of the “vaccines” and that they are dangerous, ineffective, and unnecessary, all of which impacts informed consent. [*Id.*, Page ID 55] Plaintiffs allege scientific facts and opinions that were intentionally withheld (suppressed or censored) from the American people to shape public opinion and perception and, through that, exact a deprivation of Plaintiffs’ constitutional rights.

Plaintiffs have made clear that it is the disinformation campaign that has exacted the constitutional deprivations. They have devoted 46 pages to building the case for that. [*Id.*, PageID 75 – 121 (Manipulation of Data, Censorship, Coercion, Advertising and “Public Service” Messaging) These allegations of scientific fact are also relevant to expose the nature and extent of the fraudulent conduct engaged in by defendants as identifies the risks concealed and the lies told about the “vaccines” to promote universal vaccination.

⁴ Pfizer does not identify the particular allegations of which it complains, leaving that to the guesswork of Plaintiffs and the Court.

Pfizer overlooks that Plaintiffs have alleged it is the *cumulative effect* of government misconduct that has exacted a deprivation of their rights. The censorship and suppression of information set out in the Complaint has led many to belabor under the false impression that they are fully informed when, in fact, they have been horribly misinformed. Disinformation has permeated *every* aspect of our society, including the judiciary. [*Id.*, PageID 2, 74 (judicial reliance on FDA pronouncements)] It has taken a variety of forms, has come from many different quarters, is so pervasive and deeply engrained on the American psyche that it overrides informed consent and violates public policy. [*Id.*, Page ID 81, 148] This is the theory of Plaintiffs’ case.

Third, Pfizer characterizes allegations of *injuries* to “minor children at large” as “speculative and emotional”⁵ and irrelevant in the absence of allegations of standing to represent those interests. [*Pfizer Mtn. Dismiss*, Doc. #27, PageID 663]⁶ However, Pfizer’s third-party standing argument again fails to account for the fact that Plaintiffs, who make no claim to represent the interest of third parties, have alleged other bases to establish the relevance of these allegations that are separate and distinct from any injuries suffered by third parties.

Plaintiffs allege that the inclusion of these *experimental “vaccines”* on the Childhood Immunization Schedule is a resounding *declaration* of governmental approval of the “vaccines” as “safe and effective” and necessary for *everyone* as it signals the *unequivocal* approval of these shots for administration to the public-at-large by trusted federal health agencies. [*Compl. Doc.*

⁵ Pfizer characterizes the allegations relating to the “vaccination” of children as “emotional” apparently because they paint a very ugly picture of the very ugly conduct in which the defendants have engaged to increase the market for dangerous, ineffective, *experimental* drugs to a vulnerable population that is not threatened by the virus.

⁶ Again, Pfizer leaves the offending allegations to guesswork. The apparent reference here is to the General Factual Allegations laying out the case that there is no scientific basis to “vaccinate” children against COVID-19, the addition of the COVID-19 “vaccines” to the Childhood Immunization Schedule and the ads targeting children. [*Compl. Doc. #1*, PageID 58 – 62, 126, 137, 150, 164, (Prayer for Relief), 166 – 168, 171]

#1, PageID 24, 29, 33, 53, 59, 60, 61, 62, 105, 126 (experimental “vaccines” will be *normalized*), 137 (Plaintiffs indirectly impacted by this affirmation of “vaccines” as safe and effective), 150, 155, 167, 169]

Plaintiffs allege it is the *declaration itself* (disinformation) that affects Plaintiffs personally. Contrary to Pfizer’s assertion, Plaintiffs do not tether the *declaration* to any *injury* to children or the rights of their parents. Its relevance derives from the significant contribution it makes to the false messaging coming from defendants. There could be no more ringing endorsement of a drug than when our government recommends it as a routine “vaccine” for children. The declaration, along with other disinformation, influences employers, schools, universities, and others in positions of authority over Plaintiffs in the adoption or renewal of mandatory “vaccination” policies. Any impact removal of the “vaccine” from the Schedule would have on preventing injuries to children is merely incidental.

With regard to ads targeting children, Plaintiffs have alleged advertising is an important instrument used by the government to influence public perception and speech, shape public opinion, override informed consent and exact a deprivation of the right to bodily integrity. [*Id.*, PageID 103 – 121 (**Advertising and “Public Service” Messaging**), 126, 150] As ads targeting children affirm the lies the defendants have told us—and are particularly persuasive in driving home the “safe and effective” messaging—they contribute to the *public perception* that is the *driving force* behind the continuing constitutional deprivations suffered by Plaintiffs and from that fact derive their relevance.

Plaintiff Roe, who faces an imminent threat of coercion to relinquish *his* parental rights and cede control over medical care of *his* child to the government and those who would adopt its recommendations and mandates, would directly benefit from Court ordered removal of the

COVID-19 “vaccines” and boosters from the Childhood Immunization Schedule. Simply put, a parent’s right to make medical decisions for his child should not be coerced through threats of harm to the child if the parent does not make the medical decisions the government wants him to make. This subjects the exercise of parental rights to unconstitutional conditions that impact both parent and child. [*Id.*, Page ID 126, 152, 154] Here, redress of Roe’s constitutional rights would also indirectly benefit other parents similarly situated.

Pfizer also complains it is unclear what injuries Plaintiffs, who are all “unvaccinated,” have suffered at Pfizer’s hand. [*Pfizer Mtn. Dismiss*, Doc. #27 PageID 663] Contrary to Pfizer’s assertion, the contribution it made to the constitutional deprivations and injuries suffered by Plaintiffs is clearly set out in the Complaint which is replete⁷ with references to Pfizer’s conduct and the predicate for liability against it. Plaintiffs allege Pfizer engaged in a *joint venture* with the U.S. government to market its “vaccine” as “safe and effective” under the imprimatur of FDA approval⁸ without disclaimers, warnings or caveats⁹ and seek to enjoin such practice. [*Compl.* Doc. #1, PageID 29, 31, 119 – 120; Prayer for Relief 164 - 172]

The Biden Administrations enforced its universal “vaccination” policy—and increased Pfizer’s profits and customer base—even though it knew COVID-19 posed no more risk than the traditional flu for those under age 70 and near zero risk for children and young adults. [*Compl.* Doc. #1, PageID 33, 53, 120] Pfizer has benefited directly from its joint venture as the Biden

⁷ See: *Comp. Doc #1*, PageID 43 – 46, 49, 62, 63 - 65, 67 - 69, 96 - 121, 145 - 146, 151, 157]

⁸ The CDC went so far as to change the definition of “vaccine” to accommodate the deficiencies in the EUA-approved COVID-19 “vaccines.” [*Compl. Doc. #1*, PageID 80]

⁹ This all goes to undermine the right to informed consent and bodily integrity. Pfizer’s false advertising may also be a proper subject for injunctive relief in its own right.

Administration’s universal vaccination policy and actions taken by the government to implement that policy¹⁰ have all furthered Pfizer’s financial interest. Pfizer could not have asked for more.

Plaintiffs have alleged a *symbiotic relationship* exists between Pfizer and the federal health agencies (regulatory capture), that Pfizer exerted undue influence over the approval process and reaped great financial benefits from that relationship [*Id.*] Pfizer colluded or conspired with the FDA to misrepresent the clinical trial results and conceal adverse event reports from the American public. [*Id.* PageID 30] Pfizer manipulated data and fraudulently represented its “vaccine” to be “safe and effective” knowing it was not. [*Id.*, PageID 31] In combination with the FDA, Pfizer attempted to conceal its fraud from the American people by refusing to disclose post-authorization adverse events to the public. [*Id.* PageID 30] All of this conduct directly implicates the constitutional deprivations and injuries alleged and makes clear that Pfizer was on the ground floor of the government’s disinformation warfare campaign.

Pfizer’s fraudulent clinical trial results provided the basis for the Biden Administration’s universal “vaccination” policy—which included the implementation of “vaccine” mandates in both the public and private sector. Pfizer’s fraudulent representations provided the “scientific” evidence that supported Public Service Advertisements (PSAs) of the COVID-19 “vaccines” as “safe and effective” and the false guidance and recommendations issued by the Federal

Defendants. [*Id.*] The inclusion of its *experimental* COVID-19 “vaccine” and/or boosters on the

¹⁰ Government actions include marketing the “vaccine;” forcing it upon the unwilling; the FDA’s interference in the physician-patient relationship and its damning of safe and effective FDA-approved drugs off-label for treatment of COVID-19; CDC guidance and its encouragement of private sector mandates; NIH Treatment Guidelines; and, Ad Council projects advertising the “vaccines” and targeting the private sector to implement employer-imposed “vaccine” mandates, *all of which were, of necessity, based upon Pfizer’s fraudulent clinical trial results and misrepresentations made by Pfizer concerning “vaccine” safety and efficacy.* [*Id.*, PageID 31 – 32]

CDC's Childhood Immunization Schedule was the product of a joint venture between Pfizer and the government to substantially broaden the market for sale and distribution of these experimental drugs to an audience that derives no benefit therefrom and provides stark and overpowering evidence of corruption on a level previously unimaginable as Pfizer is the only beneficiary of this government action. [*Id.*, PageID 29 – 31, 57, 62 (CDC corrupted and coopted by pharmaceutical industry)]

Pfizer, in combination with the government, engaged in false and deceptive advertising of “vaccines” and boosters which unnecessarily burdened Plaintiffs’ exercise of their right to refuse the experimental “vaccine” by creating the perception among employers, universities and family members that the “unvaccinated” were scandalous threats to their health and that of others. [*Compl. Doc. #1*, PageID 29 – 32, 111, 114 - 116, 119 – 121] Thus, the loss of employment and educational opportunities and the severing of family ties suffered by some Plaintiffs resulted from reliance by third parties on the false messaging communicated by defendants (including Pfizer.)

Pfizer also used the leverage of its advertising dollars to suppress information critical of its “vaccines,” drugs known by Pfizer to be dangerous and ineffective experimental gene-therapy products, and personally lobbied social media companies to “set moderation rules that would flag purported COVID-19 ‘misinformation,’” thus undermining the constitutional and statutory right to informed consent (21 U.S.C. §360bbb-3(e)(1)(A)(ii) and the right to bodily integrity. [*Id.*, PageID 95 – 96, 145]

Pfizer’s reliance on *Horowitz v. Pfizer, Inc.*, No. 2:20-CV-955-JLB-NPM, 2021 WL 3679101 (M.D. Fla. Aug. 19, 2021) is misplaced. Unlike *Horowitz*, the allegations in Plaintiffs’ Complaint are anything but vague and conclusory. Plaintiffs here plead specific facts supported

by science—not legal conclusions. The materiality of the General Factual Allegations to the claims pleaded by Plaintiffs is clearly laid out in the Complaint. The particularized allegations pleaded under each count in the Complaint provide context for identifying the relevance of those facts pleaded under the General Factual Allegations (incorporated by reference) to each of Plaintiffs’ claims and there is no question as to the conduct of each defendant giving rise to those claims.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request this Court deny Pfizer’s Motion to Dismiss.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the CM/ECF system, will be sent via electronic mail to the registered participants as identified on the Notice of Electronic Filing.

July 15, 2023

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