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Attorneys for Petitioners

UNITED STATES DISTRICT COURT OF CALIFORNIA

EASTERN DISTRICT - SACRAMENTO

Joy Garner, individually and on behalf of The Control Group; Joy Elisse Garner, individually and as parent of J.S. and F.G.; Evan Glasco, individually and as parent of F.G.; Traci Music, individually and as parent of K.M. and J.S., Michael Harris, individually and as parent of S.H., Nicole Harris, individually and as parent of S.H.,

Petitioners,

v.

PRESIDENT OF THE UNITED STATES OF AMERICA in his official capacity,

Respondent.

Case No.: 2:20−CV−02470−WBS−JDP

DECLARATION OF STATISTICS EXPERT JAN-WILLEM VAN DEN BERGH

Date: February 22, 2021
Time: 1:30 PM
Courtroom: 5
Judge: William B. Shubb

Jan-Willem van den Bergh Declaration

I, Jan-Willem van den Bergh, hereby declare:

1. I hold an MSc in statistics and an MSc in engineering. A true and correct copy of my *Curriculum Vitae* is attached hereto as Exhibit A. On the basis of my extensive education, training, and working experience, I am qualified to provide the professional opinion in this declaration.

2. As a professional statistician, one of my specialties is debunking weak statistical arguments. I am not afraid to be critical, and indeed I have written in my attached report about the limited utility of p-values in this case, as they must be understood in context (i.e., to avoid p-hacking). But such criticisms do not undermine the utility of the data itself.

3. I learned about this case because it has been receiving international attention in the media. Consequently, I decided to contact the lead counsel Greg Glaser to offer my professional opinion on the data, and so in January and February 2021, I professionally examined the following materials filed in this lawsuit:

- The declaration and exhibits of Petitioner Joy Garner In Support of Motion for Preliminary Injunction, and Joy Garner's amended full report dated February 9, 2021
- The raw redacted data in MS Excel for The Control Group

4. A true and correct copy of my report is lodged with the Court as Exhibit A to Document 31-1, filed February 15, 2021. I concur with Mr. Glaser that it confirms precisely how The Control Group data shows both correlation and causation of vaccines in America's chronic illness crisis. I provide classical frequentist and Bayesian statistics analyses, which are bedrocks of conventional statistics in both industry and courtrooms. It is not realistically possible that these statistical relationships could all be by mere chance.

5. Prior to completing this statistical review of the data, I did not realize the dramatic extent of the correlation and causation. The Control Group data analyses reveal a genuine vaccine-risk emergency in America. In other words, the analyses reveal the likely cause of the emergency is vaccines.

6. To ensure the accuracy of my work and analysis, I conducted two videoconference meetings with the Petitioner Joy Garner to double-check the correct organization of her raw data in Excel. Her raw data was fine, but I did help her find some typos in her original report, which she then corrected via her amended report dated February 9, 2021 to match the unchanged raw data.

7. The purpose of my statistical analysis was to independently and objectively test The Control Group results Joy reported. My results and findings in my report are based on the raw data itself, and not on Joy's reports or Joy's findings. Joy's findings and reports are independent of my own reports and findings, but I see we both come to the same ultimate conclusion.

8. I concur with and support the Petitioners' request to prevent discrimination on the basis of vaccination status, and to preserve a control group of unvaccinated Americans for a confirmation nationwide survey. This will promote the scientific method. Indeed, the preliminary data collected for this litigation show it is a matter of immediate worldwide significance.

I declare under threat of penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on the date set forth below in Heerlen, Netherlands.

DocuSigned by:
Jan-Willem van den Bergh
9BEFDBA17E904DF...

2/17/2021

Jan-Willem van den Bergh Date

Exhibit A

CURRICULUM VITAE

NAME:	Jan-Willem van den Bergh
ADRESS:	Koningskaars 13 6418 PR Heerlen, Netherlands
MOBILE:	+31 652033604
EMAIL:	vandenbergh@iQcreation.nl
BIRTH DATE:	May 28, 1962
NATIONALITY:	Dutch
LINKEDIN PROFILE:	www.linkedin.com/in/jwvdbergh

TECHNICAL / EDUCATIONAL QUALIFICATIONS

2010	Hogeschool Zuyd, Sittard, NL Organizational Behavior
2000	City University, London, UK MSc/Diploma in Quality Management, Statistical Methods and Reliability
1989	RWTH Aachen, Germany MSc Mechanical/Automotive Engineering

PROFESSIONAL TRAINING

		Certification
• Change Management Practitioner	Prosci	2017
• Commercial Skills for Self-Employed Prof.	Open Circles Acad.	2016
• IQ-RM Software (FMEA)	APIS	2012
• Six Sigma and DfSS Master Black Belt	AIT Group Eu	2008 (ISSSP accreditation)
• Introductory & Advanced Crystal Ball	AIT Group Eu	2006 (Decisioneering)
• Six Sigma Green Belt Trainer	Ford Germany	2002
• Consumer Driven 6-Sigma Black Belt	Ford Germany	2002 (6-Sigma Academy)

LANGUAGES

	Speak	Read	Write
Dutch		first language	
German	fluent	fluent	fluent
English	fluent	fluent	fluent

ABOUT MY PERSONALITY

- Innovator/Merchant qualities (preferred orientation according to Taylor's Core Values Index™)
- Campaigner – Diplomat / Social Engagement (ENFP according to MBTI®)

This drives me:

To attain knowledge, add things every day.
To attain wisdom, subtract things every day.

CAREER HISTORY

04/2019 – date — **Trainer & Project Coach**
Six Sigma Europe GmbH, Cologne, Germany

Responsible for taking the complex of Six Sigma, making it simple, replacing delusive statistical folk theories with science-based methods, applying logic and rational thinking, to escape all manners of distractions and dead ends. This gives customers peace of mind when they are in a quality, product performance or a reliability crisis.

Helping Clients to increase the problem-solving power of their task forces with customers and suppliers. My project's success goals for finding a rich causal explanation are as follows:
* 70% < 1 week, 90% < 2 weeks, total success rate > 99,9%
* Learn one thing every single day about the physics of function and failed function.

07/2017 – date — **Trainer**
Mikrocentrum, Veldhoven, NL

Freelance trainer for Process FMEA, Design FMEA, Statistics for Manufacturing, 8D Problem Solving, Lean Six Sigma, Design for Six Sigma project support.

02/2017 – 03/2019 — **Managing Partner**
MondoBrain Inc., Alexandria, USA

Deployment of MondoBrain's Augmented Intelligence®, which leverages in a simple web interface a unique non statistical algorithm, dynamic data visualization and the knowledge of subjects matter experts. Responsible for Business Development in Europe (Benelux and DACH-countries), Management Consulting, Development, and Strategic Advisory Services to Client to integrate MondoBrain in their processes, tools, software and management decision practices.

12/2013 – 12/2016 — **Managing Director | Owner**
iQengineering b.v., Heerlen, NL

Creation of a unique service concept and methodologies for Manufacturing Intelligence to improve process performance rapidly and effectively in the era of Industry 4.0. Unique in the sense of optimally utilizing the full potential of both machine and man. Services included training, project coaching and data analytics. Partnering with Braincube®, which is the world leader in automated data-mining techniques and hypercube process control (Big Data).

Exhibit A

CAREER HISTORY (CONT'D)

08/2010 – date **Freelance Six Sigma and Design for Six Sigma Master Black Belt - iQcreation®**

Product design & process quality deployment planning, training, project coaching, tool application workshops at small, medium and large scale industries. Industries included both discrete manufacturing (aerospace, space communication, industrial/motion control) and large batch (automotive, telecom, medical devices, photovoltaic, heating, ventilation and air conditioning, glass bottles).

Specialties:

- Closed-End Problem Solving (8D, A3, Kepner-Tregoe, Lean Six Sigma; Shainin®, TNSFT)
- Open-End Problem Solving (Failure Mode Avoidance, Design for Six Sigma, Design for Reliability, TRIZ)
- Classroom Training (tailor-made, mastery-approach-oriented), Project Coaching, Power Workshops
- Reasoning & Critical Thinking
- Physical Function Definition and Verification
- Statistical Engineering, Design of Experiments (both physical and virtual)
- Planning and Deployment of Continuous Improvement Systems

Key accomplishments:

Training throughout Europe (as subcontractor for Innovensys GmbH, AIT Business Solutions and Six Sigma Europe GmbH):

> 1070 Design for Six Sigma Green Belt Candidates

> 262 Lean Six Sigma White Belt, Yellow Belt, Green Belt and Black Belt Candidates

> 76 Executives/Business Leaders

> 238 problem solving and prevention projects / workshops

A selection of successful projects:

- Combined training and tool application workshops for reducing persistent high rates of loan/rental CTD non-conformances at a factory automation supplier in Luxembourg. The problem was tackled effectively by the right operational problem definitions and by using Monte Carlo process performance simulations. Dominant sensitivities and bottlenecks were uncovered within 3 months with a core team of 3 engineers. A new lean rental/loan management process concept including IT tools was developed. Period: Q4/2020.
- Coached a Six Sigma project for reducing persistent high rates of manufacturing non-conformances for Coax Devices at a space communication supplier in Germany. Non-conformances resulted in scrap and repair costs plus additional system tuning time. The problem was tackled effectively by adequate problem definition, Shainin reasoning from ΔY to ΔX and using factual elimination strategies. Unexpected dominant causes were uncovered within 100 man-hours with a team of 5 engineers. Period: Q2/2015.
- Combined training and tool application workshops for Design for Six Sigma at a Tier 1 automotive supplier for Hydraulic Brake Systems. Solved a complex Brake Booster Leakage problem by systematic root cause analysis and robustness verification techniques with an international team (Germany and Czech Republic). Period: Q1/2014-Q3/2015.
- Coached a Design for Six Sigma project in Germany for the development of a Robustness and Reliability Test for an all new E-Bike Drive Unit. Reliability testing deployed MEOST. Period: Q2/2013-Q2/2015.

CAREER HISTORY (CONT'D)

01/2006 – 02/2009 **Six Sigma Master Black Belt**
AIT Group Europe, Luxembourg

Associate of the European team, reporting to the Managing Director (Luxembourg). Responsible for the development, integration, education and practical application of Lean Six Sigma and Design for Six Sigma methodologies at large-scale companies active in the automotive, aerospace, industrial/motion control, electronics, and medical device industry.

Key accomplishments:

- Trained more than 25 executives/business leaders, more than 180 Lean Six Sigma Green Belt and Black Belt Candidates, and more than 330 Design for Six Sigma Green Belt Candidates at various major European companies. Significant business improvements at various companies were achieved by successful coaching of more than 115 problem solving and problem prevention projects.
- Successfully managed a multidisciplinary project team at a middle-market German organization with a portfolio of more than 20.000 different products manufactured in 2 different plants and reduced Broken Promises for delivery time from 22% to 10% within 1 year.
- Successfully executed Failure Mode Avoidance workshops for a complex gantry of a cardiovascular imaging system (motion control system supplier) during a period of 9 months. The methodology was regarded a breakthrough enhancement to reliability modeling. Challenging project constraints were new engineering learning, new process learning, new tools learning, new cooperation learning and new individual learning.
- Successfully executed workshops for Design for Six Sigma deployment planning at a major German car manufacturer. Selected, mapped and integrated DfSS methods into the Product Development System.
- Significantly enhanced the practical application of the AIT Design for Six Sigma methodology by developing a meaningful linkage and flow between the methods. Developed and integrated innovative failure mode avoidance disciplines in DfSS. Assisted in the addition of systematic innovation techniques (ARIZ, SIT) and advanced optimization techniques based on the statistical design and analysis of computer experiments (Latin Hypercube DoE, Gaussian Stochastic Kriging, MARS, etc.).

01/1995 – 12/2005 **Ford Werke GmbH, Cologne, Germany**

11/2002 – 12/2005 *Quality & Reliability Engineer*
(Ford Product Development CD Quality; Galaxy/S-Max/Mondeo)

Integrated Black Belt in the Product Development Quality Team (CD-carline).

Key accomplishments:

- Trained and mentored the Vehicle Body Engineering Closures Team in the application of Design for Six Sigma methods for a new model program (S-Max/Galaxy/Mondeo) during 3 years and achieved stretched attribute targets for side doors and tailgate.
- Delivered over 15 quality disciplines projects, including Supplier Statement of Work, Quality History, DFMEA/Robustness/Reliability Demonstration workshops with suppliers, enhancement and implementation of Design Verification Plans, Design Review moderation. Ford S-Max has won the European Car of the Year 2007 award.
- Led a European task force for global Quality Tools Alignment and achieved successful roll-out to engineering.

Exhibit A

CAREER HISTORY (CONT'D)

11/2000 – 11/2002

Six Sigma Black Belt
(Ford Product Development Core Quality)

Responsible for leading Six Sigma projects to improve and control processes within Genk Plant, Belgium (Transit and Mondeo production). Teams included representatives from Body Engineering, Body Construction, Manufacturing and Stamping, and Suppliers. Dealt with political resistances between engineering and manufacturing and built bridges between these environments.

Key accomplishments:

- Successfully completed 6 Six Sigma projects to improve tailgate operation efforts and achieved a customer satisfaction improvement of 0.56% on vehicle level and more than 18 million USD annual ongoing savings in 2 years. Projects covered both production variability reduction and design improvements.

01/1995 – 11/2000

Chassis CAE Analyst
(Ford Product Development
Chassis CAE/CAD; cross car line)

Co-located in UK and Germany. Responsible for the structural integrity substantiation of chassis components and systems for the attributes Durability, Vehicle Dynamics, NVH and Safety by means of Finite Element Analysis. Led a team of supplier structural analysts by developing and planning analysis verification strategies, as well as following the analysis work up in reviews. Successfully implemented statistical methods for optimizing structural behavior of chassis components of Ford Ka, Fiesta, Focus and Mondeo.

Key accomplishments:

- Invented key features and optimized the first generation Ford Focus multi-link rear suspension. It significantly contributed to the world-class driving dynamics of the Ford Focus (Car of the Year Award 1999).
- Significantly contributed to Computer Aided Engineering analysis quality improvement by enhancement and implementation of the SAFESA™ approach into corporate CAE procedures. SAFESA (SAFE Structural Analysis) is a project that was undertaken by 5 UK companies with the support of the Department of Trade and Industry. The basis of the SAFESA approach is to formalize the structural qualification process such that the opportunity for error is minimized.

03/1996 – 11/1998

Consultant Vehicle Structures
Donkervoort Automobielen b.v., Lelystad, NL

Contracting work on the optimization of the ultra-light steel tube chassis and on the improvement of the specially developed wheel suspension that give a Donkervoort its tremendous road holding and high cornering speeds. Contracting work also includes development and structural analysis of power train components. Extensive use of Finite Element Analysis.

Key accomplishments:

- Successfully developed an innovative ultra-light weight steel tube chassis structure for the all new D20 model with a 9 times higher torsional rigidity than the existing D8-chassis.

CAREER HISTORY (CONT'D)

- Successfully improved the torsional rigidity of the existing D8-chassis with a factor of 3, without weight increase and within homologation constraints. This chassis was used in the Donkervoort D8 RS, which still holds the fastest lap time on the Nürburgring Nordschleife, Germany (autumn 2005)

01/1991 – 12/1994 **Senior Development Engineer Landing Gears**
DAF SP Aerospace, Geldrop, NL

Responsible for the structural integrity substantiation of Landing Gear components and systems by means of advanced hand calculations and Finite Element Analysis. Led a team of 3 stress analysts.

Key accomplishment:

- Successfully developed an innovative crashworthy landing gear concept for the NH90 Helicopter in co-operation with Fokker Aerospace. Innovations included a composite crash tube in the nose gear and crash valves in the main gear.

01/1990 – 12/1990 **Project Engineer Water Pumps / Mech. Seals**
PL Automotive, Kerkrade, Netherlands

Key accomplishment:

- Successfully developed and tested an innovative, extremely compact, automotive water pump and dynamic sealing concept. The project was an extension of the MSc dissertation at Aachen University (RWTH).

01/1988 – 03/1989 **Research Assistant (MSc Student)**
RWTH Aachen (ika), Germany

Key accomplishment:

- Successfully developed and implemented an innovative computer based measurement system for accurately measuring Mass Moment of Inertia of small automotive components.

REFERENCES

On Request.

January 05, 2021