Gregory J. Glaser (SBN 226706)
4399 Buckboard Drive, Box 423
Copperopolis, CA 95228
Ph. (925) 642-6651
Fx. (209) 729-4557
greg@gregglaser.com

Ray L. Flores II (SBN 233643)
11622 El Camino Real Suite 100
San Diego, CA 92130
Ph. (858) 367-0397
Fx. (888) 336-4037
rayfloreslaw@gmail.com

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

PETITIONERS' REPLY TO RESPONDENT'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION

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

I. INTRODUCTION

Respondent's opposition brief (ECF 29) erroneously claims this Court has no power to desegregate America. Over 66 years ago, the DOJ's own brief approved by the US Supreme Court in *Brown v. Board* [1], states: "[T]he Court has 'undoubted power in these cases to enter such decrees as it determines will be most effective and just in relation to the interests, private and public, affected by its decision'."[2]

Respondent's new brief simply repeats the same weak, discredited 'argument' and haphazard procedural points contained in their motion to dismiss. Respondent presents zero experts, literally zero evidence. They've shown nothing to rebut Petitioners' abundant and authoritative evidence (fully cited and supported by Petitioners' qualified PhD and MD experts). The reason for this shortcoming is obvious -- **the government, through its own admission, has never studied vaccinated populations versus the unvaccinated,** rendering vaccination human medical experimentation. All independent studies confirm the same thing: the unvaccinated are exponentially healthier than the vaccinated.

Respondent's opposition doesn't even mention declaratory relief, which is the first request before this Court. Petitioners' motion for preliminary injunction is uncontradicted on the facts. Petitioners have standing to sue the President for his ongoing violations of their Constitutional rights. Petitioners prove that the office of POTUS, including by way of his subordinate executive agencies, is willfully and systematically making false statements to the American people that vaccines are "safe" in order to induce and coerce Americans to participate in a "categorically unsafe" and growing Federal mass vaccination program. POTUS bears primary and ultimate responsibility for this human medical experimentation. He alone (or this Court in respect of him) can end it with the stroke of a pen.

With over 60% chronic illness rates among the vaccinated (on a trajectory to 80%), compared to a steady 5% and less among unvaccinated, the Verified Petition is clear, "The

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[1] *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

[2] Brief for the United States on the Further Argument of the Questions of Relief, *Brown v. Board of Educ. of Topeka*, 1954 U.S. S. Ct. Briefs LEXIS 14 at *5 (November 24, 1954).

dissolution of America is imminent unless Respondent (or this Court in respect of him) takes appropriate action." *See* Verified Petition, ECF 21, ¶ 95.

Respondent's position can be summed up in these arguments: 1) The president is not the problem 2) There is nothing the president can do, 3) The Court has no authority, 4) There is no feasible way to end segregation to preserve a control group.

Petitioners' response is simple. 1) The President has neglected to recognize the national health crisis caused by vaccines, and neglected to recognize the systematic segregation of the unvaccinated who are necessary to the scientific method, 2) The President has authority as the Nation's Chief Public Health authority to issue an Executive Order to protect America from imminent collapse, and 3) The Court has the power to issue declaratory and injunctive relief to uphold the law of informed consent and thereby desegregate America.

II. PETITIONERS HAVE SHOWN IRREPARABLE HARM AND LIKELIHOOD OF SUCCESS ON THE MERITS.

A. Standing: POTUS Is Harming Petitioners.

The President is the indispensable party in this case. As pled, the actions and neglect of POTUS are identified repeatedly as a "cause" of Petitioners' injuries, including, but not limited to, the following specific ways that POTUS harms Petitioners:

1. POTUS Is The Chief Public Health Authority Harming Petitioners Because He Oversees All National Health Departments That Coerce Vaccination As A Form Of Human Experimentation.

POTUS is the chief 'public health authority' and the ultimate source of unlawful discrimination and vilification of the unvaccinated. POTUS is the chief executive over all national health departments as identified in the Verified Petition. POTUS and his public authorities knowingly make false statements to the public about vaccine safety in order to perpetuate the Federal government's unlawful human experimentation. His national health departments are many and diverse – they do more than just "recommend" vaccines (the one thing Respondent notes); the buck stops at the office of the President. As Chief Executive, he also actively studies, develops, approves, purchases, promotes, and distributes vaccines while litigating injury cases and funding

health departments to enforce vaccine mandates using police powers, and so much more. *See* PRJN2 (ECF 4-3 filed 12/29/20).

And for details on how POTUS harms Petitioners specifically and personally, *see especially* Verified Petition, ECF 21, ¶¶ 40, 47, 49, 53, 61-65.

2. POTUS Makes Knowingly False Statements About Vaccines To Justify Human Experimentation.

The Verified Petition refers to knowingly false statements made under the authority of POTUS by myriad authorities managed by POTUS, in order to justify an ongoing human experiment of one-size-fits-all vaccine distribution and mandates affecting Petitioners across State and local lines. *See, e.g.*, Verified Petition, ECF 21, ¶¶ 8-11.

3. By Neglecting To Respect Constitutional Law, POTUS Jeopardizes Our National Security.

POTUS' failure to declare a national emergency of immune-related disorders keeps the Nation on track for imminent destruction, which is an ongoing injury to Petitioners who are American Citizens entitled to a Nation and its equal protection under the law. *See, e.g.*, Verified Petition, ECF 21, ¶ 22 ("Without immediate alteration of America's self-evident trajectory, our National structure will ultimately collapse under the weight of disabilities, loss of workforce, healthcare costs, plummeting fertility, and the like."). All of these factors affect Petitioners personally as they have so pled in detail.

The remedy requested invokes National Security that only POTUS is equipped to handle:

> Given the extensive harm which the Petitioners' evidence shows is caused by mass vaccination programs in the USA, and if the Petitioners' requested nationwide survey only further confirms this evidence, the potential liability to the federal government under the NCVIA may rise into tens of trillions of dollars, further emphasizing the national security nature of the Predicament and this case…. Vaccine supply chains are fundamentally global in character, and are especially dependent upon Communist China, also presenting complex webs of national security concerns.

Verified Petition, ECF 21, ¶¶ 33 and 35; *see also* ¶ 49B requesting POTUS "proactively desegregate the military, as well as schools and workplaces receiving Federal funding or Federal contracts."

POTUS is Commander in Chief of the US military that mandates vaccines, and the Petitioners are US military families that confirm their livelihoods and opportunities in life (including military service) are unlawfully disrupted by vaccine mandates. *See, e.g.*, Verified Petition, ECF 21, ¶¶ 101-02.

4. POTUS Controls VAERS and Other Vaccine Development and Management Systems.

The President ultimately controls:

> The government's Vaccine Adverse Event Reporting System ("VAERS") numbers [which] have been cited falsely as "proof" that vaccines are relatively safe…. In setting vaccine-related public health policies, the over 99% *incorrect* VAERS numbers are relied upon as 'evidence' that vaccine risks are low, or 'rare', which to this day, remains the primary support for the false slogan vaccines are 'worth the risks'…. NOTE: This study, exposing the 99% failure rate of the VAERS, was intentionally concealed from public view under the Obama administration, and nothing changed over at the FDA or the VAERS under Obama's administration as a result of these findings.

See Verified Petition, ECF 21, ¶¶ 9-10.

Further, because of the veto power, our Constitution recognizes the President is the Chief Legislator for the Nation. The National Vaccine Program exists because it was signed into law by a POTUS. So too the special interest legislation ('1986 Act') protecting pharmaceutical companies from vaccine injury. *See* Verified Petition, ECF 21, ¶ 8, "No branch of government, nor any government agency, has examined this particular problem, and if anything, all branches of government go to great pains to conceal both the severity of the problem and its most obvious primary cause. See Petitioners' Request for Judicial Notice, Appendix Two."

B. The Relief Requested Is Redressable, and Is Not A Political Question. Federal Courts of Equity Are Empowered To Desegregate The Entire Nation.

Respondent argues, "They fail to explain how issuing a preliminary injunction against the President would have any legal effect on a California state law." Opposition Brief, ECF 29, ¶ 6.

Petitioners have provided many case law precedents showing Federal Courts issuing injunctive relief ordering the Executive to enforce law. Here are some especially relevant examples,

beginning with the understanding that our Supreme Court has already found the principle in *Brown v. Board* extends beyond race desegregation cases.[3]

For some additional context on *Brown v. Bd. of Educ.*, 347 U.S. 483, 495 (1954), *see*:

> Expecting opposition to its ruling, especially in the southern states, the Supreme Court did not immediately try to give direction for the implementation of its ruling. Rather, it asked the attorney generals of all states with laws permitting segregation in their public schools to submit plans for how to proceed with desegregation. After still more hearings before the Court concerning the matter of desegregation, on May 31, 1955, the Justices handed down a plan for how it was to proceed; desegregation was to proceed with "all deliberate speed." Although it would be many years before all segregated school systems were to be desegregated, *Brown* and *Brown II* (as the Courts plan for how to desegregate schools came to be called) were responsible for getting the process underway.

History - Brown v. Board of Education Re-enactment, Supreme Court Landmarks, UNITED STATES COURTS, https://www.uscourts.gov/educational-resources/educational-activities/history-brown-v-board-education-re-enactment (accessed February 16, 2021).

Here, the DOJ's opposition brief to preliminary injunction expressly contradicts their brief approved by the US Supreme Court in *Brown*, which DOJ brief from 1954 states:

> [T]he Court has "undoubted power in these cases to enter such decrees as it determines will be most effective and just in relation to the interests, private and public, affected by its decision" (Br. 167). We noted that Congress has expressly empowered the Court, in fashioning effective relief in cases coming before it, to enter "such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances" (28 U. S. C. 2106)[4]. This provision reflects the breadth and flexibility of judicial remedies which are available to the Court. The shaping of appropriate relief in the present cases, as all will agree, involves considerations of a most sensitive and difficult nature. But, as was stated in our earlier brief (p. 154), "we believe there can be no doubt of the Court's power to grant such remedy as it finds to be most consonant with the interests of justice."
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> THE VINDICATION OF THE CONSTITUTIONAL RIGHTS INVOLVED SHOULD BE AS PROMPT AS FEASIBLE

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[3] *Gen. Bldg. Contractors Ass'n v. Pennsylvania*, 458 U.S. 375, 399 (1982) (in civil rights discrimination case, court finds "This principle, we held, was not one limited to school desegregation cases, but was instead 'premised on a controlling principle governing the permissible scope of federal judicial power, a principle not limited to a school desegregation context.'")

[4] "The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances." 28 U.S.C. § 2106.

> The fashioning of relief in these cases does not call for the formulation or application of new or unusual legal principles. On the contrary, the task confronting the Court is one which presents itself whenever it has been judicially found that legal rights have been, and are continuing to be, violated. The question is always one of determining how, in the light of the facts presented and within the limits of the power possessed by it, the Court can best insure the removal of the condition of illegality in a manner comporting not only with the interests of the parties but also, to the extent it may be involved, with the public interest.
>
> In many instances the solution to this problem is quite simple. The balancing of the relevant considerations may lead inescapably to the conclusion that the legitimate interests of all concerned require only immediate termination of the unlawful conduct. In such circumstances a court of equity normally does no more than to enter a decree enjoining that conduct. It is where the scales are not so clearly tipped in that direction that the shaping of the appropriate remedy involves difficulties.
>
> The Court recognized, in restoring these cases to the docket for further argument (347 U.S. at 495), that "the formulation of decrees in these cases presents problems of considerable complexity." These problems must be viewed in proper perspective. The starting point must be a recognition that we are dealing here with basic constitutional rights, and not merely those of a few children but of millions. These are class actions. Under the Court's decision the maintenance of segregated schools is in violation of the constitutional rights not only of the individual plaintiffs but of all other "similarly situated" colored children upon whose behalf the suits were brought. Relief short of immediate admission to nonsegregated schools necessarily implies the continuing deprivation of these rights. The "personal and present" right (cf. *Sweatt v. Painter*, 339 U.S. 629, 635) of a colored child not to be segregated while attending public school is one which, if not enforced while the child is of school age, loses its value. Hence any delay in granting relief is pro tanto an irretrievable loss of the right.
>
> The unconstitutionality of racial segregation in public schools is no longer in issue. However, in considering whether any delay in granting full relief is justifiable, it must be borne in mind that continuation of school segregation has harmful effects both on the individuals concerned and on the public. The right of children not to be segregated because of race or color is not a technical legal right of little significance or value. It is a fundamental human right, supported by considerations of morality as well as law. "To separate [colored children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone" (347 U.S. at 494). Racial segregation affects the hearts and minds of those who segregate as well as those who are segregated, and it is also detrimental to the community and the nation.

Brief for the United States on the Further Argument of the Questions of Relief, *Brown v. Board of Educ. of Topeka*, 1954 U.S. S. Ct. Briefs LEXIS 14 at *5-8.

Consider also *Missouri v. Jenkins*, 515 U.S. 70 (1995):

> Our willingness to unleash the federal equitable power has reached areas beyond school desegregation. Federal courts have used "structural injunctions," as they are known, not only to supervise our Nation's schools, but also to manage prisons, see *Hutto* v. *Finney,* 437 U.S. 678, 57 L. Ed. 2d 522, 98 S. Ct. 2565 (1978), mental hospitals, *Thomas S.* v. *Flaherty,* 902 F.2d 250 (CA4), cert. denied, 498

> U.S. 951, 112 L. Ed. 2d 335, 111 S. Ct. 373 (1990), and public housing, *Hills* v. *Gautreaux,* 425 U.S. 284, 47 L. Ed. 2d 792, 96 S. Ct. 1538 (1976). See generally D. Horowitz, The Courts and Social Policy 4-9 (1977). **Judges have directed or managed the reconstruction of entire institutions and bureaucracies, with little regard for the inherent limitations on their authority."**

Missouri v. Jenkins, 515 U.S. at 126 (Thomas, J., concurring) [emphasis added].

Justice Thomas correctly observed this area of the law of equity is controversial and therefore benefits from precision, as he highlights, "But I believe that we must impose more precise standards and guidelines on the federal equitable power, not only to restore predictability to the law and reduce judicial discretion, but also to ensure that constitutional remedies are actually targeted toward those who have been injured." *Missouri v. Jenkins*, 515 U.S. at 133.

This is why Petitioners in the instant case fashion with precision their request for mandamus against the President. POTUS (and his departments) are equipped to handle day-to-day tasks to enforce the law and ethic of informed consent. Indeed, the Department of Justice already has already demonstrated this experience via its civil rights division[5] tasked with receiving complaints and upholding Americans' civil rights against bad actors at the Federal, State, and local levels.[6]

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[5] *See* US Department of Justice (2021). *Civil Rights Division.* https://www.justice.gov/crt ("The Civil Rights Division of the Department of Justice, created in 1957 by the enactment of the Civil Rights Act of 1957, works to uphold the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society.").

[6] Depending on the relief granted, this Court may choose to appoint a special master to assist with the injunction. *See, e.g.*, *Kendrick v. Bland*, 740 F.2d 432, 438-39 (6th Cir. 1984):

> Such an injunction may be attended by the appointment of a monitor with authority to observe defendants' conduct and thereby permit the federal court to oversee compliance with its continuing order. *See Ruiz v. Estelle*, *supra*, 679 F.2d at 1161; *Campbell v. McGruder*, 188 U.S. App. D.C. 258, 580 F.2d 521, 544 (D.C. Cir. 1978) (monitor); *Miller v. Carson*, 563 F.2d 741, 753 (5th Cir. 1977) (ombudsman appointed to "observe conditions at the jail and report his observations to the trial court to assure compliance with the trial courts' orders"); *Newman v. State of Alabama, supra*, 559 F.2d at 290(remanded for appointment of monitors with authority to observe, but not intervene in, daily prison operations); *Gates v. Collier*, 501 F.2d 1291 (5th Cir. 1974) (injunction against unconstitutional practices in state penal system with appointment of a monitor to determine degree of compliance with court orders); *Inmates of the Attica Correctional Facility v. Rockefeller*, 453 F.2d 12, 25 (2d Cir. 1971) (District court erred in not granting a preliminary injunction against guard brutality and harassment; remanded for injunction and to consider appointment of federal monitors); *Hamilton v. Landrieu*, 351 F. Supp. 549, 552 (E.D. La. 1972) (ombudsman). In the event that the state fails to avail itself of the deferential opportunity to correct its constitutional defects with minimal federal intrusion, the federal court may implement a more intrusive remedy…").

Respondent claims that there is no authority for the relief requested "because there is none, for the proposition that a court can declare the laws of every state, county, and city to be unconstitutional by bringing a lawsuit against the federal executive. Nor does the FAC identify any actual federal laws, regulations, or policies that plaintiffs seek to overturn." Opposition brief, ECF 29, marked Page 7 of 13, lines 5-9.

Respondent is wrong on the law. Civil rights cases (especially desegregation) prove this Court *does* have the power to interfere with violations of the Constitution, and this Court *does* have the power to prevent destruction of our Nation.

Respondent argues there is nothing the president can do, and that the Petitioners are free to do another study. *See* Opposition Brief, ECF 29, marked Page 11 of 13, lines 12-16. But without a sizeable control group, there is no science to save America.

Federal courts of equity routinely cross State and local lines to order appropriate relief. Consider *Hills v. Gautreaux*, 425 U.S. 284 (1976):

> On remand, the trial court addressed the difficult problem of providing an effective remedy for the racially segregated public housing system that had been created by the unconstitutional conduct of CHA and HUD. The court granted the respondents' motion to consolidate the CHA and HUD cases and ordered the parties to formulate 'a comprehensive plan to remedy the past effects of unconstitutional site selection procedures.' The order directed the parties to 'provide the Court with as broad a range of alternatives as seem… feasible' including 'alternatives which are not confined in their scope to the geographic boundary of the City of Chicago.' After consideration of the plans submitted by the parties and the evidence adduced in their support, the court denied the respondents' motion to consider metropolitan area relief and adopted the petitioner's proposed order requiring HUD to use its best efforts to assist CHA in increasing the supply of dwelling units and enjoining HUD from funding family public housing programs in Chicago that were inconsistent with the previous judgment entered against CHA. The court found that metropolitan area relief was unwarranted because 'the wrongs were committed within the limits of Chicago and solely against residents of the City' and there were no allegations that 'CHA and HUD discriminated or fostered racial discrimination in the suburbs…. Although the *Milliken* opinion discussed the many practical problems that would be encountered in the consolidation of numerous school districts by judicial decree, the Court's decision rejecting the metropolitan area desegregation order was actually based on fundamental limitations on the remedial powers of the federal courts to restructure the operation of local and state governmental entities.
>
> That power is not plenary. It 'may be exercised 'only on the basis of a constitutional violation.'' 418 U.S., at 738, quoting *Swann* v. *Charlotte-Mecklenburg Board of Education,* 402 U.S. 1, 16. See *Rizzo* v. *Goode,* 423 U.S. 362, 377. Once a constitutional violation is found, a federal court is required to tailor 'the scope of the remedy' to fit 'the nature and extent of the constitutional

> violation.' 418 U.S., at 744; *Swann, supra,* at 16…. Nothing in the *Milliken* decision suggests a *per se* rule that federal courts lack authority to order parties found to have violated the Constitution to undertake remedial efforts beyond the municipal boundaries of the city where the violation occurred. As we noted in Part II, *supra,* the District Court's proposed remedy in *Milliken* was impermissible because of the limits on the federal judicial power to interfere with the operation of state political entities that were not implicated in unconstitutional conduct. Here, unlike the desegregation remedy found erroneous in *Milliken,* a judicial order directing relief beyond the boundary lines of Chicago will not necessarily entail coercion of uninvolved governmental units, because both CHA and HUD have the authority to operate outside the Chicago city limits….The more substantial question under *Milliken* is whether an order against HUD affecting its conduct beyond Chicago's boundaries would impermissibly interfere with local governments and suburban housing authorities that have not been implicated in HUD's unconstitutional conduct. In examining this issue, it is important to note that the Court of Appeals' decision did not endorse or even discuss 'any specific metropolitan plan' but instead left the formulation of the remedial plan to the District Court on remand. 503 F. 2d, at 936.

Hills v. Gautreaux, 425 U.S. at 289-91, 293-94, 298, 300; *see also*, *Aguayo v. Richardson*, 473 F.2d 1090 (2d Cir. 1973) (granting mandamus to welfare parents and children, such that the sanction of an otherwise mandatory health and safety program was temporarily stayed). Note in particular how the *Aguayo* court recognized the presumptive utility of the health & safety program, and yet still granted mandamus to the families (effectively opting them out of the public health & safety program) on the grounds that the balance of hardships weighed in their favor as a minority group. Coincidentally, the appellate court even mentioned the utility of 'controlled experiment' science, implicitly criticizing one-size-fits-all health and safety policy.

Petitioners' requested remedy and enforcement is well articulated in the proposed order for this motion, such as:

> Vaccination shall henceforth be optional to Americans for their participation in society, including but not limited to education, travel, employment, government service, the United States Military, housing, social welfare programs, access to courts, and medical care.
>
> Respondent shall instruct the United States Attorney General Office for the duration of this National Emergency, to prosecute violations of this Order by persons and institutions engaging in the unlawful discrimination and prejudicial segregation of an individual based upon their vaccination status. Any material denial or restriction of basic necessities of life, by persons or institutions engaging
>
> in the unlawful discrimination and prejudicial segregation of an individual based upon their vaccination status, for the duration of this National Security and Public Health Emergency shall be considered a direct and immediate threat to our National Security.

> Parents of children exercising the right of informed consent/assent or informed refusal shall be free from charges of medical neglect, or denial of medical care, based solely upon vaccination status.
>
> The exemption from vaccination provided by this Order shall be known as the National Informed Consent Exemption ('NICE') and may be exercised by any individual, including on behalf of their child or dependent, without any precondition or requirement. The goal of NICE is to desegregate.

Proposed Order Number One Granting Petitioners' Motion For Preliminary Injunction, ECF 16-8, marked Pages 4 & 5 of 6.

A nationwide injunction is necessary to ensure uniform application of the right and ethic of informed consent. *See, e.g.*, *Innovation Law Lab v. Wolf*, 951 F.3d 1073, 1095 (9th Cir. 2020) (upholding injunction operating in four states within three circuits because "Federal law contemplates a 'comprehensive and unified' immigration policy."); *City & Cnty. of S.F. v. Trump*, 897 F.3d 1225, 1244 (9th Cir. 2018) ("In recent cases, we have upheld nationwide injunctions when 'necessary to give Plaintiffs a full expression of their rights.' *Hawaii v. Trump*, 878 F.3d 662, 701 (9th Cir. 2017) (per curium), rev'd on other grounds *Trump v. Hawaii*, 585 U.S. ___, 138 S. Ct. 2392, 201 L. Ed. 2d 775, 2018 WL 3116337 (2018); see also *Washington v. Trump*, 847 F.3d 1151, 1166-67 (9th Cir. 2017) (per curium). These exceptional cases are consistent with our general rule that '[w]here relief can be structured on an individual basis, it must be narrowly tailored to remedy the specific harm shown'—'an injunction is not necessarily made overbroad by extending benefit or protection to persons other than prevailing parties in the lawsuit . . . if such breadth is necessary to give prevailing parties the relief to which they are entitled.' *Bresgal v. Brock*, 843 F.2d 1163, 1170-71 (9th Cir. 1987).").

Here, we are faced with imminent collapse of the entire Nation, so these are indeed extraordinary circumstances.

C. The Balance of Equities Favor Petitioners. Big Picture: Return America To Its Foundation. Protecting Americans From Medical Experimentation Is In The Public Interest.

The ten cases cited by Respondent pale in comparison to the mountain of evidence and case law contained and referenced by Petitioners in the instant motion. Hoping the Court will make Respondent's mole hill into a mountain is indeed a tall order and demonstrates extraordinary hubris.

They appear to be hoping their shortcut to what passes for analysis will be embraced by the Court so that neither will have to actually take the time to understand the complexity of the case and the authority of the order sought.

The Government clearly shows its true colors to the Court – cajoling the people to accept scientism in place of science. Censoring and ridiculing anyone who dares question their claimed authority.

In response to Petitioners' mountain of evidence, Respondent provides not one declaration. Not one chart, no proof of safety – because there is none. The President turns a blind eye.

Exhibiting callousness towards wholesome children (Respondent's Opposition Brief, ECF 29, marked Page 5 of 13, line 24, and marked Page 8 of 13, line 25, being a pet policy) is unbecoming of the Attorney for the President. Respondent belittling Christian children who can't attend Christian fellowship without first being injected with multiple rounds of patented biotechnology proves our point. Is this the boot on the neck of any who dares question? The razor wire surrounding our great Constitution?

Here is a picture of things to come:

Dr. Anthony Fauci said, "I'm sure" some individual institutions will make coronavirus vaccinations mandatory, while it is "quite possible" that the COVID-19 vaccine could become a required travel vaccine when visiting other countries. Speaking to Newsweek, America's top infectious disease expert who answers to POTUS said: "Everything will be on the table for discussion" when asked if he will be discussing the possibility of introducing COVID-19 vaccine passports and potential mandatory vaccinations at a local level, including in schools, in his role as chief medical adviser to President-elect Biden. The director of the National Institute of Allergy and Infectious Diseases (NIAID) noted: "It's not up to me to make a decision. But these are all things that will be discussed [under POTUS administration]." Kim, S., *Dr. Fauci on Mandatory COVID Vaccines: 'Everything Will Be on the Table'*, NEWSWEEK (January 1, 2021). https://www.newsweek.com/coronavirus-anthony-fauci-covid-vaccine-passport-mandatory-vaccinations-travel-1558303 (accessed February 16, 2021).

Can't leave your house, can't attend schools, can't travel without a vaccine passport. That is the future a trier of fact will see.

Petitioners organized the best evidence and brought this lawsuit at their earliest opportunity. President Trump had indicated he was cleaning up a 'mess he inherited'. Respondent's characterization that the delay in filing was somehow an indication that there was no irreparable harm due to some twisted form of laches is misguided. *See* Opposition Brief, ECF 29, marked Page 11 of 13, line 17 through marked Page 12 of 13, line 2. A TRO to require informed consent to the Covid vaccine isn't necessary because it is already part of Federal Law. *See* 21 U.S.C. § 360bbb-3 (Covid-19 vaccination must be voluntary because it is "emergency use authorization").

Only in the Orwellian world of 2021 (i.e., 'wear a mask, actually two masks') could informed consent be categorized by the government as not being in the public interest. That investments by the government for the people to clamor to injecting experimental mRNA in their bodies is immediately a 'complete success' and 'not genetic manipulation'.

It has taken science a long time and Petitioners to finally realize and propose the definitive solution, the control group. Other forms of relief and self-help have failed. The Article II Executive and Article III Judiciary working together is our Nation's last hope.

Only the President (or this Court in respect of him) can declare the national security emergency highlighted in the Verified Petition. *See, e.g.*, Verified Petition, ECF 21, ¶¶ 18-19 ("Protecting the United States of America is the President's duty, and only he (or the Court acting in respect of him) as President and Commander in Chief of the Armed Forces is able to provide the relief requested herein which is specific to national security. [¶] … Further confirmation of the causes of the National Health Pandemic requires that the President take immediate action to protect and survey 'control groups' necessary to the scientific method as a matter of national security. Doing so while facing a strong headwind of unscientific assumptions about control groups that vary in different jurisdictions, within a quagmire of ever-changing legal coercion techniques based on those assumptions, is the challenge (hereinafter 'Predicament').").

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Petitioners stand for freedom and harmony. Freedom to choose. Freedom to question. Freedom to view their body as a sacred temple in harmony with God. Petitioners want to remain peacefully natural. And science requires the utility of control groups.

III. CONCLUSION

For the foregoing reasons, Petitioners respectfully request this Court grant the motion for preliminary injunction.

Dated: February 18, 2021

Respectfully submitted

Gregory J. Glaser (SBN 226706)
4399 Buckboard Drive, Box 423
Copperopolis, CA 95228
Ph: (925) 642-6651
Fx. (209) 729-4557
greg@gregglaser.com

Ray L. Flores II (SBN 233643)
11622 El Camino Real Suite 100
San Diego, CA 92130
Ph. (858) 367-0397
Fx. (888) 336-4037
rayfloreslaw@gmail.com

ATTORNEYS FOR PETITIONERS