

Case No. 21-15587

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

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.; Michael Harris, individually and as parent of S.H.; Nicole Harris, individually and as parent of S.H.; Traci Music, individually and as parent of K.M. and J.S.,

Petitioners-Appellants,

v.

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

Respondent-Appellee.

Appeal from the Judgement of the United States District Court
for the Eastern District of California, Case No. 2:20-cv-02470-WBS-JDP
Honorable William B. Shubb, United States District Judge

**APPELLANTS' MOTION FOR RECOGNITION OF THEIR
UNVACCINATED LAWYER FOR IN-PERSON ORAL ARGUMENT**

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

Counsel for Petitioners-Appellants

1. Introduction

Do our judges not know this Court is mandating lawyers inject themselves with biotech from convicted felons?¹ If this Court has a red line, where is it?

There will come a time, and for most of the judges on this court it is probably already here, that you too will want to decline a vaccine from a convicted felon. Perhaps it will be a flu shot, or a Covid booster, or any of the 250+ vaccines currently in R&D according to the trade publication PhRMA.²

Once you see your red line, you will be especially grateful that The Control Group exists and tirelessly advocates for all Americans.

As a matter of procedural due process and equal protection (U.S. Const. amend. XIV), and the right to petition for redress of grievances (U.S. Const. amend. I), Appellants respectfully request this Court allow their lead counsel (the undersigned) to physically enter this honored courthouse as a free, unvaccinated man, with robust, superior, natural immunity. Being forced to address the Court from a computer screen to argue the merits of the rights of the unvaccinated

¹ See Department of Justice data cited by Groeger, L., *Big Pharma's Big Fines*, PROPUBLICA (2014), <https://projects.propublica.org/graphics/bigpharma>.

² *Report: Medicines in Development for Infectious Diseases 2020 Report*, PHRMA (Jul. 21, 2020), <https://phrma.org/resource-center/Topics/Report/Medicines-in-Development-for-Infectious-Diseases-2020-Report>; Hannah Mooney Mack, *New report highlights more than 250 vaccines in development*, PHRMA (Aug. 18, 2016), <https://catalyst.phrma.org/new-report-highlights-more-than-250-vaccines-in-development>.

infringes on the 1st Amendment Right to Petition, and protects no one from coronavirus.

The instant case was dismissed by the Eastern District Court because the court failed to foresee the writing on the wall. Now in fully-engaged, vaccine hysteria, the writing is covering the wall: *Unvaccinated Unwelcome*. In schools, places of employment, and now certain courts of Federal Appeals -- specifically this one. Accordingly, Appellants challenge the Order Regarding Masking, Vaccination, and COVID-19 Self-Certification (“Vaccination Order”), dated December 21, 2021, by Chief Judge Mary H. Murguia.

<https://cdn.ca9.uscourts.gov/datastore/general/2021/09/14/Vaccination-Order.9-14-21.pdf>.

This motion is logically similar to a traditional petition for caveat³ to respectfully caution this Court against its Catch-22. In particular, Appellants must

³ A *caveat* is a warning to a judge to beware ruling on an ultimate issue until the preliminary *caveat* is determined. See, e.g., *Slocum v. Grandin*, 38 N.J. Eq. 485 (1884):

Dr. Ayliffe says, defining a *caveat*, that it is, in law, in the nature of an inhibition; that it is an intimation given to some ordinary or ecclesiastical judge, notifying him that he ought to beware how he acts in such or such an affair; and he adds that the *caveat* suspends the proceedings of such ordinary or ecclesiastical judge, until such time as the merits of the *caveat* are determined, or (at least) until it is subducted. *Ayl. Par. 145*.

Id. at 488-89.

be vaccinated in order to appear physically in court to challenge the segregation of healthy unvaccinated humans throughout society.

In the petition for writ of mandamus to SCOTUS earlier this year, Petitioners asked our highest Court, “When courts themselves force vaccine passports at the courthouse doors, will there be any civil recourse remaining in Article III?” What was hopefully framed as a rhetorical question has regrettably been answered.

Federal Rule of Appellate Procedure 34 provides: “Oral argument must be allowed in every case unless a panel of three judges who have examined the briefs and record unanimously agrees that oral argument is unnecessary for any of the following reasons: (A) the appeal is frivolous; (B) the dispositive issue or issues have been authoritatively decided; or (C) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.”

Appellants do not challenge the efficiency of videoconference. And indeed, courts have repeatedly found that videoconference is a permissible form of open court, provided that traditional in person attendance is impracticable, and there is good cause and compelling circumstances to proceed virtually.⁴

⁴ See, e.g., *Gould Elecs. Inc. v. Livingston Cnty. Rd. Comm'n*, 470 F. Supp. 3d 735, 738, 740 (E.D. Mich. 2020) (“allowance for flexibility in conducting trials in non-traditional ways when exigencies make traditional procedures

Natural immunity is good, not “impracticable”. As detailed below, natural immunity is a successful public health strategy that is currently working everywhere, even preferred in many countries, and communities within the US.

An example of this came recently from Dr. Marty Makary, a professor at the Bloomberg School of Public Health, who stated publicly that because “half the country” likely already have natural lifelong immunity to Covid-19, “I never thought I’d say this, but please ignore the CDC guidance.”⁵

2. Mainstream Science of Natural Immunity

Scientifically accepted virology and immunology precepts⁶ hold that immunity from natural infection is the best, most robust, and longest lasting way to

impracticable.... In view of the text and history of Rules 77(b) and 43(a), as well as the considerations set forth in Black's Law Dictionary and caselaw, the Court is persuaded that conducting a bench trial by videoconference is consistent with the requirement that such proceedings take place in open court.”); *Alle v. Gales (In re Alle)*, No. 2:20-cv-11116-MCS, 2021 U.S. Dist. LEXIS 134109, at *15 (C.D. Cal. July 19, 2021) (“Thus, because the bankruptcy court found good cause and developed adequate safeguards, it did not abuse its discretion in ordering the trial to proceed by Zoom.”).

⁵ Shiver, P., *John Hopkins professor says ‘ignore the CDC’ – ‘natural immunity works.*, BLAZE MEDIA (May 27, 2021), <https://www.theblaze.com/news/johns-hopkins-professor-ignore-cdc-natural-immunity-works> (“Natural immunity works... We've got to start respecting individuals who choose not to get the vaccine, instead of demonizing them. There is more data on natural immunity than there is on vaccinated immunity, because natural immunity has been around longer.”).

⁶ Delves, P et al., *Roitt’s Essential Immunology, 13th Edition*. WILEY-BLACKWELL (2017), <https://www.wiley.com/en-us/Roitt%27s+Essential+Immunology%2C+13th+Edition-p-9781118415771>.

deal with viruses such as SARS-CoV-2. The Cleveland Clinic found the following: “Individuals who have had SARS-CoV-2 infection are unlikely to benefit from COVID-19 vaccination.”⁷

There is no evidence to support the argument that naturally immune people lose their immunity. In fact, there is evidence of the opposite.⁸

This Court’s “Vaccination Order” cites to no statistically significant evidence that naturally immune persons are at any risk of reinfection or transmission, let alone greater risk than Covid-19 vaccinated persons.

⁷ Shrestha, N., *Necessity of COVID-19 vaccination in previously infected individuals*, MEDRXIV (Jun. 19, 2021), <https://www.medrxiv.org/content/10.1101/2021.06.01.21258176v3>.

⁸ Haveri, A., *Persistence of neutralizing antibodies a year after SARS-CoV-2 infection in humans*. EUR. J. IMMUNOL. 2021. 0: 1-12. <https://onlinelibrary.wiley.com/doi/epdf/10.1002/eji.202149535>.

Block, J., *Vaccinating people who have had covid-19: why doesn't natural immunity count in the US?* BMJ 2021;374:n2101. <https://www.bmj.com/content/374/bmj.n2101> (Published Sept. 13, 2021).

Callaway, E., *Had COVID? You'll probably make antibodies for a lifetime*. NATURE (May 26, 2021), <https://www.nature.com/articles/d41586-021-01442-9>.

Krammer, F., *Comment: Correlates of protection from SARS-CoV-2 infection*. THE LANCET, Vol 397, Issue 10283, P1421-1423 (Apr. 17, 2021), [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(21\)00782-0/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)00782-0/fulltext) (“The findings of the authors suggest that infection and the development of an antibody response provides protection similar to or even better than currently used SARS-CoV-2 vaccines. ... The SIREN study adds to a growing number of studies which demonstrate that infection does protect against reinfection.”).

3. Biotech Influence Pervades Currently, But Natural Humans Still Remain Sovereign

The government is now 20-months deep into Covid-19. Conservative states without lockdown policies have similar or lower rates of morbidity and mortality.⁹ Rather than view vaccine policies with healthy skepticism, the Court adopted its unvaccinated unwelcome policy. Aside from those with health pharma stock portfolios, the benefactors have been Big Pharma and Big Tech,¹⁰ and authoritarian

⁹ Colton, E., *Top 5 states with most daily COVID cases are now blue states, bottom 5 are mostly red*, FOXNEWS (Nov. 30, 2021), <https://www.foxnews.com/us/us-coronavirus-outbreaks-states-ranked>.

¹⁰ In addition to mainstream sources cited herein, basically *any* independent media on the planet will suffice to reveal this in spades (and this is one of the criticisms of the judiciary, the devotion to “mainstream information only” is evidence of partiality (not mere compliance with FRE 702 re qualification of experts) where the judiciary dismisses *both* independent and mainstream doctors evidencing vaccine harm). For example, here are some sources citing both independent and mainstream doctors on vaccine harm:

Public Health and Medical Professionals for Transparency. FOIA Documents. <https://phmpt.org/wp-content/uploads/2021/11/5.3.6-postmarketing-experience.pdf> (Pfizer’s own report reveals that from December 1, 2020 to February 28, 2021, the first 90 days that Pfizer’s Covid vaccine had been rolled out, there were 1,223 deaths recorded and 42,086 adverse reactions and vaccine injuries reported worldwide. The largest number of adverse reactions was recorded in the United States (13,739) and the UK (13,404). Researchers only included reports that they deemed to be serious cases. Reports are submitted voluntarily, and the magnitude of underreporting is unknown).

Declaration, International Alliance of Physicians and Medical Scientists (Oct. 29, 2021), <https://doctorsandscientistsdeclaration.org>.

bureaucrats. Directly benefitting these goliaths, the Court issued its “Vaccination Order”.

How can Appellants expect a fair hearing? Where is the appearance of neutrality? Deferring to mainstream sources (i.e., ‘CDC only’) cannot give the appearance of independent reasoned, and impartial judgment.

How can the Court consider vaccination discrimination when the unvaccinated are not allowed in the front door? Further, will this ever end?

We are at the stage where courts nationwide are closing the courthouse doors indefinitely to natural (unvaccinated) people like the undersigned, and instructing us natural humans that only computer interactions and injectable biotech are “safe”.

Durden, T., *Search terms: Big Tech and Big Pharma*, ZERO HEDGE (2021), <https://www.zerohedge.com/search-content?qTitle=big+tech>;
<https://www.zerohedge.com/search-content?qTitle=big+pharma>.

Kirsch, S., *Miscellaneous articles on Covid* (2021), <https://stevekirsch.substack.com/>.

The point here is not to provide an exhaustive list, but to emphasize that *independent* information is essential to *independent* judgment. Both historically and today, mainstream public health information is routinely wrong. The judiciary plays a key checks and balances role to ensure that normal people are not forcefully injected by the government.

The vast majority of the US does *not* mandate Covid-19 vaccination, testing, or masks.¹¹ Federal courts are issuing orders *respecting* natural immunity. *See, e.g., Louisiana v. Becerra*, Case No. 3:21-CV-03970 (United States District Court for the Western District of Louisiana, Document 28 (Memorandum Ruling filed 11/30/21 overturning vaccine mandate) ("The rejection of natural immunity as an alternative is puzzling. Natural immunity is the immunity of people who have been infected with the COVID-19 virus."). *See also BST Holdings, L.L.C. v. OSHA*, No. 21-60845, 2021 U.S. App. LEXIS 33698 (5th Cir. Nov. 12, 2021) (granting preliminary relief that halted Defendant's vaccine mandate through OSHA), stating:

[T]he Mandate fails to consider what is perhaps the most salient fact of all: the ongoing threat of COVID-19 is more dangerous to some employees than to other employees... a naturally immune unvaccinated worker is presumably at less risk than an unvaccinated worker who has never had the virus. The list goes on, but one constant remains – the Mandate fails almost completely to address, or even respond to, much of this reality and common sense.... It is clear that a denial of the petitioners' proposed stay would do them irreparable harm. For one, the Mandate threatens to substantially burden the liberty interests [footnote omitted] of reluctant individual recipients put to a choice between their job(s) and their jab(s). For the individual

¹¹ Bunis, D, et al. (November 2021). *List of Coronavirus-Related Restrictions in Every State*. AARP. <https://www.aarp.org/politics-society/government-elections/info-2020/coronavirus-state-restrictions.html>; see also Ballotpedia (2021). *State-level mask requirements in response to the coronavirus (COVID-19) pandemic, 2020-2021*. [https://ballotpedia.org/State-level_mask_requirements_in_response_to_the_coronavirus_\(COVID-19\)_pandemic,_2020-2021](https://ballotpedia.org/State-level_mask_requirements_in_response_to_the_coronavirus_(COVID-19)_pandemic,_2020-2021).

petitioners, the loss of constitutional freedoms ‘for even minimal periods of time... unquestionably constitutes irreparable injury.’ [citations omitted].... For similar reasons, a stay is firmly in the public interest. From economic uncertainty to workplace strife, the mere specter of the Mandate has contributed to untold economic upheaval in recent months. Of course, the principles at stake when it comes to the Mandate are not reducible to dollars and cents. The public interest is also served by maintaining our constitutional structure and maintaining the liberty of individuals to make intensely personal decisions according to their own convictions – even, or perhaps particularly, when those decisions frustrate government officials.

This is in line with similarly strong court filings against Covid-19 vaccine mandates from the Attorney Generals for Texas, Arizona, and Oklahoma:

- Texas Attorney General, “Even one American being forced by their government to receive a vaccine that they do not want out of fear of losing their job is an irreparable injury and a stain on Defendants’ records.” Complaint in *Texas v. Biden*, No. 3:21-cv-309. Dkt 1. (US District Court for the Southern District of Texas, 10/29/21). [https://www.texasattorneygeneral.gov/sites/default/files/global/images/20211029_TX%20v%20Biden%20et%20al%20\(file%20marked\).pdf](https://www.texasattorneygeneral.gov/sites/default/files/global/images/20211029_TX%20v%20Biden%20et%20al%20(file%20marked).pdf).
- Arizona Attorney General, “The federal employee mandate violates employees’ constitutional right to bodily integrity and to refuse medical procedures.... While *Buck v. Bell* has never been overruled, its inapplicability today is not seriously disputed. The same result should obtain for *Jacobson*.” *Arizona v. Biden*, No. 2:21-cv-01568-MTL, Dkt. 34 (US District Court for the District of Arizona, 10/22/21). <https://www.azag.gov/sites/default/files/docs/press-releases/2021/motions/034%20Renewed%20Motion%20for%20TRO%20and%20PI.PDF>.
- Oklahoma Attorney General, “Here are some related and non-exhaustive considerations that compel the conclusion that this [vaccine] mandate is arbitrary and capricious:.... Defendants’ failure to exempt those who have a natural immunity to COVID-19.... Being vaccinated does not stop anyone from being a carrier of COVID-19....

This mandate forcibly intrudes into the physical person of the federal contractor’s employee; it penetrates not just into the individual’s skin but into her bloodstream—and becomes a component of her body. See *Skinner*, 489 U.S. at 616; *Schmerber*, 384 U.S. at 767–68. This involves the person’s privacy, bodily integrity, and dignity. Society certainly recognizes the right to avoid such a compelled intrusion as reasonable.” *Oklahoma v. Biden*, No. 5:21-cv-01069-G (US District Court for the Western District of Oklahoma, 11/4/21). https://www.oag.ok.gov/sites/g/files/gmc766/f/okla._v._biden_compl.pdf.

See also the very thorough vaccine science case currently in Federal Court,

*Gold v. Sandoval*¹² with 14 top medical experts:

- “The vaccinated carry a very high viral load.¹³ Vaccinated people are more likely to spread coronavirus.¹⁴ The vaccinated acquire and transmit the virus as readily – or more readily – than the

¹² *Gold v. Sandoval, et al.*, Case No. 3:21-cv-00480-RCJ-CLB (United States District Court for the District of Nevada), Document 10 (filed 11/19/21). *Plaintiff’s Request for Temporary Restraining Order*.

¹³ See Dr. Tyson Decl. ¶ 16; Dr. Kammerer Decl. throughout; Dr. Parks Decl. ¶ 43; Dr. McCullough Decl. ¶ 16.

Chau, N.V.V., et al., *Transmission of SARS-CoV-2 Delta Variant Among Vaccinated Healthcare Workers, Vietnam*, PREPRINTS WITH THE LANCET (Oct. 11, 2021), <https://ssrn.com/abstract=3897733>.

¹⁴ Dr. Parks Decl. ¶¶ 16, 43-44, 47-49; Dr. McCullough Decl. ¶ 15, 16, 22, 35, 41, 64. See, e.g., Delaney, P., *Brief video illustrates dramatic spikes in COVID-19 deaths after jabs in 40 nations*. LIFESITE NEWS, (Oct. 6, 2021), <https://www.lifesitenews.com/news/brief-video-illustrates-dramatic-spikes-in-covid-19-deaths-following-jabs-in-40-nations/>.

Pandemic of the Vaccinated – Worldwide data on 188 countries proves the highest Covid-19 case rates are in the most vaccinated countries, THE EXPOSE (Nov. 2, 2021), <https://theexpose.uk/2021/11/02/worldwide-data-proves-the-highest-covid-19-case-rates-are-in-the-most-vaccinated-countries/>.

unvaccinated.¹⁵

- “Vaccinated people had extremely brief and transient immunity for only a handful of months from the original variant. According to the CDC Director, they have no protection whatsoever from acquiring the only variant of concern, the Delta variant.¹⁶
- “There is much data to show that vaccinated people are more likely to expose the community to variants.¹⁷ And vaccinated people become dependent on vaccine boosters for life.¹⁸
- “Unvaccinated Covid-19 Recovered persons acquire lifelong natural immunity that is the most robust, most complete, and

¹⁵ Dr. McCullough Decl. ¶ 35.

Subramanian SV, et al., *Increases in COVID-19 are unrelated to levels of vaccination across 68 countries and 2947 counties in the United States*. EUR J EPIDEMIOLOG. 2021;1-4 (Sept. 30, 2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8481107/>.

¹⁶ Dr. Yeadon Decl. ¶ 28; Dr. Parks Decl. ¶¶ 17, 20, 36, 43, 45, 50. Dr. McCullough Decl. ¶¶ 14-21, 39, 40, 42, 65; Dr. Urso Decl. ¶¶ 27, 30.

Holcombe, M, et al., *Fully Vaccinated People Who Get a CoVID-19 Breakthrough Infection Transmit the Virus, CDC Chief Says*, CNN HEALTH (Aug. 6, 2021), <https://www.cnn.com/2021/08/05/health/us-coronavirus-thursday/index.html>.

¹⁷ Dr. Yeadon Decl. ¶ 28; Dr. McCullough Decl. ¶ 15.

Keehner, J, et al., *Resurgence of SARS-CoV-2 Infection in a Highly Vaccinated Health System Workforce (letter to the editor)*, N ENGL J MED 2021; 385:1330-1332 (Sept. 1, 2021), <https://www.nejm.org/doi/full/10.1056/NEJMc2112981>.

Chau, N.V.V., et al., *Transmission of SARS-CoV-2 Delta Variant Among Vaccinated Healthcare Workers, Vietnam*, PREPRINTS WITH THE LANCET (Oct. 11, 2021), <https://ssrn.com/abstract=3897733>.

¹⁸ Dr. Parks Decl. ¶¶ 37-49; Dr. Cole ¶ 10; Dr. Tyson ¶ 16.; Dr. Zelenko ¶ 13.

most durable.¹⁹

- “It is counterproductive and risky to vaccinate people who are Covid-19 Recovered because they are placed at greater risk of harm in the short term and in the long term.²⁰
- “National data from the United States government databases (VAERS and VSD) show vaccinated people are suffering permanent disability and death from Covid-19 vaccination in staggering and unprecedented numbers.²¹
- “Countries with the lowest vaccination rates experience the lowest number of coronavirus cases; countries with lower vaccination numbers have far fewer cases than areas with higher vaccination rates.²²

4. American People Speaking Out Against “The Plandemic”

Most Americans openly oppose the Covid-19 control mandates in some manner today²³ – free people routinely enter each other’s homes and businesses

¹⁹ Dr. Yeadon Decl. ¶¶ 15-23; Dr. Parks Decl. ¶ 16, 20, 42, 47, 49, 51. Dr. McCullough ¶ 59-63; Dr. Urso Decl. throughout.

²⁰ Dr. Parks Decl. throughout; Dr. McCullough ¶¶ 57-63; Dr. Urso Decl. ¶ 26.

²¹ Dr. Rose Decl. Exh. A. Dr. Cole Decl. throughout; Dr. Parks Decl. ¶¶ 22-23; Dr. McCullough ¶ 44-48.

²² Dr. Kory Decl. throughout; Dr. Cole Decl. ¶ 21; Dr. McCullough Decl. ¶¶ 20, 35.

Subramanian SV, et al., *Increases in COVID-19 are unrelated to levels of vaccination across 68 countries and 2947 counties in the United States*, EUR J EPIDEMIOL. 2021;1-4 (Sept. 30, 2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8481107/>.

²³ To the extent this Court claims authority to mandate biotech under *Jacobson v. Massachusetts*, 197 U.S. 11, 35 (1905) “common belief of the people”, then

unmasked and unvaccinated, welcoming and embracing one another as normal humans with functional natural immune systems. Countless U.S. government officials have also rejected the vaccines (at one point Anthony Fauci admitted live on CSPAN that “probably around 60%” of government scientists took the Covid vaccine).²⁴ It is now commonplace for officials and reporters to be caught on

consider the following recent poll results of the American people that confirm the common belief supports natural immunity rather than vaccination:

Do you believe people recovered from COVID-19 with natural immunity from antibodies have the same level of protection as those that are fully vaccinated? Yes: 46.5%, No: 29.2%, Not Sure: 24.3%.

Nationwide Issues Survey – Covid Immunity, The Trafalgar Group (Oct. 2021), <https://thetrafalgargroup.org/COSA-National-COVIDimmunity-Full-Report.pdf>.

How confident are you that the federal government is reporting unbiased information on the effectiveness of COVID-19 vaccines? Confident: 44.5%, Not Confident: 50.8%.

Nationwide Issues Survey – Vaccine Confidence, The Trafalgar Group (July 2021), <https://thetrafalgargroup.org/COSA-National-Vaccine-Confidence-Full-Report.pdf>.

See also Siri, A., *A Majority of Americans Are “Anti-Vaxxers”?* (Nov. 21, 2021), <https://aaron.siri.substack.com/p/a-majority-of-americans-are-anti>

²⁴ Senator Burr: (02:25:51), “Okay. This question, I’m going to go to Dr. Fauci, Dr. Marks, and Dr. Walensky. What percentage of the employees in your institute, your center, or your agency, of your employees, has been vaccinated?”

Dr. Anthony Fauci: (02:26:13), “I’m not 100% sure, Senator, but I think it’s probably a little bit more than half, probably around 60%.”

Dr. Fauci and CDC Director Walensky Testify on Efforts to Combat COVID-19, United States Senate, C-SPAN (May 11, 2021), <https://www.c->

camera donning masks solely for public display, and otherwise flaunting their own rules.

This is vital context for the instant motion to unlock the courthouse doors, because many Americans are now calling for the peaceful deconstruction of institutions who perpetuated what is now called “the Plandemic.” This is exactly the same type of language that was commonplace among the American people before the judiciary was completely overhauled with the Revolutionary War.

If ye love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsel or your arms. Crouch down and lick the hands which feed you. May your chains set lightly upon you, and may posterity forget that ye were our countrymen.”
Samuel Adams (August 1, 1776), Speech at the Philadelphia State House.

The signs were everywhere then (from the streets to the halls), the allegiances drawn in real time. Likewise, signs are everywhere today (in the streets and the halls), albeit uncertain without the benefit of knowing who will be the victor – natural people or biotech?

What sayeth this Court that mandates a Covid-19 vaccine upon the undersigned unvaccinated lawyer? Do our judges not see public health departments in lock-step with pharmaceutical companies to conceal vaccine side effects? No

span.org/video/?511511-1/dr-fauci-cdc-director-walensky-testify-efforts-combat-covid-19.

matter the vaccine harm (whether it is myocarditis this year or autism for the last 40-years), no matter the glowingly obvious proof of causation (as Appellants have amply proven in this case because fully unvaccinated people *statistically* don't get autism or heart disease), the result is always public health's **denial** of vaccine injury causation.

Will free people stand perpetually for these denials by the convicted felons of biotech, parroted by government?

5. Videoconference Prevents Normal Human Interaction

Spoiler alert: at oral argument, I want the court to see my humanity. It is in my clients' best interest that this Court overcome its fear of natural people.

Care to guess what pro-vaccine zealots need to scientifically prove vaccines are "safe and effective"? That's right -- a control group of completely unvaccinated people. *And*, that control group of completely unvaccinated people would need to be just as sick and dying as the vaccinated herd to claim "safe and effective". But if this Court has read the Excerpts of Record in this case, this Court will see the evidence that (1) independent studies show the completely unvaccinated are the healthiest people on the planet, and (2) the authorities categorically refuse to study the health of completely unvaccinated people.

Appellants anticipate that Respondent's counsel will graciously offer to appear by videoconference also, to level the playing field, and thereby remove the

equal protection argument. But with all due respect, it is no remedy for both lawyers to sit in the back of the bus. Equal protection is about respecting the *full* right of each person who chooses to exercise the right. It is not about reducing the rights of all persons equally in order to prevent disputes.

In this case, Appellants present evidence that vaccination is causing the imminent collapse of the Nation. Do the stakes get any higher?

It is obvious the courts are not taking this case seriously -- after the District Court's fast-track dismissal of the Complaint, the 9th Circuit and US Supreme Court denied requests for writ of mandamus.

But what will history think?

In America, our Bill of Rights was designed in part to prevent the type of fiat rule by judges in the English Star Chamber. What would our Nation's Founders do if they read this Court's "Vaccination Order", issued by judicial fiat without evidentiary findings, that all humans must be injected with biotech before they can petition in person for redress of grievances on the subject of mandatory biotech injections?

It is fortunate that my clients agree with my decision to remain unvaccinated, lest this Court's "Vaccination Order" cause division between attorney and client. How many other lawyers stand so fortunate?

6. Masking and Genetic Testing Is Not Normal

As a human with natural immunity, how is it reasonable to require me to submit to face muzzling (“masks”) and genetic probing (“tests”)?²⁵

In the *Gold v. Sandoval* case cited above, Plaintiff’s expert declarations (such as Dr. Yeadon) confirm it is a statistical certainty that a person who is Covid recovered is *not* at risk of reacquiring Covid-19 and transmitting to others. But should such a person undergo repeated PCR testing at a lab which uses a cycle threshold >30, it is inevitable that sooner or later this person will have a false positive result. The popular commercial labs in California use a Ct >40,

²⁵ Borger, P, et al., *External peer review of the RTPCR test to detect SARS-CoV-2 reveals 10 major scientific flaws at the molecular and methodological level: consequences for false positive results*, CORMAN-DROSTEN REVIEW REPORT (2020), <https://cormandrostenreview.com/report/>.

See compendium of studies showing face masks do not work to stop Covid-19, but rather actively harm individual health and public health. <https://www.aflds.org/covid/masks/> (“Indeed, harms from prolonged masking are increasingly being documented in many scientific studies, especially in the areas of healthcare workers, school children, newborn infants, and bacterial infections in the general population, as described below.... Prolonged use of N95 and surgical masks by healthcare professionals during COVID-19 has caused adverse effects such as headaches, rash, acne, skin breakdown, and impaired cognition in the majority of those surveyed... Aiello and colleagues described a study in which 1437 university students were randomized by dormitory to three arms: control, surgical masks alone, and surgical masks plus hand hygiene[;] the study could not distinguish the relative contributions of each intervention.”)

Spitzer M., *Masked education? The benefits and burdens of wearing face masks in schools during the current Corona pandemic*. TRENDS IN NEUROSCIENCE AND EDUCATION, Vol. 20 (Sept. 20, 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7417296/>.

guaranteeing false results. A false positive result forces a wholly unnecessary quarantine, which is very punitive.

In addition to several states that have banned Covid-19 oppression (vaccine passports, mandatory testing and masking),²⁶ some recent case law has criticized mandatory testing and found it unenforceable in context.²⁷ PCR nasal testing involves a swab being placed inside a student's nose by a stranger to remove genetic material that is then sent to a PCR laboratory for evaluation. Although some promote the test as painless and quick, many students experience it as painful and traumatic. Well-recognized side effects include bloody nose, nasal discomfort, headaches and nasal lesions.²⁸

Mandatory public health testing is disfavored in American law. See e.g., *Anderson v. City of Taylor*, 2005 U.S. Dist. Lexis 44706 (E.D. Mich. August 11, 2005) (mandatory blood draws for a firemen's "wellness program" under FEMA

²⁶ Bunis, D, et al., *List of Coronavirus-Related Restrictions in Every State*. AARP (Nov. 2021), <https://www.aarp.org/politics-society/government-elections/info-2020/coronavirus-state-restrictions.html>.

²⁷ *Magliulo v. Edward Via Coll. of Osteopathic Med.*, No. 3:21-CV-2304, 2021 U.S. Dist. LEXIS 159265, at *18 (W.D. La. Aug. 17, 2021). Compare *Aviles v. De Blasio*, 2021 U.S. Dist. LEXIS 38930 (S.D.N.Y. Mar. 2, 2021) pending appeal in the Second Circuit.

²⁸ Gupta K, Bellino PM, Charness ME. *Adverse effects of nasopharyngeal swabs: Three dimensional printed versus commercial swabs*. INFECT CONTROL HOSP EPIDEMIOL. 2021;42(5):641-642, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7308627/>.

auspices was invalidated as a Fourth Amendment seizure because the blood draws were mandatory and the firemen were subject to punishment for not agreeing).

7. Bigger picture: A Saga of Cognitive Dissonance, With a Happy Ending

It would appear that historically, judges feared being blamed for an infectious disease outbreak, so judges sided with Big Pharma to disclaim widespread vaccine injury.

The result, and all of this is already documented in the Excerpts of Record before this Court: The childhood vaccine schedule increased from 3 vaccines (1950s) to 72 vaccines (today), with simultaneous explosion in vaccine-caused chronic illness in the vaccinated population. More than 60% of vaccinated children and adults today suffer a serious chronic illness like cancer, autoimmune disease, diabetes, digestive disorders, heart disease, ADHD, etc. 42% of adults even have *multiple* chronic illnesses.

But in the fully unvaccinated adult group only about 4% have any chronic illness whatsoever (just like in the 1950s). And it's even better (2%) for unvaccinated children! Does this surprise the Court that products produced by convicted felons are harming society?

More than 95% of unvaccinated Americans are completely healthy, but less than 40% of vaccinated Americans are healthy. 1 in 44 children aged 8 years today

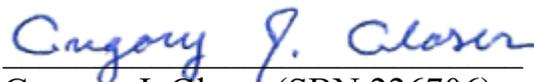
are autistic according to the latest numbers from the CDC. What kind of person is unpersuaded by such damning evidence?

The control group evidence is the game changer. It proves natural immunity and natural living is superior to vaccination. It proves public health policy in the 1950s was better than today. Why can't we just go back? What changed in the 1960s? The President signed the National Vaccine Program into existence. Is there anything happening today that might prompt a return to 1950s America?

Because Covid-19 vaccine injury has become so obviously widespread, judges are beginning to realize (1) the real outbreak is widespread vaccine injury, and (2) Big Pharma is using government and judges as the face and enforcer of mass disability and death caused by vaccines.

Therefore, Appellants submit it is well past the time for judges and government officials to start protecting natural people *from* Big Pharma.

Respectfully submitted this 22nd of December, 2021.



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

Counsel for Appellants