

Defending Doctors

CHD's Litigation to Protect Medical Professionals

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Courts Follow Culture

2020-2021: Constant fear mongering; sense of panic; lockdowns; masks; tests and then vaccine mandates

2022: People getting their bearings

2023: The year of pushback

2024: Victories?





Censorship, Retaliation, Coercive Medicine

Impact on Patients:

- Misdiagnosis, delayed treatment
- Suppression of effective treatments
- Erosion of Public Trust in the healthcare system.



Fighting back:

- Advocacy and litigation for medical professionals facing injustice
- Public education to counter misinformation
- Advocacy to protect patient and practitioner rights



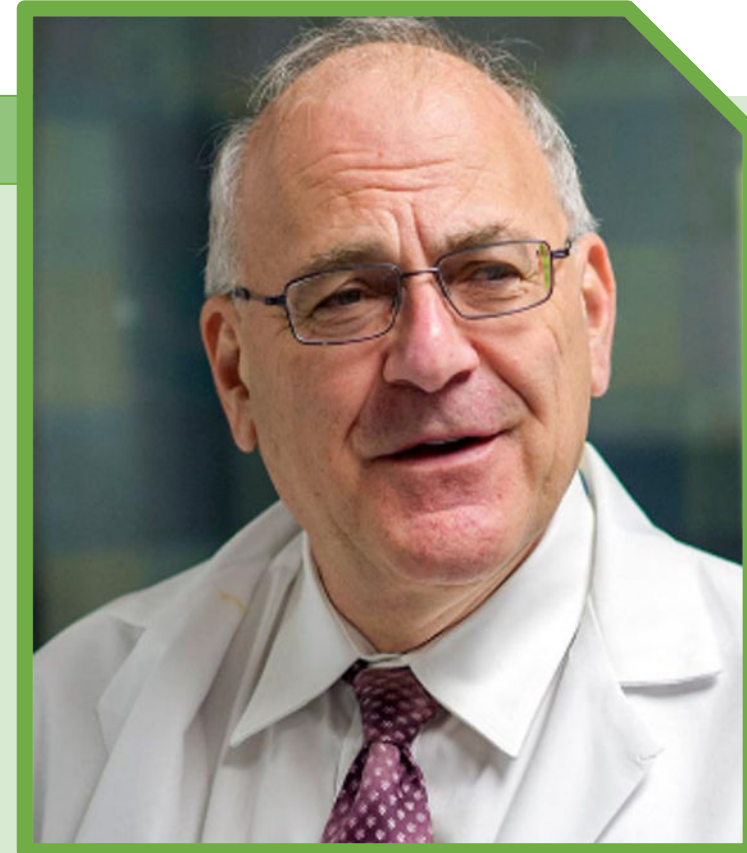
Challenging Dr. Marik's Termination



Lead Attorney: Jed Rubinfeld, Esq
Defending Dr. Paul Marik, MD

CHD represented Dr. Marik in lawsuit against Sentara Healthcare over suspension from the hospital.

- October 6, 2021, Sentara Healthcare notified hospital physicians via email that they had revised its “COVID-19 Comprehensive Treatment Guidelines.” The revisions stated the hospital would no longer support or endorse certain treatments.
- CHD argued that Sentara Healthcare endangered the lives of its patients by preventing Dr. Marik from using his COVID-19 treatment protocol, which reduced mortality rates in the ICU from approximately 40% & 60% to less than 20%.





- Dr. Marik sought an injunction that the hospital's guidelines were “unlawful and unenforceable.”
- The trial court dismissed the case 1.5.22, and the Virginia Supreme Court denied the petition 2.4.22.

Actions re the Maine Board of Licensure in Medicine



**Lead Attorney: Gene Libby, Esq.
Defending Dr. Meryl Nass, MD**

CHD is supporting Dr. Meryl Nass, a Maine physician, against Maine Board of Licensure in Medicine (BOLIM):

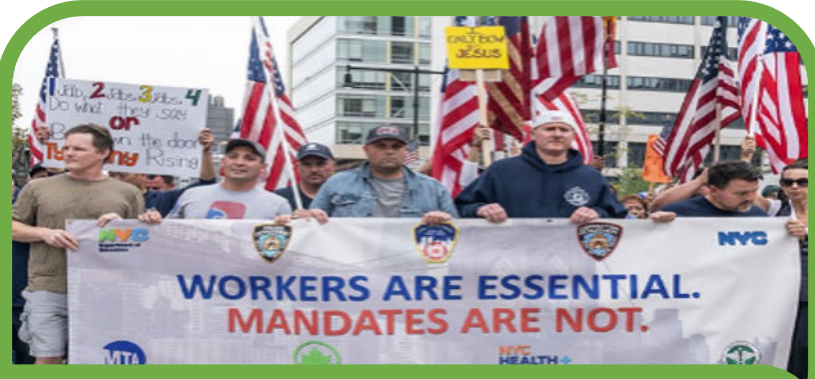
- Board's action against Dr. Nass
- Lawsuit against the BOLIM and its Members
- Actions: Seeking review of BOLIM decision



NYS Healthcare Worker Mandate: *Consent v. Bassett*

Lead Attorney: Sujata Gibson. Esq.

Defending Medical Professionals
for Informed Consent



COVID-19 vaccine mandate
for healthcare workers resulted
in the loss of over 34,000
medical professionals statewide.



"THE STATE REGULATION REQUIRING HEALTHCARE WORKERS TO BE VACCINATED FOR COVID-19 IS CURRENTLY STILL IN PLACE FOR HOSPITALS, NURSING HOMES AND OTHER HEALTHCARE FACILITIES, WHILE THE DEPARTMENT CAREFULLY CONSIDERS ALL OPTIONS, INCLUDING MODIFYING OR REVOKING THE REGULATION, AND FURTHER GUIDANCE WILL BE FORTHCOMING."

■ NYS DOH

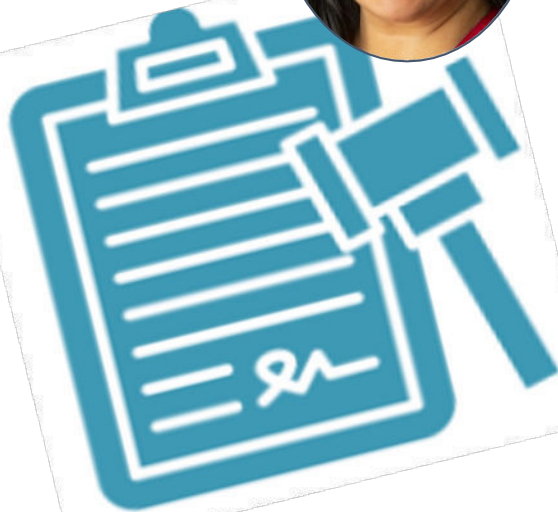


Key Court Decision (January 13, 2023):

Judge Gerard J. Neri, New York State Supreme Court, Onondaga County, ruled against the mandate and **declared it null, void, and unenforceable.**

Grounds for the Decision:

- Public Health Law Limitation: NYSDOH prohibited from issuing new vaccine mandates.
- Separation of Powers Violation: NYSDOH overstepped its regulatory role.
- Arbitrariness: Recognized irrationality in mandating a vaccine that doesn't stop transmission.



Subsequent Developments:

- State appealed the decision.
- During oral arguments, NYSDOH proposed repealing the mandate, claiming it rendered the appeal moot.
- NYSDOH argued to vacate the decision on mootness.

Repeal and Appeal Dismissal:

- On October 4, 2023, NYS repealed the mandate.
- On October 11, 2023, Appellate Division dismissed the appeal as moot **but did not dismiss the lower court decision.**

Significance:

- Judge Neri's decision stands as law in New York State.
- Stands as precedent against future agency overreach.

CHD LAWSUIT WIN!

01/25/23 • COVID › NEWS

NY State Appeals Supreme Court Decision Ending Vaccine Mandate for Healthcare Workers

JANUARY 13, 2023

BREAKING: CHD Defeats NY State Healthcare Workers COVID Mandate!

OCTOBER 12, 2023

Children's Health Defense Claims Victory as New York Supreme Court Upholds Ruling to Rescind COVID Vaccine Mandates for Healthcare Workers

10/11/23 • COVID › NEWS

'Victory!' New York State Supreme Court Upholds Ruling That Struck Down COVID Vaccine Mandate for Health Workers



Censorship of Doctors: *Hoang v. Bonta*



Lead Attorney: Rick Jaffe, Esq.


Defending Dr. LeTrinh Hoang and others

- [California Assembly Bill 2098](#) threatened to strip doctors of their medical licenses if they expressed medical views that deviated from the gov't narrative.
- The Bill designated “**the dissemination or promotion of misinformation or disinformation related to the SARS-CoV-2 coronavirus, or ‘COVID-19,’ as unprofessional conduct**” warranting “disciplinary action.”
- Hippocratic Oath? Doctors as Government Agents?
- AB 2098 was to take effect on Jan. 1, 2024.





Censorship of Doctors: *Hoang v. Bonta* Cont'd



The lawsuit started Dec. 1, 2022 against California AG Rob Bonta and the Osteopathic Medical Board on behalf of Dr. LeTrinh Hoang, Physicians for Informed Consent, and the CHD-California Chapter.



HISTORIC WIN!

Judge Blocks **Doctors'** **Censorship Law** in California

The Judge's memorandum and order states:
"drawing a line between what is true and what is settled by scientific consensus is difficult, if not impossible."

Judge granted a preliminary injunction, halting enforcement of California doctors' COVID-19 misinformation law.



On September 14, 2023
California Quietly
Repealed its 'Medical
Misinformation' Law.



Kory v. Bonta

The battle continues. The CA Medical Board is still threatening disciplinary action for spreading COVID-19 “misinformation” — through “standard of care.”



Eggleston Case



**Lead Attorney: Rick Jaffe, Esq.
Defending Dr. Eggleston**

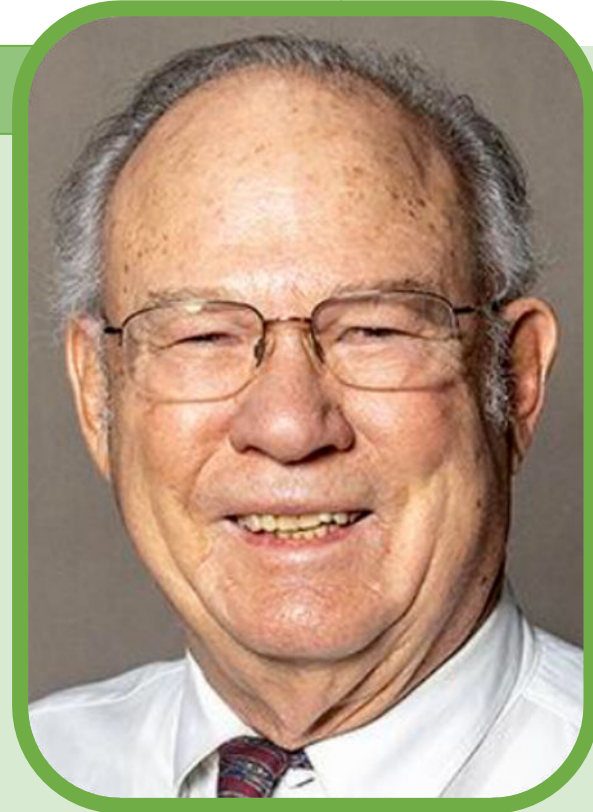
Dr. Richard Eggleston, a retired ophthalmologist in Clarkston, Washington, faced disciplinary action from the Washington Medical Commission (WMC) because of articles he published in a local newspaper in 2021 questioning the official medical narrative on COVID-19.

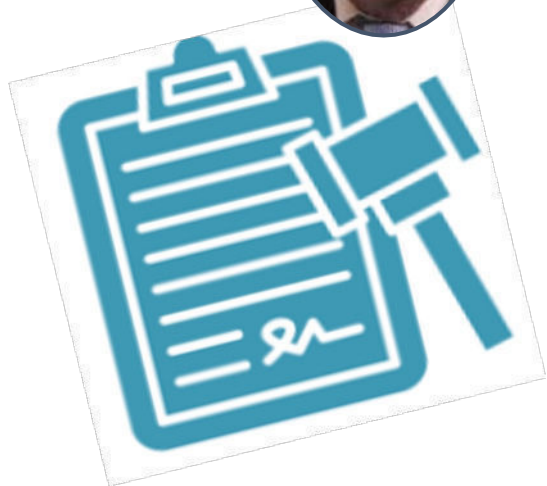
Legal Action

- Charges filed against Dr. Eggleston on August 9, 2022.
- Accused of unprofessional conduct RCW 18.130.180(1), (13), (22).

Key Points of Contention:

- Dispute over 1st Amendment rights & professional conduct standards.
- Examination of the balance between free speech & professional regulation.





Legal Proceedings:

- Fact-finding hearing in May, 2023.
- Dr. Eggleston denied misconduct, claimed First Amendment protection.
- Initial motions to dismiss and preliminary injunction denied.
- Dr. Eggleston filed for declaratory judgment and appealed the denial of injunction.
- Filed an emergency motion to stay administrative proceedings pending court review.

Outcome:

- **The Washington Court of Appeals on May 25, 2023 granted an emergency injunction to Dr. Richard Eggleston.**
- The ruling means a delay in the disciplinary hearing.

Use of Ivermectin: *Gavin de Becker v. UHS of Delaware, Inc.*



Lead Attorney: Scott Street
Defending Gavin de Becker

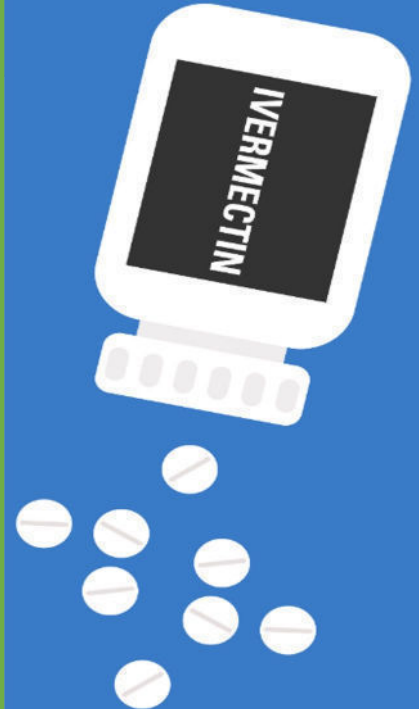
Medical negligence in the treatment of de Becker's father, specifically discontinuation of ivermectin.

Allegations:

- Negligence in refusing to treat with ivermectin, leading to deterioration and death.
- Lack of informed consent & evidence of external political pressure.

Legal Arguments:

- PREP Act Applicability: Appellants argue it does not apply as the issue was discontinuation of ivermectin, not administration of covered countermeasures.
- Expert Affidavit Requirement: Contend that Dr. Pierre Kory's affidavit meets NRS 41A.071 requirements, supporting allegations of professional negligence.



Negligence Claims:

- Claims include ordinary and professional negligence.
- Ordinary negligence includes failure to communicate with representatives, and political influence on medical decisions.

Potential Precedent:

- impact on future medical malpractice litigation.
- Issues with strict interpretation of expert affidavit requirement and PREP Act application.

Appellants' Desired Outcome:

Objective:

- **Seeking reversal of the district court's dismissal.**
- **Request remand of case with instructions to deny motions to dismiss and to order discovery.**

CHD v. FDA

- Challenge to the FDA's authorization of COVID-19 vaccines for children aged 5-11.
- Initiated through a citizens' petition in 2021 requesting **“the FDA revoke Emergency Use Authorizations for existing COVID vaccines & refrain from approving and licensing them.”**
- The FDA denied CHD’s petition in a 52-page decision on Aug. 23, 2021.
- CHD and five parents sued on Jan. 24, 2022, alleging the FDA violated the Administrative Procedures Act (APA) and seek to **“hold the FDA accountable for its arbitrary and capricious authorization of a harmful drug that has and continues to injure children.”**



Key Arguments:

- Argues for rigorous scientific evaluation and transparency in vaccine authorization for children.
- Highlights industry influence on public health.
- Aims to safeguard the integrity of federal public health policies.
- Highlights the importance of independent and thorough review processes in medical decisions.

Upholding Medical Integrity



Central Issue: Misuse of Emergency Powers

- First ruling in the Western District of Texas (WDTX) dismissed case on grounds of "standing."
- CHD then appealed to 5th Circuit; trial court decision affirmed.

Next Step:

- **Appeal to the Supreme Court of the United States (SCOTUS).**



**Lead Attorney:
Robert Barnes**

“What I think is the fundamental question here — if these plaintiffs don’t have standing, who does? Is the FDA essentially free from scrutiny if citizens impacted by the FDA and by an Emergency Use Authorization can’t sue the FDA?”

- Robert Barnes (during oral arguments in 5th circuit)

**"Lawyers are the
foot soldiers of
our Constitution."**

— Rennard Strickland and
Frank T. Read, *The Lawyer Myth*





THANK YOU

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CHD is a 501(c)(3) non-profit organization. EIN is 26-0388604