

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

MICHAEL CORRIN STRONG, Plaintiff

vs.

HOWARD ZUCKER, MD, in his official capacity as Commissioner of the New York
State Department of Health, Defendant

Case No. 21-CV-6532
Appendix #1
Filed by Plaintiff
In Reply to Defendant's
Motion to Dismiss Claim
for Failure to State a Cause
of Action
Filed Feb. 26, 2022

APPENDIX 1

These footnotes are placed in a separate document because of space limitations for the Reply. They document new scientific information and other allegations that have not been included in prior filings in the case.

Table of Footnotes

1. A Danish study published on the pre-print server medRxiv on Dec. 20, 2021 indicated that two doses of either the Pfizer or Moderna vaccines provided limited protection against Omicron for only a few months, after which the vaccinated were actually more likely to contract the virus compared to the unvaccinated.

2. Dr. Ryan Cole, who runs a pathology lab, stated in September 2021 that since Jan. 1, 2021 he had seen a "20-fold increase in endometrial cancer (cancer of the uterus)," as well as an increase in other cancers and diseases such as herpes, shingles and skin cancers. A Swedish study suggests this may be caused by the spike protein induced by the vaccines inhibiting DNA repair. The study titled, "SARS-COV-2 Spike impairs DNA Damage Repair" was published by the Department of Molecular Bioscience at Stockholm University in October 2021.

3. In January 2022, the headlines were full of a story that the Moderna Covid-19 vaccine had also received "Full Approval" from the FDA, just as the Pfizer vaccine supposedly did in August, 2021. Again this was deceptive. What the FDA did was approve a new version of the Moderna mRNA treatment to be called "Spikevax." Just like Pfizer's Cominraty vaccine, however, this new version is not actually available to

the public. In the meantime, Moderna continues to offer the same vaccine under a continuing EUA. See Authorizing letter from the FDA to Moderna dated Jan. 31, 2022.

4. The CDC originally applied for EUA status for the RT-PCR test for COVID-19 in February 2020. Since then, it has proved to be notoriously unreliable and has largely been discredited as a diagnostic tool to detect the COVID-19 virus. The EUA was discontinued as of December 31, 2021, however, all other tests still authorized are also under EUAs. Also, due to short supplies of diagnostic tests, the FDA has said that tests with EUAs can be used for up to two years after the expiration of their EUA. See National Law Review article Feb. 25, 2022.

5. Dr. Peter McCullough also testified that the CDC and FDA are violating long standing rules that prohibit the administration of a vaccine to classes of people that were not included in the clinical trials. He points out that pregnant women, women of childbearing age who could not guarantee contraception and Covid survivors were not included in the trials. After the vaccines were given a EUA, however, they were encouraged and even coerced to get the vaccine. He calls this “regulatory misfeasance.”

6. In a report published in August 2020, the CDC found that only 6% of Covid deaths were in people without co-morbidities. For all other deaths, there was an average of 2.6 co-morbidities per person. Some of the additional causes of death were Heart Disease (in 36% of deaths) and Diabetes (in 16% of deaths). Other common co-morbidities were chronic kidney disease, COPD and an immuno-compromised state.

7. Emails obtained through a Freedom of Information request by the American Institute for Economic Research showed that Dr. Anthony Fauci and his boss NIH Director Francis Collins were greatly concerned that the Great Barrington Declaration was getting traction after it was released on October 4, 2020. In an email to Fauci, Collins wrote, “There needs to be a quick and devastating published takedown of its premises.” Fauci replied, “Don’t worry, I got this.” And he did!

8. Martin Kulldorff, a world-famous epidemiologist formerly of Harvard University, wrote an article published by the Brownstone Institute on October 20, 2021 titled, “The Decay of Science in the Age of Lockdowns.” In it, he wrote about the attacks he endured over his co-authorship of the Great Barrington Declaration and concluded,

“Because of political strategies using slander and ad hominem attacks, many physicians and scientists are reluctant to speak out despite their reservations about pandemic policies.”

9. In November, Industry leader Pfizer estimated their Covid-19 vaccine sales would bring around \$36 billion for the year 2021. Meanwhile #2 vaccine maker Moderna reported on Feb. 24 that they made a profit of \$12 billion on 2021 vaccines sales of \$17.7 billion.

10. According to Investopedia.com, the pharmaceutical industry has far outpaced all other industries in lobbying expenses spending \$4.95 billion over the last 23 years from 1998-2021. As of Sept 30, 2021, the industry has an estimated 1,600 lobbyists of which 59% are former government employees.

11. On Feb. 16, 2022, Project Veritas published Part 2 of a Expose of the FDA, titled, “It’s all about the money.” In a hidden-camera interview, FDA Executive Officer Christopher Cole explained, that because of the large “user fees” that the FDA is, “Dependent on the drug companies and the Vaccine companies ... for their agency to operate .”

12. More recently, Dr. McCullough has increased that estimate to 95%, although he does not recommend that people rely solely on Hydroxychloroquine or Ivermectin. He has developed a recommended protocol that includes a number of early treatments including monoclonal antibodies, steroids and other treatments.

13. The British Medical Journal published an investigative report in November of 2021 titled, “Covid-19: Researcher blows the whistle on data integrity issues in Pfizer vaccine trial.” The article can be found online at [bmj.com](https://www.bmj.com/content/375/n2635) (BMJ 2021;375:n2635)

14. In his U.S. Senate testimony on Jan. 25, 2022, Dr. McCullough pointed out that the claimed results in American hospitals had not been replicated in any other country. He said this was for two reasons. First, these questionable studies are using skewed testing data, since the unvaccinated are heavily tested but the CDC has

discouraged testing of the vaccinated. Further, the studies are failing to distinguish between patients hospitalized “from” Covid and those hospitalized “with” Covid. Dr. McCullough said this must be fraud since competent scientists would know better.

15. On Feb. 20, 2022, The New York Times published an article titled, “The CDC is not publishing large portions of the data it collects.” The article claimed that the agency was withholding massive amounts of data both from the general public and from state and local officials.

16. At a news conference on Dec., 28, 2021, the Commissioner admitted that the NYS Health Department’s scare health alert over child hospitalization for Covid increasing 5-fold in NYC was made to appear bigger than it actually was because of the old trick of counting children’s admissions “with” Covid as being “from” Covid. In reality, up to 70% of child hospitalizations are “incidental,” meaning the child was admitted for an unrelated condition and then tested positive.

17. Dr. Mattias Desmet, Professor of Psychology at the University of Ghent in Belgium has suggested that people are being engineered en-masse through what he calls “mass formation” into Totalitarianism worldwide. “This is the only thing that could explain why highly intelligent people started to believe the narrative and the numbers that were in many respects utterly absurd.”

18. The terrorism bulletin attempts to criminalize dissent by expanding the definition of terrorists to include those who doubt the government narrative on Covid or election fraud. This is similar to the announcement on Oct. 4, 2021 that the FBI would began investigating parents who were unhappy with local school boards as potential terrorists.

19. Plaintiff is not sure whether federal court employees or judges were exempted from President Biden’s order that all federal employees get the vaccination. Of course, that order was temporarily blocked nationwide by a federal judge in Texas on Jan. 21, 2022. Before that, many may have gotten the vaccination either because of the mandate or for their own personal reasons. Plaintiff believes that is a personal decision and a matter that should be protected by medical privacy. Judges being human, however, it is worth inquiring if some may share a bias that many who

are vaccinated seem to hold against the Unvaccinated, a bias that is encouraged at the highest levels of our federal government. Beyond that, it is clear that the federal courts operate under guidance from the CDC as far as Covid-19 safety protocols about masking, social distance, etc. Can a court that accepts CDC guidance fairly hear a case that accuses the CDC in engaging in fraud and withholding of evidence? Federal judicial independence may have met its limits in Covid cases. It's a Catch 22 for Plaintiffs.

20. The Covid National Emergency was first declared by President Donald Trump in March of 2020 and was due to expire on March 1, 2022 before President Biden renewed it on Feb. 18. The Brennan Center for Justice has identified 136 statutory powers that may become available from a Declaration of Emergency, including the right to authorize Emergency Use Only (EUA) drugs and medical devices.

21. Researchers at the Cleveland Clinic studied employees of the clinic to see the relative benefits of vaccination and prior infection in protecting against Omicron. The study was titled, "Coronavirus Disease 2019 (COVID-19) Vaccine Boosting in Persons Already Protected by Natural or Vaccine-Induced Immunity." Surprisingly, they found that while a first vaccination helped, a second vaccination actually decreased immunity to Omicron.

22. A recent study in California released by the CDC in January showed that only 1 of the 52,297 people infected with Omicron died — a reduction of 91 percent compared to 14 deaths in the 16,982 studied with Delta. The study also showed that the Omicron patients were less than half as likely to need hospitalization as those with Delta — and about 75 percent less likely to need intensive care.

23. A study conducted by scientists from Case Western University found that the transmission rate of Omicron infections was 6 – 8 times higher than that of the Delta variety in the United States. That was an overall average with different age and racial groups showing different rates. The study is titled, "COVID infection rates, clinical outcomes, and racial/ethnic and gender disparities before and after Omicron emerged in the US." The study also found that reductions in disease severity from Omicron was observed for all age groups.

February 26, 2022

By
s/Michael Corrin Strong