

August 13, 2021

**VIA CERTIFIED U.S. MAIL (RETURN RECEIPT REQUESTED) & E-MAIL**

NAME  
POSITION  
ORGANIZATION  
ADDRESS  
ADDRESS

Our client: Client name

**Re: Notice to NAME OF EMPLOYER OR ORGANIZATION that the Mandate of Experimental Medical Protocol Authorized Under Emergency Use Authorization Act (“Compulsory COVID-19 Vaccination Program”) (1) Violates Federal Law 21 USC 360bbb-3(e) and Other Federal Statutes Regarding Medical Experimentation, (2) Violates International Law under the Nuremberg Code, (3) Implicates HIPAA Concerns Regarding an Individual’s Rights to Privacy; Further Notice of Intent to Sue Should Compulsory COVID-19 Vaccination and Testing Program Not Immediately Cease & Desist With A Corrected Statement of Law Issued to Employees.**

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Dear Sir/Madam:

This office represents the interests of CLIENT NAME. EMPLOYER OR ORGANIZATION that is currently violating several federal and state statutes, as well as international law. We are writing to alert you to this and to request an immediate and thorough investigation and remediation of the same.

My client was advised by NAME OF SUPERVISOR OR COMPANY REPRESENTATIVE that he/she is required to be vaccinated to continue their employment with COMPANY NAME.

As you should be aware, each of the three “vaccines” that are currently available in the United States of America have only been approved by the FDA for Emergency Use Authorization under 21 U.S. Code §360bbb-3. As you should also be aware, no employer or organization can mandate the use of EUA approved only “vaccines.” Please refer to (E)(1)(A) (ii)(III) of the statute, which states, “the option to accept or refuse administration of the [product](#), of the consequences, if any, of refusing administration of the [product](#), and of the alternatives to

the [product](#) that are available and of their benefits and risks.” Prior to requiring any employee to obtain an EUA Authorized vaccine only, you must provide each employee with informed consent. That informed consent is required by federal law to advise the employee that they are not required to get the vaccine.

### *Emergency Use Authorization (“EUA”) Law*

The EUA statute explicitly states that administration of all EUA products must “ensure that individuals to whom the product is administered are informed ... of the option to accept or refuse administration of the product.”<sup>1</sup> Federal and state law on this point stem from the first principle of the *Nuremberg Code* that **the human subject be “so situated as to be able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress or other forms of constraint or coercion.”**<sup>2</sup> This is a bright line that cannot be blurred. Consent of the individual is “absolutely essential.”<sup>3</sup>

Nancy Pelosi was recently asked about fellow congressmen and congresswoman and whether she could mandate the vaccines or require them to disclose whether they have been vaccinated. Nancy Pelosi responded during a press conference held on August 4, 2021, as follows, “We cannot require someone to be vaccinated, that’s just not what we can do.” “It’s a matter of privacy to know who is or who isn’t. I can’t go to the Capitol physician and say give me the names of the people that aren’t vaccinated so I can go encourage them to be vaccinated.” As you can see from this quote, Speaker Pelosi, unlike your **EMPLOYER OR ORGANIZATION**, knows the federal law and the Nuremberg Code clearly states that **EMPLOYER OR ORGANIZATION** cannot require citizens of the United States of America to participate in a study of EUA Approved vaccines.

The Executive Secretary of an Advisory Committee on Immunization Practices (“ACIP”) stated the following at a meeting in August 2020<sup>4</sup>:

“I just wanted to add that, just wanted to remind everybody, that under an Emergency Use Authorization, an EUA, **vaccines are not allowed to be mandatory**. So, early in this vaccination phase, **individuals will have to be consented and they won’t be able to be mandated.**”

The law is clear: states, and therefore employers cannot mandate experimental products and are preempted from mandating any EUA products.<sup>5</sup>

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<sup>1</sup> 21 U.S.C. Sec. 360bbb-3(e).

<sup>2</sup> THE NUREMBERG CODE [from Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10. Nuremberg, October 1946–April 1949. Washington, D.C.: U.S. G.P.O, 1949–1953.

<sup>3</sup> *Ibid.*

<sup>4</sup> US Centers for Disease Control (September 2020), *August 2020 ACIP Meeting - COVID-19 vaccine supply & next steps*. [https://www.cdc.gov/vaccines/videos/low-res/acipaug2020/Covid-19Supply-NextSteps\\_3\\_LowRes.mp4](https://www.cdc.gov/vaccines/videos/low-res/acipaug2020/Covid-19Supply-NextSteps_3_LowRes.mp4) (@1:14:40).

<sup>5</sup> See Footnotes 31-35.

In addition to this clear statement of law disallowing a vaccine mandate, under 42 U.S.C. § 247d-6d individuals that are harmed by the vaccines have the right to bring a civil action for damages as a result of any injury that they sustain from the vaccine. § 247d-6d provides protections for vaccine manufacturers and others involved in the delivery of the vaccines, however, it does not provide protections for public or private employers that require the vaccine.

Certainly, an employee who is required to be vaccinated to maintain their employment or risk being fired will be able to sue their employer for damages suffered as a result of taking the vaccine. According to information on FDA.gov for the Pfizer vaccine, the risks include death, severe systemic illness, and significant acute renal, hepatic, or neurologic dysfunction.

“We’ve never seen this level of side effects for any vaccine without the FDA taking action,” Dr. Angelina Farella, pediatric medical director for America’s Frontline Doctors, said in a statement. “The Rotavirus vaccine was pulled for 15 cases of non-lethal side effects and the Swine Flu vaccine was pulled for 25 deaths. But now, by the CDC’s own data, we are seeing a 12,000 percent increase in deaths with these vaccines and they’re still talking about giving this to our kids.”

While the massive under-reporting problems with VAERS has yet to be fixed at the time of this writing, VAERS nonetheless reports 12,366 deaths and 650,836 adverse events following COVID vaccines between December 15, 2020 and July 30, 2021.<sup>6</sup> Reviewing the numbers of the Center for Disease Control (“CDC”), COVID-19 has an overall 99.74% survival rate.<sup>7</sup> *Therefore, why is EMPLOYER OR ORGANIZATION mandating an experimental and dangerous protocol to help individuals overcome a cold that has a 0.26% chance of killing the average adult, a 0.1% chance of killing a graduate-age student, and a ~0.01% chance of killing the college-age student?*<sup>8</sup>

#### *Right to Give Informed Consent*

To be clear, **EMPLOYER’S OR ORGANIZATION’S** mandate that all employees receive the vaccine issued with no further information or notice of an employee’s right to refuse or opt-out directly contravene a number of additional federal regulations, notably the *National Research Act* [Title II, Public Law 93-348], *Regulations for the Protection of Human Subjects of Biomedical and Behavioral Research* [45 CFR 46], and revisions of various other regulations, rules, and laws ([21 CFR 50], [21 CFR 56], [45 CFR 46(D)], [10 CFR 745], [45 CFR 46(B)], [45 CFR 46(D)]), all of which expressly and permanently guarantee that all persons in the United States are entitled to exercise the right of informed consent to accept or to refuse to enroll in any medical experiment.

#### *Genetic Information Nondiscrimination Act of 2008*

Genetic Information Nondiscrimination Act of 2008, 29 CFR Part 1635, protects individuals from genetic discrimination in the matter of employment. GINA protects genetic

<sup>6</sup>[https://www.medalerts.org/vaersdb/findfield.php?](https://www.medalerts.org/vaersdb/findfield.php?TABLE=ON&GROUP1=CAT&EVENTS=ON&VAX=COVID19)

TABLE=ON&GROUP1=CAT&EVENTS=ON&VAX=COVID19

<sup>7</sup> <https://www.cdc.gov/nchs/covid19/covid-19-mortality-data-files.htm>.

<sup>8</sup> *Ibid.*

information including individual and family genetic health history, genetic test results, genetic counselling and other genetic services, and participation in genetic research. Under GINA, employers and health insurers cannot request genetic testing or access an individual's genetic information without the individual's [consent](#). Only the individual can decide how and how much of their genetic information is shared with third parties.

Furthermore, employers or health insurers with access to an individual's genetic information cannot discriminate on the basis of such information. GINA prevents employers from making job related decision such as, hiring, firing, promotion, and pay, based on an individual's genetic information. Since the Moderna and Pfizer vaccines modify an employee's genetic information, an employer cannot mandate the vaccine. The Employer may also not inquire as to whether the employee has been injected with any of the vaccines as two of the currently available vaccinations modify your mRNA and requesting such information would be a direct violation of GINA.

### CONCLUSION

In sum, we hereby demand that **EMPLOYER OR ORGANIZATION**:

- (1) immediately cease and desist with the policies, emails, statements, or other expressions related to the above-cited vaccine mandates;
- (2) issue an immediate written letter to *all employees* sent by e-mail and regular mail
  - (i) retracting all such statements,
  - (ii) explaining that employment is not contingent upon being vaccinated and that no other privileges or benefits offered to employees will be withheld based on vaccination status,
  - (iii) giving notice that **EMPLOYER OR ORGANIZATION** will comply with the EUA, *Health & Safety Code*, and other applicable law, and not mandate any experimental protocols, whether that be COVID vaccination or the use of face masks or coverings to contain viral transmission.

We thank you for your attention to the above and request a response to this letter no later than **Friday, August 31, 2021**.

Sincerely,

Gregory A. Stapp

GAS: