

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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DISTRICT OF MASS.  
COURT

AMERICAN ACADEMY OF  
PEDIATRICS, ET AL

Plaintiffs

Versus

Case no. 1:25-cv-11916-WGY

ROBERT F. KENNEDY , JR , et al

Defendants

\_\_\_\_\_ /

**BRIEF IN SUPPORT OF THE MOTION TO INTERVENE**

**INTRODUCTION**

Jose A. Perez , a retired Infectious Diseases Physician Assistant , appears in  
propria persona and avers as follows:

On May 27<sup>th</sup>, 2025 the Honorable Robert F. Kennedy , Jr removed the Covid  
vaccine from the CDC's recommended immunization schedules . Mr. Perez  
believes that the Secretary of the United States Department of Health and Human  
Services' decision is 100% correct . Therefore Mr. Perez respectfully seeks to  
participate as an intervening defendant in the above captioned lawsuit .

Mr. Perez is challenging as contrary to federal law and scientific evidence the claim that the covid19 vaccine provides protective immunological prophylaxis. The evidence will also show that the microorganism which allegedly causes covid19 , SARS-CoV2, has never been isolated and purified.

He will further show that Plaintiff American Academy of Pediatrics is conflicted by economic interest: (a) it's member doctors received \$50 for each Medicaid patient aged 6 months and older, who get the covid vaccination<sup>1</sup>.; (b) pediatrician also receive \$400 for each pediatric patient that completed all the vaccinations listed <sup>2</sup>—(c) and if all their patients are fully vaccinated, the pediatrician would be eligible for a \$105,600 year-end bonus<sup>3</sup>. (d) Pfizer paid undisclosed sums to front groups that advocated for covid19 mandates thereby hiding their conflict of interest<sup>4</sup>. Hence Mr. Perez respectfully submits that Pfizer in the real party in interest.

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<sup>1</sup> <https://www.lewrockwell.com/2023/05/joseph-mercola/is-this-why-pediatricians-push-vaccines/>

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> <https://www.leefang.com/p/pfizer-quietly-financed-groups-lobbying>

## **FACTUAL BACKGROUND**

- 1- Jose A. Perez has a right to life and to defend the same, guaranteed by the Fifth Amendment<sup>5</sup> and the Privileges and Immunities Clause<sup>6</sup>.
- 2- Congress requires that the approval of new vaccines be based upon properly conducted clinical trials and solid scientific principles<sup>7</sup>.
- 3- A vaccine within the meaning of US Law<sup>8</sup> and the immunological science<sup>9</sup> must **PREVENT** disease .
- 4- Human beings are subject to be invaded , i.e. infected, by disease causing microorganisms known as pathogens<sup>10</sup>.
- 5- The Science of Medicine has created systems by which to identify pathogens<sup>11</sup>. For example, the purpose of the “culture and sensitivity test”<sup>12</sup> is (a) to help identify the organism which is causing an infection and (b) identify a targeted treatment to combat the pathogen.

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<sup>5</sup> Abigail Alliance v Von Eschenbach, 445 F. 3d 470, 484 (DC Cir-2006) citing Cruzan v Director, Missouri Department of Health , 497 US 261 (1990)

<sup>6</sup> Corfield v Coryell, 6 F Cas 546 , 551-552 (3<sup>rd</sup> Cir-- 1823) citing U.S. CONST. art. IV, § 2, cl. 1

<sup>7</sup> Edison Pharm Co v FDA , 600 F.2d 831, 843 (DC CIR-1979); Holland Rantos Co. v US Dept of Health and Welfare , 587 F.2d 1173, 1174 (DC Cir-1978) citing 21 USC 355 (d) ; see also 21 USC 3210(p)(1)

<sup>8</sup> Jacobson v. Massachusetts, 197 U.S. 11 (1905) (prevention of smallpox ) ; In Re Application of Dr Giuseppe Scala , USPTO 09/869,003 – The term vaccine by definition implies a preparation which prevents disease - Attachment 2 three pages

<sup>9</sup> In Re Application of Doctor Giuseppe Scala, supra, citing Illustrated Dictionary of Immunology

<sup>10</sup> <https://www.ncbi.nlm.nih.gov/books/NBK26917/>

<sup>11</sup> <https://elsevier.health/en-US/preview/culture-sensitivity-testing>

<sup>12</sup> Ibid

- 6- The Culture and Sensitivity test is an offshoot from the scientific method known as Koch's Postulates<sup>13</sup>.
- 7- The postulates state that to establish that an organism is the cause of a disease<sup>14</sup>: (a) it must be found in all cases of the disease examine and must be absent from healthy organisms; (b) the suspected pathogen must be prepared and maintained in a pure culture; (c) the cultured organism must be capable of producing the original infection, even after several generations in culture (d) the same organism must be retrievable from an inoculated animal and cultured again.;
- 8- The term isolation and purification are the scientific terms used when a pathogen is identified<sup>15</sup>.
- 9- In science, replication means repeating an experiment or study, ideally by a different research team, to confirm the original findings and increase confidence in the results<sup>16</sup>.

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[https://bio.libretexts.org/Courses/Mansfield\\_University\\_of\\_Pennsylvania/BSC\\_3271%3A\\_Microbiology\\_for\\_Health\\_Sciences\\_Sp21\\_\(Kagle\)/01%3A\\_Introduction/1.01%3A\\_An\\_Invisible\\_World/1.1.03%3A\\_The\\_Beginnings\\_of\\_Modern\\_Microbiology/1.1.3.02%3A\\_Koch%27s\\_Postulates\\_and\\_Pure\\_Culture](https://bio.libretexts.org/Courses/Mansfield_University_of_Pennsylvania/BSC_3271%3A_Microbiology_for_Health_Sciences_Sp21_(Kagle)/01%3A_Introduction/1.01%3A_An_Invisible_World/1.1.03%3A_The_Beginnings_of_Modern_Microbiology/1.1.3.02%3A_Koch%27s_Postulates_and_Pure_Culture)

<sup>14</sup> Ibid

<sup>15</sup> <https://www.taylorfrancis.com/chapters/edit/10.1201/9781420004038-18/isolation-pathogens-francesco-origgi-jean-par%C3%A9>

<sup>16</sup> <https://www.aje.com/arc/why-is-replication-in-research-important/>



10- It is allege that SARS-CoV2 is the pathogen that causes the covid19 condition<sup>17</sup>.

11- No scientist has ever identified an experiment wherein the SARS-CoV2 virus was isolated , purified and replicated.

12- No scientist has ever identified an experiment wherein it was demonstrated that the SARS-CoV2 virus causes the covid19 condition.

13- It is alleged that the proper diagnostic technique to identify the SARS-CoV2 virus is the RT-PCR Test<sup>18</sup>.

14- But no scientist has ever identified an experiment wherein it was demonstrated and replicated that the RT-PCR Test can identify the SARS-CoV2 virus.

15- On July 21<sup>st</sup>, 2020 Pfizer signed a contract with the US government wherein Pfizer promised to deliver an state of the art vaccine “capable of providing **protection** against the SARS-CoV-2 threat<sup>19</sup>”.

16- On September 2<sup>nd</sup>, 2009 the Department of Justice (DOJ) announced that it had levied a \$2.3 billion fine upon Pfizer for Fraudulent

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<sup>17</sup> [https://www.who.int/health-topics/coronavirus#tab=tab\\_1](https://www.who.int/health-topics/coronavirus#tab=tab_1)

<sup>18</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC7459180/>

<sup>19</sup> Attachment 1, three pages

Marketing<sup>20</sup>. According to the DOJ it was the largest health care fraud settlement in the history of the Department .

17- On October 11, 2022 Ms Janine Small , Pfizer’s President admitted UNDER OATH before the European Parliament that it’s vaccine “has never been tested before its release to the public on its ability to **PREVENT** the transmission of covid19”<sup>21</sup>

18- According to the World Health Organization the effectiveness of a vaccine is calculated by how well a vaccine PREVENTS DISEASE <sup>22</sup>. The mathematical equation requires that during the clinical trials the numbers of people PREVENTED from getting the disease be divided by the total number of individuals in the group – for example, if there were 100 individuals in the clinical trial , and 95 of them were prevented from getting the disease then one must divide 95/100 which equals 95%.

19- But Pfizer’s President Small admitted that the ability of the covid19 vaccine to prevent disease **WAS NO TESTED** during the clinical trials. . How then did former Whitehouse covid19 Czar - Anthony S Fauci – calculate that the covid19’s vaccine efficacy was an extraordinary 95% ? <sup>23</sup>

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<sup>20</sup> <https://www.justice.gov/archives/opa/pr/justice-department-announces-largest-health-care-fraud-settlement-its-history>

<sup>21</sup> <https://lynnwoodtimes.com/2022/10/11/covid-transmission-221011/>

<sup>22</sup> <https://www.who.int/news-room/feature-stories/detail/vaccine-efficacy-effectiveness-and-protection>

<sup>23</sup> <https://www.youtube.com/watch?v=t1X2d-FUlvQ&t=56s>

Mr. Perez respectfully submits that he could not. Reason President Biden offered Doctor Fauci a Presidential Pardon which Doctor Fauci accepted<sup>24</sup>.

20- Plaintiff American Academy of Pediatrics is conflicted by economic interest: (a) it's member doctors received \$50 for each Medicaid patient aged 6 months and older, who got the covid vaccination<sup>25</sup>; (b) pediatrician also receive \$400 for each pediatric patient that completed all the vaccinations listed<sup>26</sup>—(c) and if all their patients are fully vaccinated, the pediatrician would be eligible for a \$105,600 year-end bonus<sup>27</sup>. (d) Pfizer paid undisclosed sums to front groups that advocated for covid19 mandates thereby hiding their conflict of interest<sup>28</sup>.

21- As of February 2023 Pfizer, BioNTech, Moderna, and Sinovac have made an extraordinary \$90 billion in profits on their COVID-19 vaccines<sup>29</sup>

### **ARGUMENT**

The evidence shows that the Defendants failed or refused to sue Pfizer even though Pfizer lied about delivering a vaccine capable of providing **protection** against the SARS CoV2 Virus. Unbelievably , the Defendants

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<sup>24</sup> <https://www.washingtonexaminer.com/policy/healthcare/3257413/biden-pardons-fauci-preemptively/>

<sup>25</sup> <https://www.lewrockwell.com/2023/05/joseph-mercola/is-this-why-pediatricians-push-vaccines/>

<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> <https://www.leefang.com/p/pfizer-quietly-financed-groups-lobbying>

<sup>29</sup> <https://www.somo.nl/big-pharma-raked-in-usd-90-billion-in-profits-with-covid-19-vaccines/>

conducted serious business with Pfizer even though it has a well known history of civil and criminal fraudulent marketing<sup>30</sup>.

Furthermore , As shown by investigative reporter Lee Fang, it is Pfizer 's modus operandi to use front businesses to drum up business. Hence more than likely the instant lawsuit was orchestrated by Pfizer. They have the means , motive and opportunity. They are the real party in interest.

Circuit precedent all but compels the conclusion That Mr. Perez ought to be permitted to intervene as a matter of right because he has a significantly protectable interest in the subject matter of the suit <sup>31</sup>. Mr. Perez , a private citizen, is under no constraints to waive or settle issues due to political expediency.

Furthermore , Mr. Perez has shown that that the legal representation afforded by existing parties likely will prove inadequate<sup>32</sup>. Allowing Mr. Perez to intervene in this situation would not only enable Mr. Perez to defend his own interests, but would also ensure that the Court has the benefit of a full, adversarial presentation on the issues by parties with a concrete state in the outcome of the litigation.

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<sup>30</sup> Supra, item #16

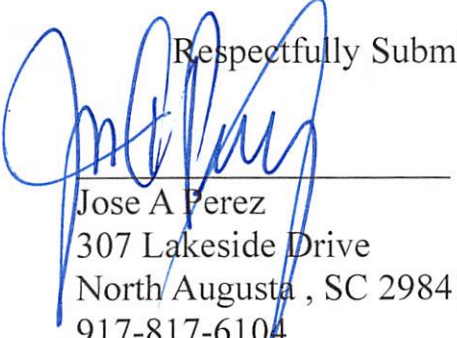
<sup>31</sup> PSC of New Hampshire v Patek, 173 FRD 17 (D New Hampshire-1997) citing The Travelers Indemnity Co v Dingwell, 884 F. 2d 629 (1<sup>st</sup> Cir-1989)

<sup>32</sup> PSC of New Hampshire v Patek, 173 FRD 17 (D New Hampshire-1997) citing Trbovich v. United Mine Workers, 404 US 528 , 538 n. 10, (1972).



Mr. Perez respectfully submits that since he seeks to be an intervening defendant he is not required to show that he has standing as long as, at least, one original defendant is defending the cause of action.<sup>33</sup> .

Respectfully Submitted



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<sup>33</sup> Horne v Flores, 557 US 433, 446 (2009) citing Arlington v Metropolitan Housing , 429 US 252, 264 FN9 (1977); Secretary of Interior v California, 464 US 312, 319 FN3 (1984)