IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

AMERICAN ACADEMY OF
PEDIATRICS, ET AL

Plaintiffs

Versus

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

ROBERT F. KENNEDY , JR , et al

Defendants

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RESPONSE IN OPPOSITION TO
PLAINTIFFS' OPPOSITION TO JOSE A PEREZ' INTERVENTION

AND

JOSE A. PEREZ 2nd AMENDED MOTION TO INTERVENE

Jose A. Perez appears in propia persona and opposes the Plaintiffs' Motion In Opposition to his Motion to Intervene. He respectfully , simultaneously amends the Motions To Intervene for a 2nd time and incorporates herein the previous Motions. As grounds in support thereof Mr. Perez shows in forma seriatim that :

1- The Plaintiffs claim that Mr. Perez Failed to meet and confer . Mr. Perez objects – it is Mr. Perez' understanding that the referenced rule applies to discovery disputes and dispositive motions[1]

2- The Plaintiffs claim that Mr. Perez failed to comply with the Notice and Pleading Requirements – Mr. Perez objects ; the Plaintiffs lack candor , he respectfully directs the Plaintiffs attention to the Motions previously submitted, by Mr. Perez i.e, CMF-ECF 57, 58 and 59.

3- Plaintiffs complained that Mr. Perez did not seek leave of Court to amend his Motion to Intervene. Mr. Perez objects. Mr. Perez filed the Motions pursuant to Rule 7(b), FRCP . According to the Notes of Advisory Committee on Rules—1937 – they state that Rule 15(a) only applies to Rule 7(a) pleadings .

4- Assuming , arguendo, that Mr. Perez' Motions will be construed as Pleadings then Mr. Perez respectfully submits that he can amend his Pleadings at any time pursuant to Rule 15(b), in order to, inter alia, conform to the evidence[2].

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[1] https://www.law.cornell.edu/wex/meet_and_confer#:~:text=A%20requirement%20in%20some%20jurisdictions,resolve%20disputes%20without%20court%20action.

[2] Brandon v Holt , 469 US 464 FN19 (1985) See Fed. Rule Civ. Proc. 15(b); 3 J. Moore, Federal Practice ¶ 15.13[2], p. 15-157 (2d ed. 1984) (**amendment to conform to evidence may be made at any time**); *id.*, at 15-168 (Rule 15(b) amendment allowed "so long as the opposing party has not been prejudiced in presenting his ease"); 6 C. Wright & A. Miller, Federal Practice and Procedure § 1491, pp. 453, 454 (1971 ed. and Supp. 1983) (**Rule 15(b) is**

5- Furthermore , Mr. Perez can also amend his Motion to Intervene , at any time, pursuant to Rule 15(b) to add additional claims[3] .

6- In Brandon v Holt , the Supreme Court emphasized that Rule 15(b) is **"intended to promote the objective of deciding cases on their merits rather than in terms of the relative pleading skills of counsel"** . Mr. Perez respectfully submits that Rule 15(b), FRCP is essential in this case because federal courts have consistently ruled that when reviewing Pro Se complaints they must consider "all filings" before dismissing the same[4].

"intended to promote the objective of deciding cases on their merits rather than in terms of the relative pleading skills of counsel"); *ibid.* ("[Courts should interpret [Rule 15(b)] liberally and permit an amendment whenever doing so will effectuate the underlying purpose of the rule").

[3] Cruz v Coach Stores, Inc, 202 F.3d 560, 569 (2nd Cir-2000) The totality of the circumstances convinces us that, despite Cruz's imprecise complaint, the district court was correct in considering Cruz's hostile work environment claim on the merits. Under Fed. R. Civ. P. 15(b), a district court may consider claims outside those raised in the pleadings so long as doing so does not cause prejudice. See Fed. R. Civ. P. 15(b) ("When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised by the pleadings."); see also Jund v. Town of Hempstead, 941 F.2d 1271, 1287 (2d Cir. 1991) (refusing to exclude claims not alleged in complaint where claims had been addressed on the merits both on summary judgment and at trial) (citing Rule 15(b)). In opposing a Rule 15(b) amendment, "a party cannot normally show that it suffered prejudice simply because of a change in its opponent's legal theory. Instead, a party's failure to plead an issue it later presented must have disadvantaged its opponent in presenting its case." New York State Elec. & Gas Corp. v. Secretary of Labor, 88 F.3d 98, 104 (2d Cir. 1996).

[4] Brown v Whole Foods Market Group, Inc , 789 F. 3d 146 , 152 (DC Cir-2015) (district court must consider all allegations — including those in Brown's opposition to Whole Foods's motion to dismiss) citing *Richardson v. United States, 193 F. 3d 545, 548* , (D.C.Cir.1999). Accord : Pearson v. Gatto, 933 F.2d 521, 527 (7th Cir. 1991) (the District Court should have construed a pro se plaintiff's letter to judge to be an amended complaint); Cooper v. Sheriff, Lubbock County, Texas, 929 F.2d 1078, 1081 (5th Cir. 1991) (finding, in an appeal of a Fed. R. Civ. P. 12(b) (6) dismissal, that the magistrate judge should have considered a pro se litigant's reply to the defendant's answer as a motion to amend the complaint).

7- The Plaintiffs' claim that Mr. Perez failed to satisfy the substantive requirement to intervene. Mr. Perez respectfully but adamantly objects :

8- **The evidence supporting Mr. Perez' right to intervene is overwhelming :**

9- The mission of Defendant U.S. Department of Health and Human Services (HHS) is to enhance the health and well-being of all Americans, by providing for effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services[5].

10- The mission of The Food and Drug Administration is responsible for protecting the public health by ensuring the safety, efficacy, and security of human and veterinary drugs, biological products, and medical devices; and by ensuring the safety of our nation's food supply, cosmetics, and products that emit radiation[6]. **BUT THE EVIDENCE WILL SHOW THAT THE FDA APPROVED THE COVID19 "VACCINE" EVEN THOUGH IT KNEW THAT PFIZER' S REPRESENTATION ARE/WERE FRAUDULENT[7].**

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[5] https://www.hhs.gov/about/index.html

[6] https://www.fda.gov/about-fda/what-we-do#:~:text=What%20does%20FDA%20regulate?,in%20the%20Nation's%20counterterrorism%20capability.

[7] Items 26-27 infra

11- The mission of the CDC increases the health security of our nation. As the nation's health protection agency, CDC saves lives and protects people from health threats. To accomplish our mission, CDC conducts critical science and provides health information that protects our nation against expensive and dangerous health threats and responds when these arise[8].

12- The overwhelming evidence shown, inter alia , hereinbelow, demonstrate that the Defendant and its sub-agencies have abandoned their missions.

13- The fact that those health care risks are "widely shared" does not minimize Mr. Perez' interest in the outcome of this litigation[9]. Where a harm is concrete, though widely shared, the Supreme Court has found 'injury in fact[10].

14- It is Mr. Perez' position that the covid19 "vaccination" must be removed in its entirety from the market place – he is extremely happy that pregnant ladies and children have been excluded from having to be "vaccinated" – but as long as the management and policies of the

[8] https://www.cdc.gov/about/cdc/index.html
[9] Massachusetts v EPA , 549 US 497 , 522 (2007) citing Federal Election Comm'n v. Akins, 524 U. S. 11, 24 (1998)
[10] Ibid

Department of Health and Human Services - and its sub agencies - are in total disarray , health care consumers , like Mr. Perez , will be forced to play Russian Roulette with their lives.

15- Mr., Perez is 74 years old , disabled Viet Nam veteran who he is heavily dependent on geriatric, preventive and rehabilitative medicine provided by the Veterans Administration Medical Centers (VAMC) . VAMC's policies are intertwined with those of the FDA - according to VA Directive 1108.10 – December 23, 2022 – page 1[11].

16- VAMC has also entered into a partnership with the CDC allegedly to improve public health and surveillance data[12].

17- The Plaintiffs' complaint seek preliminary and permanent injunctive relief ordering the restoration of covid vaccine recommendations for pregnant women and healthy children;

18- Mr. Perez objects because the evidence show that neither the Department of Health and Human Services – nor is sub agencies – have complied with :

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[11] 1. POLICY It is Veterans Health Administration (VHA) policy that Department of Veterans Affairs (VA) medical facilities ensure that, as part of an ethical health care delivery environment, relationships between VA employees and Pharmaceutical Company Representatives (PCRs) maintain appropriate limits and adhere to U.S. Food and Drug Administration (FDA) and VA regulations, policies and guidelines. AUTHORITY: 38 C.F.R. § 1.220.

[12] https://digital.va.gov/va-press-release/va-announces-mortality-data-collaboration-with-centers-for-disease-control-and-prevention/

19- Weinberger v. Hynson, Wescott & Dunning, Inc., 412 U.S. 609, 617-618 (1973) wherein The United States Supreme Court clearly stated that medications including vaccines must be approved **AFTER** clinical evidence in the form of randomized clinical studies have been submitted[13]. The Defendants have failed or refused to so . A fundamental precept of The Food, Drug, and Cosmetic Act (FDCA or Act)[14], is that**, the potential for inflicting death or physical injury must be offset by the possibility of therapeutic benefit**[15].

20- But amazingly , on October 11, 2022 Ms Janine Small the President of Pfizer testified under oath before the European Commission and ADMITTED that the covid19 vaccination "has never been tested before its release to the public on its ability to **PREVENT** the transmission of covid19"[16]. The so-called "vaccine" was introduced into the US marketplace in December 11th, 2020[17] yet two years later Pfizer was admitting that the same could not prevent covid19.

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[13] Weinberger v. Hynson, Wescott & Dunning, Inc., 412 U.S. 609, 617-618 (1973)
[14] 21 U. S. C. § 301 *et seq*
[15] United States v. Rutherford, 442 US 544, , 556 (1979)
[16] https://lynnwoodtimes.com/2022/10/11/covid-transmission-221011/
[17] https://www.pfizer.com/news/press-release/press-release-detail/pfizer-and-biontech-celebrate-historic-first-authorization#:~:text=Vaccines-.Pfizer%20and%20BioNTech%20Celebrate%20Historic%20First%20Authorization%20in%20the%20U.S.,years%20of%20age%20or%20older.

21- President Small's admission confirms Pfizer's CEO Albert Bourla's December 3rd , 2020 concession - according to NBC News Bourla stated : "Bourla said it's still unknown whether people who've been vaccinated could still be carriers of the virus, able to transmit it to others. "I think this is something that needs to be examined. We are not certain about that right now," he said" [18]

22- President Small admission denies the covid19 "vaccine" alleged THERAPEUTIC EFFECT because a vaccine within the meaning of US Law[19] and the immunological science[20] must **PREVENT** disease . There is no evidence that the Defendants have acted upon Ms Small's admission.

23- President Small's admission also denied the covid19 vaccine effectiveness: According to the World Health Organization the effectiveness of a vaccine is calculated by how well a vaccine PREVENTS DISEASE [21]. The mathematical equation requires that during the clinical trials the numbers of people PREVENTED from getting the disease be divided by the

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[18] https://www.nbcnews.com/news/us-news/3-vaccine-executives-say-after-approval-distribution-will-be-main-n1249928

[19] 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

[20] In Re Application of Doctor Giuseppe Scala, supra, citing Illustrated Dictionary of Immunology

[21] https://www.who.int/news-room/feature-stories/detail/vaccine-efficacy-effectiveness-and-protection

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%.

24- But Pfizer's President Small admitted that the ability of the covid19 vaccine to prevent disease **WAS NO TESTED** during the clinical trials. . Former Whitehouse covid19 Czar - Anthony S Fauci – LIED when he claimed that the covid19 vaccine was an extraordinary 95% effective [22] That is the reason President Biden offered Doctor Fauci a Presidential Pardon which Doctor Fauci accepted [23].

25- Moreover, Pfizer agreed to include pregnant and lactating females in its vaccine trials but then - **WITHOUT AN EXPLANATION** - it failed or refused to conduct the tests and refused to disclose results[24] . Nevertheless former CDC Director Doctor Rochelle Walensky – took it upon herself to recommend the covid19 vaccine [25] . Doctor Walensky's decision was

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[22] https://www.youtube.com/watch?v=t1X2d-FUIvQ&t=56s

[23] https://www.washingtonexaminer.com/policy/healthcare/3257413/biden-pardons-fauci-preemptively/

[24] In February 2021, to settle the controversy over whether the COVID vaccines should be used during pregnancy, Pfizer launched a randomized controlled trial of 4,000 pregnant women. But five months into the study, after enrolling 349 women, the study mysteriously stopped recruiting. Pfizer never offered a reason https://www.tabletmag.com/sections/news/articles/was-covid-vaccine-safe-pregnant-women

[25] But the CDC did not wait for good data to make a decisive recommendation. In April 2021, just four months after the COVID vaccine was first granted an emergency use authorization and two months into the then ongoing Pfizer pregnancy trial, Walensky decided not to wait for the trial results, and instead recommended that all "pregnant people" get the vaccine.

arbitrary , capricious , whimsical and an abuse of discretion because : (1) she had no Constitutional[26] or statutory authority to waive randomized clinical trials or scientific tests[27] and (2) in an FOIA request response dated April 16th, 2021 the CDC admitted that SARS-CoV-2 was not scientifically isolated, identified nor replicated [28]

26- According to the British Medical Journal Pfizer's whistleblower **Ms Brook Jackson** provided testimony and documentation to the Journal showing that Pfizer falsified data, unblinded patients, employed inadequately trained vaccinators, and was slow to follow up on adverse

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(ibid)

[26]Cruzan v Director, Missouri Department of Health , 497 US 261, 269-270 (1990) **The informed consent doctrine has become firmly entrenched in American tort law.** *See* Dobbs, Keeton, & Owen, *supra,* § 32, pp. 189-192; F. Rozovsky, Consent to Treatment, A Practical Guide 1-98 (2d ed. 1990).

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The logical corollary of the doctrine of informed consent is that the patient generally possesses the right not to consent, that is, to refuse treatment. Until about 15 years ago and the seminal decision in *In re Quinlan,* 70 N.J. 10, 355 A.2d 647, *cert. denied sub nom. Garger v. New Jersey,* 429 U.S. 922 (1976), the number of right-to-refuse-treatment decisions were relatively few. [Footnote 2] Most of the earlier cases involved patients who refused medical treatment forbidden by their religious beliefs, thus implicating First Amendment rights as well as common law rights of self-determination

[27] Under 706, we must determine whether [EPA] the agency followed lawful procedures in evolving its plan; whether it acted within its statutory authority; and whether the plan is constitutional. If so, we must set aside if it is found to be 'arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law'. 5 U.S.C. 706(2) (A). South Terminal Corporation, Petitioner, v. Environmental Protection Agency, et al , **504 F.2d 646 (1st Cir. 1974)**

[28] Attachment 3 , 5 pages

events reported in Pfizer's pivotal phase III trial[29] . Whistleblower Jackson also complained to the FDA – but the FDA took no action and Ms Jackson's employment was immediately terminated. [30]

27- Ms Jakson filed a lawsuit Pursuant to the False Claims Act in the Eastern District of Texas[31]- Mr. Perez respectfully moves the court to take judicial notice of the fact that the ED Texas dismissed Ms Jackson's False Claims Act Claim **BECAUSE THE GOVERNMENT (FDA) WAS AWARE OF THE FRAUD YET CONTINUED PAYMENTS[32] .**

28- The United States Supreme Court has also declared that Medical Equipment such as Type III Medical Devices like the RT-PCR Tests must be approved AFTER clinical evidence in the form of randomized clinical studies have been submitted[33]. No such evidence has been submitted.

29- The Supreme Court has emphasized that neither uncontrolled or partially controlled studies – nor anecdotal evidence can be considered admissible evidence [34].

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[29] https://www.bmj.com/content/375/bmj.n2635
[30] Ibid
[31] United States of America ex rel. Brooks Jackson v. Ventavia Research Group, LLC et al, No. 1:2021cv00008 - Document 96 (E.D. Tex. 2023)
https://law.justia.com/cases/federal/districtcourts/texas/txedce/1:2021cv00008/203248/96/
[32] Ibid pages 33-35
[33] Weinberger v. Hynson, Wescott & Dunning, Inc., 412 U.S. 609, 617-618 (1973)
[34] Ibid

30- Congress requires that the approval of new vaccines be based upon properly conducted randomized clinical trials and solid scientific principles[35]. Jose A. Perez' Constitutional right to life[36] and to defend the same[37], also requires that vaccines and Type III Medical Devices, like the RT-PCR, be placed in the marketplace based upon properly conducted randomized trials and solid scientific principles.

31- Solid scientific principles are incorporated into Federal Rule of Evidence 702 within the meaning of the Landmark Supreme Court Case styled Daubert v Merrell Dow Pharmaceuticals , Inc 509 US 579 (1993) and its progeny .

32- Under the Daubert Standard, the trial court must consider the following factors[38] to determine whether the scientific evidence is valid and admissible under the Daubert Standard: [39] (a) Whether the technique or

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[35] 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)

[36] 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)

[37] McDonald v City of Chicago , 561 US 742 (2010) citing District of Columbia v Heller , 554 US 570 (2007)

[38] Including the 2000 Amendments
https://www.law.cornell.edu/rules/fre/rule_702

[39] *Id.* at 593-94 (citing C. Hempel, *Philosophy of Natural Science* 49 (1966)). "'[Tlhe statements constituting a scientific explanation must be capable of empirical test.'" *Id.* (citing K. POPPER, *Conjectures and Refutations: The Growth of Scientific Knowledge* 371 (5th ed. 1989)).

Daubert, 509 U.S. at 593-94.

theory in question can be, and has been tested; (b) Whether it has been subjected to publication and peer review; (c) Its known or potential error rate; (d) The existence and maintenance of standards controlling its operation; and (e) Whether it has attracted widespread acceptance within a relevant scientific community The Defendants failed or refused to adhere to Daubert.

33- A competent person has a liberty interest under the Due Process Clause to be well informed thereby an individual can decide whether not to consent to medical treatments[40]. An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is Constitutional notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections[41]. The fundamental requisite of due process of law is the opportunity to be heard." This right to be heard has little reality or worth unless one is informed that the matter is pending and can choose for himself whether to appear or default, acquiesce or contest.[42] – specifically , in the instant case , to vaccinate or not vaccinate.

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[40] Cruzan v Director, Missouri Department of Health , 497 US 261 (1990) citing Jacobson v. Massachusetts, 197 US 11, 24-30 (1905)
[41] Mullane v Central Hanover Bank and Trust Co, 339 US 306 , 314 (1950)
[42] Ibid

34- The Defendants' Department is in complete disarray : Specifically , Health Care Consumers were INCORRECTLY told that (a) SARS-CoV2 was responsible for COVID19 without any evidence to that effect (b) the RT-PCR Test could detect SARS-CoV2 without any evidence to that effect , (c) the covid19 "vaccine" was 95% effective without any evidence to that effect (d) that the covid19 compound was a vaccine against SARS-CoV2 without any evidence to that effect – (e) Former FDA Scientist Dr Marion Gruber testified before Congress and stated that the agency was heavily politicized and there was a lot of POLITICAL pressure to approve covid19 vaccines before tests were completed[43], (f) Florida Surgeon General Doctor Joseph Ladapo agrees with Secretary Kennedy and recommends against the covid19 "vaccination "[44] ; (f) The former editor of the New England Journal of Medicine – Doctor Marcia Angell - has stated that the FDA can not be trusted[45] : (g) The Defendants have failed or refused to monitor and detect covid19 vaccine adverse events even though in 1990 they created the

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[43] https://www.foxnews.com/politics/house-hearing-exposes-biden-fda-politicization-fallout-rushed-covid-vaccine-approval-kids-military
Dr. Marion Gruber, the former director of the FDA's vaccine office, regarding conversations she had with Dr. Peter Marks, the agency's top vaccine regulator, about the efficacy of the COVID vaccine in children. Massie said Gruber expressed a need for more trial testing in the pediatric population, specifically among males ages 12 to 17, but Marks allegedly pushed to further compress the schedule to license the vaccines so they could be mandated.

[44] https://www.fox13news.com/news/florida-surgeon-general-holds-news-conference-tampa-covid-19-vaccine-recommendations-children

[45] https://journals.library.columbia.edu/index.php/bioethics/article/view/5993

Vaccine Adverse Event Reporting System (VAERS)[46] . (h) The British Medical Journal[47] found the VAERS System to be useless. (i) FOIA reports show that the Defendants have tried to conceal and/or suppress Adverse Events[48]. (j) Individuals who are heavily influencing the Defendants like covid19 investor Bill Gates[49] and Pfizer CEO Albert Bourla, were recently sued by Dutch Lawyer Arno van Kessel, secondary to covid19 injuries. The trial was supposed to have started on July 11th , 2025., But attorney van Kessel was arrested on June 11, 2025 by Dutch authorities[50]. His arrest was reportedly carried out by special military forces, and he was blindfolded and detained in a high-security facility[51]. Following his arrest, he was also stripped of his status as an attorney by the Dutch Bar Association, though **the exact legal grounds for these actions have not been clarified in public statements**[52].

35- To have standing, a plaintiff has to show three things: that he "(1) suffered an injury in fact, (2) that is fairly traceable to the challenged

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[46] https://vaers.hhs.gov/about.html
[47] https://www.bmj.com/content/383/bmj.p2582
[48] https://researchrebel.substack.com/p/cdc-finally-released-its-vaers-safety
[49] https://www.politico.com/news/2022/09/14/global-covid-pandemic-response-bill-gates-partners-00053969

[50] https://publichealthpolicyjournal.com/remember-a-case-brought-against-bill-gates-and-the-dutch-head-of-nato-in-the-netherlands-the-lawyer-arno-van-kessel-was-arrested-without-charges-and-will-be-unable-to-present-the-case-in-court/
[51] Ibid
[52] Ibid

conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision[53]."

36- An injury in fact, as defined by the First Circuit , means "the invasion of a legally protected interest that is concrete and particularized and actual or imminent, not conjectural or hypothetical."[54] Mr. Perez is a 74 years old geriatric patient and disabled Viet Nam veteran who requires a well managed health care system – that is definitely a legally protected interest. Also , he has been forced to forgo influenza vaccinations until the defendants procedures are normalized .

37- Standing is, in essence," a question of "whether the litigant is entitled to have the court decide the merits of the dispute or of particular issues." [55]

38- Standing in no way depends on the merits of Mr. Perez' contention that a particular conduct is illegal."[56] In other words, that Mr. Perez ultimate recovery "may be uncertain or even unlikely . . . is of no moment at this stage of the proceedings [57] At this point, the Court's only question is,

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[53] Spokeo, Inc. v. Robins, *578 U.S. 330*, 338 (2016).
[54] Amrhein v. Eclinical Works, LLC, 954 F.3d 328, 330 (1st Cir. 2020) citing Spokeo, 578 U.S. at 339
[55] Allen v. Wright, 468 US 737, 750-51 (1984) quoting Warth v. Seldin, 422 US 490, 498 (1975)
[56] Hochendoner v Genzyme Corp , 823 F. 3d 724, 734 (1st-2016) (quoting Warth v Seldin 422 US 490 , 500 (1975) ; see Fed. Election Comm'n v. Cruz, *142 S. Ct. 1638*, 1647 (2022). In other words, that a plaintiff's ultimate
[57] See Mission Prod. Holdings, Inc. v. Tempnology, LLC, 139 S Ct 1652, 1660 (2019) ; see also Ariz. State Legislature v. Ariz. Indep. Redistricting Comm'n, *576 U.S. 787* , 800 (2015) ("one must not confuse weakness on the merits with absence of Article III standing"

putting the merits aside, whether Mr. Perez plausibly alleges he was injured under his theory of the underlying legal claim[58]. Accordingly for the standing analysis, the Court must , in line with Mr. Perez' averments assume , that the Defendants failed or refused to demand from the Pharmaceutical Laboratories properly conducted randomized clinical trials .

39- Concrete injuries must be "'de facto'; that is, they must actually exist.[59]" Although easier to recognize, the injury doesn't have to be "tangible," , "like a picked pocket or a broken leg," to be concrete[60], Intangible injuries -- like "the suppression of free speech or religious exercise" or the invasion of common-law rights "actionable without wallet injury" -- can also be concrete[61].

40- Because they're less obvious, intangible injuries can raise more of a question on whether there's an Article III case or controversy[62]. In determining whether an intangible harm rises to the level of a concrete injury, the Supreme Court has declared that "both history" (particularly

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[58] Hochendoner,823 F. 3d at 734 ; see also Cruz, 142 S. Ct. at 1647–48 ("For standing purposes, the court must accept as valid the merits of Mr. Perez' legal claims.").
[59] Spokeo, 578 U.S. at 340
[60] Amrhein, 954 F.3d at 330.
61 Ibid. at 331; see Spokeo, 578 U.S. at 340; Valley Forge Christian Coll., 454 U.S. at 486 (noneconomic injuries can count just as much as economic ones,
[62] See Amrhein, 954 F.3d at 331

"whether an alleged intangible harm has a close relationship to a harm that has traditionally been regarded as providing a basis for a lawsuit in English or American courts") and "the judgment of Congress play important roles[63].

41- Mr. Perez emphasizes that (a) he is a 74 years old patient and disabled Viet Nam veteran who is required to participate in the Veterans Administration Healthcare system[64] and (b) he is refusing to play Russian Roulette with his life so he is refusing influenza vaccinations. The present precarious healthcare system is causing a concrete injury in fact indeed.

42- Mr. Perez is also a Medico-Legal researcher . Mr. Perez can set out to determine whether the Defendants have adopted policies which contravene the Constitution and the Statutes [65]. The Supreme Court has repeatedly said that denial of information to which Mr. Perez has a legal right to acquire is also a concrete injury in fact[66].

43- The Supreme Court has declared that "the violation of a procedural right granted by statute can be sufficient in some circumstances to constitute injury in fact," citing Akins and Public Citizen. Akins was a

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[63] Spokeo, 578 U.S. at 340-41.
[64] https://pmc.ncbi.nlm.nih.gov/articles/PMC10998868/
[65] Suárez-Torres v. Panaderia Y Reposteria España, Inc., *988 F.3d 542* , 550–51 (1st Cir. 2021). Accord : See Havens Realty Corp. v. Coleman, 455 US 363 373–74 (1982).
[66] See Fed. Election Comm'n v. Akins,524 US 11, , 20–21 (1998); Pub. Citizen v. U.S. Dep't of Just., , 20–21 (1998); Pub. Citizen v. U.S. Dep't of Just., 491 US 440 , 449–50 (1989); see also Spokeo, 578 U.S. at 342

suit where a group of voters sought (among other things) information about a list of donors to a political organization they said was subject to public-disclosure requirements under election laws[67]. Noting that "there was no reason to doubt [the voters'] claim that the information would help them . . . evaluate candidates for public office," the Court said that they suffered an injury in fact because they "fail[ed] to obtain information which," at least under their view of the law, "must be publicly disclosed pursuant to a statute."

44- Similarly, Public Citizen was a suit by advocacy groups to obtain information they asserted was subject to public disclosure under the Federal Advisory Committee Act[68]. The Court said that the groups suffered an injury in fact because they were denied information the statute gave them the right to [69]. As the Court put it: "Our decisions interpreting the Freedom of Information Act have never suggested that those requesting information under it need show more than that they sought and were denied specific agency records."[70]

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[67] 524 U.S. at 15, 21
[68] 491 U.S. at 447–48.
[69] Ibid. at 449
[70] Ibid.; accord Maloney v. Murphy, *984 F.3d 50*, 60 (D.C. Cir. 2020) (holding that a FOIA "requester's circumstances -- why he wants the information, what he plans to do with it, what harm he suffered from the failure to disclose -- are irrelevant to his standing" (quoting Zivotofsky v. Sec'y of State, 444 F. 3d 614, 617 (D.C. Cir. 2006).

45- A fundamental precept of The Food, Drug, and Cosmetic Act (FDCA or Act)[71], is that any product regulated by the FDA that remains on the market must be safe and effective for its intended use[72]. **That is, the potential for inflicting death or physical injury must be offset by the possibility of therapeutic benefit**[73].

46- Mr. Perez's cause of action alleges that the Defendants have allowed unnecessary , dangerous vaccines and type III equipment into the marketplace . His Constitutional right to life and to defend the same give him standing to seek judicial review in order to restore the integrity of the system. The system has been corrupted to such an extent that health care consumers are forced to play Russian roulette with their lives..

47- . The US Supreme Court has ruled that the motive for enacting "The Federal Food, Drug, and Cosmetic Act of 1938, as amended , **was to prevent vaccines and medications from causing deaths and injuries**[74] .

48- The Administrative Procedures Act – 5 USC 701-706 – provides Mr. Perez an absolute right of intervention within the meaning of Rule 24(a)(1) , FRCP: The Administrative Procedures Act provides, in unqualified terms,

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[71] 21 U. S. C. § 301 *et seq*
[72] See, *e. g.*, § 393(b)(2).
[73] *United States* v. *Rutherford, 442 US 544,* , 556 (1979)
[74] Weinberger v. Hynson, Wescott & Dunning, Inc., 412 U.S. 609, 610 (1973)

that any individual suffering legal wrong because of agency action or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof [75].

CONCLUSION

The facts shown hereinabove show that Mr. Perez has an unconditional right to proceed as an Intervenor pursuant to Rule 24(a)(1) , FRCP.

In the alternative, Mr. Perez has a right to proceed as an Intervenor pursuant to pursuant to Rule 24(a)(2) because Mr. Perez claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Respectfully Submitted

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[75] Instituto de Educacion Universal Corp v U.S. Department of Education, 209 F. 3d 18 (1st Cir-2000) citing 5 USC 702 ; Cf: In the Matter of Marin Motor Oil , Inc , 689 F. 2d 445 (3rd Cir-1984) (11 U.S.C. § 1109(b). provides an absolute right of intervention to a creditors' committee in a Chapter 11 "case."

CERTIFICATE OF SERVICE

It is hereby certified that on this 3rd of August 2025 a true and correct copy of the foregoing document was served upon all counsel identified in the docket sheet via email.

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